

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
 W/S Holly Tree Rd., 28 ft. S of c/l of Burke Road
 1610 Holly Tree Road
 15th Election District
 5th Councilmanic District

Richard M. Cernak, et ux
 Petitioners

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
 Case No. 92-122-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 37 ft. and 15 ft., in lieu of the required 50 ft., for each side yard, as more particularly described on Petitioners' Exhibit No. 1.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance 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 Section 307.1 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.

ORDER RECEIVED FOR FILING
 Date 10/27/91
 By [Signature]

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioners; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners 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 nonconforming, 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 (attached herewith) which describe what steps the Petitioners 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

ORDER RECEIVED FOR FILING
 Date 10/27/91
 By [Signature]

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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of October, 1991 that the Petition for a Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 37 ft. and 15 ft., in lieu of the required 50 ft., for each side yard, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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.

ORDER RECEIVED FOR FILING
 Date 10/27/91
 By [Signature]

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated September 27, 1991, attached hereto and made a part thereof.

[Signature]
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING
 Date 10/27/91
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

111 West Chesapeake Avenue
 Towson, MD 21204

887-3353

October 24, 1991

Julius W. Lichter, Esquire
 305 West Chesapeake Avenue
 Suite 113
 Towson, Maryland 21204

RE: Petition for Residential Zoning Variance
 Case No. 92-122-A

Dear Mr. Lichter:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
 [Signature]
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mmm
 encl.
 cc: Peoples Counsel
 Mr. and Mrs. Richard M. Cernak
 6508 Sharon Road
 Baltimore, Maryland 21239

PETITION FOR RESIDENTIAL VARIANCE #135 CRITICAL

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 1A04.3B3 to permit side yard set backs of 37 feet and 15 feet in lieu of the 50 feet required for each.

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

Narrow configuration of the parcel created prior to the adoption of the current zoning regulations.

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

City/State/Zip Code

Attorney for Petitioner:

Julius W. Lichter, Esquire

(Type or Print Name)

Signature

305 W. Chesapeake Ave., Suite 113

Address

Towson, MD 21204

(301) 321-0600

Attorney's telephone number

Legal Owner(s):

Richard M. Cernak

(Type or Print Name)

Signature

Rose M. Cernak

(Type or Print Name)

Signature

6508 Sharon Road 377-8420

Address

Baltimore, MD 21239

City/State/Zip Code

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

SAME

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be posted on the property on or before the _____ day of _____, 19____.

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 reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: _____ DATE: _____

ZONING COMMISSIONER OF BALTIMORE COUNTY

JANUARY 28 1991

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-122-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) ^{will} personally reside at 1610 Holly Tree Road upon completion of replacement of improvements (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)
 Narrow configuration of the parcel created prior to the adoption of the current zoning regulations.

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.

[Signature] AFFIANT (Handwritten Signature)
 [Signature] AFFIANT (Handwritten Signature)

[Printed Name] AFFIANT (Printed Name)
 [Printed Name] AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of SEPTEMBER, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

RICHARD CERNAK and ROSE CERNAK

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the 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.

SEPT 16 1991
 DATE

[Signature]
 NOTARY PUBLIC
 My Commission Expires: April 1, 1994



1610 HOLLY TREE ROAD
 ZONING DESCRIPTION

92-122-A

Beginning at a point on the west side of Holly Tree Road which is 16 feet wide at the distance of 28 feet south of the centerline of the nearest improved intersecting street, Burke Road, which is 16 feet wide. Being lots #188 and #189, in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book #7, Folio # 12, containing 24,275 square feet in lot. Also known as 1610 Holly Tree road.

#135 CRITICAL

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 10/2/91

Posted for: Richard M. Cernak, et ux

Petitioner: Richard M. Cernak, et ux

Location of property: W/S Holly Tree Rd, 29' of Books Rd

Location of sign: Posting Holly Tree Rd, approx. 15' E. 100' delay on N. property of P. F. Wilson

Remarks: _____

Posted by: [Signature] Date of return: 10/7/91

Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21284

September 25, 1991

COPY

Richard and Rose Cernak
6508 Sharon Road
Baltimore, Maryland 21239

Re: CASE NUMBER: 92-122-A
LOCATION: W/S Holly Tree Road, 29' S of c/l Burke Road
1610 Holly Tree Road

Dear Petitioner(s):

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

- Your property will be posted on or before October 6, 1991. The closing date is October 21, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).
- Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

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,
[Signature]
G. S. Stephens
(301) 887-3391

cc: Julius W. Lichter, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21284

October 21, 1991

Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, MD 21204

RE: Item No. 135, Case No. 92-122-A
Petitioner: Richard M. Cernak, et ux
Petition for Residential Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 22, 1991
Page 2

- Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Richard M. Cernak
6508 Sharon Road
Baltimore, MD 21239

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

receipt

Account: R 001-6150
Number

CRITICAL

PRINTED REPAIRS	UT	PRICE
PAINT	X	450.00
REPAIRS	X	25.00
TOTAL:		475.00

LAST NAME OF OWNER: CERNAK

Please Make Check to Baltimore County \$60.00
EA C003:50PH09-17-91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21284

887-3353

Your petition has been received and accepted for filing this 17th day of September, 1991.

[Signature]
ARNOLD JABLON
DIRECTOR

Received By:
[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Richard M. Cernak, et ux
Petitioner's Attorney: Julius W. Lichter

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 27, 1991

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

SUBJECT: Romano Property, Item No. 127
Cochran Property, Item No. 129
Panageotou Property, Item No. 130
Cernak Property, Item No. 135
Moravian Property, Item No. 137
Frantz Property, Item No. 138
Sedlak Property, Item No. 140
Smoot Property, Item No. 141

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/rdn
ITEMS127/TXTROZ

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21284-5500

(301) 887-4500

OCTOBER 1, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD M. CERNAK
Location: #1610 HOLLY TREE ROAD
Item No.: 135 Zoning Agenda: OCTOBER 1, 1991

Gentlemen:

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

- The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 27, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 1, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with no comments needed.

For Item 136, the comments are reserved until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

[Signature]
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:s

92-122-A 2204-97

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

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
DATE: October 22, 1991
FROM: J. James Dieter, Director
SUBJECT: Petition for Zoning Variance - Item 135
Cernak Property
Chesapeake Bay Critical Area Findings

RECEIVED
OCT 20 1991
ZONING OFFICE

SITE LOCATION

The subject property is located at 1610 Holly Tree Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Richard M. and Rose M. Cernak

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A04.3B3 of the Baltimore County Zoning Regulations to permit side yard set backs of 37 feet and 15 feet in lieu of the 50 feet required for each.

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 14.15.10.01.02)

Memo to Mr. Arnold Jablon
October 22, 1991
Page 2

REGULATIONS AND FINDINGS

1. 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.

2. 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 property is adjacent to the tidal waters of Galloway Creek. The existing house is approximately 45 feet from mean high water. The proposed house will be set further back from Galloway Creek, allowing a buffer of approximately 60 feet to be established after the existing structure has been razed. After the existing structure has been razed and the new buffer established, no clearing, grading, or construction shall be permitted in the buffer.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" (Baltimore County Code, Section 22-217(e)).

Finding: The amount of impervious areas shall not exceed 3458 square feet or 15% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces.

4. Regulation: "Infiltration of storm water shall be maximized throughout the site, rather than directing the flow to single discharge points" (Baltimore County Code, Sec. 22-217(h)).

Findings:

a. Storm water runoff shall be directed from impervious surfaces associated with this plan to pervious areas to encourage maximum infiltration.

b. Rooftop runoff shall be directed through down-spouts and into a seepage pit or Dutch drain to encourage maximum infiltration (see attached information).

5. 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)).

Memo to Mr. Arnold Jablon
October 22, 1991
Page 3

Finding: This property currently contains at least 15% tree cover. 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.

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 proposal does comply 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

JJD:SR0:ju
Attachment

cc: Mr. and Mrs. Richard M. Cernak
CERNAK/TATNS

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

September 27, 1991

TO: Arnold Jablon, Director
Zoning Administration and Development Management
FROM: DIVISION OF GROUND WATER MANAGEMENT
SUBJECT: Zoning Item #135, Zoning Advisory Committee Meeting of October 1, 1991, Richard M. Cernak, et ux, W/S Holly Tree Road, 28' S of centerline Burke Road (1610 Holly Tree Road), D-15, Public Water and Private Sewer

COMMENTS ARE AS FOLLOWS:

For building permit approval the following requirements must be met:

- Strict water conservation measures and fixtures must be installed.
- A pressure reduction valve is required on incoming waterline.
- A new septic system is required consisting of top seam tank and shallow tile lines.

SSF:rmp
135ZNG/GWRMP

RECEIVED
SEP 30 1991
ZONING OFFICE

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

11 West Chesapeake Avenue
Towson, MD 21284

October 11, 1991

Julius W. Lichter
Levin & Gann
305 W. Chesapeake Avenue
Towson, Maryland 21204

RE: W/S Holly Tree Road
28' S of c/l Burke Road
1610 Holly Tree Road
Richard-Rose Cernak
Zoning Case No. 92-122-A

Dear Mr. Lichter:

Your letter of October 8, 1991 to Arnold Jablon, Director of Zoning Administration and Development Management, has been referred to me for reply.

Please be advised that this office will accept your client's application for a building permit. As stated in your letter, this office cannot approve said application until such time as the petition request has been satisfactorily approved. It is, of course, possible that the application filing fee will not be remitted in the event that the request is not granted.

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

Very truly yours,

JAMES E. BYER
Zoning Supervisor

JED:cer

BALTIMORE OFFICE
MERCANTILE BANK & TRUST BUILDING
2 HOPKINS PLAZA
10TH FLOOR
BALTIMORE, MARYLAND 21201
301-538-3000
TELECOPIER 301-625-9050

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
TELECOPIER 301-296-2901
October 8, 1991

JULIUS W. LICHTER

HAND DELIVERED

Arnold Jablon, Esquire
Director
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue, Room 109
Towson, Maryland 21204

RE: Petitioner: Richard-Rose Cernak
Case No.: 92-122-A
Location: W/S Holly Tree Road
28' S of C/L Burke Road
1610 Holly Tree Road

Dear Mr. Jablon:

The above case has been submitted pursuant to the Administrative Zoning Variance procedure. The property was to have been posted on or before October 6, 1991 by Baltimore County and the closing date is October 21, 1991.

My clients are most anxious to move ahead with construction and wish to apply for a building permit at this time to expedite the process with the full understanding that the building permit would not be issued until the variance is actually approved and other development requirements are satisfied.

Please advise that your office will authorize the filing of the building permit at this time.

Sincerely,

Julius W. Lichter

JWL:lsp

RECEIVED
OCT 9 1991

ZONING OFFICE

CASE NUMBER

92-122-A

PETITIONER'S EXHIBIT #



north E corner - looking south



north side - looking south



north side - looking south

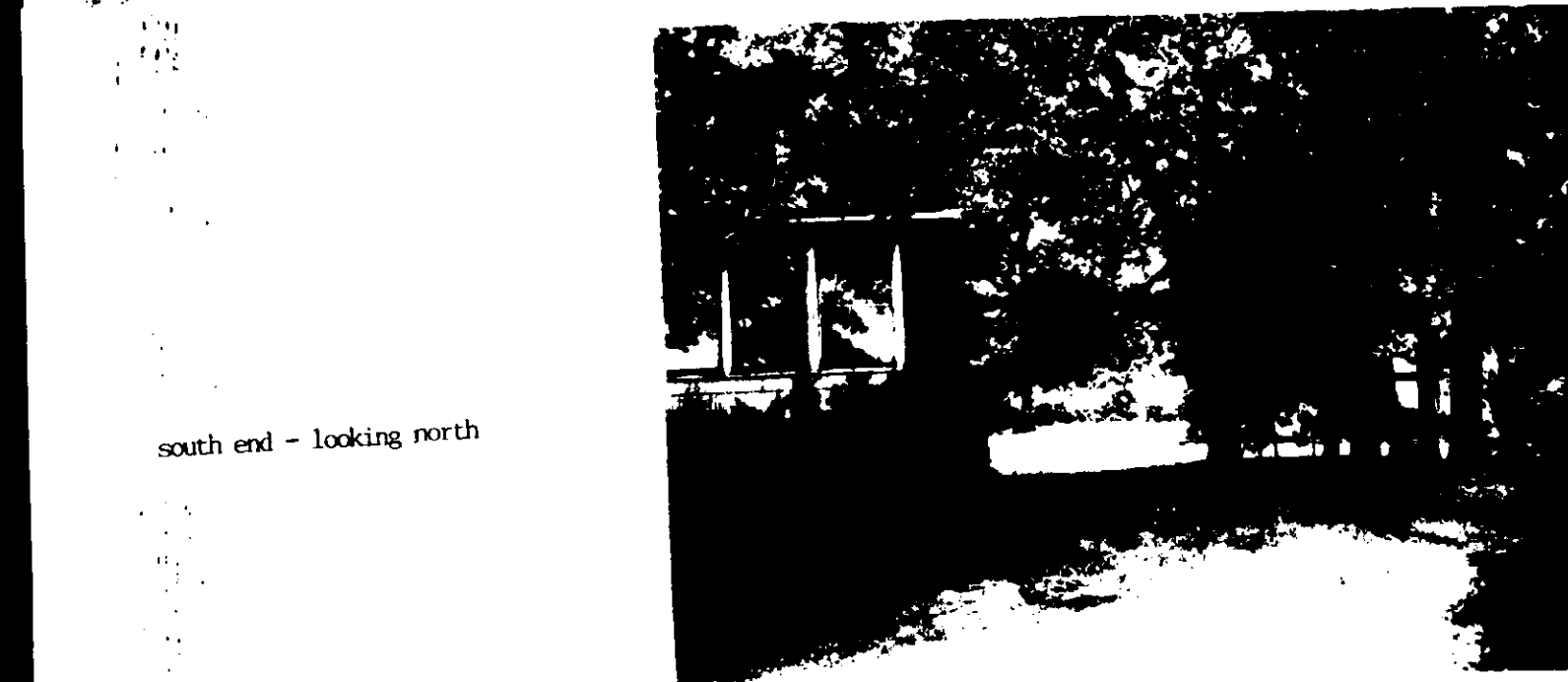
CASE NUMBER

92-122-A

PETITIONER'S EXHIBIT #



south end - looking north



south end - looking north



west side - looking east

CASE NUMBER

92-122-A

PETITIONER'S EXHIBIT #



NE corner - looking north



NE corner - looking west

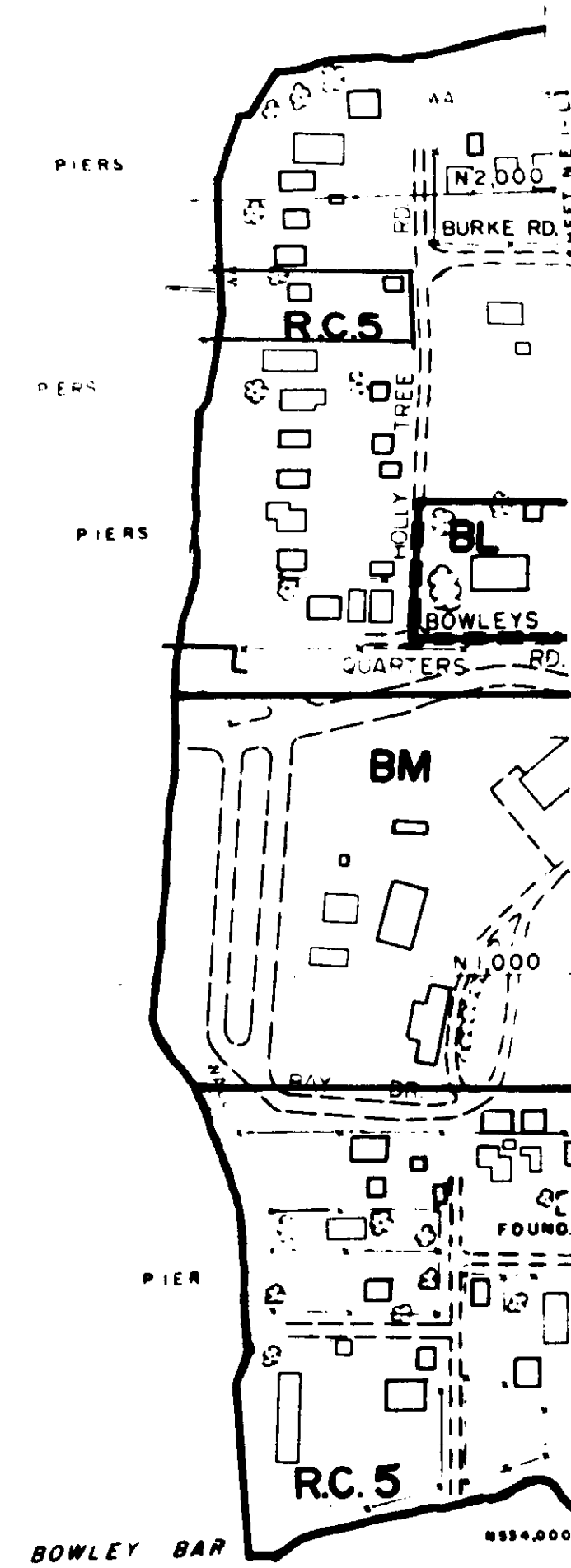


SE corner - looking north

COUNTY AND ZONING MAP

GALLOWAY CREEK

R.C. 5



SCALE 1" = 200' DATE OF PHOTOGRAPHY JANUARY 1986

LOCATION BOWLEY'S QUARTERS

SHEET N. E. 1-K

#135 CRITICAL

92-122-A



SCALE 1" = 200' ± DATE OF PHOTOGRAPHY JANUARY 1986

LOCATION BOWLEY'S QUARTERS

SHEET N. E. 1-K

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

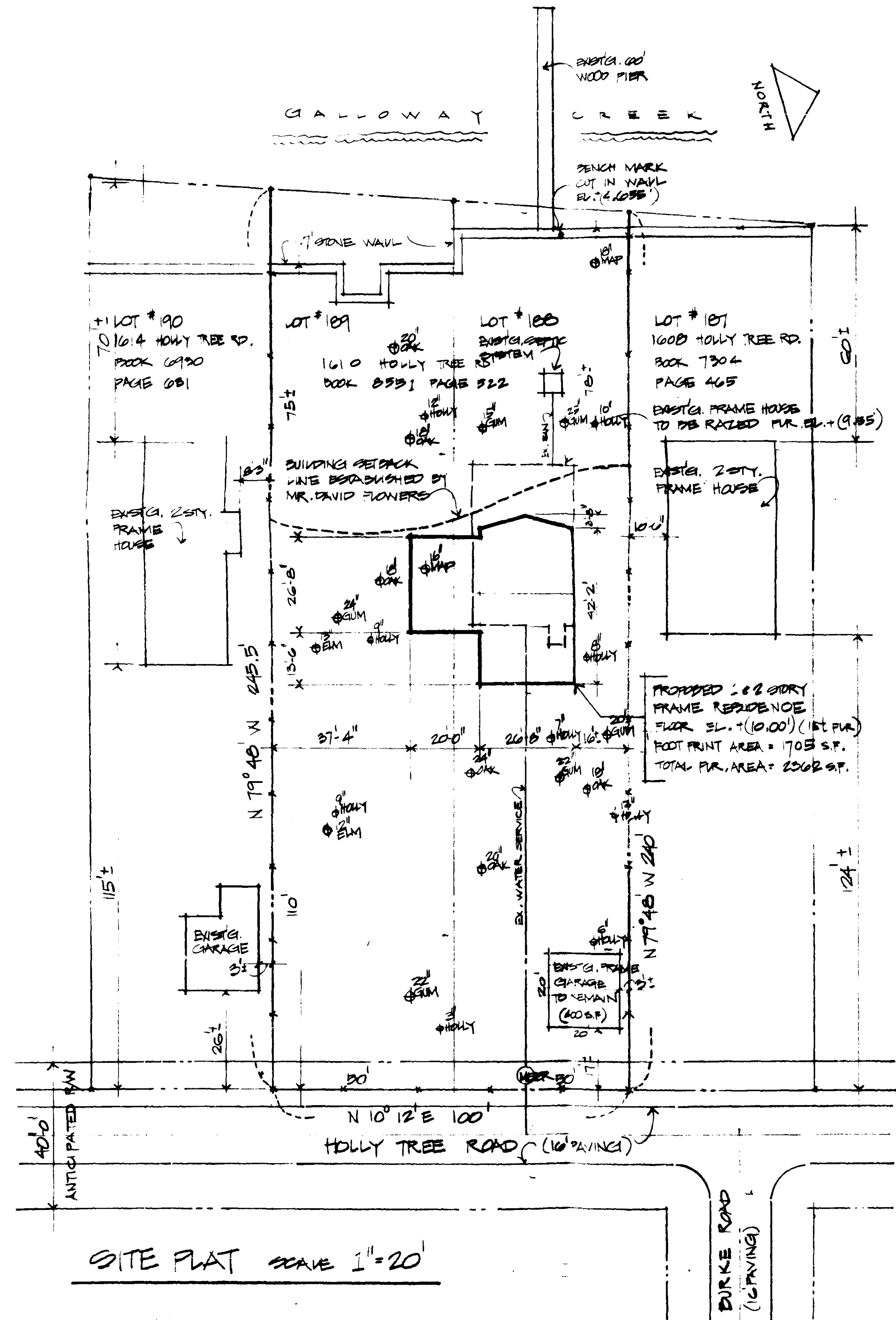
PROPERTY ADDRESS: 1610 HOLLY TREE ROAD
 SUB DIVISION NAME: BOWVEY'S QUARTERS
 PLAT BOOK NO. 7 FOLIO 12 LOTS NOS. 188 & 189
 SECTION NO. 1

OWNER: RICHARD M. & ROSE M. CERNAK

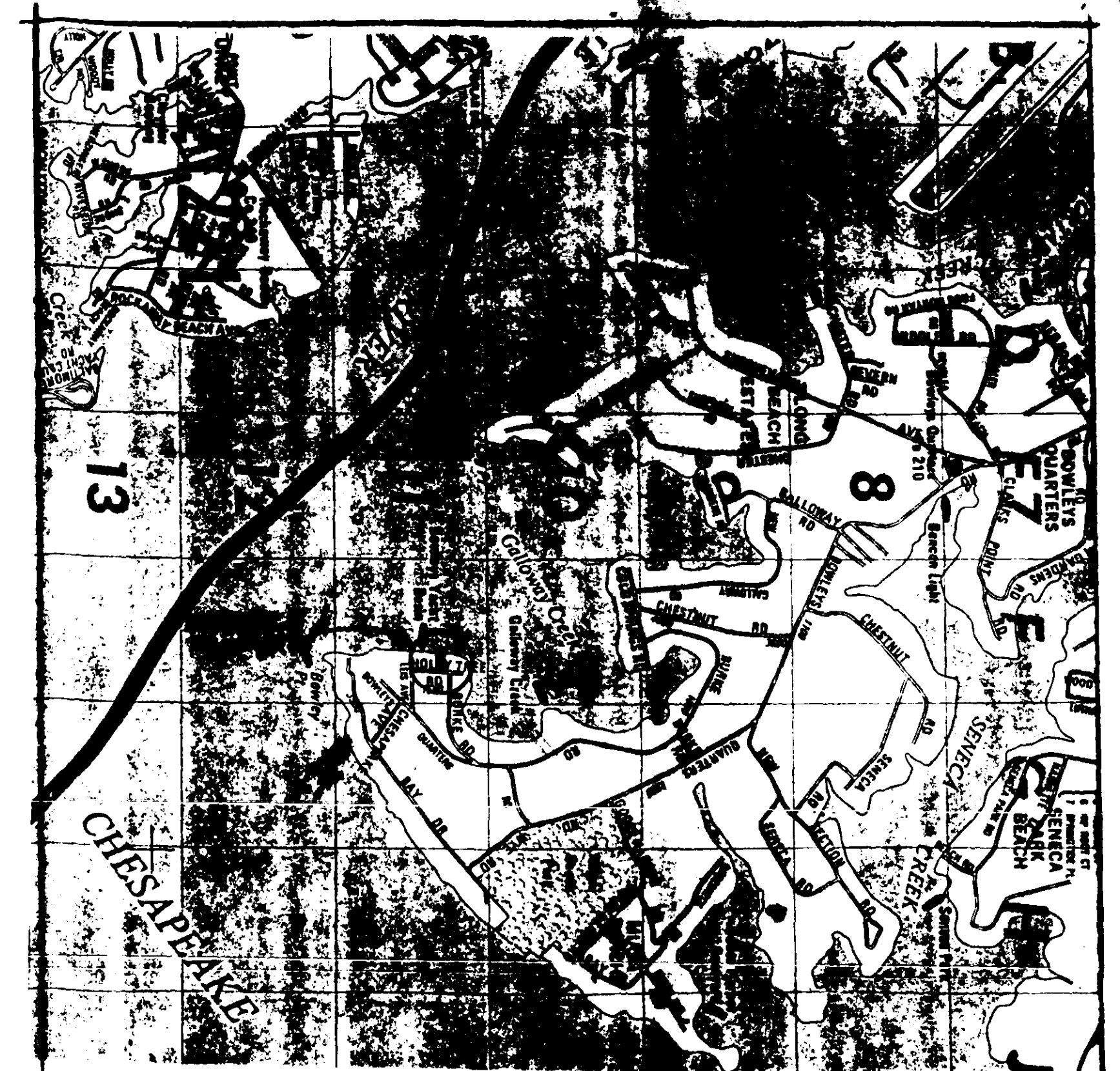
#135
 CRITICAL

92-122-A

Petitioner's
 Ex No 1



SITE PLAT SCALE 1" = 20'



VICINITY MAP SCALE 1" = 1000' NORTH

LOCATION INFORMATION

COUNCILMANIC DISTRICT : 5
 ELECTION DISTRICT : 15
 1" = 200' SCALE MAP NO. W.P.C. NO. 7 PARTS -12 and
 ZONING : RC 5 NE-1K
 LOT SIZE : 0.55 ACREAGE 24,215 S.F.
 (LOT #187 = 12,215 S.F.) (LOT #188 = 12,000 S.F.)
 SEWER - PRIVATE SYSTEM
 WATER - PUBLIC SYSTEM
 CHESAPEAKE BAY CRITICAL AREA : YES
 PRIOR ZONING HEARINGS : NONE

ZONING OFFICE USE ONLY !

REVIEWED BY :	ITEM NO.	CASE NO.

DATE : AUGUST 21, 1991
 PREPARED BY : ROBERT J. DAYER ARCHITECT
 SCALE : 1" = 20'

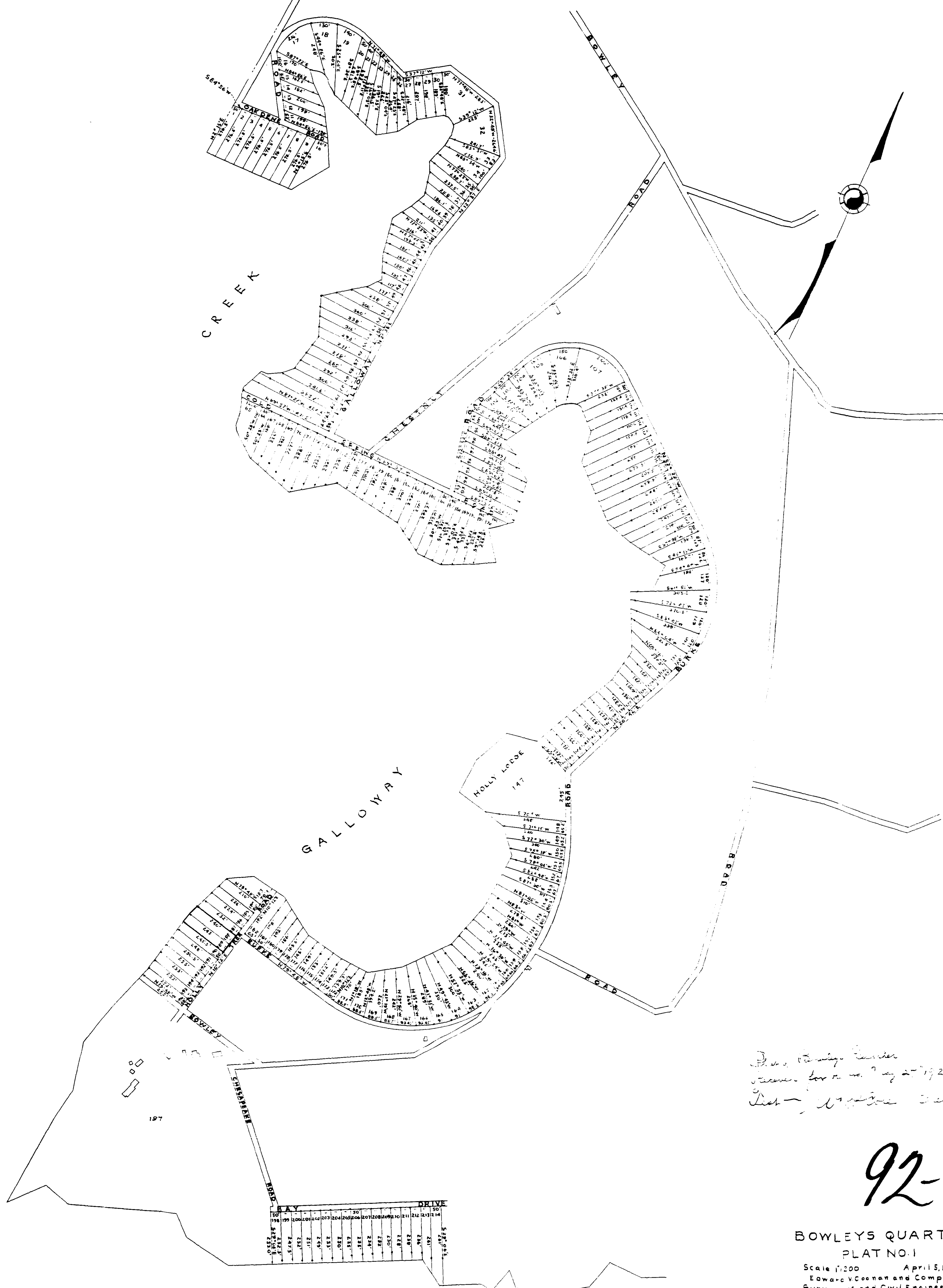
RIVER

CREEK

MIDDLE

GALLOWAY

CHESAPEAKE



*Done by Bowley Quarter
 Survey on or about May 27, 1921
 Edw. V. Coenan*

92-122-A

BOWLEYS QUARTER
 PLAT NO. 1
 Scale 1:200 April 5, 1921.
 Edward V. Coenan and Company
 Surveyors and Civil Engineers
 Baltimore, Md.

#135
 CRITICAL

Indicates location of stake