

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-433-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 55 feet in lieu of the required 75 feet and a side yard setback of 40 feet in lieu of the required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, Douglas and Judith Celmer, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1721 Beechwood Road, consists of .743 acres, more or less, zoned R.C. 5 and is presently unimproved. Said property is located within the Chesapeake Bay Critical Areas near Back River. The Petitioners are desirous of developing the property with a single family dwelling as their new residence. Testimony indicated that due to the irregular shape of the lot, the requested variances are necessary in order to develop the property. The Petitioners testified that they have spoken with their neighbors who have no objections to their plans.

This property is located within the Chesapeake Bay Critical Areas and as such, is subject to any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) as to Critical

ORDER RECEIVED FOR FILING

Areas requirements. The granting of the relief requested herein is contingent upon Petitioners' compliance with any recommendations made by DEPRM upon completion of their review of this project.

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

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

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

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.2.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public.

ORDER RECEIVED FOR FILING

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lic health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 29th day of June, 1992 that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a street centerline setback of 55 feet in lieu of the required 75 feet and a side yard setback of 40 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit to 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 they may appeal process from this Order has expired. If, for whatever reason, the 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 contingent upon the Petitioners' compliance with any recommendations made by DEPRM upon completion of their review of this project. Petitioners must submit a Critical Area Findings Plan for review and approval by DEPRM prior to the issuance of any permits.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

TMK:bjs

- 3-

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY *92-433-7*
Towson, Maryland

District: 157th Date of Posting: 5/28/92
 Posted for: Varadero
 Positioner: Royce F. de la H. Colon
 Location of property: El Barro Colorado Rd. (1721), 15th N/Election 1st
 Location of Sign: Facing road way on property of R. de la H.
 Remarks:
 Posted by: Michael Ryan Date of return: 1/29/92
 Number of Signs:

92-433-A

92-433

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1721 Beechwood Ave
which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 10-101 of the Zoning Regulations of Baltimore County, Maryland, as follows:

1. R04.3.B.3 To Allow A street centerline setback for 55' in Lieu of the Required 75 And A side setback of 40' in Lieu of the Required 50'

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

Desireal Difficulty To fit on Lot, old subdivision new zoning

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase Lease

(Type or Print Name)

Signature

Address

City State Zip

Attorney for Purchaser

(Type or Print Name)

Signature

Address Phone No.

City State Zip

We solemnly declare and affirm, under the penalties of perjury, that (we are the owner of the property which is the subject of this Petition.

Legal Owner(s)

Douglas & Colmer
(Type or Print Name)
Douglas & Colmer
Signature

Judith A Colmer
(Type or Print Name)
Judith A. Colmer
Signature

365 Mitchell Rd Phone No. 891-4497
Address

ESSEX and PHD 2121-6524 Spouse
Address and phone number of legal owner, contract purchaser or representative to be contacted.

Douglas & Colmer
Name
365 Mitchell Rd Phone No. 891-4497
Address

ESTIMATED LENGTH OF HEARING _____
unavailable for hearing _____
the following dates _____ Next Two Months _____
ALL ☒ OTHER _____
REVIEWED BY: LG DATE 5/4/92

ORDER RECEIVED FOR FILING

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 1721 Beechwood Ave.
(address)

Beginning at a point on the EAST side of Beechwood Ave
(north, south, east or west) (name of street) which is 30' R/W
(number of feet of right-of-way width)
street on which property fronts)
wide at the distance of 15' North of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Evergreen Lane
(name of street)
which is 30' R/W wide. *Being Lot # 3160.51
(number of feet of right-of-way width)
Block , Section in the subdivision of Evergreen Park
(name of subdivision)
as recorded in Baltimore County Plat Book # 7, Folio # 124, containing
32,400 sq. ft. Also known as
(square feet or acres) (property address)
and located in the 15 Election District, 5 Councilmanic District.
120 31' East 180' N 67 03' East 180' S 10 31' W
180' S 67 03' West 180' To the b.c. map
*If your property is not recorded by Plat Book and Folio Number,
then DO NOT attempt to use the Lot, Block and Subdivision
description as shown, instead state: "As recorded in Deed
Liberal Folio " and include the measurements and
directions (metes and bounds only) here and on the plat in the
correct location.
Typical metes and bounds: N. 87. 12' 13" E. 321.1 ft., S. 18
27' 03" E. 87.2 ft., S. 65. 00' W. 318 ft., and N. 08. 15'
W. 80 ft. to the place of beginning.

CERTIFICATE OF PUBLICATION

TOWSON, MD., May 21, 1992
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on May 21, 1992

THE JEFFERSONIAN.

S. Zehe Ober
Publisher

\$42.25

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 6/1/92

Douglas and Judith Celmer
365 Mitchells Road
Essex, Maryland 21221

RE:
CASE NUMBER: 92-433-A
1/3 Beechwood Avenue, 15' N of c/l Evergreen Lane
1721 Beechwood Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Douglas B. and Judith A. Celmer

Dear Petitioner(s):

Please be advised that \$ 7725 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

MAY 15, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-433-A
1/3 Beechwood Avenue, 15' N of c/l Evergreen Lane
1721 Beechwood Avenue
15th Election District - 5th Councilmanic
Petitioner(s): Douglas B. and Judith A. Celmer
HEARING: WEDNESDAY, JUNE 17, 1992 at 2:00 p.m.

Variance to allow a street centerline setback for 55 ft. in lieu of the required 75 ft. and a side setback of 40 ft. in lieu of the required 50 ft.

Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: Douglas and Judith Celmer

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 2, 1992

Mr. & Mrs. Douglas B. Celmer
365 Mitchells Road
Essex, MD 21221-6324

RE: Item No. 460, Case No. 92-433-A
Petitioner: Douglas B. Celmer, et ux
Petition for Variance

Dear Mr. & Mrs. Celmer:

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 indicate the appropriateness of the zoning action requested, but 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.

1) 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 preliminary review by Zoning personnel.

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

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 4th day of May, 1992.

Arnold Jablon
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Douglas B. Celmer, et ux
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: [Signature] Date: 5/18/92

Project Name: 9690 Deereco Road Limited Partnership
Waiver Number: 450
Zoning Issue: 5-11-92
Meeting Date: NC

DED DEPRM RP STP TE
Orville Jones 451 NC

DED DEPRM RP STP TE
Harbor Realty Partnership 452 NC

DED DEPRM RP STP TE
Jerald H. And Brenda D. Windes 453 NC

DED DEPRM RP STP TE
Daniel C. And Susan E. Gutkin 454 NC

DED DEPRM RP STP TE
Donald And Anne Kahn 455 NC

DED DEPRM RP STP TE
Signet Bank, Maryland 456 NC

DED DEPRM RP STP TE
Ronald W. Bair 457 NC

DED DEPRM RP STP TE
A. Eric And Esther J. Dott 458 NC

DED DEPRM RP STP TE
William J. And Mary Jane Kramer 459 NC

DED DEPRM RP STP TE
Douglas B. And Judith A. Celmer 460 NC

COUNT 11

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
Development Review Section
Office of Planning and Zoning

DATE: May 13, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - 5/11/92

The Office of Planning and Zoning has no comments on the following petitions:

Jerald & Brenda Windes - Item 453
Daniel & Susan Outkin - Item 454
Donald & Anne Kahn - Item 455
Ronald W. Bair - Item 457
William & Mary Jane Kramer - Item 459
Douglas & Judith Celmer - Item 460

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

5_11_92.txt
Pctfms.txt

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MAY 19 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: [Signature] Date: 5/18/92

Project Name: 9690 Deereco Road Limited Partnership
Waiver Number: 450
Zoning Issue: 5-11-92
Meeting Date: N/C

DED DEPRM RP STP TE
Orville Jones 451 N/C

DED DEPRM RP STP TE
Harbor Realty Partnership 452 N/C

DED DEPRM RP STP TE
Jerald H. And Brenda D. Windes 453 N/C

DED DEPRM RP STP TE
Daniel C. And Susan E. Gutkin 454 N/C

DED DEPRM RP STP TE
Donald And Anne Kahn 455 N/C

DED DEPRM RP STP TE
Signet Bank, Maryland 456 N/C

DED DEPRM RP STP TE
Ronald W. Bair 457 N/C

DED DEPRM RP STP TE
A. Eric And Esther J. Dott 458 N/C

DED DEPRM RP STP TE
William J. And Mary Jane Kramer 459 N/C

DED DEPRM RP STP TE
Douglas B. And Judith A. Celmer 460 N/C

COUNT 11

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MAY 13, 1992

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

RE: Property Owner: DOUGLAS B. CELMER AND JUDITH A. CELMER
Location: #1721 BEECHWOOD AVENUE
Item No.: 460 (LJG) Zoning Agenda: MAY 11, 1992

Gentlemen:

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

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

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

JP/KEK

RECEIVED
MAY 14 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature _____ Date 7/22/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
9690 Deereco Road Limited Partnership	450		5-11-92
DED DEPRM RP STP TE			
Orville Jones	451		
DED DEPRM RP STP TE			
Harbor Realty Partnership	452		
DED DEPRM RP STP TE			
Jerald H. And Brenda D. Windes	453		
DED DEPRM RP STP TE			
Daniel C. And Susan E. Gutkin	454		
DED DEPRM RP STP TE			
Donald And Anne Kahn	455		
DED DEPRM RP STP TE			
Signet Bank, Maryland	456		
DED DEPRM RP STP TE			
Ronald W. Blair	457		
DED DEPRM RP STP TE			
A. Eric And Esther J. Dott	458		
DED DEPRM RP STP TE			
William J. And Mary Jane Kramer	459		
DED DEPRM RP STP TE			
Douglas B. And Judith A. Celmer	460		
DED DEPRM RP STP TE			

COUNT 11

7-17-92 92-433A 7/23/92 7/16/92

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: July 23, 1992

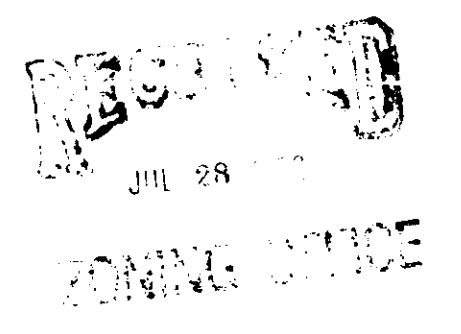
FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item 460
#1721 Beechwood Road
Zoning Advisory Committee Meeting of May 11, 1992

See attached Chesapeake Bay Critical Area Findings.

JLP:sp

JABLON/S/TXTSPB

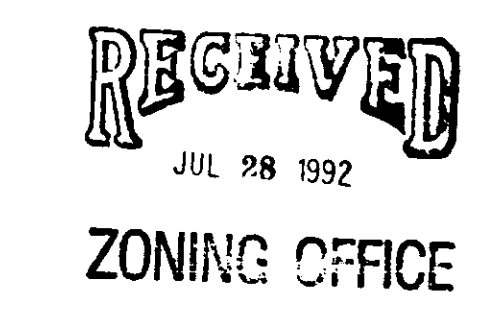


BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director
Office of Zoning Administration
and Development Management
DATE: July 22, 1992

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 460
Celmer Property
Chesapeake Bay Critical Area Findings



SITE LOCATION

The subject property is located at 1721 Beechwood Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Douglas B. and Judith A. Celmer

APPLICANT PROPOSAL

The applicant has requested a variance from section 1 A04.3.B.3 of the Baltimore County Zoning Regulations to permit a street centerline setback of 55 feet in lieu of the required 75 feet and a side setback of 40 feet 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>

Mr. Arnold E. Jablon
July 22, 1992
Page 3

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 Ms. Patricia M. Farr at 887-2904.

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

JJD:SBA:ju

c: Mr. & Mrs. Douglas B. Celmer

Attachment

CELMER/TXTN55

