

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE BEFORE THE ZONING COMMISSIONER S/S Holly Beach Road, 1400 ft. E from c/l Henrietta Avenue 2727 Holly Beach Road 15th Election District 5th Councilmanic District

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Hearing and a Petition for Variance for that property located at 2727 Holly Beach Road. The property is a waterfront property adjacent to the Chesapeake Bay in the Broring Point Subdivision of Baltimore County. Within the Petition for Special Hearing, approval is sought for development of a lot with an area of less than one acre as required by Section 1A04.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.), and to permit a gross residential density of greater than .667 dwellings per acre on an R.C. 5 zone, pursuant to Section 304 of the B.C.Z.R. As to the zoning variance, relief is sought from Section 1A04.3.B.3 of the B.C.Z.R. to permit side yard setbacks of 6 ft. (+/-) and 13 ft. (+/-) for a proposed dwelling, in lieu of the required 50 ft., and from Section 303.1 of the B.C.Z.R. to permit a garage with a front yard setback of 53 ft. (+/-) to the centerline of the adjacent roadway paving, in lieu of the required average setback of 77 ft. (+/-). All of the relief is more particularly shown on Petitioners' Exhibit No. 1, the site plan to accompany the Petitions.

Appearing at the public hearing for this case was one of the property

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owners, Joan Eck. Also appearing on behalf of the Petitioners was William Bafitis of Bafitis and Associates, Inc., Civil Engineers/Land Planners/Surveyors. Mr. Bafitis prepared the site plan. There were no Protestants present.

Testimony and evidence presented was that the subject property is a narrow, yet deep, lot which is .375 acres in area. It is zoned R.C.5 and, as noted above, abuts the Chesapeake Bay near Breezy Point. The property owner indicated that the property has been owned by her family for many years and is now improved with a dwelling which serves as a summer home. The Petitioners propose to raise the existing dwelling and construct a 2 story frame dwelling as shown on the site plan. Also proposed is a garage to be located on the rear of the property, adjacent to Holly Beach Road. As to the special hearing, the Petitioner noted that same is necessary because of the actual area of the subject lot and that the property is part of the Broring Point Subdivision. This is an older residential community and the lots therein were laid out many years ago. Due to adjacent properties owned by others, expansion of the lot is not possible and the lot cannot meet the present regulations. As to the variance, they are necessary due to the unique configuration of this lot. As indicated above, the lot is narrow and side yard setbacks from the proposed dwelling of 13 ft. and 6 ft., respectively, can only be obtained. Further, placement of the garage in the preferred location will allow only a 53 ft. setback to the centerline of Holly Beach Road.

As to the relief requested, I am persuaded that same should be granted. As is noted in the Zoning Plans Advisory Committee comment authored by the Office of Planning and Zoning, the subject property is similar in configuration and size to other lots in this area. Thus, it is

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obvious that the Petitioners' proposed construction will only serve to improve the lot and not cause any detriment to the health, safety and general welfare of the locale.

Based upon the testimony and evidence presented, all of which is uncontradicted, it is the opinion of the Zoning Commissioner that the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety and/or general welfare of the public. Further, strict compliance with the B.C.Z.R. would result in practical difficulty upon the Petitioners. The site area and configuration clearly justified the request presented.

Notwithstanding the granting of the Petitions, it is to be noted that the site lies within the Chesapeake Bay Critical Area and is, therefore, subject to the recommendations from the Department of Environmental Protection and Resource Management (DEPRM).

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management will submit recommendations 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
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,

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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. The granting of the relief requested will be restricted by the required compliance with DEPRM's recommendations, when submitted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 12th day of January, 1993 that, pursuant to the Petition for Special Hearing, approval for development of a lot with an area of less than one acre, as required by Section 1A04.3.B. of the B.C.Z.R., and to permit a gross residential density of greater than .667 dwellings per acre in an R.C. 5 zone, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A04.3.B.3 of the B.C.Z.R. to permit side yard setbacks of 6 ft. (+/-) and 13 ft. (+/-), respectively, for a proposed dwelling, in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 303.1 of the B.C.Z.R. to permit a front yard setback, for a garage, of 53 ft. (+/-) to the centerline of the adjacent roadway paving, in lieu of the required average setback of 77 ft. (+/-), all in accordance with Petitioners' Exhibit-

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it No. 1, be and 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.
2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

Signature of Lawrence E. Schmidt, Zoning Commissioner for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING Date 1/12/93 By Dr. Schmidt

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

(410) 887-4386

January 11, 1993

Mr. and Mrs. Frank Eck 1519 Brian Road Baltimore, Maryland 21237

RE: Petitions for Special Hearing and Variance Case No. 93-178-SPHA 2727 Holly Beach Road

Dear Mr. and Mrs. Eck:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

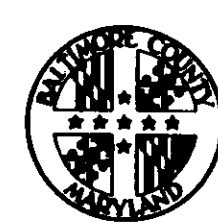
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals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

Very truly yours,

Signature of Lawrence E. Schmidt, Zoning Commissioner

cc: Mr. William F. Bafitis 1249 Englebarth Road Baltimore, Md. 21221

LES:mmm



Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 2727 Holly Beach Road 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 situated 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 1A04.3.B.3 to permit a side yard of 6' and 13' in lieu of the required 50' from any lot line other than a street line and Section 303.1 to permit a front setback for a Garage of 53' to the centerline of the roadway paving in lieu of the required average setback of 77'.

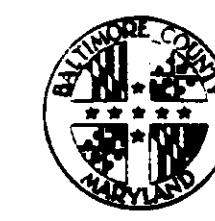
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) The subject property is Lot 9, of Plat No. 1, Holly Beach, recorded February 14, 1916, a 50' wide water front lot. Hardship and practical difficulty are experienced as RC-5 zoning setback requirements can not be met due to the narrow lot width and orientation of dwellings to the water front.

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.

Form with fields for Contact Person/Address, Legal Owner, and Attorney for Petitioner, with handwritten entries for Frank Eck, Joan Eck, and Bafitis & Associates, Inc.

EXTRAFED LIBRARY OF BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

RECEIVED JAN 11 1993



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 2727 Holly Beach Road 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 situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve a lot area less than 1 acre Section 1A04.3.B. and to permit a gross residential density of greater than 0.667 dwellings per acre in a RC-5 zone pursuant to Section 304 RCZ.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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.

Form with fields for Contact Person/Address, Legal Owner, and Attorney for Petitioner, with handwritten entries for Frank Eck, Joan Eck, and Bafitis & Associates, Inc.

EXTRAFED LIBRARY OF BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

RECEIVED JAN 11 1993



93-178-SPHA 187

Zoning Description  
2727 Holly Beach Road

Beginning at a point on the south side of Holly Beach Road, 40 feet wide, at the distance of 1400 feet easterly of the centerline of Henrietta Avenue, 40 feet wide. Thence binding on Holly Beach Road by a curve to the left with a radius 385.72 feet and curve length 50.21 feet. Thence leaving Holly Beach Road the following courses and distances:

S. 12°00'09"W., 327.30 feet, N. 77°59'52"W., 49.71 feet, N. 12°00'09"E., 329.76 feet to the place of beginning.

Being Lot 9, in the subdivision of Broring Point as recorded in Baltimore County Plat Book 06 Folio 101, containing 16,331 square feet also known as 2727 Holly Beach Road and located in the 15th Election District of Baltimore County, Maryland and currently recorded in deed Liber 9034, Folio 607.



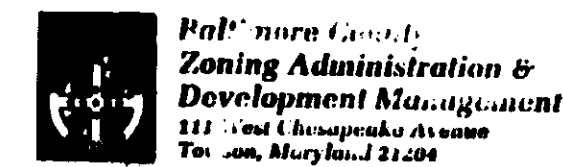
Md. Reg No. 11641

William N. Spillers

Civil Engineers / Land Planners / Surveyors - 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15th Date of Posting: 12/15/92  
Posted for: Special Hearing & Variance  
Petitioner: Frank Eck, et ux  
Location of property: 93-178 Holly Beach Rd, 1400' E of Henrietta Ave.  
Location of Signs: Signs removed on property of petitioner  
Remarks:  
Posted by: [Signature] Date of return: 12/15/92  
Number of Signs: 2



receipt

Account: R-001-4190  
Number

93-178-SPHA

DATE: 12/14/92  
PUBLIC HEARING FEES: \$96.02  
CITY: BALTIMORE  
PRICE: \$96.02  
TOTAL: \$96.02  
LAST NAME OF OWNER: ECK

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

DATE: 12/14/92

Frank and Joan Eck  
1519 Brian Road  
Baltimore, Maryland 21237

COPY

RE:  
CASE NUMBER: 93-178-SPHA (Item 187)  
S/S Holly Beach Road, 1400' E from c/l Henrietta Avenue  
2727 Holly Beach Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Frank Eck and Joan Eck  
HEARING: THURSDAY, JANUARY 7, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):  
Please be advised that \$96.02 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CHECKER 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 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

[Signature]

ARNOLD JABLON  
DIRECTOR

CERTIFICATE OF PUBLICATION

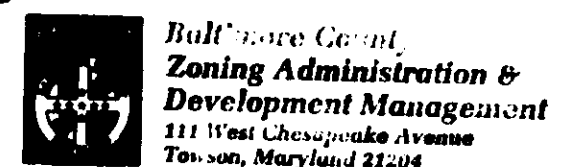
TOWSON, MD., 12/10, 1992

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 12/10, 1992.

THE JEFFERSONIAN,

S. Zabe-Orlin  
Publisher

\$96.02



receipt

Account: R-001-4190  
Number

93-178  
Hearings 1-7

DATE: 12/14/92  
PUBLIC HEARING FEES: \$96.02  
CITY: BALTIMORE  
PRICE: \$96.02  
TOTAL: \$96.02  
LAST NAME OF OWNER: ECK

Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

DEC 02 1992 (410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 93-178-SPHA (Item 187)  
S/S Holly Beach Road, 1400' E from c/l Henrietta Avenue  
2727 Holly Beach Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Frank Eck and Joan Eck  
HEARING: THURSDAY, JANUARY 7, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special hearing to approve a lot area less than 1 acre and to permit a gross residential density of greater than .667 dwellings per acre.  
Variance to permit a side yard of 6 feet, more or less, and 13 feet, more or less, in lieu of the required 50 feet from any lot line other than a street line; and to permit a front setback for a garage of 53 feet, more or less, to the centerline of the roadway paving in lieu of the required average setback of 77 feet, more or less.

[Signature]

ARNOLD JABLON  
DIRECTOR

cc: Frank and Joan Eck  
Bullfinch & Associates, Inc.

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

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

December 29, 1992 (410) 887-3353

Mr. and Mrs. Frank Eck  
1519 Brian Road  
Baltimore, MD 21237

RE: Case No. 93-178-SPHA, Item No. 187  
Petitioner: Frank Eck, et ux  
Petition for Special Hearing and Variance

Dear Mr. and Mrs. Eck:

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

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 25th day of November 1992.

[Signature]

ARNOLD JABLON  
DIRECTOR

Received By:

W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Frank Eck, et ux  
Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services) 12/14/92  
Development Review Committee Response Form  
Authorized signature: [Signature] Date: 12/14/92

File Number	Waiver Number	Zoning Issue	Meeting Date	
✓ Venice K. Paterakis				
DED DEPRM RP STP TE	176		11-30-92	NC
✓ John and Constance Morabito				
DED DEPRM RP STP TE	179			NC
✓ Edward J. and Joyce A. Benesch				
DED DEPRM RP STP TE	181			NC
✓ Edward T. and Leigh Ann Schneider				
DED DEPRM RP STP TE	182			NC
✓ Dale and Sue Chambers				
DED DEPRM RP STP TE	183			NC
✓ Associated Jewish Charities				
✓ COUNT 5	185			NC
① Preakness Silver Hill, Inc.				
DED DEPRM RP STP TE	180		12-7-92	NC
① Satyr Limited Partnership				
DED DEPRM RP STP TE	184			Comment
① Timothy L. and Meredith L. Scott				
DED DEPRM RP STP TE	186			comment
① Frank and Joan Eck				
DED DEPRM RP STP TE	187			NC
① Federal Realty Investment Trust				
DED DEPRM RP STP TE	188			Comment
① Beatriz H. and Enrique R. Clausen				
DED DEPRM RP STP TE	189			Comment
① Shirley A. and Ronda J. Swab				
DED DEPRM RP STP TE	190			NC

12/1/92  
y

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 187 (JCM)  
Frank Eck & Joan Eck

Dear Ms. Winiarski:  
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,  
David Ramsey 12/3/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

RECEIVED  
DEC 7 1992

ZONING OFFICE

MICROFILMED

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-482-5083 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management DATE: December 15, 1992

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

SUBJECT: 2727 Holly Beach Road

INFORMATION:  
Item Number: 187  
Petitioner: Frank Eck  
Property Size: 0.375 acres  
Zoning: RC 5  
Requested Action: Variance, special hearing  
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:  
The petitioner is requesting a Special Hearing to approve a lot area less than 1 acre and to permit a gross residential density of greater than .667 dwellings per acre in an RC 5 zone. Also, the petitioner is seeking a variance to permit a side yard setback of 6' and 13' in lieu of the required 50' from any lot line other than a street line and to a front yard setback for a garage of 53' to the centerline of the roadway in lieu of 77'.  
The Office of Planning and Zoning has no comment on the petitioner's request. Many other homes in this area also have garages located along the edge of the road and homes that face the water. This request would not be out of character with the adjacent neighborhood.

Prepared by: Francis Ramsey

Division Chief: Gary L. Kern

EMCD/PM:rdn

Rec'd 12/21/92

187.ZAC/ZAC1

Pg. 1

DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: [Signature] Date: 12/14/92

File Number	Project Name	Waiver Number	Zoning Issue	Meeting Date
DED DEPRM RP STP TE	Venice K. Paterakis	176	N/C	11-30-92
DED DEPRM RP STP TE	John and Constance Morabito	179	N/C	
DED DEPRM RP STP TE	Edward J. and Joyce A. Benesch	181	N/C	
DED DEPRM RP STP TE	Edward T. and Leigh Ann Schneider	182	N/C	
DED DEPRM RP STP TE	Dale and Sue Chambers	183	N/C	
COUNT 5				
DED DEPRM RP STP TE	Preakness Silver Hill, Inc.	180	N/C	12-7-92
DED DEPRM RP STP TE	Satyr Limited Partnership	184	N/C	
DED DEPRM RP STP TE	Timothy L. and Meredith L. Scott	186	N/C	
DED DEPRM RP STP TE	Frank and Joan Eck	187	N/C	
DED DEPRM RP STP TE	Federal Realty Investment Trust	188	N/C	
DED DEPRM RP STP TE	Beatriz H. and Enrique R. Clausen	189	N/C	
DED DEPRM RP STP TE	Shirley A. and Ronda J. Swab	190	N/C	

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

DECEMBER 1, 1992

(410) 987-4500

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

RE: Property Owner: FRANK ECK AND JOAN ECK  
Location: #2727 HOLLY BEACH ROAD  
Item No.: 187 (JCM) Zoning Agenda: DECEMBER 7, 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

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management DATE: December 21, 1992

FROM: J. Lawrence Pilon JLP  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #187  
2727 Holly Beach Road  
Zoning Advisory Committee Meeting of December 7, 1992

The Department of Environmental Protection and Resource Management requests an extension for the review of the above referenced zoning item to determine whether the proposed development is in compliance with the Chesapeake Bay Critical Area Regulations. The applicant must submit additional information (see attached) on the Critical Area Findings Plan for review and approval by this Department prior to preparation of a Critical Area Findings for the development. The applicant may contact the Environmental Impact Review Division of the Department at 887-2904 for details.

LP:sp

HOLLY/TXTSBP

MICROFILMED

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: February 16, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 187  
Eck Property  
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 2727 Holly Beach 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. Frank Eck

APPLICANT PROPOSAL

The applicant has requested a Special Hearing and several variances of the Baltimore County Zoning Regulations to permit "a lot area less than one acre pursuant to Section 1A04.3.B and to permit a gross residential density of greater than 0.067 dwellings per acre in a RC-5 zone pursuant to Section 304 BCZR."

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.D>

Mr. Arnold E. Jablon  
February 16, 1993  
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 Section 26-449(a)>.

Policy: "Redevelopment - if less than a 100 foot buffer exists, the Buffer is established from the limit of existing permitted disturbance to the shoreline." <Baltimore County Department of Environmental Protection and Resource Management Policy Manual>

Finding: The limit of existing permitted disturbance is located at the edge of the existing house which is approximately 100 feet from the mean high tide of the Chesapeake Bay. The proposed house is located no closer than the existing house, therefore, no impact to the buffer shall occur.

2. Regulation: "A minimum 25 foot buffer shall be maintained around all non-tidal wetlands so that development or other activities will not adversely affect the wetlands or the wildlife contained therein" <Baltimore County Code Section 26-448(a)>.

Finding: No tidal or nontidal wetlands exist on this site or in the vicinity of this site. Therefore, no disturbance to wetlands shall occur.

3. Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or before December 1, 1985, then man-made impervious surfaces associated with that use are limited to 25% of the parcel or lot" <Baltimore County Code, Section 26-543(e)(1)>.

Finding: This project proposes impervious surfaces that sum to less than 25% of the lot; therefore, this project is in compliance with the above regulations.

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

Finding: This property has existing trees that cover at least 15% of the site; therefore, no additional trees shall be required. However, homeowners are always encouraged to plant additional native plants. Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of stormwater and efficiently remove nitrogen from subsurface flows of ground water. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them. Enclosed is a list of native trees and shrubs.

Mr. Arnold E. Jablon  
February 16, 1993  
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 26-453(h)>.

Finding: This project proposes to have all downspouts lead to drywells; therefore, this project is in compliance with the above regulations.

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 you have any questions, please call Ms. Patricia M. Farr at 887-2904.

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

JJD:NSP:tj

Attachment

c: Mr. and Mrs. Frank Eck  
Mr. William Bafitis

ECK/WQBCA

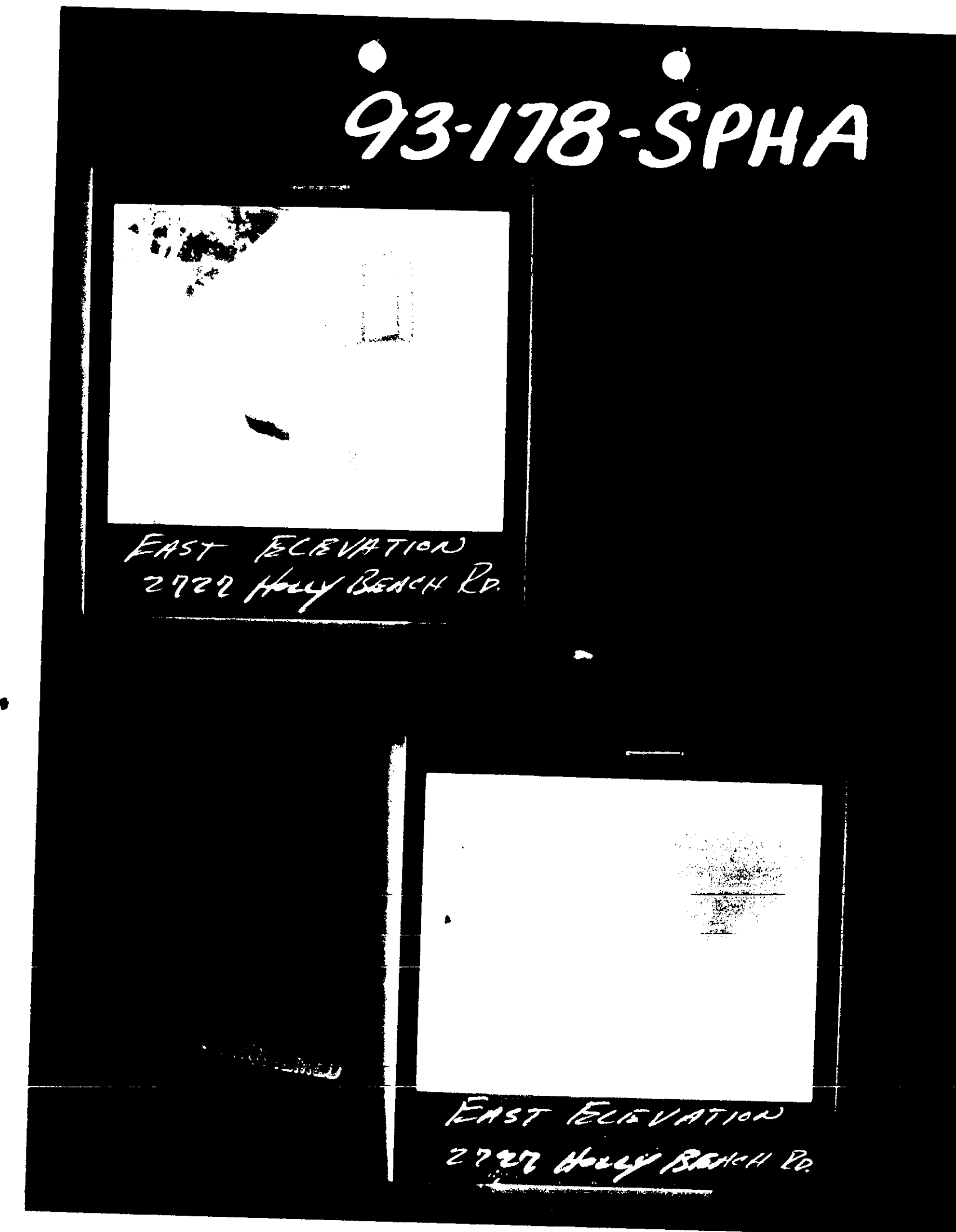
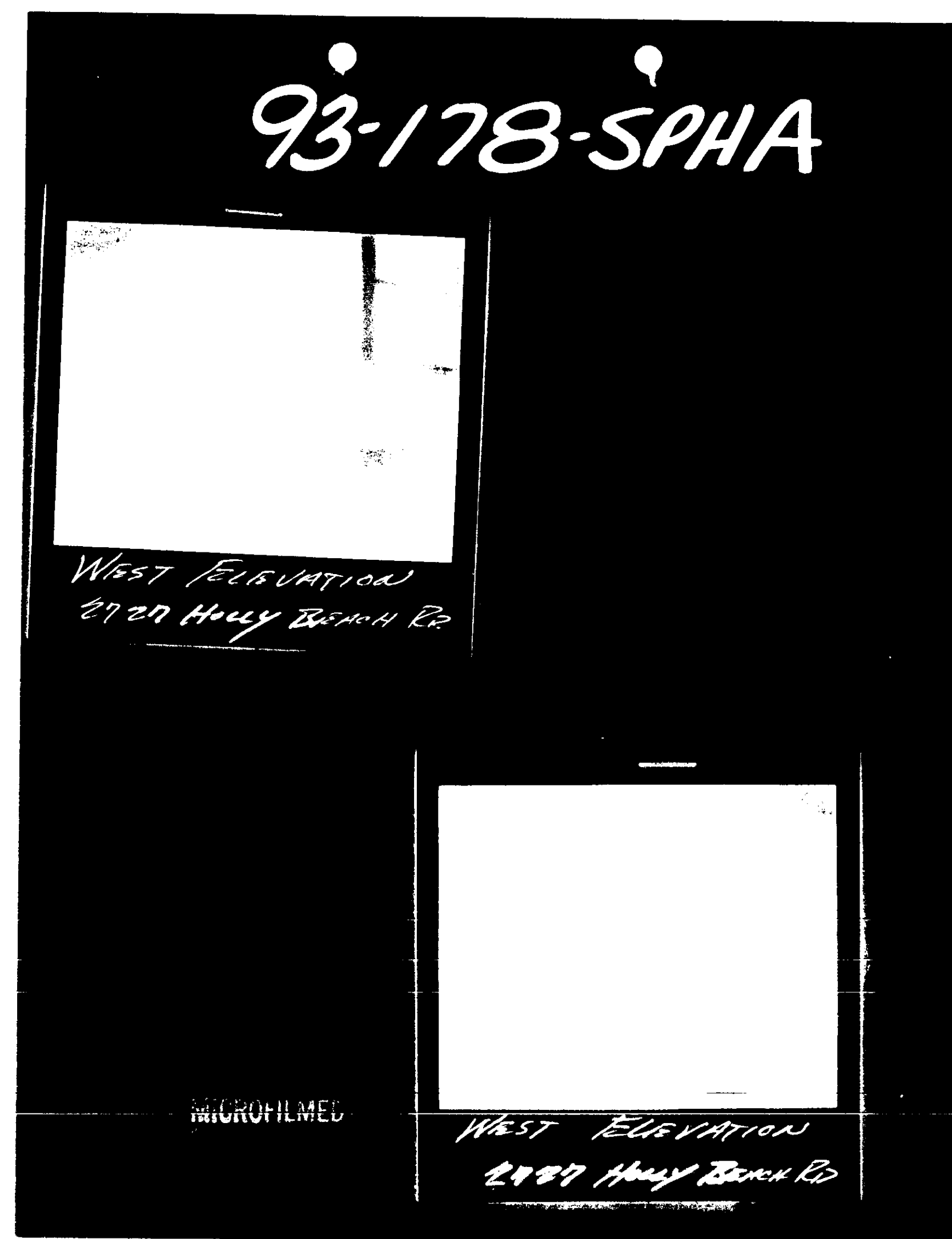
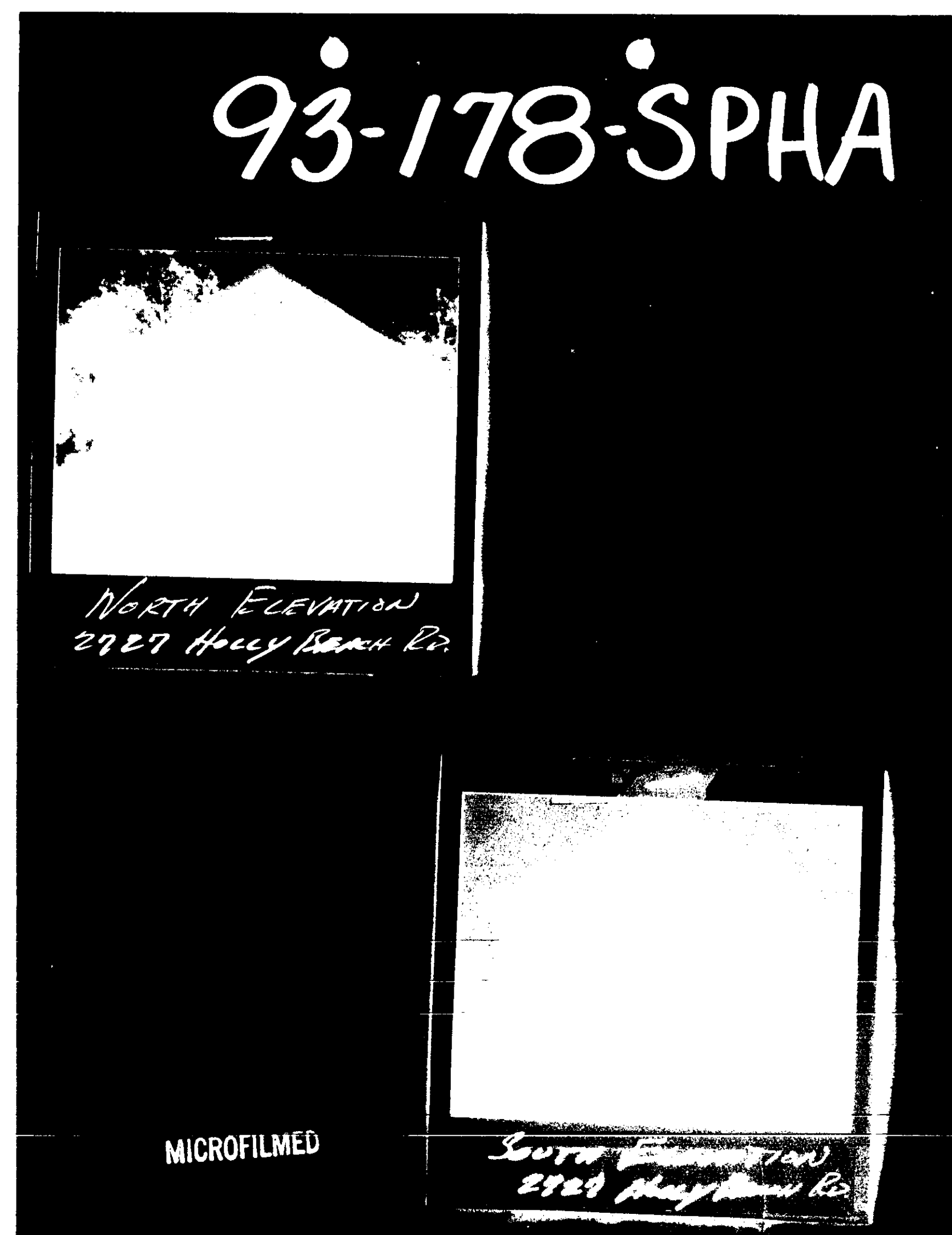
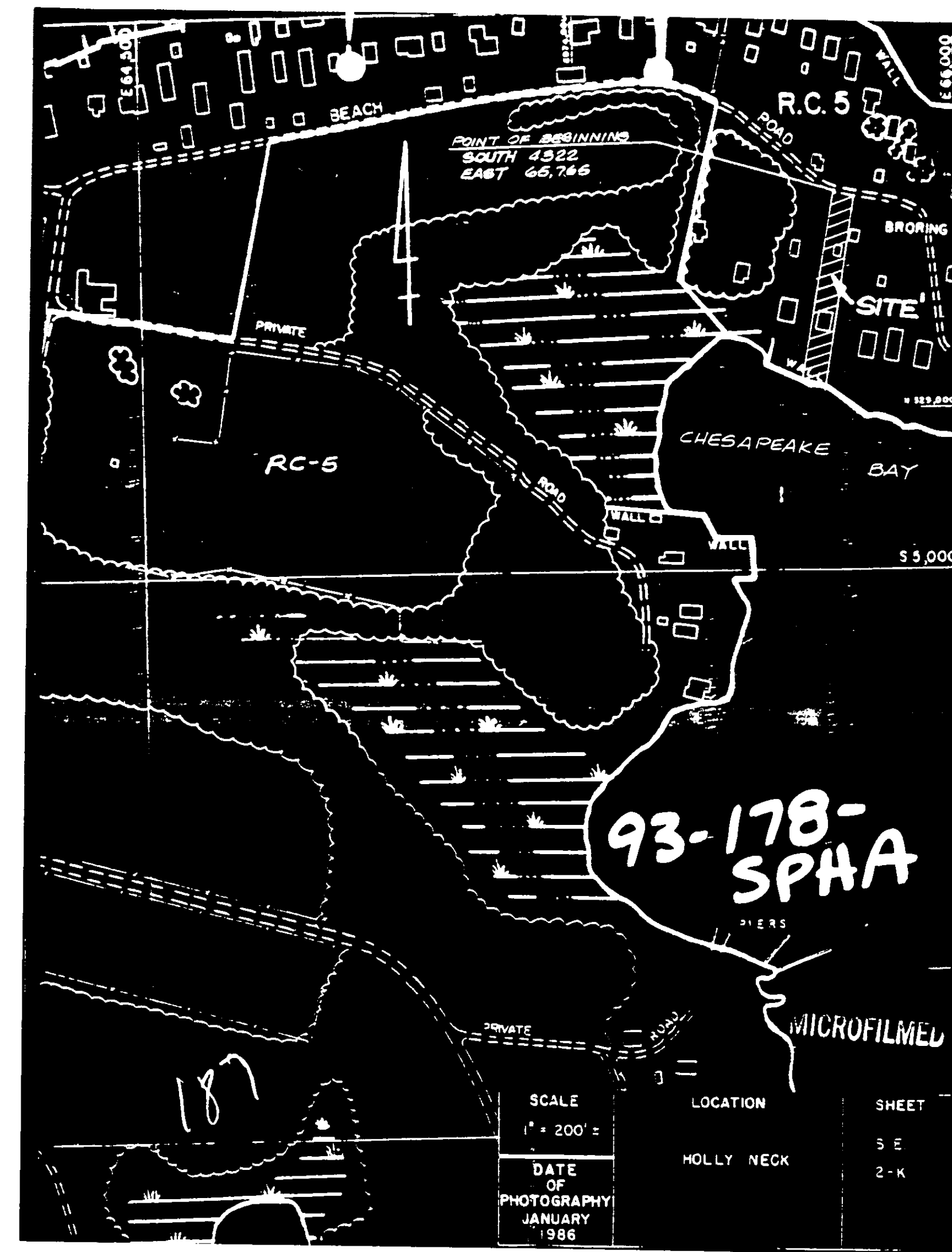
RECEIVED  
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ZONING OFFICE

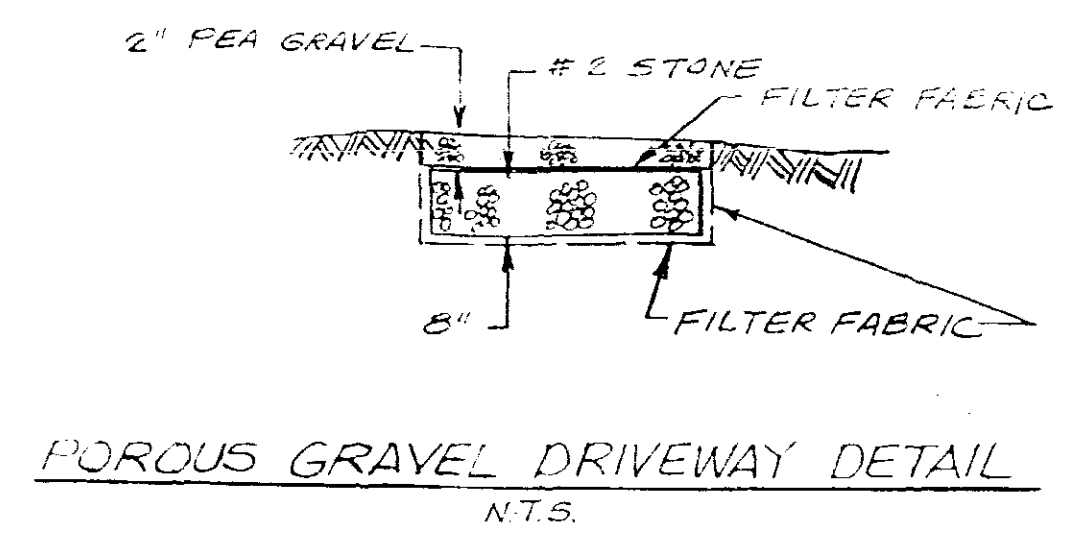
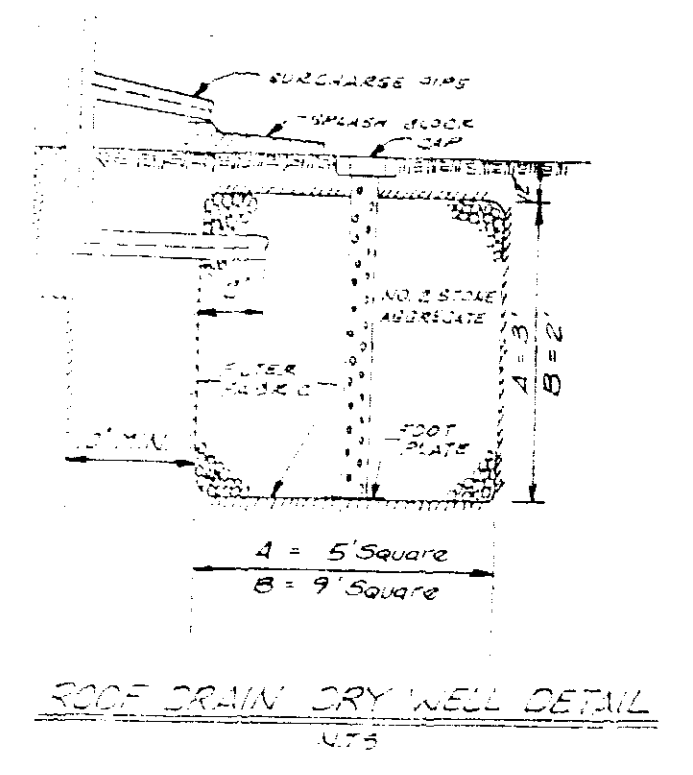
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>William Proffitt, Jr.</i>	<i>1249 Englewood Rd.</i>
<i>Joan M. Reh</i>	<i>1519 Brian Rd. 21237</i>







Average Garage Setbacks

House Number	Distance to c Paving
2725	109±
2729	55±
2731	67±

Average Garage Setback  $\frac{231}{3} = 77\pm$

**VARIANCES**

- To permit a side yard of 6' and 13'± in lieu of the required 50' from any lot line other than a street line Section 1A04.3.B.3.
- To permit a front setback for a garage of 53' to the centerline of the roadway paving in lieu of the required average setback of 77'±. Section 303.1

**SPECIAL HEARING**

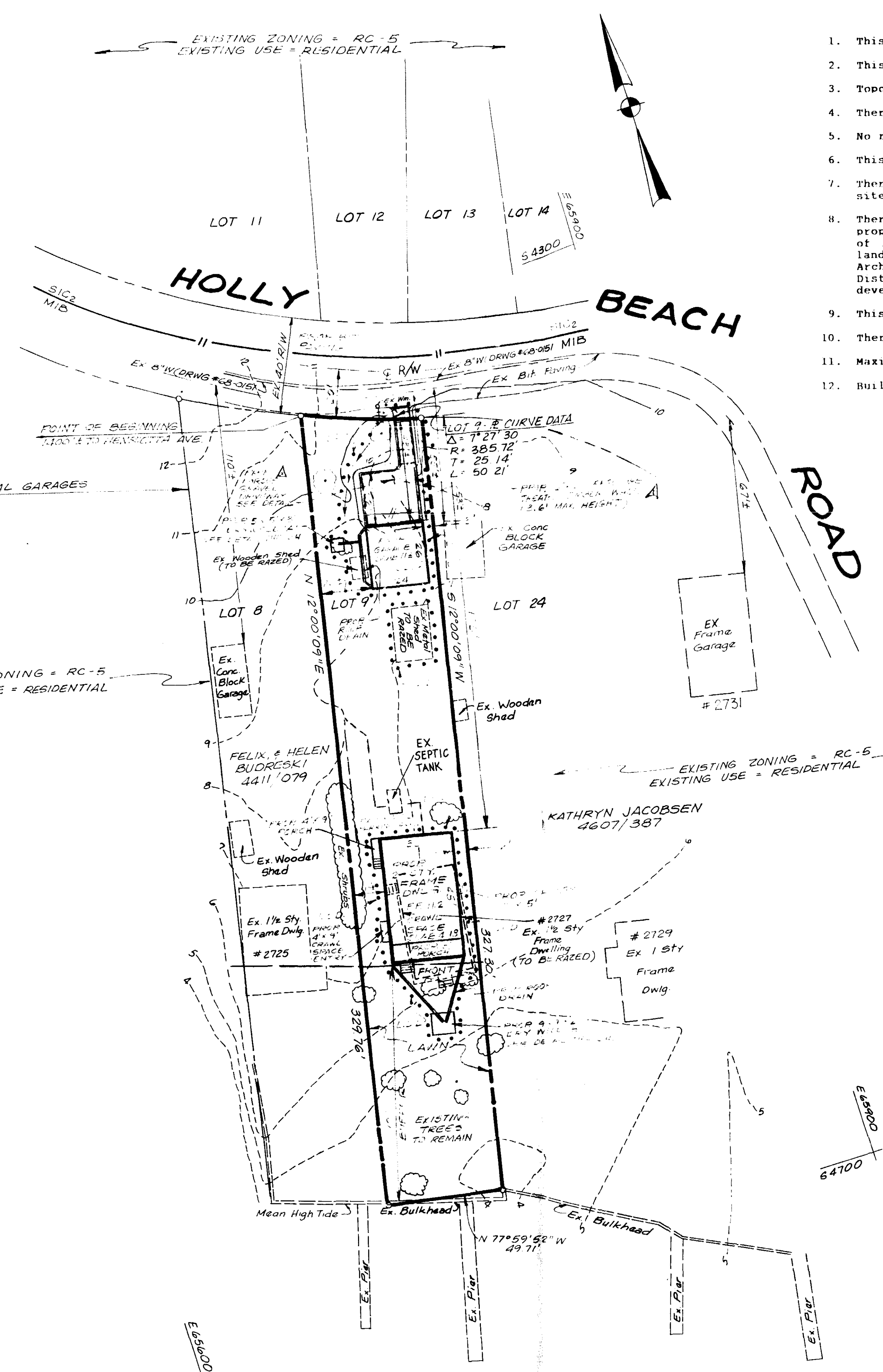
- To approve a lot area less than 1 acre Section 1A04.3.B. and to permit a gross residential density of greater than 0.667 dwellings per acre in a RC.5 zone pursuant to Section 304 BCZR.

SOILS DATA CHART

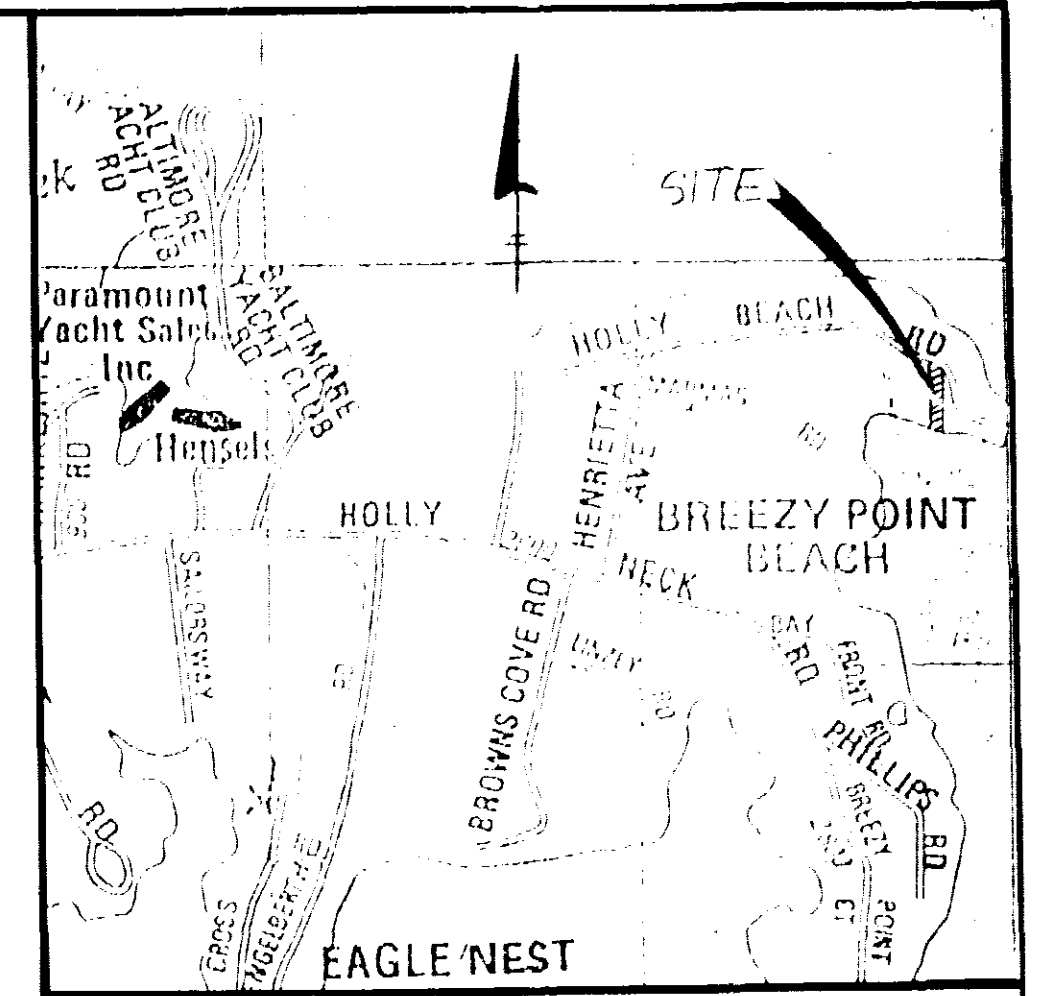
TYPE	SERIES	W/BASINENT	W/O BASINENT	STREETS AND PARKING LOTS	GROUP TYPE
MIB	Mattapex Silt Loam	Moderate: moderately high water table	slight	Moderate: moderately high water table; slope	C

MIB - Mattapex Silt Loam, 2 to 5 percent slopes

TAKEN FROM BALTIMORE COUNTY SOILS SURVEY



- GENERAL NOTES
- This site utilizes an existing onsite septic disposal system.
  - This site utilizes public domestic water supply.
  - Topography shown hereon is field run (1991)
  - There is no significant plant and animal habitat on this site.
  - No riverine flood area of 100-year flood plain exist on this site.
  - This site is impacted by a tidal flood plain. ELEV. 10.0
  - There are no known potentially hazardous materials buried within this site.
  - There are no building, property or site within or contiguous to the proposed development included on the Maryland Historical Trust Inventory of Historic Properties, the Baltimore County preliminary or final landmarks list, the National Register of Historic Places, the Maryland Archeological survey of identification of any Baltimore County Historic District, or National Register district covering the proposed development.
  - This site contains no tidal or non-tidal wetlands.
  - There is no forest or developed woodland on this site.
  - Maximum building height is 35'.
  - Building coverage proposed = 14.2% allowed = 15%

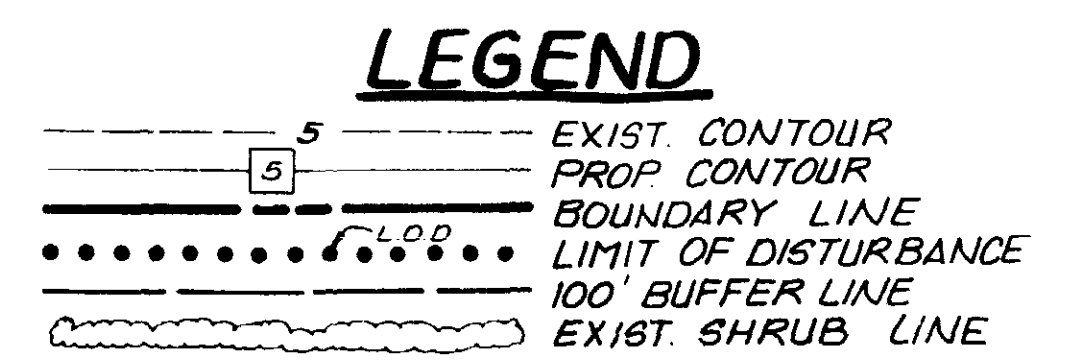


**VICINITY MAP**  
Scale 1"=1000'  
BENCH MARK 1/2" IRON BAR IN M.C. SOUTH SIDE HOLLY BEACH RD. BC #7972 ELEV. 13.06', U.S.C. 16 BRORING R.M. 3 BC #7919, ELEV. 10.26'

STATE DATA

1. Date of Development	09/12/92
2. Date Rec'd	09/12/92
3. Tax Account Number	50-420100
4. Parcel Number	15
5. Contiguous Parcel	14
6. Contiguous Parcel	16
7. Contiguous Parcel	17
8. Motor Road	08
9. Surrounding	01
10. Lot Area	16,151 S.F. or 0.375 Ac.
11. Existing Zoning	RC-5
12. Proposed Zoning	RC-5
13. Existing Use	Residential, Single Family
14. Proposed Use	Residential, Single Family
15. Disturbance to be developed	1
16. Maximum Building Height	35'
17. This site is situated within the Chesapeake Bay Critical Area and is classified by land use as Limited Development Area (LDA).	
18. Water Frontage	50'± (Linear)
19. Improvements Acreage	
Existing:	
Wood Shed	1175 S.F.
Metal Shed	63 S.F.
Total	368 S.F.
Proposed:	
Garage	1702 S.F.
Total	674 S.F. (4.24%)
20. Local Open Space	None Required
21. Area of Disturbance	5,998 S.F.

*Puttomer Ex No1*



William N. Bafitis, P.E.  
301-391-2336

**Bafitis & Associates, Inc.**

Civil Engineers / Land Planners / Surveyors  
1249 Engleberth Rd. Baltimore, Md. 21221

**PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE, SPECIAL HEARING PERMIT PLAN & FINDINGS PLAN FOR 2727 HOLLY BEACH ROAD BRORING POINT SUBDIVISION**

15<sup>th</sup> ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 30'

JOB ORDER NO.: 91067

DATE: OCT. 27, 1992

WILLIAM N. BAFITIS, P.E. SHEET 1 OF 1

NO.	REVISIONS	DATE
1	Revised	1-7-93