

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE *
E/S Opie Road, 283 ft. North of * ZONING COMMISSIONER
Beach Road *
4 Opie Road (+6) * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 94-154 & 155-SPHA
Herbert R. Bush et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a consolidated hearing for cases Nos 95-154 SPHA and 95-155 SPHA, relating to adjacent properties known as 4 Opie Road and 6 Opie Road, respectively. The Petitions are filed by Herbert R. Bush and Esther E. Bush, his wife, property owners. Within each case, a Petition for Special Hearing was filed requesting approval of an undersized lot with no change in density. Moreover, a Petition for Zoning Variance is filed in case No. 94-154-SPHA (4 Opie Road) seeking relief from Sections 1A01.3.B.2 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum lot size of .3678 acres in lieu of the required 1 acre and to allow a side yard setback of 12 ft. in lieu of the required of 35 ft. In case No. 94-155-SPHA (6 Opie Road), a Petition for Zoning Variance filed also requests relief from Sections 1A01.3.B.2 and 1A01.3.B.3 of the B.C.Z.R. to allow a lot size of .3411 acres in lieu of the required 1 acre and to allow a side yard setback of 13 ft., in lieu of the required 35 ft. Both subject properties and the relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case were the property owners/Petitioners, Herbert R. and Ester E. Bush. Also appearing was Thomas E. Phelps, a registered property land surveyor, who prepared the plat. There were no Protestants or other interested persons.

ORDER RECEIVED FOR FILING

Date

By

11/28/96
M. G. Gorkh

Testimony and evidence offered is that the subject lots are adjacent properties located in the Bird River Beach Subdivision. The lot known as 6 Opie Court is located immediately adjacent to the intersection of Opie Road and Maple Road; whereas, 4 Opie Road abuts only Opie Road and shares a property line with 6 Opie Road.

Mr. and Mrs. Bush indicated that they purchased the subject properties in 1957. At that time, they acquired 3 lots of the previously recorded subdivision of Bird River Beach. The lots are identified as Nos. 229, 230 and 231. Lots 230 and 231 are approximately 50 ft. in width and 205 ft. in depth. Lot 229 is also approximately 50 ft. in depth but has a narrow frontage on Opie Road. As the property extends toward the rear, it expands to a larger width.

Mr. and Mrs. Bush also indicated that the property was improved with a 1-1/2 story framed dwelling at the time of their purchase. This house has been their home for many years and is known as 4 Opie Road. It actually straddles the lot line between lot 229 and 230. Shortly after their acquisition, they completed building a 1 story framed dwelling which is mostly contained on lot 231. According to a copy of the building permit produced at the hearing, that dwelling was constructed in 1958. Since the date of their acquisition, the Bushes have resided in the property known as 4 Opie Road and have leased the other dwelling. At the present time, their daughter resides therein. It was noted at the hearing that the property was originally zoned R.C.6 but was rezoned R.C.2 in 1984.

The Bushes also testified that they recently decided to sell the property. During the course of preparing the property for marketing, it was discovered that the houses and their location were in violation of the B.C.Z.R. Thus, the subject Special Hearing and Variance Petitions have been filed in order to legitimize the existing situation.

ORDER RECEIVED FOR FILING

Date

By

1/18/90
J. H. Goad

The Petitions should be considered as one in that they relate to common properties which are adjacent to one another. For any variance to be granted, the Petitioner must satisfy the burden set forth in Section 307 of the B.C.Z.R. Therein, it is provided that a variance can be granted only if strict adherence to the regulation would result in practical difficulty upon the Petitioner and his property. Moreover, relief can be granted only if fashioned to observe the spirit of the ordinance and if the variance will not be detrimental to the surrounding locale. The special hearing should be granted only if the relief proposed would not be harmful to the health, safety and general welfare of the location.

In applying these tests to the facts presented, it is clear that the relief requested should be granted. Indeed, this is an old subdivision and the improvements which are located on the subject properties have existed for many years. This is another case of small lots which were created prior to the adoption of zoning regulations in Baltimore County, when the Bird River Beach Subdivision was initially platted. Ultimately, construction was not confined to the small lots created. It would be clearly inappropriate to require the Petitioners to relocate or demolish one of the existing homes. Again, it need be pointed out that the properties have been where situated for over 30 years. Thus, the Petitions for Special Hearing and Variance should be granted and the site plan approved.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within 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

ORDER RECEIVED FOR FILING

Date

By

1/18/94
Dr. G. G. G.

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 herein.

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 18th day of January 1994 that, pursuant to the Petition for Special Hearing, approval of an undersized lot for 4 Opie Road (Case No. 94-154-SPHA) and 6 Opie Road (Case No. 94-155-SPHA), with no change in density, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance filed in case No. 94-154-SPHA (4 Opie Road) from Sections 1A01.3.B.2 and 1A01.3.B.3 of the B.C.Z.R. to allow a minimum lot size of .3678 acres, in lieu of the required 1 acre, and to allow a side yard setback of 12 ft., in lieu of the required 35 ft., be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING

Date

By

IT IS FURTHER ORDERED that a variance in case No. 94-155-SPHA (6 Opie Road) from Sections 1A01.3.B.2 and 1A01.3.B 3 of the B.C.Z.R. to allow a lot size of .3411 acres, in lieu of the required 1 acre, and to allow a side yard setback of 13 ft., in lieu of the required 35 ft., be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein.

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated October 26, 1993, attached hereto and made a part thereof.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
11/18/94
Jm. Horak



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 2, 1993

Mr. and Mrs. Herbert R. Bush
4 Opie Road
White Marsh, Maryland 21162

RE: Case No. 94-154-SPHA, Item No. 150
Petitioner: Herbert R. Bush, et ux
Petition for Special Hearing

Dear Mr. and Mrs. Bush:

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 October 1, 1993, and a hearing was 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.

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND SURVEYING

LAND PLANNING

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

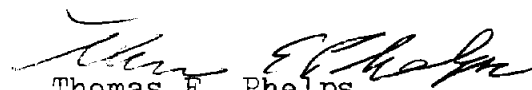
Nov 8, 1993

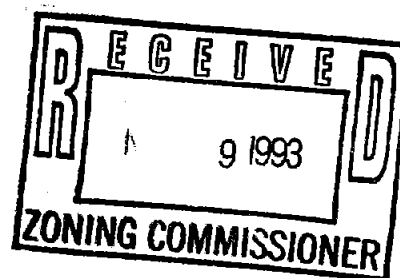
FROM: Thomas E. Phelps
945 Barron Ave.

SUBJECT: Postponement of Bush Property Hearing
Case # 94-154-SPHA
4 & 6 Opie Road

Sir:

The owners of the property at 4 & 6 Opie Road, Mr & Mrs Herbert R Bush, have contacted me to request a postponement of their special hearing on the above property as they are in North Carolina at this time and have problems in getting back here for the hearing. The hearing is scheduled for Nove 12, 1993 at 2:00PM. They would like to reschedule for some time in the middle of December. We appreciate your kind consideration of this matter.


Thomas E. Phelps
Agent for Mr & Mrs Herbert R. Bush



PETITIONER(S) SIGN-IN SHEET

ADDRESS

Esther Bush
 721 W. R Bush
 Thomas E. Chalmers

4 Opie Rd White Marsh 21162
4 Opie Rd White Marsh Md 21162
945 CANNON AVE 21224



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on Recycled Paper



150

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4 Opie Road
94-154-SPHA which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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, 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

Should Approve . . . an undersize lot with no change in density (as dwelling already exists).

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.

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

Herbert R. Bush
(Type or Print Name)

Herbert R. Bush
Signature

Esther E. Bush
(Type or Print Name)

Esther E. Bush
Signature

4 Opie Road (410) 335-8608
Address Phone No.

White Marsh, MD 21162
City State Zipcode
Name, Address and phone number of representative to be contacted.

Thomas E. Phelps & Associates, Inc.
Name 945 Barron Avenue
Baltimore, MD 21221 (410) 574-6744
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



150 CRITICAL



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

94-154-SPHA

4 Opie Road,

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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, hereby petition for a Variance from Section(s) Sect. 1A01.3.B.2 & 3 to allow a minimum lot size of 0.3678 Acres in Lieu of the required 1 acre, and to allow side yard setbacks of 12' & 13' in lieu of the 35' each for this lot

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

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 Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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.

Legal Owner(s)

Herbert R. Bush

(Type or Print Name)

Signature

Esther E. Bush

(Type or Print Name)

Signature

4 Opie Road

(410) 335 8608

Address

Phone No.

White Marsh, Md., 21162

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Thomas E. Phelps & Assoc., Inc.

945 Barron Ave.

Baltimore, Md., (410) 574 6744

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

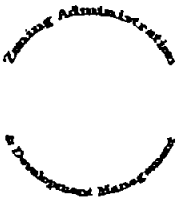
REVIEWED BY:

DATE

10/1/93



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on Recycled Paper



EXAMPLE 3 – Zoning Description – 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

94-154-SPHA

ZONING DESCRIPTION FOR 4 OPIE ROAD, WHITE MARSH, MD
(address)
Election District 15 Councilmanic District 5

Beginning at a point on the EAST side of OPIE ROAD
(north, south, east or west)

which is 40
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 87.50 SOUTH 28.3' N of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street MARPLE ROAD
(name of street)

which is 40 wide. *Being Lot # 2314 P/6230
(number of feet of right-of-way width)

Block ---, Section # --- in the subdivision of
REVERED BIRCH RIVER BEACH as recorded in Baltimore County Plat
(name of subdivision)

Book # 7, Folio # 187, containing

0.3678 AC OR 16022.59 FT
(square feet and acres)

*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 Liber ---, Folio ---" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

GH-154-SPH11

District 15th Date of Posting 10/27/93
Posted for: Special Hearing & Variance
Petitioner: Herbert & Esther Bush
Location of property: 4 Opie Rd, 283' N/Beach Rd
Location of Signs: Ferry road, on property being zoned
Remarks: _____
Posted by M. M. M. M. Date of return: 10/29/93
Signature
Number of Signs: 2

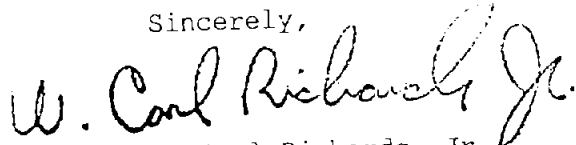
007-3391
(2) For information concerning
the File and/or Hearing, Please call
887-3391.
10/174 October 21.

Zoning Plans Advisory Committee Comments
Mr. and Mrs. Herbert R. Bush (Item 150)
Date:
November 2, 1993Page 2

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.
3. Attorneys, engineers and applicants 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 forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,



W. Carl Richards, Jr.
Zoning Coordinator

WCR:cmn
Enclosures

c: Thonas E. Phelps & Associates, Inc.



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

10/1/93

94-154-SPHA

Account: R-001-6150

Number

150

JL FOR JS.

1 RES. VAR FILING	^{CODES} (010)	50.00
1 RES SPH FILING	(030)	50.00
(2) SIGN POSTINGS	(080)	70.00
TOTAL		170.00

OWNER: BUSH

LOC. # 40PIERD.

02402801304CHRC
PA 50024540110-01 93

\$170.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



94-154-SPHA

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 150

Petitioner: HERBERT BUSH

Location: A OPIE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: HERBERT BUSH

ADDRESS: A OPIE ROAD

WHITE MARSH MD 21162

PHONE NUMBER: (410) 335 8606

AJ:ggs

(Revised 04/09/93)



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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 13, 1993

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: 94-154-SPHA (Item 150)
4 Opie Road
E/S Opie Road, 283' N of Beach Road
15th Election District - 5th Councilmanic
Petitioner: Herbert R. Bush and Ester E. Bush
HEARING: FRIDAY, NOVEMBER 12, 1993 at 2:00 p.m. in Rm. 106, County Office Building.

Special Hearing to approve an undersize lot with no change in density (existing dwelling).
Variance to allow a minimum lot size of .3678 acre in lieu of the required 1 acre; and to allow side yard setbacks of 12 feet and 13 feet in lieu of the 35 feet for this lot.

Arnold Jablon
Director

cc: Herbert and Esther Bush
Thomas E. Phelps & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 15, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-154-SPHA (Item 150)
4 Opie Road
E/S Opie Road, 283' N of Beach Road
15th Election District - 5th Councilmanic
Petitioner: Herbert R. Bush and Ester E. Bush

Special Hearing to approve an undersize lot with no change in density
(existing dwelling).
Variance to allow a minimum lot size of .3678 acre in lieu of the
required 1 acre; and to allow side yard setbacks of 12 feet and 13 feet
in lieu of the 35 feet for this lot.

HEARING: THURSDAY, JANUARY 13, 1994 at 11:00 a.m. in Rm. 118, Old
Courthouse, 400 Washington Avenue, Towson, Maryland 211204..

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Herbert and Esther Bush
Thomas E. Phelps & Associates, Inc.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 2, 1993

Mr. and Mrs. Herbert R. Bush
4 Opie Road
White Marsh, Maryland 21162

RE: Case No. 94-154-SPHA, Item No. 150
Petitioner: Herbert R. Bush, et ux
Petition for Special Hearing

Dear Mr. and Mrs. Bush:

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 October 1, 1993, and a hearing was 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.

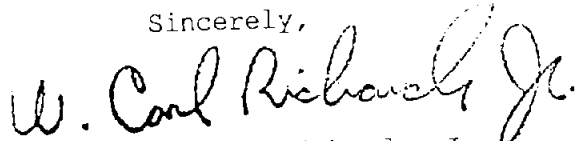
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Zoning Plans Advisory Committee Comments
Mr. and Mrs. Herbert R. Bush (Item 150)
Date:
November 2, 1993Page 2

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If you have any questions concerning the enclosed comments, please feel free to contact Charlotte Minton in the zoning office at 887-3391 or the commenting agency.

Sincerely,



W. Carl Richards, Jr.
Zoning Coordinator

WCR:cm
Enclosures

c: Thonas E. Phelps & Associates, Inc.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-8-93

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

Re: *BALTIMORE COUNTY*
Item No.: *Q 150 (JLL)*

Dear Ms. Minton:

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 project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 14, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 142, 143, 146, 150 and 151.

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 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

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

October 22, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #150 - Bush Property
4 Opie Road
Zoning Advisory Committee Meeting of October 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

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 may contact the Environmental Impact Review Section at 887-3980 for details.

✓
JLP:KK:sp

BUSH/DEPRM/TXTSBP



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

10-8-93

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

Re: *BALTIMORE COUNTY*
Item No.: *Q 150 (JLL)*

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Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

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

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 151
 Bush Property
 Chesapeake Bay Critical Area Findings

DATE: October 26, 1993

RECEIVED

OCT 27 1993

ZADM

SITE LOCATION

The subject property is located at 6 Opie Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Herbert and Esther Bush

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.B.2 and 3 of the Baltimore County Zoning Regulations to permit a minimum lot size of 0.3411 acres in lieu of the required 1 acre, and to allow a side yard setback of 35' to the street centerline and 16' to the side property line in lieu of the required 75' and 35' respectively for this lot.

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 14.15.10.01.0>.

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)>.

Finding: This property is located approximately 570' from the tidal waters of Bird River. Therefore, no disturbance of the 100' buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

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: Current impervious areas total approximately 1,331 square feet or 9% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The amount of impervious areas shall not exceed 3,715 square feet or 25% of the lot during redevelopment.

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: Stormwater runoff is currently directed from impervious surfaces to vegetated areas, to encourages maximum infiltration. No further redevelopment is proposed at this time. These measures will ensure that the requirements of this regulation are met.

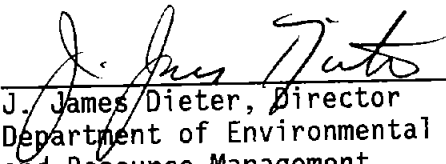
5. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Mr. Arnold E. Jablon
October 26, 1993
Page 3

Finding: The property currently has 15% tree cover and it must be maintained to be in compliance with the above regulation.

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 887-3980.


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

JJD:KDK:tmm

kk

cc: Mr. and Mrs. Herbert Bush
4 Opie Road
White Marsh, Maryland 21162

BUSH2/DEPRM/WQBCA

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 18, 1993

(410) 887-3610

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

ZONING AGENDA: MEETING OF OCTOBER 12, 1993

Property Owner: Maurice M. Boylan, Sr. and Lois M. Boylan
Location: #114 Northwood Drive
Item No.: *142 (JRF)

George F. Sabol, IV & Donna L. Sabol
#18007 Marshall Mill Road
#143 (RT)

George J. Wimmer and Susan M. Wimmer
#9405 Oak White Road
#144 (JCM)

Paul W. Rogers and Bonnie J. Rogers
#1653 Frenchs Avenue
#145 (JRA)

Cedarside Farm Joint Venture
#4 Symphony Woods Court
146 (RT)

Cedarside Farm Joint Venture
#2 Trumpet Court
147 (RT)

Howard B. Miller & Linda C. Miller
SW/S Greenspring Avenue Between Broadway and Kelley Avenues
+148 (WCR)

Peter P. Golaboski and Anna H. Golaboski
#9121 Cuckold Point Road
149 (RT)

Herbert R. Bush and Esther E. Bush
#4 Opie Road
150 (JLL)

Herbert R. Bush and Esther E. Bush
#6 Opie Road
151 (JLL)

Henry C. Stull and Helen A. Stull
#21035 Old York Road



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on Recycled Paper

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND SURVEYING

LAND PLANNING

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

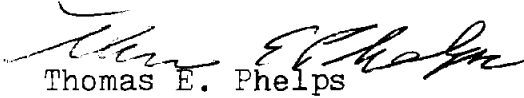
Nov 8, 1993

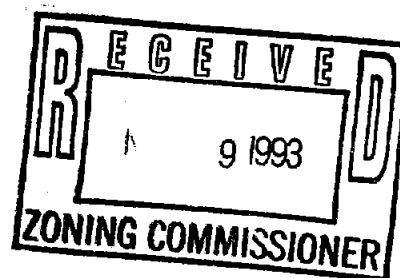
FROM: Thomas E. Phelps
945 Barron Ave.

SUBJECT: Postponement of Bush Property Hearing
Case # 94-154-SPHA
4 & 6 Opie Road

Sir:

The owners of the property at 4 & 6 Opie Road, Mr & Mrs Herbert R Bush, have contacted me to request a postponement of their special hearing on the above property as they are in North Carolina at this time and have problems in getting back here for the hearing. The hearing is scheduled for Nove 12, 1993 at 2:00PM. They would like to reschedule for some time in the middle of December. We appreciate your kind consideration of this matter.


Thomas E. Phelps
Agent for Mr & Mrs Herbert R. Bush



PETITIONER(S) SIGN-IN SHEET

ADDRESS

4 Opie Rd White Marsh 21162
4 Opie Rd White Marsh Md 21162
945 GARNER AVE 21224



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on Recycled Paper

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE *
E/S Opie Road, 283 ft. North of * ZONING COMMISSIONER
Beach Road *
4 Opie Road (+6) * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 94-154 & 155-SPHA
Herbert R. Bush et ux *
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a consolidated hearing for cases Nos 95-154 SPHA and 95-155 SPHA, relating to adjacent properties known as 4 Opie Road and 6 Opie Road, respectively. The Petitions are filed by Herbert R. Bush and Esther E. Bush, his wife, property owners. Within each case, a Petition for Special Hearing was filed requesting approval of an undersized lot with no change in density. Moreover, a Petition for Zoning Variance is filed in case No. 94-154-SPHA (4 Opie Road) seeking relief from Sections 1A01.3.B.2 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a minimum lot size of .3678 acres in lieu of the required 1 acre and to allow a side yard setback of 12 ft. in lieu of the required of 35 ft. In case No. 94-155-SPHA (6 Opie Road), a Petition for Zoning Variance filed also requests relief from Sections 1A01.3.B.2 and 1A01.3.B.3 of the B.C.Z.R. to allow a lot size of .3411 acres in lieu of the required 1 acre and to allow a side yard setback of 13 ft., in lieu of the required 35 ft. Both subject properties and the relief requested is more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the requisite public hearing held for this case were the property owners/Petitioners, Herbert R. and Ester E. Bush. Also appearing was Thomas E. Phelps, a registered property land surveyor, who prepared the plat. There were no Protestants or other interested persons.

ORDER RECEIVED FOR FILING

Date

By

11/28/96
M. G. Gorkh

Testimony and evidence offered is that the subject lots are adjacent properties located in the Bird River Beach Subdivision. The lot known as 6 Opie Court is located immediately adjacent to the intersection of Opie Road and Maple Road; whereas, 4 Opie Road abuts only Opie Road and shares a property line with 6 Opie Road.

Mr. and Mrs. Bush indicated that they purchased the subject properties in 1957. At that time, they acquired 3 lots of the previously recorded subdivision of Bird River Beach. The lots are identified as Nos. 229, 230 and 231. Lots 230 and 231 are approximately 50 ft. in width and 205 ft. in depth. Lot 229 is also approximately 50 ft. in depth but has a narrow frontage on Opie Road. As the property extends toward the rear, it expands to a larger width.

Mr. and Mrs. Bush also indicated that the property was improved with a 1-1/2 story framed dwelling at the time of their purchase. This house has been their home for many years and is known as 4 Opie Road. It actually straddles the lot line between lot 229 and 230. Shortly after their acquisition, they completed building a 1 story framed dwelling which is mostly contained on lot 231. According to a copy of the building permit produced at the hearing, that dwelling was constructed in 1958. Since the date of their acquisition, the Bushes have resided in the property known as 4 Opie Road and have leased the other dwelling. At the present time, their daughter resides therein. It was noted at the hearing that the property was originally zoned R.C.6 but was rezoned R.C.2 in 1984.

The Bushes also testified that they recently decided to sell the property. During the course of preparing the property for marketing, it was discovered that the houses and their location were in violation of the B.C.Z.R. Thus, the subject Special Hearing and Variance Petitions have been filed in order to legitimize the existing situation.

ORDER RECEIVED FOR FILING

Date

By

1/18/90
J. H. Goad

The Petitions should be considered as one in that they relate to common properties which are adjacent to one another. For any variance to be granted, the Petitioner must satisfy the burden set forth in Section 307 of the B.C.Z.R. Therein, it is provided that a variance can be granted only if strict adherence to the regulation would result in practical difficulty upon the Petitioner and his property. Moreover, relief can be granted only if fashioned to observe the spirit of the ordinance and if the variance will not be detrimental to the surrounding locale. The special hearing should be granted only if the relief proposed would not be harmful to the health, safety and general welfare of the location.

In applying these tests to the facts presented, it is clear that the relief requested should be granted. Indeed, this is an old subdivision and the improvements which are located on the subject properties have existed for many years. This is another case of small lots which were created prior to the adoption of zoning regulations in Baltimore County, when the Bird River Beach Subdivision was initially platted. Ultimately, construction was not confined to the small lots created. It would be clearly inappropriate to require the Petitioners to relocate or demolish one of the existing homes. Again, it need be pointed out that the properties have been where situated for over 30 years. Thus, the Petitions for Special Hearing and Variance should be granted and the site plan approved.

This property lies within close proximity to the Chesapeake Bay and is, therefore, subject to the Chesapeake Bay Critical Area legislation found within 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

ORDER RECEIVED FOR FILING

Date

By

1/18/94
Dr. G. G. G.

IT IS FURTHER ORDERED that a variance in case No. 94-155-SPHA (6 Opie Road) from Sections 1A01.3.B.2 and 1A01.3.B 3 of the B.C.Z.R. to allow a lot size of .3411 acres, in lieu of the required 1 acre, and to allow a side yard setback of 13 ft., in lieu of the required 35 ft., be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein.

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated October 26, 1993, attached hereto and made a part thereof.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
11/18/94
Jm. Horak



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: October 14, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 142, 143, 146, 150 and 151.

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 887-3480.

Prepared by:

Division Chief:

PK/JL:lw



150

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4 Opie Road
94-154-SPHA which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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, 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

Should Approve . . . an undersize lot with no change in density (as dwelling already exists).

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.

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/Lessee:

(Type or Print Name)
Signature
Address
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s):

Herbert R. Bush
(Type or Print Name)
Herbert R. Bush
Signature
Esther E. Bush
(Type or Print Name)
Esther E. Bush
Signature

4 Opie Road (410) 335-8608
Address Phone No.

White Marsh, MD 21162
City State Zipcode
Name, Address and phone number of representative to be contacted.

Thomas E. Phelps & Associates, Inc.
Name
945 Barron Avenue
Baltimore, MD 21221 (410) 574-6744
Address Phone No.

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING
unavailable for Hearing
the following dates _____ Next Two Months
ALL _____ OTHER _____
REVIEWED BY: _____ DATE _____



150 CRITICAL



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

94-154-SPHA

4 Opie Road,

which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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, hereby petition for a Variance from Section(s) Sect. 1A01.3.B.2 & 3 to allow a minimum lot size of 0.3678 Acres in Lieu of the required 1 acre, and to allow side yard setbacks of 12' & 13' in lieu of the 35' each for this lot

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

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 Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

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.

Legal Owner(s)

Herbert R. Bush

(Type or Print Name)

Signature

Esther E. Bush

(Type or Print Name)

Signature

4 Opie Road

(410) 335 8608

Address

Phone No.

White Marsh, Md., 21162

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Thomas E. Phelps & Assoc., Inc.

945 Barron Ave.

Baltimore, Md.,

(410) 574 6744

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

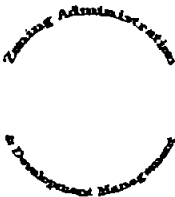
REVIEWED BY:

DATE

10/1/93



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on Recycled Paper



EXAMPLE 3 – Zoning Description – 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

94-154-SPHA

ZONING DESCRIPTION FOR 4 OPLE ROAD, WHITE MARSH, MD
(address)
Election District 15 Councilmanic District 5

Beginning at a point on the EAST side of OPLE ROAD
(north, south, east or west)

_____ which is 40
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 87.50 SOUTH 28.3' N of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street MARPLE ROAD
(name of street)

which is 40 wide. *Being Lot # 2314 P/6230
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of
REVERED BIRCH RIVER BEACH as recorded in Baltimore County Plat
(name of subdivision)

Book # 7, Folio # 187, containing

0.3678 AC OR 16022.59 FT
(square feet and acres)

*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 Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

GH-154-SPH11

District 15th Date of Posting 10/27/93
Posted for: Special Hearing & Variance
Petitioner: Herbert & Esther Bush
Location of property: 4 Opie Rd, 283' N/Beach Rd
Location of Signs: Ferry road, on property being zoned
Remarks: _____
Posted by M. H. H. H. Date of return: 10/29/93
Signature
Number of Signs: 2

007-3391
(2) For information concerning
the File and/or Hearing, Please call
887-3391.
10/174 October 21.



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

10/1/93

94-154-SPHA

Account: R-001-6150

Number

150

JL FOR JS.

1 RES. VAR FILING	^{CODES} (010)	50.00
1 RES SPH FILING	(030)	50.00
(2) SIGN POSTINGS	(080)	70.00
TOTAL		170.00

OWNER: BUSH

LOC. # 40PIERD.

02402801304CHRC
PA 50024540110-01 93

\$170.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



94-154-SPHA

(410) 887-3353

111 West Chesapeake Avenue
Towson, MD 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 150

Petitioner: HERBERT BUSH

Location: A OPIE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: HERBERT BUSH

ADDRESS: A OPIE ROAD

WHITE MARSH MD 21162

PHONE NUMBER: (410) 335 8606

AJ:ggs

(Revised 04/09/93)



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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 13, 1993

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: 94-154-SPHA (Item 150)
4 Opie Road
E/S Opie Road, 283' N of Beach Road
15th Election District - 5th Councilmanic
Petitioner: Herbert R. Bush and Ester E. Bush
HEARING: FRIDAY, NOVEMBER 12, 1993 at 2:00 p.m. in Rm. 106, County Office Building.

Special Hearing to approve an undersize lot with no change in density (existing dwelling).
Variance to allow a minimum lot size of .3678 acre in lieu of the required 1 acre; and to allow side yard setbacks of 12 feet and 13 feet in lieu of the 35 feet for this lot.

Arnold Jablon
Director

cc: Herbert and Esther Bush
Thomas E. Phelps & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 15, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER: 94-154-SPHA (Item 150)
4 Opie Road
E/S Opie Road, 283' N of Beach Road
15th Election District - 5th Councilmanic
Petitioner: Herbert R. Bush and Ester E. Bush

Special Hearing to approve an undersize lot with no change in density
(existing dwelling).
Variance to allow a minimum lot size of .3678 acre in lieu of the
required 1 acre; and to allow side yard setbacks of 12 feet and 13 feet
in lieu of the 35 feet for this lot.

HEARING: THURSDAY, JANUARY 13, 1994 at 11:00 a.m. in Rm. 118, Old
Courthouse, 400 Washington Avenue, Towson, Maryland 211204..

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Herbert and Esther Bush
Thomas E. Phelps & Associates, Inc.

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

October 22, 1993

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #150 - Bush Property
4 Opie Road
Zoning Advisory Committee Meeting of October 12, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

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 may contact the Environmental Impact Review Section at 887-3980 for details.

✓
JLP:KK:sp

BUSH/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 151
Bush Property
Chesapeake Bay Critical Area Findings

DATE: October 26, 1993

RECEIVED
OCT 27 1993

ZADM

SITE LOCATION

The subject property is located at 6 Opie Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Herbert and Esther Bush

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.B.2 and 3 of the Baltimore County Zoning Regulations to permit a minimum lot size of 0.3411 acres in lieu of the required 1 acre, and to allow a side yard setback of 35' to the street centerline and 16' to the side property line in lieu of the required 75' and 35' respectively for this lot.

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 14.15.10.01.0>.

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)>.

Finding: This property is located approximately 570' from the tidal waters of Bird River. Therefore, no disturbance of the 100' buffer shall occur.

2. Regulation: "Dredging, filling, or construction other than approved bulkheading shall not be permitted in any non-tidal and tidal wetlands unless the proposed development consists of utility, bridge, or street development in a non-tidal wetland and unless the Director of Environmental Protection and Resource Management finds this proposed development not detrimental to the County's Wetland Management Programs" <Baltimore County Code, Section 26-447>.

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

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: Current impervious areas total approximately 1,331 square feet or 9% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The amount of impervious areas shall not exceed 3,715 square feet or 25% of the lot during redevelopment.

4. Regulation: "Infiltration of stormwater shall be maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 26-453(h)(2)>.

Finding: Stormwater runoff is currently directed from impervious surfaces to vegetated areas, to encourages maximum infiltration. No further redevelopment is proposed at this time. These measures will ensure that the requirements of this regulation are met.

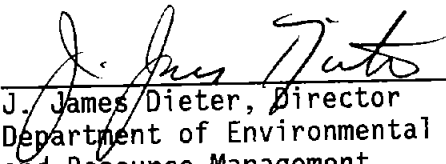
5. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland cover of at least 15%" <COMAR 14.15.02.04 C.(5)(e)>.

Mr. Arnold E. Jablon
October 26, 1993
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Finding: The property currently has 15% tree cover and it must be maintained to be in compliance with the above regulation.

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 887-3980.


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

JJD:KDK:tmm

kk

cc: Mr. and Mrs. Herbert Bush
4 Opie Road
White Marsh, Maryland 21162

BUSH2/DEPRM/WQBCA

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

OCTOBER 18, 1993

(410) 887-3610

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

ZONING AGENDA: MEETING OF OCTOBER 12, 1993

Property Owner: Maurice M. Boylan, Sr. and Lois M. Boylan
Location: #114 Northwood Drive
Item No.: *142 (JRF)

George F. Sabol, IV & Donna L. Sabol
#18007 Marshall Mill Road
#143 (RT)

George J. Wimmer and Susan M. Wimmer
#9405 Oak White Road
#144 (JCM)

Paul W. Rogers and Bonnie J. Rogers
#1653 Frenchs Avenue
#145 (JRA)

Cedarside Farm Joint Venture
#4 Symphony Woods Court
146 (RT)

Cedarside Farm Joint Venture
#2 Trumpet Court
147 (RT)

Howard B. Miller & Linda C. Miller
SW/S Greenspring Avenue Between Broadway and Kelley Avenues
+148 (WCR)

Peter P. Golaboski and Anna H. Golaboski
#9121 Cuckold Point Road
149 (RT)

Herbert R. Bush and Esther E. Bush
#4 Opie Road
150 (JLL)

Herbert R. Bush and Esther E. Bush
#6 Opie Road
151 (JLL)

Henry C. Stull and Helen A. Stull
#21035 Old York Road



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