

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
NEC Monocacy Road and Wicomico Road
2276 Monocacy Road
15th Election District
5th Councilmanic District
Eric H. Wilderson, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-181-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Eric H. Wilderson and Kathleen Wilderson, his wife, for that property known as 2276 Monocacy Road in the Middleborough section of Baltimore County. The Petitioner/property owners herein seek a variance from Sections 1802.3.C.1 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of 50 ft., in lieu of the required 55 ft., and to approve an undersized lot, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of

the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioners' compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of December, 1993 that the Petition for a Zoning Variance from Sections 1802.3.C.1 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of 50 ft., in lieu of the required 55 ft., and to approve an undersized lot, all in accordance with Petitioners' Exhibit 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 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECEIVED FOR FILING
Date 12/23/93
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21284

(410) 487-4396

December 21, 1993

Mr. and Mrs. Eric H. Wilderson
2276 Monocacy Road
Essex, Maryland 21221

RE: Petition for Administrative Zoning Variance
Case No. 94-181-A
Property: 2276 Monocacy Road

Dear Mr. and Mrs. Wilderson:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 897-3351.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mnn
enc1.

ORDER RECEIVED FOR FILING
Date 12/23/93
By [Signature]

ORDER RECEIVED FOR FILING
Date 12/23/93
By [Signature]

Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 2276 Monocacy Rd
which is presently zoned DRS.5

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 Sections 1802.3.C.1 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a width of the front yard of 50 ft., in lieu of the required 55 ft., and to approve an undersized lot.

HARDSHIP: 1. EXISTING HOUSE ON PROP. LINE
2. BUILT ON HILL, HOUSE COLLAPSING TOWARD RIVER
3. NEW PLACEMENT WILL ALLOW FOR PARALLEL ALIGNMENT WITH NEIGHBORING HOUSES.

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.

Eric H. Wilderson
Kathleen Wilderson
2276 Monocacy Rd
Essex, Md 21221

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2276 Monocacy Rd
Essex Md 21221

HARDSHIP: 1. EXISTING HOUSE ON PROP. LINE
2. BUILT ON HILL, HOUSE COLLAPSING TOWARD RIVER
3. NEW PLACEMENT WILL ALLOW FOR PARALLEL ALIGNMENT WITH NEIGHBORING HOUSES.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Eric H. Wilderson
Kathleen Wilderson

STATE OF MARYLAND, COUNTY OF BALTIMORE, to me:

I HEREBY CERTIFY, this 22 day of Dec, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared [Signature]

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her/his knowledge and belief.

AS WITNESS my hand and Notarial Seal.
10-28-93
Hail M. Berger
My Commission Expires: 12-31-93

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2276 Monocacy Road
Essex, Md. 21221

HARDSHIP: #1) Existing House on Property Line
#2) Built on hill, house collapsing toward river
#3) New placement will allow for parallel alignment with neighboring houses.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Eric H. Wilderson
Kathleen Wilderson

STATE OF MARYLAND, COUNTY OF BALTIMORE, to me:

I HEREBY CERTIFY, this 15 day of Dec, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared [Signature]

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her/his knowledge and belief.

AS WITNESS my hand and Notarial Seal.
11-15-93
Hail M. Berger
My Commission Expires: Dec. 31, 1993

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.

ZONING DESCRIPTION FOR 2276 Monocacy Rd
Election District 15 Councilmanic District 5
Beginning at a point on the NE CORNER of MONOCACY RD
& WICOMICO RD which is 30' wide at a distance of centerline of the nearest improved intersecting street which is Middleborough Block # 6 Section # 147 containing 9050 SQ. FT. 0.207 AC.

*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. 121.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 110 ft., and N. 08° 14' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1574 Date of Posting: 11/22/93

Posted for: Eric H. Wilderson

Petitioner: Eric H. Wilderson and Kathleen Wilderson

Location of property: 2276 Monocacy Rd., Towson, MD 21284

Location of Sign: 2276 Monocacy Rd., Towson, MD 21284

Remarks: None

Posted by: William J. Dieter Date of return: 11/22/93

Number of Signs: 1

CRITICAL receipt
74-181-A
Number: 122

Date: 11-27-93

2276 MONOCACY RD
TOWSON MD 21284

NO - VARIANCE - \$ 5000
SIGN - \$ 1000
TOTAL \$ 6000

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

November 22, 1993

Mr. and Mrs. Eric H. Wilderson
2276 Monocacy Road
Baltimore, Maryland 21221

RE: Case No. 94-181-A, Item No. 188
Petitioners: Eric H. Wilderson, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Wilderson:

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, my comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 29, 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.

- 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.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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: X 188 (RT)

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
BOB SMALL
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 Government
Department of Permits and Licenses

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3610

NOVEMBER 16, 1993

MEETING OF NOVEMBER 8, 1993

Property Owner: Dori Eisenacher and Pick Eisenacher
Location: #7512 Gilley Terrace
Item No.: *178 (jjs)

Property Owner: Harry H. Stierhoff, Jr. & Melanie F. Stierhoff
Location: #305 Lenora Avenue
Item No.: *179 (RT)

Property Owner: Perry Hall Courts II Joint Venture
Location: #6 Meadowbank Court
Item No.: 180 (RT)

Property Owner: Regent Development Company
Location: #1600 York Road
Item No.: + 182 (JLS)

Property Owner: Rolling Road Plaza, Inc.
Location: #1100 North Rolling Road
Item No.: + 183 (JCH)

Property Owner: Frederic W. Shaffer & Cynthia A. Shaffer
Location: #1218 Second Road
Item No.: * 184 (JLL)

Property Owner: Martin Thalia Resnick & Thalia D. Pedrick
Location: #1111 Verdant Road
Item No.: *185 (JJS)

Property Owner: Kathleen Ruth Hughes & Richard H. Hughes
Location: #9212 Harford Road
Item No.: +186 (JLL)

Property Owner: Garrison Forest Associates, L.P.
Location: #10300 Reisterstown Rd. Garrison Forest Plaza
Item No.: + 187 (WCP)

Property Owner: Eric H. Wilderson & Kathleen Wilderson
Location: #2276 Monocacy Road
Item No.: * 188 (RT)

Property Owner: Joseph E. Buchanan, II
Location: Proposed #9712 A & B Magledt Road
Item No.: + 189 (JJS)

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: December 21, 1993

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 188
Wilderson Property
Chesapeake Bay Critical Area Findings

14-181-A

SITE LOCATION
The subject property is located at 2276 Monocacy Road. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Eric and Kathleen Wilderson

APPLICANT PROPOSAL
The applicant has requested a variance from section 1802.3.C.1 and 304.2 of the Baltimore County Zoning Regulations to permit a width of a frontyard width of 50 ft. in lieu of the required 55 ft. and to approve an undersized 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:

- "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.>

RECEIVED
23 1993

Mr. Arnold E. Jablon
December 21, 1993
Page 2

REGULATIONS AND FINDINGS

- 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.

- 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: This property is adjacent to the tidal waters of Middle River. The old house footprint is approximately 63 feet from mean high water allowing a buffer of approximately 63 feet to be established. No clearing, grading, or construction shall be permitted in the buffer.

- 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: The current impervious surface equals 1,176 square feet or 13% 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 2,263 square feet or 25% of the lot during redevelopment and is in compliance with the above regulation.

Mr. Arnold E. Jablon
December 21, 1993
Page 2

- 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 shall be directed from impervious surfaces associated with this plan, to pervious areas, to encourage maximum infiltration. Rooftop runoff shall be directed through downspouts and into a seepage pit or drywell, to encourage maximum infiltration (see attached information). These measures will ensure that the requirements of this regulation are met.

- 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: A 15% forest cover is present and must be maintained.

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

JJD:KDK:tmw
KK
Enclosure

cc: Mr. and Mrs. Eric Wilderson
2276 Monocacy Road
Baltimore, Maryland 21221

MONOCACY/DEPRM/MQCBCA

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOVEMBER 5, 1993

Eric H. Wilderson and Kathleen Wilderson
2276 Monocacy Road
Essex, Maryland 21221

Re: CASE NUMBER: 94-181-A
ITEM NUMBER: 188
LOCATION: 2276 Monocacy Road

Dear Mr. & Mrs. Wilderson:

Pursuant to review by Mr. Richards and/or his staff, the above matter has been incompletely rendered. Notwithstanding, it was processed through the system; enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Be advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

The Notary section of your petition is incomplete, in that owners names and statement are not notarized. Please submit new affidavits.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

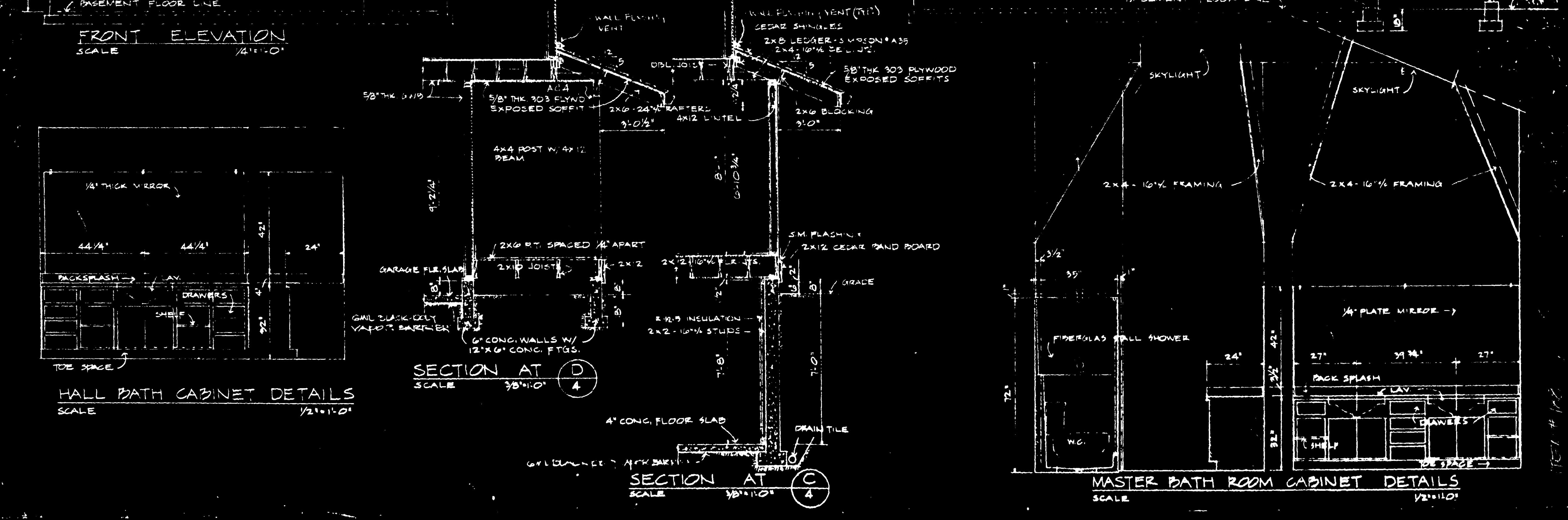
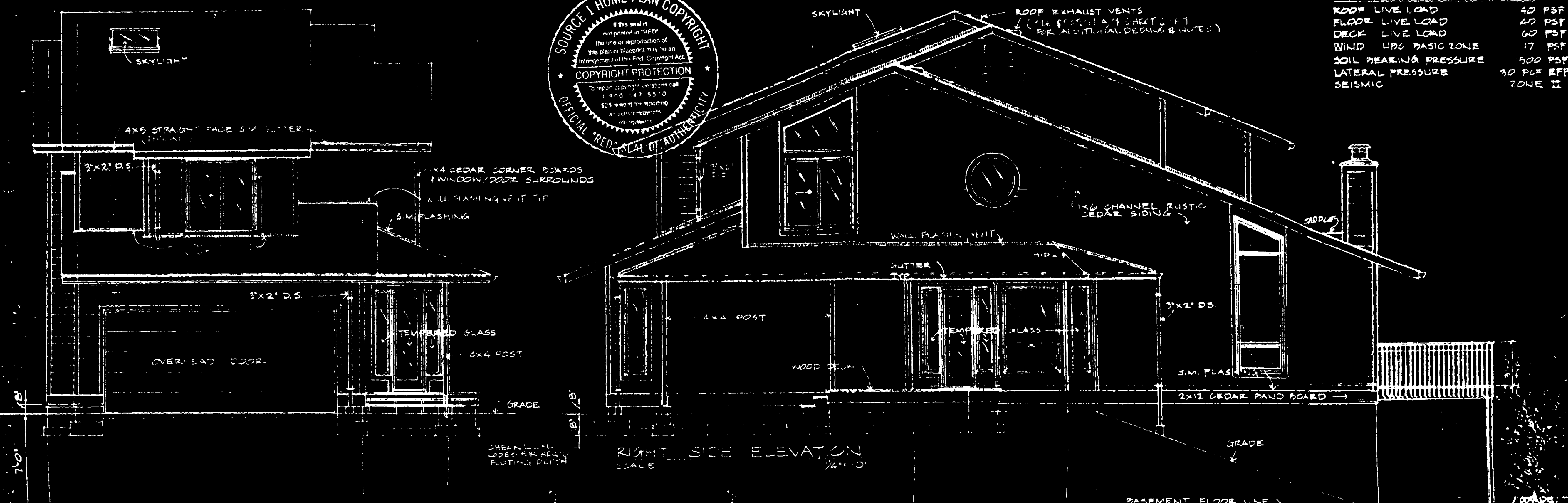
At:ggg

MINNEAPOLIS, MN
HOMESTYLES PLAN SERVICE

DATE: 10/15/89
DRAWING NUMBER: 2427-3B
SHEET NUMBER: 1 of 7



STRUCTURAL DESIGN DATA	
ROOF LIVE LOAD	40 PSF
FLOOR LIVE LOAD	40 PSF
DECK LIVE LOAD	60 PSF
WIND UPG BASIC ZONE	17 PSF
SOIL BEARING PRESSURE	500 PSF
LATERAL PRESSURE	90 PCF EFF
SEISMIC	ZONE II



HOMESTYLES PLAN SERVICE
MINNEAPOLIS, MN

DATE: 10/15/89
DRAWING NUMBER: 2427-3B
SHEET NUMBER: 1 of 7



94-181-A BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200 FT
LOCATION WILMINGTON
DATE OF PHOTOGRAPHY JANUARY 1986
SHEET

PHOTOGRAPH BY AIR PHOTOGRAPHY, INC.
MAP COURTESY W. J. 1986