

IN RE: PETITION FOR VARIANCE * BEFORE THE
 S/S Anne Avenue, 146' W of * DEPUTY ZONING COMMISSIONER
 the c/l of Carvel Grove Road (1703 Anne Avenue) * OF BALTIMORE COUNTY
 15th Election District * Case No. 94-269-A
 5th Councilmanic District
 Carville A. Lauenstein
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for the subject property, known as 1703 Anne Avenue, located in the Essex area of southeastern Baltimore County. The Petition was filed by the owner of the property, Carville A. Lauenstein, and the Contract Purchaser, Gunter Manor Homes, Inc., by Robert S. Lund, President. The Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum sum of side yard widths of 23 feet in lieu of the required 25 feet for a dwelling reconstruction in accordance with Petitioner's Exhibit 2.

Appearing on behalf of the Petition were Carville A. Lauenstein, property owner, and Vincent J. Moskunas, Professional Engineer. There were no Protestants present.

Testimony indicated that the subject property, known as 1703 Anne Avenue, consists of 2.7 acres, more or less, zoned D.R. 3.5 and is improved with a one-story frame dwelling. This property is located within the Chesapeake Bay Critical Areas on Red Pen Creek near Middle River. The Petitioner has entered into a contract of sale with Gunter Manor Homes, Inc. who is desirous of razing the existing dwelling and reconstructing a single family dwelling on the property in accordance with Petitioner's Exhibit 2. The Petitioner testified that the old dwelling is dilapidated and beyond

repair and that the proposed dwelling will be a substantial improvement to the site. Testimony and evidence revealed that the relief requested is necessary in order to comply with setback requirements established by the Department of Environmental Protection and Resource Management (DEPRM) due to the property's location within a Critical Area of the Chesapeake Bay. Further testimony indicated that all other setback requirements and building code regulations will be met by the proposed development.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for

Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner 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, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of February, 1994 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum sum of side yard widths

of 23 feet in lieu of the required 25 feet for a dwelling reconstruction, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 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 relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by DEPRM dated January 28, 1994.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 28, 1994, attached hereto and made a part hereof.

Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjc

ORDER RECEIVED FOR FILING
 Date 2/28/94
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 2/28/94
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 2/28/94
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning
 Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204
 February 28, 1994 (410) 887-4386

Mr. Carville A. Lauenstein
 1308 Old Eastern Avenue
 Baltimore, Maryland 21221
 RE: PETITION FOR VARIANCE
 S/S Anne Avenue, 146' W of the c/l of Carvel Grove Road
 (1703 Anne Avenue)
 15th Election District - 5th Councilmanic District
 Carville A. Lauenstein, - Petitioner
 Case No. 94-269-A

Dear Mr. Lauenstein:
 Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco

TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

cc: Chesapeake Bay Critical Areas Commission
 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
 Mr. Robert S. Lund, President, Gunter Manor Homes, Inc.
 1117 Mace Avenue, Baltimore, Md. 21221
 Mr. Vincent J. Moskunas, M & H Development Engineers, Inc.
 200 E. Joppa Road, Towson, MD. 21204
 DEPRM; People's Counsel; File

Petition for Variance
 to the Zoning Commissioner of Baltimore County
 for the property located at #1703 Anne Avenue
 which is presently zoned DR-3.5

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(s) 180 2.3.C.1; BCZR, to permit a minimum sum of sideyard widths of 23' in lieu of the required 25'.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. D.E.P.R.M. will not allow the proposed dwelling to be located any further than the existing rear wall of the existing dwelling.
 2. The sideyard will then need to be what dimension it becomes.
 3. Cannot receive waiver from D.E.P.R.M.

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.

Current Purchaser/Owner: GUNTER MANOR HOMES INC
 SUBJECT'S LEGAL PROPERTY
 Robert S. Lund, President
 Address: 1117 MACE AVE
 City: BALTA, MD 21221

Legal Owner(s): Carville A. Lauenstein
 Address: 1308 Old Eastern Avenue 687-1075
 City: Baltimore, Maryland 21221

Attorney for Petitioner: M & H Development Engineers, Inc.
 Address: 200 E. Joppa Road, Towson, MD 828-9060

OFFICIAL USE ONLY
 Date of Filing: 2/28/94
 Date of Hearing: 1-5-94

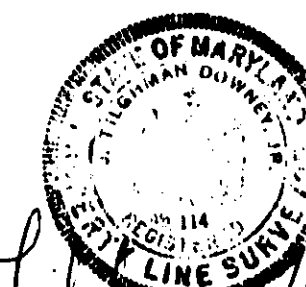
ORDER RECEIVED FOR FILING
 Date 2/28/94
 By [Signature]

M. & H. DEVELOPMENT ENGINEERS, INC.
 200 EAST JOPPA ROAD
 ROOM 101, SHELL BUILDING
 TOWSON, MARYLAND 21204
 December 27, 1993
 94-269-A

DESCRIPTION FOR SIDYARD VARIANCE
 LOT 19, "PLAT OF CARVILLE GROVE"

ZONING DESCRIPTION FOR #1703 ANNE AVENUE
 ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 5

Beginning at a point on the south side of Anne Avenue which is 30 foot right-of-way wide at a distance of 146 feet west of the centerline of the nearest improved intersecting street Carvel Grove Road which is 30 foot right-of-way wide. *Being Lot #19, in the subdivision of Carville Grove as recorded in Baltimore County Plat Book #5, Folio #52.
 Containing 10,070.6 square feet & 0.2 acres, more or less.



Joseph Tilghman Downey, Jr.
 Joseph Tilghman Downey, Jr.
 Registered No. 114

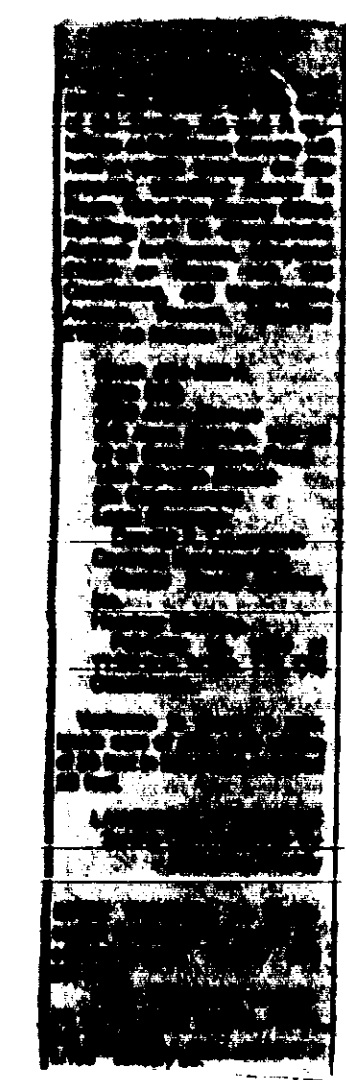
CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15th Date of Posting: 2/28/94
 Posted for: Variance
 Petitioner: Carville A. Lauenstein & Gunter Manor Homes, Inc.
 Location of property: 1703 Anne Ave, 3/4, 1/4 E. of Carvel Grove Rd.
 Location of Sign: Along street way, on property, bay road
 Remarks:
 Posted by: [Signature] Date of return: 2/28/94
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 1/20 1994
 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 1/20 1994.

THE JEFFERSONIAN,
A. Henrichsen
 LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21284

#268
CRITICAL
receipt
94-269-A
Account: R-001-0100

12-29-93
CARVILLE LAUENSTEIN 1703 ANNE AVE.
VAR. (010)
POSTING (050)

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public for a public hearing on the property 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 assessed 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.: #268
Petitioner: GUNTER MANOR HOMES, INC.
Local no.: 1703 ANNE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:
NAME: ROBERT LINDO
ADDRESS: 1117 MARC AVENUE
ESSEX, MARYLAND 21221
PHONE NUMBER: 574-5432

Atty: (Revised 04/09/93)

Item Number: 268
Planner: JCH
Date Filed: 1-8-94

PETITION PROCESSING FLAG

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "Flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

Need an attorney

The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acresage
- Plats (need 12, only submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- Signature (need minimum 1 original signature) and/or printed name and/or title of person signing for legal owner/contract purchaser
- Power of attorney or authorization for person signing for legal owner and/or contract purchaser
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

NOT MARKED "CRITICAL"

PET-FLAG (TXTSOPH)
11/17/93

TO: PETITIONER PUBLISHING COMPANY
JANUARY 20, 1994 Issue - Jeffersonian

Please forward billing to:
Robert Lindo
1117 Marc Avenue
Essex, Maryland 21221
574-5432

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 West Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 600 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-269-A (11th J8)
1703 Anne Avenue
S/S Anne Avenue, 146' W of n/3 Carvel Grove Road
15th Election District - 5th Councilmanic
Legal Owner(s): Carville A. Lauenstein
Contract Purchaser(s): Gunter Manor Homes, Inc.
HEARING: MONDAY, FEBRUARY 14, 1994 at 11:00 a.m. Rm. 118, Old Courthouse.

Variance to permit a minimum sum of side yard widths of 25 feet in lieu of the required 25 feet.

LANEWE E. SPWILIT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

JANUARY 14, 1994

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 West Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 600 Washington Avenue, Towson, Maryland 21284 as follows:

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Variance to permit a minimum sum of side yard widths of 25 feet in lieu of the required 25 feet.

Arnold Jablon, Director

Carville A. Lauenstein
Gunter Manor Homes, Inc.
M & H Development Engineers, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 WEST 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 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284 (410) 887-3353

February 9, 1994

Carville A. Lauenstein
1308 Old Eastern Avenue
Baltimore, Maryland 21221

RE: Case No. 94-269-A, Item No. 268
Petitioner: Carville A. Lauenstein, et al
Petition for Variance

Dear Mr. Lauenstein:

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 January 5, 1994, 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.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-20-94

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. 268 (JCH)

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 DAVID N. WATSEY, ACTING CHIEF
John Conestable, 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: January 20, 1994

FROM: Pat Kaller, 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 No. 262, 264, 265, 266, 267, 268, 270, 273, 274, 275 and 276.

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: Jeffrey W. Long
Division Chief: Campbell Lewis

PK/JL:lw

ZAC.262/PZONE/ZAC1

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 01/18/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21286
MAIL STOP 11-05

RE: Property Owner: SEE BELOW
LOCATION: Zoning Agent:
Item No.: SEE BELOW

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

7. The Fire Prevention Bureau has no comments at this time, ON THE FOLLOWING ITEM NUMBERS: 264, 265, 266, 267, 268, 269, 270, 272, 273, 274, 275, AND 276.

RECEIVED
JAN 20 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERHAALD
Fire Prevention, PHONE 887-4881, HS-1100F

cc: File

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 20, 1994

FROM: Pat Koller, 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 No. 262, 264, 265, 266, 267, 270, 273, 274, 275 and 276.

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: Jeffrey W. Long
Division Chief: Cary L. Lewis

PK/JL:lw

ZAC.262/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: January 28, 1994

FROM: J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 268
Lauenstein Property
Chesapeake Bay Critical Area Findings

SITE LOCATION
The subject property is located at 1703 Anne Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Carville Lauenstein

APPLICANT PROPOSAL
The applicant has requested a variance from section 1802.3.C.1 of the Baltimore County Zoning Regulations to permit a sideyard width of 23 ft. in lieu of the required 25 ft.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM
In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.D>

ORDER RECEIVED FOR FILING
Date: 1/28/94
By: JJD

Mr. Arnold E. Jablon
January 28, 1994
Page 2

REGULATIONS AND FINDINGS

1. 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>
2. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Section 26-449(a)>
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)>
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)>

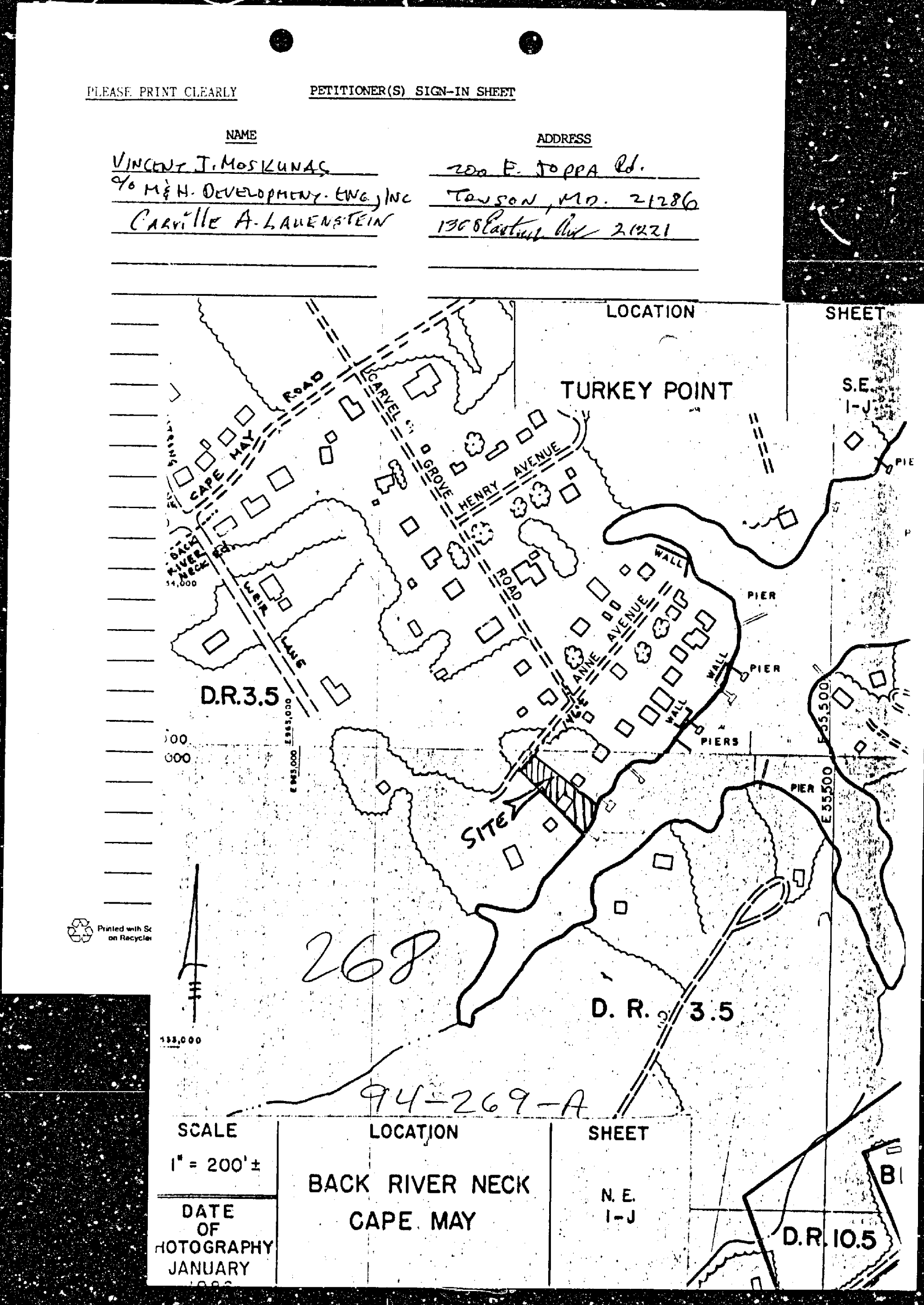
Findings:
1. No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site. Therefore, no dredging, filling, or construction shall occur in any tidal or non-tidal wetland for this project, and this regulation has been met.

2. This property is adjacent to the tidal waters of Hog Pen Creek. The old house to be razed is approximately 50 feet from mean high water. The new house shall extend no closer to the water than the old house to comply with this regulation.

3. The current impervious surface equals 1,557 square feet or 15% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The amount of impervious areas shall not exceed 25% of the lot during redevelopment and is in compliance with the above regulation.

4. 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 across the lawn, to encourage maximum infiltration. These measures will ensure that the requirements of this regulation are met.

ORDER RECEIVED FOR FILING
Date: 1/28/94
By: JJD



Mr. Arnold E. Jablon
January 28, 1994
Page 3

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)>

Finding: Six (6) large trees are present. Two (2) will probably have to be cut down to accommodate the proposed new dwelling. The other four (4) trees must be maintained to keep 15% forest cover.

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/cmm

cc: Mr. Carville Lauenstein
1308 Old Eastern Avenue
Baltimore, Maryland 21221

ANNE/DEPRH/WOCBCA

ORDER RECEIVED FOR FILING
Date: 1/28/94
By: JJD

