

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 15, 1996

(410) 887-4386

Mr. John Wolinski
1000 Gladway Road
Baltimore, Maryland 21220

Supplemental
Case #94-316-SPHA

RE: Property: 930 Gladway Road
Case No. 94-316-SPHA
Item #318 - TA #15-16-150053
Petitioner: Forward Development Co.

Dear Mr. Wolinski:

This is to acknowledge receipt of your recent letter regarding the above matter. I have retrieved the file from storage and reviewed my decision of October 19, 1994, as modified on April 25, 1995. I have also reviewed the notes taken during the course of the hearing.

I am unable to locate any reference to the fact that Mr. Ernst testified at the hearing that a basement to the proposed dwelling would not be allowed. Obviously, my written decisions speak for themselves.

In any event, I attempted to contact Mr. Ernst to obtain his input, however, I have been advised that he is retired and is no longer working for Baltimore County. His responsibilities have been assumed by Mr. Rob Powell of the Department of Environmental Protection and Resource Management. Mr. Powell's telephone is 887-2762. I suggest that you contact him directly should you have any questions regarding environmental repercussions of the proposed dwelling. I am forwarding a copy of this correspondence and your letter to him to alert him of your potential inquiry.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.
c: Rob Powell, c/o DEPRM, MS 3404



Printed with Soybean Ink
on Recycled Paper

LAWRENCE SCHMIDT

I AM WRITING IN REGARD TO
HEARING 2-13-95. CASE# 94-316 SPHA

MR THOMAS H ERNST SAID AT
THAT HEARING IN QUESTION ON
SEPTIC SYSTEM - BY MOVING SEPTIC
SYSTEM WITHIN 10' OF HOUSE, THAT
NO BASEMENT WAS ALLOWED -

HOUSE IS NOW BEING BUILT
AND A BASEMENT IS BEING PUT IN.

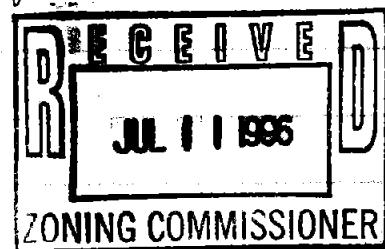
MR ERNST SAID AT THAT HEARING
THERE WILL BE A POSSIBLE GROUND
CONTAMINATION - I HAVE NOT RECEIVED
ANY LETTER ABOUT THIS - AND IT WAS
LEFT OUT OF YOUR DECISION -

PLEASE ANSWER WITHIN 10 DAY OF
GETTING THIS LETTER IN WRITING

TRULY
John Wolinski
1000 GLADWAY RD
BALTO, MD, 21220

John Wolinski

P.S. I HAVE NOTHING ON
FILE ABOUT YOUR ~~DECI~~
HAND IN THIS MATTER





12/28/95
V

6055-95
JCM
12/29 ucr
Re. 2 1/2

December 28, 1995

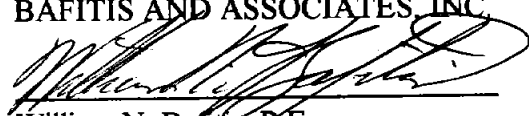
Mr. Carl Richards, Zoning Supervisor
111 West Chesapeake Avenue
Room 111
Baltimore, Maryland 21204

Dear Carl;

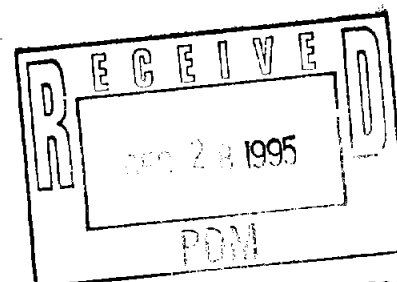
Ref: 930 Gladway Road - Zoning Case No. 94-316 SPHA October 19, 1995

As directed by the Zoning Commissioner, we are submitting two (2) copies of the revised "Plat to Accompany Petition for Zoning Variances and Special Hearing" for the above referenced Zoning Case for your files.

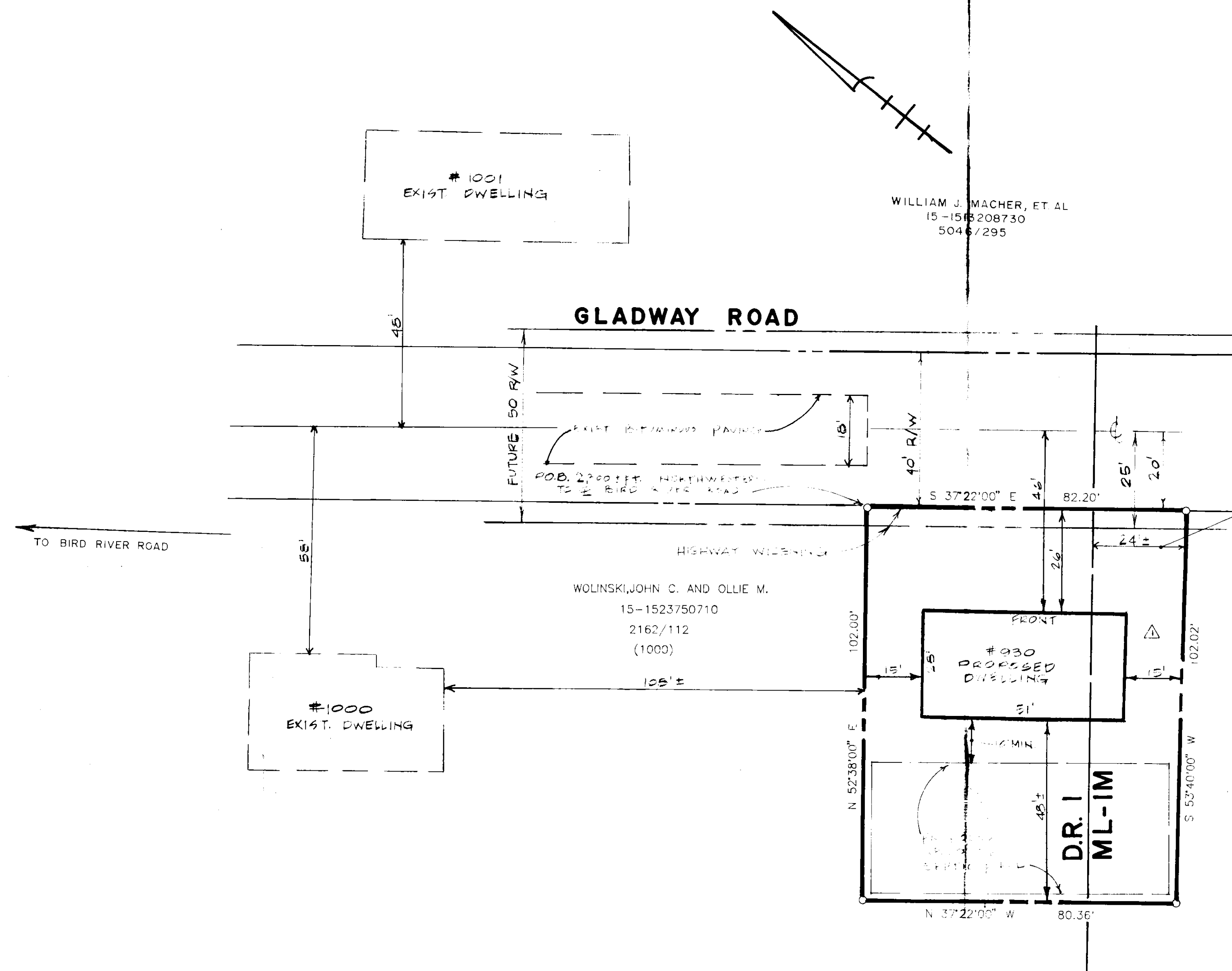
Very truly yours,
BAFITIS AND ASSOCIATES, INC.


William N. Bafitis, P.E.
President

WNB/lkb



Civil Engineers / Land Planners / Surveyors - 1249 Engleberth Road / Baltimore, Maryland 21221 / 410-391-2336



ZONING VARIANCES REQUESTED PURSUANT TO ZONING COMMISSIONERS' POLICY MANUAL SECTION 302.1

SHERMAN, GERALD D. AND SPERO, RODGER
15-1519323240
5072/229
615 LYNHAVEN PKWY.
VIRGINIA BEACH
VA 23452

NO EXIST. STRUCTURES
WITHIN 200'

SHERMAN, GERALD D. AND SPERO, RODGER
15-1519323240
5072/229
615 LYNHAVEN PKWY.
VIRGINIA BEACH
VA 23452

SPECIAL HEARING
To permit residential use in a ML Zone

VARIANCES REQUESTED

Section 1802.3.C.1: To permit a lot area of 7,883.84 sq. ft. in lieu of the required 40,000 sq. ft.

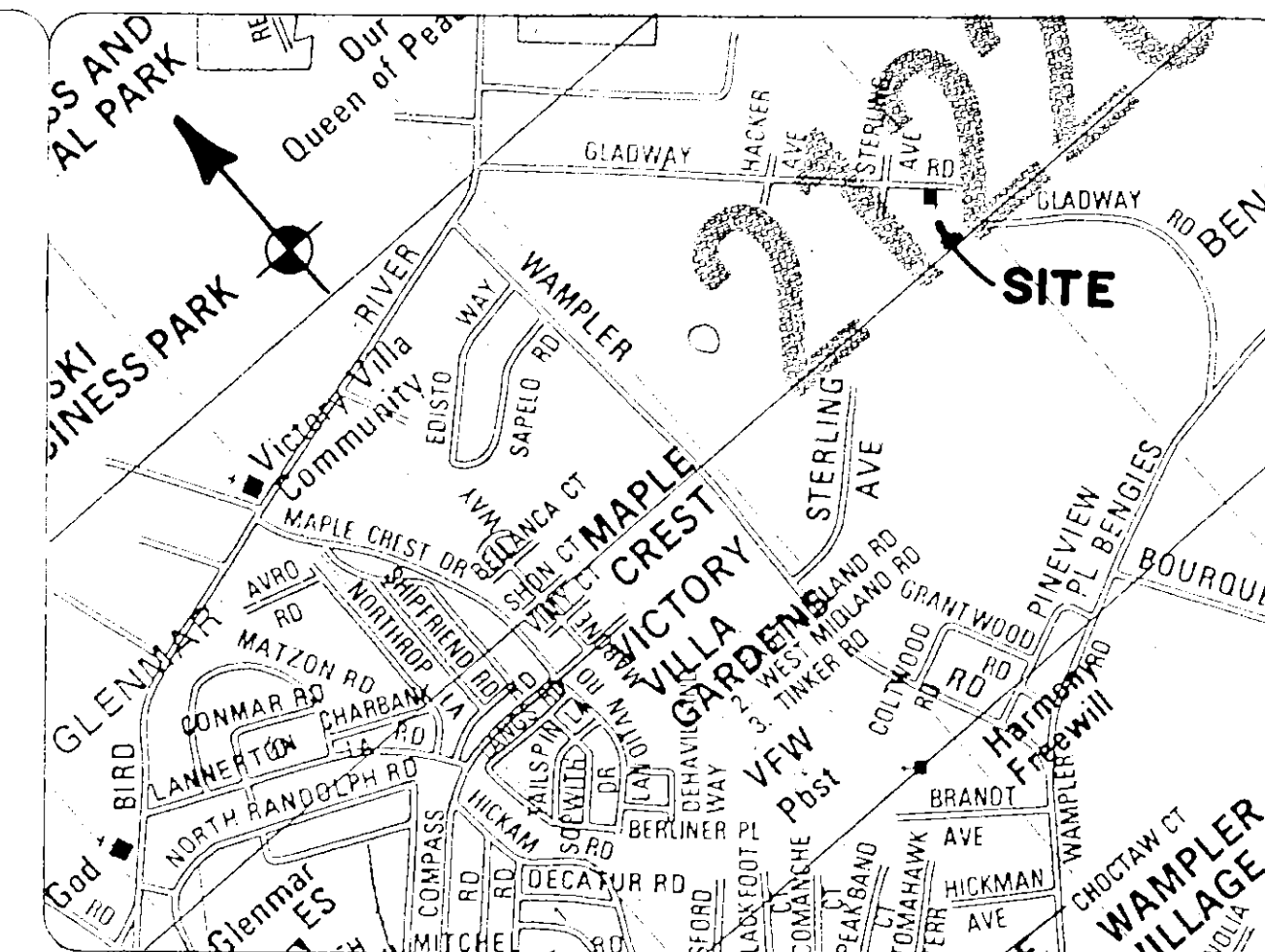
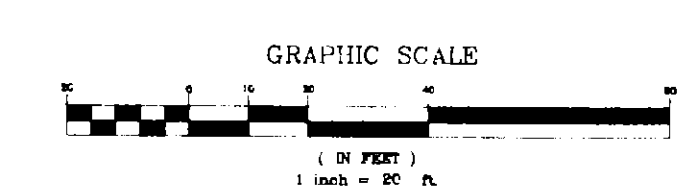
Section 1802.3.C.1: To permit a minimum lot width of 80.3± ft. in lieu of the required 150 ft.

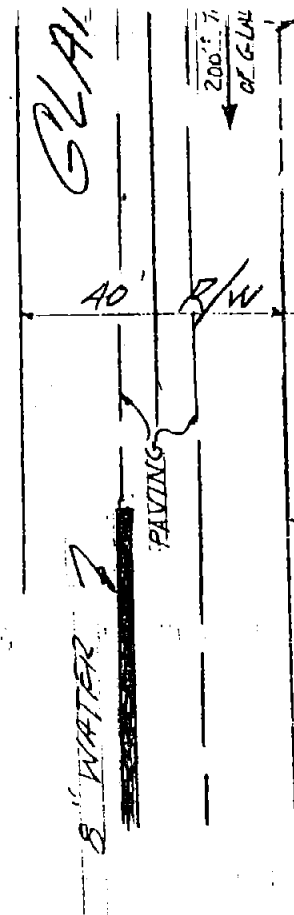
Section 1802.3.C.1: To permit a minimum front-yard depth of 11' ft. in lieu of the required 50 ft.

Section 1802.3.C.1: To permit a minimum sum of the side-yard widths of 20 ft. in lieu of the required 50 ft.

Section 1802.3.C.1: To permit a minimum individual side-yard of 10 ft. in lieu of the required 20 ft.

NOTE: Requested variances related to the M.L. zoned portion of the site are subject to the Zoning Commissioners Policy Manual Section 302 and the D.R. zoning regulations.





LEGEND.

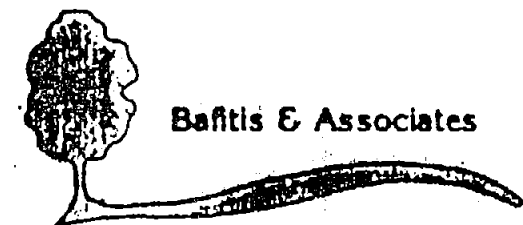
- PERK TEST-PASS
- △ PERK TEST-FAILED

SECOND PARCEL AS DESCRIBED
IN DEED REF. 7449/520
930 Gladway Road ED 11

6/17/93

Plot Plan

REVISED 6/4/93



Bafitis & Associates

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

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

SITE PLAN
FOR
PERK TEST

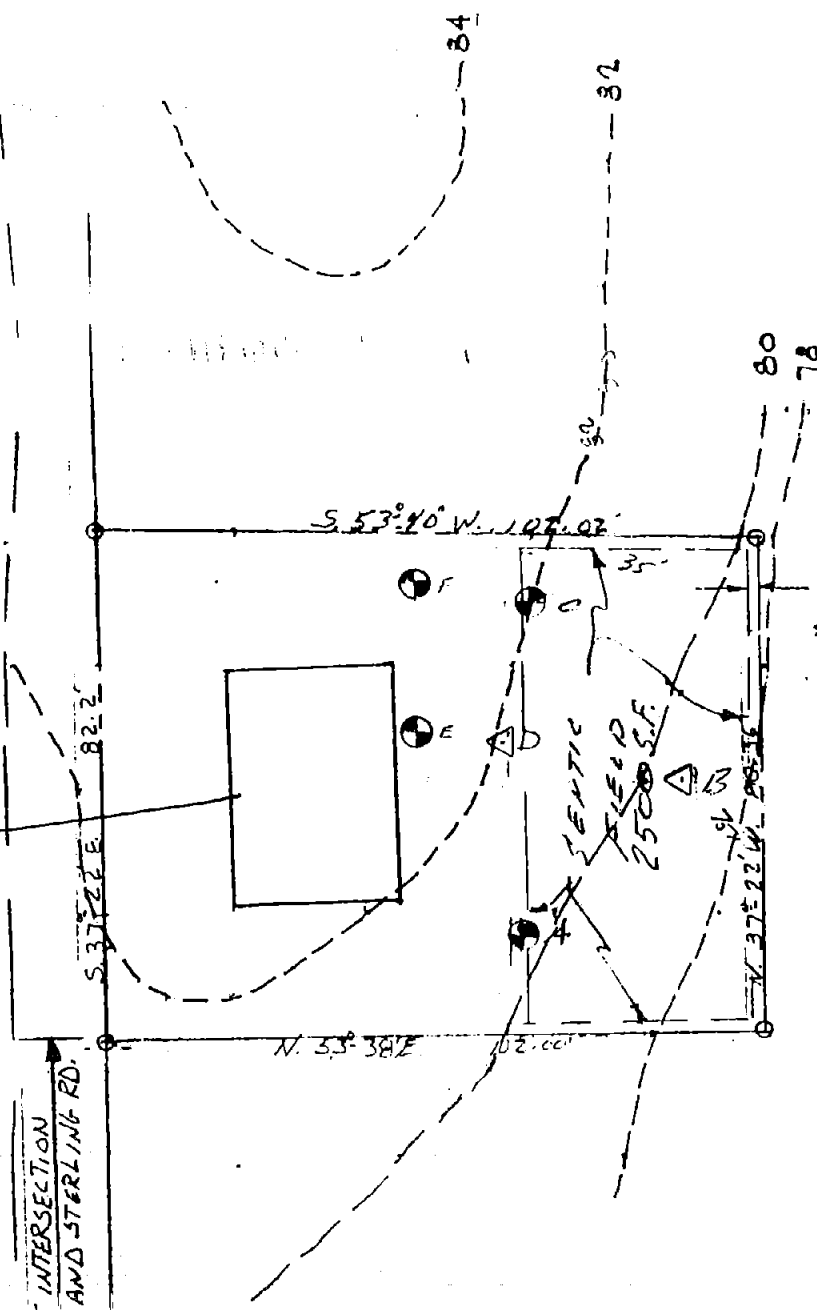
SCALE: 1"=30'

DATE: 5/7/95

Note
BASE
VA

WAY ROAD

INTERSECTION
AND STERLING RD.



70

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SW/S Gladway Road, * ZONING COMMISSIONER
2300' SE of c/l Bird River Road *
(930 Gladway Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 94-316-SPHA
Forward Development Company *
Petitioner *

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter came before this Zoning Commissioner as Petitions for Special Hearing and Variance for the subject property located in the Bengies area of southeastern Baltimore County. The Petitions were filed by the owner of the property, the Forward Development Company, seeking special hearing and variance relief to develop the subject lot, zoned M.L.-I.M., with a single family dwelling in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

By way of background, a series of variances were requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), including relief to allow a lot width of 80.3 feet in lieu of the required 150 feet, a front yard depth of 11 feet in lieu of the required 50 feet, a minimum sum of the side yards of 20 feet in lieu of the required 50 feet, and individual side yard setbacks a minimum of 10 feet each in lieu of the required 20 feet. Modified relief was granted, subject to certain terms and restrictions, by Order issued October 19, 1994. My Findings of Fact and Conclusions of Law as set forth within that Order have been incorporated herein as if fully set forth.

Subsequent to the issuance of said Order, Counsel for the Petitioner filed a Motion for Reconsideration by letter dated November 11, 1994, seeking a modification of the variance relief granted. In addition,

Mr. John C. Wolinski, the adjoining property owner who appeared as a Protestant in this matter, filed a request for modification of the front yard setback granted by my Order in his letter dated November 17, 1994. In that both sides requested a reconsideration of my Order, the matter was reconvened for a public hearing which was held on February 13, 1995.

Appearing at that hearing were Leslie Kaminski, an officer of Forward Development Company, John B. Gontrum, Esquire, attorney for the Petitioner, John C. Wolinski, adjoining property owner, and David Walden, a Consultant who assisted Mr. Wolinski in the presentation of testimony and evidence.

On behalf of the Petitioner, Mr. Gontrum seeks a reconsideration concerning two points. First, he favors an increased front yard setback. In this respect, further testimony was taken regarding the impact of the relief granted in my prior Order. Specifically, although I granted a variance, I required a front yard setback of 25 feet in lieu of the 11 feet requested by the Petitioner. Mr. Gontrum noted during testimony and argued that a dwelling could not be constructed in accordance with the restrictions imposed by the Order. Under such a scenario, the dwelling would only be 14 feet deep by 51 feet wide.

Mr. Gontrum also questioned the side yard setbacks granted. He noted that the Petitioner proposed construction of a dwelling with an attached two-car garage, resulting in a total width of 61 feet. Mr. Gontrum believes that a house of this size is compatible with the surrounding locale and is appropriate for this lot.

For his part, Mr. Wolinski believes that variance relief should not be granted. He argued that the variance relief sought is considerable

ORDER RECEIVED FOR FILING

Date _____

By _____

and that the property itself is too small to support reasonable residential development.

Testimony was also taken from Thomas H. Ernst with the Department of Environmental Protection and Resource Management (DEPRM). Moreover, immediately following the hearing, a letter was received from J. James Dieter, Director of DEPRM. Mr. Ernst testified that a 2500 sq.ft. septic reserve area had been approved for this lot. He noted that normally, a 5,000 sq.ft. area was the minimum amount, but that a 2500 sq.ft. area was permitted in this case. He discussed in some detail the plans and test results which had been previously submitted and served as the basis for approving the 2500 sq.ft. septic reserve area. He also discussed DEPRM's requirements as they relate to the minimum distance between the septic system and the dwelling. He noted that the design of the septic system had not been approved and that same would not come before him for consideration until final plans had been submitted.

The comments within Mr. Dieter's letter were also significant. Of particular note was Mr. Dieter's statement that the setback between the house and approved septic reserve area "could be reduced to 10 feet upon request."

In view of the testimony and evidence offered, my decision shall be amended as follows: I will allow the Petitioner to construct a house 28 feet in depth; however, based on Mr. Dieter's letter and Mr. Ernst's comments at the hearing, the proposed dwelling shall be set back 10 feet further towards the rear of the property. This will place the house approximately 10 feet from the approved septic reserve area, which, based on the comments in Mr. Dieter's letter, is acceptable to DEPRM. This will also provide a distance of 46 feet from the front of the house to the

centerline of Gladway Road and a 26-foot distance from the 40-foot right-of-way of Gladway Road.

As to the side yard setbacks, I am not persuaded that an attached two-car garage is necessary. Quite frankly, a house model of this size is inappropriate for this small lot. Parking would ultimately be available on Gladway Road, particularly, since the road ends at that point. A single family dwelling, 51 feet in width, will be the maximum allowed. Thus, the side yard setback which must be maintained shall be 15 feet on both sides, for a total sum of 30 feet. This will allow for the construction of a 28-foot deep by 51-foot wide dwelling, which, in the opinion of this Zoning Commissioner, would be appropriate for a lot of this size.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of April, 1995 that the Order issued October 19, 1994 in the above-captioned matter, be and is hereby AMENDED to GRANT a variance from Section 1802.3.C.1 of the B.C.Z.R. to permit minimum side yard setbacks of 15 feet on each side in lieu of the required 20 feet, and a sum of the side yards of 30 feet in lieu of the required 50 feet, and a front yard setback of 26 feet in lieu of the required 50 feet, and as such, the Petitioner's Motion for Reconsideration, as modified herein, is 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.

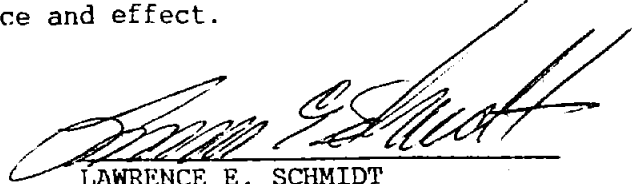
2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING

Date

By

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued October 19, 1994, with the exception of the modifications granted herein, shall remain in full force and effect.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Boulevard, Baltimore, Md. 21221

Mr. Leslie Kaminski
104-B Briarwood Road, Baltimore, Md. 21222

✓ Mr. John C. Wolinski
1000 Gladway Road, Baltimore, Md. 21220

Mr. David Walden
410 W. Union Avenue, Havre De Grace, Md. 21078

People's Counsel; Case File

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SW/S Gladway Road, * ZONING COMMISSIONER
2300' SE of c/l Bird River Road * (930 Gladway Road)
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District * Case No. 94-316-SPMA
Forward Development Company
Petitioner:

ORDER ON MOTION FOR RECONSIDERATION

This matter came before this Zoning Commissioner as Petitions for Special Hearing and Variance for the subject property located in the Bengies area of southeastern Baltimore County. The Petitions were filed by the owner of the property, the Forward Development Company, seeking special hearing and variance relief to develop the subject lot, zoned M.L.-I.M., with a single family dwelling in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

By way of background, a series of variances were requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), including relief to allow a lot width of 80.3 feet in lieu of the required 150 feet, a front yard depth of 11 feet in lieu of the required 50 feet, a minimum sum of the side yards of 20 feet in lieu of the required 50 feet, and individual side yard setbacks a minimum of 10 feet each in lieu of the required 20 feet. Modified relief was granted, subject to certain terms and restrictions, by Order issued October 19, 1994. My Findings of Fact and Conclusions of Law as set forth within that Order have been incorporated herein as if fully set forth.

Subsequent to the issuance of said Order, Counsel for the Petitioner filed a Motion for Reconsideration by letter dated November 11, 1994, seeking a modification of the variance relief granted. In addition,

Mr. John C. Molinski, the adjoining property owner who appeared as a Pro-stant in this matter, filed a request for modification of the front yard setback granted by my Order in his letter dated November 17, 1994. In that both sides requested a reconsideration of my Order, the matter was reconvened for a public hearing which was held on February 13, 1995.

Appearing at that hearing were Leslie Kaminaki, an officer of Forward Development Company, John B. Gontrum, Esquire, attorney for the Petitioner, John C. Molinski, adjoining property owner, and David Walden, a Consultant who assisted Mr. Molinski in the presentation of testimony and evidence.

On behalf of the Petitioner, Mr. Gontrum seeks a reconsideration concerning two points. First, he favors an increased front yard setback. In this respect, further testimony was taken regarding the impact of the relief granted in my prior Order. Specifically, although I granted a variance, I required a front yard setback of 25 feet in lieu of the 11 feet requested by the Petitioner. Mr. Gontrum noted during testimony and argued that a dwelling could not be constructed in accordance with the restrictions imposed by the Order. Under such a scenario, the dwelling would only be 14 feet deep by 51 feet wide.

Mr. Gontrum also questioned the side yard setbacks granted. He noted that the Petitioner proposed construction of a dwelling with an attached two-car garage, resulting in a total width of 61 feet. Mr. Gontrum believes that a house of this size is compatible with the surrounding locale and is appropriate for this lot.

For his part, Mr. Molinski believes that variance relief should not be granted. He argued that the variance relief sought is considerable

- 2 -

and that the property itself is too small to support reasonable residential development.

Testimony was also taken from Thomas H. Ernst with the Department of Environmental Protection and Resource Management (DEPRM). Moreover, immediately following the hearing, a letter was received from J. James Dieter, Director of DEPRM. Mr. Ernst testified that a 2500 sq.ft. septic reserve area had been approved for this lot. He noted that normally, a 5,000 sq.ft. area was the minimum amount, but that a 2500 sq.ft. area was permitted in this case. He discussed in some detail the plans and test results which had been previously submitted and served as the basis for approving the 2500 sq.ft. septic reserve area. He also discussed DEPRM's requirements as they relate to the minimum distance between the septic system and the dwelling. He noted that the design of the septic system had not been approved and that same would not come before him for consideration until final plans had been submitted.

The comments within Mr. Dieter's letter were also significant. Of particular note was Mr. Dieter's statement that the setback between the house and approved septic reserve area "could be reduced to 10 feet upon request."

In view of the testimony and evidence offered, my decision shall be amended as follows: I will allow the Petitioner to construct a house 28 feet in depth; however, based on Mr. Dieter's letter and Mr. Ernst's comments at the hearing, the proposed dwelling shall be set back 10 feet further towards the rear of the property. This will place the house approximately 10 feet from the approved septic reserve area, which, based on the comments in Mr. Dieter's letter, is acceptable to DEPRM. This will also provide a distance of 46 feet from the front of the house to the

- 3 -

centerline of Gladway Road and a 26-foot distance from the 40-foot right-of-way of Gladway Road.

As to the side yard setbacks, I am not persuaded that an attached two-car garage is necessary. Quite frankly, a house model of this size is inappropriate for this small lot. Parking would ultimately be available on Gladway Road, particularly, since the road ends at that point. A single family dwelling, 51 feet in width, will be the maximum allowed. Thus, the side yard setback which must be maintained shall be 15 feet on both sides, for a total sum of 30 feet. This will allow for the construction of a 28-foot deep by 51-foot wide dwelling, which, in the opinion of this Zoning Commissioner, would be appropriate for a lot of this size.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of April, 1995 that the Order issued October 19, 1994 in the above-captioned matter, be and is hereby AMENDED to GRANT a variance from Section 1802.3.C.1 of the B.C.Z.R. to permit minimum side yard setbacks of 15 feet on each side in lieu of the required 20 feet, and a sum of the side yards of 30 feet in lieu of the required 50 feet, and a front yard setback of 26 feet in lieu of the required 50 feet, and as such, the Petitioner's Motion for Reconsideration, as modified herein, is GRANTED, subject to the following restrictions:

- 1) The Petitioner 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) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

- 4 -

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued October 19, 1994, with the exception of the modifications granted herein, shall remain in full force and effect.

LAWRENCE E. SCHWIDT
Zoning Commissioner
for Baltimore County

cc: John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, P.A.
914 Eastern Boulevard, Baltimore, Md. 21221

Mr. Leslie Kaminaki
104-B Briarwood Road, Baltimore, Md. 21222

Mr. John C. Molinski
1000 Gladway Road, Baltimore, Md. 21220

Mr. David Walden
410 W. Union Avenue, Havre De Grace, Md. 21078

People's Counsel: Cuzc File

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
ZONING VARIANCE * ZONING COMMISSIONER
SW/S Gladway Rd., 2300 ft. SE of * (930 Gladway Road)
c/l Bird River Road * OF BALTIMORE COUNTY
15th Election District * Case No. 94-316-SPMA
5th Councilmanic District * Forward Development Company
Petitioner:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property located at 930 Gladway Road in the Bird River section of Baltimore County. The Petitions are filed by Forward Development Company, property owner. Special Hearing request is made to allow a residential use in an M.L.-I.M. zone on the subject split zoned lot. Variance relief is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 80.3 ft. (+/-) in lieu of the required 150 ft., a front yard depth of 11 ft. in lieu of the required 50 ft., a minimum sum of the side yard widths of 20 ft. in lieu of the 50 ft., and a minimum individual side yards of 10 ft. in lieu of the required 20 ft. The subject property and requested relief is more particularly shown on the site plan, submitted and received as Petitioner's Exhibit No. 1.

Appearing at the public hearing held for this case was Leslie Kaminaki, an officer of Forward Development Company, property owner. That company was represented at the hearing by Robert J. Romadka, Esquire. Appearing in opposition to the request was John C. Molinski, a neighboring property owner.

Testimony and evidence offered by the Petitioner was that the subject site is split zoned D.R.1 and M.L.-I.M. and is approximately 1/5th of an acre in size. Presently, the site is vacant and unimproved. The property

is located at the end of Gladway Road, a deadend street which leads from Bird River Road. Recently, other cases involving properties on this road have come before this office for hearing. In those cases, variances have been granted to allow residential development along the road.

The subject property is somewhat unique in that it is split zoned between a zoning classification which promotes residential development and a zoning classification which promotes manufacturing uses. It is obvious that the site serves as a buffer between these diverse zoning classifications.

As to the neighborhood, numerous residences exist on both sides of Gladway Road as same runs in a southerly direction from its intersection with Bird River Road. This would be the last residential property on the west side of Gladway Road. Moreover, the road ends at this lot. Adjacent to this property to the south is a large tract zoned M.L. That tract is presently vacant and not improved.

As to public utilities, the sewer line terminates up the street in the bed of Gladway Road. Petitioner's Exhibit No. 5A shows the profile of the sewer line. Due to the grade of Gladway Road, the sewer line ends at the top of the grade near the paper street known as Hatcher Avenue. The sewer line cannot be extended to the subject site because of this topography. The Petitioner has, however, received approval from the Department of Environmental Protection and Resource Management (DEPRM) for a private septic system. (See Petitioner's Exhibit No. 4).

In support of the variance, the Petitioner noted that residential development on this site would not be possible if strict adherence to the regulations was required. The Petitioner noted that the site is predominantly zoned D.R.1 and that a permitted purpose (residential development)

- 2 -

could not occur on this property if strict adherence to the zoning regulations was mandated. A letter was offered from adjoining neighbors welcoming residential development on this site. Obviously, many of the residents on Gladway Road would welcome residential development of this site as opposed to a manufacturing use close to their residences.

As to Mr. Molinski, he lives immediately next door to the north on the same side of Gladway Road. He objects to the proposed development and believes that same is inconsistent with the surrounding locale. In his view, the lot is too small to be residentially developed. Mr. Molinski pointed out that the number of variances requested show that the lot fails to meet the criteria necessary for development and observe the spirit and intent of the zoning regulations.

Several comments from the Zoning Plans Advisory Committee (ZAC) were received which are of note. A comment was received from the Development Engineering Section which noted that sewerage was not available. Also, the paved portion of Gladway Road actually ends prior to this lot and need be extended. The photographs submitted clearly show that the roadway ends and that additional paving and extension of the roadway would be necessary to allow vehicular access to this property. Comments were also received from the Office of Planning and Zoning. They believe greater setbacks should be required and that the footprint of the proposed house is too large. Lastly, as noted above, DEPRM has approved the proposed septic field.

In considering the Petition before me, the competing concerns expressed and contradictory testimony offered is clearly noted. This is, indeed, a difficult lot to develop. It is small and access to public utilities and improvements (i.e., the road) is difficult. However, the lot owner is likewise in a difficult situation. Denial of the variances would render

- 3 -

the property unusable. The split zoning of the site with diverse zoning classifications creates a difficult problem for the property owner. Moreover, further residential development is indeed compatible with the existing residences which abut Gladway Road.

Under the circumstances, I am persuaded to grant the variances and allow the residential development, on a modified basis. First, I concur that the front yard setback should be increased to 25 ft. from the right of way line, as recommended in the comment from the Office of Planning and Zoning. In this respect, it is of note that the adjacent dwelling owned by Mr. Wolinski maintains a distance from the centerline of the road of 55 ft. The house, catty-corner and across the street, owned by Mr. and Mrs. William Macher is set back 48 ft. from the centerline of the street. The subject lot, with its proposed 11 ft. front yard setback, is but 36 ft. from the anticipated centerline of the roadway. An increased setback of 25 ft. from the right of way, would result in a front yard setback of 50 ft. to the centerline of the road, compatible with the nearby dwellings. Thus, the variance request shall be modified to approve a front yard depth of 25 ft., in lieu of the required 50 ft. As to the side yard setbacks, both individual and collectively, they shall likewise be modified. A significant distance exists in the side yard of the Wolinski property so that construction on this lot will not overcrowd the neighborhood. Indeed, the Wolinski property has a 128 ft. side yard setback distance. Although nothing similar can be maintained for the subject site, the side yard setbacks should be at least 15 ft., as recommended by the Office of Planning and Zoning. This is particularly mandated in view of the narrowness of the lot. A building envelope of approximately 61 ft. in width would overwhelm

and dominate this parcel. Thus, I shall require individual side yards of 15 ft. in width with a combined 30 ft. total.

The remaining variance, as to the lot width, shall be granted as requested. Obviously, this variance cannot be reduced due to the site constraints and actual size of the subject lot.

Lastly, the special hearing relief shall be approved so as to allow residential development on an M.L.-I.M. zoned property. Again, I question the wisdom of the split zone designations which were assigned to this site. These zones are inherently incompatible. However, the predominant D.R.1 zoning classification of the property and neighboring uses constitutes a compelling reason to justify the grant of the special hearing relief.

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 19th day of October 1994, that, pursuant to the Petition for Special Hearing, approval to allow residential use in an M.L.-I.M. zone on the subject split zoned lot, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that for a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 80.3 ft. (+/-) in lieu of the required 150 ft., be and is hereby GRANTED; and,

receipt

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

Account: R-001-6190
Number 318 (WCR)

Date 2/15/94

DROP-OFF
NO REVIEW

#010 - VARIANCE \$50.00
#009 - SIGN POSTING 35.00
TOTAL \$85.00

Legal Owner: Forward Development Company
930 Gladway Road
District: 15C5
Attorney: John B. Gontum

02402801634TCNR
PA 031152AH02-16-94
\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

94-316-SPHA

receipt

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

Account: R-001-6190
Number #318 (WCR)
ADDITIONAL FEES

Date 2/15/94

NO REVIEW
DROP-OFF

#030 - SPECIAL HEARING \$50.00
#009 - SIGN POSTING 35.00
TOTAL \$85.00

Legal Owner: Forward Development Company
930 Gladway Road
Attorney: John B. Gontum

02402801634TCNR
PA 031152AH02-16-94
\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Law Offices / ROMADKA, GONTUM & McLAUGHLIN 22318

DATE	DESCRIPTION	INVOICE #	AMOUNT	CHECK DEDUCTION	NET AMOUNT
2/14/94	Forward Development 93.5022 Filing (additional) fee for Petition for Variance for 930 Gladway Road		\$85.00		

CHECK DATE CONTROL NUMBER TOWNSHIP

Law Offices / ROMADKA, GONTUM & McLAUGHLIN 22295

DATE	DESCRIPTION	INVOICE #	AMOUNT	CHECK DEDUCTION	NET AMOUNT
2/8/94	Forward Development 93.5022 Filing of Petition for Variance on 930 Gladway Road filing and posting.		\$85.00		

CHECK DATE CONTROL NUMBER TOWNSHIP

#318

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-316-SPHA (410) 867-3353

DUE DATE: CLOSING DATE or HEARING DATE

INVOICE

John B. Gontum, Esq.
814 Eastern Boulevard
Essex, Maryland 21221

CASE NUMBER/PROJECT NAME: 94-316-SPHA
(2) Zoning Notice Sign and Post Set(s) @ \$60.00/set = \$120.00 Due

(In lieu of payment, we ask that you make use of the following waiver)

INVOICE WAIVER

CASE NUMBER/PROJECT NAME: 94-316-SPHA
Returned Zoning Notice Sign and Post Set(s).

DATE for EAD

*Amount Due waived upon return of the COMPLETE sign and post set(s).
When you return same, bring this form with you.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

94-316-SPHA (410) 867-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on February 28, 1994.

CASE NUMBER: 94-316-SPHA (Item 318)
930 Gladway Road
814 Eastern Boulevard, 2200' SE of c/o Bird River Road
15th Election District - 5th Councilmanic
Petitioner(s): Forward Development Company
HEARING: THURSDAY, MARCH 24, 1994 at 10:30 a.m., Rm. 118, Old Courthouse.

Special Hearing to permit residential use in a R.L.-T.M. zone on a split sized lot.
Variance to permit a minimum lot width of 80.3 +/- feet in lieu of the required 150 feet; to permit a minimum front yard depth of 11 feet in lieu of the required 50 feet; to permit a minimum side yard width of 20 feet in lieu of the required 50 feet; and to permit a minimum individual side yard of 10 feet in lieu of the required 20 feet.

Arnold Jablon
Director

Forward Development Company
John B. Gontum, Esq.

NOTES: (1) HEARING 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 867-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

May 26, 1994 (410) 867-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on June 29, 1994 at 2:00 p.m., Rm. 118 Old Courthouse.

CASE NUMBER: 94-316-SPHA (Item 318)
930 Gladway Road
814 Eastern Boulevard, 2200' SE of c/o Bird River Road
15th Election District - 5th Councilmanic
Petitioner(s): Forward Development Company
HEARING: WEDNESDAY, JUNE 29, 1994 at 2:00 p.m., Rm. 118 Old Courthouse

Special Hearing to permit residential use in a R.L.-T.M. zone on a split sized lot.
Variance to permit a minimum lot width of 80.3 +/- feet in lieu of the required 150 feet; to permit a minimum front yard depth of 11 feet in lieu of the required 50 feet; to permit a minimum side yard width of 20 feet in lieu of the required 50 feet; and to permit a minimum individual side yard of 10 feet in lieu of the required 20 feet.

Arnold Jablon
Director

cc: Forward Development Company
John B. Gontum, Esquire
John Gontumski

NOTES: (1) HEARING 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 867-3353.
(3) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, CONTACT THIS OFFICE AT 867-3353.

Printed with Recycled Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

March 16, 1994 (410) 867-3353

John B. Gontum, Esquire
Romadka, Gontum & McLaughlin, P.A.
814 Eastern Boulevard
Essex, Maryland 21221

RE: Case No. 94-316-A, Item No. 318
Petitioner: Forward Development Company
Petition for Variance

Dear Mr. Gontum:

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 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 February 15, 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 concerned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: March 1, 1994

SUBJECT: 930 Gladway Road

INFORMATION:

Item Number: 318

Petitioner: Forward Development Company

Property Size:

Zoning: D.R. 1 and R.L.-T.M.

Requested Action:

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

Based on a review of the information provided, staff offers the following comments:

- The proposed 11' front setback is inadequate. It should be increased to at least 25 feet.

- Also, staff recommended increasing the proposed side yards to 15 feet each. Fifteen foot wide side yards on an 80 foot wide lot are reasonable.

Prepared by: 15/15/

Division Chief: 15/15/

PK/JL:lw

ZAC.318/PZOM/ZAC1 Pg. 1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for March 7, 1994
Item #318

DATE: March 7, 1994

The Developers Engineering Section has reviewed the subject zoning item. This site is located in the W-5 and S-5 Master Plan Area, which requires capital facilities for water and sewer. Also, access to paved public road must be provided.

RWB:w



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. 4-318 (WICK)

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
DAVID N. KATZ, ACTING CHIEF
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
Fire Department

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

(410) 887-4500

DATE: 02/25/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time. FOR THE FOLLOWING ITEM NUMBERS: 312, 313, 316, 317, 318, 319 AND 322.

RECEIVED
FEB 28 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File



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Baltimore County Government
Department of Environmental Protection
and Resource Management

401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

February 23, 1995

Mr. David W. Walden
410 North Union Avenue
Havre de Grace, Maryland 21078

re: 930 Gladway Road, D-15
TA #15-16-150053

Dear Mr. Walden:

You have recently inquired of this Department, on behalf of Mr. John Wolinski, about the suitability of development of the referenced lot which is adjacent to the Wolinski home.

Soil percolation tests were approved in June 1993 based on field evaluations performed on May 13, 1993 and a site plan dated June 17, 1993. The tests were approved based on the State Department of the Environment guidelines for house lots subdivided before November 17, 1985. For such lots, an initial system plus one full replacement must be demonstrated for the septic system design. Questions were raised about the "B" soil percolation test being marked on the engineer's site plan as a "Perk Test - Failed." This was an error on the engineer's plan as all tests at this site passed.

Currently, this Department maintains a subdivision approval policy for residential subdivisions not served by public sewers which requires a 6 foot treatment zone buffer. With this policy, normally three soil evaluation excavations are made across the sewage disposal reservation. State regulations allow for a minimum 4 foot treatment zone which was considered since this property is an existing lot of record. However, three additional excavations were made on the subject lot to delineate the elevation of the ground water table across the proposed sewage disposal reservation.

In consideration of the percolation rate and the required four foot treatment zone beneath the septic absorption trench, a house of up to four bedrooms could be built on the property. A standard trench system 3 ft. wide and 3 ft. deep having a total linear footage of 118 ft. would be specified. Each section of trench would require a 9 ft. separation from the next trench. The original master plan was approved with a owner requested 2 ft. lot line setback deviation as opposed to the 10 ft. setback required by the Baltimore County Plumbing Code.



Mr. David W. Walden
page 2
February 23, 1995

As you are aware, the septic approval was based on a site plan that required a zoning variance. In his findings in Case No. 94-316-SPHA, the Zoning Commissioner's ruling prevents building on the lot. This case was recently reheard in appeal at which Mr. Thomas H. Ernst, R.S. of this Department testified that in addition to the variances already approved, the setback between the house and approved sewage disposal reservation could be reduced to 10 ft. upon request. Such a request would be conditioned upon no basement being installed.

If you should have any further questions about this matter, please contact this office. Until the Zoning Commissioner rules on the appeal of his original findings it would appear impractical for a house to be developed on this lot meeting both the zoning and on-site sewage disposal requirements.

Very truly yours,

James Dieter
James Dieter,
Director

JJD:pj

c: Mr. Lawrence E. Schmidt,
Zoning Commissioner
Donald C. Outen, DEPRM
Thomas H. Ernst, DEPRM

CLAWAY/DEPRM/GMWH

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 3, 1994

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Boulevard
Essex, MD 21221

RE: Preliminary Petition Review (Item #318)
Legal Owner: Forward Development Company
930 Gladway Road
15th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

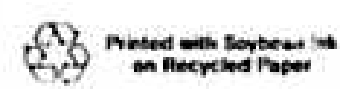
Very truly yours,

Joseph C. Herroy
Joseph C. Herroy
Planner I

JCM:scj

Enclosure (receipt)

cc: Zoning Commissioner



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PETITION FOR VARIANCE
930 Gladway Road

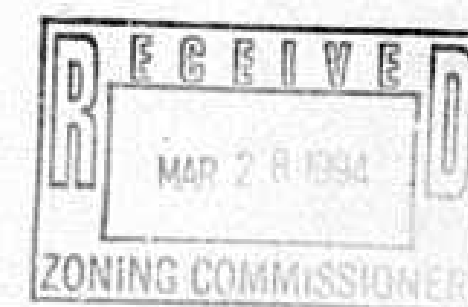
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITIONER :
FORWARD DEVELOPMENT Company

CASE NO: 94-316-SPHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



Peter Max Zimmerman
Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY THAT on this 25th day of March, 1994, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, 814 Eastern Boulevard, Essex, MD 21221.

Peter Max Zimmerman
Peter Max Zimmerman

RE: PETITION FOR VARIANCE
930 Gladway Road/ SW/S Gladway Road,
2300 feet SE of c/l Bird River Road
15th Election Dist., 5th Councilmanic
Forward Development Company
Petitioners

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-316-SPHA

AMENDED ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 1994, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 18, 1995

NOTICE OF ASSIGNMENT

HEARING ON MOTION FOR RECONSIDERATION
CASE NUMBER: 94-316-SPHA
930 Gladway Road
SW/S Gladway Road, 2300' SE of c/l Bird River Road
15th Election District - 5th Councilmanic
Petitioner: Forward Development Company

HEARING: MONDAY, FEBRUARY 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

cc: John C. Wolinski
Ms. Blumba
Forward Development
John B. Gontrum, Esq.



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111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 18, 1994

NOTICE OF REASSIGNMENT

Rescheduled from 3/24/94
CASE NUMBER: 94-316-SPHA (Item 318)
930 Gladway Road / SW/S Gladway Road, 2300' SE of c/l Bird River Road
15th Election District - 5th Councilmanic
Petitioner(s): Forward Development Company

Special Hearing to permit residential uses in a M.L.-I.M. zone on a split zoned lot.
Variance to permit a minimum lot width of 80.3' +/- in lieu of the required 150 ft; to permit a minimum front yard depth of 11 ft in lieu of the required 50 ft; to permit a minimum sum of the side yard widths of 20 ft in lieu of the required 50 ft; and to permit a minimum individual side yard of 10 ft in lieu of the required 20 ft.

HEARING: THURSDAY, APRIL 21, 1994 at 10:00 a.m. in Rm. 118, Old Courthouse.

Carl John

ARNOLD JABLON
DIRECTOR

cc: John Gontrum, Esq.
Forward Development Company
Ms. Zienba

Zienba
1314 DORSEY
21221



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

APRIL 8, 1994

NOTICE OF REASSIGNMENT

Rescheduled from 3/24/94 and 4/21/94, 5/10/94
CASE NUMBER: 94-316-SPHA (Item 318)
930 Gladway Road / SW/S Gladway Road, 2300' SE of c/l Bird River Road
15th Election District - 5th Councilmanic
Petitioner(s): Forward Development Company

Special Hearing to permit residential uses in a M.L.-I.M. zone on a split zoned lot.
Variance to permit a minimum lot width of 80.3' +/- in lieu of the required 150 ft; to permit a minimum front yard depth of 11 ft in lieu of the required 50 ft; to permit a minimum sum of the side yard widths of 20 ft in lieu of the required 50 ft; and to permit a minimum individual side yard of 10 ft in lieu of the required 20 ft.

HEARING: WEDNESDAY, MAY 18, 1994 at 10:00 a.m., Rm. 118, Old Courthouse.

Carl John

ARNOLD JABLON
DIRECTOR

cc: Forward Development Company
John B. Gontrum
Ms. Zienba

94-316 2/13/95 -1-

John Gontrum -

Reconsideration on 2 points

- side yard setback

- front yard setbacks

dwelling would be

14 feet deep by 51 ft in width

restrictions followed

SB shows that lots are shallow.

unique

Have D.R. 3.5 type lot in R11 1 year

18 on a 40' R/W is Gladway

No public improvements

Thomas H. Ernst -

DEPRM -

on Program Supervisor -

water supply & sewage disposal - renews private septic system

approval of scheme of septic

No building permit requirements

Scheme calls for septic reserve area - 5000 sq. feet -

actual design made of house building permit

20 ft setback from dwelling to reserve area per plumbing code

to prevent disruption of foundations of dwelling & prevent seepage

1st stage - soil perc tests sufficient area available

2nd stage - design of septic system, can't be approved until final plans

1st stage review completed -

evaluation of requirements older lots pre-existed pre-1975 testifies about sds, based on perc tests done here, 2500 was approved,

Have allowed variances from 50' back from septic tank & dwelling - could potentially be as little as 10 feet S.E. of 2500 - the minimum however

This is bare minimum -

CONTRAM -

older lots with setbacks smaller property there sds.

25 foot depth is minimum house size, if setback variance from DEPRM but would not add to depth of house but would move house back further increase front yd setback -

Gontrum -

as to side yds -

2 car garage -

28 feet

51 foot w/

11/17/95 -

Gladway is 18 foot paving on 40' R/W -

proposed 50 foot R/W for some type of water, then lot as of today the R/W is 40 -

only access to Sycro is Gladway

- other houses on Gladway are closer -

Walden:

matter of degree - there is so many variances

No Reasonable #'s -

all of the variances are so severe -

forward knew - self created hardship - more recent purpose -

Gontrum

- do have approved perc

- sds did perc

- Gladway Rd has unusual lots, many shallow lots

- perc did work here -

- if had public, would be different

- Not inappropriate distances between houses

Not out of character

Good this was lot of record
this variance is to be made
not needed, they is
a subild. not up split zone,

Notes to build a local road

Build to connect stls would
allow connection to roads

Reason-

allow hse to be 28 feet
deep - require set back to 28 feet
a variance from
Per Dealer's letter 10 feet
between septic
system

Baltimore County Government
Department of Public Works
111 West Chesapeake Avenue
Towson, MD 21204-4604

February 17, 1995

Mr. John Wolinski
1000 Gladway Road
Baltimore, Maryland 21220

Reference: Gladway Road
Bird River Road to the Dead End

Dear Mr. Wolinski:

I am in receipt of your letter dated February 14, 1995 request-
ing the Department of Public Works' position on any improvements to
Gladway Road.

If Baltimore County was requested to improve this roadway by the
residents through the County's petition process, the County would
construct a 30 foot wide street with curb and gutter within a 50 foot
right-of-way. This right-of-way width allows for a 10 foot area in
which sidewalks can be constructed as shown on the attached plan
which is taken from the County's Design Manual. The same roadway
section and right-of-way width would apply if a developer submitted a
site plan for a development along this roadway.

If you have any questions regarding this matter or need any
additional information, please do not hesitate to contact me at
887-3739.

Very truly yours,

(SIGNED) ROBERT C. BERNER

ROBERT C. BERNER, P.E., CHIEF
Highway Design Section
Bureau of Engineering
and Construction

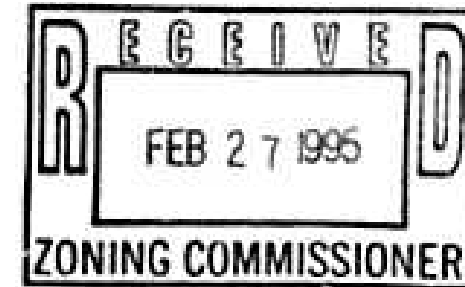
RCB:plf

Attachment

cc: File

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on Recycled Paper

COPY



PRESTON'S - Havre de Grace, L. No. 410 939 2519 b 17.95 11:36 P.01

John C. Wolinski
1000 Gladway Road
Baltimore, Maryland 21220
February 14, 1995

Mr. Robert Berner,
Chief Highway Design
County Office Building, Rm. 200
111 W. Chesapeake
Towson, Maryland 21204

Dear Mr. Berner,

Pursuant to our conversation of February 13, 1995, I would like to request that
you provide me with the official definition of "50' Future Right of Way" used by the
Department of Public Works, Highway Design Section for Gladway Road, off Bird River
Road in the 15th Election District. (See Attached.)

Please include in your response, if possible, the background we discussed
such as future sidewalks, curbs, and gutters as well as contiguous development which
would also increase usage and thereby the need for said designation and dimensions.

Since this matter does affect another administrative matter currently before the
Zoning Commission, I would appreciate your earliest response.

Thank you for your time and attention in this matter.

Sincerely,

BERNER'S
887-3737

John Wolinski

REF CASE # 94-316 SPHA



PRESTON'S - Havre de Grace, L. No. 410 939 2519 b 17.95 11:37 P.02

Baltimore County Government
Department of Public Works
111 West Chesapeake Avenue
Towson, MD 21204-4604

February 15, 1995

Mr. John Wolinski
1000 Gladway Road
Baltimore, Maryland 21220

Reference: Gladway Road
Bird River Road to the Dead End

Dear Mr. Wolinski:

I am in receipt of your letter dated February 14, 1995 request-
ing the Department of Public Works' position on any improvements to
Gladway Road.

If Baltimore County was requested to improve this roadway by the
residents through the County's petition process, the County would
construct a 30 foot wide street with curb and gutter within a 50 foot
right-of-way. This right-of-way width allows for a 10 foot area in
which sidewalks can be constructed as shown on the attached plan
which is taken from the County's Design Manual.

If you have any questions regarding this matter or need any
additional information, please do not hesitate to contact me at
887-3739.

Very truly yours,

(SIGNED) ROBERT C. BERNER
ROBERT C. BERNER, P.E., CHIEF
Highway Design Section
Bureau of Engineering
and Construction

RCB:plf

Attachment

cc: File

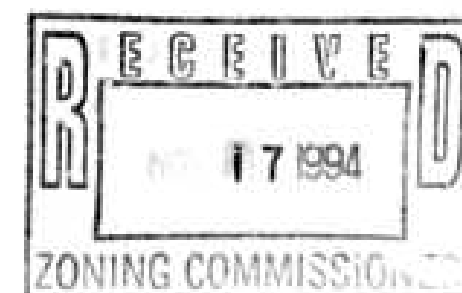
REF CASE # 94-316 SPHA
1002
2/17/95

Printed with Soybean Ink
on Recycled Paper

COPY



John C. Wolinski
1000 Gladway Road
Baltimore, Maryland 21220
November 17, 1994



Lawrence E. Schmidt
Zoning Commissioner
Zoning Commissioner's Office
400 Washington Ave., Suite 112
Towson, Md. 21204

Dear Commissioner Schmidt,

I have reviewed your Findings of Facts and Conclusion of Law (FFCL), dated
October 19, 1994, relating to case # 94-316 SPHA, and, as a result, I respectfully
request reconsideration of your decision. The genesis of the request is based on a
factual discrepancy between the discussion and the order that follows regarding the
front yard set back.

Specifically, page 4, paragraph 1 of the FFCL says "An increased setback of 25
feet from the right of way, would result in a front yard set back of 50 feet to the
centerline of the road, compatible with nearby dwellings." In reading the layout
provided to me in this case a 25 foot setback from the right of way added to the 20 feet
from the centerline of the road would result in a 45 foot setback as opposed to the 50
feet that is alleged to have resulted. Although I do not concur with the other variances
granted, failure to amend the order regarding front yard setback would create a front
yard setback that is clearly incompatible with the setbacks in the immediate
neighborhood, 48 feet and 60 feet, respectively. I, therefore, request that the front yard
setback be amended to require a 30 foot setback from the right of way.

Further, Mr. Thomas Ernst of the Department of Environmental Protection and
Resource Management, DEPRM, has indicated that your present decision would result
in a revocation of the private septic system approval for this lot referenced on page 2,
paragraph 3 of the FFCL. Positive consideration of my request will further exacerbate
the approval process of the private septic system. Mr. Ernst indicated that a
memorandum outlining DEPRM's position is being prepared and will be forwarded to
you in the near term.

Based on the relevance and importance of the issues discussed above, I hope
you will favorably consider my request for reconsideration.

Sincerely,

John C. Wolinski

David
Walton

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 686-8274
FAX: 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.
ELIZABETH A. VANNI
*ALSO ADMITTED IN D.C.

March 8, 1994

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Attn: Arnold Jablon, Director

Re: Case No.: 94-316-SPHA
930 Gladway Road
Petitioner: Forward Development Company
Hearing: Thursday March 24, 1994 @ 10:30 a.m.
RGM File No.: 93.5022

Dear Mr. Jablon:

Please postpone the hearing date of March 24, 1994 @ 10:30 a.m., as Mrs. Kaminski,
an officer of Forward Development has a previously planned for and paid for vacation in Florida
that week and will return April 5, 1994. It would be appreciated if this hearing could be
rescheduled at the same time with Case No.: 94-315-SPHA.

Please do not hesitate to contact my secretary to reschedule or if you have any questions.

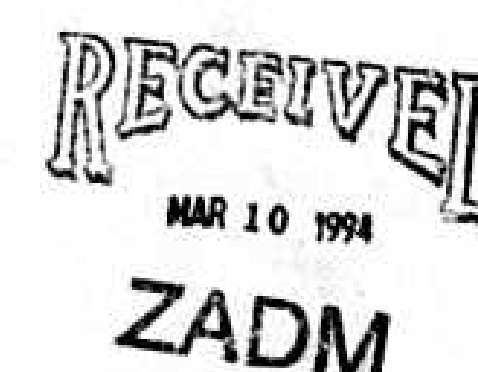
Thank you for your anticipated prompt attention to this matter.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Forward Development Company,
Attn: Mrs. R. Kaminski



ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 686-8274
FAX: 686-0118

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MICHAEL McLAUGHLIN, JR.
ELIZABETH A. VANNI
*ALSO ADMITTED IN D.C.

March 28, 1994

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Attn: Arnold Jablon, Director

Re: Case No.: 94-316-SPHA
930 Gladway Road
Petitioner: Forward Development
Hearing: Thursday, April 21, 1994 @
RGM File No.: 93.5022

Dear Mr. Jablon:

Please postpone the hearing date of Thursday, April 21, 1994 @ 9:00 a.m., as counsel
for the Petitioners I have a previously scheduled business trip from April 21 - April 24, 1994
which has been prepaid and has been scheduled for sometime.

Please do not hesitate to contact my secretary to get an agreed date or if you have any
question.

Thank you for your anticipated prompt attention to this matter.

Very truly yours,

John B. Gontrum

JBG/bjb

cc: Forward Development Company
People's Counsel for Baltimore County



ZADM

Confirmed
Linda Gontrum
Wed
5-13-94
9:10

ROMADKA, GONTRUM & McLAUGHLIN, P.A.

814 Eastern Boulevard
Baltimore, Maryland 21221
TELEPHONE: (410) 885-8274
FAX: (410) 885-8117

ROBERT J. ROMADKA
JOHN B. GONTRUM
J. MORTIMER McLAUGHLIN, JR.

ELIZABETH A. VASNI

*ALSO ADMITTED IN D.C.

Lawrence E. Schmidt,
Zoning Commissioner
Zoning Commissioner's Office
400 Washington Ave., Suite 112
Towson, MD 21204

Re: Case No.: 94-316-SPHA
Petitioner: Forward Development Company
RGM File No.: 93.5022

Dear Commissioner Schmidt:

Please treat this letter as a Motion to Modify your Order dated October 19, 1994. Petitioner, Forward Development Company, would request that three of your variances be modified as follows:

1. We would request that the Order permitting a variance of a front yard set-back of 1 ft. in lieu of the required 50 ft. be modified to a permit for a 25 ft. front yard set-back in lieu of the required 50 ft.
2. We would request that the proposed side yard set-back sum be modified from a minimum sum of the side yard width of 30 ft. to a minimum sum of the side yard width of 20 ft.
3. We would finally request a modification so that the minimum individual side yards be 10 ft. in lieu of the required 20 ft. rather than the 15 ft. which was granted.

The purpose for requesting these modifications has to do with the proposed dwelling which is of the approximate dimensions of 28 ft. x 40 ft. with a connecting two car garage of 28 ft. x 21 ft. The garage must be located next to the house as the rear of the lot is a septic field. The proposed dwelling must set back from the septic field a minimum of 20 ft. It is my

November 11, 1994



MAY 3 1994

DEAR MR. SCHMIDT

IN REFERENCE TO CASE # 94-316 SPHA
SCHEDULED HEARING FOR MAY 18, 1994. 10 AM
I HEREBY MAKE REQUEST FOR RESCHEDULE
BECAUSE I WILL BE IN FLORIDA FROM MAY 15
TO MAY 30, 1994.

MY PROPERTY ADJACENT PROPERTY IN QUESTION
WATCH VIOLATES NONE OF THE ZONING GUIDE
LINES, I WISH TO PROTEST THIS VARIANCE
ZONING REQUIREMENT.

PLEASE RESCHEDULE HEARING AND LET ME
KNOW HEARING DATE BY MAIL

THANK YOU

John Wolinski

John Wolinski

1000 GARDWAY RD

BALTO, MD, 21220



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

John C. Wolinski

1000 GARDWAY RD
BALTO, MD, 21220

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John Wolinski
DAVE WALDEN

1000 GARDWAY RD
410 N UNION AVE HUGO MD 21078

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Mr. Robert J. Romadka Esq.
Mrs. Leslie Kaimaki

314 Eastern Blvd, Esq.
1111 Gladway Rd
Balto, MD 21220

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

John H. Ernst
JOHN GONTRUM

401 Bosley Ave 21204



Petitioner's
Exhibits 3A-3H
94-316-SPHA



Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204
Mr. Robert J. Romadka
814 Eastern Boulevard
Essex, Maryland 21221

June 23, 1993

(410) 887-3733

Re: 330 Gladway Road, E.D. 11
TA #15-16-150053

Dear Mr. Romadka

A representative of this office, Ms. Clare Brunner, R.S. conducted soil evaluations on May 13, 1993 regarding the above referenced lot(s). The results are as follows:

TEST PIT	DRAWDOWN	DEPTH	SOIL DESCRIPTION
A			SIL C-6", SL 6-10' damp at 10' wet at 11'
B			SIL 0-6", SL 6-7' light brown, damp at 7', SL 7-9' coarse, many grey mottling, water at 9'
C	2 min.	2 ft.	SIL 0-6", SL 6-11', water at 11'
D			SIL 0-6", test stopped - too close to test B
E			SIL 0-6", SL 6-10', damp at 16'
F			SIL 0-6", SL 6-10' damp at 10'

SIL = Silt Loam
SL = Sandy Loam

Based on the evaluations and the master plot plan dated June 17, 1993, APPROVAL will be granted for the installation of a private sewage disposal system. Soil Percolation tests will be valid for a period of five (5) years from the date of tests, approval letter or record plat, whichever is most recent. At the expiration of this period of time, the results will become void without notice to that effect having been given by the Approving Authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

The following are comments which concern persons developing property:

JUN 25 1993

1001 Gladway Road
Baltimore, Maryland 21220

Mr. Arnold Jablon, Director
Zoning Administration and Development
Management Office
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: FORWARD DEVELOPMENT CO.
CASE #94-316-SPHA

Dear Mr. Jablon:

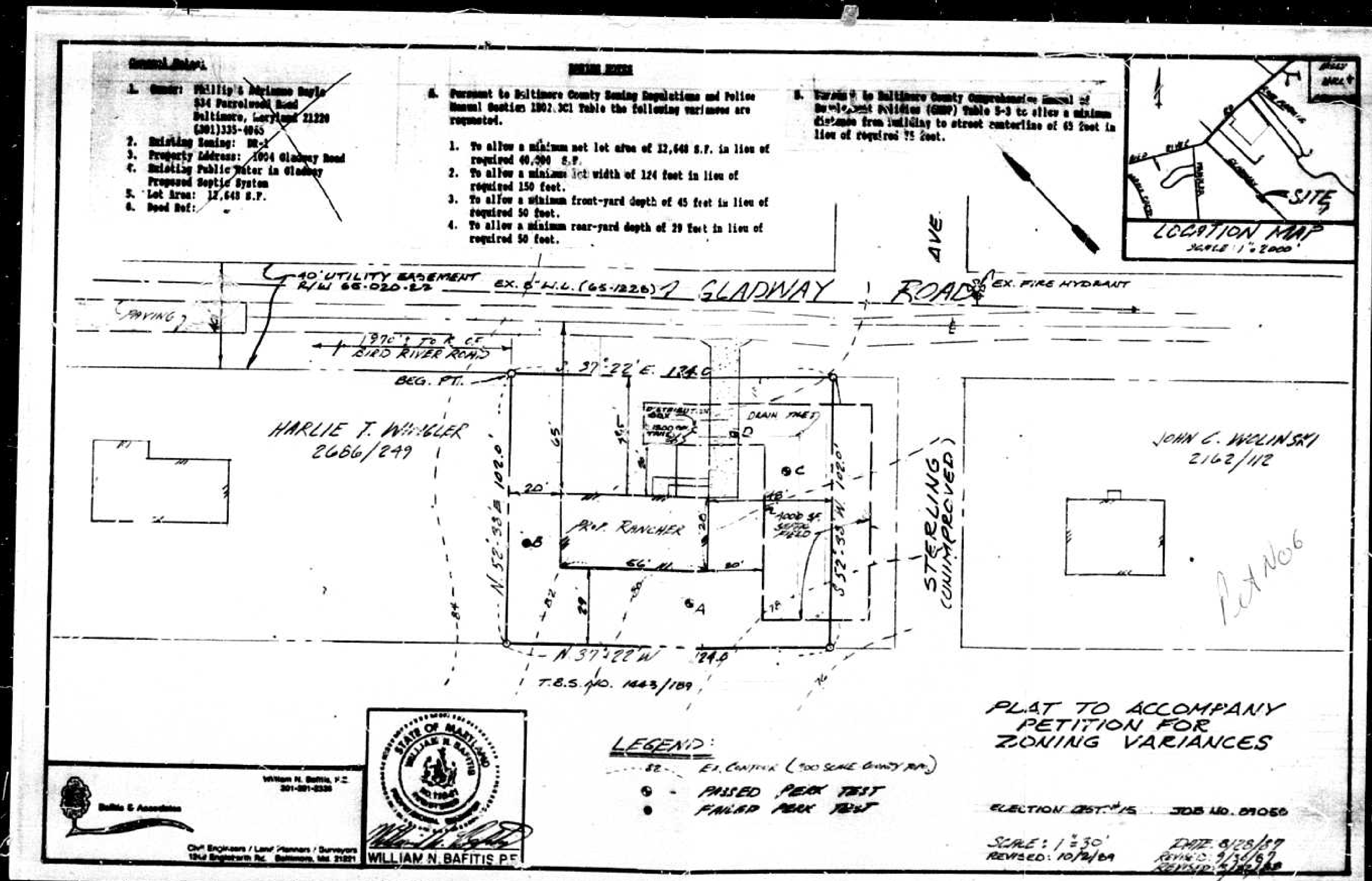
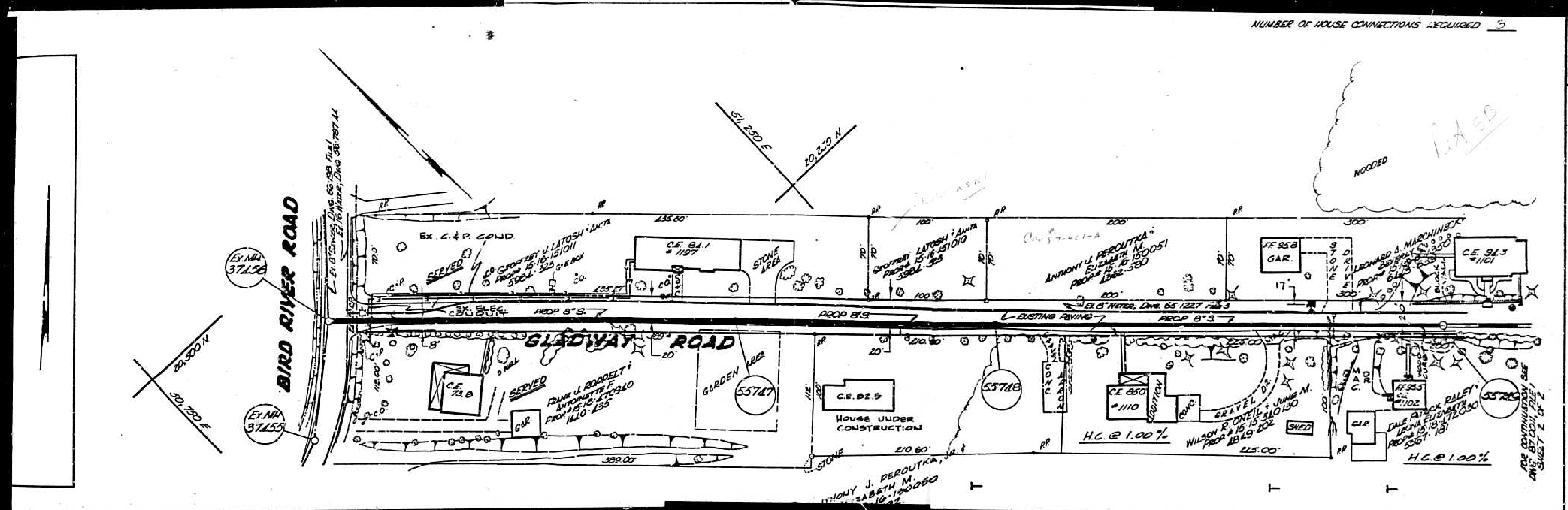
Our home is located across the street (Gladway Road) from the proposed construction of the new home referenced above. We understand that the home will not meet current County requirements and that a variance has been requested.

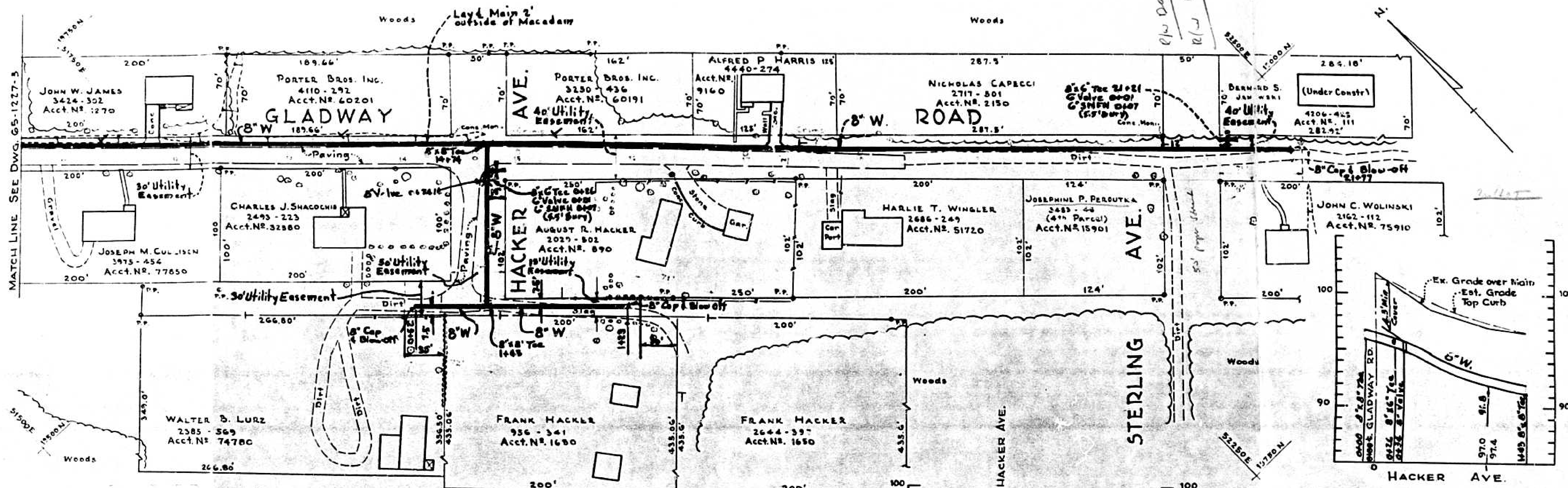
We welcome single home development in our neighborhood and do not object to the variance required for this project. In fact, we feel that it would be an asset to have another home at the end of our road and that it would alleviate some of the problems, such as cars parked in the woods late at night that should not be there and some various other problems that have occurred.

Thank you for your time in this matter. If you have any questions or concerns in this matter you can reach one of us at our home at (410) 687-5376 after 4:30 P.M.

Sincerely,

William J. Macher
Adele M. Macher
William H. Macher

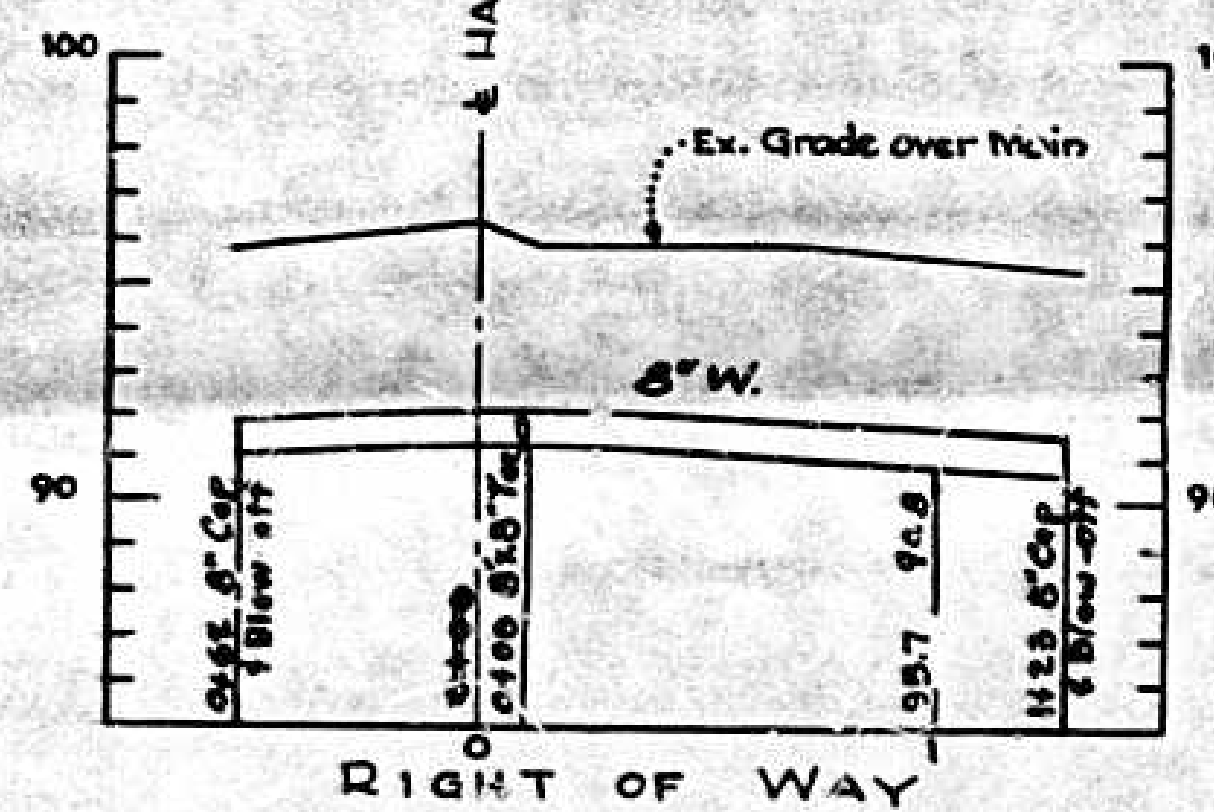




PLAN
Scale 1 in. = 50 ft.

BILL OF MATERIALS		
NO.	DESCRIPTION	SIZE
1	Valve (Vert.)	8"
2	Cap	8"
3	Tee	8" x 5"
4	Tee	8" x 6"
5	Valve (Vert.)	6"
6	S.N.F.H.	6"
7	Blowoff	1 1/2"
8	C.I.P.	8"
9	C.I.P.	6"

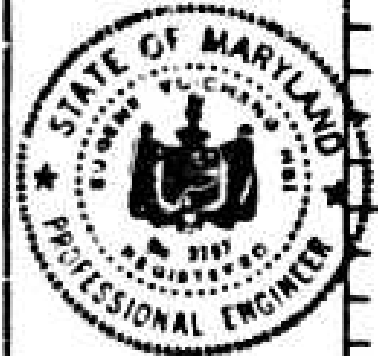
16-W
#170.22 u.c. per hu
9-8-61



PROFILE
Scale 1 in. = 5 ft. Hor.
5 ft. Vert.

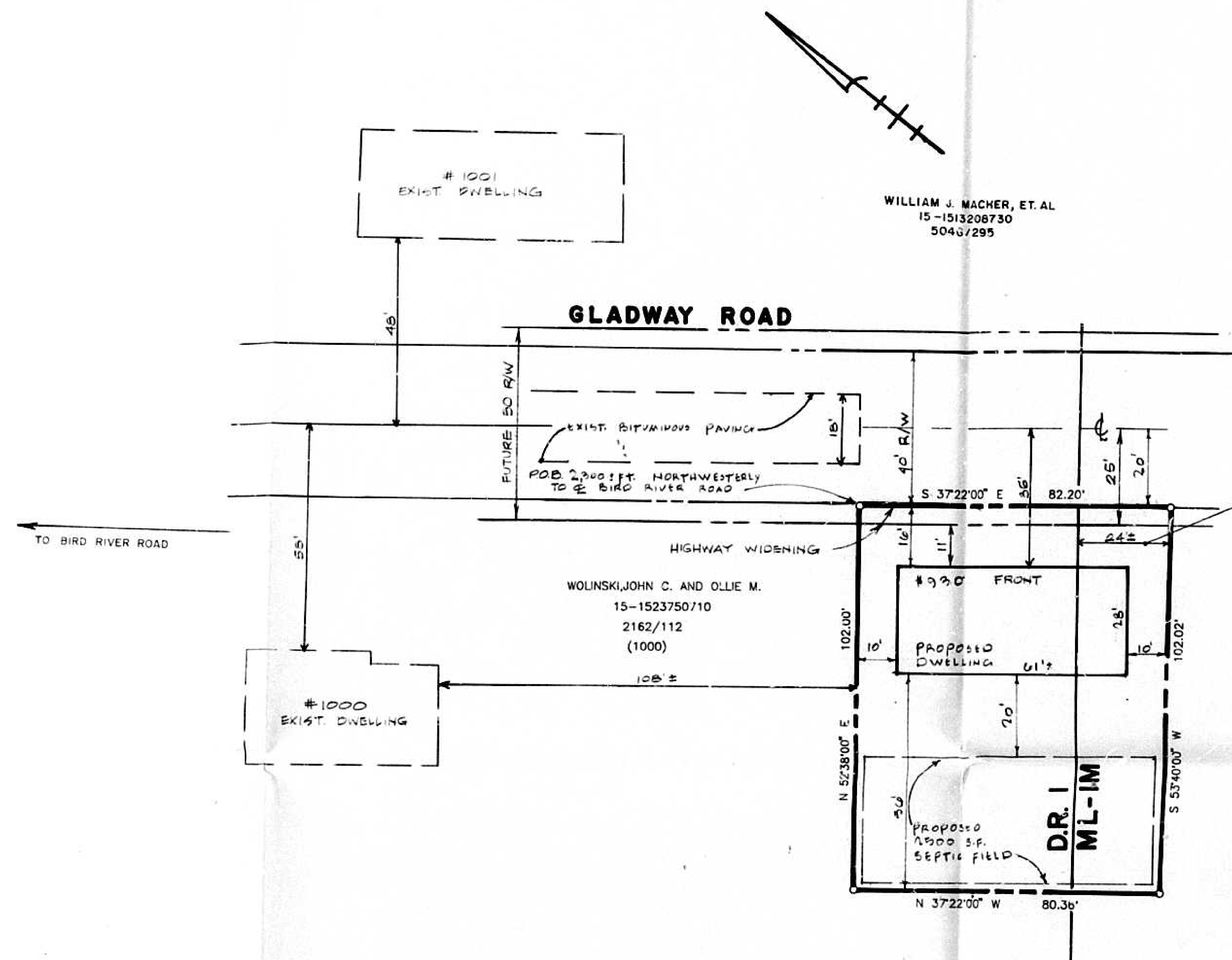
Notes:
Elevations at Left of Stations: Existing Grade over Main.
" Right " " Established Grade.

D.P.W. DIRECTIVE NO. 2365



ROAD PERMIT AND GRADES PERMIT REQUESTED PERMIT NUMBER GRADE ESTABLISHED PROFILE NUMBER DATE RIGHT OF WAY REF ENGINEER Eugene J. Kline DESIGNED S.M.J. DRAWN J.A.S. CHECKED H.W.B. DATE 10/8/65		HBI, BRENNER AND DAY CONSULTING ENGINEERS BALTIMORE, MARYLAND D.P.W. DIRECTIVE NO. 2365 NO. 3-97 DATE 10/8/65		DEPARTMENT OF PUBLIC WORKS APPROVED DIRECTOR & CHIEF BALT. ENGINEER DATE 11/11/65		BUREAU OF ENGINEERING APPROVED CHIEF DATE		BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING HACKER AVE GLADWAY RD. TO APT. 145 S.W. 1068' SOUTH OF BIRD RIVER RD. TO 1838' SOUTH OF BIRD RIVER RD. MIDDLE RIVER		8-INCH WATER MAIN 15' EASEMENT GLADWAY ROAD SET. 62' W. & 122' S.E. OF HACKER AVE. ELECTION DISTRICT NO. 15		SCALE AS SHOWN KEY SHEET (1) POSITION SHEET 19 NE 35 (ZONE 35) SHEET NO. 2 OF 2 I.O. 3-2-29 65-1220 FILE 3	
--	--	--	--	--	--	--	--	---	--	--	--	--	--

MICROFILMED



ZONING VARIANCES REQUESTED PURSUANT TO ZONING COMMISSIONERS POLICY MANUAL SECTION 302.1

SHERMAN, GERALD D. AND SPERO, RODGER
15-1519323240
5072/229
615 LYNHAVEN PKWY.
VIRGINIA BEACH
VA.23452

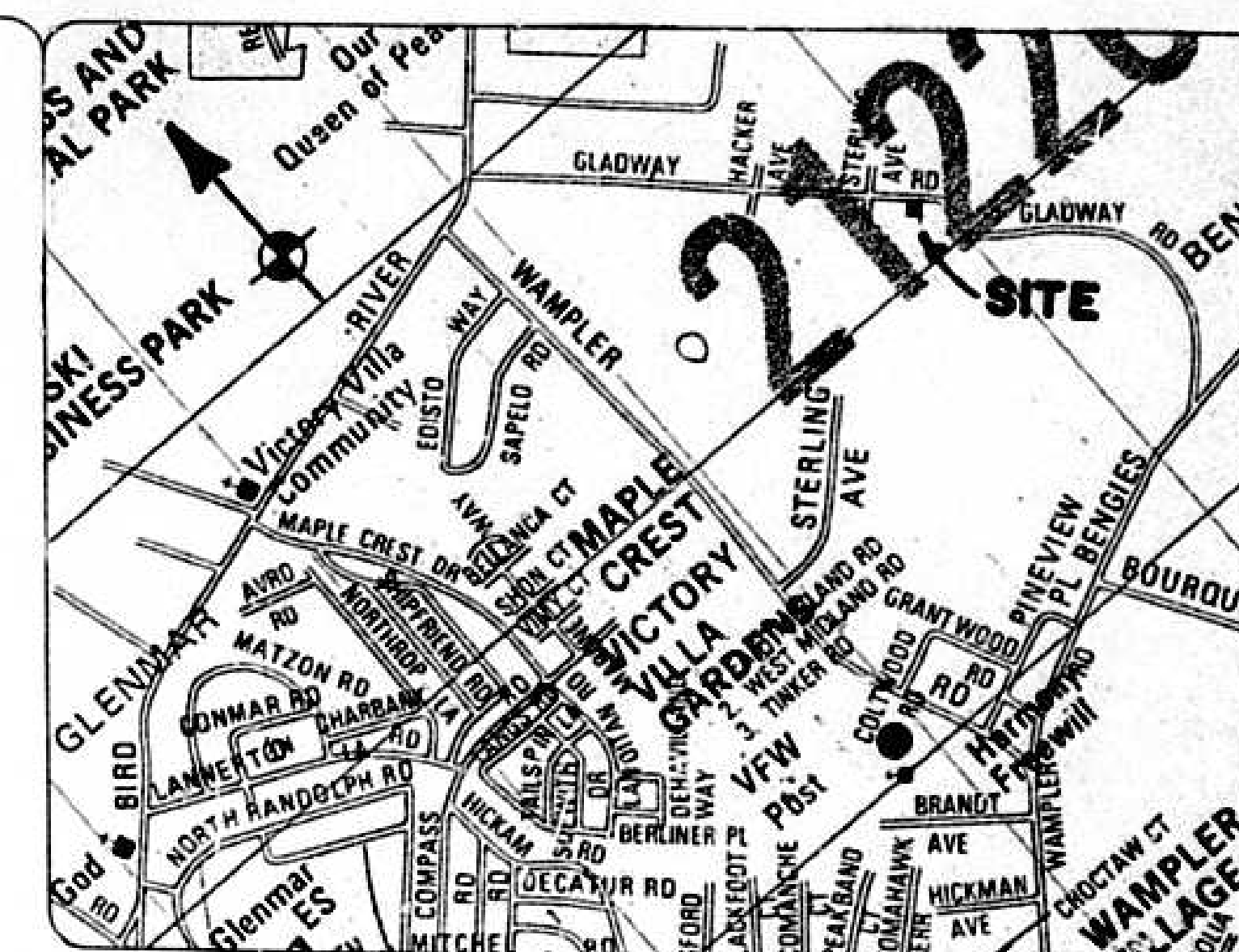
SHERMAN, GERALD D. AND SPERO, RODGER
15-1519323240
5072/229
615 LYNHAVEN PKWY.
VIRGINIA BEACH
VA.23452

SPECIAL HEARING
To permit residential use in a ML Zone.

VARIANCES REQUESTED

- Section 1B02.3.C.1: To permit a lot area of 7,883.84 sq. ft. in lieu of the required 40,000 sq. ft.
- Section 1B02.3.C.1: To permit a minimum lot width of 80.3± ft. in lieu of the required 150 ft.
- Section 1B02.3.C.1: To permit a minimum front-yard depth of 11' ft. in lieu of the required 50 ft.
- Section 1B02.3.C.1: To permit a minimum sum of the side-yard widths of 20 ft. in lieu of the required 50 ft.
- Section 1B02.3.C.1: To permit a minimum individual side-yard of 10 ft. in lieu of the required 20 ft.

NOTE: Requested variances related to the M.L. zoned portion of the site are subject to the Zoning Commissioners Policy Manual Section 302 and the D.R. zoning regulations.



VICINITY MAP
SCALE 1" = 1000'

SITE DATA

Owner: Forward Development Company
Property Address: 104-B BRIARWOOD ROAD BALTIMORE 21222
Tax Account #: 15-1516150053
Deed Reference: 7449/520
Election District: 15
Councilmanic District: 5
Zoning: DR.1 AND ML-IM (5,843 SF DR-1, 2,447.8 SF ML)
1" = 200' Map of Zoning: ME 5-1
Sewer: None
Water: None

Prior Zoning Hearing: None
Lot Area: 8,290.84 Sq. Ft. or 0.19 Ac.
Highway Widening: 411.00 Sq. Ft. or 0.009 Ac.
Net lot area: 7,883.84 Sq. Ft. or 0.181 Ac.
THE SITE IS NOT SITUATED IN THE CHESAPEAKE BAY CRITICAL AREA



Bafitis & Associates, Inc.

William N. Bafitis, P.E.
PRESIDENT

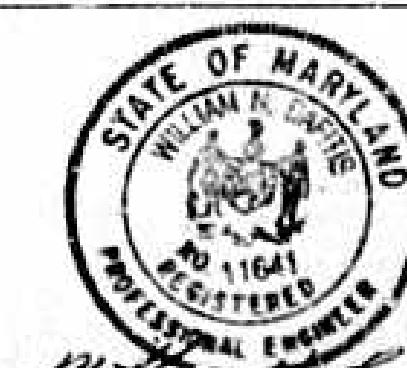
Civil Engineers/Land Planners
SURVEYORS

1749 Engleberth Rd. Baltimore, MD 21221

(410) 391-2336

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES & SPECIAL HEARING 930 GLADWAY ROAD

BALTIMORE COUNTY, MARYLAND



WILLIAM N. BAFITIS, P.E.

SHEET 1 OF 1

SCALE:

1" = 20'

JOB ORDER NO:

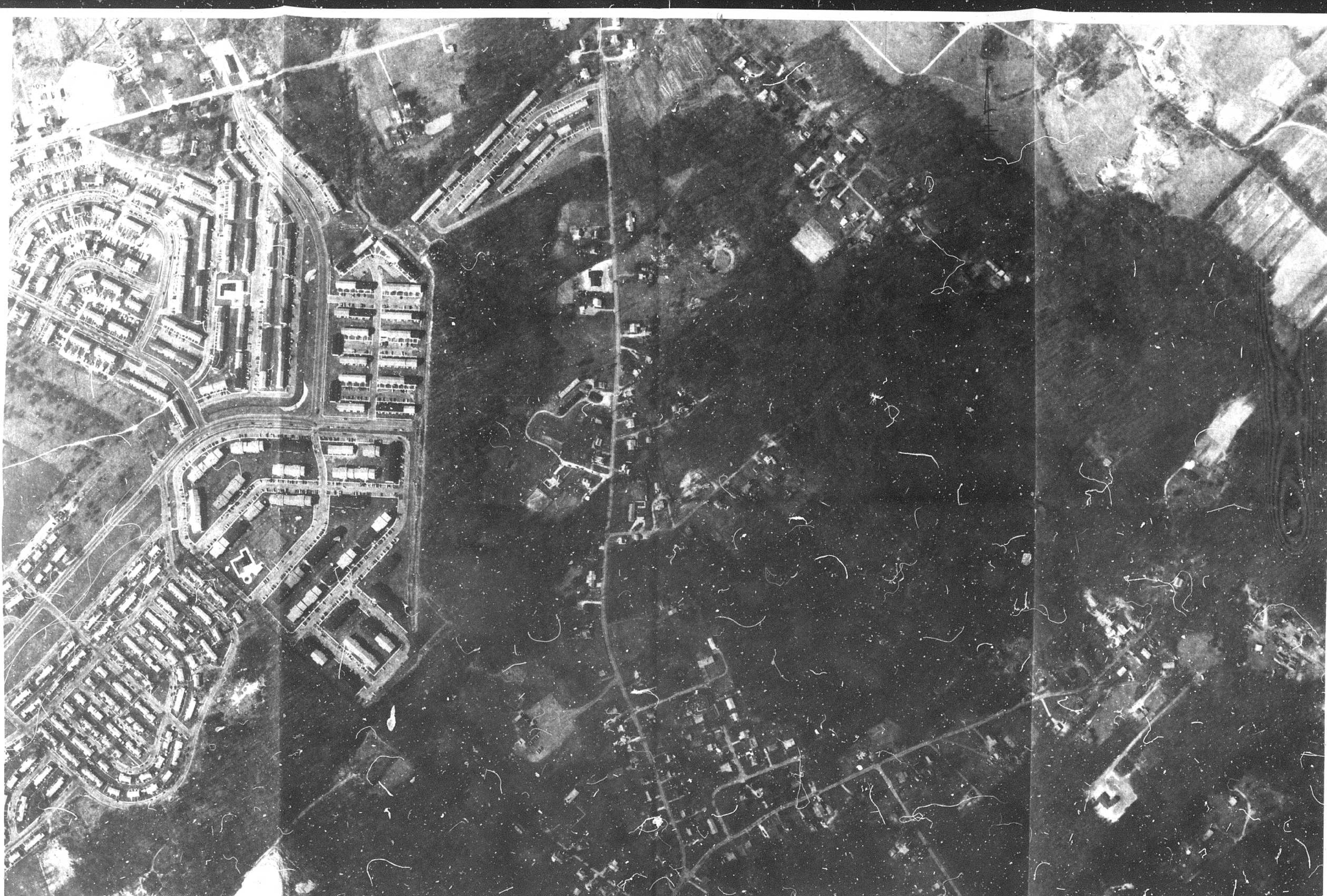
93022

DATE:

1/24/94

NO.	REVISIONS	DATE

94-316-SPHA



943/6-SPHA
AHJS-9/3-4b

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±		
DATE OF PHOTOGRAPHY	BENGRES VICINITY	N.E. 5-1
JANUARY 1986	930 GLADWAY RD	318