

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

May 24, 1994

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

FROM: J. Lawrence Pilon, DEPRM  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #417 - Long Property  
516 Back River Neck Road  
Zoning Advisory Committee Meeting of May 16, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.  
Remove note 16. Site does not lie in CBA.

JLP:NP:sp  
LONG/DEPRM/TXTSBP

Baltimore County Government  
Fire Department

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

(410) 887-4500

DATE: 05/17/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21284  
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.

B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 415, 416, 417, 418, 419, 420, 422, 423, 425.

RECEIVED  
MAY 18 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4981, MS-1102F

cc: File



RE: PETITION FOR VARIANCE \* BEFORE THE  
W/S Back River Neck Road, \* ZONING COMMISSIONER  
1085' NW of Cape May Road \* OF BALTIMORE COUNTY  
(516 Back River Neck Road), \*  
15th Election Dist., 5th \* Case No. 94-435-A  
Councilmanic Dist. \*  
HENRY W. LONG, et al. \*  
Petitioners \*  
\* \* \* \* \*

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.

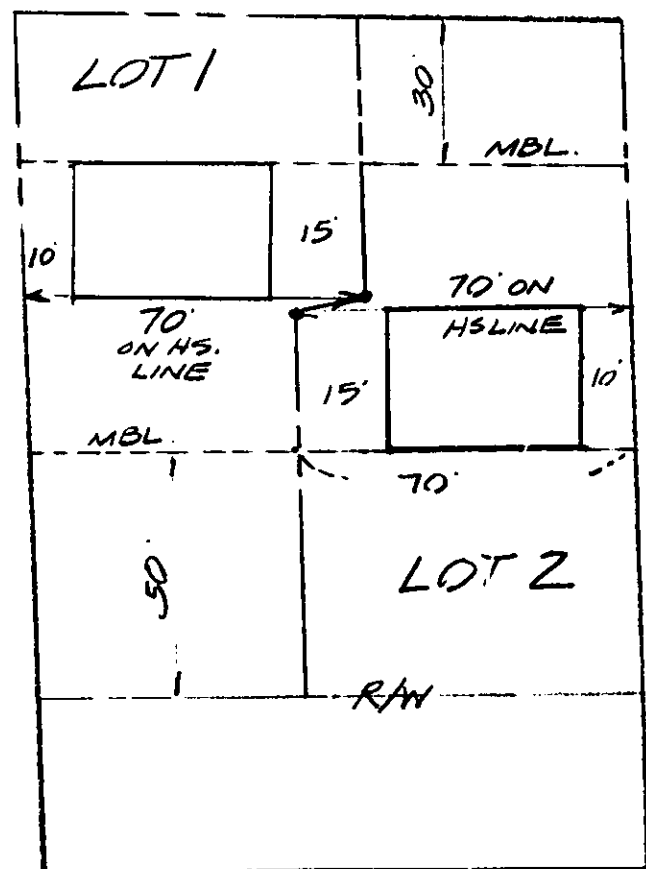
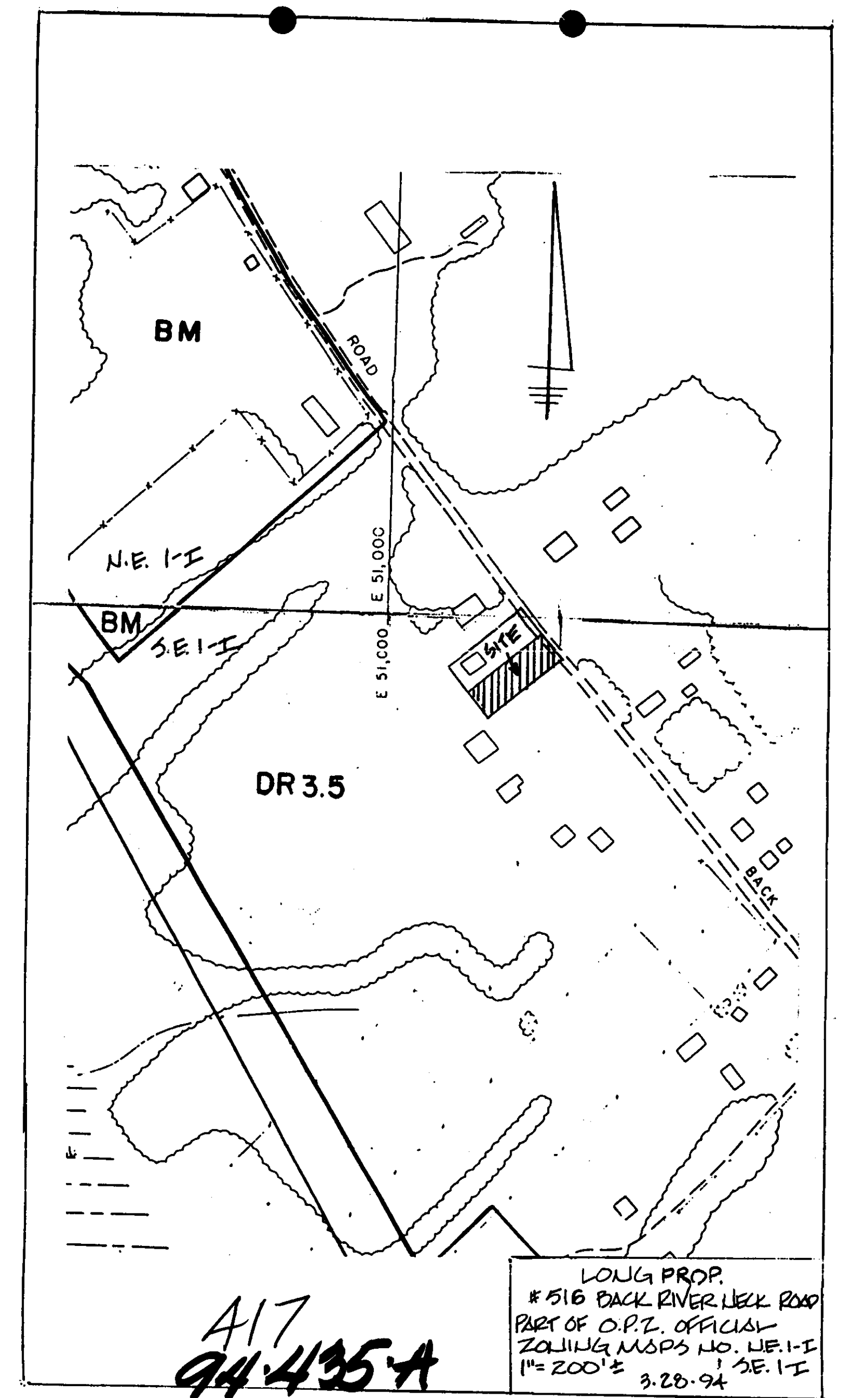
Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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 17<sup>th</sup> day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, 4932 Hazelwood Avenue, Baltimore, MD 21206, Representative for Petitioners.

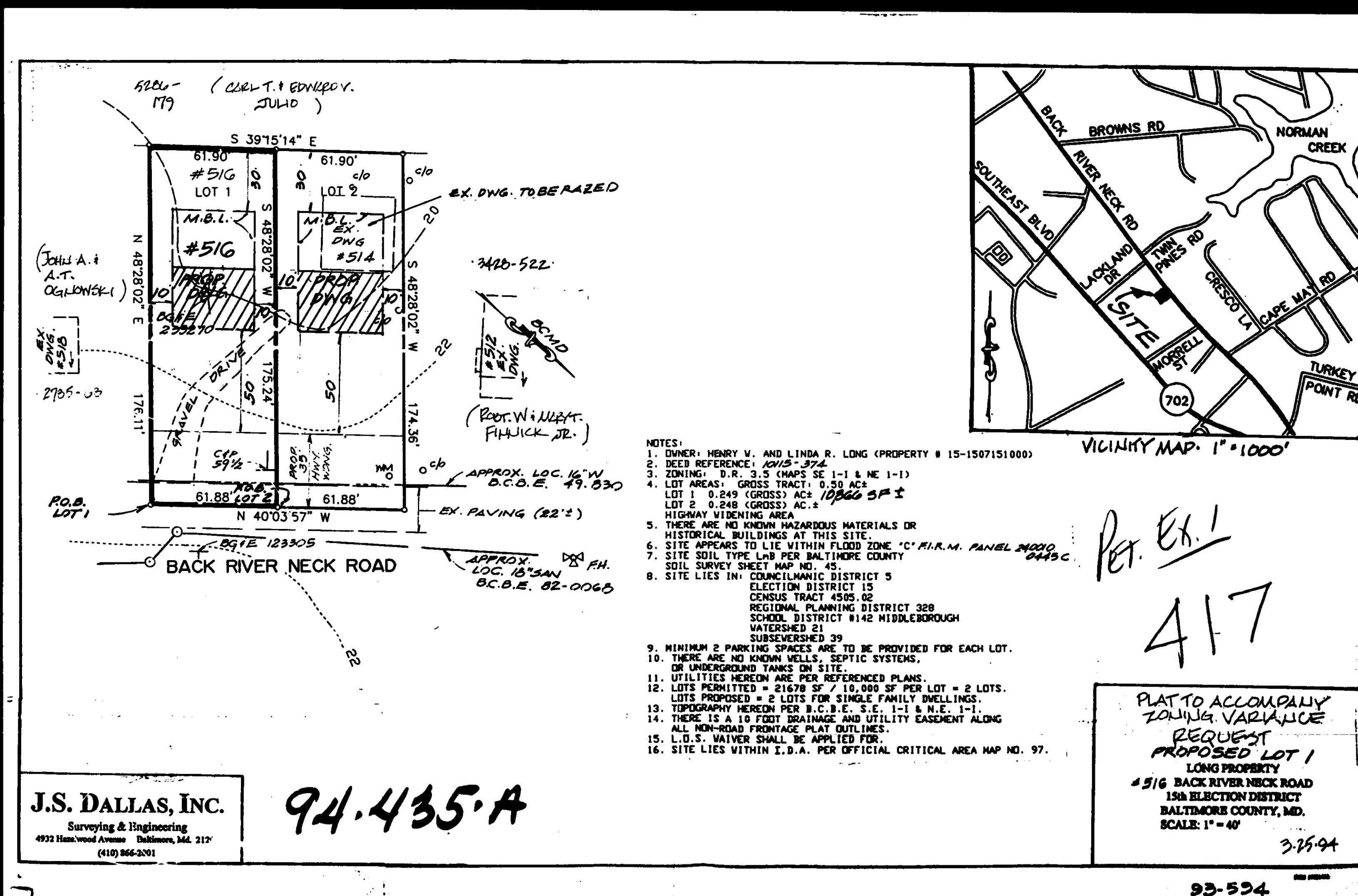
Peter Max Zimmerman  
PETER MAX ZIMMERMAN



"STEPPED" LAYOUT

EXHIBIT 'A'  
LONG PROPERTY  
BACK RIVER NECK RD.  
1:40 4-28-94

A17 94-435-A



J.S. DALLAS, INC.  
Surveying & Engineering  
4932 Hazelwood Avenue Baltimore, Md. 21207  
(410) 866-2311

94-435-A

PLAT TO ACCORDANCE  
ZONING VARIANCE  
REQUEST  
PROPOSED LOT 1  
LONG PROPERTY  
516 BACK RIVER NECK ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1" = 40'  
3-25-94

94-435-A  
receipt

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

Account R# 1-4150  
Number 417  
BY JLL

Date 5/18/94 **CRITICAL**

1 RES VAR FLING-FEE CODE 310 \$50.00  
NO SIGN FEE  
SIGN BILLED ON ITEM 416  
TOTAL: \$50.00

OWNER: LONG  
602516 BACK RIVER RD

Please Make Check Payable To: Baltimore County

Cashier Validation

94-435-A

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be 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*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No. 417  
Petitioner: Henry W. Long & Linda R. Long  
Location: \*516

PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Henry W. Long  
ADDRESS: 1912 Middleborough Rd.  
Balt. Md. 21221  
PHONE NUMBER: 687 8762

**\*MUST BE SUPPLIED**

TO: PUPPETEER PUBLISHING COMPANY  
May 19, 1994 Issue - Jeffersonian

Please forward billing to:  
Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221  
687-8762

**NOTICE OF HEARING**

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

CASE NUMBER: 94-435-A (Item 417)  
516 Back River Neck Road  
W/S Back River Neck Road, 1085' NW of Cape May Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Henry W. Long and Linda R. Long  
HEARING: FRIDAY, JUNE 17, 1994 at 10:00 a.m. in Rm. 106 County Office Bldg.

Variance to allow a minimum lot width of 61.8' +/- feet in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

LAWRENCE E. SCHWEDT  
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 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

DATE: MAY 12, 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 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-435-A (Item 417)  
516 Back River Neck Road  
W/S Back River Neck Road, 1085' NW of Cape May Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Henry W. Long and Linda R. Long  
HEARING: FRIDAY, JUNE 17, 1994 at 10:00 a.m. in Rm. 106 County Office Bldg.

Variance to allow a minimum lot width of 61.8' +/- feet in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Henry and Linda Long  
J. Scott Dallas

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

June 8, 1994

Mr. and Mrs. Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221

RE: Case No. 94-435-A, Item No. 417  
Petitioner: Henry W. Long, et al  
Petition for Variance

Dear Mr. and Mrs. Long:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 2, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director DATE: May 23, 1994  
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting  
for May 23, 1994  
Item No. 417

The Developers Engineering Section has reviewed the subject zoning item. Please see our comments for the minor subdivision file "Long Property," March 11, 1994.

RWB:sw

5-17-94

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. 417 (JLL)

Dear Ms. Minton:

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

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

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DONALD N. RAMSEY, ACTING CHIEF  
John Costantabile, 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 DATE: May 18, 1994  
Zoning Administration and  
Development Management

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

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: *Caryl L. Lewis*

PK/JL:lw

ZAC. 401/PZONE/ZAC1

IN RE: PETITIONS FOR VARIANCE \* BEFORE THE  
W/S Back River Neck Road, 1147' \* ZONING COMMISSIONER  
and 1,085' NW of Cape May Road \* OF BALTIMORE COUNTY  
(514 & 516 Back River Neck Road)  
15th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* Case Nos. 94-434-A and  
Henry W. Long, et ux 94-435-A  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as 514 and 516 Back River Neck Road, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owners of the properties, Henry W. and Linda R. Long. In each case, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition were Henry and Linda Long, property owners. There were no Protestants present.

Testimony and evidence presented revealed that the subject properties consist of a combined gross area of 0.50 acres, more or less, zoned D.R. 3.5. The Petitioners propose to subdivide the property to create two lots of approximately 0.25 acres each and develop each lot with a single family dwelling in accordance with Petitioners' Exhibits 1. Proposed Lot 2 is already improved with a dwelling which is to be razed upon approval of the relief requested. Testimony revealed that the subject property

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

meets the area requirements necessary for the creation of two lots in a D.R. 3.5 zone; however, the requested variances are necessary to meet setback requirements for the proposed improvements to each lot. The Petitioners submitted as Exhibit A a "stepped" layout of the proposed subdivision which would permit development of the two lots without the need for variances; however, that scenario would be less attractive and incompatible with existing development in the community. There being no adverse comments from any Baltimore County reviewing agency, nor any opposition from any adjoining property owners, it appears the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1994 that the Petitions for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot, in accordance with Petitioner's Exhibits 1, 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.

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

- 2) Development of the subject lots is limited to that depicted on Petitioner's Exhibits 1. There shall be no further variances granted for either lot.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjc

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

July 25, 1994

(410) 887-4386

Mr. & Mrs. Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221

RE: PETITIONS FOR VARIANCE  
W/S Back River Neck Road, 1147' and 1,085' NW of Cape May Road  
(514 & 516 Back River Neck Road)  
15th Election District - 5th Councilmanic District  
Henry W. Long, et ux - Petitioners  
Case Nos. 94-434-A and 94-435-A

Dear Mr. & Mrs. Long:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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,

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

cc: Mr. J. Scott Dallas  
4932 Hazelwood Avenue, Baltimore, Md. 21206

People's Counsel

File ✓

**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 516 Back River Neck Road  
which is presently zoned D. R. 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 1802.3.C.1. to allow a minimum lot width of 61.8+ feet in lieu of the required 70 feet and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

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

- (1.) Property meets area requirements for 2 lots in D.R. 3.5.
- (2.) Neighborhood averaging setback and zoning regulation setbacks can be achieved as shown in "Exhibit A" but a "stepped" layout would be less attractive and less in harmony with neighboring houses.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

Type or Full Name

Signature

Address

City

State

Phone No.

State

Zip

Signature

Address

City

State

Phone No.

State

Zip

With do solemnly declare and affirm, under the penalties of perjury, that they are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)  
Henry W. Long

[Signature]  
Linda R. Long

[Signature]  
1912 Middleborough Rd. 687-8762

Baltimore, MD 21221

Phone No.

State

Zip

Signature

Address

City

State

Phone No.

State

Zip

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

Printed with Carbon Ink on Recycled Paper

ZONING DESCRIPTION - LOT 1  
LONG PROPERTY  
15th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

BEGINNING for the same at a point in or near the centerline of existing paving of Back River Neck Road at a distance of 1085 feet northwesterly, more or less, from the proposed centerline intersection with Cape May Road as shown on B.C.B.E. Road Construction Drawing No. 77-1196 thence running with and binding in or near said centerline of Cape May Road (1) North 40 degrees 03 minutes 57 seconds West 61.88 feet thence leaving said road and running the three following courses and distances: (2) South 48 degrees 28 minutes 02 seconds West 175.24 feet (3) South 39 degrees 15 minutes 14 seconds East 61.90 feet and (4) North 48 degrees 28 minutes 02 seconds East 176.11 feet to the place of beginning containing 10,866 square feet of land more or less.

The improvements thereon to be known as # 516 Back River Neck Road. BEING a part of that property as recorded in Liber 10115 folio 374.

417

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY 94-435-A  
Towson, Maryland

District... 15th Date of Posting... 7/25/94  
Posted for... Variance  
Petitioner... Henry W. Long  
Location of property... 516 Back River Neck Rd.  
Location of Sign... Facing roadway on property being razed  
Remarks...  
Posted by... [Signature]  
Number of Signs... 1  
Date of return... 8/3/94

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/20, 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 5/19, 1994.

THE JEFFERSONIAN,  
A. Henikam  
LEGAL AD - TOWSON

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

May 24, 1994

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

FROM: J. Lawrence Pilson, SFP  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #416 - Long Property  
514 Back River Neck Road  
Zoning Advisory Committee Meeting of May 16, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.  
Remove note 16. Site does not lie in CBCA.

JLP:NP:sp  
LONG/DEPRM/TXTSRP

Baltimore County Government  
Fire Department

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

(410) 887-4500

DATE: 05/17/94

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.

9. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 415, 416, 417, 418, 419, 420, 422, 423, 425.

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

cc: File



RE: PETITION FOR VARIANCE  
W/S Back River Neck Road,  
1147' NW of Cape May Road,  
(514 Back River Neck Road),  
15th Election Dist., 5th  
Councillmanic Dist.

HENRY W. LONG, et al.  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-434-A

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.

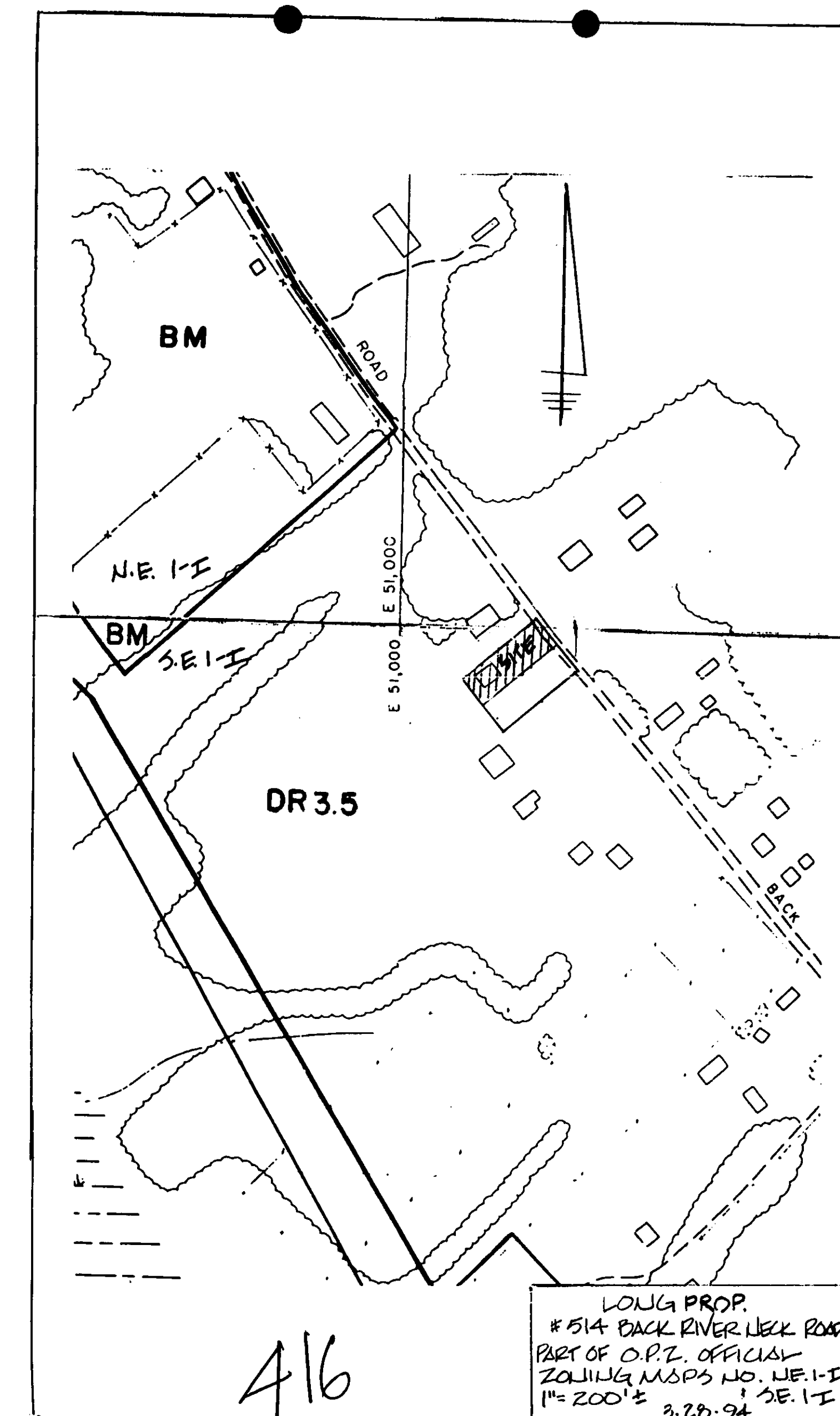
*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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

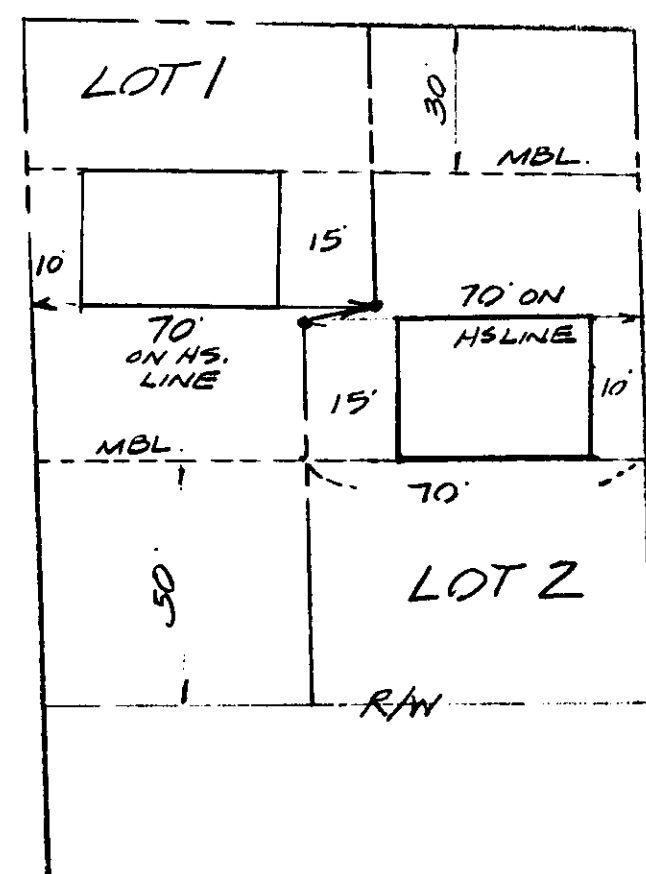
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, 4932 Hazelwood Avenue, Baltimore, MD 21206, Representative for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN



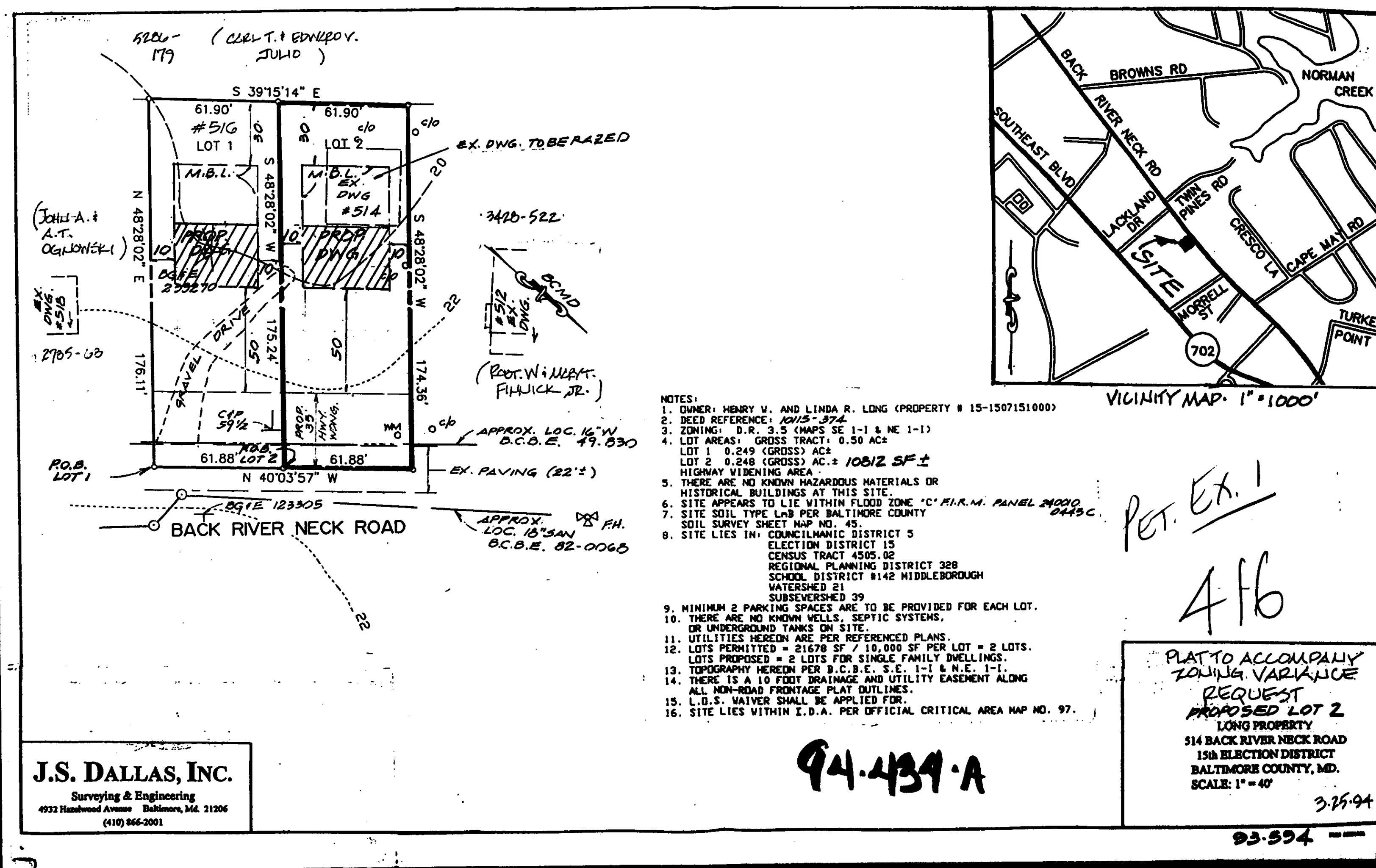
416  
94-434-A



"STEPPED" LAYOUT

EXHIBIT 'A'  
LONG PROPERTY  
BACK RIVER NECK RD  
1" = 40' 4-28-94

416 94-434-A



J.S. DALLAS, INC.  
Surveying & Engineering  
4932 Hazelwood Avenue Baltimore, MD 21206  
(410) 866-2001

94-434-A

Pet. Et. 1  
416  
PLAT TO ACCOMPLISH  
ZONING VARIANCE  
REQUEST  
PROPOSED LOT 2  
LONG PROPERTY  
514 BACK RIVER NECK ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1" = 40'  
3-25-94

93-594 -- 1

94-434-A  
receipt

**CRITICAL**

Date: 5/2/94

Account: R-041-4150  
Number: 416  
3/ JLL

1 RES VAR. FILING CODE C10 \$ 50.00  
(1) SIGN POSTING CODE C80 \$ 350.00  
ITEM 417 \$ 850.00

CHUCK LONG  
400 514 BACK RIVER NECK RD.

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

94-434-A

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

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- 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.

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 416  
Petitioner: Henry M. Long & Linda R. Long  
Location: #514 Back River Neck Rd.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Henry W. Long  
ADDRESS: 1912 Middleborough Rd.  
Baltimore, Md. 21221  
PHONE NUMBER: 687-8762

MUST BE SUPPLIED

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

94-434-A

**NOTICE OF HEARING**

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

CASE NUMBER: 94-434-A (Item 416)  
514 Back River Neck Road  
W/S Back River Neck Road, 1147' NW of Cape May Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Henry M. Long and Linda R. Long  
HEARING: FRIDAY, JUNE 17, 1994 at 10:00 a.m. Rm. 106 County Office Bldg.

Variance to allow a minimum lot width of 61.8' +/- in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

cc: Henry and Linda Long  
J. Scott Bellin.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

MAY 12, 1994

**NOTICE OF HEARING**

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CASE NUMBER: 94-434-A (Item 416)  
514 Back River Neck Road  
W/S Back River Neck Road, 1147' NW of Cape May Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Henry M. Long and Linda R. Long  
HEARING: FRIDAY, JUNE 17, 1994 at 10:00 a.m. Rm. 106 County Office Bldg.

Variance to allow a minimum lot width of 61.8' +/- in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

*Carl Jablon*  
ARNOLD JABLON, DIRECTOR

cc: Henry and Linda Long  
J. Scott Bellin.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

June 8, 1994

Mr. and Mrs. Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221

RE: Case No. 94-434-A, Item No. 416  
Petitioner: Henry W. Long, et al.  
Petition for Variance

Dear Mr. and Mrs. Long:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 2, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

June 8, 1994

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: May 23, 1994

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

RE: Zoning Advisory Committee Meeting  
for May 23, 1994  
Item No. 416

The Developers Engineering Section has reviewed the subject zoning item. Please see our comments for the minor subdivision file "Long Property," March 11, 1994.

RWB:sw

Maryland Department of Transportation  
State Highway Administration

5-17-94

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. 416 (JLL)

Dear Ms. Minton:

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

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

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DAVID N. RAYNEY, ACTING CHIEF  
John Contestable, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2256 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: May 18, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

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: *Carol L. Lewis*

PK/JL:lw

ZAC.401/PZONE/ZAC1

IN RE: PETITIONS FOR VARIANCE  
 W/S Back River Neck Road, 1147' and 1,085' NW of Cape May Road (514 & 516 Back River Neck Road) 15th Election District  
 5th Councilmanic District  
 Henry W. Long, et ux  
 Petitioners

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case Nos. 94-434-A and 94-435-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as 514 and 516 Back River Neck Road, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owners of the properties, Henry W. and Linda R. Long. In each case, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition were Henry and Linda Long, property owners. There were no Protestants present.

Testimony and evidence presented revealed that the subject properties consist of a combined gross area of 0.50 acres, more or less, zoned D.R. 3.5. The Petitioners propose to subdivide the property to create two lots of approximately 0.25 acres each and develop each lot with a single family dwelling in accordance with Petitioner's Exhibits 1. Proposed Lot 2 is already improved with a dwelling which is to be razed upon approval of the relief requested. Testimony revealed that the subject property

meets the area requirements necessary for the creation of two lots in a D.R. 3.5 zone; however, the requested variances are necessary to meet setback requirements for the proposed improvements to each lot. The Petitioners submitted as Exhibit A a "stepped" layout of the proposed subdivision which would permit development of the two lots without the need for variances; however, that scenario would be less attractive and incompatible with existing development in the community. There being no adverse comments from any Baltimore County reviewing agency, nor any opposition from any adjoining property owners, it appears the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 200 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1994 that the Petitions for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot, in accordance with Petitioner's Exhibits 1, 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) Development of the subject lots is limited to that depicted on Petitioner's Exhibits 1. There shall be no further variances granted for either lot.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjjs

ORDER RECEIVED FOR FILING  
 Date 7/25/94  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 7/25/94  
 By [Signature]

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284

(410) 887-4386

July 25, 1994

Mr. & Mrs. Henry W. Long  
 1912 Middleborough Road  
 Baltimore, Maryland 21221

RE: PETITIONS FOR VARIANCE  
 W/S Back River Neck Road, 1147' and 1,085' NW of Cape May Road (514 & 516 Back River Neck Road) 15th Election District - 5th Councilmanic District  
 Henry W. Long, et ux - Petitioners  
 Case Nos. 94-434-A and 94-435-A

Dear Mr. & Mrs. Long:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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,

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjjs

cc: Mr. J. Scott Dallas  
 4932 Hazelwood Avenue, Baltimore, Md. 21206

People's Council

File

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 514 Back River Neck Road  
 which is presently zoned D. R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1. to allow a minimum lot width of 61.8 feet in lieu of the required 70 feet and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

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

- (1.) Property meets area requirements for 2 lots in D.R. 3.5.
- (2.) Neighborhood averaging setback and zoning regulation setbacks can be achieved as shown in "Exhibit A" but a "stepped" layout would be less attractive and less in harmony with neighboring houses.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessee:  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode

Legal Owner(s):  
 Henry W. Long  
 (Type or Print Name)  
 Signature  
 Linda R. Long  
 (Type or Print Name)  
 Signature  
 1912 Middleborough Rd. 687-8762  
 Address Phone No.  
 Baltimore, MD 21221  
 City State Zipcode  
 Name, Address and phone number of representative to be contacted.

J. Scott Dallas  
 Name  
 4932 Hazelwood Ave. 866-2001  
 Baltimore, MD 21206  
 City State Zipcode  
 OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING  
 the following date: \_\_\_\_\_ available for hearing: \_\_\_\_\_  
 ALL OTHER: \_\_\_\_\_  
 REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ORDER RECEIVED FOR FILING  
 Date 7/25/94  
 By [Signature]

ZONING DESCRIPTION - LOT 2  
 LONG PROPERTY  
 15th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

BEGINNING FOR THE SALE at a point in or near the centerline of existing paving of Back River Neck Road at a distance of 1147 feet northwesterly, more or less, from the proposed centerline intersection with Cape May Road as shown on B.C.B.E. Road Construction Drawing No. 77-1196 thence running with and binding in or near said centerline of Cape May Road (1) North 40 degrees 03 minutes 57 seconds West 61.88 feet thence leaving said road and running the three following courses and distances: (2) South 48 degrees 28 minutes 02 seconds West 174.26 feet (3) South 39 degrees 15 minutes 14 seconds East 61.90 feet and (4) North 46 degrees 28 minutes 02 seconds East 175.24 feet to the place of beginning, containing 10,812 square feet of land, more or less.

The improvements thereon to be known as # 514 Back River Neck Road. BEING a part of that property as recorded in Liber 10115 folio 374.

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 15th Date of Posting: 7/25/94  
 Posted for: Variance  
 Petitioner: Henry W. Long & Linda R. Long  
 Location of property: 514 Back River Rd.  
 Location of Sign: Henry W. Long, et ux property being posted  
 Remarks:  
 Posted by: [Signature] Date of return: 7/25/94  
 Number of Signs: 1

NOTICE OF HEARING  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County will hold a public hearing on the proposed Variance from Section 1802.3.C.1 of the County Code (Chesapeake Avenue) at 111 W. Towson, Maryland 21286 or 400 Washington Avenue, Towson, Maryland 21284 as follows:  
 Case Number: 94-434-A (Item 418)  
 514 Back River Neck Rd. W/S Back River Neck Rd. 1147 NW of Cape May Rd. 15th Election District 5th Councilmanic District  
 Petitioners: Henry W. Long and Linda R. Long  
 HEARING DATE: JUNE 17, 1994 at 10:00 AM in the 106 County Office Building.  
 Variance: to allow a minimum lot width of 61.8 feet in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.  
 LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County  
 NOTES: (1) Hearings are held on Wednesdays for special accommodations. Please Call 887-3393.  
 (2) For information concerning the fee and/or hearing, please call 887-3391.  
 © 200 May 19

CERTIFICATE OF PUBLICATION  
 TOWSON, MD. 5/20, 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 5/19, 1994.  
 THE JEFFERSONIAN,  
 A. Henkle  
 LEGAL AD. - TOWSON

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

May 24, 1994

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

FROM: J. Lawrence Pilon, DEPRM  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #417 - Long Property  
516 Back River Neck Road  
Zoning Advisory Committee Meeting of May 16, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.  
Remove note 16. Site does not lie in CBA.

JLP:NP:sp  
LONG/DEPRM/TXTSBP

Baltimore County Government  
Fire Department

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

(410) 887-4500

DATE: 05/17/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21284  
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.

B. The Fire Prevention Bureau has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 415, 416, 417, 418, 419, 420, 422, 423, 425.

RECEIVED  
MAY 18 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4981, MS-1102F

cc: File



RE: PETITION FOR VARIANCE \* BEFORE THE  
W/S Back River Neck Road, \* ZONING COMMISSIONER  
1085' NW of Cape May Road \* OF BALTIMORE COUNTY  
(516 Back River Neck Road), \*  
15th Election Dist., 5th \* Case No. 94-435-A  
Councilmanic Dist. \*  
HENRY W. LONG, et al. \*  
Petitioners \*  
\* \* \* \* \*

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.

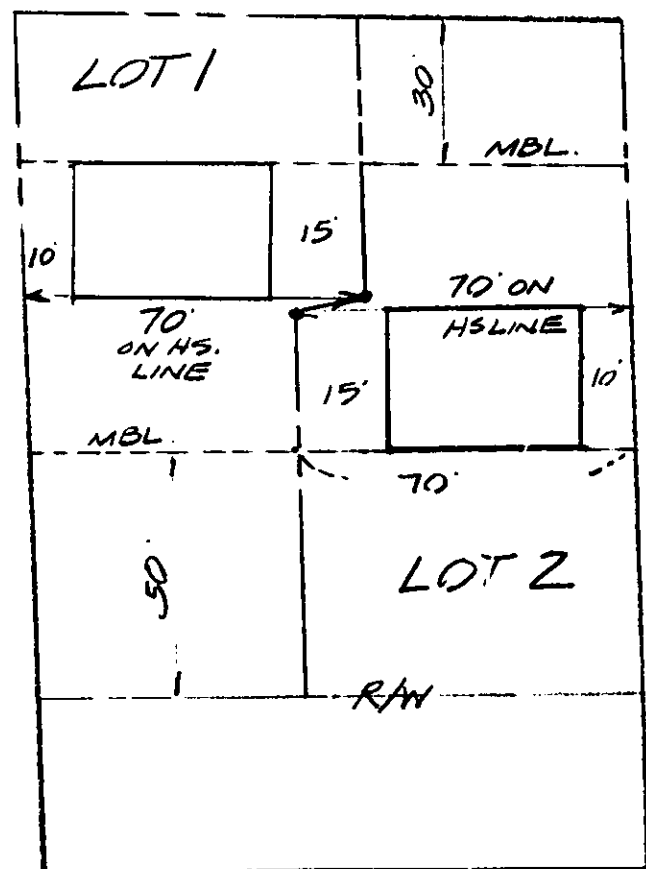
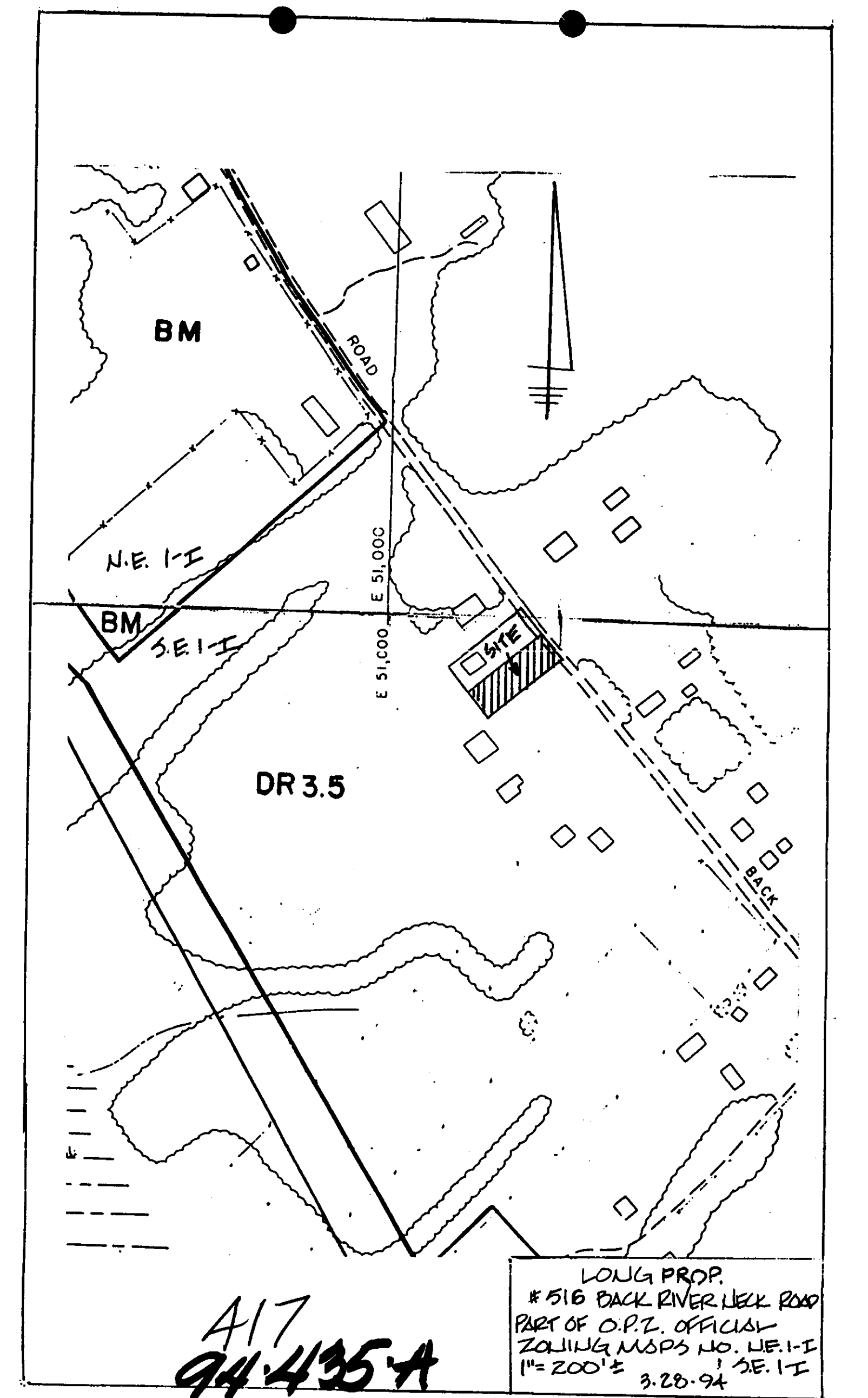
Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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 17<sup>th</sup> day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, 4932 Hazelwood Avenue, Baltimore, MD 21206, Representative for Petitioners.

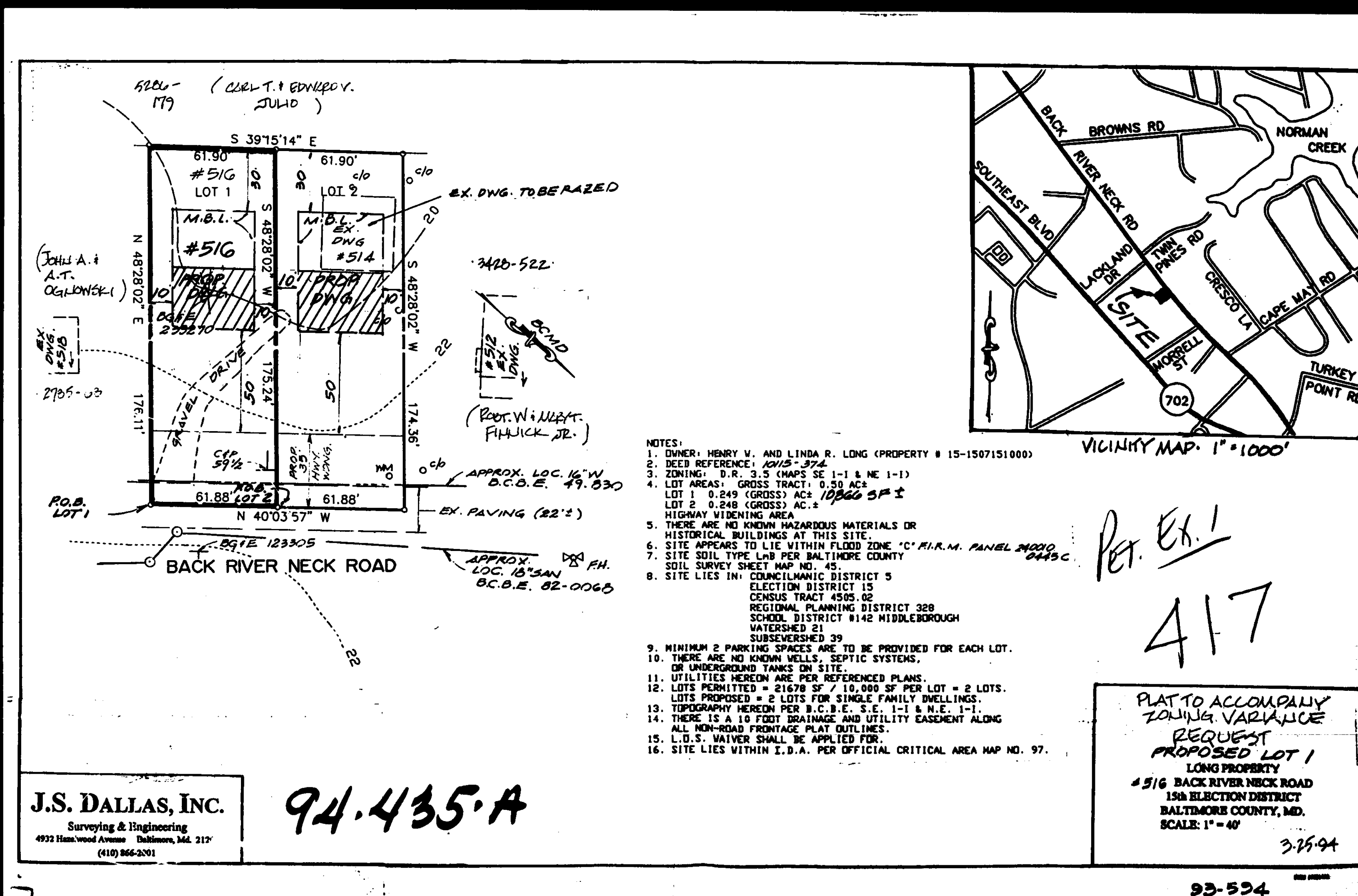
Peter Max Zimmerman  
PETER MAX ZIMMERMAN



"STEPPED" LAYOUT

EXHIBIT 'A'  
LONG PROPERTY  
BACK RIVER NECK RD.  
1:40 4-28-94

A17 94-435-A



J.S. DALLAS, INC.  
Surveying & Engineering  
4932 Hazelwood Avenue Baltimore, Md. 21206  
(410) 886-2311

94-435-A

PLAT TO ACCORDANCE  
ZONING VARIANCE  
REQUEST  
PROPOSED LOT 1  
LONG PROPERTY  
516 BACK RIVER NECK ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1" = 40'  
3-25-94

94-435-A  
receipt

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

Account R# 1-4150  
Number 417  
BY JLL

Date 5/18/94 **CRITICAL**

1 RES VAR FLING-FEE CODE 310 \$50.00  
AS SIMU FEE  
SIGN BILLED ON ITEM 416  
TOTAL: \$50.00

GUNNER, LONG  
602 516 BACK RIVER RD.

Please Make Check Payable To: Baltimore County

Cashier Validation

94-435-A

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- 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*  
ARNOLD JABLON, DIRECTOR

---

For newspaper advertising:  
Item No. 417  
Petitioner: Henry W. Long & Linda R. Long  
Location: \*516

PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Henry W. Long  
ADDRESS: 1912 Middleborough Rd.  
Balt. Md. 21221  
PHONE NUMBER: 687 8762

**\*MUST BE SUPPLIED**

TO: PUPPETEER PUBLISHING COMPANY  
May 19, 1994 Issue - Jeffersonian

Please forward billing to:  
Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221  
687-8762

**NOTICE OF HEARING**

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

CASE NUMBER: 94-435-A (Item 417)  
516 Back River Neck Road  
W/S Back River Neck Road, 1085' NW of Cape May Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Henry W. Long and Linda R. Long  
HEARING: FRIDAY, JUNE 17, 1994 at 10:00 a.m. in Rm. 106 County Office Bldg.

Variance to allow a minimum lot width of 61.8' +/- feet in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

LAWRENCE E. SCHWEDT  
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 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

MAY 12, 1994

**NOTICE OF HEARING**

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W/S Back River Neck Road, 1085' NW of Cape May Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Henry W. Long and Linda R. Long  
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Variance to allow a minimum lot width of 61.8' +/- feet in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

*Arnold Jablon*  
Arnold Jablon  
Director

cc: Henry and Linda Long  
J. Scott Dallas

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 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE BY 887-3391.

Printed with Soybean Ink  
on Recycled Paper

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

June 8, 1994

Mr. and Mrs. Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221

RE: Case No. 94-435-A, Item No. 417  
Petitioner: Henry W. Long, et al  
Petition for Variance

Dear Mr. and Mrs. Long:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 2, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 23, 1994  
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting  
for May 23, 1994  
Item No. 417

The Developers Engineering Section has reviewed the subject zoning item. Please see our comments for the minor subdivision file "Long Property," March 11, 1994.

RWB:sw

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Maryland Department of Transportation  
State Highway Administration

5-17-94

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. 417 (JLL)

Dear Ms. Minton:

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

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

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DONALD N. RAMSEY, ACTING CHIEF  
John Costantabile, 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 DATE: May 18, 1994  
Zoning Administration and  
Development Management

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

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: *Caryl L. Lewis*

PK/JL:lw

ZAC. 401/PZONE/ZAC1



IN RE: PETITIONS FOR VARIANCE \* BEFORE THE  
W/S Back River Neck Road, 1147' \* ZONING COMMISSIONER  
and 1,085' NW of Cape May Road \* OF BALTIMORE COUNTY  
(514 & 516 Back River Neck Road)  
15th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* Case Nos. 94-434-A and  
Henry W. Long, et ux 94-435-A  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as 514 and 516 Back River Neck Road, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owners of the properties, Henry W. and Linda R. Long. In each case, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition were Henry and Linda Long, property owners. There were no Protestants present.

Testimony and evidence presented revealed that the subject properties consist of a combined gross area of 0.50 acres, more or less, zoned D.R. 3.5. The Petitioners propose to subdivide the property to create two lots of approximately 0.25 acres each and develop each lot with a single family dwelling in accordance with Petitioners' Exhibits 1. Proposed Lot 2 is already improved with a dwelling which is to be razed upon approval of the relief requested. Testimony revealed that the subject property

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

meets the area requirements necessary for the creation of two lots in a D.R. 3.5 zone; however, the requested variances are necessary to meet setback requirements for the proposed improvements to each lot. The Petitioners submitted as Exhibit A a "stepped" layout of the proposed subdivision which would permit development of the two lots without the need for variances; however, that scenario would be less attractive and incompatible with existing development in the community. There being no adverse comments from any Baltimore County reviewing agency, nor any opposition from any adjoining property owners, it appears the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1994 that the Petitions for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot, in accordance with Petitioner's Exhibits 1, 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.

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

- 2) Development of the subject lots is limited to that depicted on Petitioner's Exhibits 1. There shall be no further variances granted for either lot.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

July 25, 1994

(410) 887-4386

Mr. & Mrs. Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221

RE: PETITIONS FOR VARIANCE  
W/S Back River Neck Road, 1147' and 1,085' NW of Cape May Road  
(514 & 516 Back River Neck Road)  
15th Election District - 5th Councilmanic District  
Henry W. Long, et ux - Petitioners  
Case Nos. 94-434-A and 94-435-A

Dear Mr. & Mrs. Long:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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,

[Signature]  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

cc: Mr. J. Scott Dallas  
4932 Hazelwood Avenue, Baltimore, Md. 21206

People's Counsel

File ✓

**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
for the property located at 516 Back River Neck Road  
which is presently zoned D. R. 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 1802.3.C.1. to allow a minimum lot width of 61.8+ feet in lieu of the required 70 feet and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

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

- (1.) Property meets area requirements for 2 lots in D.R. 3.5.
- (2.) Neighborhood averaging setback and zoning regulation setbacks can be achieved as shown in "Exhibit A" but a "stepped" layout would be less attractive and less in harmony with neighboring houses.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contact Purchaser/Lessor:

Type or Full Name

Signature

Address

City

State

Zip

Phone No.

State

Zip

Phone No.

State

Zip

Phone No.

With do solemnly swear and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Henry W. Long

[Signature]

Linda R. Long

[Signature]

1912 Middleborough Rd. 687-8762

Address

Baltimore, MD 21221

City, State and phone number of representative to contact.

J. Scott Dallas

4932 Hazelwood Ave. 866-2001

Baltimore, MD 21206

City, State and phone number of representative to contact.

ESTIMATED LENGTH OF HEARING (Indicate for Hearing)

The following date: OTHER: (Indicate for Hearing)

ALL: OTHER: (Indicate for Hearing)

DEFERRED BY: DATE

ORDER RECEIVED FOR FILING  
Date 7/25/94  
By [Signature]

Printed with Expense fee on Recycled Paper

ZONING DESCRIPTION - LOT 1  
LONG PROPERTY  
15th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

BEGINNING for the same at a point in or near the centerline of existing paving of Back River Neck Road at a distance of 1085 feet northwesterly, more or less, from the proposed centerline intersection with Cape May Road as shown on B.C.B.E. Road Construction Drawing No. 77-1196 thence running with and binding in or near said centerline of Cape May Road (1) North 40 degrees 03 minutes 57 seconds West 61.88 feet thence leaving said road and running the three following courses and distances: (2) South 48 degrees 28 minutes 02 seconds West 175.24 feet (3) South 39 degrees 15 minutes 14 seconds East 61.90 feet and (4) North 48 degrees 28 minutes 02 seconds East 176.11 feet to the place of beginning containing 10,866 square feet of land more or less.

The improvements thereon to be known as # 516 Back River Neck Road. BEING a part of that property as recorded in Liber 10115 folio 374.

417

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY 94-435-A  
Towson, Maryland

District... 15th Date of Posting... 7/25/94  
Posted for: Variance  
Petitioner: Henry W. Long  
Location of property: 516 Back River Neck Rd  
Location of Sign: Facing roadway on property being razed  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 8/3/94  
Number of Signs: 1

CERTIFICATE OF PUBLICATION  
TOWSON, MD., 5/20, 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 5/19, 1994.

THE JEFFERSONIAN,  
A. Henikson  
LEGAL AD - TOWSON

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

May 24, 1994

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

FROM: J. Lawrence Pilson, SFP  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #416 - Long Property  
514 Back River Neck Road  
Zoning Advisory Committee Meeting of May 16, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.  
Remove note 16. Site does not lie in CBCA.

JLP:NP:sp  
LONG/DEPRM/TXTSRP

Baltimore County Government  
Fire Department

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

(410) 887-4500

DATE: 05/17/94

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.

9. The Fire Prevention Bureau has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 415, 416, 417, 418, 419, 420, 422, 423, 425.

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

cc: File



RE: PETITION FOR VARIANCE  
W/S Back River Neck Road,  
1147' NW of Cape May Road,  
(514 Back River Neck Road),  
15th Election Dist., 5th  
Councillmanic Dist.

HENRY W. LONG, et al.  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 94-434-A

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.

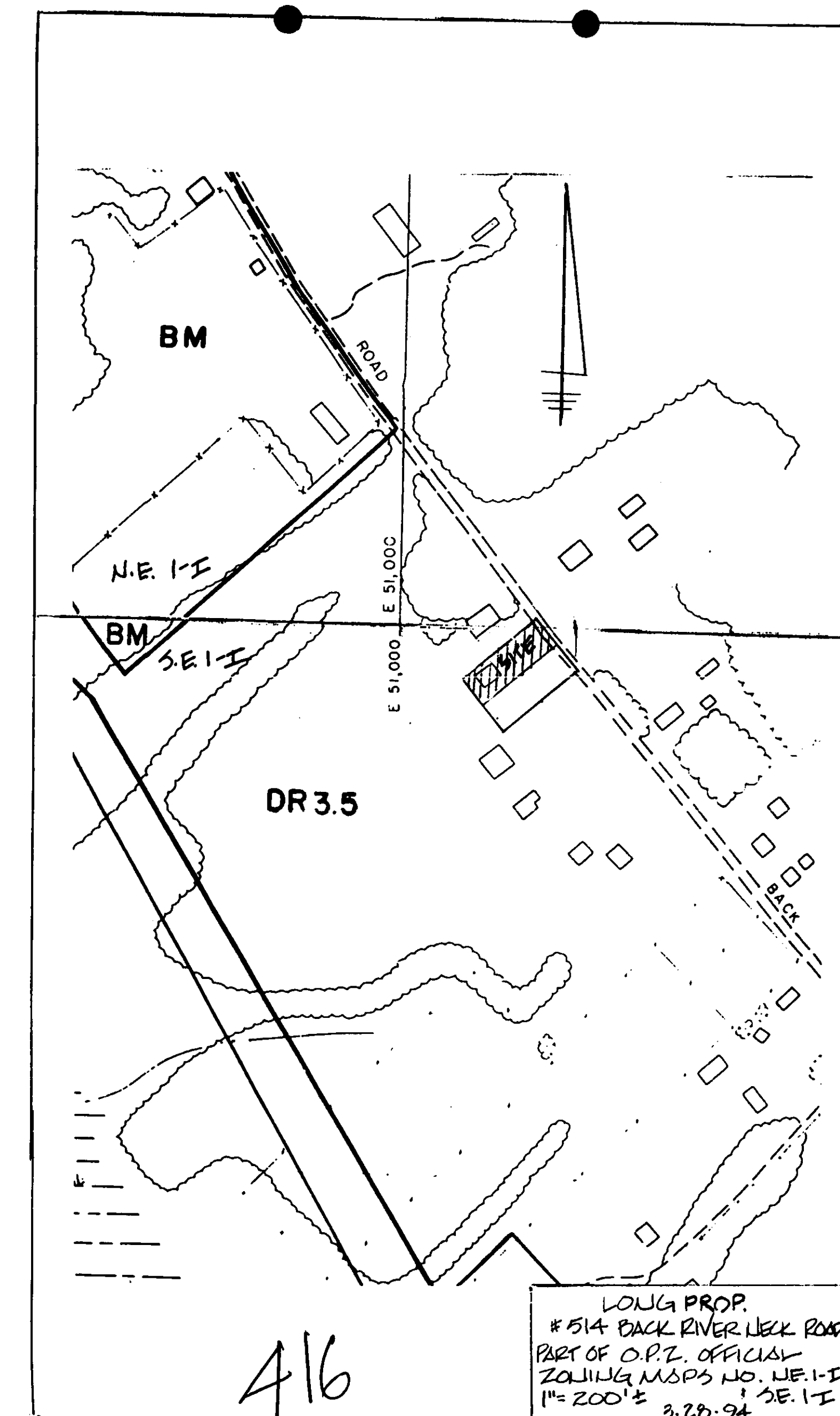
*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

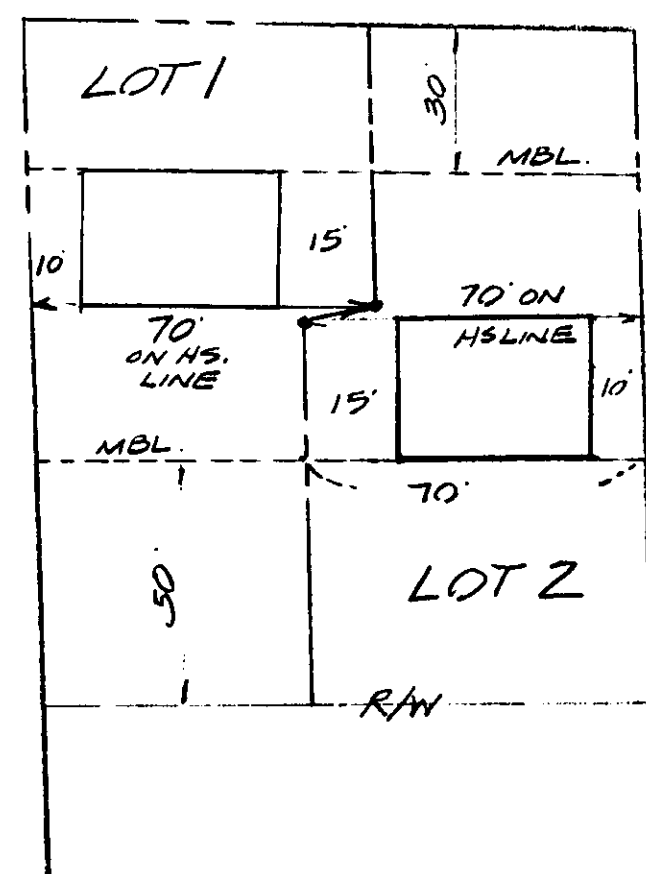
I HEREBY CERTIFY that on this 17th day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, 4932 Hazelwood Avenue, Baltimore, MD 21206, Representative for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN



416

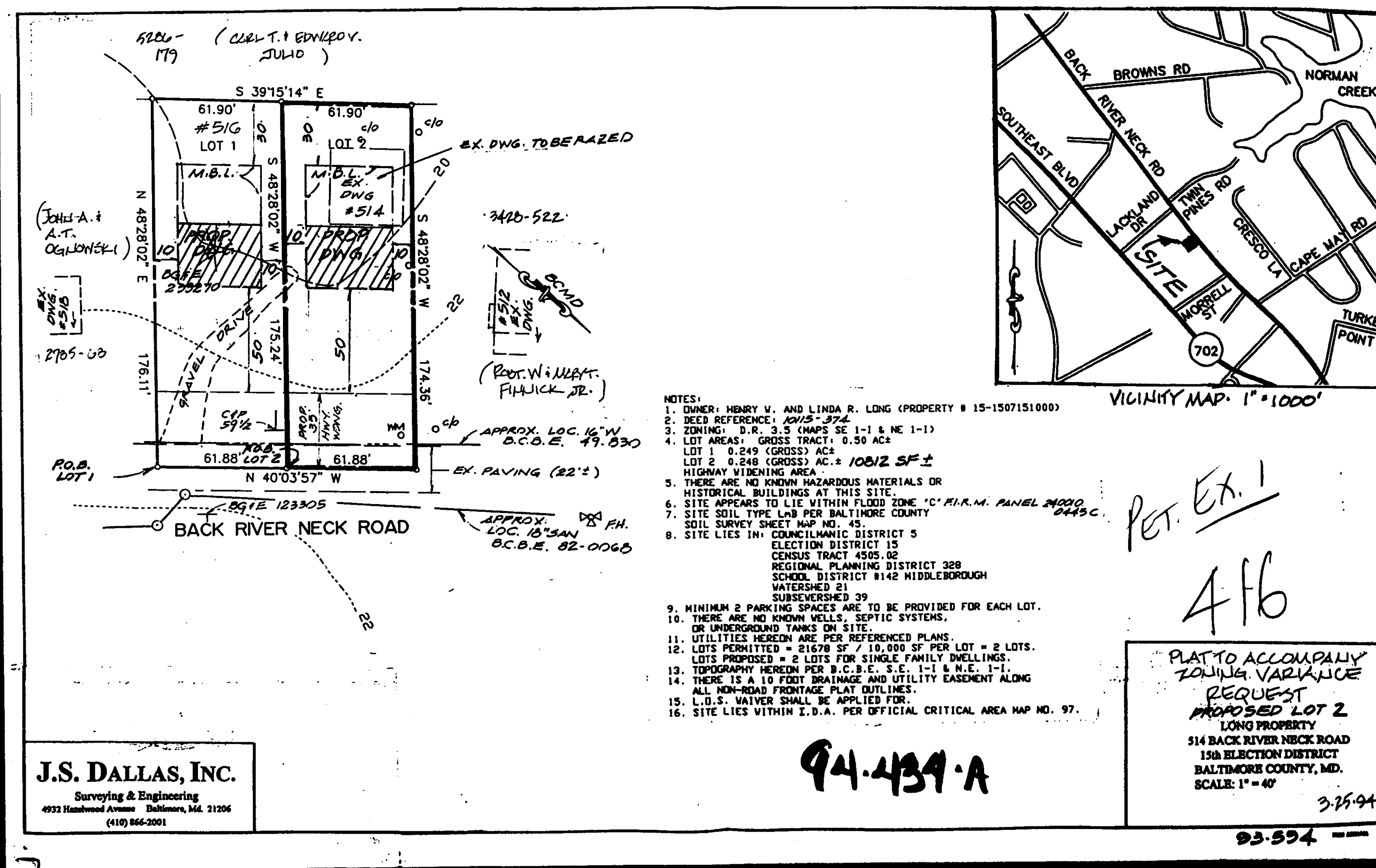
94-434-A



"STEPS" LAYOUT

EXHIBIT 'A'  
LONG PROPERTY  
BACK RIVER NECK RD  
1" = 40' 4-28-94

416 94-434-A



J.S. DALLAS, INC.  
Surveying & Engineering  
4932 Hazelwood Avenue Baltimore, MD 21206  
(410) 866-2001

94-434-A

PLAT TO ACCOMPLISH  
ZONING VARIANCE  
REQUEST  
PROPOSED LOT 2  
LONG PROPERTY  
514 BACK RIVER NECK ROAD  
15th ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1" = 40'  
3-25-94

95-594

94-434-A  
receipt

**CRITICAL**

Date: 5/2/94

Account: R-041-4150  
Number: 416  
3/ JLL

1 RES VAR. FILING CODE C10 \$ 50.00  
(1) SIGN POSTING CODE C80 \$ 350.00  
ITEM 417 \$ 850.00

Henry W. Long  
400 514 Back River Neck Rd.

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

94-434-A

**ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be 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*  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
Item No.: 416  
Petitioner: Henry W. Long & Linda R. Long  
Location: #514 Back River Neck Rd.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Henry W. Long  
ADDRESS: 1912 Middleborough Rd.  
Baltimore, Md. 21221  
PHONE NUMBER: 687-8762

MUST BE SUPPLIED

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

94-434-A

**NOTICE OF HEARING**

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

CASE NUMBER: 94-434-A (Item 416)  
514 Back River Neck Road  
W/S Back River Neck Road, 1147' NW of Cape May Road  
15th Election District - 5th Councilmanic  
Petitioner(s): Henry W. Long and Linda R. Long  
HEARING: FRIDAY, JUNE 17, 1994 at 10:00 a.m. Rm. 106 County Office Bldg.

Variance to allow a minimum lot width of 61.8' +/- in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

cc: Henry and Linda Long  
J. Scott Bellin.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

MAY 12, 1994

**NOTICE OF HEARING**

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514 Back River Neck Road  
W/S Back River Neck Road, 1147' NW of Cape May Road  
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*Arnold Jablon*  
ARNOLD JABLON, DIRECTOR

cc: Henry and Linda Long  
J. Scott Bellin.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

June 8, 1994

Mr. and Mrs. Henry W. Long  
1912 Middleborough Road  
Baltimore, Maryland 21221

RE: Case No. 94-434-A, Item No. 416  
Petitioner: Henry W. Long, et al.  
Petition for Variance

Dear Mr. and Mrs. Long:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 2, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

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

June 8, 1994

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: May 23, 1994

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

RE: Zoning Advisory Committee Meeting  
for May 23, 1994  
Item No. 416

The Developers Engineering Section has reviewed the subject zoning item. Please see our comments for the minor subdivision file "Long Property," March 11, 1994.

RWB:sw

Maryland Department of Transportation  
State Highway Administration

5-17-94

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. 416 (JLL)

Dear Ms. Minton:

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

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

Thank you for the opportunity to review this item.

Very truly yours,  
*Bob Small*  
for DAVID N. RAYNEY, ACTING CHIEF  
John Contestable, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2256 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: May 18, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 401, 403, 408, 413, 415, 416, 417, 418, 419, 421, 422, 425 and 426.

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: *Carol L. Lewis*

PK/JL:lw

ZAC.401/PZONE/ZAC1

IN RE: PETITIONS FOR VARIANCE  
 W/S Back River Neck Road, 1147' and 1,085' NW of Cape May Road (514 & 516 Back River Neck Road) 15th Election District  
 5th Councilmanic District  
 Henry W. Long, et ux  
 Petitioners

BEFORE THE  
 ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case Nos. 94-434-A and 94-435-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for those properties known as 514 and 516 Back River Neck Road, located in the Essex area of southeastern Baltimore County. The Petitions were filed by the owners of the properties, Henry W. and Linda R. Long. In each case, the Petitioners seek relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot. The subject properties and relief sought are more particularly described on the site plans submitted into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petition were Henry and Linda Long, property owners. There were no Protestants present.

Testimony and evidence presented revealed that the subject properties consist of a combined gross area of 0.50 acres, more or less, zoned D.R. 3.5. The Petitioners propose to subdivide the property to create two lots of approximately 0.25 acres each and develop each lot with a single family dwelling in accordance with Petitioner's Exhibits 1. Proposed Lot 2 is already improved with a dwelling which is to be razed upon approval of the relief requested. Testimony revealed that the subject property

meets the area requirements necessary for the creation of two lots in a D.R. 3.5 zone; however, the requested variances are necessary to meet setback requirements for the proposed improvements to each lot. The Petitioners submitted as Exhibit A a "stepped" layout of the proposed subdivision which would permit development of the two lots without the need for variances; however, that scenario would be less attractive and incompatible with existing development in the community. There being no adverse comments from any Baltimore County reviewing agency, nor any opposition from any adjoining property owners, it appears the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 200 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 1994 that the Petitions for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 61.8 feet, more or less, in lieu of the required 70 feet, and to permit a minimum sum of the side yards of 20 feet in lieu of the required 25 feet for a proposed dwelling on each lot, in accordance with Petitioner's Exhibits 1, 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) Development of the subject lots is limited to that depicted on Petitioner's Exhibits 1. There shall be no further variances granted for either lot.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
 Date 7/25/94  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 7/25/94  
 By [Signature]

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284

(410) 887-4386

July 25, 1994

Mr. & Mrs. Henry W. Long  
 1912 Middleborough Road  
 Baltimore, Maryland 21221

RE: PETITIONS FOR VARIANCE  
 W/S Back River Neck Road, 1147' and 1,085' NW of Cape May Road (514 & 516 Back River Neck Road) 15th Election District - 5th Councilmanic District  
 Henry W. Long, et ux - Petitioners  
 Case Nos. 94-434-A and 94-435-A

Dear Mr. & Mrs. Long:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have 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,

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjs

cc: Mr. J. Scott Dallas  
 4932 Hazelwood Avenue, Baltimore, Md. 21206

People's Council

File

**Petition for Variance**  
 to the Zoning Commissioner of Baltimore County  
 for the property located at 514 Back River Neck Road  
 which is presently zoned D. R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1. to allow a minimum lot width of 61.8 feet in lieu of the required 70 feet and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.

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

- (1.) Property meets area requirements for 2 lots in D.R. 3.5.
- (2.) Neighborhood averaging setback and zoning regulation setbacks can be achieved as shown in "Exhibit A" but a "stepped" layout would be less attractive and less in harmony with neighboring houses.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchase/Lessee:  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode

Legal Owner(s):  
 Henry W. Long  
 (Type or Print Name)  
 Signature  
 Linda R. Long  
 (Type or Print Name)  
 Signature  
 1912 Middleborough Rd. 687-8762  
 Address Phone No.  
 Baltimore, MD 21221  
 City State Zipcode  
 Name, Address and phone number of representative to be contacted.

J. Scott Dallas  
 Name  
 4932 Hazelwood Ave. 866-2001  
 Baltimore, MD 21206  
 City State Zipcode  
 OFFICIAL USE ONLY

ESTIMATED LENGTH OF HEARING  
 the following date: \_\_\_\_\_ next Two Months  
 ALL OTHER \_\_\_\_\_  
 REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

ORDER RECEIVED FOR FILING  
 Date 7/25/94  
 By [Signature]

ZONING DESCRIPTION - LOT 2  
 LONG PROPERTY  
 15th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

BEGINNING for the sale at a point in or near the centerline of existing paving of Back River Neck Road at a distance of 1147 feet northwesterly, more or less, from the proposed centerline intersection with Cape May Road as shown on B.C.B.E. Road Construction Drawing No. 77-1196 thence running with and binding in or near said centerline of Cape May Road (1) North 40 degrees 03 minutes 57 seconds West 61.88 feet thence leaving said road and running the three following courses and distances: (2) South 48 degrees 28 minutes 02 seconds West 174.26 feet (3) South 39 degrees 15 minutes 14 seconds East 61.90 feet and (4) North 46 degrees 28 minutes 02 seconds East 175.24 feet to the place of beginning, containing 10,812 square feet of land, more or less.

The improvements thereon to be known as # 514 Back River Neck Road. BEING a part of that property as recorded in Liber 10115 folio 374.

CERTIFICATE OF POSTING  
 ZONING DEPARTMENT OF BALTIMORE COUNTY  
 Towson, Maryland

District: 15th Date of Posting: 7/25/94  
 Posted for: Variance  
 Petitioner: Henry W. Long & Linda R. Long  
 Location of property: 514 Back River Rd.  
 Location of Sign: Property boundary on property being posted  
 Remarks:  
 Posted by: [Signature] Date of return: 7/25/94  
 Number of Signs: 1

NOTICE OF HEARING  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning Law and Regulations of Baltimore County will hold a public hearing on the proposed Variance from Section 1802.3.C.1 of the County Code (Chesapeake Avenue) at 111 W. Towson, Maryland 21286 or 400 Washington Avenue, Towson, Maryland 21284 as follows:  
 Case Number: 94-434-A (Item 418)  
 514 Back River Neck Rd. W/S Back River Neck Rd. 1147 NW of Cape May Rd. 15th Election District 5th Councilmanic District  
 Petitioners: Henry W. Long and Linda R. Long  
 HEARING DATE: JUNE 17, 1994 at 10:00 AM in the 106 County Office Building.  
 Variance: to allow a minimum lot width of 61.8 feet in lieu of the required 70 feet; and to allow a minimum sum of side yard widths of 20 feet in lieu of the required 25 feet.  
 LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County  
 NOTES: (1) Hearings are held on Wednesdays for special accommodations. Please Call 887-3393.  
 (2) For information concerning the fee and/or hearing, please call 887-3391.  
 © 200 May 18

CERTIFICATE OF PUBLICATION  
 TOWSON, MD. 5/20, 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 5/19, 1994  
 THE JEFFERSONIAN,  
 A. Henkle  
 LEGAL AD. - TOWSON