FINDINGS OF FACT AND CONCLUSIONS OF LAW

This patter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3925 Glenhurst Road, located in the Dundalk area of southeastern Baltimore County. The Petition was filed by the owners of the property, Leo L. and Mary Lee Smith, and the Contract Purchaser, Bettie M. Collins. The Petitioners seek relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front street setback of 23 feet in lieu of the minimum required 28.15 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Potitioner's Exhibit 1.

Appearing on behalf of the Petition was Barbara Knezevich with Homecroft Homes, Inc., builder. There were no Protestants present. Testimony and evidence offered revealed that the subject property consists of 0.142 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Contract Purchaser is desirous of developing the property with a single family dwelling. Due to the small size of this lot and the location of wetlands to the rear of the property, the proposed dwelling must be located closer to the front property line than the average front

netback on the street. There being no Protestants present at the hearing

nor any adverse comments in the file from any Baltimore County reviewing

agency or neighboring property owner, it appears the relief requester

It should also be noted that this property is located within the Chesapeake Ray Critical Areas near Back River and as each is subject to compliance with Critical Areas legislation. As a condition of the grant ing of this variance, the Petitioner must comply with the comments submitted 'w the Department of Environmental Protection and Resource Managemen (DEPRM) dated July 14. 1994, a copy of which is attached hereto

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

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bny Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, able hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeako Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures with-

in the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Beltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- Minimize adverse impacts on water quality that result from pollutants that are discharged from struc-tures or conveyances or that have run off from sur-rounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for dovelopment in the Chesapeake Bay Critical Area which accommodate growth and also address the fect that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

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

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this $\frac{4^{+h}}{}$ day of August, 1994 that the Petition for

- 3-

Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front street setback of 23 feet in lieu of the minimum required 28.15 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the

The Petitioners may apply for their building permit and be granted same upon receipt of this order; bowever, Petitioners are berely made aware that pro-ceeding at this time is at their own risk until such time as the Jo-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated July 14, 1994, attached hereto and made a part hereof.

- 4-

CLETIFICATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY 94-530-14 Torono, Maryland

Justly Hotores TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

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District 1978

Posted for Vertince

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Location of property 3925 flow host Rd 5/4

Location at some Feeling reed way on fragerly being nout

Baltimore County Government 1

Suite 112 Courthouse 4°0 Washington Aven Towson, MD 21204

(410) 887-4386

Mr. Barbara Knezewich

Homecroft Homes, Inc. 6111 Davis Road Woodbine, Maryland 21797 DE - PETITION FOR VARIANCE PETITION FOR VARIANCE S/S Clenhurat Road, 363' E of the c/l of Cove Road (1925 Glenhurat Road) 15th Election District - 7th Councilmanic District Leo L. Smith, et ux - Petitioners Came No. 94-530-A

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty [30] days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 807-329

Very truly yours, South loves TIMOTHY M. KOTROCO Deputy Zoning Commiss for Baltimore County

TWEET

cc: Mr. & Mrs. Leo Smith 3924 Glenhurst Road, Baltimore, Md. 21222

Ms. Bettie M. Collins 4211 Seidel Avenue, Baltimore, Md. 21206

Chesapeake Bay Critical Areas Commission 45 Calvert Street, 2nd Floor, Annapolis, Md. 21401 DEPRM; People's Counsel; Case file

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 3925 Glenhurst Rd. 21222 The Pettion shall be the dain the Office of Zoning Administration & Development Management.
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Contact Furtherent exace	Whe do solvenly declare and after, under the penalties of perjuly. That there are the legal commonly of the property which is the subject of the Festion. Legal Committy.
Bettie M. Cöllins	Leo L. Smith
Bethe m Collins	Les I Smith
4211 Seidel Ave.	Mary Lee Smith
Balto, Md. 21206	Property Proce Married
Cry State Zecode Adurry to Petitioner	3924 Glenhurst Rd. 477-2572
THE PARTY NAMED IN COLUMN TO THE PARTY NAMED	Balto., Md. 21222
200	
	Name, Address and phone number of representative to be contacted
~~~	Homecroft Homes, Inc.
4	6111 Davis Rd. Woodbine, Md.
frate Zprace	Assess
	30/377 0316
*	ESTIMATED LENGTH OF HEADING
8.	Westerliebe by Reading
	Belleton 5 Av

REVIEWED BY 225 2/C DATE C/24/64

J. S. DALLAS, MC. SURVEYING & ENGINEERING

94-530-A

#515

ZONING DESCRIPTION FOR 3925 GLENHURST ROAD ELECTION DISTRICT 15 7th COUNCILMANIC DISTRICT

BECINITIES at a point on the south side of dismburst good which is 50 set wide at a distance of 162 Set, sore or less, east of the centerline of cove Road as shown on Sc. 32. 7.1-70174. Being 10.0 \$10.0 in the subdivision of 10.1 in the subdivision of 50.1 in 16.1 in 16



. CERTIFICATE OF PUBLICATION

Date of return . 7/22/14

Date of Poster 1/16/84

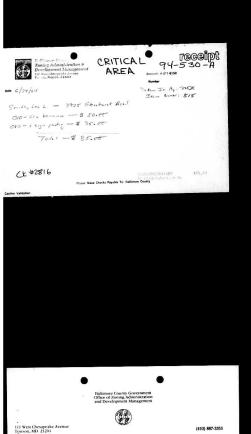
TOWSON, MD., 7/15 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper publishe in Towners. Baltimore County, Md. once in each of

weeks, the first publication appearing on 7/14 . 1994

THE IPPERPANEL

Henrikson LEGAL AD. - TOWSON

A married fortune



July 22, 1994

The Zoning Plans Advisory Committee (22C) has reviewed the plans substited with the above-referenced petition, which was accepted for [11] into a plan of the plans and the plans of the plans of the zoning commission of the zoning commission of the zoning commissioner, attorney and/or the petitioner, are node more of plans or problems with regard to the proposed improvements that may have a benefit of the zoning commissioner, attorney and/or the petitioner, are node more of plans or problems with regard to the proposed improvements that may have a benefit on this case.

A, 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 lorwarded to you; those that are not informative will be placed in the Fearing 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.

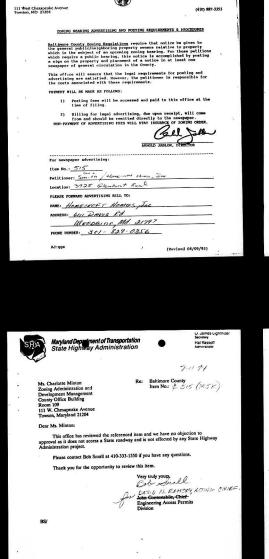
The director of Zoning Administration and Development Management The director of Zoning Administration and Development Management has inatituded a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions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

Mr. and Mrs. Leo L. Smith 3924 Glenhurst Road Baltimore, Maryland 21222

Dear Mr. and Mrs. Smith:

RE: Case No. 94-530-A, Item No. 515

Petition for Variance Petitioner: Leo L. Smith, et al.



Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Battimore, MD 21203-0717 Street Address: 707 North Calvert Street • Battimore, Maryland 21202

# 515

TO: PUTUNINT PUBLISHING COMPANY July 14, 1994 Innue - Jeffermonian Please foward billing to:

CASE MIRBER: 94-530-A (Item 515) 3925 Glochuret Bond

Contract Purchaser: Settle M. Collin

S/S Glenjurst Road, 363 +/- E of c/l Cove Road

15th Election District - 7th Councilmanic Petitioner(s): Leo L. Smith and Mary Lee Smith

STARTING: MONDAY, AUGUST 1, 1994 at 2:00 p.m. in Sm. 118 Old Courthease

Variance to negat a 23-foot front street setback in lies of 28.15 feet.

NOTICE OF HEARING

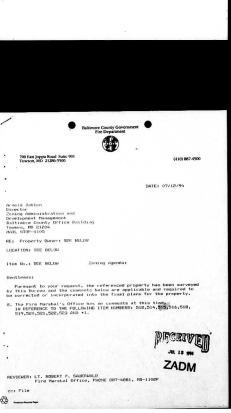
The Zoning Commissioner of Baltimore County, by sethority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Scome 106 of the County Office Building, Ill N. Chesposhe Neverone in Townon, Revyland 2204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

(1) HEARINGS HAT HANDICASPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNIO THE FILE AND/OR HEARING, PLEASE CALL 867-3391.

Somecroft Homes, Inc.

6111 Davis Road Woothire, Maryland 21797 829-0356





NOTICE OF HEARING

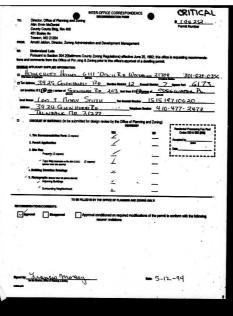
111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE July 14, 1994 Mr. Arnold Jablon, Director Development Managemen J. Laurence Pilson QLY Zoning Item #515 - Smith Property 3925 Glenhurst Road Zoning Advisory Committee Meeting of July 11, 1994 SUBJECT: The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item. Development of the property must comply with the Chesapeake Bay Critical Area Regulations which require at a minimum, a 25% impervious surface limit, plantings and/or retention of native trees and shrubs, protection of non-tidal well-lands and establishment of a 25 foot buffer. JLP:SA:sp SMITH/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE 3925 Glenhurst Road, S/S Glenhurst Road, 363' */- E of c/l Cove Road, * 15th Election Dist., 7th Councilmanic OF BALTIMORE COUNTY Leo L. Smith and Mary Lee Smith CASE NO. 94-530-A Please enter the appearance of the People's Counsel in the abovecaptioned 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 Tenimennin PETER MAX ZIMMERMAN People's Counsel for Baltimore County Cycle S. Lemilis 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 20 day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Barbara Knezevich, Homecroft Homes, Inc., 6111 Davis Road, Moodbine, MD 21797, representative for Petitioner Peter May Zinneinen PETER MAX ZIMMERMAN ZADM



(BACK

MH-/M

DE OFFICIAL ZONING MAP Nº S.E. 2.9

# 3925 GLENHURSTRO.

15TH EL. DST. BALT. CO., MO.

# 515

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