

IN RE: PETITION FOR VARIANCE
W/S Cedar Creek Road, 560' S
of the c/l of Marsh Road
(1034 Cedar Creek Road)
15th Election District
5th Councilmanic District

Richard M. Diotte
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-228-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1034 Cedar Creek Road, located in the Holly Neck area of Essex. The Petition was filed by the owner of the property, Richard M. Diotte, and the Contract Purchasers, Dewane and Sandra Wilmoth. The Petitioners seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 25 feet each in lieu of the required 50 feet and a side street centerline setback of 37.5 feet in lieu of the required 75 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Richard M. Diotte, property owner, Dewane and Sandy Wilmoth, Contract Purchasers, and Joseph T. Byrnes. There were no Protestants present.

Testimony and evidence offered revealed that the subject property is an unimproved parcel, also known as Lots 255 through 260 of Cedar Beach, and consists of 0.52 acres, more or less, zoned R.C.5. The property is located within the Chesapeake Bay Critical Areas near Sue Creek and is situated at the corner of Cedar Creek Road and Sue Lane, a paper street. This property was the subject of prior Case No. 93-147-SPHA in which the

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Petitioner, Mr. Diotte, was granted a special hearing and variances for a proposed dwelling on January 5, 1993. The Petitioners now come before me seeking a modification of the previously granted relief to permit development of the lot by Mr. & Mrs. Wilmoth with a single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that at the time of Mr. & Mrs. Wilmoth's purchase of the property, they were not aware of the setbacks which were approved in the prior zoning case. In order to develop the property with the dwelling the Wilmoth's propose to build, the requested variances are necessary.

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

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested

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Date

By

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will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

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

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

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

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

ORDER RECEIVED FOR FILING


Date

By

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of February, 1995 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 25 feet each in lieu of the required 50 feet and a side street centerline setback of 37.5 feet in lieu of the required 75 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 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) Compliance with all Zoning Plans Advisory Committee comments submitted hereto and made a part of the record.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 26, 1995, attached hereto and made a part hereof.



TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 2/10/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 10, 1995

Mr. Richard M. Diotte
30 Banquet Avenue
Perry Hall, Maryland 21128

RE: PETITION FOR VARIANCE
W/S Cedar Creek Road, 560' S of the c/l of Marsh Road
(1034 Cedar Creek Road)
15th Election District - 5th Councilmanic District
Richard M. Diotte - Petitioner
Case No. 95-228-A

Dear Mr. Diotte:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Dewane Wilmoth
2411 Bauernschmidt Drive, Baltimore, Md. 21221

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

People's Counsel; DEPRM; Case File

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1034 Cedar Creek Road
which is presently zoned RC5

95-228-A

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)

1 A04.3. B.3. to permit 25' side setbacks in lieu of 50' and a 37.5' side street centerline setback in lieu of 75' in conjunction with the previous approved zoning hearing.

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

Bought lot not knowing existing set backs. would need set backs to be 25 feet on each side

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.

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

Contract Purchaser/Lessee:

DEWANE + SANDRA Wilmoth
(Type or Print Name)
Sandra D. Wilmoth
Signature

2411 Baveenschmidt Drive
Address

Baltimore Md 21221
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

RICHARD M. DIOTTE
(Type or Print Name)

Richard M. Diotte
Signature

(Type or Print Name)

Signature

30 BANGERT AVE 529-9019
Address Phone No.

PERRY HALL MD 21128
City State Zipcode
Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: DJDK DATE 12/29/94

ORDER RECEIVED FOR FILING
Date 1/1/95
By [Signature]

Printed with Soybean Ink on Recycled Paper



MICROFILMED

EXAMPLE 3 - Zoning Description

3 copies

95-228-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 1034 Cedar Creek Rd.

Election District 15th Councilmanic District 5th

Beginning at a point on the West side of Cedar
(north, south, east or west)

Creek Road which is 40 feet
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 530 feet ± South of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street, Marsh Road
(name of street)

which is 25' wide. *Being Lot # 15255-260,
(number of feet of right-of-way width)

Block -, Section # - in the subdivision of
Cedar Beach as recorded in Baltimore County Plat
(name of subdivision)

Book # WPC 7, Folio # 186, containing
22,500^{sq}' or 0.52 acres.
(square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, ~~then~~ DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber , Folio " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

#223

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-228-A

District 1524 Date of Posting 1/14/95

Posted for: Variance

Petitioner: Richard M. Diotte + Donna + Sandra Wilcox

Location of property: 1024 Cedar Creek Rd, W/S

Location of Signs: Facing roadway on property being zoned

Remarks: (No photos used)

Posted by M. Stealy Date of return: 1/20/95
Signature

Number of Signs: 1

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CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 13, 1995

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 Jan. 12, 1995.

THE JEFFERSONIAN,

A. Henderson

LEGAL AD. - TOWSON

~~Signature~~

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 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:

87-286 (Item 828)
1034 Cedar Creek Road
W/S Cedar Creek Road,
680 S of c/l Marsh Road
15th Election District

5th Councilmanic
Legal Owner(s):

Richard M. Dlotte
Contract Purchaser(s):
Dewane and
Sandra Wilmoth

HEARING: THURSDAY,
FEBRUARY 2, 1995 at
11:00 a.m. in Rm. 118, Old
Courthouse

Variance: to permit 25-foot side setbacks in lieu of 50 feet and a 37.5 foot side street centerline setback in lieu of 75 feet in conjunction with the previous approved zoning hearing.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3363.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

1/117 - January 12.



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

**CRITICAL
 AREA**

receipt
 95-228-A

Account: R-001-6150

Number

Item: 223

Taken In: 2nd K
 13y

Date 12/29/94

Owner: Diotte, Richard
 Con Purch: Wilmoth, Sandra
 + Dewane
 1034 Cedar
 Creek Rd

010 - Res Var. — \$ 50.00

080 - 1 sign — \$ 35.00

Total — \$ 85.00

RECEIVED

07 A01#0027X LL HRL
 DA 002249PM 12-29-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



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/neighboring 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, DIRECTOR

For newspaper advertising:

Item No.: 223

Petitioner: Dewane and Sandra Wilmoth

Location: 1034 Cedar Creek Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Dewane + Sandra Wilmoth

ADDRESS: 2411 Bauernschmidt Drive

Balto. MD. 21221

PHONE NUMBER: 687-9118

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
January 12, 1995 Issue - Jeffersonian

Please forward billing to:

Dewane and Sandra Wilmoth
2411 Savernschmidt Drive
Baltimore, MD 21221
687-9118

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: 95-228-A (Item 223)
1034 Cedar Creek Road
W/S Cedar Creek Road, 560' S of c/l Marsh Road
15th Election District - 5th Councilmanic
Legal Owner(s): Richard M. Diotte
Contract Purchaser(s): Dewane and Sandra Wilmoth
HEARING: THURSDAY, FEBRUARY 2, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit 25-foot side setbacks in lieu of 50 feet and a 37.5 foot side street centerline setback in lieu of 75 feet in conjunction with the previous approved zoning hearing.

LAWRENCE E. SCHMIDT
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.

WILSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

JANUARY 6, 1995

(410) 887-3353

NOTICE OF HEARING

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

CASE NUMBER: 95-228-A (Item 223)

1034 Cedar Creek Road

W/S Cedar Creek Road, 560' S of c/l Marsh Road

15th Election District - 5th Councilmanic

Legal Owner(s): Richard M. Diotte

Contract Purchaser(s): Dewane and Sandra Wilmoth

HEARING: THURSDAY, FEBRUARY 2, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit 25-foot side setbacks in lieu of 50 feet and a 37.5 foot side street centerline setback in lieu of 75 feet in conjunction with the previous approved zoning hearing.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Richard M. Diotte
Dewane and Sandra Wilmoth

- NOTES: (1) ZONING 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 AT 887-3391.

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 26, 1995

Mr. and Mrs. Dewane Wilmoth
2411 Bavenschmidt Drive
Baltimore, Maryland 21221

RE: Item No.: 223
Case No.: 95-228-A
Petitioner: Dewane Wilmoth, et ux

Dear Mr. and Mrs. Wilmoth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 29, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-19-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 223 (MJK)

Dear Ms. Watson:

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

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free


Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 9, 1995

From: Pat Keller, Director 
Office of Planning and Zoning

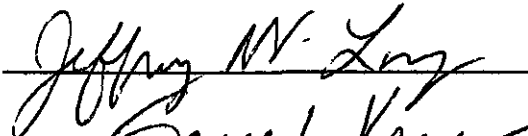
Subject: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comment on the following petitions:

Item Nos. 218, 220, 222, 223, and 224

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



JL NC218/PZONE/TXTJWL

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 01/04/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 9, 1995.

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.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 222, 223 AND 224.

RECEIVED

JAN 6 1995

ZADM

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

cc: File

MICROFILMED



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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
January 26, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #223 - Diotte Property
1034 Cedar Creek Road
Zoning Advisory Committee Meeting of January 9, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of this property must comply with Chesapeake Bay Critical Area regulations. Specifically: (1) impervious surfaces shall be limited to 25% of the property; (2) forest cover of 15% of the property must be provided or maintained; and (3) stormwater management for the proposed dwelling must be provided. The owner/contract purchaser is advised to call Environmental Impact Review at 887-3980 for more details.

Note: Previous comments submitted by Environmental Impact Review relative to wetlands on the property are hereby obsolete.

ORDER RECEIVED FOR FILING

Date 1/27/95
By JLP

JLP:PF:sp

c: Richard M. Diotte
Dewayne and Sandra Wilmoth

DIOTTE/DEPRM/TXTSBP

MICROFILMED

223

Note to the Hearing Officer:

In reviewing the variance application, it was noticed that the proposed building area is close to the maximum 15% coverage in the RCB zone. This should be resolved at the hearing. Any questions, let me know

Mitch Kellman

12/30/94

MICROFILMED

RE: PETITION FOR VARIANCE
1034 Cedar Creek Road, W/S Cedar Creek
Road, 560' S of c/l Marsh Road, 15th
Election District, 5th Councilmanic

Richard M. Diotte/Dewane & Sandra Wilmoth
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-228-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. 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 24th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard M. Diotte, 30 Bangert Avenue, Perry Hall, MD 21128, and to Dewane and Sandra Wilmoth, 2411 Bauernschmidt Drive, Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

May 22, 1995

(410) 887-4386

Ms. Mary Borowy
Coldwell Banker Grempier
1205 Merritt Boulevard
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
(1034 Cedar Creek Road)
15th Election District - 5th Councilmanic District
Richard M. Diotte - Petitioner
Case No. 95-228-A

Dear Ms. Borowy:

In response to your faxed letter dated May 8, 1995 concerning the above-captioned matter, the following comments are offered.

This matter came before me as a Petition for Variance seeking certain relief from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit development of the subject property with a single family dwelling in accordance with the site plan submitted at the hearing and marked into evidence as Petitioner's Exhibit 1. The Petition was filed by the owner of the property, Richard M. Diotte, and the then Contract Purchasers, Dewane and Sandra Wilmoth. As you note, the relief requested was granted, subject to certain terms and restrictions. Based upon the information contained in your letter, it appears that the Contract of Sale has fallen through between the parties and the basis on which the original Petition was filed has changed.

The decision rendered by me in this case was based on the testimony and evidence presented in support of the Petition filed by the owner of the property and the Contract Purchaser. If the Contract Purchaser does not intend to follow through with development of the site pursuant to the Petition for Variance, then my decision in the matter is moot.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Richard M. Diotte, 30 Banquet Ave., Perry Hall, Md. 21128

Mr. & Mrs. Dewane Wilmoth, 2411 Bauernschmidt Dr., Baltimore, Md. 21221

MICROFILMED

file

Coldwell Banker Grempler

1205 Merritt Blvd. • Baltimore, Md., 21222 • o-288-1700 h-410-529-5939 / • Fax 410- 529-3137

May 8, 1995

95-228-A

Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Zoning
Suite 112 Courthouse, 400 Washington Ave.
Towson, Md., 21204

Dear Mr. Timothy M. Kotroco:

Enclosed is a copy of petition for variance. Although it was granted by zoning, the property was unable to be sold because of the Department of Environmental. Please help us resolve several issues. The seller wants a written statement that he may build the original plans with out any trouble from either department. Originally he had it so he could obtain a building permit without any problems, his plans had been already been approved. The buyer wants his deposit back, which the seller won't release until he finds out his original plans can be built on immediately. Thank you very much for your time.

Sincerely,

Mary Borowy
Coldwell Banker Grempler



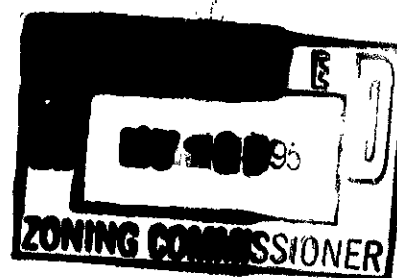
RECEIVED

facsimile

TRANSMITTAL

to: TIMOTHY M. KOTROCO
fax #: 887-3468
re: 1034 CEDAR BEACH RD.
date: May 8, 1995
pages: 3 page(s) total, including this cover sheet

*Please help us straighten this out.
Call me if you have any questions
Thank you.*



From the desk of...

Mary Borowy
EXECUTIVE CLUB
COLDWELL BANKER
1205 MERRITT BLD
Baltimore, Md, 21222

H-410-529-5939 /O-
,288-1700beeper 748-1412
Fax: 410- 529-3137

MICROFILMED

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1034 Cedar Creek Rd.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Cedar Beach

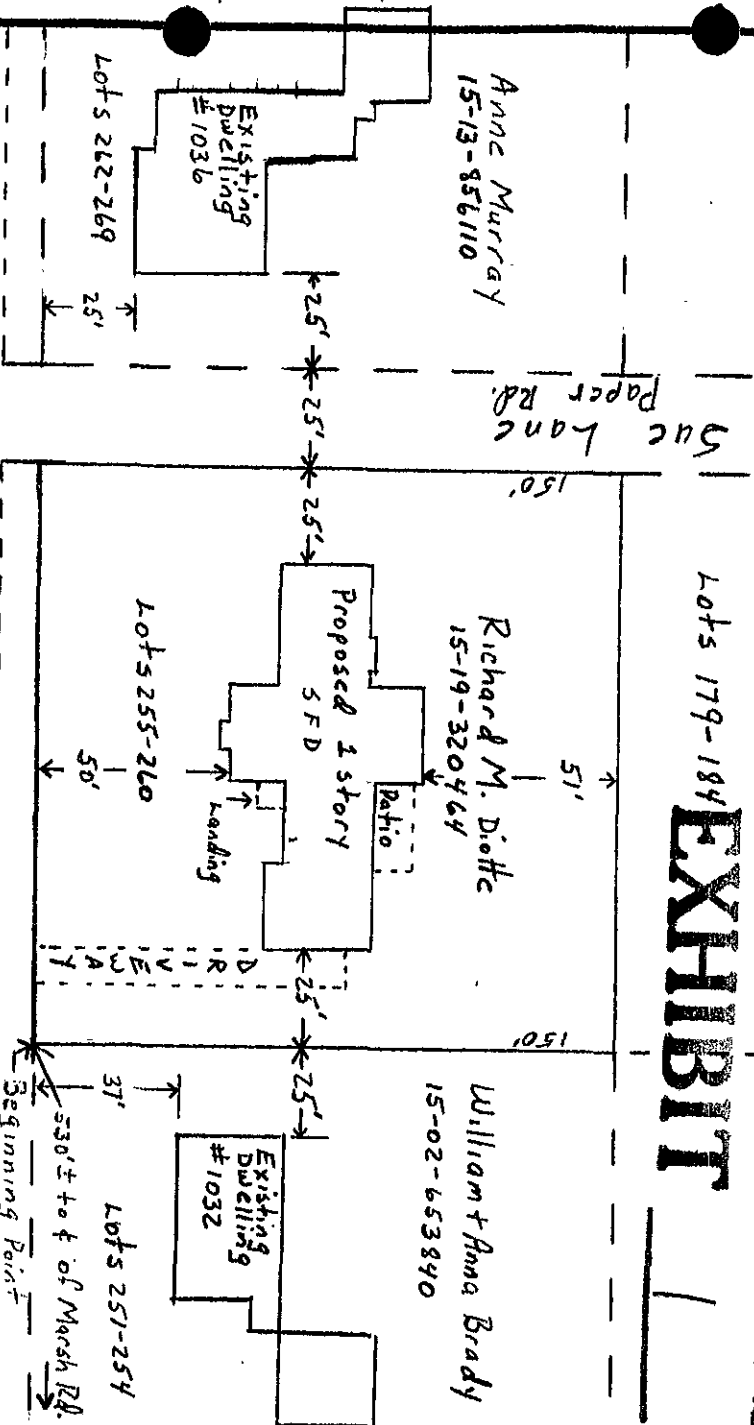
plat book # 7, folio # 18b, lot # 255-260 section #
CJPC

OWNER: Richard M. Dioffe

Petitioner: Devlane + Sandra Wilmoth

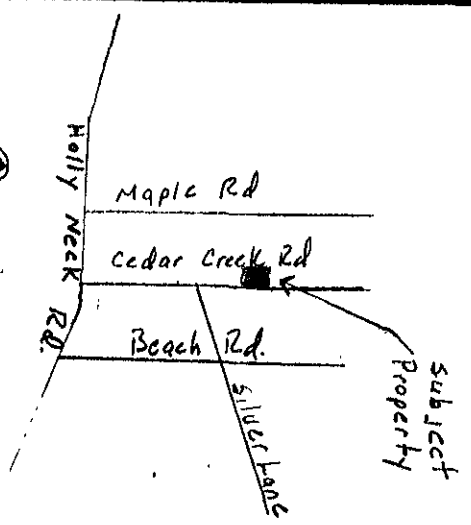
95-228-A

PETITIONER'S EXHIBIT



North
 date: 12-19-94
 prepared by: J.T.S.

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

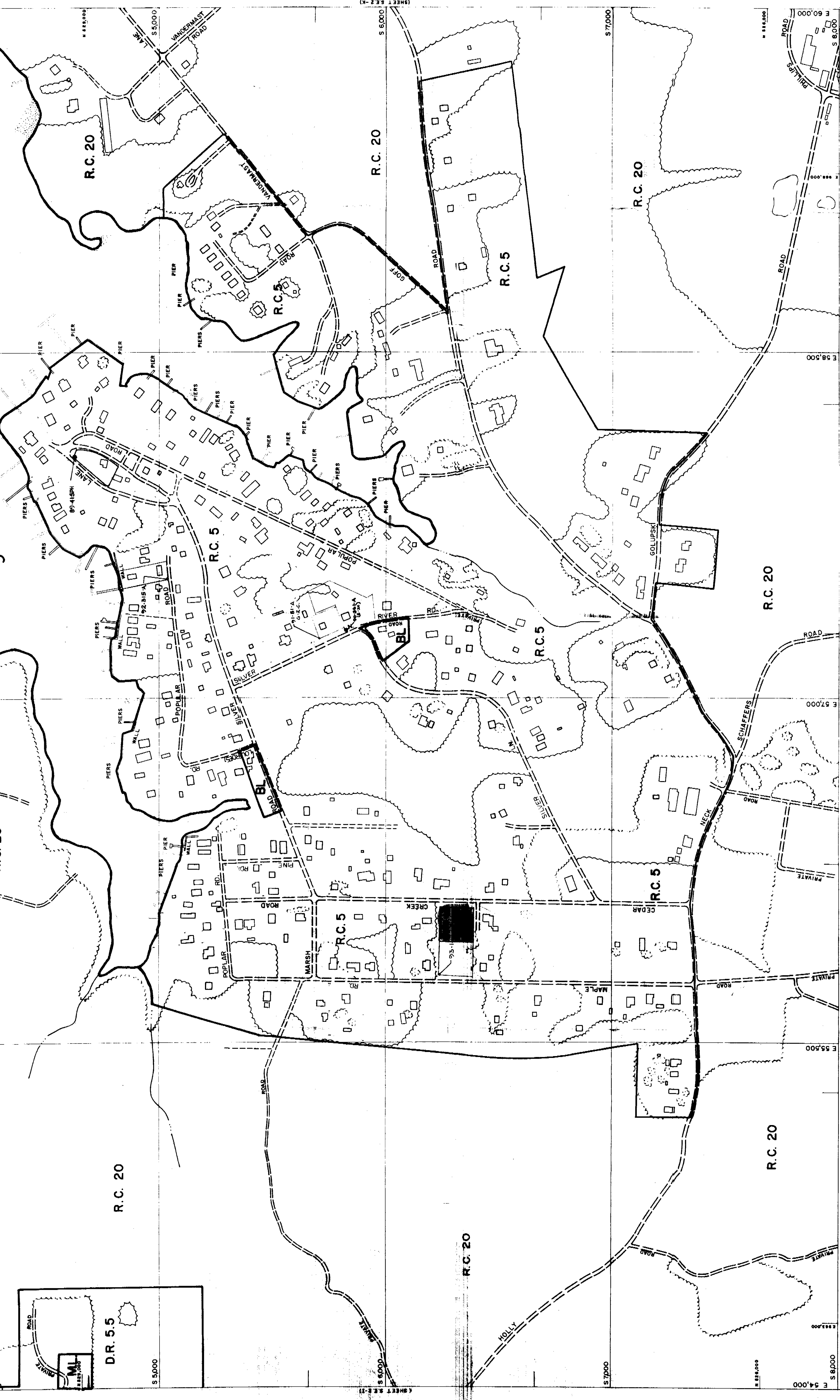
Election District: 15 th
 Councilmanic District: 5 th
 T=200' scale map#: S.E., 2-J
 Zoning: R.O. 5
 Lot size: 0.52 acreage 22,500 square feet

Chesapeake Bay Critical Area: Public Private
 Prior Zoning Hearings: Yes, 1-5-93
 Granted, Resite, Deform Compliance - 30 day
 Case # 93-147-5 PHA Appeal

Zoning Office USE ONLY!

reviewed by: MDK ITEM #: 223
 CASE#:

95-228-A



1988 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1988
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

BALTIMORE COUNTY OFFICIAL ZONING MAP

OFFICE OF PLANNING AND ZONING

HOLLY NECK

LOCATION

SCALE
 1" = 200' ±

DATE OF PHOTOGRAPHY

E-NE ZZ-NW

SHEET

SE 2-J

William J. Howard IV
 Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21286

CRITICAL AREA

Account: R-091-6150
Number: 14-001-023
Date: 1/22/95

Owner: Dewane, Richard
1034 Cedar Creek Rd.
Cedar Creek, MD

010 - Res Var - \$ 50.00
030 - 1 sign - \$ 35.00
Total - \$ 85.00

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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.

Carl Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 223
Petitioner: Dewane and Sandra Wilmoth
Location: 1034 Cedar Creek Road

PLEASE FORWARD ADVERTISING BILL TO:
NAME: Dewane - Sandra Wilmoth
ADDRESS: 2411 Bauernschmidt Drive
Baltimore, MD 21221
PHONE NUMBER: 687-9118

AJ:ggs (Revised 04/09/93)

POTENTIAL PUBLISHING COMPANY
January 12, 1995 Issue - Jeffersonian

Please forward billing to:
Dewane and Sandra Wilmoth
2411 Bauernschmidt Drive
Baltimore, MD 21221
687-9118

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: 95-228-A (Item 223)
1034 Cedar Creek Road
W/S Cedar Creek Road, 560' S of e/1 Marsh Road
15th Election District - 5th Councilmanic
Legal Owner(s): Richard M. Diotte
Contract Purchaser(s): Dewane and Sandra Wilmoth
HEARING: THURSDAY, FEBRUARY 2, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit 25-foot side setbacks in lieu of 50 feet and a 37.5 foot side street centerline setback in lieu of 75 feet in conjunction with the previous approved zoning hearing.

LAURENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THIS 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

JANUARY 6, 1995

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:

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Carl Jablon
ARNOLD JABLON
Director

cc: Richard M. Diotte
Dewane and Sandra Wilmoth

NOTES: (1) ZONING 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 THIS FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration and Development Management

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

January 26, 1995

Mr. and Mrs. Dewane Wilmoth
2411 Bauernschmidt Drive
Baltimore, Maryland 21221

RE: Item No.: 223
Case No.: 95-228-A
Petitioner: Dewane Wilmoth, et ux

Dear Mr. and Mrs. Wilmoth:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 29, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: Robert M. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
For January 3, 1995
Item No. 223

Date: January 13, 1995

The Developers Engineering Section has reviewed the subject zoning item. Our comments are as follows:

The existing 4" sanitary sewer line as shown in Cedar Creek Road is incorrect. Per our record drawings, a 2 1/2" diameter pressure sewer is located in the road, and any improvements to the site would require a sewer grinder pump to remove the waste from the proposed dwelling.

RWB:jrb
cc: File

RWB15

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 333 (MTK)

1-19-95

Dear Ms. Watson:

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 Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 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

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

DATE: January 9, 1995

The Office of Planning and Zoning has no comment on the following petitions:
Item Nos. 218, 220, 222, 223, and 224

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*
Division Chief: *Gary L. Kern*
JL NC218/PZONE/TEXTJWL

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 01/04/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 9, 1995.

Item No.: SEE BELOW Zoning Agency:

Partisan:

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.

The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 222, 223 AND 224.

RECEIVED
JAN 5 1995
ZADM

REMISSOR: LT. ROBERT P. SALERWOLD
Fire Marshal Office, PHONE 887-4851, ME-1105F

cc: File

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management January 26, 1995

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

SUBJECT: Zoning Item #223 - Diotte Property
1034 Cedar Creek Road
Zoning Advisory Committee Meeting of January 9, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of this property must comply with Chesapeake Bay Critical Area regulations. Specifically: (1) impervious surfaces shall be limited to 25% of the property; (2) forest cover of 15% of the property must be provided or maintained; and (3) stormwater management for the proposed dwelling must be provided. The owner/contract purchaser is advised to call Environmental Impact Review at 887-3980 for more details.

Note: Previous comments submitted by Environmental Impact Review relative to wetlands on the property are hereby obsolete.

ORDER RECEIVED FOR FILING
DATE: 1/26/95
BY: JLP

JLP:PF:sp

Richard M. Diotte
Dewane and Sandra Wilmoth
DIOTTE/DEPRM/TXTSBB

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204 May 22, 1995 (410) 887-4386

Ms. Mary Borowy
Coldwell Banker Grempler
1205 Merritt Boulevard
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE
(1034 Cedar Creek Road)
15th Election District - 5th Councilmanic District
Richard M. Diotte - Petitioner
Case No. 95-228-A

Dear Ms. Borowy:

In response to your faxed letter dated May 8, 1995 concerning the above-captioned matter, the following comments are offered.

This matter came before me as a Petition for Variance seeking certain relief from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit development of the subject property with a single family dwelling in accordance with the site plan submitted at the hearing and marked into evidence as Petitioner's Exhibit 1. The Petition was filed by the owner of the property, Richard M. Diotte, and the then Contract Purchasers, Dewane and Sandra Wilmoth. As you note, the relief requested was granted, subject to certain terms and restrictions. Based upon the information contained in your letter, it appears that the Contract of Sale has fallen through between the parties and the basis on which the original Petition was filed has changed.

The decision rendered by me in this case was based on the testimony and evidence presented in support of the Petition filed by the owner of the property and the Contract Purchaser. If the Contract Purchaser does not intend to follow through with development of the site pursuant to the Petition for Variance, then my decision in the matter is moot.

Very truly yours,

Timothy M. Kotroco

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TKR:bjs

cc: Mr. Richard M. Diotte, 30 Bangert Ave., Perry Hall, Md. 21128

Mr. & Mrs. Dewane Wilmoth, 2411 Bauernschmidt Dr., Baltimore, Md. 21221

facsimile
TRANSMITTAL

to: TIMOTHY M. KOTROCO
fax #: 887-3468
re: 1034 CEDAR BEACH RD.
date: May 8, 1995
pages: 3 page(s) total, including this cover sheet

Please help us straighten this out.
Call me if you have any questions
Thank you.



From the Desk of:

Mary Borowy
EXECUTIVE CLUB
COLDWELL BANKER
1205 MERRITT BLD
Baltimore, MD 21222

M-410-529-5939 JO.
288-1700 Super 748-1412
Fax: 410-529-3137

Coldwell Banker Grempler

1205 Merritt Blvd. • Baltimore, Md. 21222 • a-288-1700 h-410-529-5939 • Fax: 410-529-3137

May 8, 1995

Timothy M. Kotroco
Deputy Zoning Commissioner
Baltimore County Zoning
Suite 112 Courthouse, 400 Washington Ave.
Towson, Md., 21204

Dear Mr. Timothy M. Kotroco:

Enclosed is a copy of petition for variance. Although it was granted by zoning, the property was unable to be sold because of the Department of Environmental. Please help us resolve several issues. The seller wants a written statement that he may build the original plans with out any trouble from either department. Originally he had it so he could obtain a building permit without any problems, his plans had been already been approved. The buyer wants his deposit back, which the seller won't release until he finds out his original plans can be built on immediately. Thank you very much for your time.

Sincerely,

Mary Borowy
Coldwell Banker Grempler



RE: PETITION FOR VARIANCE * BEFORE THE
1034 Cedar Creek Road, W/S Cedar Creek * ZONING COMMISSIONER
Road, 560' S of c/l Marsh Road, 15th * OF BALTIMORE COUNTY
Election District, 5th Councilmanic *
Richard M. Diotte/Dewane & Sandra Wilmoth *
Petitioner * CASE NO. 95-228-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

Charles 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 24th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Richard M. Diotte, 30 Bangert Avenue, Perry Hall, MD 21128, and to Dewane and Sandra Wilmoth, 2411 Bauernschmidt Drive, Baltimore, MD 21221, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

223

Note to the Hearing Officer:
In reviewing the variance application, it was noticed that the proposed building area is close to the maximum 15% coverage in the R.C.5 zone. This should be reviewed at the hearing. Any questions, let me know.

Meredith Kullman
12/30/94

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Richard M. Diotte	30 BANGERT AVE.
Sandy & Dewane Wilmoth	2411 BAUERNSCHMIDT DRIVE
Joseph T. Byrnes	2731 HOLLY BEACH RD.

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1034 Cedar Creek Rd. see pages 5 & 6 of the CHECKLIST for additional required information

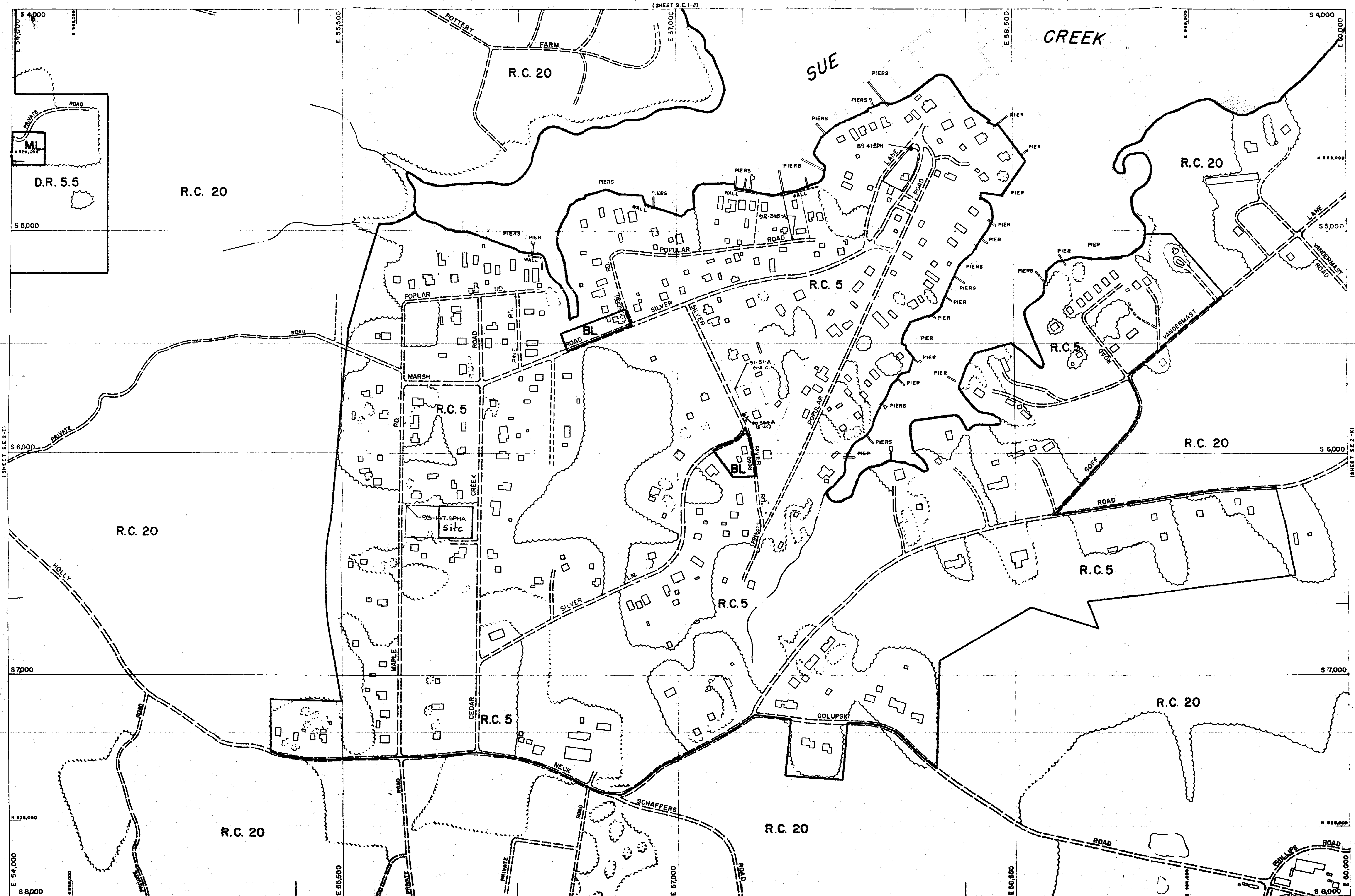
Subdivision name: Cedar Beach
plot book: 7, folio 186, case 255-228-A
OWNER: Richard M. Diotte
Petitioner: Dewane & Sandra Wilmoth

95-228-A
PETITIONER'S EXHIBIT

LOCATION INFORMATION
Election District: 15th
Councilmanic District: 5th
1"=200' scale map: S.E., 2-J
Zoning: R.C. 5
Lot size: 0.52 acreage 22,500 square feet

Chesapeake Bay Critical Area:
Prior Zoning Vesting: Yes, 1-5-93
Granted, Redevelop. from Lot. Variance-3000
Case # 93-187-SPHA
Zoning Office USE ONLY!
reviewed by: TKR ITEM #: CASE:
223

Scale of Drawing: 1"=50'



95-228-A

1986 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 13, 1986
 Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
 [Signature]
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 Oct. 15, 1992
 Bill Nos. 123-92, 124-92, 125-92, 126-92, 127-92, 128-92, 129-92
 [Signature]
 Chairman, County Council

SCALE 1" = 200' ±	LOCATION HOLLY NECK	SHEET SE 2-J #223
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210