

LIN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Opie Road with intersection
S/S Maple Avenue * ZONING COMMISSIONER
6 Opie Road
11th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Herbert R. Bush, et ux * Case No. 95-358-A
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 6 Opie Road in the Bird River Beach subdivision of Baltimore County. The Petition is filed by Herbert R. Bush and Esther E. Bush, his wife, property owners. Variance relief is requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed garage on a corner lot to be located out of the third of the lot farthest removed from any street and for said garage to have a height of 21 ft. in lieu of the required 15 ft. The property and relief requested are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

This matter was originally filed as an administrative variance, pursuant to Section 26-127 of the Baltimore County Code. That section allows the Zoning Commissioner to grant zoning variance relief without a public hearing in some cases. In this case, however, this matter was set in for public hearing after a review of the Petition and comments thereon by the Zoning Plans Advisory Committee. A public hearing was held on this case on July 17, 1995.

Appearing at the requisite public hearing held for this case was the aforementioned property owner, Herbert R. Bush. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

WICKOFF, ME.

Testimony and evidence offered was that the Petitioner owns that lot, known as lot No. 231, in the Bird River Beach subdivision. The Petitioner also owns 1/2 of an adjacent lot, identified as lot No. 230. When combined, the entire parcel has a width from 65 to 80 ft. and a depth of approximately 205 ft. Apparently, at one time, the Petitioner owned three lots, nos. 229 thru 231, but sold lot 229 and 1/2 of lot 230 to his daughter. She now resides on that parcel.

In any event, the Petitioner's holdings at present encompass approximately 14,858 sq. ft. The parcel is zoned R.C.2 and is improved with an existing single family dwelling. The one story dwelling is shown both on the site plan and in several photographs submitted of the property.

The Petitioner proposes constructing a garage in the rear yard. The garage will be quite large, approximately 25 ft. in width by 36 ft. in depth. The Petitioner's son in-law will supervise the construction. Mr. Bush explained that no apartment use would be made of the garage, nor would any commercial business be operated therefrom. However, the garage will be large enough to accommodate three vehicles and contain a second floor. The Petitioner indicated that this large amount of storage space was necessary to accommodate the Petitioner's automobiles and other household items. This is particularly necessary in that the existing house is quite small.

The one variance requested, from Section 400.1 of the BCZR, is driven by the fact that the Petitioner's property sits adjacent to Maple Avenue, a paper street. Although Maple Avenue is not improved and the area therefore is presently in lawn and/or gravel, Section 400.1 remains applicable in that Maple Avenue is shown on the plat of the community. The dwelling actually fronts Opie Road and Maple Avenue constitutes the side yard boundary to the south of the subject parcel. As noted above, and as shown in

the photographs submitted, Maple Avenue is not paved, however, resembles a gravel driveway. The Petitioner proposes retaining this gravel driveway and extending same across his property to the entrance to the garage.

This situation creates a conflict between two of the County agencies which have reviewed the project. The Developers Engineering Section, within their comment, believes that Maple Avenue should be paved. Developers Engineering specifically requires a minimum paving width of 16 ft. from Opie Road to the entrance to the garage. Moreover, the paving will be of the required thickness pursuant to Public Works' standards. The driveway entrance need not contain curb and gutter but also must be pursuant to Public Works' standards. This paving requirement conflicts with the comments offered by the Department of Environmental Protection and Resource Management (DEPRM). That department notes that the subject site lies with the Chesapeake Bay Critical Area and that, under those regulations, impervious area shall not exceed 25% of the lot. Paving of the paper street, construction of the driveway and apron therefore, will all create additional paving which is contrary to the goals of these environmental regulations.

There does not appear to be any valid reason for the variance from Section 400.1 to be denied. That regulation mandates that the garage be located in the third of the lot farthest from the side street. Location of the building at that portion of the subject lot would create additional impervious area and would also adversely impact the neighboring property to the north. Location of the garage, as proposed, will cut down the amount of impervious area, provide better access and cause no impact to the surrounding locale. The Petitioner is permitted, by right, to construct a garage in the rear yard.

It is clear that a grant of the height variance is also proper. There are other buildings in the subject locale which are as high as the proposed garage. This is an area of older development with a number of barns and other old buildings of similar height. Based on the unique aspects of this property which arise from its location on a paper road and within an environmentally sensitive area, I am persuaded to grant the Petition for Variance. I am convinced that the Petitioner has satisfied the spirit and intent of the language of Section 307.1 of the BCZR as well as the case law. Thus, the proposed variance will be granted with restrictions.

Certain of the restrictions are obvious. The garage shall not be used for dwelling purposes, nor for any commercial purposes. The storage area provided by the garage will be incidental to the residential use of the property and dwelling thereon. Moreover, it would seem appropriate to require the Petitioner to pave the paper street and apron to the garage with gravel or other pervious material. The environmental constraints offered by DEPRM in this case seem more compelling than the Public Works' standards. This is particularly so since Maple Road will serve only this property. Nonetheless, if development ultimately occurs on neighboring lots which would access Maple Road, an upgrade to the road would be warranted. Thus, I shall order that the variance relief will be granted and that the Petitioner shall follow the mandates required by DEPRM. These include both on site improvements and the development of Maple Road. However, if, at any time in the future, a surrounding development occurs which would access Maple Road, the Petitioner and/or its successor in title shall be obligated for the costs of improvements to Maple Road to Public Works standards from its intersection to Opie Road to its location adjacent to the entrance to the garage.

5/8/95
G. H. Hark

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 Zoning Commissioner for Baltimore County this 8th day of August, 1995 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed garage on a corner lot to be located out of the third of the lot farthest removed from any street and for said garage to have a height of 21 ft. in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. The Petitioners shall use the property and improvements thereon for residential purposes only. There shall be no commercial business or office activities conducted on or from the site.
4. The Petitioners are not required to now pave Maple Road from its intersection with Opie Road to the garage entrance. However, Petitioners will be so responsible for such improvement in accordance with Public Works' standards, in the event additional development in the locale results in additional access and traffic on Maple Road.
5. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as to impact on the Chesapeake Bay Critical Area.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

6. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

7. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order. Moreover, a copy of this Order shall be recorded among the Land Records of Baltimore County to provide subsequent owners of the property with notice of these restrictions.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

ORDER RECEIVED FOR FILING
8/8/95
Mr. Dorsch

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 3, 1995

Mr. and Mrs. Herbert R. Bush
6 Opie Road
White Marsh, Maryland 21162

RE: Case No. 95-358-A
Petition for Zoning Variance
Property: 6 Opie Road

Dear Mr. and Mrs. Bush:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at

95-358-A
6 Opie Rd White Marsh Md
which is presently zoned 21162

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) 400.1 AND 400.3

TO PERMIT A PROPOSED GARAGE ON A CORNER LOT TO BE LOCATED OUT OF THE THIRD OF A LOT EASTMOST REMOVED FROM ANY STREET WITH A HEIGHT OF 17 1/2 FT IN LIEU OF THE MAXIMUM HEIGHT OF 15 FT.

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

Reason: SEE AFFIDAVIT

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

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County



REVIEWED BY: JB

DATE: 4/13/95

ESTIMATED POSTING DATE: 4/23/95



Printed with Soybean Ink
on Recycled Paper

ITEM #:

356

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 6 Opie Rd
address
White Marsh, Md. 21162
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Reason:

- 1) (without variance) The building would require a major part of the back yard.
- 2) It would be a major expense to put in a black top driveway from Opie Rd to the garage.
- 3) There is not adequate room for a driveway on the far side of the house (Front & Back doors on Maple Ave.)
- 4) The driveway to the house is on Maple Ave side.
- 5) Need extra storage space.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

X Herbert R. Bush
(signature)
Herbert Roy Bush
(type or print name)



X Esther E. Bush
(signature)
Esther Elmerbeth Bush
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of April, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Herbert R. Bush & Esther E. Bush

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/12/95
date

Doris B. Whipple
NOTARY PUBLIC

My Commission Expires:

Doris B. Whipple, Notary Public
Baltimore County
State of Maryland
My Commission Expires April 1, 1999

ZONING DESCRIPTION
#6 OPIE RD.

356
95-358-A

BEGINNING AT A POINT ON THE EAST SIDE OF OPIE RD AT
THE INTERSECTION OF THE SOUTH SIDE OF MAPLE AVE,
(A PAPER ROAD) BOTH 40 FT R/W'S BEING LOT 231 AND
PART OF 230 IN THE SUBDIVISION OF BIRD RIVER BEACH
PLAT BOOK 7 FOLIO 187.

5TH CD.

11TH ED.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-358-17

District 11th Date of Posting 4/22/95

Posted for: Variance

Petitioner: Herbert & Esther Bush

Location of property: 6 Opie Rd., EP

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by [Signature] Date of return: 4/28/95
Signature

Number of Signs: 1





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

receipt

95-358-A

Account: R-001-6150

Number 356
BY VL

Date

4/13/95

CRITICAL
AREA

1 VAR (RV CODE 010 50.00

1 SIGN POSING 080 35.00

TOT = \$85.00

BUSH #6 COPIED.

RECEIVED

DLAD1WDDY4M1CHRC

\$85.00

BA 0009#474004-13-95

Please Make Checks Payable To: Baltimore County

Cashier Validation

93-338-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

District 1168 Date of Posting 6/11/95

Posted for: Variance

Petitioner: Herbert + Esther Bush

Location of property: 6 Opie Rd, E/S

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by M. Shetty Date of return: 6/23/95

Signature _____

Number of Signs: 1



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: #95-358-A
(Item 356)

6 Opie Road
E/S Opie Road with intersection S/S Maple Avenue

11th Election District
5th Councilmanic
Legal Owner(s):

Herbert R. Bush and
Esther E. Bush

Hearing: Monday,
July 17, 1995 at 11:00
a.m. in Rm. 118, Old
Courthouse.

Variance to permit a proposed garage on a corner lot to be located out of the third of a lot farthest removed from any street with a height of 20 feet in lieu of the maximum height of 15 feet.

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.

6/279 June 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

6/22, 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 6/22, 1995

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Publisher~~

MICROFILMED

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/neighbor 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 accessed 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.: 356

Petitioner: BUSH

Location: #6 OPIE RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Herbert R. Bush

ADDRESS: #6 Opie Rd
White Marsh, Md 21162

PHONE NUMBER: 3355209

AJ:ggs

MICROFILMED

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:

Herbert and Esther Bush
6 Opie Road
White Marsh, MD 21162
335-5209

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 1	
To	AILEEN	From	GWEN
Co.	JEFFERSONIAN	Co.	ZONING-
Dept.	LEGAL	Phone #	889-3391
Fax #	296-2707	Fax #	887-5708

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: 95-358-A (Item 356)
6 Opie Road
E/S Opie Road with intersection S/S Maple Avenue
11th Election District - 5th Councilmanic
Legal Owner: Herbert R. Bush and Esther E. Bush
HEARING: MONDAY, JULY 17, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a proposed garage on a corner lot to be located out of the third of a lot farthest removed from any street with a height of 20 feet in lieu of the maximum height of 15 feet.

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.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 16, 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:

CASE NUMBER: 95-358-A (Item 356)

6 Opie Road

E/S Opie Road with intersection S/S Maple Avenue

11th Election District - 5th Councilmanic

Legal Owner: Herbert R. Bush and Esther E. Bush

HEARING: MONDAY, JULY 17, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a proposed garage on a corner lot to be located out of the third of a lot farthest removed from any street with a height of 20 feet in lieu of the maximum height of 15 feet.

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Herbert and Esther Bush

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.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 21, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-358-A (Item 356)
6 Opie Road
E/S Opie Road with intersection S/S Maple Avenue
11th Election District - 5th Councilmanic
Legal Owner: Herbert R. Bush and Esther E. Bush

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before April 23, 1995. The closing date (May 8, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Herbert and Esther Bush



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 5, 1995

Mr. and Mrs. Herbert R. Bush
6 Opie Road
White Marsh, Maryland 21162

RE: Item No.: 356
Case No.: 95-358-A
Petitioner: H. R. Bush, et ux

Dear Mr. and Mrs. Bush:

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 April 13, 1995.

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 cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: April 24, 1995

SUBJECT: Variance Requests

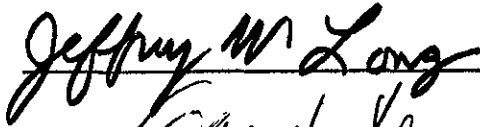
INFORMATION:

Item Numbers: 352, 354, 355, 356, 359, and 360. ⁵

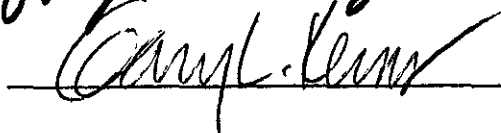
SUMMARY OF RECOMMENDATIONS:

While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by:



Division Chief:



PK/JL

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 04/25/95

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 APR. 24, 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: 352, 354, 355, 356, 357,
358, 359 AND 360.

RECEIVED

APR 27 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4281, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-21-95

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.: 356 (JLL)

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

**PETITION PROBLEMS
AGENDA OF APRIL 24, 1995**

#355 --- JCM

1. No zoning indicated on top of petition form.

#356 --- JLL

1. Zip code is indicated on top of petition form instead of zoning.

#357 -- JLL

1. Is correct address 1208 or 215?? Petition form says "(#1208) 215
Susquehanna Avenue.

#358 --- JLL

1. No authorization indicated for attorney to sign for contract purchaser.

WICKORAMA

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 9, 1995

Mr. and Mrs. Herbert R. Bush
6 Opie Road
White Marsh, Maryland 21162

~~95-358-X~~
RE: Case No. 95-358-X
Petitioner: H. R. Bush

Dear Mr. and Mrs. Bush:

Enclosed are copies of comments received from DES on May 8, 1995
for the above-referenced case.

If there are any questions, please do not hesitate to call me at
887-3391.

Sincerely,

A handwritten signature in cursive script that reads "Joyce Watson".
Joyce Watson

/jw

Enclosure



Copy 5/11

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: May 4, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for May 1, 1995
Item No. 356

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for the proposed garage, access will be through the paper street (Maple Avenue). A minimum paving width of 16 feet will be required from Opie Road. For the paving thickness, see Department of Public Works' Standard Plate R-2.

The driveway entrance is to be constructed per Department of Public Works' Standard Plate R-15, Typical Driveway Entrance From Road without curb and gutter.

RWB:sw

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 23, 1995

Mr. and Mrs. Herbert Bush
6 Opie Road
White Marsh, Maryland 21162

Closing
5/8

RE: Case No. 95-358-A
Petitioner: H. Bush, et ux

Dear Mr. and Mrs. Bush:

Enclosed are copies of comments received from DEPRM on May 15, 1995 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joyce Watson".
Joyce Watson

/jw

Enclosure



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

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

May 15, 1995

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

SUBJECT: Zoning Item #356 - Bush Property
6 Opie Road
Zoning Advisory Committee Meeting of April 24, 1995

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

Environmental Impact Review

Redevelopment of the property must comply with Chesapeake Bay Critical Area Regulations by meeting the following conditions:

1. Current impervious areas total approximately 1,331 square feet or 9% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The amount of impervious areas shall not exceed 3,715 square feet or 25% of the lot during redevelopment.
2. Stormwater runoff for all new downspouts must be directed from impervious surfaces to vegetated areas.

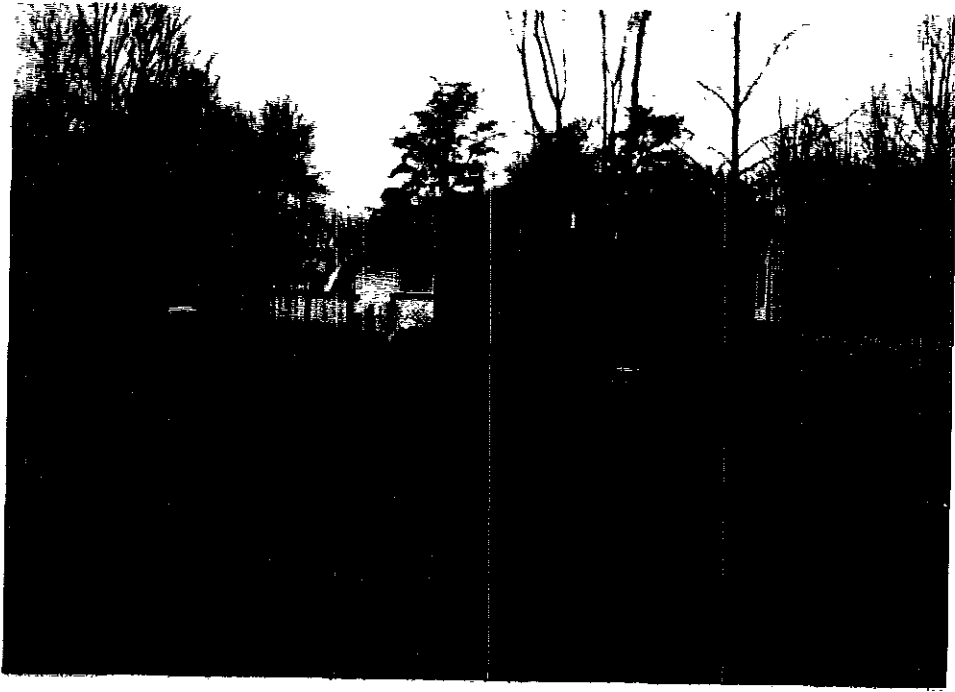
/
JLP:KK:sp

BUSH/DEPRM/TXTSBP

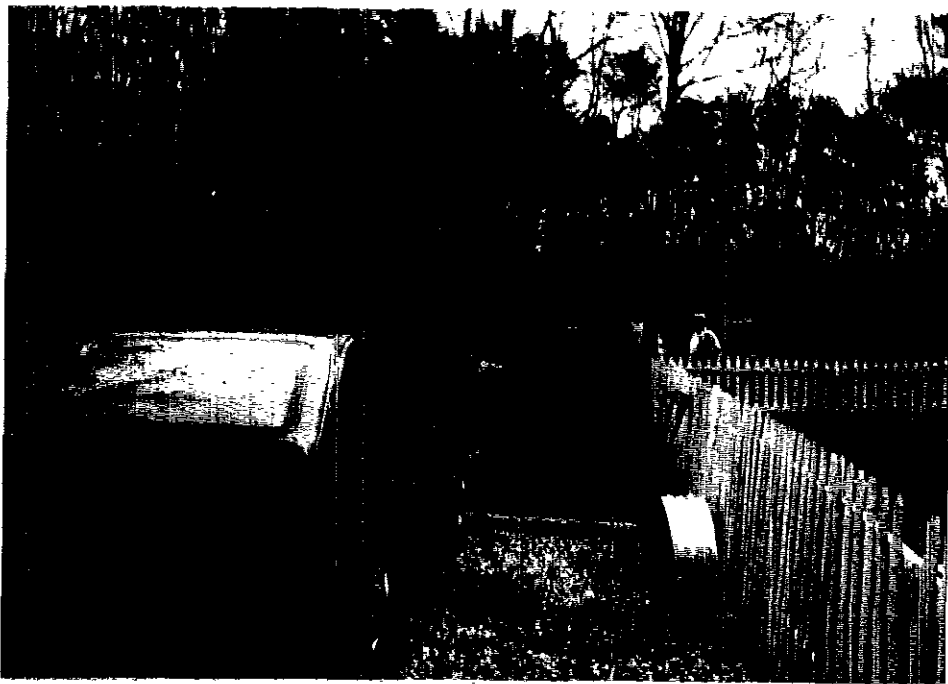
1680-95

ORIGINAL

95-358-A



In back of
house.
from
rear

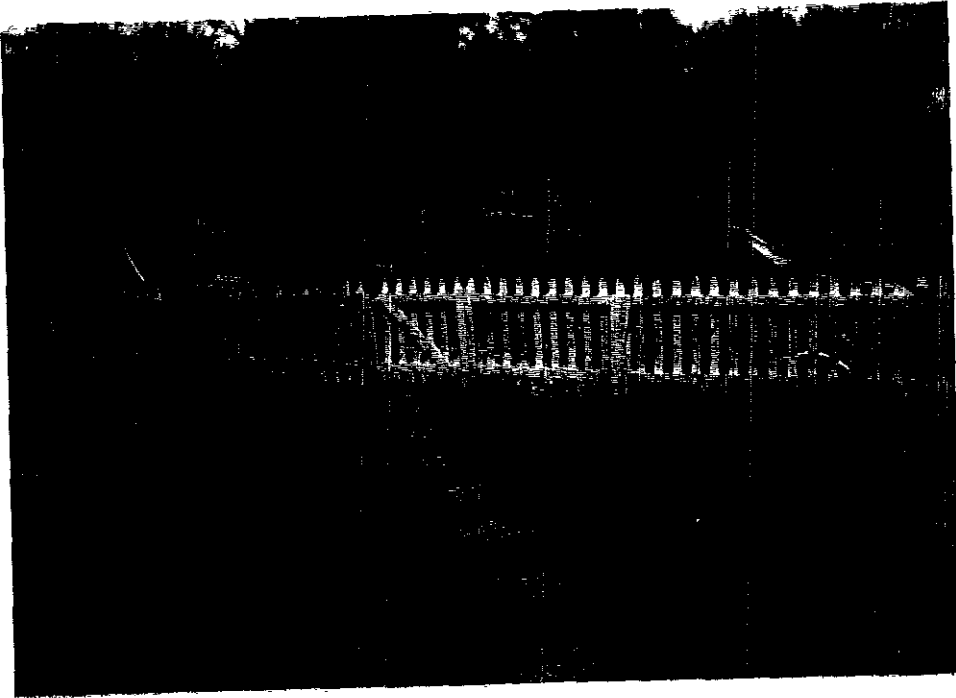


Proposed car
location using
existing drive from
Maple Ave. Maple
Ave is a paper road.



Showing neighbor's
dwelling with
neighbor's behind which
garage would have
to be located. No more
and intruding onto
Neighbor's privacy.

95-358-A



opposite side of
Maple showing
neighbor's garage.



Showing driveway
off Opie Rd. along
Maple Ave. - paper Rd.
on entrance side of
house.



William W. W.

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Opie Road with intersection * ZONING COMMISSIONER
S/S Maple Avenue *
6 Opie Road * OF BALTIMORE COUNTY
11th Election District *
5th Councilmanic District *
Herbert R. Bush, et ux * Case No. 95-358-A
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 6 Opie Road in the Bird River Beach subdivision of Baltimore County. The Petition is filed by Herbert R. Bush and Esther E. Bush, his wife, property owners. Variance relief is requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed garage on a corner lot to be located out of the third of the lot farthest removed from any street and for said garage to have a height of 21 ft. in lieu of the required 15 ft. The property and relief requested are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

This matter was originally filed as an administrative variance, pursuant to Section 26-127 of the Baltimore County Code. That section allows the Zoning Commissioner to grant zoning variance relief without a public hearing in some cases. In this case, however, this matter was set in for public hearing after a review of the Petition and comments thereon by the Zoning Plans Advisory Committee. A public hearing was held on this case on July 17, 1995.

Appearing at the requisite public hearing held for this case was the aforementioned property owner, Herbert R. Bush. There were no Protestants or other interested persons present.

Testimony and evidence offered was that the Petitioner owns that lot, known as lot No. 231, in the Bird River Beach subdivision. The Petitioner also owns 1/2 of an adjacent lot, identified as lot No. 230. When combined, the entire parcel has a width from 65 to 80 ft. and a depth of approximately 205 ft. Apparently, at one time, the Petitioner owned three lots, nos. 229 thru 231, but sold lot 229 and 1/2 of lot 230 to his daughter. She now resides on that parcel.

In any event, the Petitioner's holdings at present encompass approximately 14,858 sq. ft. The parcel is zoned R.C.2 and is improved with an existing single family dwelling. The one story dwelling is shown both on the site plan and in several photographs submitted of the property.

The Petitioner proposes constructing a garage in the rear yard. The garage will be quite large, approximately 25 ft. in width by 36 ft. in depth. The Petitioner's son-in-law will supervise the construction. Mr. Bush explained that no apartment use would be made of the garage, nor would any commercial business be operated therefrom. However, the garage will be large enough to accommodate three vehicles and contain a second floor. The Petitioner indicated that this large amount of storage space was necessary to accommodate the Petitioner's automobiles and other household items. This is particularly necessary in that the existing house is quite small.

The one variance requested, from Section 400.1 of the BCZR, is driven by the fact that the Petitioner's property sits adjacent to Maple Avenue, a paper street. Although Maple Avenue is not improved and the area therefore is presently in lawn and/or gravel, Section 400.1 remains applicable in that Maple Avenue is shown on the plat of the community. The dwelling actually fronts Opie Road and Maple Avenue constitutes the side yard boundary to the south of the subject parcel. As noted above, and as shown in

-2-

the photographs submitted, Maple Avenue is not paved, however, resembles a gravel driveway. The Petitioner proposes retaining this gravel driveway and extending same across his property to the entrance to the garage.

This situation creates a conflict between two of the County agencies which have reviewed the project. The Developers Engineering Section, within their comment, believes that Maple Avenue should be paved. Developers Engineering specifically requires a minimum paving width of 16 ft. from Opie Road to the entrance to the garage. Moreover, the paving will be of the required thickness pursuant to Public Works' standards. The driveway entrance need not contain curb and gutter but also must be pursuant to Public Works' standards. This paving requirement conflicts with the comments offered by the Department of Environmental Protection and Resource Management (DEPRM). That department notes that the subject site lies with the Chesapeake Bay Critical Area and that, under those regulations, impervious area shall not exceed 25% of the lot. Paving of the paper street, construction of the driveway and apron therefore, will all create additional paving which is contrary to the goals of these environmental regulations.

There does not appear to be any valid reason for the variance from Section 400.1 to be denied. That regulation mandates that the garage be located in the third of the lot farthest from the side street. Location of the building at that portion of the subject lot would create additional impervious area and would also adversely impact the neighboring property to the north. Location of the garage, as proposed, will cut down the amount of impervious area, provide better access and cause no impact to the surrounding locale. The Petitioner is permitted, by right, to construct a garage in the rear yard.

-3-

It is clear that a grant of the height variance is also proper. There are other buildings in the subject locale which are as high as the proposed garage. This is an area of older development with a number of barns and other old buildings of similar height. Based on the unique aspects of this property which arise from its location on a paper road and within an environmentally sensitive area, I am persuaded to grant the Petition for Variance. I am convinced that the Petitioner has satisfied the spirit and intent of the language of Section 307.1 of the BCZR as well as the case law. Thus, the proposed variance will be granted with restrictions.

Certain of the restrictions are obvious. The garage shall not be used for dwelling purposes, nor for any commercial purposes. The storage area provided by the garage will be incidental to the residential use of the property and dwelling thereon. Moreover, it would seem appropriate to require the Petitioner to pave the paper street and apron to the garage with gravel or other pervious material. The environmental constraints offered by DEPRM in this case seem more compelling than the Public Works' standards. This is particularly so since Maple Road will serve only this property. Nonetheless, if development ultimately occurs on neighboring lots which would access Maple Road, an upgrade to the road would be warranted. Thus, I shall order that the variance relief will be granted and that the Petitioner shall follow the mandates required by DEPRM. These include both on site improvements and the development of Maple Road. However, if, at any time in the future, a surrounding development occurs which would access Maple Road, the Petitioner and/or its successor in title shall be obligated for the costs of improvements to Maple Road to Public Works standards from its intersection to Opie Road to its location adjacent to the entrance to the garage.

-4-

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 Zoning Commissioner for Baltimore County this 3rd day of August, 1995 that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed garage on a corner lot to be located out of the third of the lot farthest removed from any street and for said garage to have a height of 21 ft. in lieu of the required 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
3. The Petitioners shall use the property and improvements thereon for residential purposes only. There shall be no commercial business or office activities conducted on or from the site.
4. The Petitioners are not required to now pave Maple Road from its intersection with Opie Road to the garage entrance. However, Petitioners will be so responsible for such improvement in accordance with Public Works' standards, in the event additional development in the locale results in additional access and traffic on Maple Road.
5. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as to impact on the Chesapeake Bay Critical Area.

-5-

6. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

7. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order. Moreover, a copy of this Order shall be recorded among the Land Records of Baltimore County to provide subsequent owners of the property with notice of these restrictions.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 3, 1995

Mr. and Mrs. Herbert R. Bush
6 Opie Road
White Marsh, Maryland 21162

RE: Case No. 95-358-A
Petition for Zoning Variance
Property: 6 Opie Road

Dear Mr. and Mrs. Bush:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mm
att.

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 6 Opie Rd White Marsh, Md. which is presently zoned R.C.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 AND 400.3 TO PERMIT A PROPOSED GARAGE ON A CORNER LOT TO BE LOCATED OUT OF THE THIRD OF THE LOT FARTEST REMOVED FROM ANY STREET WITH A HEIGHT OF 21 FT. IN LIEU OF THE PRESENTLY REQUIRED 15 FT. OF THE Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)
Reason: SEE AFFIDAVIT

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 Purchaser/Lessor
Type of Petition
Signature
Address
City
State
Zip Code
Attorney for Petitioner
Type of Petition
Signature
Address
City
State
Zip Code
Name
Address and phone number of representative to be contacted

Legal Owner(s)
Name
Signature
Address
City
State
Zip Code
Name
Address and phone number of representative to be contacted

Herbert Roy Bush
Esther Elizabeth Bush
6 Opie Rd 3355209
White Marsh, Md 21162

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County that the undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 AND 400.3 TO PERMIT A PROPOSED GARAGE ON A CORNER LOT TO BE LOCATED OUT OF THE THIRD OF THE LOT FARTEST REMOVED FROM ANY STREET WITH A HEIGHT OF 21 FT. IN LIEU OF THE PRESENTLY REQUIRED 15 FT. OF THE Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

RECEIVED 4/13/95
ESTIMATED FILING DATE 4/23/95

Printed with Recycled Ink on Recycled Paper

ITEM #: 356

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
That the Affiant(s) does/does not presently reside at White Marsh Rd 21162
City White Marsh State MD Zip Code 21162

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate whether or practice difficulty)

- Reasons:
1) Without variance: The building would require a major part of the back yard.
2) It would be a major expense to put in a black top driveway from Opie Rd to the garage.
3) There is not adequate Room for a driveway on the S.W. side of the house (Front & back deck on N.W. side).
4) The driveway to the house is on Maple Ave side.
5) Need Storage space.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Herbert R. Bush Esther E. Bush
Signature Herbert R. Bush Esther E. Bush
Type of Affiant Owner Owner

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
I HEREBY CERTIFY, this 12 day of April, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Herbert R. Bush & Esther E. Bush

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal
date 4/12/95
Don B. Whipple
Notary Public
My Commission Expires April 1, 1999

Don B. Whipple, Notary Public
Baltimore County
State of Maryland
My Commission Expires April 1, 1999

ZONING DESCRIPTION
#6 OPIE RD. 356 95-358-A
BEGINNING AT A POINT ON THE EAST SIDE OF OPIE RD AT THE INTERSECTION OF THE SOUTH SIDE OF MAPLE AVE. (A PAPER ROAD) BOTH 40 FT R/W'S BEING LOT 231 AND PART OF 230 IN THE SUBDIVISION OF BIRD RIVER BEACH PLAT BOOK 7 FOLIO 187.
5TH CD.
11TH ED.

CERTIFICATE OF POSTING

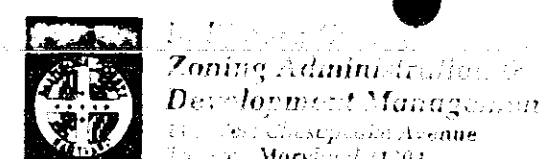
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 4/12/95
Posted for: Variance
Petitioner: Herbert & Esther Bush
Location of property: 6 Opie Rd., FB
Location of Sign: Along road way on property being zoned
Remarks:
Posted by: William E. Schmitt Date of return: 4/13/95
Number of Signs: 1

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 4/12/95
Posted for: Variance
Petitioner: Herbert & Esther Bush
Location of property: 6 Opie Rd., FB
Location of Sign: Along road way on property being zoned
Remarks:
Posted by: William E. Schmitt Date of return: 4/13/95
Number of Signs: 1



Zoning Department of Baltimore County
Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

Date 4/13/95

CRITICAL AREA

receipt
95-358-A

Account: R-0-1-6150
Number 356
BY VL

1 VAR (RV CODE 010) 50.00
1 SIGN PERM 080 35.00
TOT = \$85.00

BUSH #6 OPIE RD.

Please Make Checks Payable To: Baltimore County

Cashier Validation

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4/22 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 4/22, 1995

THE JEFFERSONIAN,

A. Henrich
LEGAL AD. - TOWSON

Published

NOTICE OF HEARING

The Zoning Commission 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, on the following date:
Case #95-358-A
Item 356
6 Opie Road
E/S Opie Road with intersection S/S Maple Avenue
11th Election District - 5th Councilmanic
Legal Owner: Herbert R. Bush and Esther E. Bush
Hearing Monday, July 17, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.
Variance to permit a proposed garage on a corner lot to be located out of the third of a lot farthest removed from any street with a height of 20 feet in lieu of the maximum height of 15 feet.
LAWRENCE E. SCHMITT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Non-Exempt Accessible for special accommodations. Please call 887-3353. (2) For information concerning the file and/or hearing, please call 887-3391. June 22, 1995

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.

Carl John
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 356

Petitioner: BUSH

Location: #6 OPIE RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Herbert R. Bush

ADDRESS: #6 Opie Rd

White Marsh, Md 21162

PHONE NUMBER: 3355209

AJ:ggg (Revised 04/09/93)

TO: PUTNEM PUBLISHING COMPANY
June 22, 1995 Issue - Jeffersonian

Please forward billing to:

Herbert and Esther Bush
6 Opie Road
White Marsh, MD 21162
335-5209

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, on the following date:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-358-A (Item 356)

6 Opie Road

E/S Opie Road with intersection S/S Maple Avenue

11th Election District - 5th Councilmanic

Legal Owner: Herbert R. Bush and Esther E. Bush

HEARING: MONDAY, JULY 17, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a proposed garage on a corner lot to be located out of the third of a lot farthest removed from any street with a height of 20 feet in lieu of the maximum height of 15 feet.

LAWRENCE E. SCHMITT
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

June 16, 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, on the following date:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-358-A (Item 356)

6 Opie Road

E/S Opie Road with intersection S/S Maple Avenue

11th Election District - 5th Councilmanic

Legal Owner: Herbert R. Bush and Esther E. Bush

HEARING: MONDAY, JULY 17, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit a proposed garage on a corner lot to be located out of the third of a lot farthest removed from any street with a height of 20 feet in lieu of the maximum height of 15 feet.

Carl John
Arnold Jablon
Director

cc: Herbert and Esther Bush

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.

Baltimore County Government
Office of Zoning Administration
and Development Management

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

April 21, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-358-A (Item 356)
6 Opie Road
E/S Opie Road with intersection S/S Maple Avenue
11th Election District - 5th Councilmanic
Legal Owner: Herbert R. Bush and Esther E. Bush

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- Your property will be posted on or before April 21, 1995. The closing date (May 8, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl John
Arnold Jablon
Director

cc: Herbert and Esther Bush

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 5, 1995

Mr. and Mrs. Herbert R. Bush
6 Opie Road
White Marsh, Maryland 21162

RE: Item No.: 356
Case No.: 95-358-A
Petitioner: H. R. Bush, et ux

Dear Mr. and Mrs. Bush:

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 April 13, 1995.

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
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: April 24, 1995

SUBJECT: Variance Requests

INFORMATION:
Item Numbers: 352, 354, 355, 356, 359, and 360.

SUMMARY OF RECOMMENDATIONS:
While staff does not oppose the requested Variances, it is clear that the petitioners will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject Variances.

Prepared by: *Jeffrey W. Long*
Division Chief: *Carol L. Vane*
PK/JL

ITEM352/PZONE/ZAC1

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 04/25/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1102

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF APR. 24, 1995.

Item No.: SEE BELOW Zoning Agenda:

Settlement:
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.

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 352, 354, 355, 356, 359, 360, 357, 358, 359 AND 360.

RECEIVED
APR 27 1995
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4631, RS-1102F

cc: File

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

4-21-95

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.: 356 (JLL)

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

PETITION PROBLEMS
AGENDA OF APRIL 24, 1995

- #355 --- JCM
1. No zoning indicated on top of petition form.
- #356 --- JLL
1. Zip code is indicated on top of petition form instead of zoning.
- #357 --- JLL
1. Is correct address 1208 or 215?? Petition form says "(#1208) 215 Susquehanna Avenue.
- #358 --- JLL
1. No authorization indicated for attorney to sign for contract purchaser.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 9, 1995

Mr. and Mrs. Herbert R. Bush
6 Opie Road
White Marsh, Maryland 21162

RE: Case No. 95-358-A
Petitioner: H. R. Bush

Dear Mr. and Mrs. Bush:

Enclosed are copies of comments received from DES on May 8, 1995 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Joyce Watson
Joyce Watson

/jw
Enclosure

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: May 4, 1995
Zoning Administration and Development Management

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

RE: Zoning Advisory Committee Meeting
for May 1, 1995
Item No. 356

The Developers Engineering Section has reviewed the subject zoning item. If the variance is granted for the proposed garage, access will be through the paper street (Maple Avenue). A minimum paving width of 16 feet will be required from Opie Road. For the paving thickness, see Department of Public Works' Standard Plate R-2.

The driveway entrance is to be constructed per Department of Public Works' Standard Plate P-15. Typical Driveway Entrance From Road without curb and gutter.

FWB:sw

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 23, 1995

Mr. and Mrs. Herbert Bush
6 Opie Road
White Marsh, Maryland 21162

RE: Case No. 95-358-A
Petitioner: H. Bush, et ux

Dear Mr. and Mrs. Bush:

Enclosed are copies of comments received from DEPRM on May 15, 1995 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Joyce Watson
Joyce Watson

/jw
Enclosure

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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
May 15, 1995

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

SUBJECT: Zoning Item #356 - Bush Property
6 Opie Road
Zoning Advisory Committee Meeting of April 24, 1995

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

Environmental Impact Review

Redevelopment of the property must comply with Chesapeake Bay Critical Area Regulations by meeting the following conditions:

1. Current impervious areas total approximately 1,331 square feet or 9% of the lot. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surfaces. The amount of impervious areas shall not exceed 3,715 square feet or 25% of the lot during redevelopment.
2. Stormwater runoff for all new downspouts must be directed from impervious surfaces to vegetated areas.

JLP:KK:sp

BUSH/DEPRM/TXTSBB

FAX TRANSMISSION

TO: Mr. Lewis
FROM: Herbert Bush
DATE: April 19, 1995
SUBJ: Garage Height & Opie Road - Article 256

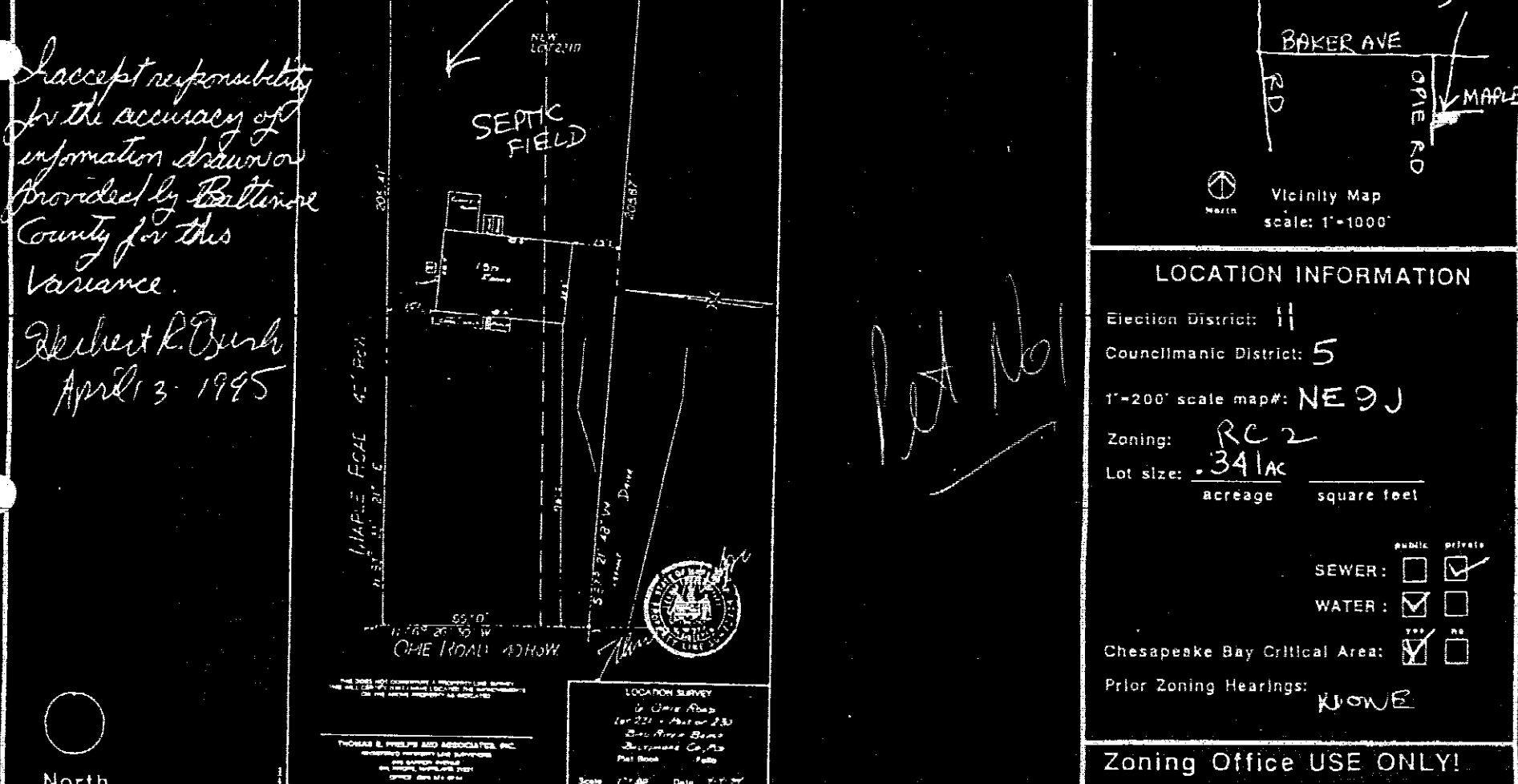
COMMENTS:

As per my conversation with Owen. We would like to change the height from 17' 6" to 21' before you push the sign. A check for \$20.00 still has to be made today. If you have any questions please feel free to contact me at (410) 333-3202.

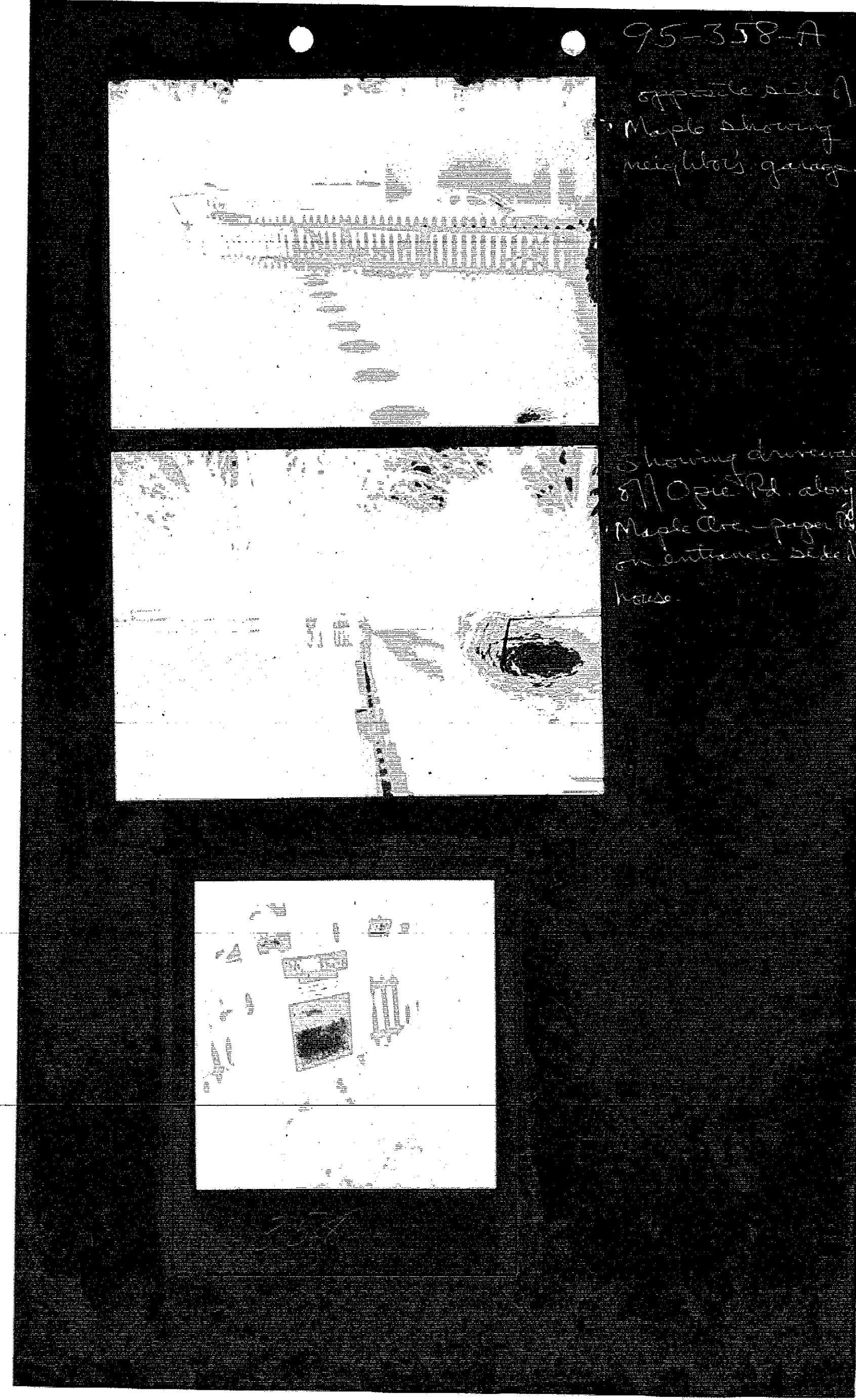
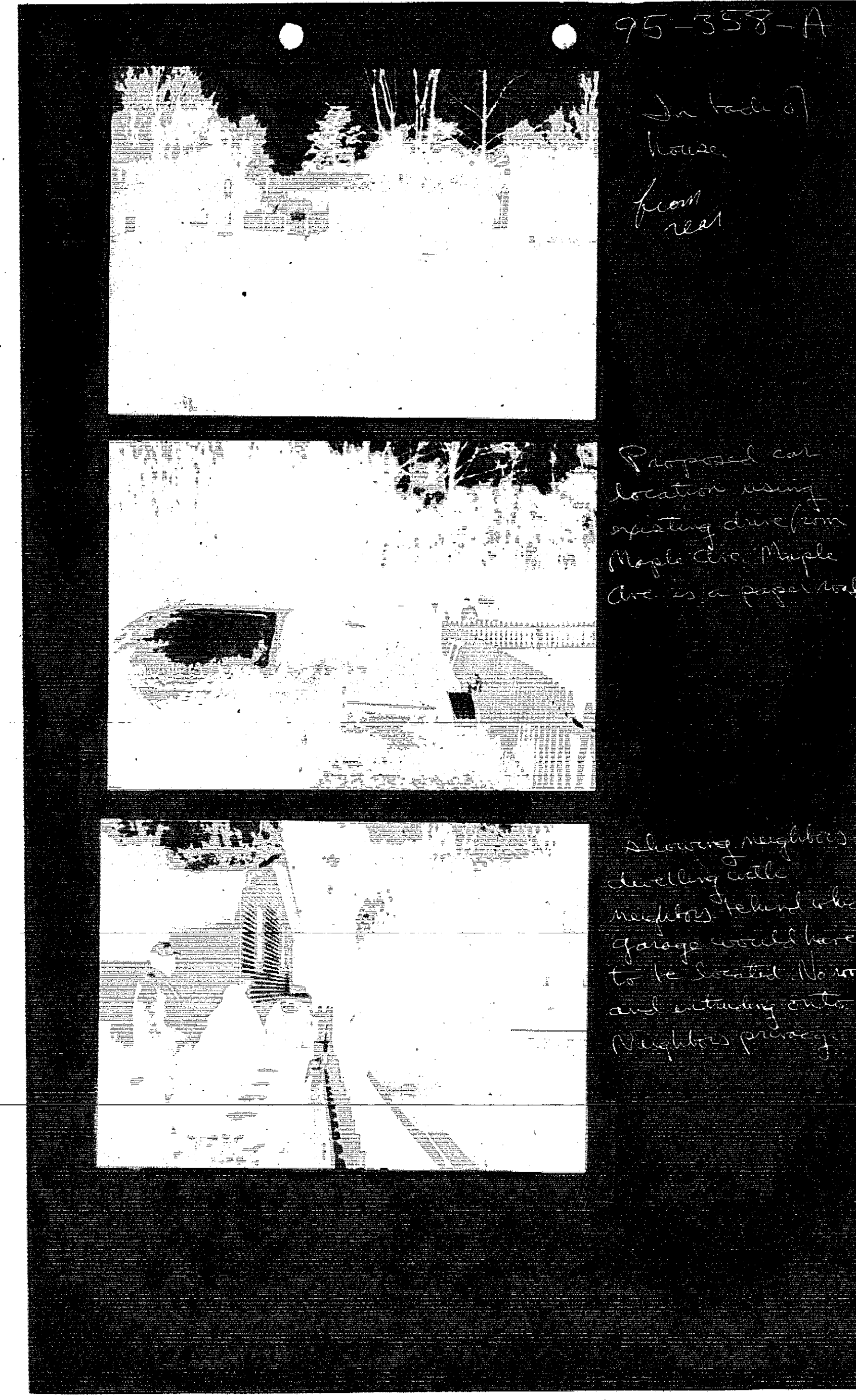
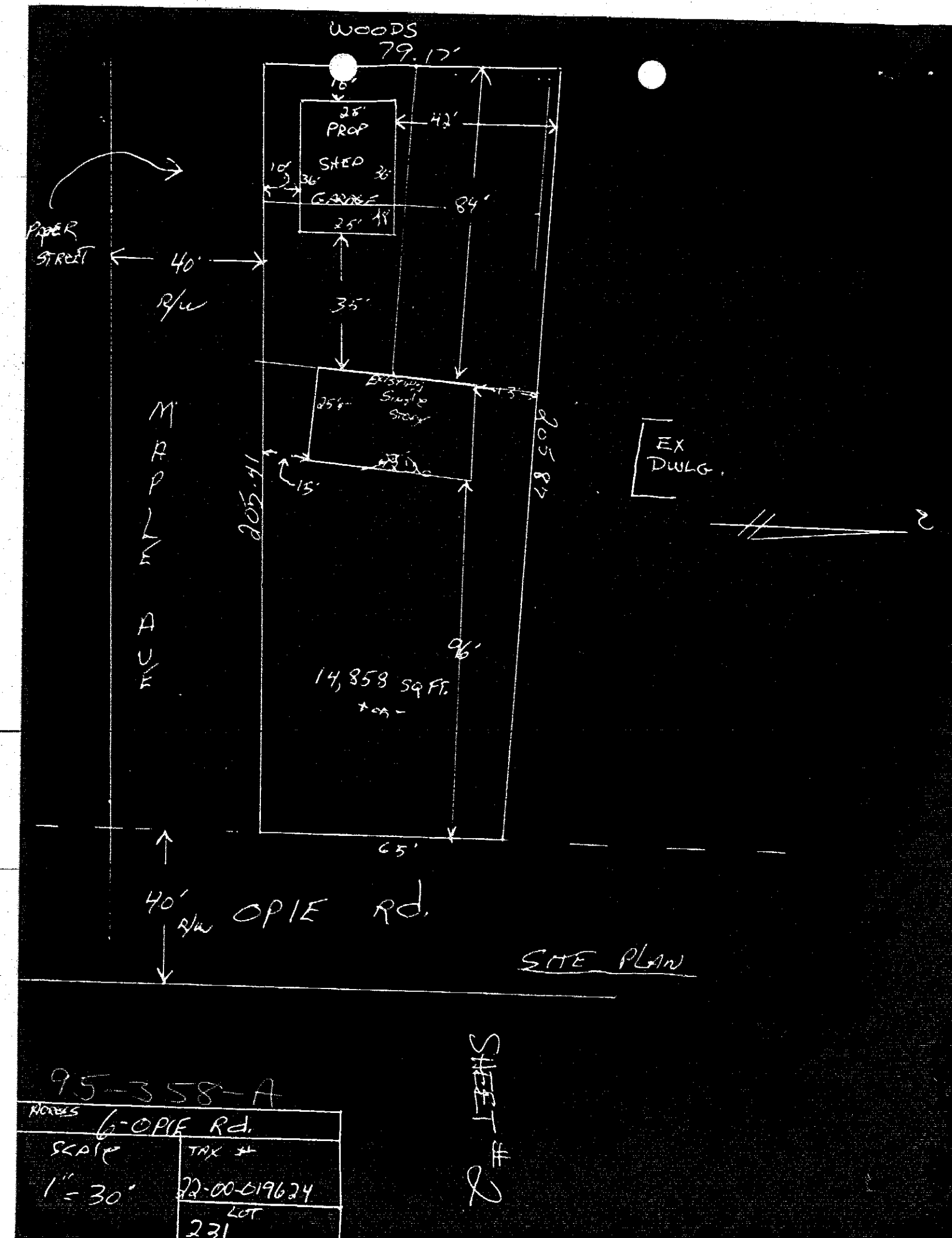
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

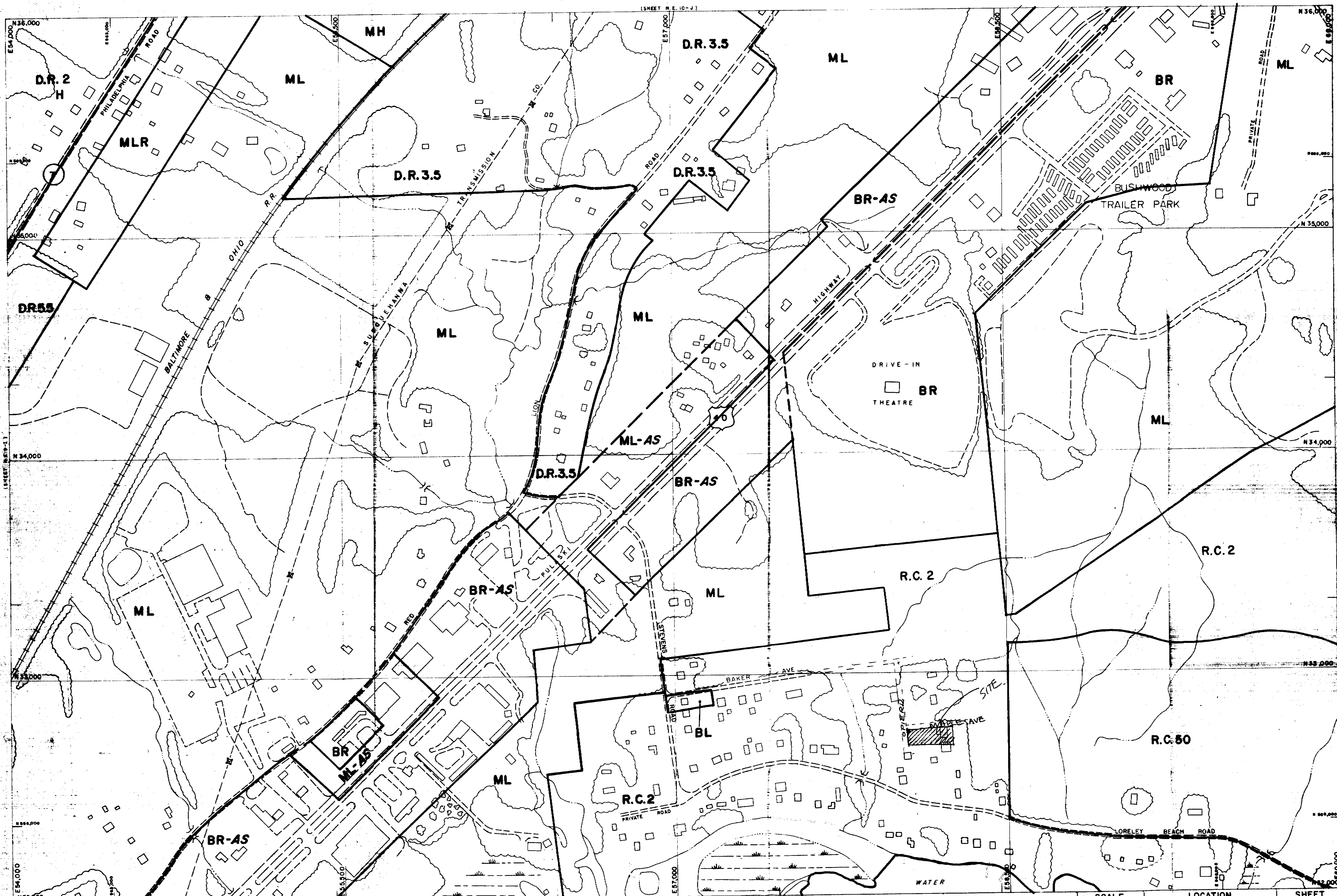
PROPERTY ADDRESS: #6 OPIE ROAD
Subdivision name: BIRD RIVER BEACH
Plat book: Z, folio 187, lot #356-23
OWNER: HERBERT & ESTHER BUSH

NOT FLOOD PLAIN
95-358-A
SEE SHEET TWO FOR GARAGE LOCATION FOR VARIANCE



North
date: _____
prepared by: _____
Scale of Drawing: 1"=100'





M-NE MM-NW

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

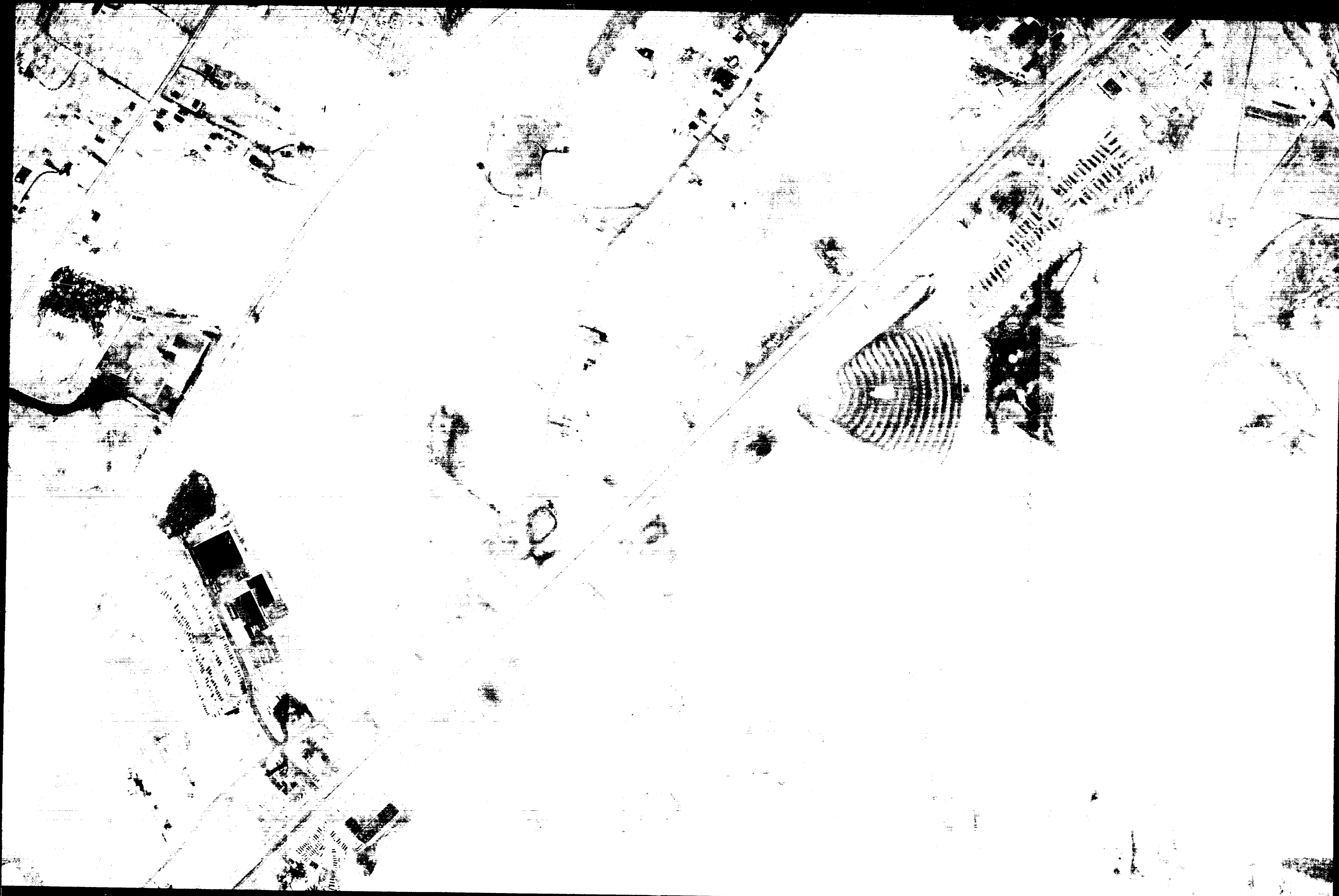
1992 COMPREHENSIVE ZONING MAP
Approved by the Baltimore County Council
Oct. 15, 1992
REV. AS PER BILL NO. 175-94 EFFECTIVE 1-14-95
William A. Howard
Chairman, County Council

SCALE 1" = 200' ±	LOCATION LORELEY WHITEMARSH AREA	SHEET N.E. 9-J
DATE OF PHOTOGRAPHY JANUARY 1986		

95-358-A

MICROFILMED

356



95-358-A

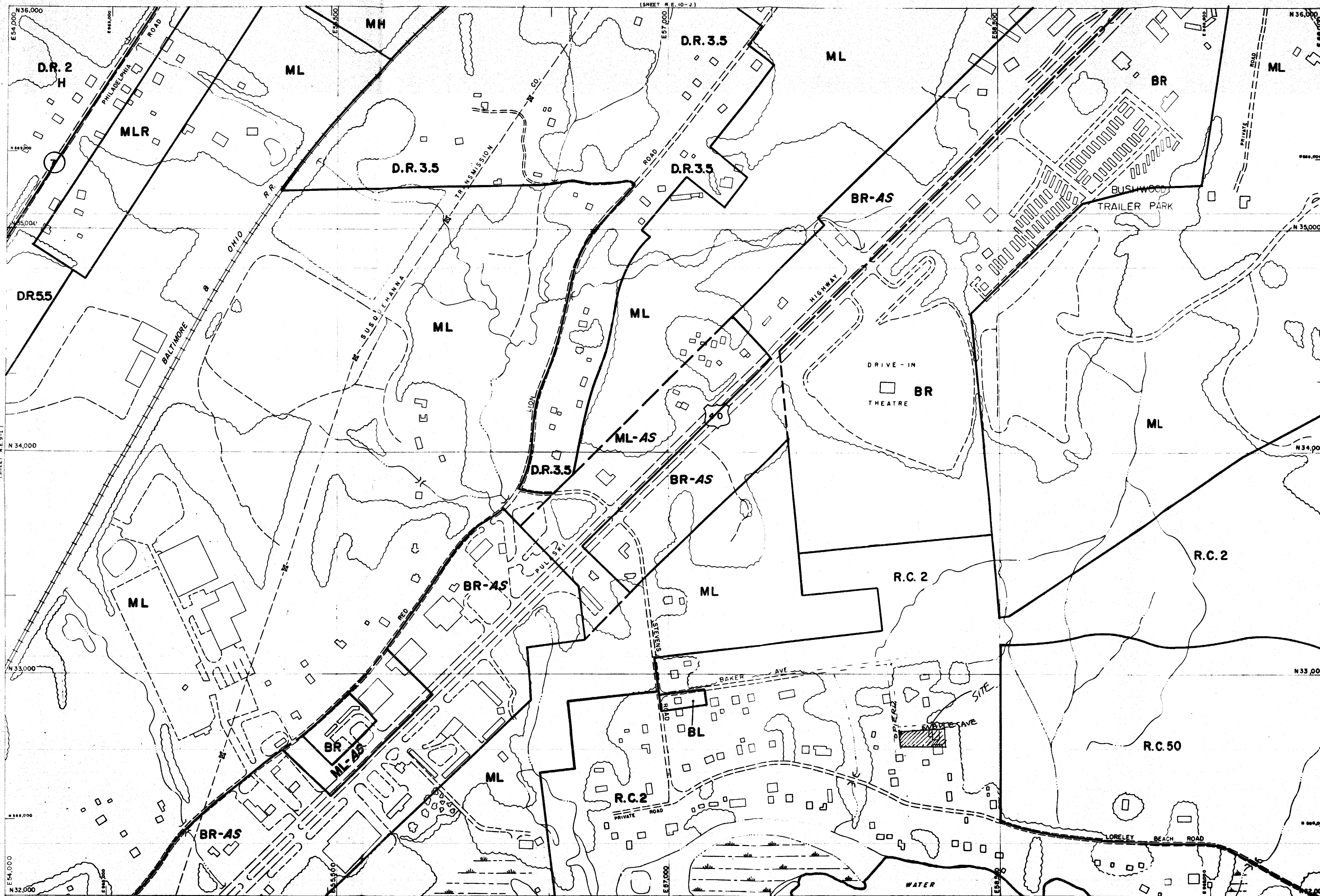
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SITE
#356

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

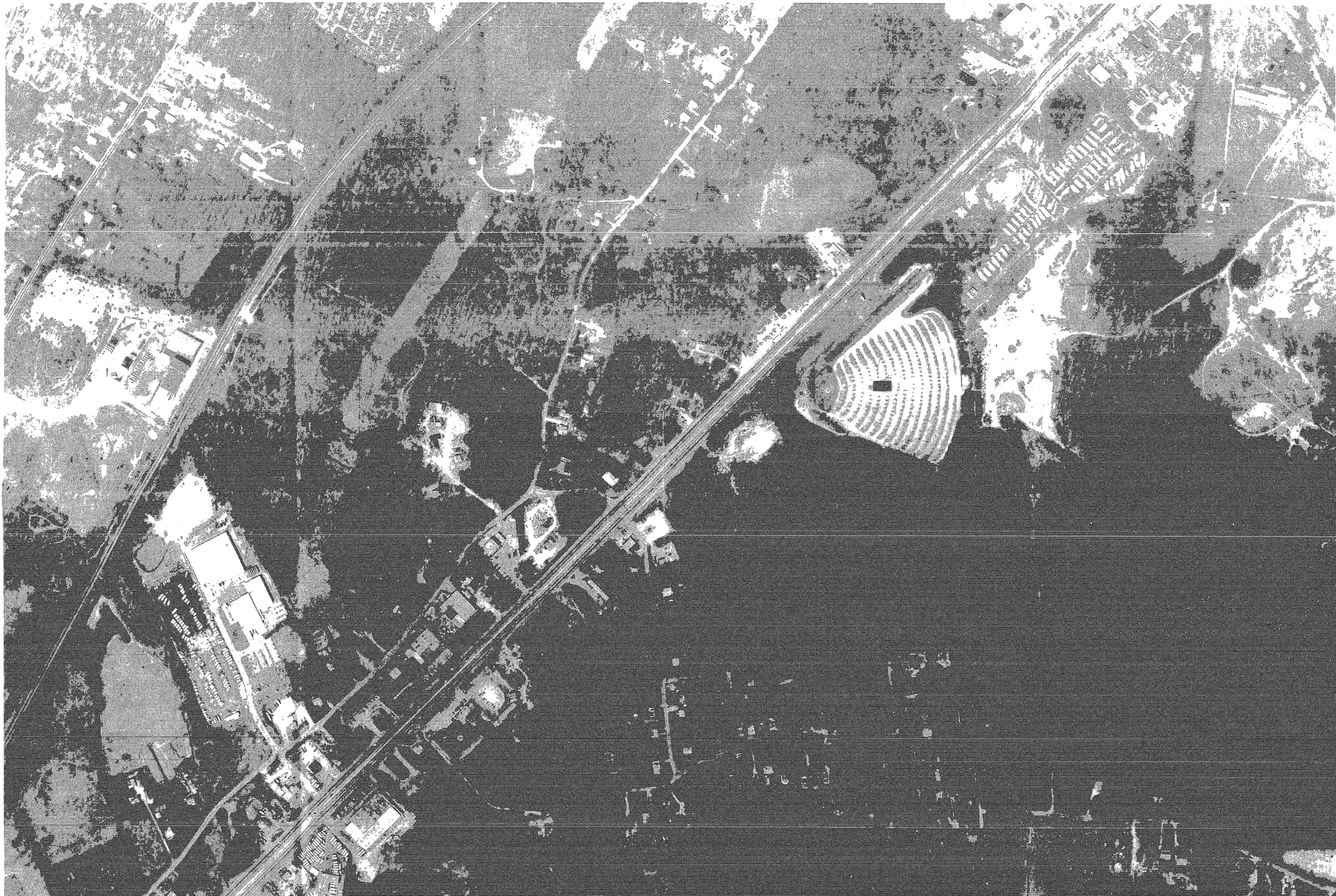
SCALE	LOCATION	SHEET
1" = 200' ±	LORELEY WHITE MARSH AREA	N.E. 9-J
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	

95-358-A



M-NE MM-NW		BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING		1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992 REV. AS PER BILL NO. 175-94 EFFECTIVE 1-1-95 <i>William B. Howard</i> Chairman, County Council		SCALE 1" = 200' ±	LOCATION LORELEY WHITEMARSH AREA	SHEET N.E. 9-J
THIS MAP HAS BEEN REVISED IN SELECTED AREAS. TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21810		OFFICIAL ZONING MAP		DATE OF PHOTOGRAPHY JANUARY 1986				

356



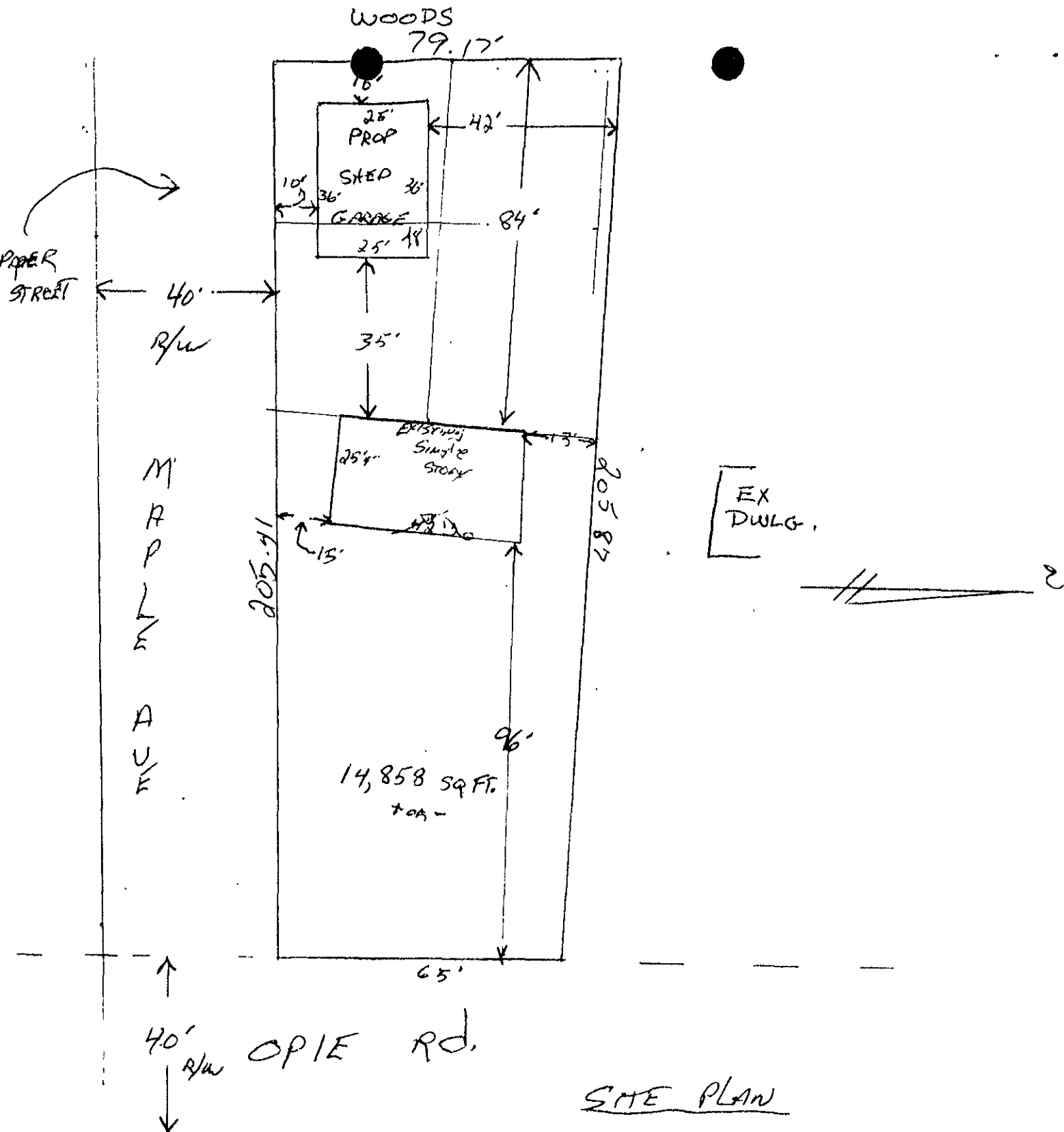
95-358-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SITE
#356

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	LORELEY WHITE MARSH AREA	N.E. 9-J
DATE OF PHOTOGRAPHY JANUARY 1986		



95-358-A	
WOODS	6-OPIE RD.
SCALE	TAX #
1" = 30'	22-00-019624
	LOT
	231

SHEET # 2

Plat to accompany Petition for Zoning ☒ Variance ☐ Special HearingPROPERTY ADDRESS: #6 OPIE ROAD

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

Subdivision name: BIRD RIVER BEACHplat book # 7, folio # 187, lot # 230-231, section # OWNER: HERBERT + ESTHER BUSH

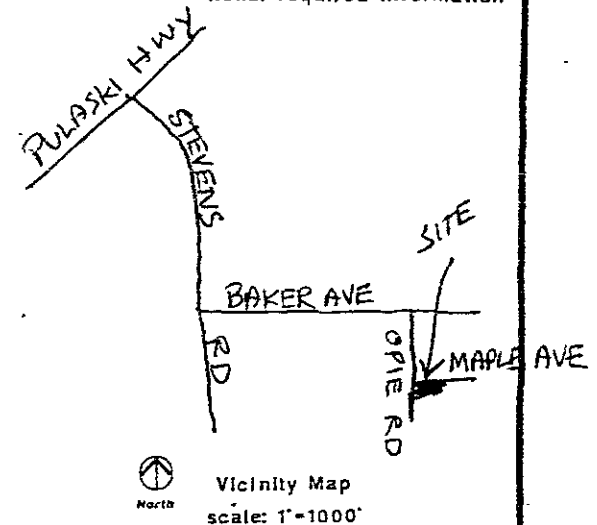
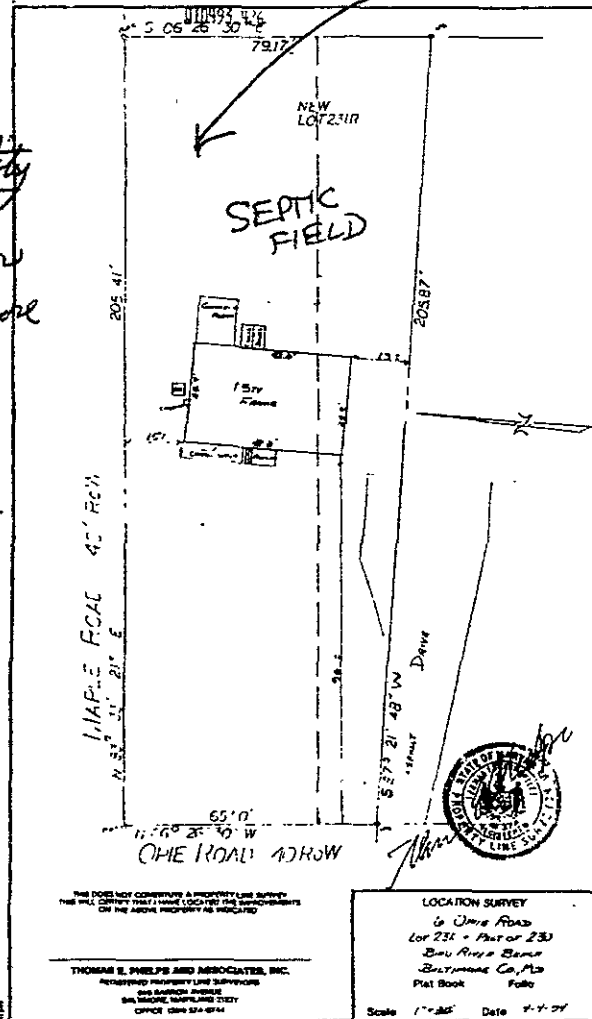
NOT FLOOD PLAIN

95-358-A

SEE SHEET TWO FOR
GARAGE LOCATION
FOR VARIANCE

I accept responsibility
for the accuracy of
information drawn on
provided by Baltimore
County for this
variance.

Herbert R. Bush
April 13, 1995



LOCATION INFORMATION

Election District: 11Councilmanic District: 51"=200' scale map #: NE 9 JZoning: RC 2Lot size: .341 acreage 341 square feet

SEWER: ☐ public ☒ private
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☒ yes ☐ noPrior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 356 CASE #:

North

date:
prepared by:

Scale of Drawing: 1"= 30