

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NE/S Chestnut Road, 700 ft.
SEly Seneca Road * ZONING COMMISSIONER
4036 Chestnut Road
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Legal Owner: Michaelene E. * Case No. 98-117-A
Discher
Contract Purchaser: George N.
Krause, et ux, 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 4036 Chestnut Road in the Seneca Creek subdivision of eastern Baltimore County. The Petition was filed by Michaelene E. Discher, property owner, and George N. and Heather A. Krause, his wife, Contract Purchasers. Three variances are requested from the applicable sections of the Baltimore County Zoning Regulations (BCZR). They are: (1) a variance from Section 1A03.3.B.1 of the BCZR to permit a lot area of .4 acres, in lieu of the required 1 acre, and a residential density of 2.5 dwellings per acre, in lieu of the permitted .667 dwellings per acre; and (2) a variance from Section 1A04.3.B.3 of the BCZR to allow side yard setbacks of 9.5 ft. and 10 ft., in lieu of the 50 ft. required; and (3) a variance from Section 1A04.3.B.4 of the BCZR to permit an impervious coverage of 25% of the lot, in lieu of the permitted 15%. The Petitioners also generally request approval of any other zoning variances which may be required in order for them to proceed with their plans. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case were Michaelene E. Discher and George N. and Heather A. Krause, Petitioners. Also present was James D. Grammer, an engineer from McKee and Associates, Inc., the

ORIGINAL FILED
12/3/97
Date
By M. Board

preparers of the site plan. Also present in support of the Petition was Joan C. Bowerman. The Petitioners were represented by John V. Murphy, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is approximately .403 acres in area, zoned R.C.5. The property is unique in shape; in that it is very narrow (approx. 50 ft.) yet is very deep (approx. 360 ft.). The property is an old recorded lot in the record plat of "Bowleys Quarters-Plat No. 2". This plat was recorded in the Land Records of Baltimore County in 1921.

The property is a waterfront property with frontage on Seneca Creek. At the water's edge, the property features an existing wooden pier which extends into the creek. The property is also improved with several buildings. These include an existing dwelling which is near the water's edge, a one story building which is also used for residential purposes located in the middle of the lot and an existing one story block garage located near Chestnut Road. Apparently, these structures are very old and the main house was built in the 1940s.

Mr. and Mrs. Krause are under contract to purchase the property. They propose razing the existing one story building and the existing dwelling. The existing garage and a portion of the driveway will remain. Mr. and Mrs. Krause propose constructing a new single family dwelling to replace the existing structure. The location of the dwelling will be essentially in the same building footprint as the existing primary dwelling. It was indicated that the razing of the existing structures and construction of a new building would be far more practical than a renovation of the existing structures.

As noted above, three variances are sought. The first request for relief is from Section 1A04.3.B.1 of the BCZR; so as to permit a lot less

ORDER RECORDED & INDEXED
DATE 12/3/97
BY M. Howard

than 1 acre in area and with a residential dwelling of 2.5 dwellings per acre in lieu of the permitted .667. A close examination of that section of the BCZR, however, discloses that the variance is not needed. Specifically, that section states, "A lot having an area of less than 1 acre may not be created in an R.C.5 zone. The maximum gross residential density of a lot of record is 0.667 dwellings per acre." (emphasis added) Clearly, this subject lot is not now being created. The lot has existed in its present form since 1921. Moreover, Section 101 of the BCZR defines lot of record as, "A parcel of land with boundaries as recorded in the Land Records of Baltimore County on the same date as the effective date of the zoning regulation which governs the use, subdivision or other condition thereof." On the date that this lot was created (May 26, 1921) there were no zoning regulations in Baltimore County. For these reasons, I, therefore, find that relief is not required from Section 1A04.3.B.1. The lot is not being created at this time and when same was created, there were no zoning regulations in effect governing the dimensions, density, etc.

The second variance seeks relief from Section 1A04.3.B.3. That section requires side yard setbacks of at least 50 ft. Relief is necessary here, in view of the fact that a dwelling is proposed and the new construction must be in accordance with the BCZR. The proposed construction also generates the need for the third variance, from Section 1A04.3.B.4. That section requires that no more than 15% of any lot in an R.C.5 zone may be covered by impervious surface. Again, due to the proposed construction, compliance with the statute is required, or a variance must be obtained. It is also to be noted that the exception from the R.C.5 requirements set forth in Section 1A04.3.B.5 is not applicable here. That section allows for an exception from the R.C.5 area require-

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Date 12/13/97
By [Signature]

ments for existing residential development. The development here is proposed, not existing.

Turning to the two variances which are necessary, I am persuaded that same should be granted. As to the side yard relief, clearly compliance is not possible in that the total width of the lot is 50 ft., the exact setback dimension required. That is, there could be no residential development on this site if variance relief were denied. Such a prohibition on a permitted purpose constitutes a practical difficulty upon the Petitioner. Moreover, the unusual shape of the property gives the site its unique characteristics and I am persuaded that no detrimental impact would result from the proposed construction.

As to the 15% requirement, I also will grant variance relief. When the construction of the proposed house is completed, the elimination of the existing buildings will actually result in a net decrease of impermeable surface on the property. In my judgment, such relief should be granted.

In granting the relief, however, I shall impose several restrictions thereon. First, I will require compliance with the Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM). That ZAC comment indicates that the property and proposed construction is subject to the Chesapeake Bay Critical Area regulations. A comment was also received from Robert W. Bowling of the Bureau of Development Plans Review. He indicated that the property must comply with the Baltimore County Building Codes as it relates to the elevation of the first floor of the structure. Specifically, the property is adjacent to tidewater and the proposed construction must be in compliance with County, State and Federal flood plain regulations. In this regard, Mr. Murphy indicated that the dwelling could be constructed so as

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12/3/97
By [Signature]

to be in conformance with the regulations and that the first floor will be above the flood plain elevation minimum for this site (11.2 ft.) Thus, the compliance with this section appears possible.

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 December 1997 that a variance from Section 1A03.3.B.1 of the BCZR to permit a lot area of .4 acres, in lieu of the required 1 acre, and a residential density of 2.5 dwellings per acre, in lieu of the permitted .667 dwellings per acre, be and is hereby DENIED, in that same is unnecessary, as set out hereinabove; and,

IT IS FURTHER ORDERED that a variance from Section 1A04.3.B.3 of the BCZR to allow side yard setbacks of 9.5 ft. and 10 ft., in lieu of the 50 ft. required, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 1A04.3.B.4 of the BCZR to permit an impervious coverage of 25% of the lot, in lieu of the permitted 15%, be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

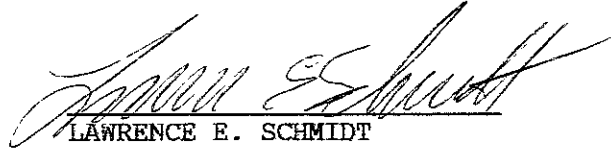
2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, DEPRM, dated October 17, 1997, are adopted in their entirety and made a part of this Order.

3. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), namely, Bureau of Developer's

ORDER RECEIVED FOR FILING
Date 12/3/97
By [Signature]

Plans Review, dated October 15, 1997, are adopted in their entirety and made a part of this Order.

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



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmm

12/13/97
J. H. Howard



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

December 2, 1997

John V. Murphy, Esquire
14 N. Rolling Road
Baltimore, Maryland 21228

RE: Case No. 98-117-A
Petition for Zoning Variance
Location: 4036 Chestnut Road
George N. and Heather A. Krause, Contract Purchasers
Michaelene E. Discher, Legal Owner

Dear Mr. Murphy:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in part, and granted, in part, 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 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. and Mrs. George N. Krause
2544 Liberty Parkway
Baltimore, Md. 21222
c: Ms. Michaelene E. Discher
3824 Clark Road
Baltimore, Maryland 21220





Petition for Variance

98-117-A
to the Zoning Commissioner of Baltimore County

for the property located at 4036 Chestnut Road

which is presently zoned RC-5

This Petition shall be filed with the Department of Permits & 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)

1A04.3.B to permit a lot area of .4 acres in lieu of the required 1 acre lot area and residential density of 2.5 dwellings per acre in lieu of the .667 dwellings per acre requirement; to permit side yard set back of 9.5 feet and 10 feet in lieu of the 50 foot requirement; to permit an impervious coverage of 25% of lot in lieu of the 15% requirement and to approve any other zoning variance that the Zoning Commissioner shall deem necessary.

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

Lot is very old 50 foot wide lot with existing dilapidated home which needs to be replaced rather than repaired triggering side your set back issue. There would be no practical use of the property unless a new home is constructed.

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/Lessee:

George N. & Heather A. Krause
(Type or Print Name)

George N. Krause
Heather A. Krause
Signature

2544 Liberty Parkway
Address

Baltimore, MD 21222
City State Zipcode

Attorney for Petitioner:

John V. Murphy

(Type or Print Name)

John V. Murphy
Signature

14 N. Rolling Road (410)744-4967

Address Phone No.
Baltimore, Maryland 21228
City State Zipcode

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.

Legal Owner(s):

Michaelene E. Discher
(Type or Print Name)

Michaelene E. Discher
Signature

(Type or Print Name)

Signature

3824 Clerk Rd
Address Phone No.

Balto Md 21220
City State Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

98-117-A

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

HUNT VALLEY, MARYLAND 21030

Telephone. (410) 527-1555

Facsimile (410) 527-1563

September 15, 1997

ZONING DESCRIPTION

4036 CHESTNUT ROAD

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

BEGINNING at a point on the northeast side of Chestnut Road, being 30 feet wide, said point being distant 700 feet more or less measured southeasterly from the centerline extension of Seneca Road, being 30 feet wide, and being known and designated as Lot 140, Plat 2 - Bowleys Quarter, which plat is recorded among the land records of Baltimore County in Plat Book 7, Page 13. Containing 17,550 square feet or 0.403 acres of land more or less.

BEING known as 4036 Chestnut Road lying in the 15th Election District, 5th Councilmanic District, Baltimore County, Maryland.

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-117-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: *

DATE AND TIME: *

REQUEST: Variance to Allow A lot Area of
0.4 Acres in lieu of the Required 1 acre*, with A density
of 2.5 in lieu of the Allowed .667, ^{And} side yard setbacks
of 9.5' and 10' in lieu of the Required 50', and to
Allow MAXIMUM impervious coverage of 25% in lieu of the MAXIMUM
15%.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 117

Petitioner: George & Heather Krause

Location: 4036 Chestnut Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: George & Heather Krause

ADDRESS: 2544 Liberty Parkway
Baltimore Md 21222

PHONE NUMBER: 410 987 1048

AJ:ggs

(Revised 09/24/96)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 043323

DATE 26 Sept 97 ACCOUNT R-001-6150
98-117-A AMOUNT \$ 100.00

RECEIVED FROM: KRAUSE

FOR: 4036 Chestnut Road

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PASID
9/26/97
BALTIMORE COUNTY, MD.

100-
2 e/s
C.L.

CASHIER'S VALIDATION

98-117-A

CERTIFICATE POSTING

RE: Case No.: 98-117 SPH

Petitioner/Developer: KRAUSE, ETAL

% JOHN MURPHY, ESQ

Date of Hearing/Closing: 10/28/97

@ 10:00 A.M.

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #4036 CHESTNUT ROAD.

The sign(s) were posted on 10/12/97
(Month, Day, Year)

Sincerely,

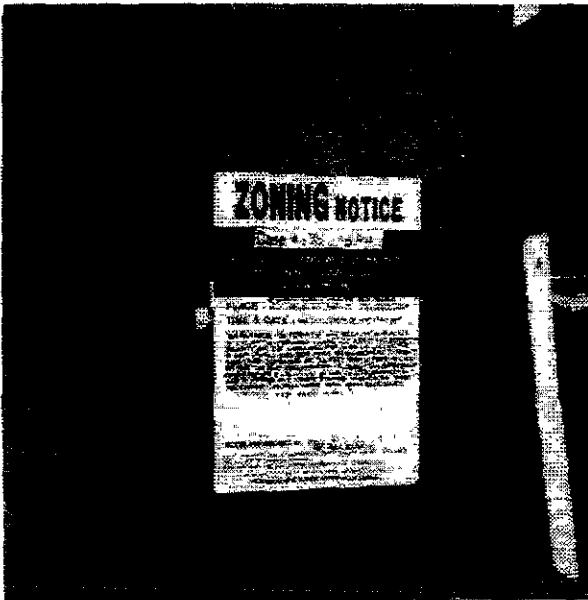
Patrick M. O'Keefe 10/19/97
(Signature of Sign Poster and Date)

Patrick M. O'Keefe
(Printed Name)

523 Penny Lane
(Address)

Hunt Valley, MD 21030
(City, State, Zip Code)

(410) 666-5366 905-8571
(Telephone Number) Pager (410)



98-117-SPH
* 4036 CHESTNUT RD. % MURPHY
7-10/12/97 KRAUSE
11-10/28/97 @ 10 A.M.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 6, 1997

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-117-SPH
4036 Chestnut Road
NE/S Chestnut Road, 700' SEly Seneca Road
15th Election District - 5th Councilmanic
Legal Owner(s): Michaelene E. Discher
Contract Purchaser(s): George N. and Heather A. Krause

Variance to permit a lot area of .4 acres in lieu of the required 1 acre lot area and residential density of 2.5 dwellings per acre in lieu of the .667 dwellings per acre requirement; to permit side yard setback of 9.5 feet and 10 feet in lieu of the 50 foot requirement; to permit an impervious coverage of 25% of lot in lieu of 15% requirement; and to approve any other zoning variance tha the zoning commissioner shall deem necessary.

HEARING: TUESDAY, OCTOBER 28, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

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

Arnold Jablon
Director

cc: George and Heather Krause
Michaelene E. Discher
John V. Murphy, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 13, 1997.
(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.



TO: PUTUXENT PUBLISHING COMPANY
October 9, 1997 Issue - Jeffersonian

Please forward billing to:

George and Heather Krause
2544 Liberty Parkway
Baltimore, MD 21222
410-987-1048

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 in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-117-SPH
4036 Chestnut Road
NE/S Chestnut Road, 700' SEly Seneca Road
15th Election District - 5th Councilmanic
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Contract Purchaser(s): George N. and Heather A. Krause

Variance to permit a lot area of .4 acres in lieu of the required 1 acre lot area and residential density of 2.5 dwellings per acre in lieu of the .667 dwellings per acre requirement; to permit side yard setback of 9.5 feet and 10 feet in lieu of the 50 foot requirement; to permit an impervious coverage of 25% of lot in lieu of 15% requirement; and to approve any other zoning variance tha the zoning commissioner shall deem necessary.

HEARING: TUESDAY, OCTOBER 28, 1997 at 10:00 a.m., Room 407 Courts Building, 401 Bosley Avenue.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 22, 1997

John V. Murphy, Esquire
14 N. Rolling Road
Baltimore, MD 21228

RE: Item No.: 117
Case No.: 98-117-A
Petitioner: Michaelene Discher

Dear Mr. Murphy:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 5, 1997.

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 (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 Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



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

DATE: October 17, 1997

To: Arnold L. Jablon
From: R. Bruce Seeley *RBS/JP*
Subject: Zoning Item #117

Discher Property, 4036 Chestnut Road

Zoning Advisory Committee Meeting of October 6, 1997

- ☐ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- ☐ ~~The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.~~
- ☒ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- ☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code.)
- ☐ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).
- ☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Ground Water Management

An evaluation of the septic system must be made prior to approval of building permit. Contact GWM at 410-887-2762 for more information

B A L T I M O R E C O U N T Y, M A R Y L A N D

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
 Department of Permits & Development
 Management

Date: October 15, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for October 14, 1997
 Item No. 117

The Bureau of Developer's Plans Review has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the flood plain elevation in all construction.

The Flood Protection Elevation (FPE) for this site is 11.2 feet.

RWB:HJO:jrb

cc: File

ZONE1014.117



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County *10-3-97*
Item No. *117 CAM*

Dear Ms. Eubanks:

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 affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

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
Dept. of Permits & Development Management

DATE: October 8, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 109, 110, 111, 113, 114, 116, 117, 118, and 119

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Keller

AFK/JL



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

October 14, 1997

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 October 6, 1997

Item No.: 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.

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

108, 109, 110, 111, 114, 116, 117, 118, 119

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

cc: File



RE: PETITION FOR VARIANCE * BEFORE THE
4036 Chestnut Road, NE/S Chestnut Road, *
700' SEly Seneca Road * ZONING COMMISSIONER
15th Election District, 5th Councilmanic * OF BALTIMORE COUNTY
Legal Owner: Michaelene E. Discher
Contract Purchaser: George N. and Heather A. Krause
Petitioners * CASE NO. 98-117-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
People's Counsel for Baltimore County



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 21st day of October, 1997, a copy of the foregoing Entry of Appearance was mailed to John V. Murphy, Esq., 14 N. Rolling Road, Baltimore, MD 21228, attorney for Petitioners.



PETER MAX ZIMMERMAN

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attn: Ervin McDaniel
County Courts Bldg, Rm 406
401 Bosley Av
Towson, MD 21204

B _____
Permit Number

FROM: Arnold Jablon, Director, Department of Permits & Development Management

RE: Undersized Lots

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ **GEORGE N KRAUSE** 2544 LIBERTY PKWY BALTO MD 21222
Print Name of Applicant Address Telephone Number

☐ Lot Address 4036 CHESTNUT RD Election District 15 Council District 5 Square Feet 17,550
Lot Location N E S W / side / corner of CHESTNUT RD 700[±] feet from N E S W corner of SENECA ROAD
(street) (street)

Land Owner MICHAELBENE DISCHER Tax Account Number 1506820281
Address 3824 CHARK POINT RD Telephone Number _____
BALTO MD 21220

☐ **CHECKLIST OF MATERIALS:** to be submitted for design review by the Office of Planning & Community Conservation
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan		
Property (3 copies)	☒	☐
Topo Map (available in Rm 206 C.O.B.) (2 copies) (please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)		
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐

Residential Processing Fee Paid
Codes 030 & 080 (\$85)

Accepted by _____
ZADM

Date _____

98-117-A
See case

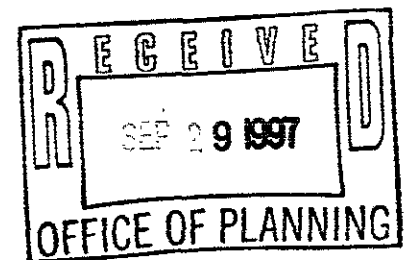
TO BE FILLED IN BY THE OFFICE OF PLANNING & COMMUNITY CONSERVATION ONLY!!

RECOMMENDATIONS/COMMENTS:

☒ **Approval** ☐ **Disapproval** ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: Ervin McDaniel
for the Director, Office of Planning & Community Conservation

Date: Oct 8, 1997



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JAMES D. GRAMMER

S SHAWAN RD HUNT VALLEY 21030

JOAN C BOWERMAN

11008 Bowerman Rd White Marsh

Michaelene E. Discher

3824 Clarks Point Rd, Balto

GEORGE N. KRAUSE

2544 LIBERTY PKwy BAITO MD 21222

LESTER H. ALKHEIST-KRAUSE

2544 Liberty Pky Balto MD 21222

JOHN V. MURPHY

14 N. BOWLING RD BAITO MD 21228



SENECA

CRICK

CHESTNUT

Ref #3

PORTION OF 200
SCALE AERIAL PHOTO
NE 3-L

PIERS

PIERS

PIERS

PIERS

SENECA

N 9,000

PIER

PIERS

PIERS

CREEK

PIER

PIERS

WALL

SITE

PIERS

WALL

E 66,000

N 8,000

E 979,000

11.5

12.7

12

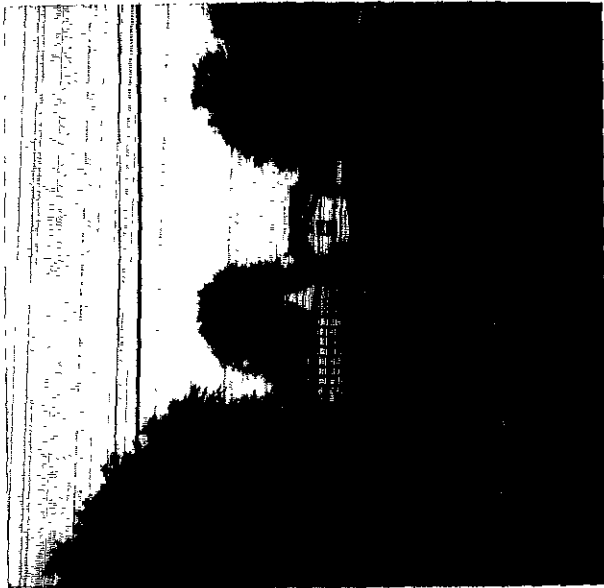
10

E 67,500

Z - SW
Z - NW

1204

PORTION OF 200 SCALE
TOPO MAP NE. 3-L



① TOWARDS SUBJECT SITE



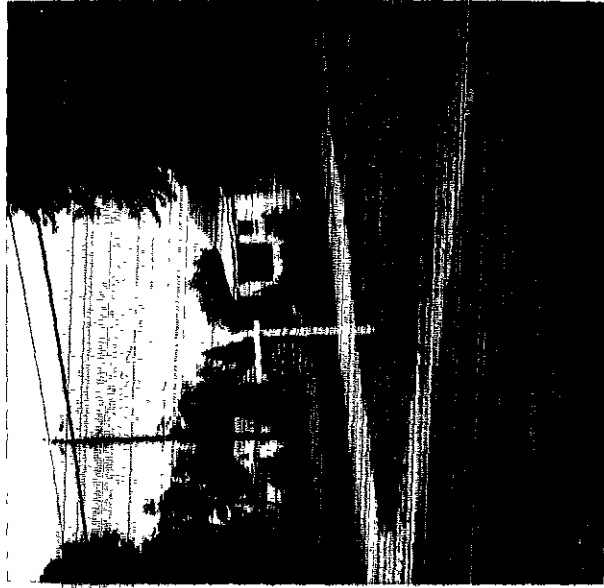
✦ FRONT OF SUBJECT SITE



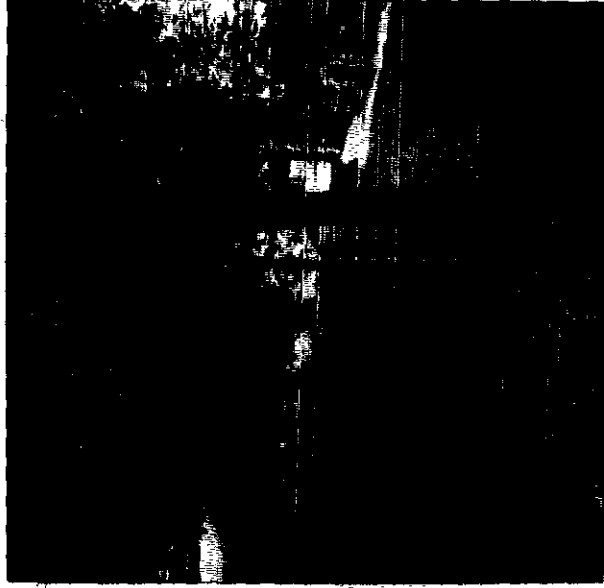
② TOWARDS #4038 CHESTNUT ROAD



⑤ TOWARDS #4030 CHESTNUT ROAD



③ TOWARDS #4030 CHESTNUT ROAD

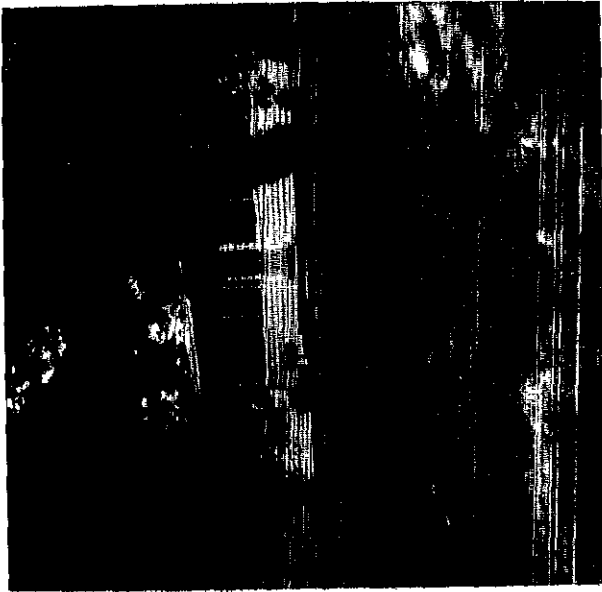


⑥ NORTHERLY ALONG SHORELINE

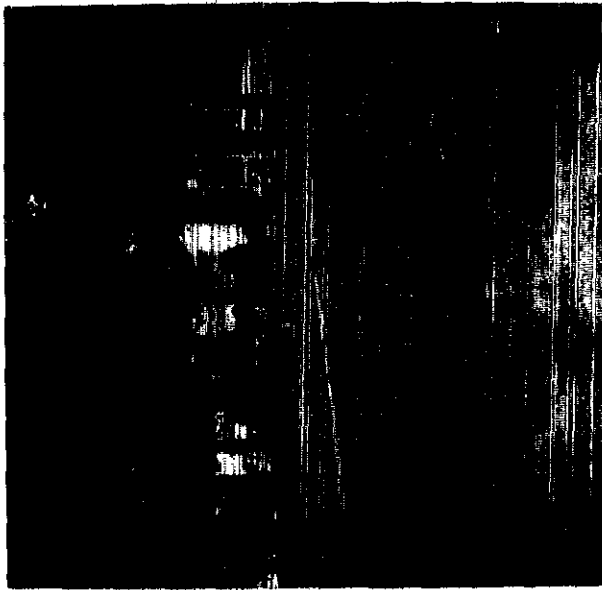
2A



FRONT OF
① SUBJECT SITE

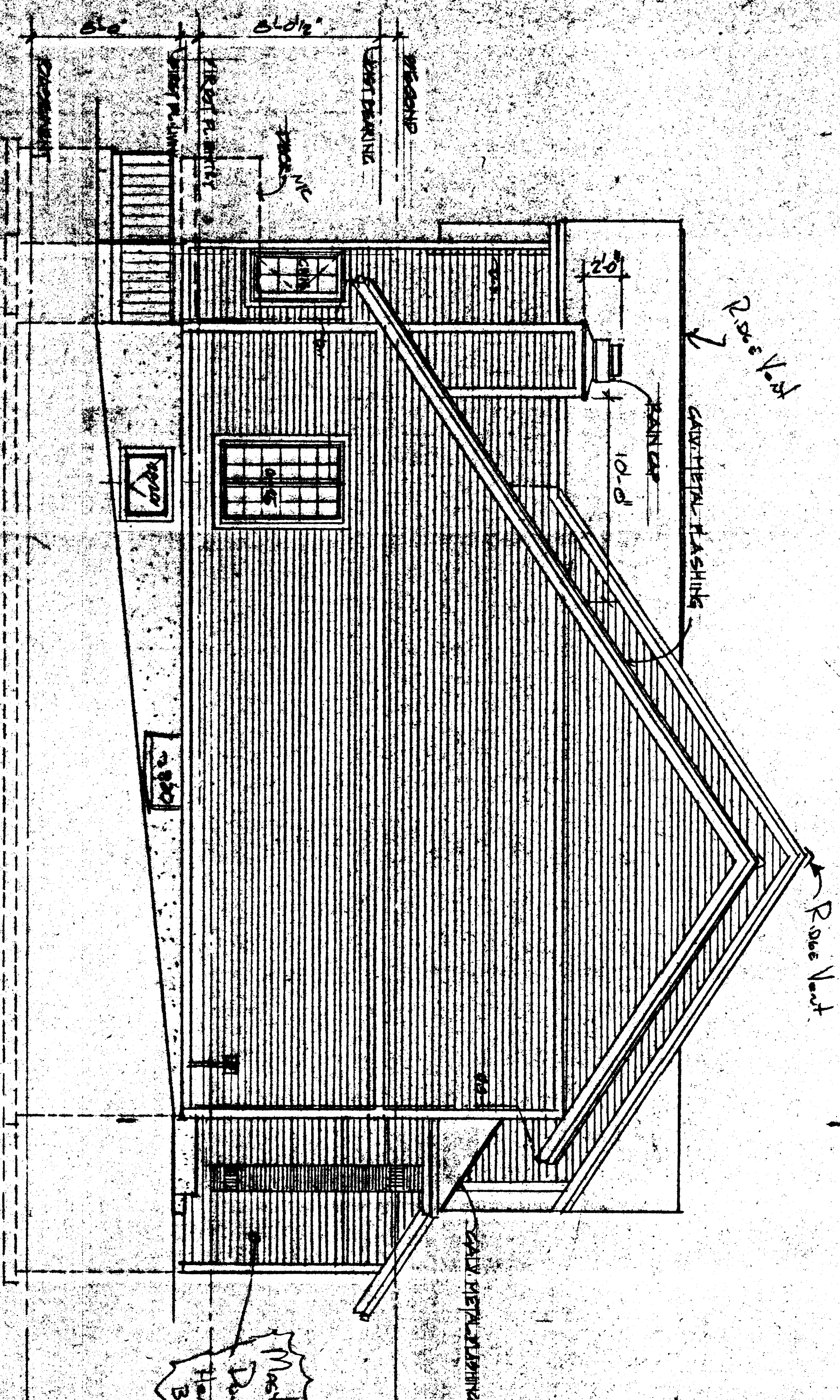


TOWARDS * 4038
⑧ CHESTNUT ROAD

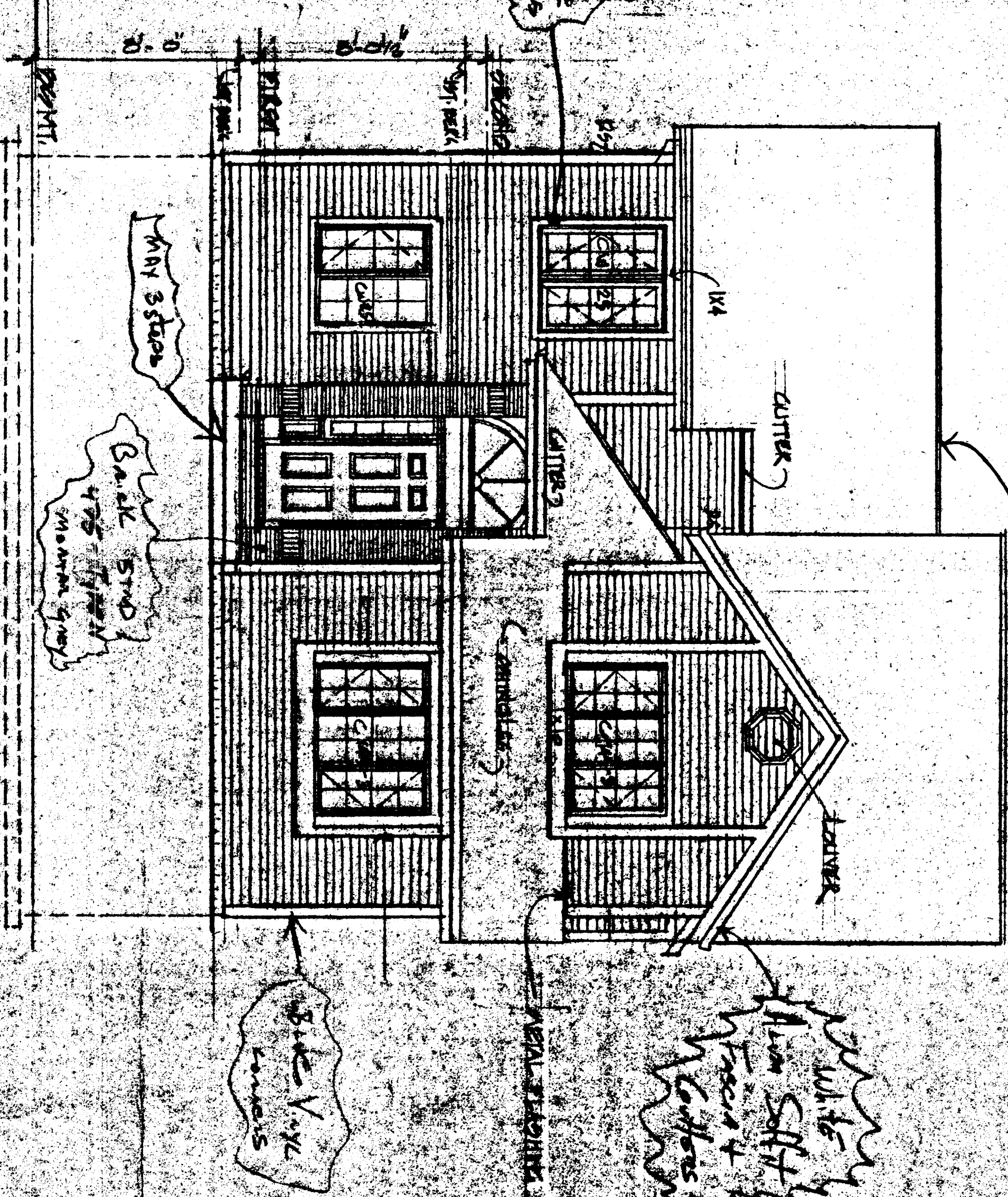


SOUTHERLY ALONG
⑨ WATERLINE

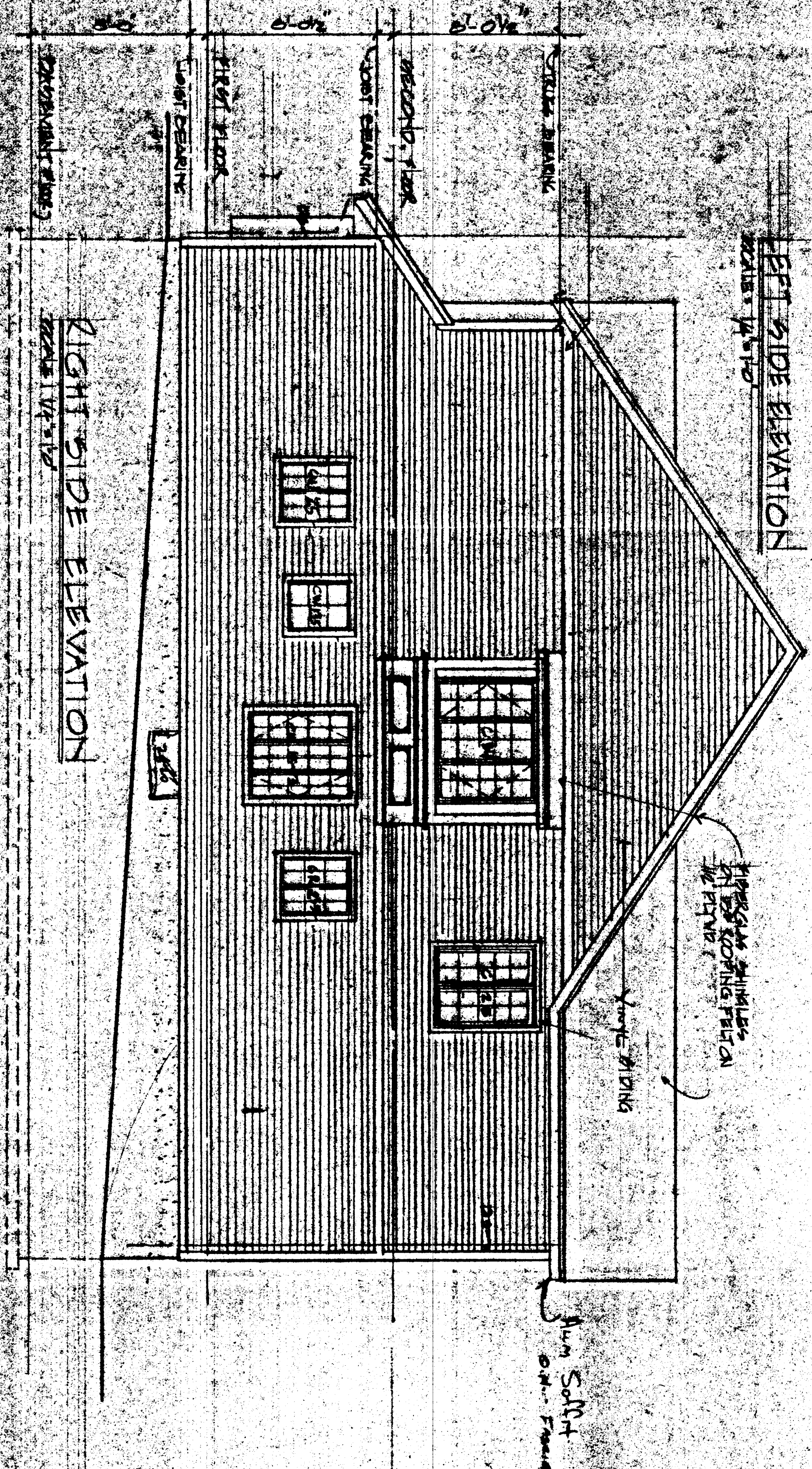
Feb 21



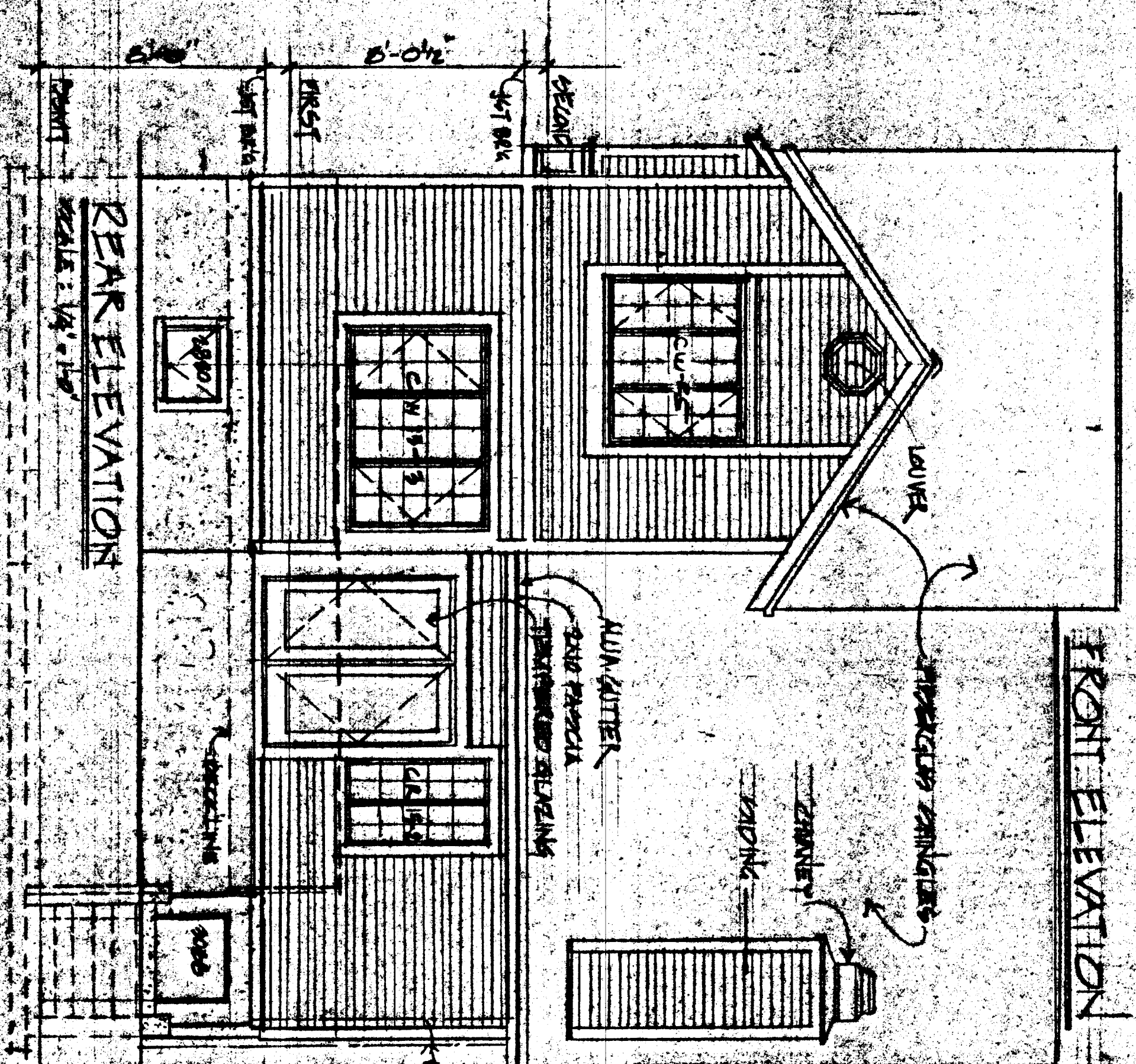
LEFT SIDE ELEVATION



FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION

Heilac II
Roue Black

Roue No. 1

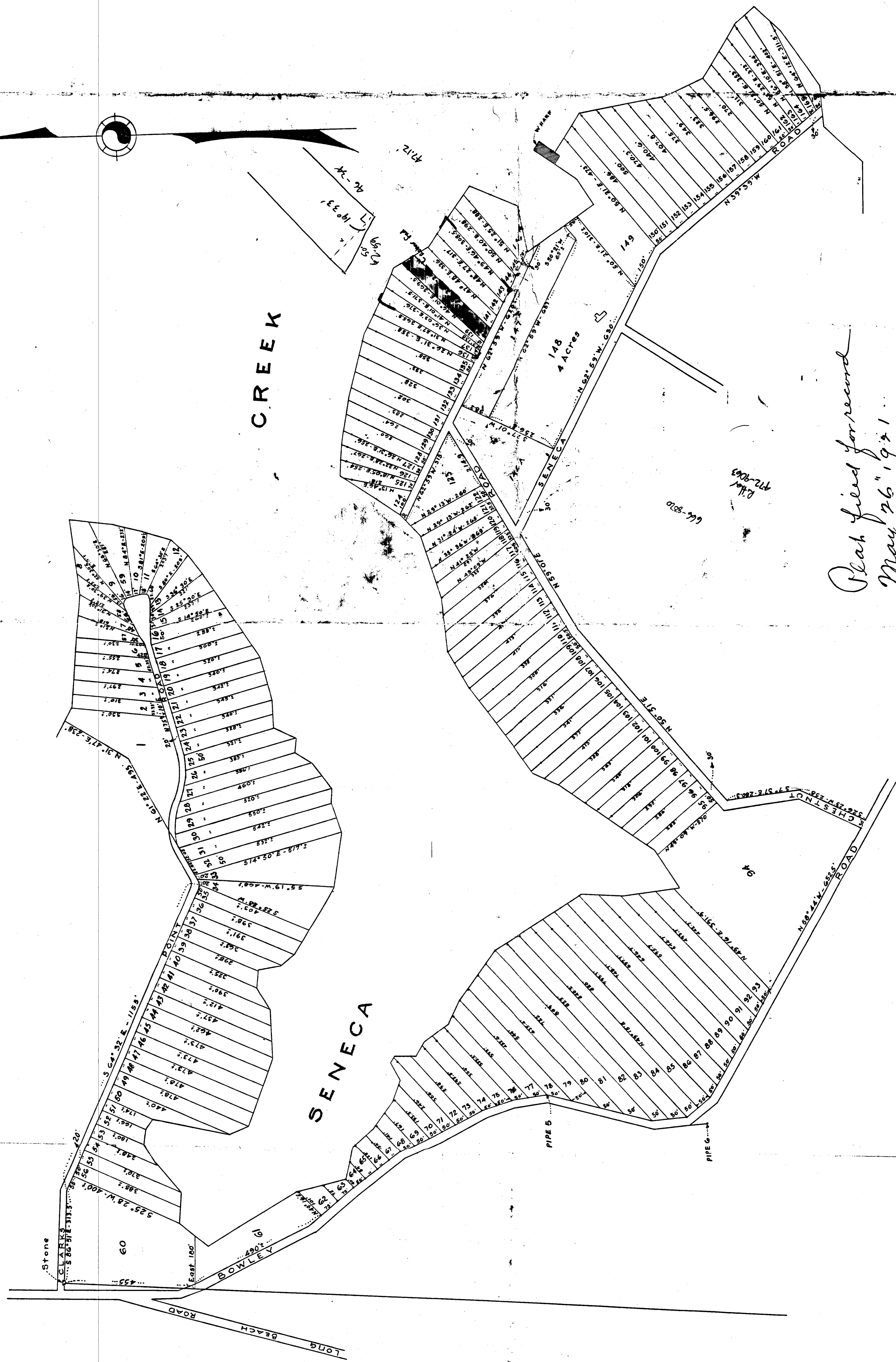
Heilac II
Roue Black

GAST



OFFICE OF PLANNING
SEP 29 1987

ELEVATIONS
DATE: OCT 3, 1987



BOWLEYS QUARTER
PLAT NO. 2

Scale 1"=200' April 16, 1921.
Edward V. Coonan and Company
Surveyors and Civil Engineers
Balto., Md.

• Indicates Location of Stake

531-3424

Plat filed for record
May 26, 1921
Test - Wm. P. Cooney, Clerk

97 88 Bowleys

113

SCHEDULE DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
for filing by KRAUSE on 26 Sept 97
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

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 in Towson, Maryland on the property identified herein as follows:

Case: #98-117-SPH
4036 Chestnut Road
NE/S Chestnut Road, 700'
SE/S Seneca Road
15th Election District
5th Councilmanic
Legal Owner(s):
Michaelene E. Discher
Contract Purchaser(s):
George N. and Heather A. Krause

Variance: to permit a lot area of .4 acres in lieu of the required 1 acre lot area and residential density of 2.5 dwellings per acre in lieu of the .667 dwellings per acre requirement; to permit side yard setback of 9.5 feet and 10 feet in lieu of the 50 foot requirement; to permit an impervious coverage of 25% of lot in lieu of 15% requirement; and to approve any other zoning variance that the zoning commissioner shall deem necessary.

Hearing: Tuesday, October 28, 1997 at 10:00 a.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.
(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

10/165 Oct. 9 C180283

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 9, 1997

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 Oct. 9, 1997.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON



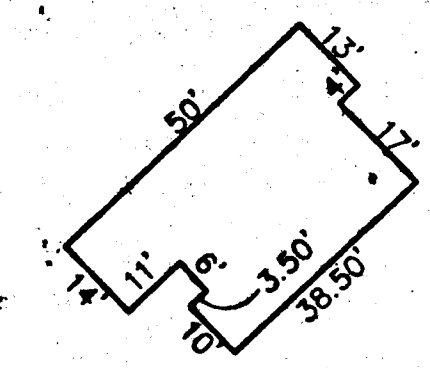
THIS MAP WAS PREPARED BY SELECTED AREAS
 PHOTOGRAPHICALLY BY PHOTOGRAMMETRIC METHODS
 BY BALTIMORE, MD. BALTIMORE, MD. 21210

1996 COMPREHENSIVE ZONING MAP
 ADOPTED BY
 THE BALTIMORE COUNTY COUNCIL
 OCTOBER 8, 1996
 BILL NOS. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96
Kenneth K. Karmali
 Chairman, County Council

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

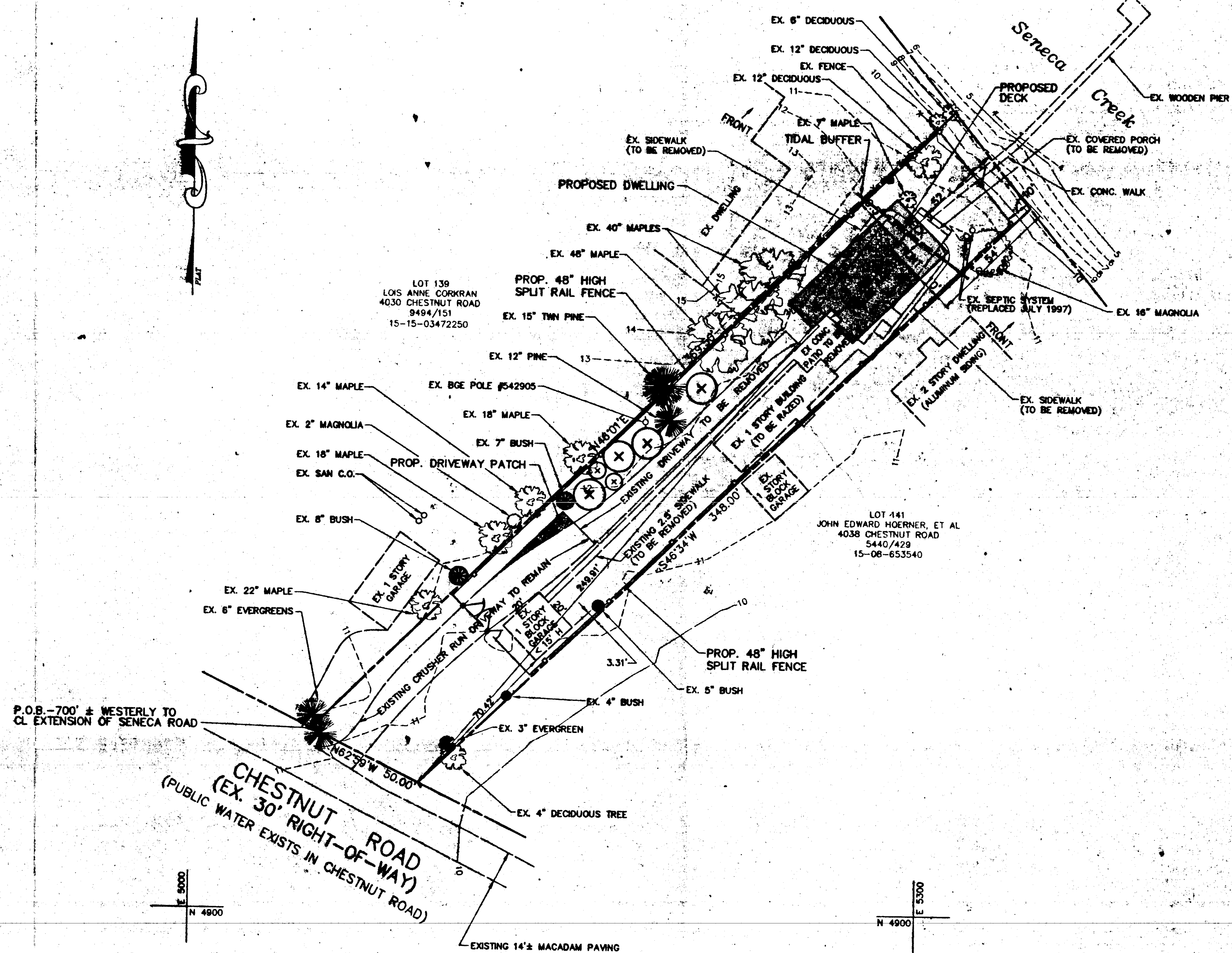
SCALE	1" = 200' ±	LOCATION	SENECA PARK	SHEET	N.E.
DATE OF PHOTOGRAPHY	JANUARY 1995				3-L

1. COUNCILMANIC DISTRICT: 5
2. EXISTING ZONING: RC-5
3. TO THE BEST OF OUR KNOWLEDGE THERE ARE HAVE BEEN
4. NO PRIOR ZONING HEARINGS ON THIS SITE
5. BEING LOT 140, PLAT 2 BOWLEYS QUARTER Δ7/13.



FIRST FLOOR EL. = 15.0
BASEMENT FLOOR EL. = 6.0

PROPOSED DWELLING DETAIL
NOT TO SCALE



VICINITY MAP
SCALE: 1" = 1000'

REQUESTING A VARIANCE FROM SECTION 1A04.1.B OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A LOT AREA OF 40 ACRES IN LIEU OF THE REQUIRED 1 ACRE LOT AREA, AND RESIDENTIAL DENSITY OF 2.5 ACRES IN LIEU OF THE .667 DWELLINGS PER ACRE REQUIREMENT; TO PERMIT A SIDE AND REAR SETBACK OF 0.5 FEET AND 10 FEET IN LIEU OF THE 50 FOOT REQUIREMENT; AND PERMIT AN IMPERVIOUS COVERAGE OF 25% OF LOT IN LIEU OF THE 15% REQUIREMENT AND TO APPROVE ANY OTHER ZONING VARIANCE THAT THE COMMISSIONER SHALL DEEM NECESSARY. 3

AREA OF SITE: 17,550 SF $\pm$ (0.403 AC $\pm$)
 REQ'D FORESTATION (25%):
 EXISTING VEGETATION: 3 SHRUBS, 3 MINOR DECIDUOUS, 2 MAJOR DECIDUOUS
 PROPOSED VEGETATION: 2 MINOR DECIDUOUS TREES
 4 MAJOR DECIDUOUS TREES

- ☒ PROPOSED MAJOR DECIDUOUS TREE
- ☒ PROPOSED MINOR DECIDUOUS TREE

EXISTING ZONING: RC-5
CRITICAL AREA DESIGNATION: LDA
AREA OF SITE: 17,550 SF± (0.403 AC±)
EX. IMPERVIOUS AREA: 6530 SF
PERCENTAGE OF SITE: 37.21%
IMPERVIOUS TO BE REMOVED: 4357 SF
REMAINING IMPERVIOUS: 2173 SF
PROPOSED IMPERVIOUS: 4405 SF
TOTAL PROPOSED IMPERVIOUS: 3576 SF
PERCENTAGE OF SITE: 20.39%
IMPERVIOUS LIMIT: 4387.80 SF (25%)

NOTE: THERE CAN BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE TIDAL BUFFER, EXCEPT AS ALLOWED BY THE BALTIMORE COUNTY DEPDM.

Assigned
Pet No 1

McKEE & ASSOCIATES, INC.
Engineering — Surveying — Natural Resources Planning

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
TELEPHONE: (410) 327-1555 FACSIMILE: (410) 527-1563



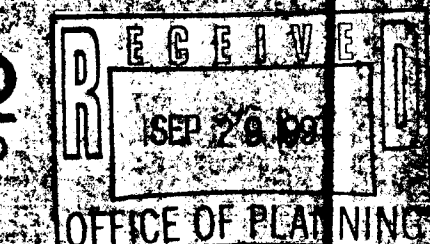
7/AMBROSE E. GMEINE
MD REG. No. 20004

MICHAELNE ELIZABETH DISCHER
3824 CLARK POINT ROAD
BALTIMORE, MARYLAND 21220

GEORGE N. KRAUSE & HEATHER AKEHURST-KRAUSE
2544 LIBERTY PARKWAY
BALTIMORE, MARYLAND 21222
410-857-1048

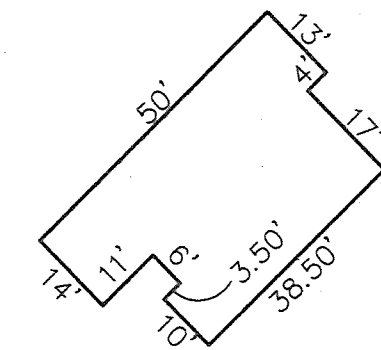
**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE REQUEST**

4036 CHESTNUT ROAD
15th ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: AUGUST 2, 1997



GENERAL NOTES

1. COUNCILMANIC DISTRICT: 5
2. EXISTING ZONING: RC-5
3. TO THE BEST OF OUR KNOWLEDGE THERE HAVE BEEN NO PRIOR ZONING HEARINGS ON THIS SITE.
4. BEING LOT 140, PLAT 2 BOWLEYS QUARTER $\Delta 7/13$.

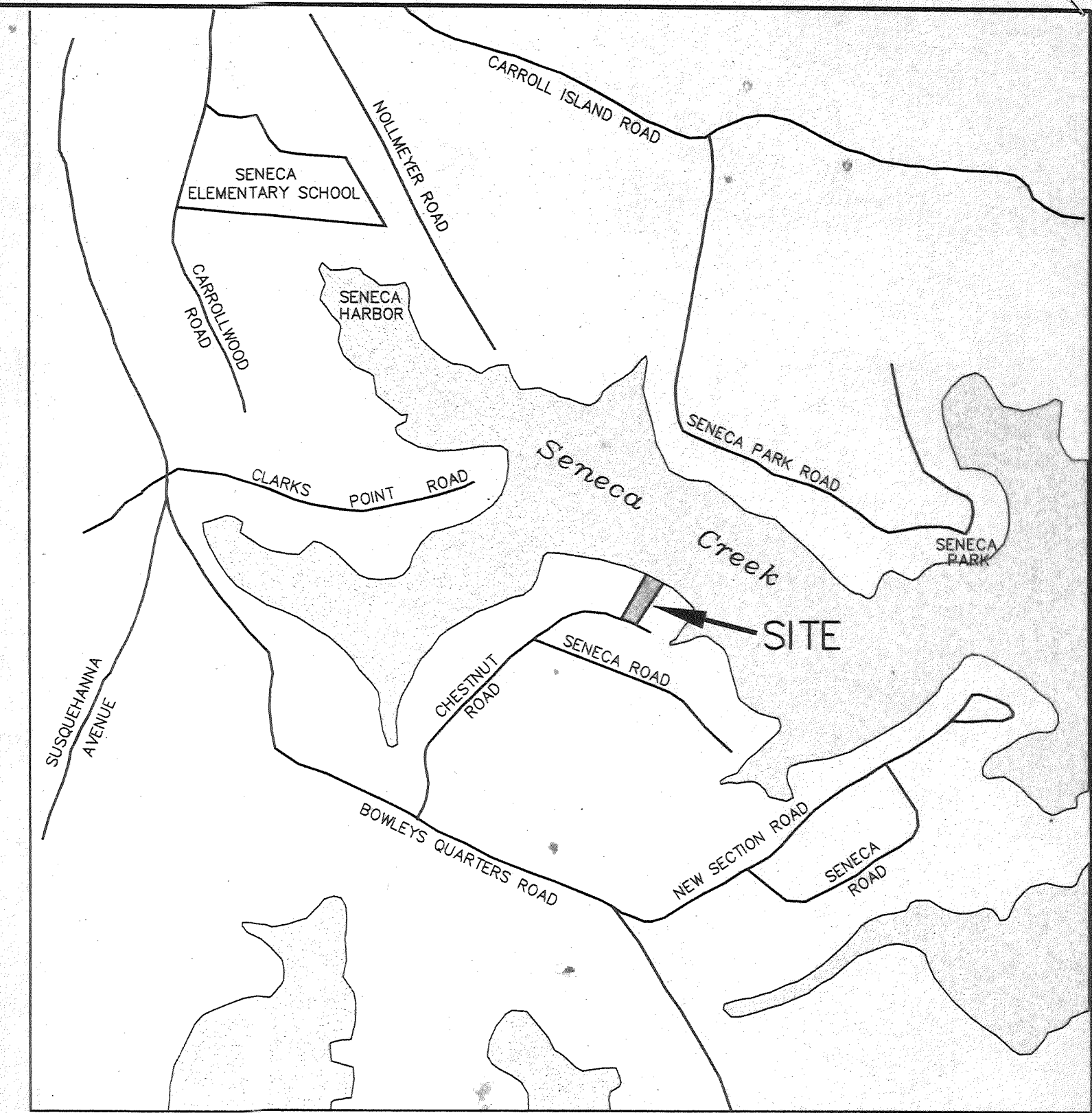
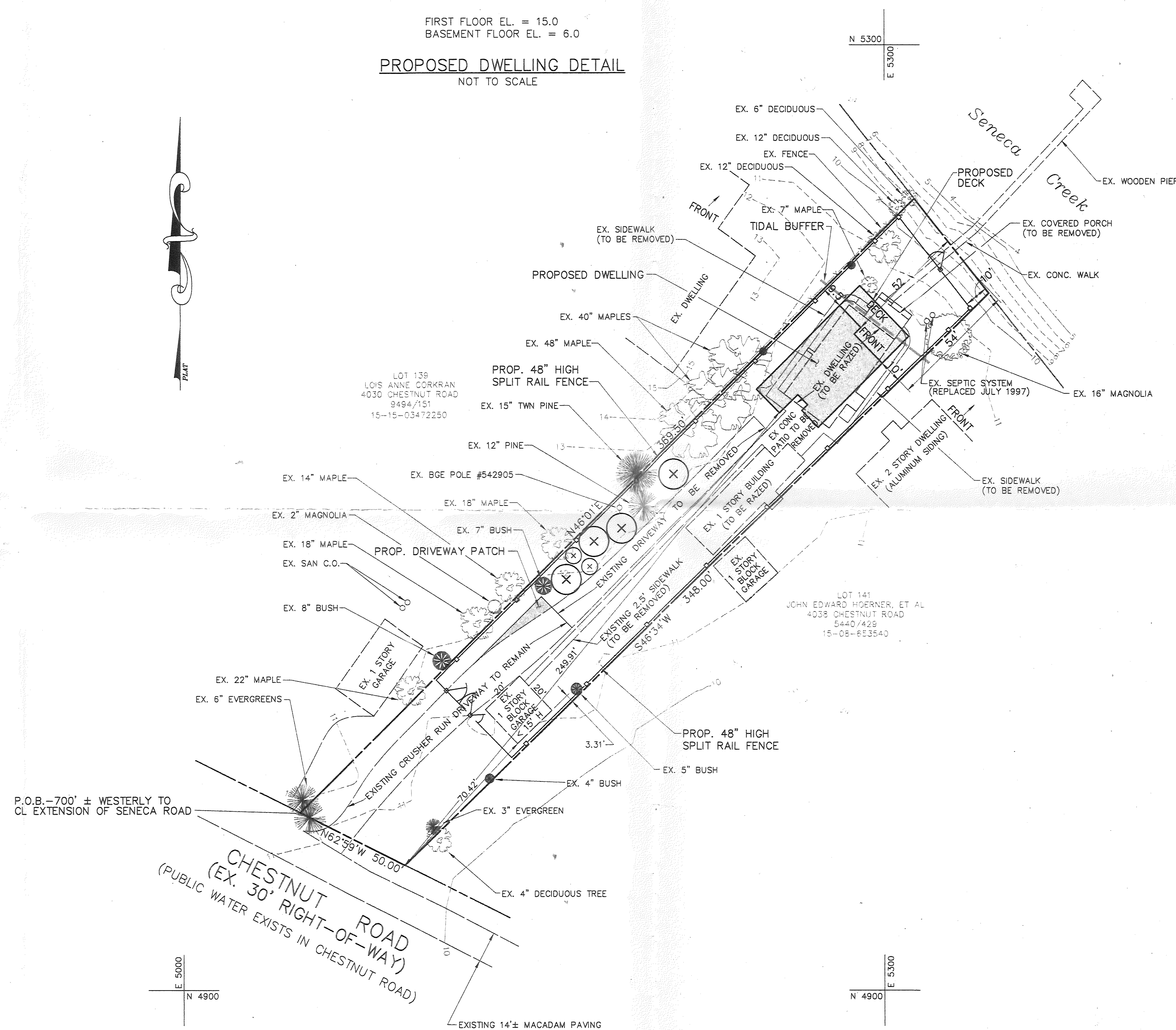


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BASEMENT FLOOR EL. = 6.0

PROPOSED DWELLING DETAIL
NOT TO SCALE

REQUESTED ZONING RELIEF

REQUESTING A VARIANCE FROM SECTION 1A04.3.B OF THE BALTIMORE COUNTY ZONING REGULATIONS TO PERMIT A LOT AREA OF .40 ACRES IN LIEU OF THE REQUIRED 1 ACRE LOT AREA, AND RESIDENTIAL DENSITY OF 2.5 ACRES IN LIEU OF THE .667 DWELLINGS PER ACRE REQUIREMENT; TO PERMIT A SIDE YARD SETBACK OF 9.5 FEET AND 10 FEET IN LIEU OF THE 50 FOOT REQUIREMENT; TO PERMIT AN IMPERVIOUS COVERAGE OF 25% OF LOT IN LIEU OF THE 15% REQUIREMENT AND TO APPROVE ANY OTHER ZONING VARIANCE THAT THE COMMISSIONER SHALL DEEM NECESSARY.



VICINITY MAP
SCALE: 1" = 1000'

PLANTING DATA

AREA OF SITE: 17,550 SF $\pm$ (0.403 AC $\pm$)
REQ'D FORESTATION (25%):
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4 MAJOR DECIDUOUS TREES

- (X) PROPOSED MAJOR DECIDUOUS TREE
- (*) PROPOSED MINOR DECIDUOUS TREE

SITE TABULATIONS

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REMAINING IMPERVIOUS: 2173 SF
PROPOSED IMPERVIOUS: 1405 SF
TOTAL PROPOSED IMPERVIOUS: 3578 SF
PERCENTAGE OF SITE: 20.39%
IMPERVIOUS LIMIT: 4387.50 SF (25%)

NOTE: THERE CAN BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE TIDAL BUFFER, EXCEPT AS ALLOWED BY THE BALTIMORE COUNTY DEPRM.

98-117-A

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE REQUEST

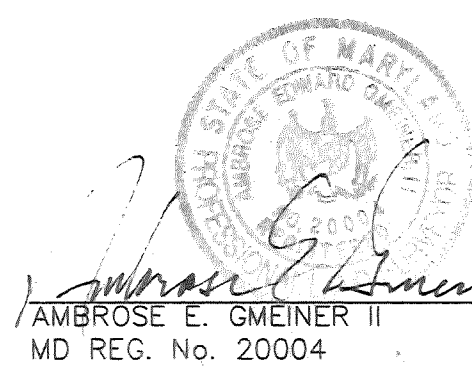
4036 CHESTNUT ROAD

15th ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' DATE: AUGUST 7, 1997

McKEE & ASSOCIATES, INC.
Engineering - Surveying - Natural Resources Planning

Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563



Ambrose E. Gmeiner II
DATE: 04/26/97
MD REG. No. 20004

LEGAL OWNERS

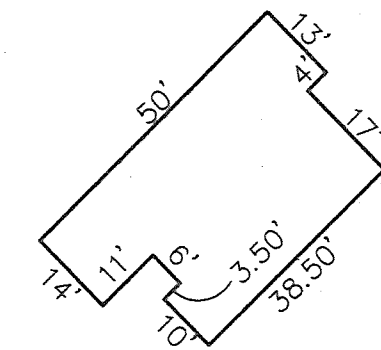
MICHAELNE ELIZABETH DISCHER
3824 CLARK POINT ROAD
BALTIMORE, MARYLAND 21220

CONTRACT PURCHASER

GEORGE N. KRAUSE & HEATHER AKEHURST-KRAUSE
2544 LIBERTY PARKWAY
BALTIMORE, MARYLAND 21222
410-987-1048

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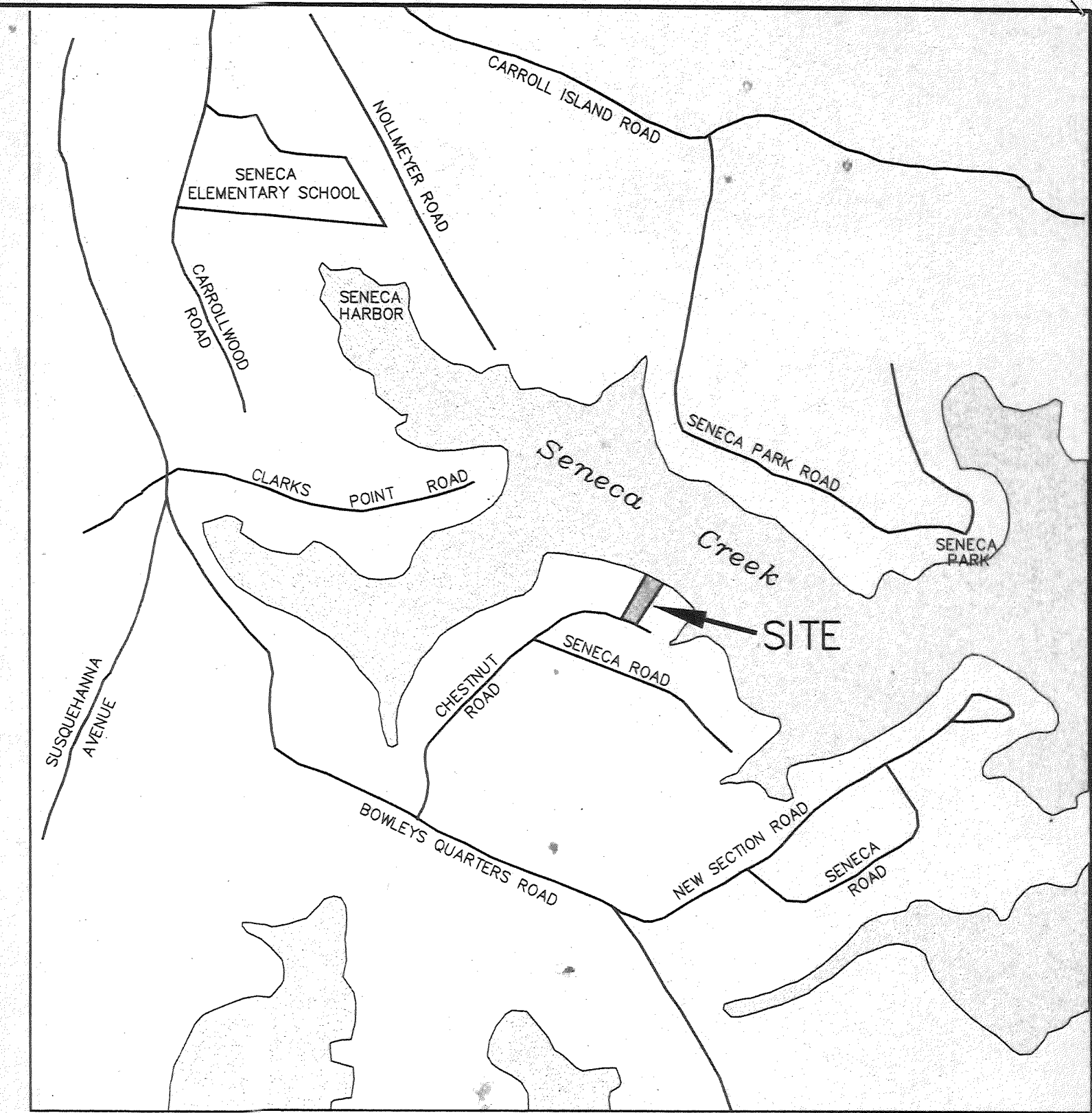
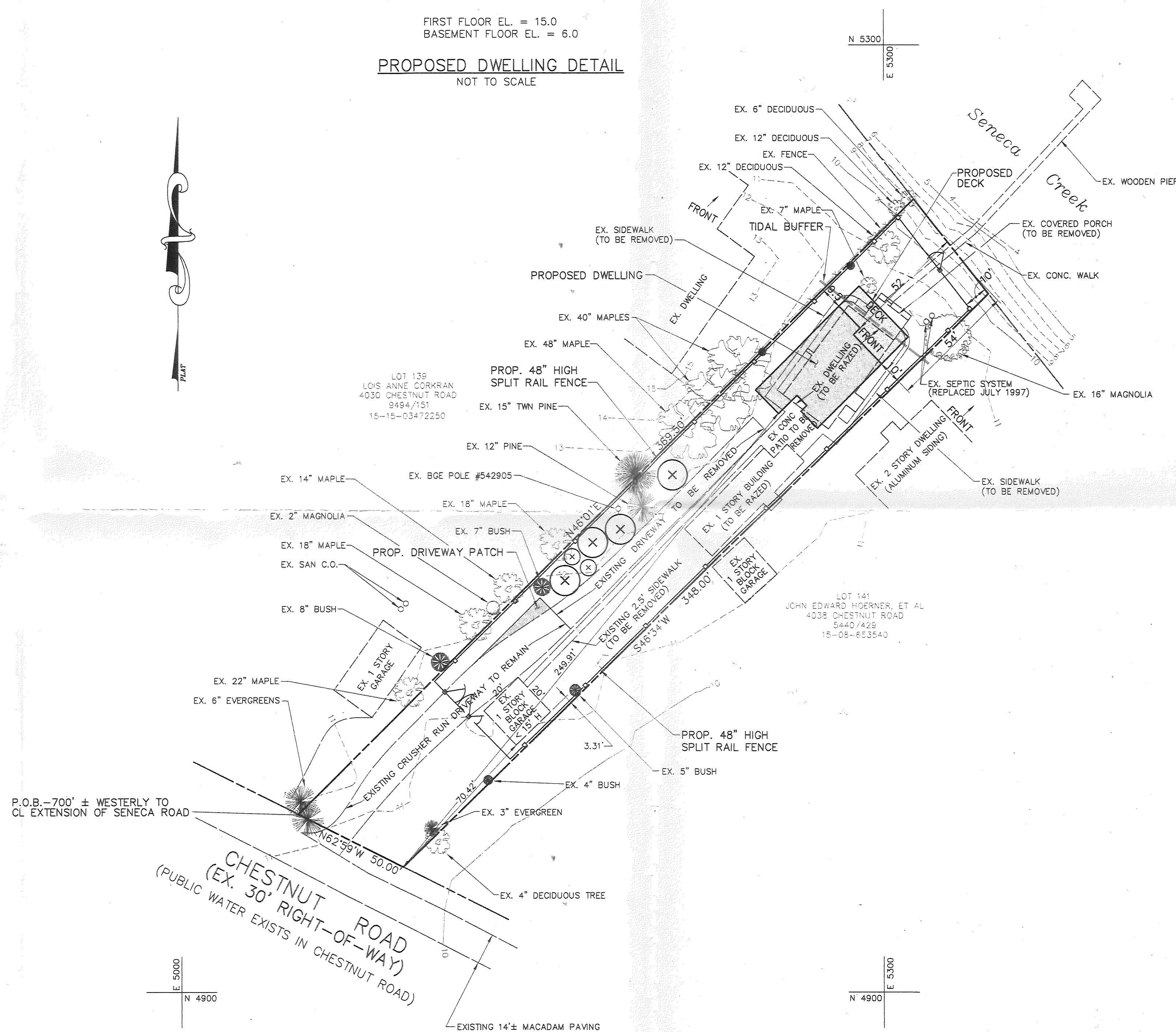


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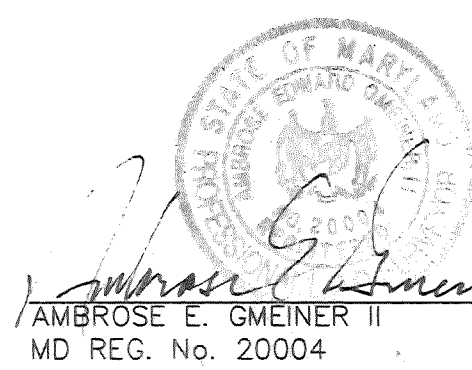
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