

IN RE: PETITIONS/SPEC. HEARING & VARIANCE * BEFORE THE
S/S Holly Neck Road, 200 ft. E
of Goff Road * ZONING COMMISSIONER
2205 Holly Neck Road
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Harold Weidow, et ux * Case No. 97-289-SPHA
Petitioners
* * * * *

ZONING COMMISSIONER'S RULING ON MOTION FOR RECONSIDERATION

This matter again comes before the Zoning Commissioner on a request for reconsideration of the Findings of Fact and Conclusions of Law and Order issued on May 20, 1998, for the property known as 2205 Holly Neck Road in eastern Baltimore County. Previously, this Zoning Commissioner considered a Petition for Special Hearing and Petition for Variance filed by Harold Weidow and Estelle Weidow, his wife, property owners. Special Hearing relief was requested to approve utilization of a lot created in an R.C.20 zone to support the density necessary for a three lot subdivision in an R.C.5 zone. Variance relief was requested from Section 1A04.3.B.3 of the BCZR to permit side yard setbacks of 10 ft. in lieu of the required 50 ft. for proposed lots 1, 2 and 3.

Following the required public advertising and posting of the property, a hearing on this case was conducted on March 10, 1998. At that time, Harold A. Weidow, Petitioner, appeared as did his surveyor, Thomas Phelps. A site plan was offered at that time and received as Petitioner's Ex. No.1.

The site plan originally submitted indicated that the subject property is an irregularly shaped parcel, approximately 5 acres in area. The property is adjacent to Holly Neck Road in eastern Baltimore County, within the Chesapeake Bay Critical Area. The property is split zoned R.C.5 and R.C.20. The R.C.5 portion of the tract occupies the front part of the property and contains 3.043 acres. The rear of the property is zoned R.C.20 and is 1.772 acres in area. The balance of the area of the property (.15

ORDER RECEIVED FOR FILING
Date 3/19/98
By M. D. D. D.

acres) is within the right of way for Holly Neck Road. The property is presently improved with an existing single family detached house, known as 2205 Holly Neck Road. Additionally, the property contains three storage sheds.

The original site plan submitted requested approval of the subdivision of the property into three lots. As more particularly shown on that plan, the Petitioner essentially proposed placement of two parallel internal property lines which bisected the property into thirds. Those internal property lines, in addition to the two existing side property lines ran in a parallel fashion and were perpendicular to the front property line created by the property's border to Holly Neck Road.

For reasons fully set forth in my prior Order, I denied the relief requested. I first noted that the R.C.5 regulations require that any R.C.5 lot must be greater than one acre in area. As shown on the previously submitted plan, two of the lots created (lots 2 & 3) contained less than one acre of R.C.5 land. Although they were cumulatively in excess of one acre (i.e., the total area adding both the R.C.5 and R.C.20 portions exceeded one acre) these lots contained less than one acre of R.C.5 land. Second, I observed that the Petitioner's attempt to subdivide the R.C.20 portion of the property was illegal. As stated in the prior Order, the BCZR provides that no lot zoned R.C.20 less than 20 acres in area may be subdivided. Under the prior plan, the Petitioner proposed subdividing the R.C.20 acreage into three parcels, to piggy back onto the backs of the R.C.5 acreage. Third, I pointed out that the density regulations of the R.C.5 (.667 units permitted per acre) would not allow three R.C.5 units. That is, the acreage of the land zoned R.C.5 permits only two (2) houses.

The Petitioner has requested reconsideration of my decision and submitted an amended plan. That plan has been marked as Petitioner's Exhibit No.1A and is now in the case file. Under the amended plan, the Petitioner

5/19/98
M. G. G. G.

has reconfigured the internal lot lines. Lot No. 1, as now drawn, contains all of the R.C.20 acreage (1.772 acres) and an area of R.C.5 land just over one acre. The total area of lot 1 as now drawn is 2.282 acres. Lot 2 as presently drawn consists entirely of R.C.5 acreage and is one acre in area. Lot 3 is likewise comprised of all R.C.5 acreage and is also one acre in area.

Clearly, the Petitioner's plan has removed some of the impediments to development previously identified. All of the three lots now contain more than one acre in area of R.C.5 zoned land, thereby meeting the minimum size requirement of one acre for R.C.5 lots. Second, by piggybacking all of the R.C.20 acreage onto the back of lot 1, there is no subdivision of the R.C.20 portion of the property, thereby avoiding that prohibition as set out in the B.C.Z.R.

The third impediment identified in my original Order is more difficult. As noted above, the R.C.5 regulations allow density at a rate of .6667 units per acre. Note 3 on the revised plan shows "Number of lots equal $5.00 \div$ (sic) $0.67 = 3.35$ allowed, 3.0 proposed." That note is inaccurate for several reasons. First, the density is determined not by dividing the acreage by the units permitted per acre. (Indeed 5.00 divided by $.67$ is 7.46) Rather, the proper formula is to multiply the acreage times the dwelling units per acre. More importantly, however, it is not five acres which is under consideration. The .667 calculation applies to the R.C.5 acreage, not the total acreage, which includes the R.C.20 acreage. As noted in my prior Order, the correct calculation is .667 units per acre times 3.072 acres (the area of the R.C.5 acreage). Under that calculation, only two units would be allowed. ($3.072 \times .667 = 2.049$)

Arguably, the Petitioner could attempt to avoid this density limitation by somehow transferring "density" or "rights of subdivision" from the R.C.20

ORDER RECEIVED FOR FILING

Date

By

acreage. That request can be tacitly inferred in the wording the Petition for Special Hearing as shown on the amended the site plan.

However, for any such density to be transferred, there must be a compelling justification to support the transfer of density. Transfers of density or rights of subdivision in the R.C. zones are permitted when such actions would further the goals and the spirit and intent of the zoning regulations.

In this case, there has been no such showing. The motive behind the Petitioner's plan is plain and simple; to wit, to subdivide the property in as many parcels as possible so as to enjoy a better economic return. I can find no compelling reason in the record of this case which would support some type of density transfer from the R.C.20 portion to the R.C.5 portion which is based upon the spirit and intent of the B.C.Z.R.

Moreover, the case as originally filed included a Petition for Variance. That variance sought relief from setback requirements, to allow 10 ft. side yard setbacks in lieu of the required 50' allowed. Variances may be granted only if the requirements of Section 307, as construed by the case law, are satisfied. (See Cromwell v. Ward, 102 Md. App. 691, 1995) As is well settled, variance relief should not be granted merely for the convenience of a property owner or to allow a better economic return. The reasons must be more compelling. Moreover, the hardship alleged to support the variance, as it applies to lots 2 and 3, is entirely self created. The lot lines for which the setback relief is requested are being created at this time by the Petitioner. As noted in my prior Order, a variance for the existing dwelling should be granted. However, to allow variance relief for the proposed lots is not simply justified.

For these reasons, the Petition for Special Hearing must be denied in its entirety and the Petition for Variance must also be denied, in part. I appreciate the ingenuity of the Petitioner and his surveyor. However, I feel that the request is contrary to the express intent of the BCZR and

ORDER RECEIVED FOR FILING
8/19/98
Date 8/19/98
By M. J. Hark

cannot be granted. Relief would be proper to allow a two lot subdivision, as more fully set out in my prior Order. Also, a variance would be appropriate to allow the existing house to remain at its location. However, there are simply too many legitimate impediments under the law to the proposed three lots subdivision so as to prohibit same.

Finally, it should also be noted that the Office of Planning has recommended denial of the applicant's request for an entirely different reason. Their comment states that, although public sewers have been installed in the lower Back River Neck Peninsula, such installation is intended to serve the existing dwellings with failing septic systems and is not meant to facilitate additional development. This comment generates yet another issue which would support a denial of the plan.

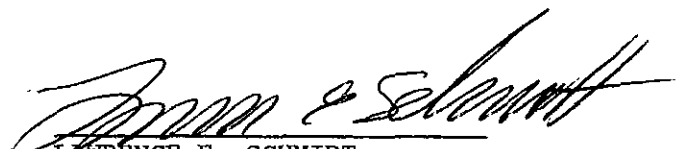
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of August 1998 that the Petitioner's Motion for Reconsideration be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing be and is hereby denied; and,

IT IS FURTHER ORDERED that the Petition for Variance (as submitted) be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Findings of Fact and Conclusions of Law dated May 20, 1998 are incorporated herein, except as expressly modified hereinabove. Any appeal from this decision must be taken in accordance with the applicable provisions of law.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 8/19/98
By M. G. Smith



Baltimore County
Zoning Commissioner
Office of Planning

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

August 18, 1998

Thomas E. Phelps & Associates, Inc.
945 Barron Avenue
Baltimore, Maryland 21221-5202

Mr. Harold Weidow
2205 Holly Neck Road
Baltimore, Maryland 21221

RE: Ruling on Motion for Reconsideration
Case No. 98-289-SPHA
Property: 2205 Holly Neck Road

Gentlemen:

Enclosed please find a copy of my Ruling on Motion rendered in the above captioned matter. The Motion has been denied.

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 Ruling 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 black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.



IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE
S/S Holly Neck Road, 200 ft. E * ZONING COMMISSIONER
of Goff Road
2205 Holly Neck Road * OF BALTIMORE COUNTY
15th Election District
5th Councilmanic District * Case No. 98-289-SPHA
Harold Weidow, et ux
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the property known as 2205 Holly Neck Road in eastern Baltimore County. The Petitions were filed by Harold Weidow and Estella Weidow, his wife, property owners. Special hearing relief is requested to approve utilization of a lot created in an R.C.20 zone to support the density for a three lot subdivision in an R.C.5 zone. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft. in lieu of the required 50 ft. for proposed lots 1, 2 and 3. All of the requested relief and subject property are more particularly shown on the site plan, marked as Petitioners' Exhibit No. 1.

Appearing at the requisite public hearing held for this case were Harold A. Weidow, property owner/Petitioner, and Thomas Phelps, the surveyor who prepared the site plan. There were no Protestants or other interested persons present.

An examination of the site plan shows that the subject property is an irregularly shaped parcel, approximately 5 acres in area. The property is located adjacent to Holly Neck Road in eastern Baltimore County, within the Chesapeake Bay Critical Area. The property is split zoned R.C.5 and R.C.20. The R.C.5 portion of the tract occupies the front portion of the property and contains 3.043 acres in area. The rear of the property is zoned R.C.20 and is 1.772 acres in area. The balance of the area of the

ORDER RECEIVED FOR FILING
Date 5/20/98
By M. M. M. M.

property is within the right of way for Holly Neck Road. The property is presently improved with an existing single family detached house known as 2205 Holly Neck Road. Additionally, the property contains three storage sheds. Mr. Weidow indicated that he has owned the site since approximately 1964 and resides in the dwelling thereon.

The Petitioner comes before me to obtain zoning relief for a proposed subdivision of the property. As more particularly shown on the site plan, the Petitioner proposes subdividing the overall tract into three lots. Lot No. 1 will be approximately 130 ft. wide at the front property line and run to a depth of 531 ft. to 614 ft. Lot No. 1 will contain the existing single family dwelling and one of the sheds. Lot No. 2 will 101 ft. wide at the front property line and range in depth to 614 to 679 ft. Lot No. 3 will also be 101 ft. in width and range in a depth from 679 ft. to 743 ft. In essence, the Petitioner proposes subdivision of the property by creating two new internal property lines which bisect the property into thirds. Both of the these internal property lines, in addition to the two existing side property lines run, in a parallel fashion from the property's frontage at Holly Neck Road to the rear of the site.

As a result of the proposed subdivision, lot No. 1 will be 1.698 acres in area, composed of 1.184 acres of land zoned R.C.5 and .514 acres zoned R.C.20. Lot No. 2 will be 1.484 acres in total; composed of .925 acres zoned R.C.5 and .559 zoned R.C.20. Lot No. 3 will be 1.633 acres in total area; composed of .934 acres zoned R.C.5 and .699 zoned R.C.20.

The R.C.5 zoning regulations are codified in Section 1A04 of the BCZR. Section 1A04.3.B.1 provides that a lot having an area of less than one acre may not be created in the R.C.5 zone. The section further provides that the gross residential density available to a lot of record in the R.C.5 zone is .667 dwellings per acre.

The R.C.20 zone is even more restrictive. The R.C.20 zone was created to provide a buffer for the Chesapeake Bay and its tributaries. Section 1A05.4.B provides that no R.C.20 zoned lot of record having a gross area of less than 20 acres may be subdivided.

It is clear that these regulations prohibit the subdivision proposed by the Petitioner. The Petitioner's plan is contrary to the requirements of the BCZR for several reasons. First, the area of the R.C.5 zoned land (3.072 acres) would permit, from a density standpoint, only two dwellings (i.e. 3.072 acres x .667 units per acre). Second, lots 2 and 3, as proposed, are insufficiently sized, as they fail to meet the one acre minimum. Third, the R.C.20 regulations clearly provide that a lot of less than 20 acres in area cannot be subdivided.

The Petitioner seeks to avoid these requirements by its Petition for Special Hearing. Essentially, the Petitioner seeks to subdivide the R.C.20 acreage into three parcels and piggyback these parcels to the rear of the R.C.5 lots. The Petitioner's plan attempts to create three lots which are all over one acre in area and each lot contains a mixture of R.C.5 and R.C.20 land.

I am appreciative of the Petitioner's ingenuity and the fact that the property was downzoned in 1979. The downzoning of the parcel has, indeed, made development of this site more difficult.

However, in this case, I feel constrained to abide by the strict requirements of the BCZR. I find that no real hardship will be suffered by the Petitioner if strict adherence to the regulations were required. Economic hardship is not a compelling factor. Moreover, I am aware of no precedent which would allow the special hearing relief to be granted.

Under the circumstances, the Petition for Special Hearing will, therefore, be denied. However, in the alternative, the Petitioner can

ORDER RECEIVED FOR FILMS

Date

By

3/20/98

By *Am. Chavah*

subdivide its land so as to create two lots. This subdivision would include a parcel combining lot No. 1 and all of the R.C.20 land. A second lot could be created by combining lots 2 and 3. Such a two lot subdivision would meet the R.C.5 density requirements, provide for two lots which would both be sufficiently sized to meet the minimum area requirements and would not subdivide the R.C.20 portion of the parcel. Such a two lot subdivision as outlined above, would be, in my judgment, fully in compliance with the BCZR. There may be other means to subdivide the property which would meet the intent of the regulations.

As to the zoning variance, same shall be granted for the existing house. Variance relief for that dwelling appears necessary for any subdivision, in that a 50 ft. side yard setback cannot be maintained due to the narrowness of the parcel. In my judgment, the testimony and evidence presented supports a finding that relief from the 50 ft. side yard setback requirement for the entire dwelling should be granted. I believe that the Petitioner has produced sufficient testimony and evidence to comply with the requirements of Section 307 of the BCZR and the case law.

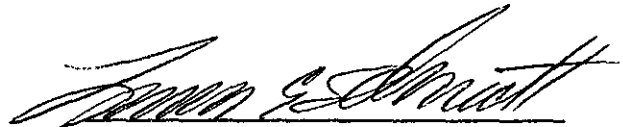
Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted, in part, and denied, in part.

ORDER RECEIVED FOR FILING
Date 5/20/98
By [Signature]
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 20th day of May 1998 that, pursuant to the Petition for Special Hearing, approval for the utilization of a lot created in an R.C.20 zone to support the density for a three lot subdivision in an R.C.5 zone, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a side yard setback of 10 ft., in lieu of the required 50 ft. for the existing dwelling known

as 2205 Holly Neck Road, be and is hereby GRANTED; subject, however, to the following restrictions:

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 may, at their election, submit an alternate plan, consistent with the findings set forth above. The alternate plan would permit the subdivision of the subject property into two lots, one of which would be proposed lot 1 and the R.C.20 acreage. Lot No. 2 would be a combination of proposed lots 2 and 3.
3. Compliance with the ZAC comments submitted by the Baltimore County Zoning Plans Advisory Committee, namely, The Dept. of Environmental Protection and Resource Management (DEPRM), dated Feb. 20, 1998, are adopted in their entirety and made a part of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

By

LES:mmm



Baltimore County
Zoning Commissioner
Office of Planning

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

May 14, 1998

Mr. and Mrs. Harold A. Weidow
2205 Holly Neck Road
Baltimore, Maryland 21221

RE: Petitions for Special Hearing and Variance
Property: 2205 Holly Neck Road
Case No. 98-289-SPHA

Dear Mr. and Mrs. Weidow:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Variance have been granted, in part and denied, 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", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Thomas E. Phelps and Assoc., Inc.
945 Barron Avenue
Baltimore, Maryland 21221





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

22 5 Holly Neck Road

which is presently zoned RC5 & 20

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

REQUEST FOR A SPECIAL HEARING TO UTILIZE A LOT CREATED IN RC 20 TO SUPPORT THE THREE LOT SUBDIVISION IN RC 5

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing 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)

Harold A Weidow
(Type or Print Name)

Signature

Harold A. Weidow
Signature

Address

Estella Weidow
(Type or Print Name)

City

State

Zipcode

Estella Weidow
Signature

Attorney for Petitioner

2205 Holly Neck Road 410 682 3732
Address Phone No

(Type or Print Name)

Baltimore Md 21221
City State Zipcode
Name, Address and phone number of representative to be contacted

Signature

Thomas E. Phelps
Name

Address

Phone No.

945 Barron Avenue 410 5746744
Address Phone No

City

State

Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: BR DATE 2/6/98

98-289-SPHA

298



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

2205 Holly Neck Road

which is presently zoned

RC5 / RC20
TEP

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.3 BCZA

To permit side yard setbacks of 10 ft. in lieu of the required 50 ft. for lots 1, 2 and 3.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) To allow for 10' side yard setbacks in lieu of the 50' as required by zoning EXISTING HOUSE IS TO CLOSE TO SIDE LINE ON LOTS 2 & 3, BOTH SIDES & NOT LEFT SIDE

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Harold A Weidow
(Type or Print Name)

Signature

Estella Weidow
(Type or Print Name)

Signature

2205 Holly Neck Road 410 682 3732
Address Phone No

Baltimore Md 21221
City State Zipcode

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

Thomas E Phelps
Name

945 Barron Ave 410 574 6744
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: BR / RT DATE 2/4/98



Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

98-289-SPHA

#289

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND SURVEYING

LAND PLANNING

ZONING DESCRIPTION FOR 2205 Holly Neck Road (Lot 2)
(address)
Election District 15 Councilmanic District 7

Beginning at a point on the South side of Holly Neck Rd
(north, south, east or west)

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

wide at a distance of 330' East of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Goff Rd
(name of street)

which is 30 wide. *Being Lot # 2
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of
WEIDEN PROPERTY MINOR as recorded in Baltimore County Plat
(name of subdivision)

Book # _____, Folio # _____, containing

1.49 Acres

(square feet and acres)

Thence N87 12 00 E 100.00'
S10 28 00 E 679.17'
N62 30 00 W 126.97'
N10 28 00 W 614.54'

98-289-5PHA

289

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND PLANNING

Beginning at a point on the South side of Holly Neck Rd
(north, south, east or west)
 which is 40
(street on which property fronts) (number of feet of right-of-way width)
wide at a distance of 430' East of the
 (number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street Goff Rd
 (name of street)
which is 30 wide. *Being lot # 3,
 (number of feet of right-of-way width)
Block , Section # in the subdivision of
Weiser Property Mison as recorded in Baltimore County Plat
 (name of subdivision)
Book # , Folio # , containing

(square feet and acres)

Thence	N87	12	00	E	100.00'
	S10	28	00	E	743.81'
	N62	30	00	W	126.97'
	N10	38	00	W	679.17'

98-289-5AHA

REGISTERED PROPERTY (LIFE OF DECEASED) 140-4274

289

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND PLANNING

Election District 15 (address)
Councilmanic District 7

Thence	N87	12	00	E	130.26'
	S10	28	00	E	614.54'
	N62	30	00	W	163.36'
	N10	28	00	W	531.17'

98-289-SPHA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

AND

No. 048640

DATE 2/6/98 ACCOUNT Root-6150

AMOUNT \$ 50.00

RECEIVED FROM: Thomas Phelps

FOR: code 030 Special Hearing
2205 Holly Neck Rd.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
DATE 2/6/98
TIME 13:20:30
BY 2005
CASHIER LISA L. BAKER
5 MISCELLANEOUS CASH RECEIPT
RECEIPT # 03052
CP NO. 048640
50.00 CHECK
Baltimore County, Maryland

08-289-SPAA

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 048630

DATE 2/4/98 ACCOUNT Root-6150

AMOUNT \$ 150.00

RECEIVED FROM: Thomas D. Phelps

FOR: 610 Variance for 4th of July
2205 Holly Neck Rd. Lot 51
Lot 2 = 2 Holly Neck Rd.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
DATE 2/4/98
TIME 14:40:30
BY 2005
CASHIER LISA L. BAKER
5 MISCELLANEOUS CASH RECEIPT
RECEIPT # 03052
CP NO. 048630
150.00 CHECK
Baltimore County, Maryland

08-289-SPAA

**NOTICE OF
ZONING HEARINGS**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Townsot Maryland on the property identified herein as follows:

Case: #38-289 SPHA

2205 Holly Neck Road
SS Holy Neck Road, 200' E of
Golf Road

15th Election District
5th Councilmanic District

Legal Owner(s):

Harold A. Wadlow & Estelle
Wadlow

Special Hearing: to utilize a
lot created in R.C. 20 to sup-
port the density for a 3-lot
subdivision in R.C. -5;

Variance: to permit side yard
setbacks of 10 feet in lieu of
the required 50 feet for lots 1,
2, and 3.

**Hearing: Tuesday, March 10,
1998 at 11:00 a.m. in Room
407, County Courts Bldg.,
401 Bostley 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 concern-
ing the file and/or hearing,
Please Call (410) 887-3391.

2/327/FBO. 99

C2089402

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2-19-, 1998

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 2-19, 1998

THE JEFFERSONIAN,

A. H. Enick
LEGAL AD. - TOWSON

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
PETITION FOR VARIANCE *
2205 Holly Neck Road, S/S Holly Neck Rd, * ZONING COMMISSIONER
200' E of Goff Rd, 15th Election *
District, 5th Councilmanic * OF BALTIMORE COUNTY

Harold & Estella Weidow * CASE NO. 98-289-SPHA
Petitioners *
* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of March, 1998, a copy of the foregoing Entry of Appearance was mailed to Thomas E. Phelps, 945 Barron Avenue, Baltimore, MD 21221, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

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

February 13, 1998

NOTICE OF ZONING 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: 98-289-SPHA
2205 Holly Neck Road
S/S Holly Neck Road, 200' E of Goff Road
15th Election District - 5th Councilmanic District
Legal Owner: Harold A. Weidow & Estella Weidow

Special Hearing to utilize a lot created in R.C.-20 to support the density for a 3-lot subdivision in R.C.-5. Variance to permit side yard setbacks of 10 feet in lieu of the required 50 feet for Lots 1, 2, and 3.

HEARING: Tuesday, March 10, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in dark ink, appearing to read "Arnold Jablon". Below the signature, the letters "scs" are handwritten.

Arnold Jablon
Director

c: Thomas E. Phelps & Associates
Harold & Estella Weidow

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 23, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
February 19, 1998 Issue - Jeffersonian

Please forward billing to:

Richard Weidow
2205 Holly Neck Road
Baltimore, MD 21221

410-682-3732

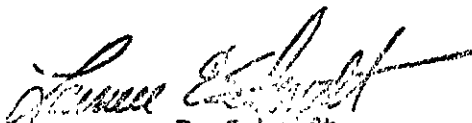
NOTICE OF ZONING HEARING

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: 98-289-SPHA
2205 Holly Neck Road
S/S Holly Neck Road, 200' E of Goff Road
15th Election District - 5th Councilmanic District
Legal Owner: Harold A. Weidow & Estella Weidow

Special Hearing to utilize a lot created in R.C.-20 to support the density for a 3-lot subdivision in R.C.-5. Variance to permit side yard setbacks of 10 feet in lieu of the required 50 feet for Lots 1, 2, and 3.

HEARING: Tuesday, March 10, 1998 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt scj

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.



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/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 assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 289 Petitioner: Harold Weidow

Location: 2205 Holly Neck Road Baltimore, Md 21221 (Lots 2 & 3)

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Richard Weidow

ADDRESS: 2205 Holly Neck Road

Baltimore, Maryland, 21221

PHONE NUMBER: 410-682-3732

98-289-SPHA

289

12



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

Date to be Posted: Anytime before but no later than 2/15/98.

Format for Sign Printing, Black Letters on White Background:

Item # 289

ZONING NOTICE

Case No.: 98-289-S PHA

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance to permit side yard setbacks of 10
feet in lieu of the required 50 feet for Lots 1, 2, & 3.
Special Hearing to request to utilize a lot created in
R.C. 20 to support the density for a 3-lot
subdivision in R.C. 5.

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

March 5, 1998

Harold and Estella Weidow
2205 Holly Neck Road
Baltimore MD 21221

RE: Item No.: 289
Case No.: 98-289-A
Petitioner: Harold and Estella Weidow

Dear Mr. and Mrs. Weidow:

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 February 4, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/ggs
Attachment(s)





Baltimore County
Fire Department

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

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 FEBRUARY 17, 1998

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:

286, 289, 292, 293, 295, 296, AND 297

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: February 24, 1998

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

SUBJECT: Zoning Advisory Committee Meeting
for February 23, 1998
Item Nos. 287, 289, 292, 293, 294,
296, 297, and 298

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0223.NOC

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

DATE: February 20, 1998

To: Arnold L. Jablon

From: Bruce Seeley *BS/ys*

Subject: Zoning Item #289

Weidow Property, 2205 Holly Neck Road

Zoning Advisory Committee Meeting of February 17, 1998

----- 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.

X 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), if the property is being subdivided according to the Development Regulations.

X 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).

GP:KK:sp



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 2/13/98
Item No. 289 BR/RT

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

Foray
3/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: March 5, 1998

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

SUBJECT: 2205 Holly Neck Road

INFORMATION

Item Number: 289

Petitioner: Weidow Property

Zoning: RC 5 & RC 20

Requested Action: Special Hearing and Variance

Summary of Recommendations:

Staff does not support the applicant's request because the installation of public sewer in the Lower Back River Neck peninsula is intended to serve existing dwellings with failing septic systems, and is not meant to facilitate additional development that could not occur without public sewer.

Prepared by:

[Signature]

Division Chief:

[Signature]

AFK/JL

AP
3/10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: February 23, 1998

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

SUBJECT: Zoning Advisory Petitions

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

Item No. 287, 292, and 293

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at (401) 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

AFK/JL

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

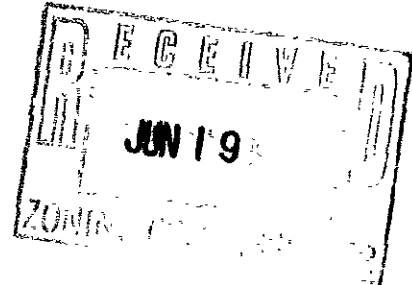
LAND SURVEYING

LAND PLANNING

June 10, 1998

Lawrence E Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

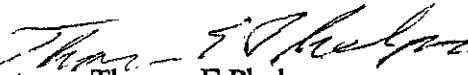
RE Petitions for Special Hearing and Variance
Property; 2205 Holly Neck Road
Case No 98-289-SPHA



Dear Sir;

We are writing to you reference the above case and as per our conversation of June 9, 1998 in your office regarding your decision on this property. You stated that if we redesigned the lots that we could ask and receive a rereview of said project. We have consolidated Lot 1 and the RC20 parcel to make one lot and rearranged Lots 2 & 3 so that each has an area of 1 Acre. We still need the use of the RC20 area to allow us 3 lots in the RC5 area, or we need these lots to be considered as undersized lots. Also we still need the side yard set back to be 10' in lieu of the 50' as required by the site zoning. The RC20 area is to be used for forest buffer and wetlands and will not be built in. We appreciate your kind consideration of this project.

Very truly yours


Thomas E Phelps
Surveyor for Mr. & Mrs. Weidow

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

HAROLD A. WEIDOW

2205 HOLLY NECK RD 21221

THOMAS PHELPS

945 GARRON AVE 21221

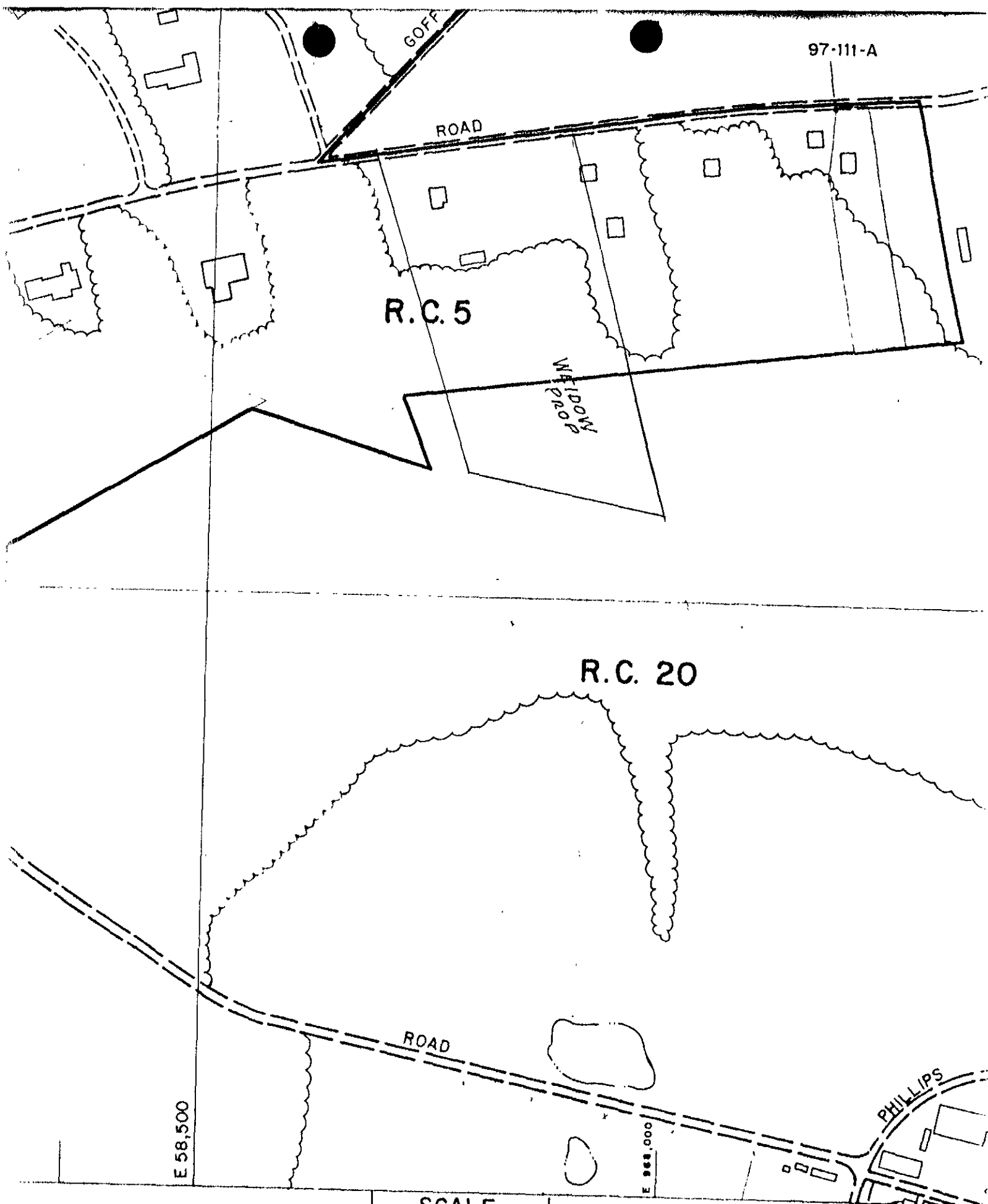


Note to Zoning Commissioner

Applicant insisted on filing for a SPHA against my advice. Subject property has a split zoning classification - R.C. 5 and R.C. 20. Applicant has to prove first by Special Hearing that the lot created in R.C. 20 is a buildable lot per Section 1, A.O. 5.4.C BCZR before it could be utilized to support the creation of three lots in R.C. 5. Subject property will be submitted simultaneously for minor subdivision process as per applicant.

Reg T. / Bruno R.

98-289-SPHA



	SCALE 1" = 200' ±	LOCATION HOLLY NECK	SH
	DATE OF PHOTOGRAPHY JANUARY 1986		S 2

98-289-5PHA

