

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - N/S Holly Neck Road,
477', 520' and 545' W of the * ZONING COMMISSIONER
c/l of Goff Road (Lots 134x,
(155 & the western portion of * OF BALTIMORE COUNTY
Parcel 85 of Cedar Beach)
Mark Dickerson, et al * Cases Nos. 98-447-A, 98-449-A
Petitioners 98-461-SPHA
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of combined Petitions for Special Hearing and Variance for the three adjoining properties identified above located in the Cedar Beach subdivision in Essex. The Petitions were filed on behalf of Mark Dickerson, individually and as survivor of his mother, Doris Dickerson, now deceased. These three cases were considered at a public hearing held on July 13, 1998 for consideration of relief sought for six properties now owned by Mr. Dickerson. For reasons that will be made apparent hereinafter, this Order is being issued for the three cases identified above, and a separate Order will be issued for the three remaining cases, namely, Cases Nos. 98-446-A, 98-448-A and 98-460-SPH.

Appearing at the requisite public hearing held in this matter were Mark Dickerson, property owner, Karen Diehl, a potential purchaser, and Buck Jones, Builder. Appearing in opposition to the Petitioners' request were Richard C. Schmidt and his wife, Cheryl D. Toles, who reside adjacent to Parcel 85, and Al and Marie Clasing, Carl Maynard and Leroy Sennett, all nearby residents of the community.

In Case No. 98-447-A, the Petitioner seeks relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each and a rear yard setback of 25 feet in

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Date

By

lieu of the required 50 feet in an R.C.5 zone, and approval of Lot 155 as an undersized lot. Lot 155 contains approximately .53 acres in area, and is a waterfront lot with frontage on Sue Creek. Lot 155 does not immediately abut Holly Neck Road, but access thereto is by way of an easement. Presently, Lot 155 is unimproved.

The property under consideration in Case No. 98-449-A is known as Lot 134x of Cedar Beach. Lot 134x is located adjacent to Lot 155 and likewise, has frontage on Sue Creek with no direct frontage on Holly Neck Road. Lot 134x contains approximately .26 acres of land, and is also unimproved. The Petitioner seeks similar relief as in Case No. 98-447-A to permit side yard setbacks of 10 feet each, a rear yard setback of 35 feet in lieu of the required 50 feet, and approval of Lot 134x as an undersized lot.

In Case No. 98-461-SPHA, the Petitioner seeks relief for a portion of the property recorded as Parcel 85 of the Cedar Beach subdivision. This parcel has frontage on both Holly Neck Road and Sue Creek, and is also unimproved. Parcel 85 actually consists of two separate lots, containing a combined area of 1.647 acres. Parcel 85 is divided by a 25-foot wide fee-simple strip of land owned by Mr. Schmidt and Ms. Toles which provides access from the main body of the Schmidt/Toles' property to Holly Neck Road. The lot on the western side of the fee strip is unimproved and contains .934 acres in area. It abuts Lot 155. The Petitioner requests a special hearing to approve development of the western lot with a single family dwelling, and variance relief from Section 1A04.3.B.3 of the B.C.Z.R. to permit a side yard setback of 40 feet in lieu of the required 50 feet for one of the lots and approval of both lots as being undersized. The future of the eastern lot, which contains .713 acres in area, is the

subject of the Petition filed in Case No. 98-460-SPH. The merits of the proposed development of that portion of Parcel 85 will be addressed in a separate opinion.

As originally submitted, the Petitioner sought zoning relief to allow development on each of the lots (Lots 134x, 155 and the western portion of Parcel 85) with a single family dwelling. However, at the public hearing, Mr. Jones, the Builder retained by Mr. Dickerson, amended the Petitions. He indicated that following conversations with the Department of Environmental Protection and Resource Management (DEPRM), the Petitioner had decided to combine Lots 134x and 155, and construct one single family dwelling thereon. Thus, the requested relief was amended in that the combination of Lots 134x and 155 would result in a single lot, .79 acres in area. Additionally, the site of the proposed dwelling would also alter the requested variance from setback requirements. A 10-foot side yard setback would be needed towards the one side property line; however, a sufficient distance from the other side property line would exist. Additionally, a rear yard setback of 33 feet in lieu of the required 50 feet (instead of the 25 feet and 35 feet originally requested) would be necessary. A single family dwelling remains proposed for the western piece of Parcel 85.

Testimony was received from Mr. Dickerson and Mr. Jones regarding their plans as summarized above. Mr. Jones indicated that each of the properties identified above were individual lots of record which were duly recorded in the Cedar Beach subdivision plat many years ago. It was also indicated on behalf of the Petitioner that denial of the requested variances would result in a practical difficulty, in that the properties could not be used for a permitted purpose (i.e., residential development).

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Date 8/1/98
By [Signature]

Cumulative testimony was also received from the Protestants. They voiced a number of concerns. Specifically, Mr. Maynard indicated that schools in the area are overcrowded and as such, additional development was not warranted. Concerns were also expressed regarding potential pollution caused by development, the overtaxing of the public utilities in this area (water and sewer) by the proposed additional residences, and a concern over the loss of open space. Mr. Schmidt and Ms. Toles also testified about a unique factor which affects their property. Specifically, as shown on the site plan and described above, the Schmidt/Toles' property features a 25-foot in-fee strip which divides Parcel 85 into two separate lots. This 25-foot strip was created, no doubt, to provide access to the main body of the Schmidt/Toles' property, which is located adjacent to the waterfront on Sue Creek. However, testimony was offered that a driveway, which was installed many years ago, is not actually located within the 25-foot strip area. Specifically, varying testimony was presented which indicated that the driveway could actually be located up to 50 feet west of the area of the fee-simple strip. Thus, Mr. Schmidt and Ms. Toles complained that construction of the proposed dwelling on the western lot of Parcel 85 may adversely impact their driveway. This concern not only raises a legitimate issue as to the variance, but may result in title questions. As I explained to the Petitioners at the hearing, the parties may need Court intervention to quiet questions of title and to determine whether there has been any adverse possession.

Section 1A04.3 of the B.C.Z.R. prescribes height and area regulations in the R.C.5 zone. Section 1A04.3.B.1 of the B.C.Z.R. provides that a lot having an area of less than 1 acre may not be created in an R.C.5 zone. Interestingly, as a result of the Petitioner's amendment, he is

UNDER SECRETARY OF THE
DATE 8/17/98
BY [Signature]

violating this Section. That is, it can be argued that each of the parcels, i.e, Lot 134x, Lot 155, and Parcel 85, were created many years ago, and thus are not subject to that minimum area requirement which was enacted after the subdivision was platted and recorded. However, by proposing to combine Lots 134x and Lot 155, a single lot is now being created which is less than the 1 acre minimum required (.79 acres).

A review of Section 304 of the B.C.Z.R. is also appropriate. That Section recognizes the fact that there may be lots throughout the County which existed prior to the enactment of the zoning regulations and do not meet the area and/or width requirements of those regulations. In such a circumstance, Section 104 permits a single family detached or semi-detached dwelling to be constructed on an undersized lot, by right, if three conditions are met. First, the lot must be part of a duly recorded subdivision, or individually recorded by deed prior to March 30, 1955. Second, all other requirements of the height and area regulations must be satisfied. Third, the owner of the lot may not own sufficient adjoining land to conform to the width and area requirements contained elsewhere in the B.C.Z.R.

Clearly, Mr. Dickerson does not meet the requirements set forth in Section 304 of the B.C.Z.R. Although these lots are old enough and their recording predates 1955, he fails to meet the second and third tests. Specifically, he requires variance relief from side and rear yard setback requirements, and, more importantly, he owns all three lots which adjoin one another. Surely, Mr. Dickerson could combine all three lots to create one parcel greater than 1 acre in size, thereby satisfying the area requirements. Moreover, depending on the siting of the house, setback relief may not be necessary under such a scenario.

Relief is requested here, however, pursuant to Section 307 of the B.C.Z.R. That Section enables the zoning Commissioner to grant variance relief from height, area and setback regulations. The variance statute has been comprehensively addressed by the Courts of this State, the most recent case is Cromwell v. Ward, 307 Md. App. (1993). That case established that the Petitioner must show that the properties are unique in order for variance relief to be considered. Moreover, relief can be granted only if the Petitioner establishes that a practical difficulty would result if relief were denied, and if there would be no adverse impact upon surrounding properties. It is also well-settled that economic factors cannot play a part in the granting of variance relief. The mere fact that Mr. Dickerson will obtain a better economic return by building three houses as opposed to one is not a basis upon which a variance can be granted. Moreover, the practical difficulty cannot be self-imposed.

In this case, I am persuaded to deny the special hearing and variances requested. In my judgment, the intent of Sections 304 and 307 of the regulations is clear -- if the Petitioner is able to satisfy the area requirements and can avoid needing setback variances by combining the three lots, he should do so. To allow this Petitioner to develop the lots individually would be contrary to the spirit and intent of this regulation. I also find that it would cause an adverse impact on the surrounding locale. Thus, the Petitions for Special Hearing and Variance shall be denied. However, in denying these Petitions, I note that the Petitioner should be allowed to combine Lots 134x, 155, and the western portion of Parcel 85 for the purpose of constructing a single family dwelling thereon. Obviously, there are certain environmental impacts associated with these lots, owing to their waterfront nature. This includes the existence

of a flood plain, their location within the Chesapeake Bay Critical Areas, etc. Obviously, these issues need be studied and the Petitioner need obtain the approval of the Department of Environmental Protection and Resource Management and the Department of Public Works in order to determine the appropriate location for a single family dwelling on the combined lots. However, from a zoning perspective, it is appropriate that the Petitioner be permitted to combine the three tracts into one single lot. The resulting single lot would be large enough under the zoning regulations, and most probably the house could be located to avoid the necessity for any setback variance applications.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested is denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of August, 1998 that the Petition for Variance filed in Case No. 98-447-A seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet each and a rear yard setback of 25 feet in lieu of the required 50 feet in an R.C.5 zone, and approval of Lot 155 as an undersized lot, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 98-449-A seeking relief from Section 1A04.3.B.3 of the B.C.Z.R. to permit side yard setbacks of 10 feet each, and a rear yard setback of 35 feet in lieu of the required 50 feet, and approval of Lot 134x as an undersized lot, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petitions for Special Hearing and Variance filed in Case No. 98-461-SPHA seeking relief for Parcel 85, which

consists of two separate lots divided by a 25-foot wide fee-simple strip owned by Mr. Schmidt and Ms. Toles, to permit development of each lot with a single family dwelling, and variance relief from Section 1A04.3.B.3 of the B.C.Z.R. to permit a side yard setback of 40 feet in lieu of the required 50 feet for one of the lots, and approval of both lots as being undersized, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

8/11/03
8/11/03
8/11/03

Date
By



Baltimore County
Zoning Commissioner
Office of Planning

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

August 4, 1998

Mr. Mark Dickerson
2042 Popular Road
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
N/S Holly Neck Road, 477', 520', and 545' W of the c/l of Goff Road
(Lots 134x, 155 & Parcel 85 of Cedar Beach)
Mark Dickerson, et al - Petitioners
Cases Nos. 98-447-A, 98-449-A and 98-461-SPHA

Dear Mr. Dickerson:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The combined Petitions for Special Hearing and Variance have been denied, in accordance with the attached Order.

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

Very truly yours,

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

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Buck Jones
500 Vogts Lane, Baltimore, Md. 21221

Mr. & Mrs. Richard C. Schmidt, 2106 Holly Neck Road, Baltimore, 21221
Mr. & Mrs. Al Clasing, 2025 Holly Neck Road, Baltimore, Md. 21221
Mr. Carl Maynard, 1546 Denton Road, Baltimore, Md. 21221
Mr. Leroy Sennett, 1716 Beachwood Avenue, Baltimore, Md. 21221

People's Counsel; Case Files





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lot 134x Holly Neck Road

which is presently zoned R.C. 5

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) 1404.3B.3 to ALLOW A SIDE YARD SETBACK OF 10 FT & REAR YARD OF 35 FT. IN LIEU OF THE REQUIRED 50 FT. IN AN R.C. 5 ZONE & UNDERSIZED LOT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty) This particular lot is located in a RC 5 zone. The lot has been a lot of record with it's own tax account number since 1942. The set back lines as required under the RC 5 zoning would not be possible to obtain. Strict compliance with the zoning requirement would unreasonably prevent the use of the property for a permitted purpose that other lot owner's of the community have enjoyed.

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.

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

Contract Purchaser/Lessee

DAVE MATHEW'S 6873553(17)
(Type or Print Name)

Dave Mathew
Signature

500 VOGT'S LANE
Address

Baltimore Md 21221
City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s)

Mark Dickerson
(Type or Print Name)

Mark Dickerson
Signature

Doris Dickerson
(Type or Print Name)

Signature

2042 Popular Road 574-5952(17)
Address Phone No

Baltimore Md 21221
City State Zipcode

Name, Address and phone number of representative to be contacted

Buck Jones 574-9544(17)
Name

500 Vogts Lane 410-574-9337
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: SM DATE 5-20-98



Printed with Soybean Ink
on Recycled Paper

Zoning Administration

Seal of Baltimore County

98-449-A

449.

ORDER RECEIVED FOR FILING
Date _____
By _____

EXAMPLE 3 - Zoning Description - 3 copies

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

ZONING DESCRIPTION FOR Lot 134x Holly Neck Road
(address)
Election District 15 Councilmanic District 7

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

Neck Road which is 30'
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 545' West of the
(number of feet) (north, south, east or west)

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

which is 30' wide. *Being Lot # 134x,
(number of feet of right-of-way width)

Block _____, Section # 3 in the subdivision of
Cedar Beach as recorded in Baltimore County Plat
(name of subdivision)

Book # 13, Folio # 59, containing
11,229/.26ac
(square feet and acres)

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

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 053748

DATE 5-20-98 ACCOUNT R-CCF-6150

AMOUNT \$ 50.00

RECEIVED FROM: Buck Bros.

OIC Res. Van. '30
UNDER-100 LOT N.C.

FOR: TOTAL \$ 50

DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER 449.

PAID RECEIPT
PROCESS ACTUAL TIME
5/21/1998 5:28/1998 15:45:50
REG US03 CASHIER KIM VON DRAMER
5 MISCELLANEOUS CASH RECEIPT
Receipt # 046733
CPA NO. 053748
50.00 CHECK
BALTIMORE COUNTY, MARYLAND

98-449-A

CASHER'S VALIDATION

CERTIFICATE OF PUBLICATION

TOWSON, MD., 625, 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 625, 1998.

THE JEFFERSONIAN.

A. Henrichsen

LEGAL AD. - TOWSON

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 #38-449-A
Holy Neck Road, Lot 134x
NS Holy Neck Road, 545 W
of Gulf Road
15th Election District
7th Councilmatic District

Legal Owner(s):
Mark Dickerson & Doris Dickerson
Contract Purchaser:
Dave Matthews

Variance: To allow a side yard setback of 10 feet and a rear yard of 35 feet in lieu of the required 50 feet and to approve an undersized lot.

Hearing: Monday, July 13, 1998 at 2:00 p.m. in Room 407, County Courts Bldg., 4011 Baskin Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are handicapped accessible. For special accommodations please call (410) 887-3333.

(2) For information concerning the file and/or hearing, please call (410) 887-3333.

6/4/98 June 25 1226885

CERTIFICATE OF POSTING

Case No. 98-449-A

Permittee/Developer JONES/DICKERSON

40 BUCK JONES

Date of Hearing/Closing 7/13/98

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 HOLL NECK RD.

Q 545' W. GOFF RD. LOT - 134-X

The sign(s) were posted on

6/25/98

(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe SA 6/28/98

(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

100 PENNY LANE

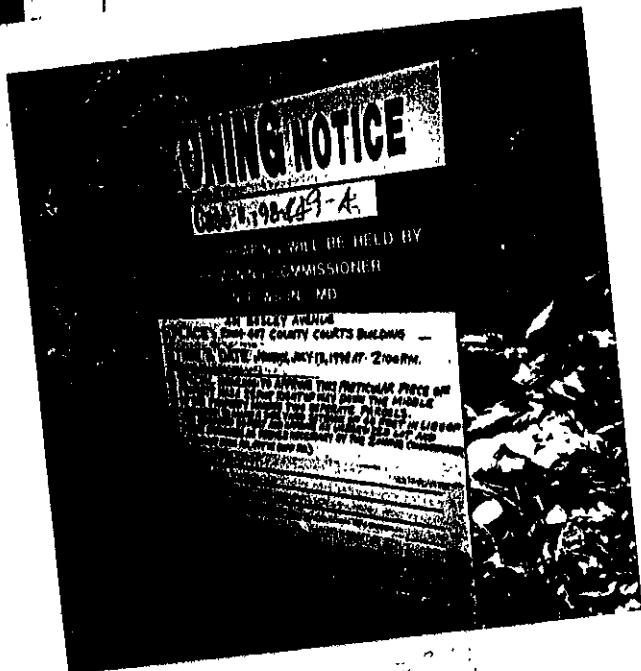
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5266 ; CELL 410-905-8571

(Telephone Number)



98-
JONES/DICKERSON

7/13/98



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 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.: 449 Petitioner: BUCK JONES

Location: 134X HOLLY NECK RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BUCK JONES

ADDRESS: 500 VOGTS LANE

BALT MD 21221

PHONE NUMBER: 410-574-9337

98-449-A



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

Date to be Posted: Anytime before but no later than 5-31-98

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 98-449-A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: Variance to Allow 10 FT SIDE YARDS &
35 FT REAR YARD IN LIEU OF THE REQUIRED
50 FT. & UNDERSIZED LOT.

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

TO: PATUXENT PUBLISHING COMPANY
June 25, 1998 Issue - Jeffersonian

Please forward billing to:

Buck Jones 410-574-9337
500 Vogts Lane
Baltimore, MD 21221

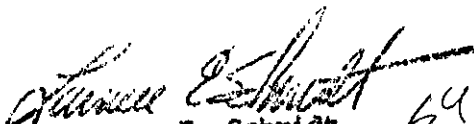
NOTICE OF ZONING HEARING

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: 98-449-A
Holly Neck Road, Lot 134x
N/S Holly Neck Road, 545' W of Goff Road
15th Election District - 7th Councilmanic District
Legal Owner: Mark Dickerson & Doris Dickerson
Contract Purchaser: Dave Mathews

Variance to allow a side yard setback of 10 feet and a rear yard of 35 feet in lieu of the required 50 feet and to approve an undersized lot.

HEARING: Monday, July 13, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt 64

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

June 9, 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: 98-449-A
Holly Neck Road, Lot 134x
N/S Holly Neck Road, 545' W of Goff Road
15th Election District - 7th Councilmanic District
Legal Owner: Mark Dickerson & Doris Dickerson
Contract Purchaser: Dave Mathews

Variance to allow a side yard setback of 10 feet and a rear yard of 35 feet in lieu of the required 50 feet and to approve an undersized lot.

HEARING: Monday, July 13, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a small mark resembling a stylized "39" or "59" below it.

Arnold Jablon
Director

c: Mark Dickerson
Dave Mathews
Buck Jones

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY JUNE 28, 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.





Baltimore County
Department of Permits and
Development Management

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

July 7, 1998

Mr. Buck Jones
500 Vogts Lane
Baltimore, MD 21221

RE: Item No.: 449
Case No.: 98-449-A
Petitioner: Mark and Doris
Dickerson
Location: Lot 134 Holly Neck
Road

Dear Mr. Jones:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 20, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments 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.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs
Attachment(s)



Due Date: June 15, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB/yy*

SUBJECT: Zoning Item #449

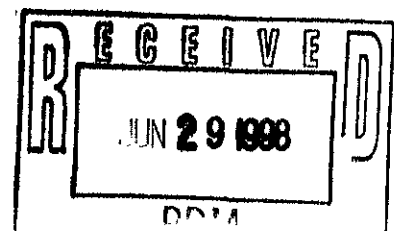
Dickerson, Holly Neck Road

Zoning Advisory Committee Meeting of June 8, 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 (Section 14-401 through 14-422 of the Baltimore County Code).
 - 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).
 - X Further information is needed from the applicant to determine the accurate location of nontidal wetlands and thus may require a variance of the Chesapeake Bay Critical Area Regulations.

GP:TE:sp

C: Mark & Doris Dickerson



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: June 23, 1998

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for June 23, 1998
 Item No. 449

The Development Plans Review Division 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 minimum flood protection elevation for this site is 11 feet.

RWB:HJO:jrb

cc: File

ZONE0615.449

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

Date: June 23, 1998

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

SUBJECT: Holly Neck Road and Popular Road

INFORMATION

Item Numbers: 446, 447, 448, 449, 460 and 461

Petitioner: Dickerson Property

Zoning: RC-5

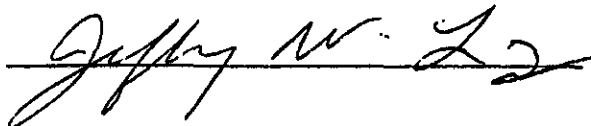
Summary of Recommendation:

Staff has reviewed the subject requests and recommends denial. This position is based on the the following:

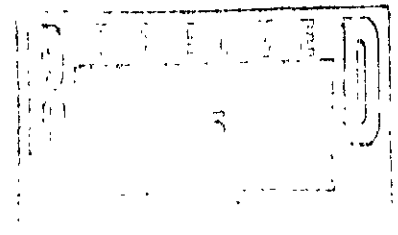
These lots could not be developed without the aid of public water and sewer. Public water and sewer is being installed in this area to correct existing health problems, not to allow or encourage new development. This position is explicitly stated in the Baltimore County Master Plan, the 1997 Master Water and Sewer Plan, and the Lower Back River Neck Community Plan.

Section 304 of the Baltimore County Zoning Regulations states: "A one-family detached or semi-detached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if ... the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations."

Division Chief:



AFK/JL





Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 66-9V
Item No. 449 JRA

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

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
Fire Department

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

June 12, 1998

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 June 8, 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:

443, 444, 446, 447, 448, 449, 450, 452, 453, 455,
456, 460, 461, 462, 463, 464, 465, and John D.
Barone

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



RE: PETITION FOR VARIANCE
Lot 134x, Holly Neck Road, N/S Holly Neck Rd,
545' W of Goff Rd, 15th Election District,
7th Councilmanic

Legal Owners: Mark & Doris Dickerson
Contract Purchaser: Dave Mathews

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
*
* Case Number: 98-449-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 of 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
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 1998, a copy of the foregoing Entry of Appearance was mailed to Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, representative for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

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

B. _____
Permit Number

FROM: Arnold Jablon, Director, Zoning Administration and 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 & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ Buck Jones 500 Vogts Lane 21221 410-574-9337
Print Name of Applicant Address Telephone Number

☐ Lot Address Lot 134x Holly Neck Road Election District 15 Council District 5 Square Feet 11,229

Lot Location (N)E S W (side) corner of Holly Neck Road 545 feet from N E S W corner of C Goff Road
(street) (street)

Land Owner Mark Dickerson Tax Account Number 15-12400702

Address 2042 Popular Road Telephone Number 410-574-9337
Baltimore, Md 21221

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>X</u>	_____
2. Permit Application	_____	<u>X</u>
3. Site Plan Property (3 copies)	<u>X</u>	_____
Topo Map (available in Rm 204 C.O.B.) (2 copies) (please label site clearly)	<u>X</u>	_____
4. Building Elevation Drawings	<u>X</u>	_____
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<u>X</u>	_____
Surrounding Neighborhood	<u>X</u>	_____

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

Accepted by _____
ZADM

Date _____

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

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

Handwritten:
Sent to
DPCC
6/19/98

Handwritten: 449

Signed by: _____
for the Director, Office of Planning & Zoning

Date: _____
98-449-A

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
ZONING ADMINISTRATION AND 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 _____ on _____ 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 C)

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: _____

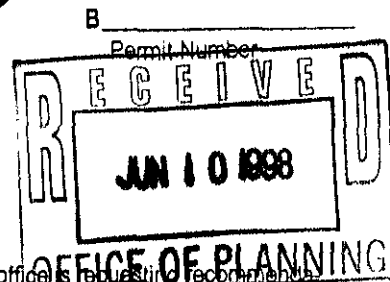
CK/UNDER.LOT (TXTSOPH)

A-944.70

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

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

FROM: Arnold Jablon, Director, Zoning Administration and 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 and Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

☐ Buck Jones 500 Vogts Lane 21221 410-574-9337
Print Name of Applicant Address Telephone Number

☐ Lot Address Lot 134x Holly Neck Road Election District 15 Council District 5 Square Feet 11,229

Lot Location (N E S W side) corner of Holly Neck Road 545 feet from N E S W corner of C Goff Road
(street) (street)

Land Owner Mark Dickerson Tax Account Number 15-12400702

Address 2042 Popular Road Telephone Number 410-574-9337
Baltimore, Md 21221

☐ **CHECKLIST OF MATERIALS: (to be submitted for design review by the Office of Planning and Zoning)**

PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<u>X</u>	<u> </u>
2. Permit Application	<u> </u>	<u>X</u>
3. Site Plan	<u>X</u>	<u> </u>
Property (3 copies)	<u> </u>	<u> </u>
Topo Map (available in Rm 204 C.O.B.) (2 copies)	<u>X</u>	<u> </u>
(please label site clearly)	<u> </u>	<u> </u>
4. Building Elevation Drawings	<u>X</u>	<u> </u>
5. Photographs (please label all photos clearly)	<u>X</u>	<u> </u>
Adjoining Buildings	<u>X</u>	<u> </u>
Surrounding Neighborhood	<u>X</u>	<u> </u>

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

Accepted by _____
ZADM

Date _____

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!

RECOMMENDATIONS/COMMENTS:

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

Staff has reviewed the Undersize Lot application and recommends **Denial**. The denial of the application is based on the following:

This lot could not be developed without the aid of public water and sewer. Public water and sewer are being installed in this area to correct exiting health problems, not to allow or encourage new development. This was explicitly stated in the Baltimore County Master Plan 2000, the 1997 Water Supply and Sewerage Plan, and the Lower Back River Neck community Action Plan.

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

Date: 6/16/98

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

2001 JUL

The application for your proposed Building Permit Application has been accepted
for filing by _____ on _____ 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 C)

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: _____

CK/UNDER.LOT (TXTSOPH)

PROPERTY ADDRESS: LOT 134X HOLLY NECK RD

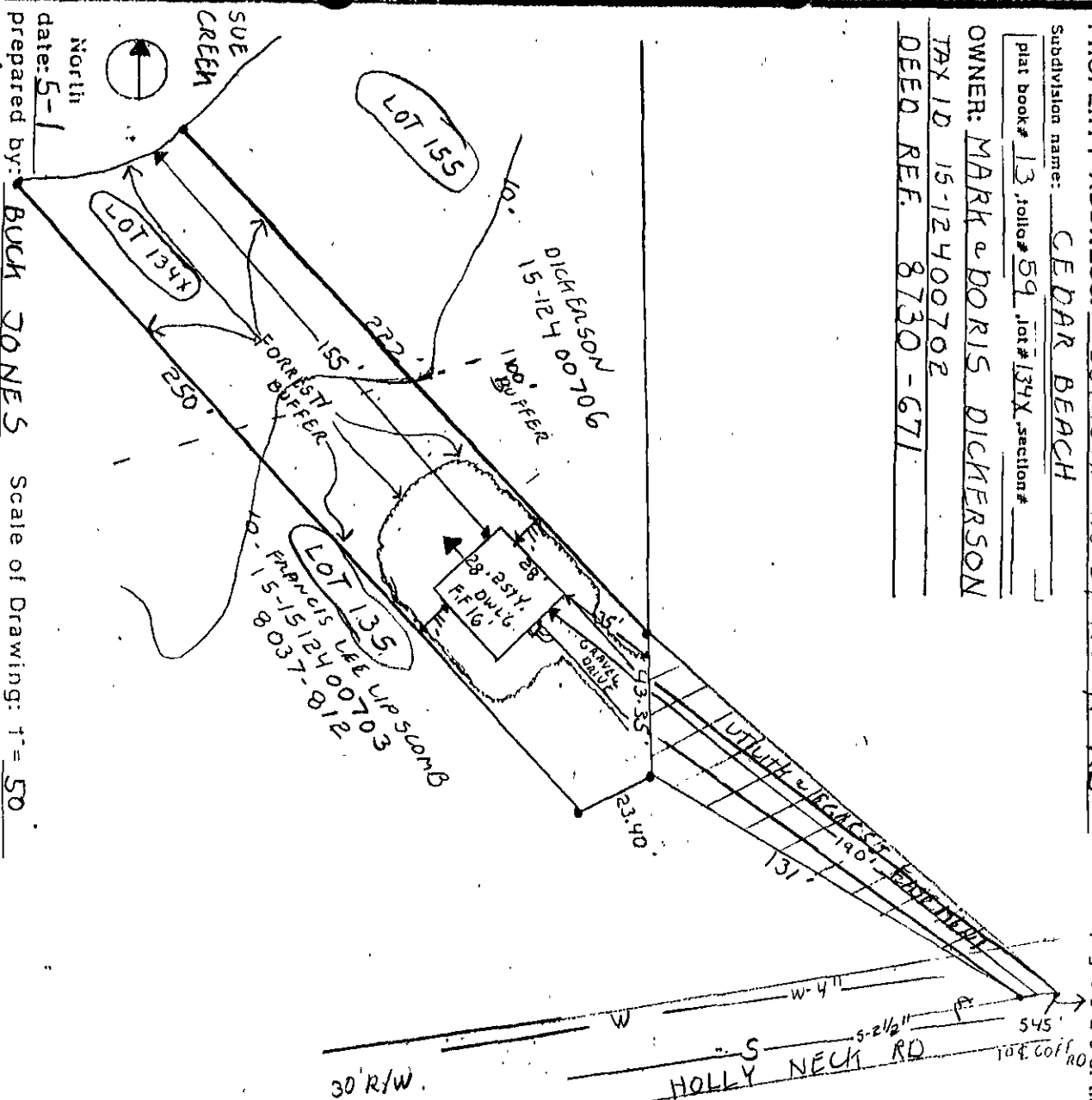
Subdivision name: CEDAR BEACH

plat book# 13, folio# 59, lot# 134X, section#

OWNER: MARIE BORIS DICHERSON

TAX ID 15-12400702

DEED REF. 8/30-671



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

LOCATION INFORMATION

Election District 15

Councilmanic District: 7

r=200' scale-map#: SE 2-5

Zoning: R.C. 5

Loi sizes: 26 11,229

increase Square Feet

PUBLIC PRIVATE

SEWER

WATER

Chesapeake Bay Critical Area:

Prior Zoning Hearings:

NONE

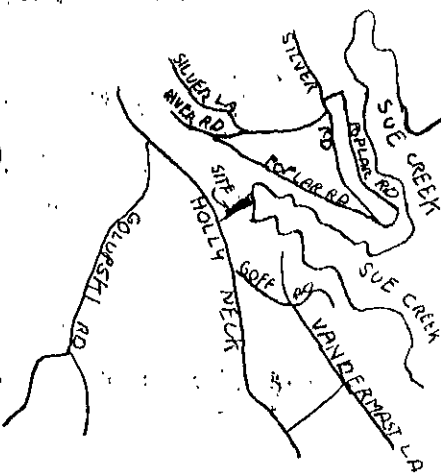
Zoning Office USE ONLY:

reviewed by: ITEM #: CASE#:

reviewed by

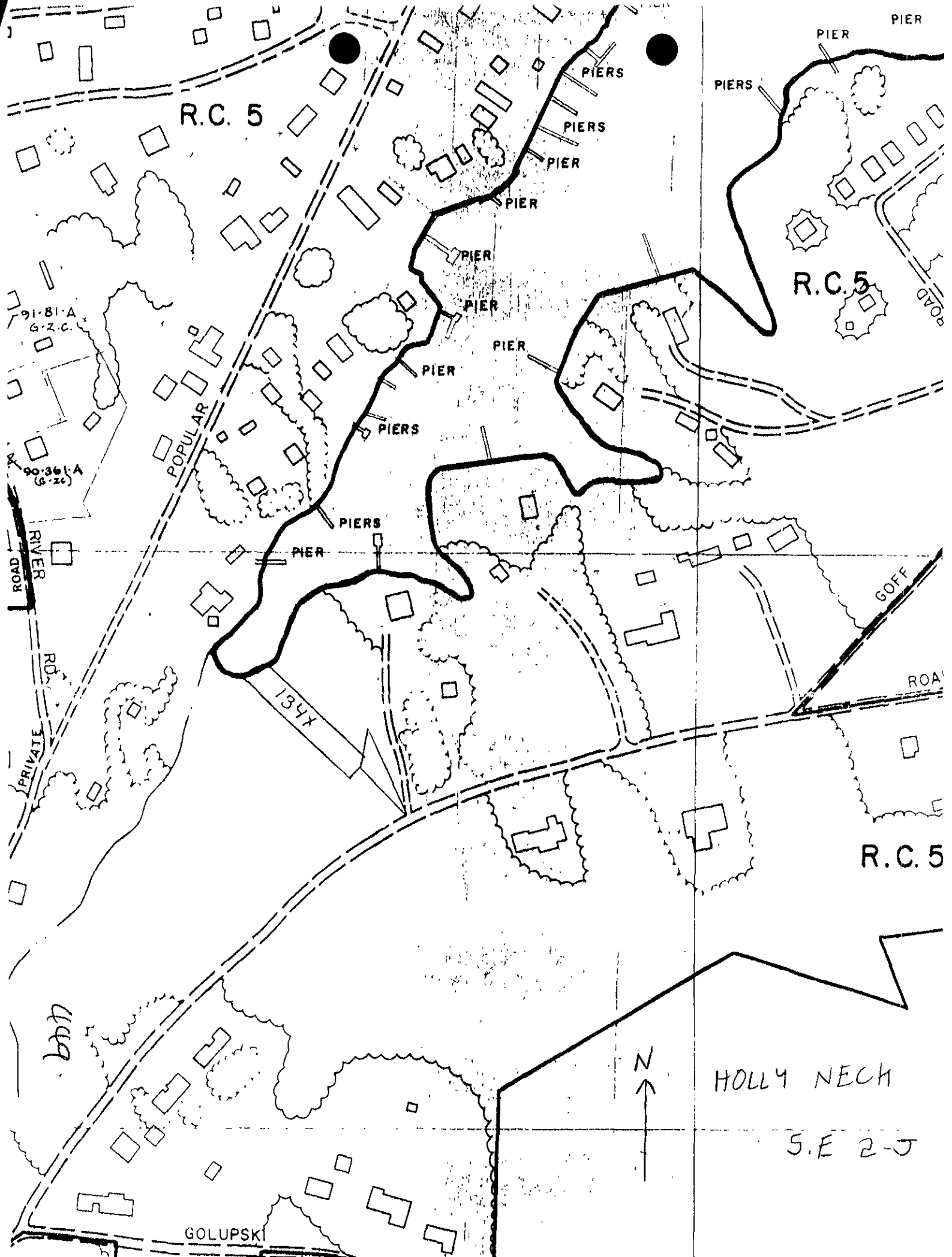
ITEM #: CASE#:

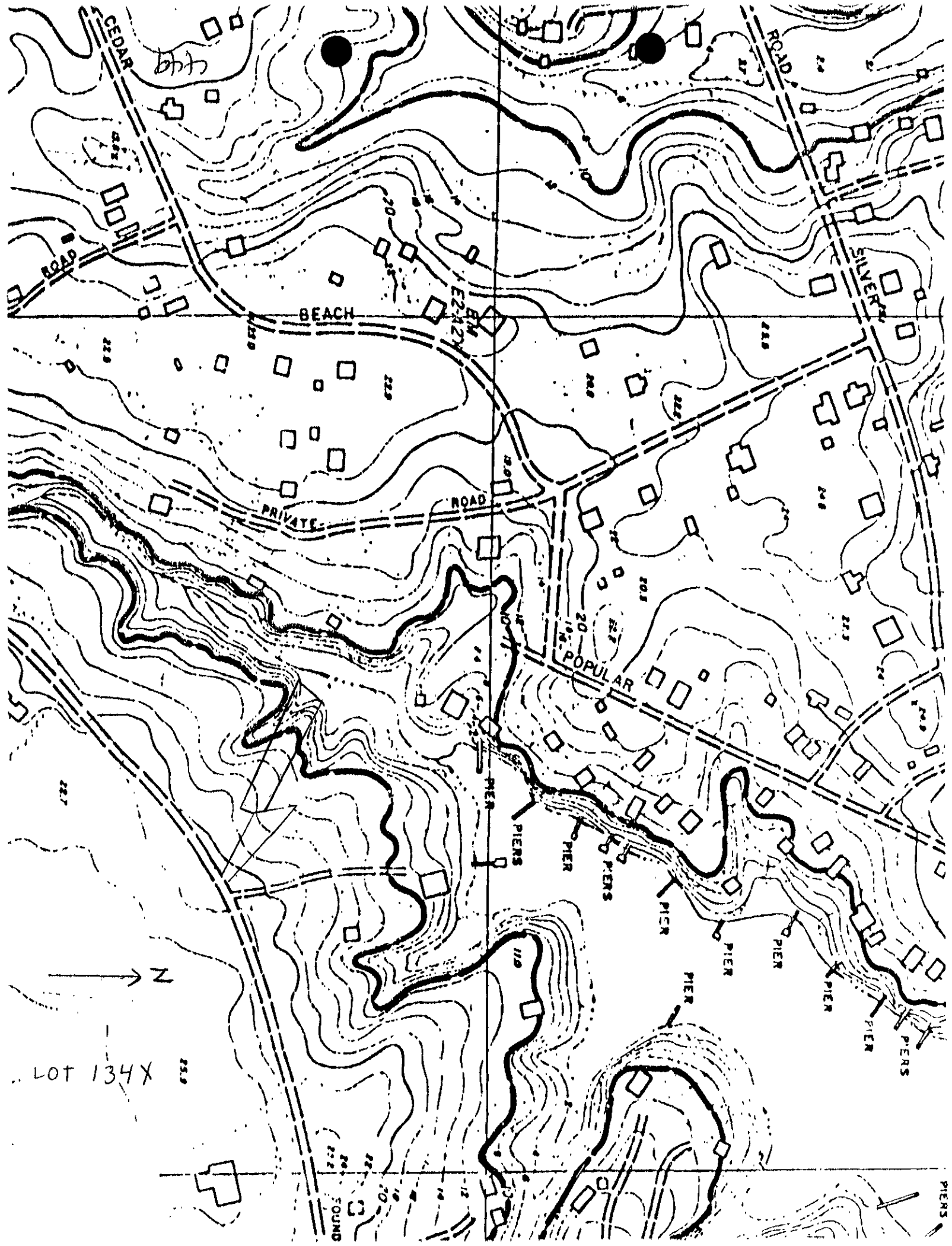
44992-449.4



Vicinity Map P.46-8-2
Scale 1"=1000'

98-449-A

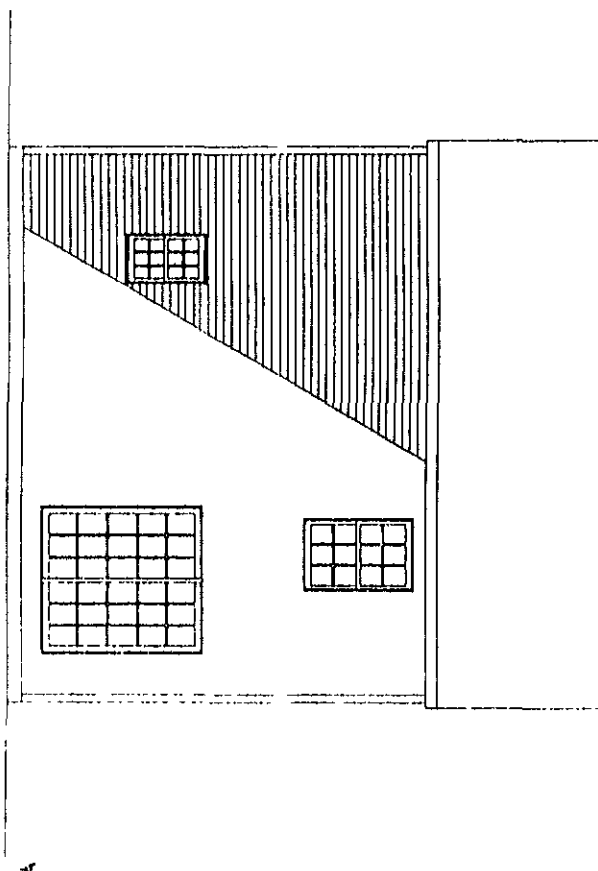




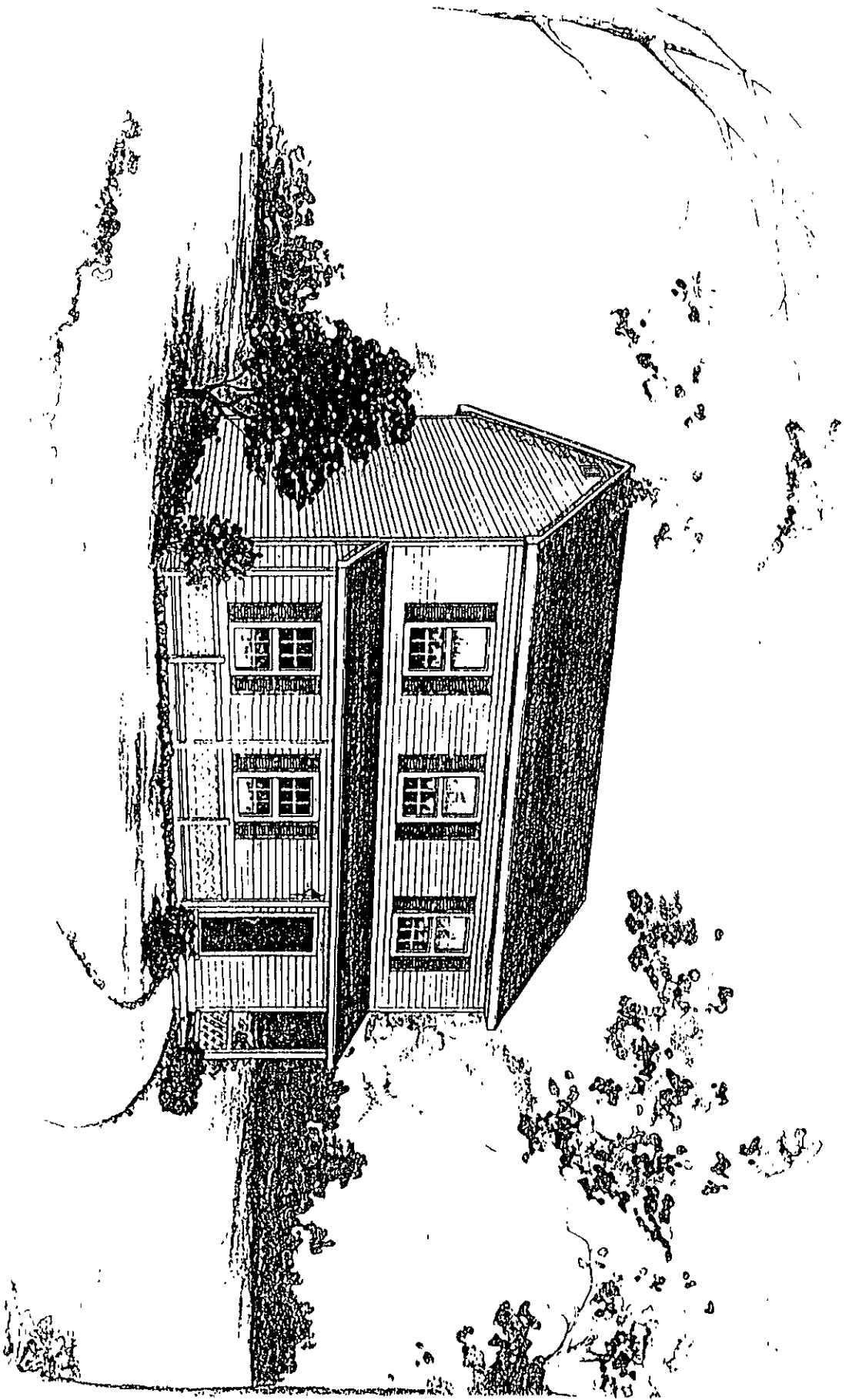


Technical drawing of a roof plan for a building with a complex, multi-gabled roof. The drawing shows the layout of the roof with various slopes and angles. A small detail view on the right shows a cross-section of the roof structure, labeled with '1' and '2'.

[illegible][illegible]

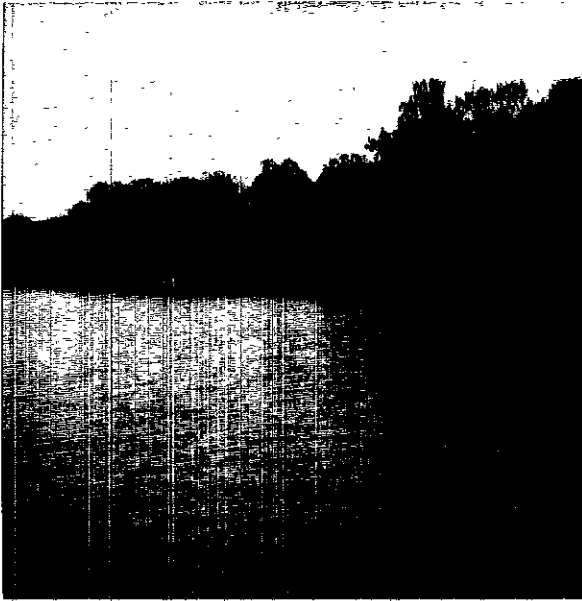
[illegible][illegible]

CEDAR II (OPTION C)



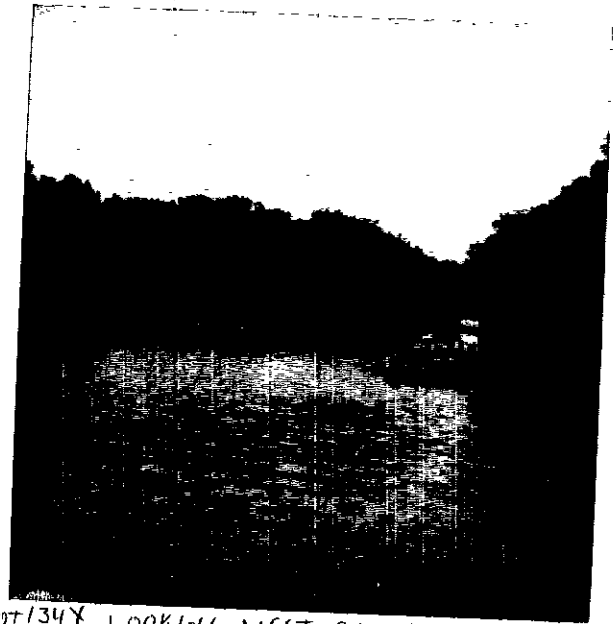
(RAILING NOT INCLUDED)

449



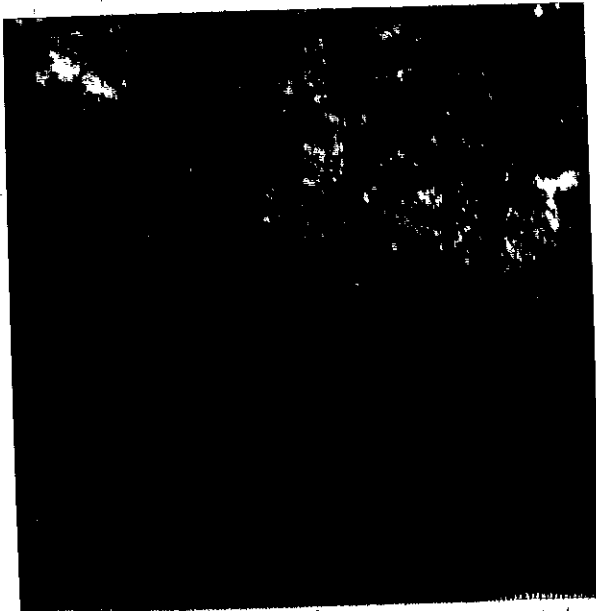
LOT 134X LOOKING EAST UP SUB CREEK
FROM ACROSS RIVER

449.



LOT 134X LOOKING WEST DOWN SUB
CREEK FROM ACROSS RIVER

449.



LOT 134X LOOKING WEST DOWN
HOLLY NECK

449.



LOT 134X LOOKING EAST INTO LOT
FROM ACROSS HOLLY NECK

449