

IN RE: PETITIONS FOR SPECIAL HEARING  
AND VARIANCE – N/S Chestnut Road,  
38' W of the c/l Chestnut Road  
(4008 & 4010 Chestnut Road)  
15<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District

David H. Drummond, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 99-128-SPHA  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, David H. and Mary F. Drummond. The Petitioners seek approval of two existing dwellings on one undersized lot, known as Lot 130 of Bowleys Quarters, as legal and nonconforming uses, that the sale of adjacent Lot 131 did not affect the status of this use, and that razing one dwelling and constructing a larger dwelling in a different location on Lot 130 will not affect this nonconforming use. In addition to the special hearing relief requested, the Petitioners seek variance relief to allow the reconstruction of a nonconforming dwelling on an undersized lot; to allow side yard setbacks of 4 feet and 22.33 feet in lieu of the minimum required 50 feet, and a street centerline setback of 42 feet in lieu of the minimum required 75 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were David Drummond, property owner, James Lamb with L & L Homes Corporation, Bill Lagna and Ron Robbins, residents of the area, and Joseph McGraw, a representative of JST Engineering Company, Inc., the engineering firm which prepared the plan which accompanied the Petitions filed. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot located on Seneca Creek in Bowleys Quarters which consists of a gross area of 16,075 sq.ft., more or less, zoned R.C.5. The lot is approximately 50 feet wide and 264 feet deep and is improved with two

ORDER RECEIVED FOR FILING

Date

By

*[Handwritten signature]*  
*[Handwritten date]*

single family dwellings, known as 4008 and 4010 Chestnut Road. Also on the property are several outbuildings. Mr. Drummond testified that he recently purchased the subject property and that the house closest to Chestnut Road has deteriorated over the years to the point where renovation is no longer an alternative. Thus, the Petitioner proposes to raze this structure and reconstruct a new dwelling in essentially the same location. The new dwelling will be somewhat larger than the old structure; however, it will be located entirely on the subject lot. As shown on the site plan, several of the existing structures straddle the property lines of the adjoining lots. The Petitioner indicated that this situation is very common throughout the neighborhood in that there are several other properties where the houses and structures thereon encroach onto neighboring lots. However, as noted above, the proposed dwelling will be located entirely on the subject lot. In order to proceed with the replacement of this structure, the special hearing and variance requests are necessary.

The improvements proposed by Mr. Drummond will be an overall benefit to the entire Chestnut Road community inasmuch as an old, shoddy home will be torn down and a new dwelling built in its place. All of the neighbors who appeared at the hearing were very supportive of Mr. Drummond's plans to replace the shack that currently exists.

After due consideration of the testimony and evidence presented by both the Petitioner and the neighbors present, I am persuaded to grant the special hearing and variance relief. It is clear from the testimony that the subject property was developed with two dwellings many years ago, well prior to the effective date of the zoning regulations, and thus, is nonconforming. In the opinion of this Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. In addition, the Petitioners obtained approval of the proposed reconstruction on an undersized lot from the Office of Planning & Community Conservation, pursuant to the comments submitted by the Office of Planning dated October 20, 1998.

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Date 12/11/98  
By [Signature]

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

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

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

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

OFFICE RECEIVED FOR FILING  
Date \_\_\_\_\_  
By \_\_\_\_\_

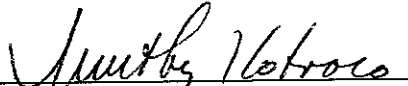
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17<sup>th</sup> day of December, 1998 that the Petition for Special Hearing seeking approval of two existing dwellings on one undersized lot, known as Lot 130 of Bowleys Quarters, as legal and nonconforming uses, that the sale of adjacent Lot 131 did not affect the status of this use, and that razing one dwelling and constructing a larger dwelling in a different location on Lot 130 will not affect this nonconforming use, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief to allow the reconstruction of a nonconforming dwelling on an undersized lot; to allow side yard setbacks of 4 feet and 22.3 3 feet in lieu of the minimum required 50 feet, and a street centerline setback of 42 feet in lieu of the minimum required 75 feet, for the proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated October 26, 1998, a copy of which is attached hereto and made a part hereof.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING

Date

By



Baltimore County  
Zoning Commissioner  
Office of Planning

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

December 11, 1998

Mr. & Mrs. David H. Drummond  
1220 Marsten Court  
Bel Air, Maryland 21015

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE  
N/S Chestnut Road, 38' W of the c/l Chestnut Road  
(4008 & 4010 Chestnut Road)  
15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
David H. Drummond, et ux – Petitioners  
Case No. 99-128-SPHA

Dear Mr. & Mrs. Drummond:

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

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

Very truly yours,

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Joseph McGraw, JST Engineering Company, Inc.  
6912 North River Drive, Baltimore, Md. 21220  
Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2<sup>nd</sup> Floor, Annapolis, Md. 21401  
DEPRM; People's Counsel; Case File



CBCA



# Petition for Special Hearing

## to the Zoning Commissioner of Baltimore County

for the property located at 11008 & 4010 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve THE EXISTANCE OF 2 DWELLINGS ON 1 UNDERSIZE LOT, THAT THE SALE OF LOT 131 DID NOT EFFECT THE STATUS OF THIS USE, THAT RAZING ONE DWELLING AND CONSTRUCTING A LARGER DWELLING IN A DIFFERENT LOCATION WILL NOT EFFECT THE NONCONFORMING USE, as nonconforming unaffected by the proposed changes

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

Contract Purchaser/Lessee:

Type or Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

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)

David H. Drummond  
(Type or Print Name)

D. H. D.  
Signature

Mary F. Drummond  
(Type or Print Name)

[Signature]  
Signature

Attorney for Petitioner

Type or Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone No: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zipcode: \_\_\_\_\_

1220 Marston Ct 410-838-8461  
Address Phone No

Bel Air MD 21015  
City State Zipcode

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

Joe McGray % 1ST ENG. CO., Inc.  
Name

6912 North River Dr. 410-335-9142  
Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2.00 hrs  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL  OTHER \_\_\_\_\_

REVIEWED BY: [Signature] DATE 9-29-98

ORDER RECEIVED FOR FILING

Date 9/5/98

Revised 9/5/95

# 98128-SPHA

12

CBCA



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 11008 & 4010 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) TO ALLOW RECONSTRUCTION OF A NONCONFORMING DWELLING ON AN UNDERSIZED LOT; TO ALLOW SIDEYARD SETBACKS OF 4 FT. & 22.33 FT. IN LIEU OF THE MINIMUM REQUIRED 50 FT. & A SETBACK OF 42 FT. TO THE STREET CENTERLINE IN LIEU OF THE MINIMUM REQUIRED 75 FT. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

EVERY IMPROVEMENT IS PRE-EXISTING AND LOT CAN'T CONFORM TO CURRENT STANDARDS FOR SUBDIVISION

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

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

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

Contract Purchaser/Lessee:

Legal Owner(s):

\_\_\_\_\_  
(Type or Print Name)

David H. Drummond  
(Type or Print Name)

\_\_\_\_\_  
Signature

David H. Drummond  
Signature

\_\_\_\_\_  
Address

Mary F. Drummond  
(Type or Print Name)

\_\_\_\_\_  
City State Zipcode

[Signature]  
Signature

Attorney for Petitioner:

1220 Maister Ct 410-838-8461  
Address Phone No

\_\_\_\_\_  
(Type or Print Name)

Bel Air MD 21015  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

\_\_\_\_\_  
Signature

Joe McGrath / JST Eng. Co., Inc.  
Name  
6912 North River Dr. 410 335-9142  
Address Phone No

\_\_\_\_\_  
Address Phone No

\_\_\_\_\_  
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING See SPH  
unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL  OTHER

REVIEWED BY: [Signature] DATE 9-29-98

Printed with Soybean Ink on Recycled Paper

Revised 9/5/95

ORDER RECEIVED FOR FILING

Date  
PV

# 99-128-SPHA

120

**Zoning Description for #4008 & 4010 Chestnut Road**

Beginning at a point on the north side of Chestnut Road which is 30 feet wide at the distance of 38 feet west of the centerline of the nearest improved intersecting street Chestnut Road which is 30 feet wide. Being Lot #130, Plat No. 2, in the subdivision of Bowleys Quarter as recorded in Baltimore County Plat Book #7, Folio 13, containing 16,075 +/- square feet. Also known as #4008 & #4010 Chestnut Road and located in the 15TH Election District, 5TH Councilmanic District.

*see site plan!*  
*see*

*Shalley J*

128

**99.128-SPHA**



99-158-26HA

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

Item 128  
Check No. 054734

DATE 9-29-98 ACCOUNT R-001-6150

AMOUNT \$ 100.00

RECEIVED FROM: JST Engineering Co., Inc.  
Lot #130

FOR: Special Hearing & Variance (Residential)  
4109 Ave H 4008-10 Chestnut Rd.

DISTRIBUTION  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
9/29/1998 9/29/1998 11:07:14  
REF: 06205 CASHIER LGMT LMS NUMBER 5  
5 MISCELLANEOUS CASH RECEIPT  
Receipt # 076143  
CHK NO. 054734

100.00 CHECK  
Baltimore County, Maryland

99-128-SPHA

CASHIER'S VALIDATION

**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: #99-128-SPHA  
4008 & 4010 Chestnut Road  
NS Chestnut Road, 98' W of  
Camelbine Chestnut Road  
15th Election District  
5th Councilmanic District  
Legal Owner(s):  
David H. Drummond & Mary  
F. Drummond

**Special Hearing:** to approve 2 dwellings on 1 undersized lot as non-conforming, affected by the proposed changes. **Variance:** to allow reconstruction of a non-conforming dwelling on an undersized lot; to allow side yard setbacks of 4 feet and 22.33 feet in lieu of the minimum required 60 feet; and a setback of 42 feet to the street centerline in lieu of the minimum required 75 feet.

**Hearing:** Friday, November 13, 1998 at 2:00 p.m., in Room 407, County Courthouse, 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 concerning the File and/or Hearing, Please Call (410) 887-3391.

10/534 Oct. 29 C269896

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 10/29, 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 10/29, 1998.

THE JEFFERSONIAN,

*A. Henickson*

LEGAL AD. - TOWSON

**CERTIFICATE OF POSTING**

RE: Case # ~~99-128-SPHA~~  
Petitioner/Developer:  
(David H. Drummond)  
Date of Hearing/~~Closing~~  
(Nov. 13, 1998)

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21284

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

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 \_\_\_\_\_  
4008 & 4010 Chestnut Road Baltimore, Maryland 21220 \_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ Oct. 28, 1998 \_\_\_\_\_  
(Month, Day, Year)

Sincerely,

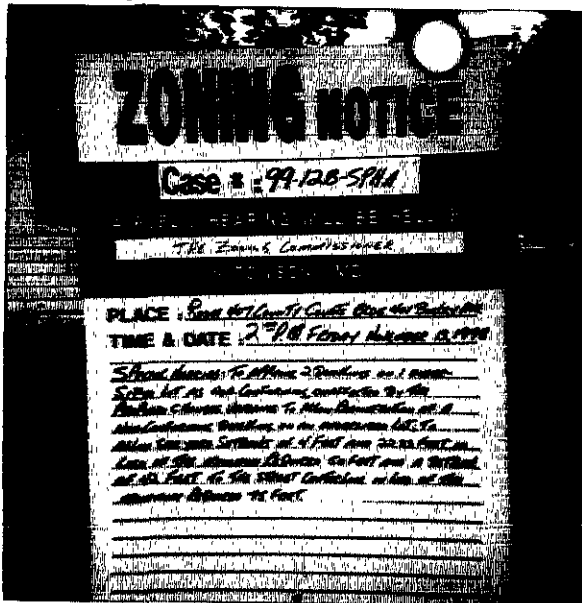
*Thomas P. Ogle, Sr.*  
\_\_\_\_\_  
(Signature of Sign Poster & Date)

\_\_\_\_\_  
Thomas P. Ogle, Sr.

\_\_\_\_\_  
325 Nicholson Road

\_\_\_\_\_  
Baltimore, Maryland 21221

\_\_\_\_\_  
(410)-687-8405  
(Telephone Number)



RE: PETITION FOR SPECIAL HEARING  
PETITION FOR VARIANCE  
4008 & 4010 Chestnut Road, N/S Chestnut Rd,  
38' W of c/A Chestnut Rd, 15th Election District,  
5th Councilmanic

Legal Owners: David H. and Mary F. Drummond

Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case Number: 99-128-SPHA

\* \* \* \* \*

**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 22<sup>nd</sup> day of October, 1998, a copy of the foregoing Entry of Appearance was mailed to Joe McGraw, JST Engineering Co., Inc., 6912 N. River Drive Road, Baltimore, MD 21219, representative for Petitioner(s).

*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  
pdmlandacq@co.ba.md.us

October 19, 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: 99-128-SPHA  
4008 & 4010 Chestnut Road  
N/S Chestnut Road, 38' W of centerline Chestnut Road  
15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owner: David H. Drummond & Mary F. Drummond

Special Hearing to approve 2 dwellings on 1 undersized lot as non-conforming, unaffected by the proposed changes. Variance to allow reconstruction of a non-conforming dwelling on an undersized lot; to allow side yard setbacks of 4 feet and 22.33 feet in lieu of the minimum required 50 feet; and a setback of 42 feet to the street centerline in lieu of the minimum required 75 feet.

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

A handwritten signature in black ink that reads "Arnold Jablon" with the number "39" written below it.

Arnold Jablon  
Director

c: Mary F. & David H. Drummond  
JST Engineering Company, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY OCTOBER 29, 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.

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



TO: PATUXENT PUBLISHING COMPANY  
October 29, 1998 Issue - Jeffersonian

Please forward billing to:

Joe McGraw 410-335-9142  
c/o JST Engineering Co., Inc.  
6912 North River Drive  
Baltimore, MD 21220-1059

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## 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: 99-128-SPHA  
4008 & 4010 Chestnut Road  
N/S Chestnut Road, 38' W of centerline Chestnut Road  
15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owner: David H. Drummond & Mary F. Drummond

Special Hearing to approve 2 dwellings on 1 undersized lot as non-conforming, unaffected by the proposed changes. Variance to allow reconstruction of a non-conforming dwelling on an undersized lot; to allow side yard setbacks of 4 feet and 22.33 feet in lieu of the minimum required 50 feet; and a setback of 42 feet to the street centerline in lieu of the minimum required 75 feet.

HEARING: Friday, November 13, 1998 at 2:00 p.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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: # 128

Petitioner: DAVID

Address or Location: \_\_\_\_\_

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: JOE McGRATH % JST ENGINEERING Co., INC.

Address: 6912 NORTH RIVER DRIVE  
BALT. MD. 21220-1059

Telephone Number: 410 335-9142

Revised 2/20/98 - SCJ

**99.128-SPHA**

and

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.: 99-128-SPHA

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

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: *A special hearing to approve 2 dwellings (existing) on 1 undersized lot as a non-conforming use; that the sale of lot #131 did not effect the status of this use and that razing 1 dwelling and reconstructing a larger one in a different location will not effect a non-conforming use. AND A VARIANCE TO allow reconstruction of a non conforming dwelling on an undersized lot with side yard setbacks of 4 ft and 22.33 ft and a 42 ft setback to the street centerline in lieu of the minimum 50 ft each & 75 ft respectively and any other Variances deemed necessary by the Zoning Commission.*

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, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: October 21, 1998

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

SUBJECT: Zoning Advisory Committee Meeting  
for October 19, 1998  
Item No. 128

The Development Plans Review Division has reviewed the subject zoning item. This site must conform to the panhandle lot regulation requiring "each lot of less than three acres shall include an in-fee strip of land providing access to the local street".

Chestnut Road is an existing road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

Panhandles shall be a minimum of 20 feet in width to serve one lot and a minimum of 24 feet in width to serve two lots. For three or more lots in the rural area, 10 feet in width per lot is required; and in the urban area, 12 feet per lot is required. The Developer shall be required to provide a paved panhandle drive where more than one lot is to be served prior to occupancy.

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.

Each lot must have its own water and sewer house connection and is required to pay a systems connection charge at the current rate.

RWB:HJO:jrb

cc: File

ZONE1019.128



**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor  
David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Date: 10.13.95

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

RE: Baltimore County  
Item No. 128 JJS

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

*P. J. Burns*  
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**

Date: October 26, 1998

TO: Arnold Jablon  
FROM: R. Bruce Seeley *RB/JS*  
SUBJECT: Zoning Item #128

Drummond Property - 4008 & 4010 Chestnut Road

Zoning Advisory Committee Meeting of October 13, 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  GWM: An evaluation of the septic system will be required prior to building permit approval.

*Jim*  
*11/13*

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**Date:** October 20, 1998

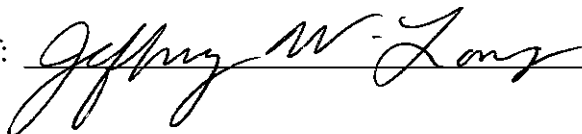
**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** Zoning Advisory Petitions Item No.128

The Office of Planning recommends approval of the subject undersized lot request (see attached) and any accompanying zoning relief pertaining to the subject property.

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Baltimore County  
Fire Department

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

October 29, 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 October 13, 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:

121, 128, 129, 132, 134, 136, 137, 138,

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

cc: File



Variance # 99-1287

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

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:

DAVID H. & MARY F. DRUMMOND 1220 MARSTEN COURT BELAIR MD, 21015 410-838-8461  
First Name of Applicant Address Telephone Number  
 Lot Address 1008 & 1010 CHESTNUT ROAD Election District 15<sup>TH</sup> Council District 5<sup>TH</sup> Square Feet 16,075<sup>1</sup>/<sub>2</sub> Sq. Ft.  
Lot Location NE S W/ side/ corner of CHESTNUT ROAD, 38<sup>1</sup>/<sub>2</sub> feet from NE S W corner of CHESTNUT ROAD  
(Street) (Street)  
Land Owner DAVID H. & MARY F. DRUMMOND Tax Account Number 15-1523000120  
Address 1220 MARSTEN COURT Telephone Number 410-838-8461  
BEL AIR, MD, 21015

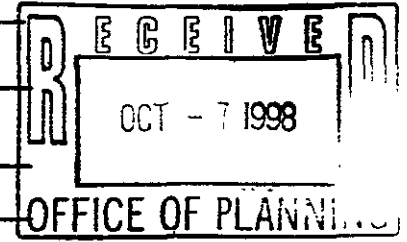
CHECKLIST OF MATERIALS: to be submitted for design review by the Office of Planning & Community Conservation

|  | PROVIDED?                           | NO                                  |
|--|-------------------------------------|-------------------------------------|
| 1. This Recommendation Form (3 copies)           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 2. Permit Application                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 3. Site Plan                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Property (3 copies)                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Topo Map (available in Rm 206 C.O.B.) (2 copies) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| (please label site clearly)                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 4. Building Elevation Drawings                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Photographs (please label all photos clearly) | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Adjoining Buildings                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Surrounding Neighborhood                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

Residential Processing Fee Paid  
Codes 030 & 080 (SAS)

Accepted by: \_\_\_\_\_  
ZADM

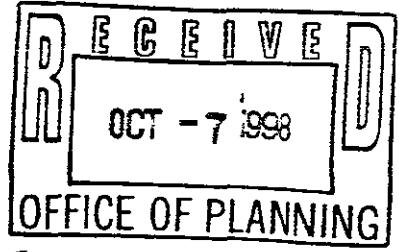
Date: \_\_\_\_\_



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: Jeffrey M. Long 10/20/98 Date:  
Office of Planning & Community Conservation  
Revised 8/5/95

photograph

Case 99-128-  
SPNA

10/10/10  
10/10/10  
10/10/10

10/10/10

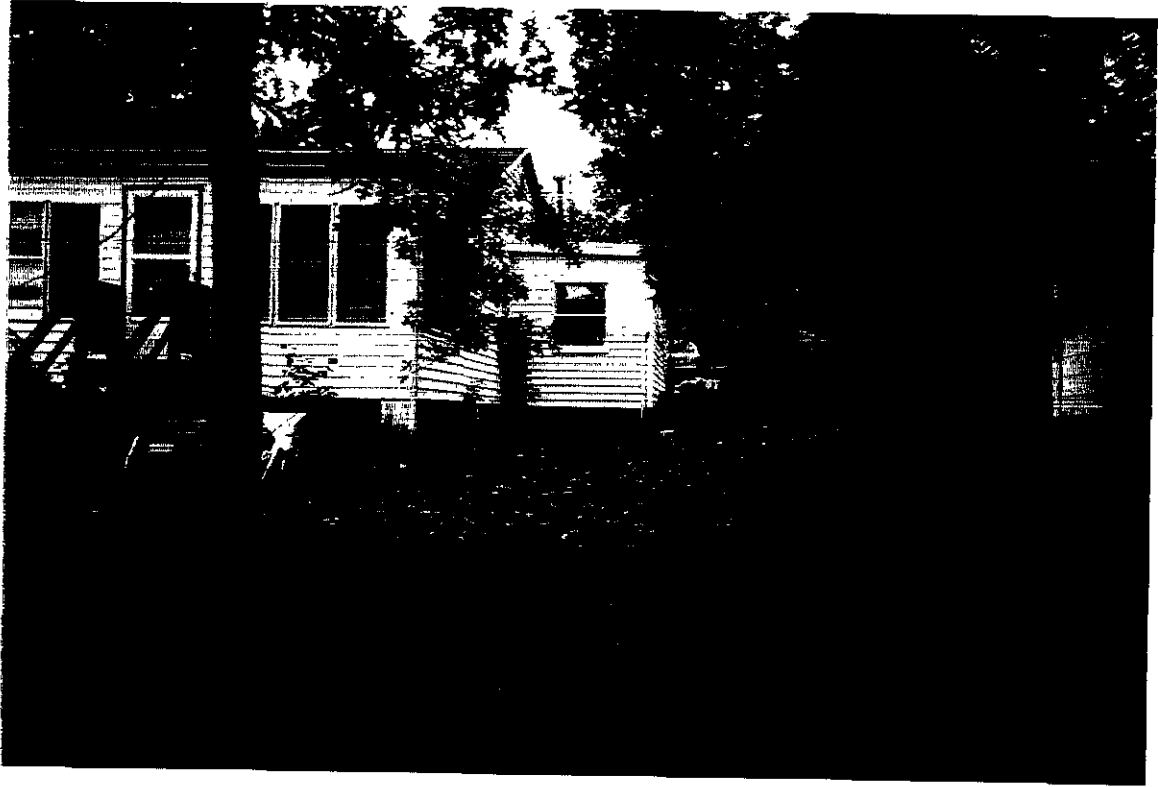


10/10/10







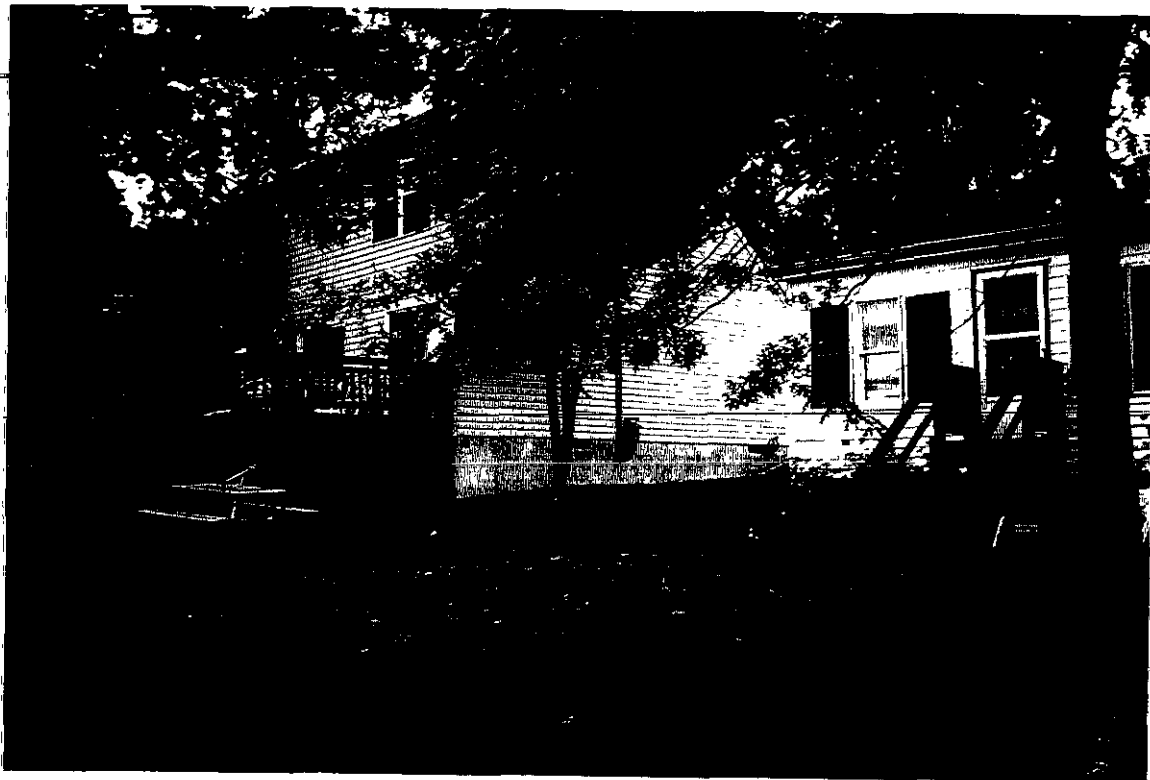


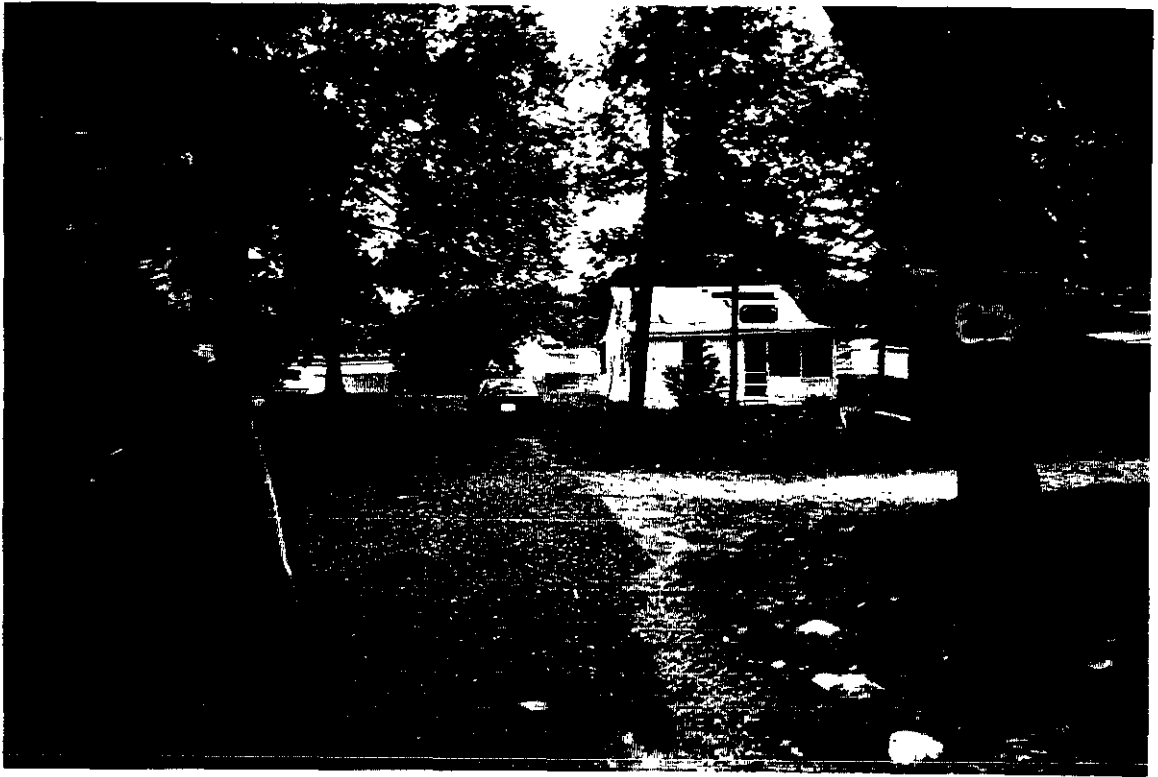










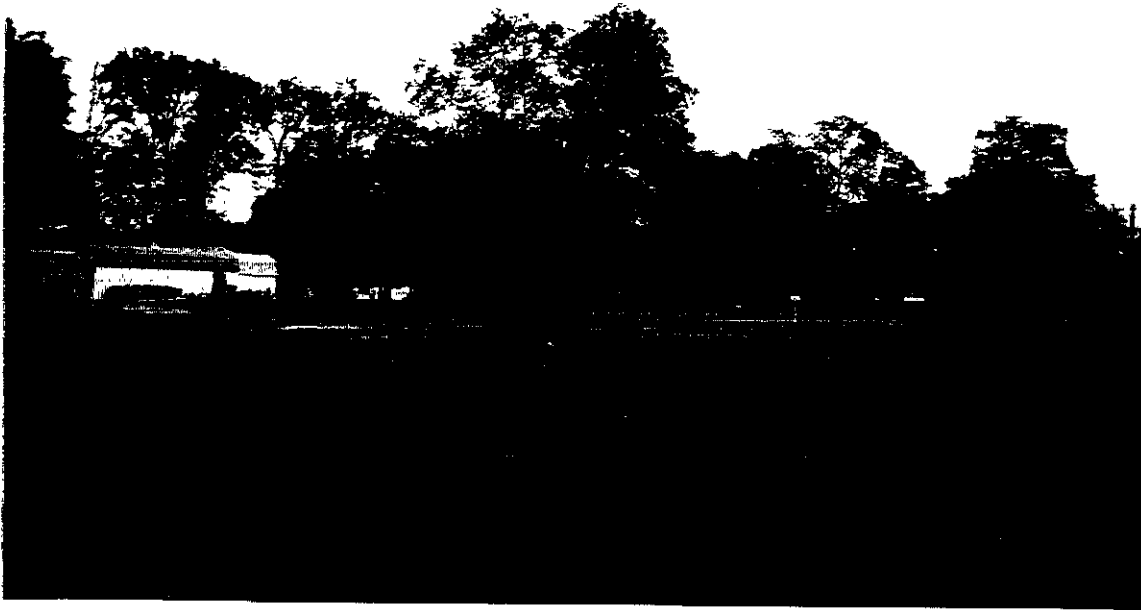














SENECA CREEK

Zone A10  
Zone B

GRANITE  
BLOCK BULKHEAD

WATER LINE

CONC.  
BLOCK BULKHEAD

LOT 129  
Zone A10  
Zone B

LOT 130  
WOOD STEPS  
EXISTING  
1 STORY  
FRAME

LOT 131  
ENCLOSED  
PORCH  
1 STORY  
FRAME  
Dwelling  
SCREENED  
PORCH

LOT 132  
Zone B  
Zone C

Zone A10  
Zone B

Zone B  
Zone C

302'

Ex. Hedge row  
& partial fence

NOTE: ENCROACHMENTS ON  
LOT LINES ARE AS  
SHOWN, THE EXTENT  
OF THESE ENCROACHMENTS  
CAN ONLY BE DETERMINED  
BY AN ACCURATE  
BOUNDARY SURVEY.

Zone C  
Zone C

METAL COVERED  
FRAME SHED

N 26°-31' E

N 26°-31' E

N 26°-31' E

DRIVE

6.5' STAKE

50'

N 62°-59' W

100'

# 4008  
PROPOSED  
2 STORY  
DWELLING  
23' 8"

1 STORY  
FRAME  
Dwelling

FRAME  
SHED

FRAME SHED

FRAME  
2 1/2 HOUSES

↑  
RAMP  
GARAGE

Note: Flood Zone lines  
were scaled from below  
referred F.E.M.A. Map  
The lots shown hereon  
are in Flood Zones A10, B1C  
per F.E.M.A. Flood  
Insurance Rate Map  
Panel # 240010-0455B.

HOUSE LOCATION  
#4010 & #4012 CHESTNUT ROAD  
LOTS 130 & 131  
"BOWLEYS QUARTER, PLAT No. 2"  
PLAT REF: W.P.C. 7 FOLIO 13  
BALTIMORE COUNTY  
MARYLAND  
SCALE: 1"=30' SEPT. 24, 1992

UPDATE OF #4012 CHESTNUT ROAD  
LOT 131 "BOWLEY'S QUARTER'S  
PLAT No. 2" PLAT REF: W.P.C. 7/13  
DEED REF: S.M. 9462/224  
DECEMBER 9, 1993

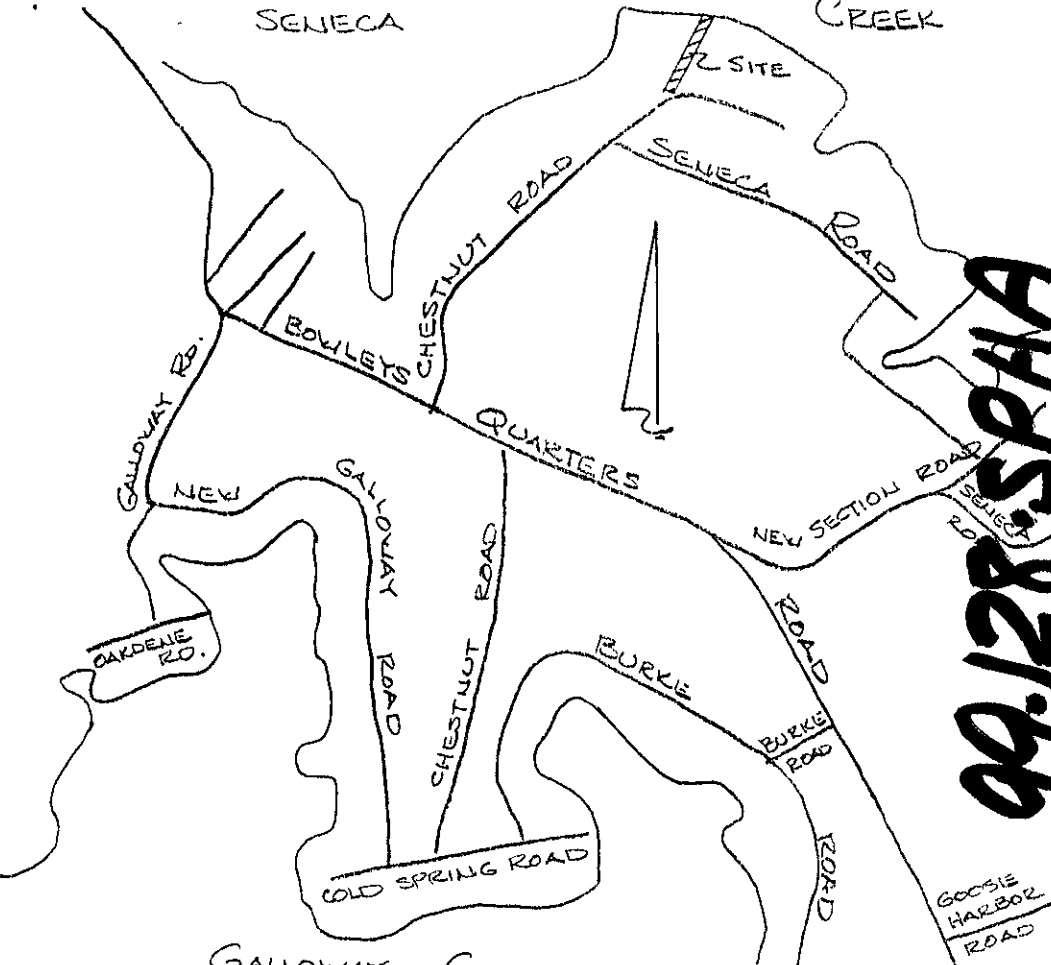
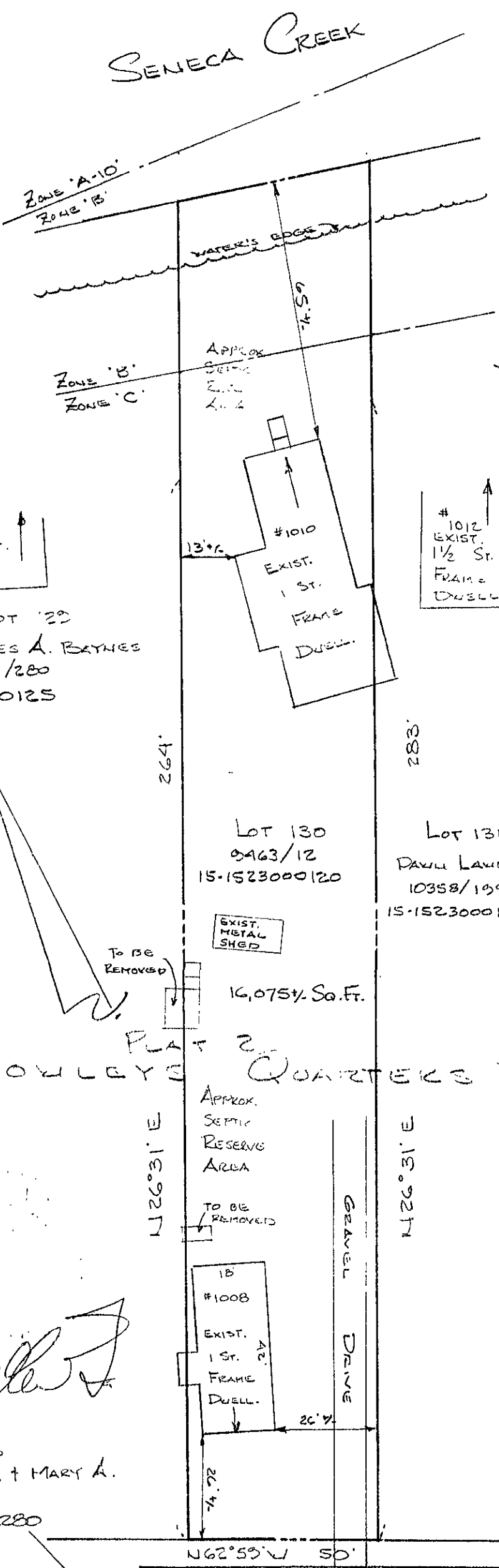
REV. 1-10-94

CHESTNUT ROAD

THE INFORMATION ON THIS PLAT SHOWS  
ONLY THAT THE IMPROVEMENTS INDICATED  
HEREON ARE CONTAINED WITHIN THE OUT-  
LINES OF THE LOT UPON WHICH THEY ARE  
ERECTED, AND IS NOT TO BE CONSTRUED  
AS AN ESTABLISHMENT OF PROPERTY LINES.

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
320 E. Towsontown Blvd.  
Suite 100  
TOWSON, MD 21286

99.128.S.P.A.A



VICINITY SKETCH  
SCALE: 1"=1000'

NOTES:

1. ZONING: R.C. 5
2. LOT IS SERVICED BY WATER IN CHESTNUT ROAD.
3. LOT CURRENTLY UTILIZES PRIVATE SEPTIC SYSTEMS BUT WILL SOON BE SERVICED BY PUBLIC SEWER IN CHESTNUT ROAD.
4. THE FLOOD ZONES SHOWN HEREON WERE SCALED FROM F.E.M.A.'S FIRM - COMMUNITY PANEL #240010.0435 B, DATED MARCH 2, 1981.
5. THERE ARE NO KNOWN PRIOR ZONING HEARINGS FOR THIS SITE.
6. THIS SITE CAN BE FOUND ON BALTIMORE COUNTY'S 200 SCALE ZONING PLAT U.E. 3-L.
7. OWNER: DAVID H. + MARY F. DRUMMOND

LOT 123  
CHARLES A. BAYNES  
8407/280  
15-1523000125

LOT 130  
8463/12  
15-1523000120

LOT 131  
DAVID LAWRENCE  
10358/199  
15-1523000121

LOT 123  
WILLIAM E. + MARY A. WALTER  
15-1523002280

EXIST.  
1 ST.  
FRAME  
DWELL.

*[Signature]*  
#128

PLAN TO ACCOMPANY SPECIAL HEARINGS + VARIANCE HEARING FOR DAVID H. + MARY F. DRUMMOND 1008 + 1010 CHESTNUT ROAD 15<sup>TH</sup> ELECTION DISTRICT 5<sup>TH</sup> COUNCILMANIC DISTRICT - BALTIMORE COUNTY, MARYLAND

PLAT PREPARED BY:  
J.S.T. ENGINEERING CO., INC.  
6912 NORTH RIVER DRIVE  
BALTIMORE, MD. 21220  
(410) 335-9142

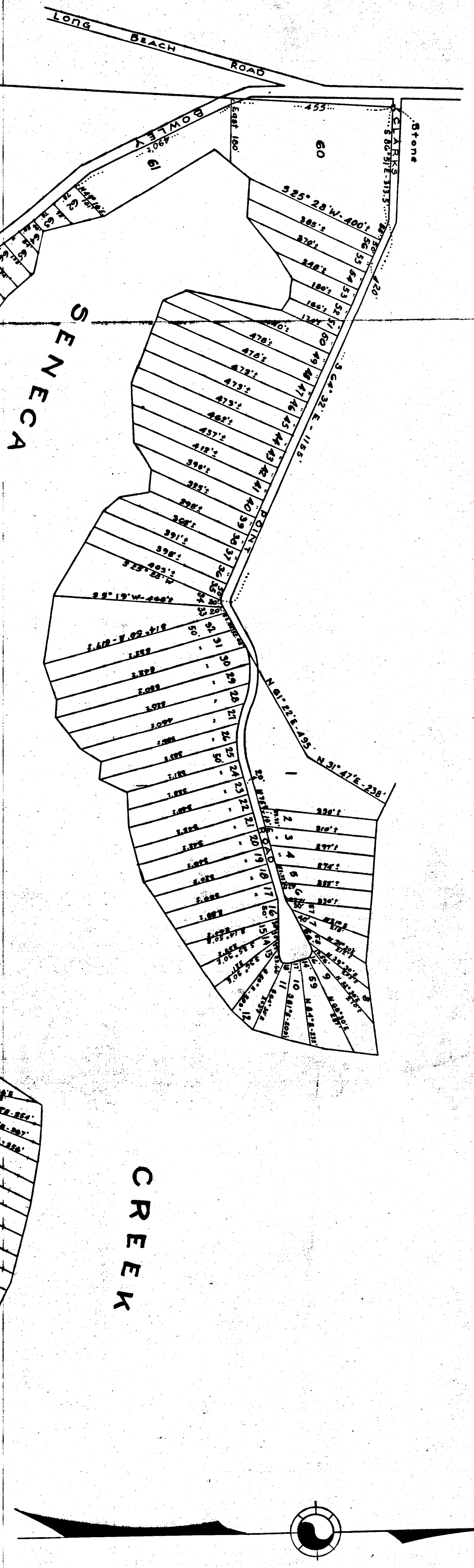
LOT 146A  
CHARLES A. BAYNES  
11096/165  
15-1523000126

SCALE: 1"=30'      DATE: 9-23-83





W.P.C. No 7 PART 1-13



*Plat filed for record  
May 26<sup>th</sup> 1921  
Jed - Wm. P. Boes, Clerk*

• Indicates Location of Stake

**BOWLEYS QUARTER  
PLAT NO 2**

Scale: 300'  
April 16, 1921.  
Edward V. Coonan and Company  
Surveyors and Civil Engineers  
Baltimore, Md.

