

IN RE: PETITION FOR VARIANCE
SE/S Poplar Road, 920' NE of the c/l
River Road
(2406 Poplar Road)
15th Election District
5th Council District

Mark W. Dickerson
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-454-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mark W. Dickerson. The Petitioner seeks relief from Sections 1A04.3.B.1, and 2, and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 22,733 sq.ft. in lieu of the minimum required 1 acre, lot line setbacks of 14 feet in lieu of the required 50 feet, and to approve the subject property as an undersized lot, and any other relief deemed necessary by the Zoning Commissioner. 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 requisite public hearing in support of the request were Mark Dickerson, property owner, Joseph McGraw, Registered Property Line Surveyor who prepared the site plan for this property, and Buck Jones, Builder. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property consists of two waterfront lots, namely Lots 121 and 122 of Cedar Beach, located in southeastern Baltimore County on Sue Creek. As is often the case with older subdivisions, Cedar Beach was platted with small, narrow lots, and recorded in the Land Records of Baltimore County many years ago, prior to the enactment of the zoning regulations. Collectively, Lots 121 and 122 contain a combined gross area of 22,733 sq.ft. (0.5219 acres), with a width of 100 feet and an average depth of

ORDER RECEIVED FOR FILING
Date 6/14/00
By [Signature]

approximately 250 feet, zoned R.C.5. The Petitioner is desirous of developing the property with a single family dwelling in accordance with the site plan submitted into evidence as Petitioner's Exhibit 1. Due to the overall size of the property and its zoning classification, the requested variance relief is necessary in order to proceed with development as proposed.

It is to be noted that Lot 122 was the subject of prior zoning Case No. 98-448-A in which the Petitioner came before me seeking similar relief to permit development of that lot with a single family dwelling. I denied the relief sought in that case, due to the many site constraints associated with the property. Aside from the fact that the property was too small, testimony at that hearing disclosed that Mr. Dickerson also owned adjacent Lot 121, which was also unimproved at that time. Moreover, the owner of adjacent Lot 123 (John G. Matoska) was opposed to the request, and there were adverse comments submitted by the Office of Planning, which indicated that the property was not currently served by public water and sewer, although extensions/installations were going on in the area. In addition, development of the property was subject to Chesapeake Bay Critical area requirements due to its location adjacent to Sue Creek. Furthermore, a utility easement bisected this lot which further limited development possibilities. It was subsequently suggested that the Petitioner combine the two lots into one parcel, which might increase his chances of gaining approval for development, even though such a combination might not meet all of the requirements.

Apparently, the Petitioner has taken this advice and combined the two lots. He now comes before me seeking relief as set forth above. In the instant case, testimony and evidence presented indicates that there is no opposition to the request by any adjacent property owner and there were no adverse comments submitted by any Baltimore County reviewing agency. Moreover, the Petitioner has submitted building elevation drawings of the proposed dwelling to the Office of Planning, which approved same on June 6, 2000 as being consistent with the character of the neighborhood. Furthermore, public water and sewer facilities are now available for this site. Thus, it appears that relief can be granted without causing any detriment to the surrounding locale. However, as in the prior case, any development on this property is subject to compliance with

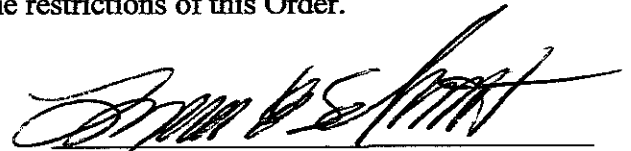
ORDER RECEIVED FOR FILING
Date _____
By _____

Critical Areas requirements. Thus, approval of the relief requested shall be conditioned upon Petitioner's compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to mitigate any impacts the proposed development might have on the Chesapeake Bay and its tributaries.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of June, 2000 that the Petition for Variance seeking relief from Sections 1A04.3.B.1 and B.2, and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot area of 22,733 sq.ft. in lieu of the minimum required 1 acre, lot line setbacks of 14 feet in lieu of the required 50 feet, and to approve the subject property as an undersized lot to permit development of same with a single family 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) The proposed dwelling shall be constructed in accordance with the building elevation drawings submitted to and approved by the Office of Planning on June 6, 2000.
- 3) Compliance with any recommendations made by the Department of Environmental Protection and Resource Management to insure Chesapeake Bay Critical Areas requirements are met.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/14/00
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 14, 2000

Mr. Mark Dickerson
2402 Poplar Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
SE/S Poplar Road, 920' NE of the c/l River Road
(2406 Poplar Road)
15th Election District – 5th Council District
Mark Dickerson - Petitioner
Case No. 00-454-A

Dear Mr. Dickerson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Joe McGraw, JST Engineering Co., Inc.
6912 North River Drive, Baltimore, Md. 21220
Mr. Buck Jones, 500 Vogts Lane, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401
DEPRM; OP; People's Counsel; Case File

Census 2000

For You, For Baltimore County

Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2406 POPLAR ROAD

which is presently zoned R.C. 5

This Petition shall be filed with the Department of Permits and 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.B1, 1A04.3 B.2, and 304 to permit a lot area of 22,733 sq ft in lieu of 1 acre, lot line setbacks of 14 ft. in lieu of 50 ft, and approve an undersized lot or any relief determined by the Zoning Commissioner.

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

TO BE DETERMINED AT HEARING.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

MARK W. DICKERSON
Name - Type or Print

Mark W Dickerson
Signature

DOIS A. DICKERSON
Name - Type or Print

DECEASED
Signature

2402 POPLAR ROAD 410-687-6868
Address Telephone No.

BALT. MD. 21221
City State Zip Code

Representative to be Contacted:

JOE MCGRAW & SONS ENGR. Co., INC.
Name

6912 NORTH RIVER DR. 410-335-9142
Address Telephone No.

BALT. MD. 21220
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1-2 hr

UNAVAILABLE FOR HEARING
Reviewed By mta Date 5/15/02

* undersize info to Planning

ORDER RECEIVED FOR FILING

Date 5/15/02
By [Signature]

Case No. 00-454-A

REC-9/15/98

ZONING DESCRIPTION FOR 2406 Poplar Road

Beginning at a point on the southeast side of Poplar Road which is 30 feet wide at the distance of 920 feet northeast of the centerline of the nearest improved street River Road which is 30 feet wide. Being Lots 121 & 122, in the subdivision of Cedar Beach as recorded in Baltimore County Plat Book #7, Folio # 186 containing 22,748 more or less square feet. Also known as 2406 & 2408 Poplar Road and located in the 15TH Election District, 7TH Councilmanic District.



454
00-454-A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **081317**

DATE 5/2/00 ACCOUNT R001-6150

RECEIVED FROM: T.S.T AMOUNT \$ 50.00

FOR: Res. Ver. - 010 - B.S.U.M.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACHEQ. TIME
5/02/2000 5/03/2000 15:13:46
REG 4801 CASHIER DEPT JMR BRANER
DEPT 5 520 ZIMMING VERIFICATION
Receipt # 146180 01:11
CR NO. 081317

Receipt for \$0.00
50.00 OK
JMO CM
BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

00-454-A

CERTIFICATE OF POSTING

**RE: CASE #00-454-A
PETITIONER/DEVELOPER
(Mark W. Dickerson)
DATE OF Hearing
(6-13-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

2406 Poplar Road Baltimore, Maryland 21221_____

THE SIGN(S) WERE POSTED ON _____ **5-26-00** _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ **THOMAS P. OGLE SR.** _____

_____ **325 NICHOLSON ROAD** _____

_____ **BALTIMORE, MARYLAND 21221** _____

_____ **410-687-8405** _____
(TELEPHONE NUMBER)

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 #00-154-A

2406 Poplar Road
SE/S Poplar Road 920 NE of remaining River Road
5th Election District, in Connellys Run District

Legal Owner(s) Doris A. & Mark W. Dickerson

Variance: to permit a lot area of 22,739 square feet in lieu of 1 acre lot line setback of 14 feet, as determined by the Zoning Commission.

Approval: on, under the lot or any other determination by the Zoning Commission.
Hearing: Tuesday, June 13, 2000 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations, please contact the Zoning Commission's Office at (410) 887-4988.
(2) For information concerning the hearing, contact the Zoning Review Office at (410) 887-3399. C3883222
5/24/00 May 25

CERTIFICATE OF PUBLICATION

TOWSON, MD, 5/26/, 2000

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 5/25/, 2000.

S. Williams
THE JEFFERSONIAN,

LEGAL ADVERTISING

RE: PETITION FOR VARIANCE
2406 Poplar Road, SE/S Poplar Rd,
920' NE of c/l River Rd
15th Election District, 7th Councilmanic


Legal Owner: Mark W. & Doris A. Dickerson
Petitioner(s)

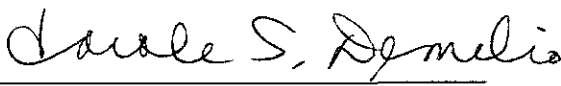
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-454-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

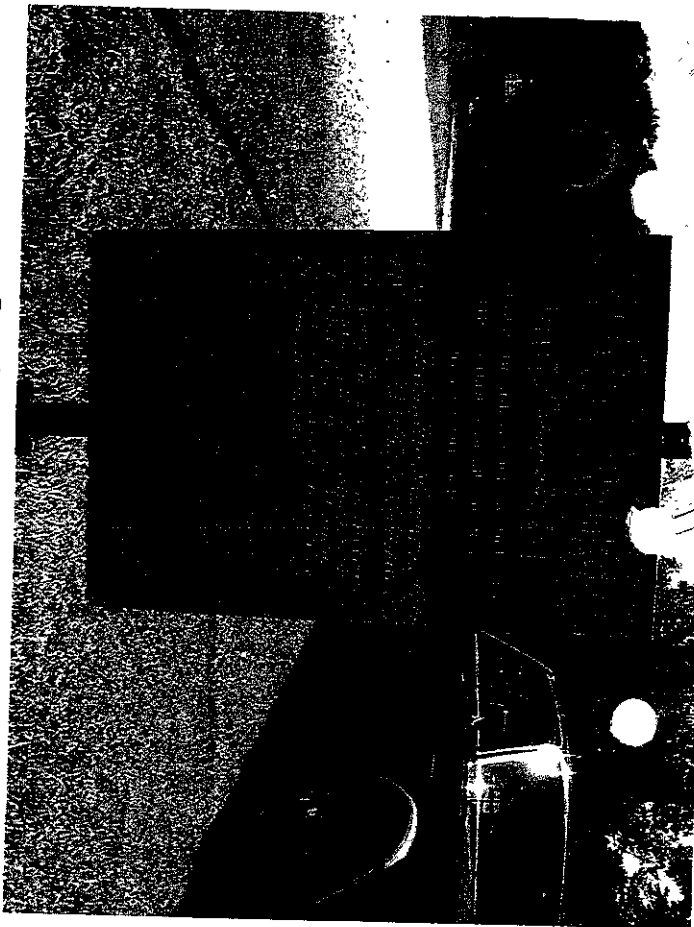

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


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 22nd day of May, 2000 a copy of the foregoing Entry of Appearance was mailed to Joe McGraw, JST Engineering Co., Inc., 6912 N. River Drive, Baltimore, MD 21220, representative for Petitioners.


PETER MAX ZIMMERMAN



Posted at 2406 Poplar Road



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

May 18, 2000

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: 00-454-A
2406 Poplar Road
SE/S Poplar Road, 920' NE of centerline River Road
15th Election District – 7th Councilmanic District
Legal Owner: Doris A. & Mark W. Dickerson

Variance to permit a lot area of 22,733 square feet in lieu of 1 acre, lot line setbacks of 14 feet in lieu of 50 feet, and to approve an undersized lot or any relief determined by the Zoning Commissioner.

HEARING: Tuesday, June 13, 2000 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with a small "scj" written below it.

Arnold Jablon
Director

C: Mark Dickerson, 2402 Poplar Road, Baltimore 21221
Joe McGraw, JST Eng. Co. Inc., 6912 North River Drive, Balto. 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 29, 2000.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, May 25, 2000 Issue – Jeffersonian

Please forward billing to:

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

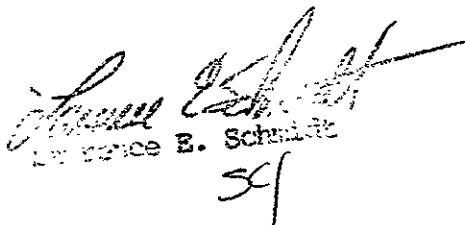
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HEARING: Tuesday, June 13, 2000 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue



Lawrence E. Schmidt
30

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW 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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

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

 ARNOLD JABLON, DIRECTOR

 For newspaper advertising:

Item No.: 454

Petitioner: MARK W. DICKERSON

Location: 2406 POPLAR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JST ENGINEERING Co., Inc. % JOE McGRAW

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

PHONE NUMBER: 410-335-9142

AJ:ggs

(Revised 09/24/96)

00-454-A



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

June 8, 2000

Mr. Joe McGraw
JST Eng. Co. Inc.
6912 North River Drive
Baltimore MD 21220

Dear Mr. McGraw:

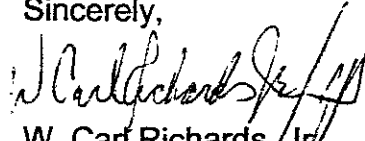
RE: Case Number 00-454-A , 2406 Poplar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 5, 2000.

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, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Census 2000

For You, For Baltimore County

Census 2000



Baltimore County
Fire Department

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

May 16, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 15, 2000

Item No.: See Below

Dear Ms. Stephens:

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:

447, 449, 450, 451, 452, 454, 455, 456, 459, 460, 461, 446

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt. **DATE:** July 14, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2000
Item No. 454

The Bureau of Development Plans Review has reviewed the subject zoning item. The *State Department of the Environment* construction permits for water and sewer mains that are larger than 15 inches in diameter and for pumped sewer systems (including grinder pumps) will be obtained through the *Baltimore County Department of Public Works* after approval of the construction drawings.

All construction drawings and construction for public use shall conform with *Baltimore County Department of Public Works' Design Standards and Standard Specifications and Details for Construction*.

The developer shall be responsible for damages to the county's facilities, such as water meters, manholes, curbs and gutters and inlets within his subdivision. Occupancy permits will be withheld until such damages have been corrected.

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.

The rear of buildings may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard. See *Plate D19* in the *Baltimore County Design Manual*.

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.

The buildings engineer shall require a permit for all development, storage of equipment and materials, or placement of manufactured homes in the flood plain area; and the permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

RWB:HJO:jrb

cc: File

ZAC-5-22-2000-ITEM 454.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *AMS*
DATE: May 19, 2000
SUBJECT: Zoning Item #454
2406 Poplar Road

Zoning Advisory Committee Meeting of May 15, 2000

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

Reviewer: Keith Kelley

Date: May 18, 2000

Les
6/13

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 15, 2000

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

MAY 15

SUBJECT: 2406 Poplar Road

INFORMATION:

Item Number: 454

Petitioner: Mark W. Dickerson and Doris A. Dickerson

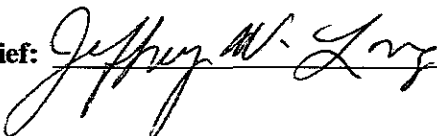
Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a lot size of 22,733 square feet in lieu of an acre, and a lot line setback of 14 feet in lieu of the minimum required 50 feet.

Prepared by:  _____

Section Chief:  _____

AFK:MAC:

TO: Director, Office of Planning & Community Conservation
 Attention: Jeffrey Long
 County Courts Building, Room 406
 401 Bosley Avenue
 Towson, MD 21204

Permit or Case No. 00-454-A

Residential Processing Fee Paid
 (\$50.00)
 Accepted by MJL
 Date 5/5/00

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 and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Mark Dickerson 2402 Poplar Road (410) 687-6868
 Print Name of Applicant Address Telephone Number

Lot Address 2406 Poplar Road Election District 15 Councilmanic District 7 Square Feet 22,733

Lot Location: NE SW side/corner of Poplar Road 920 feet from NE SW corner of River Road
 (street) (street)

Land Owner: Mark Dickerson Tax Account Number 15-13208373
15-13208374

Address: 2402 Poplar Road Telephone Number (410) 687-6868

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
 PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<u>N/A</u>	<input type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (2 copies): available in Room 206, County Office Building - (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"/>
6. Current Zoning Classification: <u>RC5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

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

See comment in Item No. 454

Signed by Jeffrey W Long
 for the Director, Office of Planning and Community Conservation

Date: 6/6/00

Revised 2/25/99

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A
 BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 5.15.00

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

RE: Baltimore County
Item No. 454 MTK

Dear Ms. Jackson:

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,

A handwritten signature in cursive script, appearing to read 'K. A. McDonald Jr.'.

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 E/S Popular Rd., 920 ft. N * ZONING COMMISSIONER
 of River Road *
 2408 Popular Road *
 15th Election District * OF BALTIMORE COUNTY
 7th Councilmanic District *
 Legal Owner: Mark Dickerson * Case No. 98-448-A
 Contract Purchaser: Gregg Girard
 Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance, for the property known as lot 122 of the subdivision of Cedar Beach, (also known as 2408 Popular Road) located in eastern Baltimore County. The Petition was filed by Mark Dickerson, property owner. Variance relief is sought pursuant to Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow side yard setbacks of 10 ft. and a rear yard setback of 30 ft., in lieu of the 50 ft. required for each in an R.C.5 zone. Also, relief is requested to approve an undersized lot. The subject property and requested relief are more particularly shown on Petitioner's Exh. No. 1, the plat to accompany the Petition for Variance.

This matter came in for public hearing on July 13, 1998. This case was part of a single public hearing for six different cases in which Mark Dickerson was the Petitioner. This opinion relates only to case No. 98-448-A and the property known as 2408 Popular Road. (lot 122). This property is a separate parcel from the other lots considered at that hearing and does not abut or adjoin any of the other properties which were considered at that time.

The subject lot under consideration is a narrow lot approximately 50 ft. wide and with a depth which ranges from 225 ft. to 247 ft. The property is 11,800 sq. ft. in area (.27 acres). As noted above, the property is located in the Cedar Beach subdivision of eastern Baltimore County with frontage on the Sue Creek. Presently, the property is unimproved.

The Petitioner proposes constructing a single family dwelling thereon. Elevations drawings of the proposed dwelling were submitted at the hearing. Testimony and evidence was also offered by the Petitioner in support of the request.

Opposition to the request was received in the nature of a letter from John G. Matoska, who owns the property immediately adjacent to the subject site. Examination of the subject site shows that Mr. Matoska's lot is known as lot 123 of the Cedar Creek subdivision and is improved with a dwelling known as 2410 Popular Road. Mr. Matoska's letter indicates that the area at large is already over-developed and that the proposal would lead to additional congestion and further pollute the tributaries of the Chesapeake Bay.

An adverse comment was also received from the Office of Planning. That comment indicates that the property could not be developed without an extension of public water and sewer. Although public water and sewer is being installed in this area, the Office of Planning opined that said installation is to correct existing health problems and not to allow or encourage new development. In support of this position, the Office of Planning cites the Baltimore County Master Plan 2000, the 1997 Master Water and Sewer Plan and the Lower Back River Neck Community Action Plan. An examination of other Zoning Plans Advisory Committee (ZAC) comments submitted in this case disclose that any new development would be subject to the Chesapeake Bay Critical Area regulations and local, State and Federal Flood insurance requirements, in that the property is located adjacent to tidewater. It is also noted that a utility easement bisects this site which further limits the development possibilities.

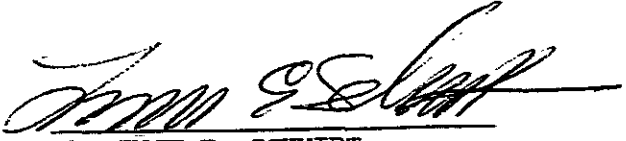
Finally, it is to be noted that the site plan indicates that Mr. Dickerson owns an adjacent lot. Specifically, the plan shows that he owns

lot 121 of the Cedar Beach subdivision. According to the exhibit offered at the hearing, that lot is unimproved. However, it is not the subject to the Petition filed in this case, nor any of the other Petitions which were considered at the single public hearing held on July 14, 1998.

Based upon the testimony and evidence presented, I am persuaded to deny the Petition. There is no rationale offered as to why the Petitioner should not combine lots 121 and 122 for the purpose of development. Even such a combination of lots might not meet all of the requirements of the BCZR and probably be contrary to the position promulgated from the Office of Planning. However, such an approach is not before me. In any event, the current proposal to erect a structure on lot 122 only is unsound. The Petitioner's desire to increase his economic return is not a factor which can support variance relief. In my judgment, such construction would adversely impact the surrounding locale and be generally inconsistent with the spirit and intent of the BCZR. For all of these reasons, the Petition shall be denied.

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 for Baltimore County this 29th day of October 1998 that, pursuant to Section 1A04.3.B.3 of the BCZR, approval to allow side yard setbacks of 10 ft. and a rear yard setback of 30 ft., in lieu of the 50 ft. required for each, for an undersized lot, be and is hereby DENIED.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

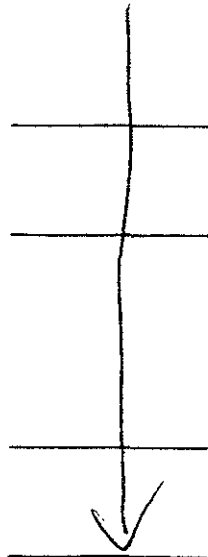
LES/mmn

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 00-454-A

Date Completed/Initials

5/18/00 scj



PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)

DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)

TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)

UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)

COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)

POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)

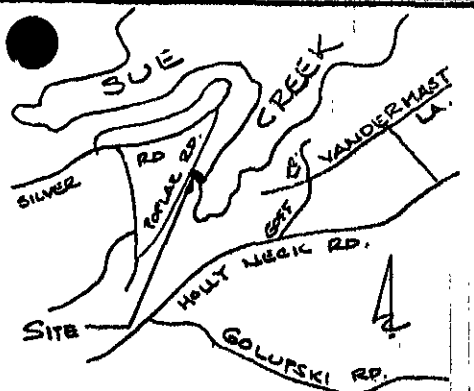
RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)

INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)

ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)

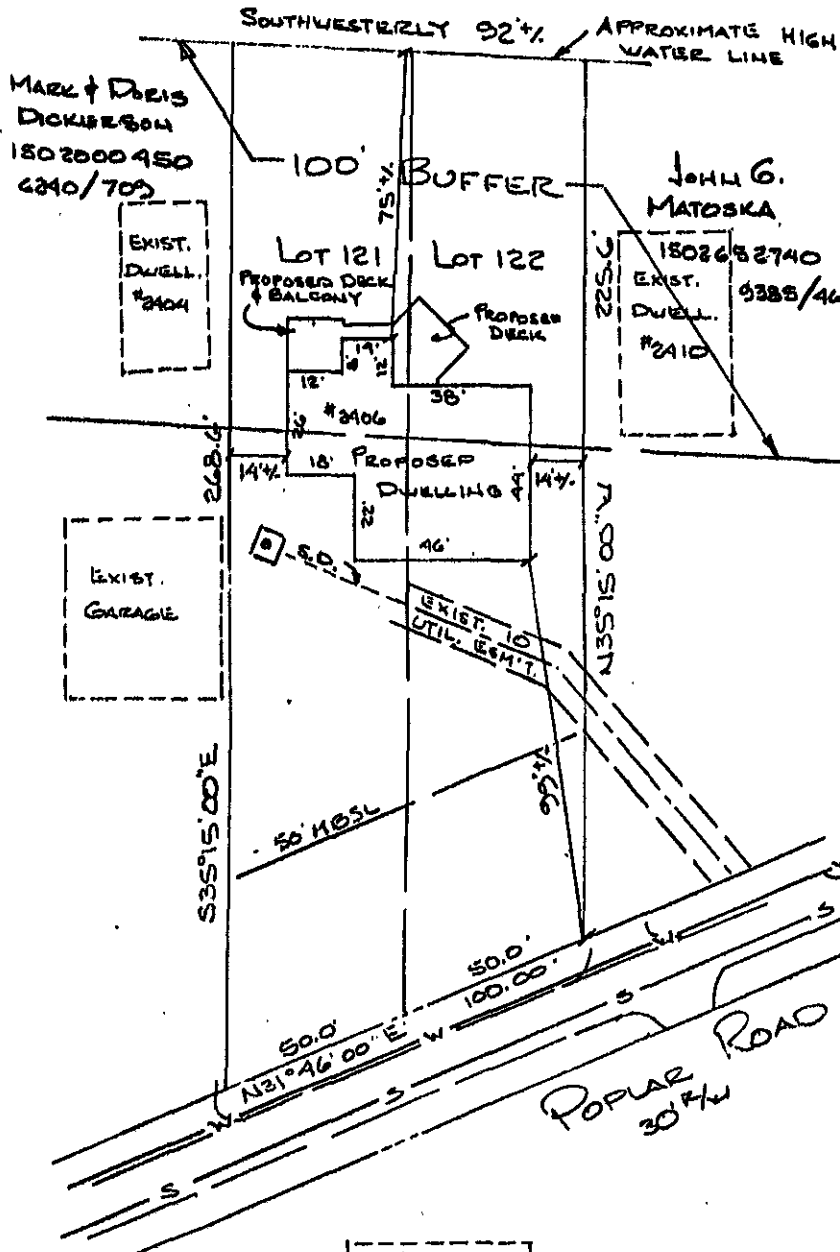
COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)

FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)



VICINITY SKETCH
SCALE: 1" = 1000'

SUE
CREEK

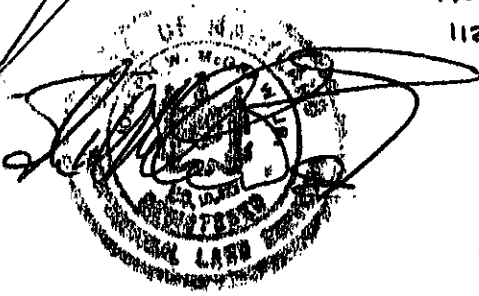


NOTES

1. THIS PROPERTY IS SHOWN ON BALTIMORE COUNTY'S 1" = 200' SCALE MAP SE 2-1.
2. PUBLIC WATER + SEWER ARE AVAILABLE FOR THIS SITE IN POPLAR ROAD.
3. ZONING R.C. S
4. OWNER: MARK + PORIS DICKERSON
2402 POPLAR ROAD
BALT. MD. 21221
5. DEED REF.: 8115/ISS
6. TAX ACCOUNT #'S
15-13208373
15-13208374
7. AREA: 22733 1/2 SQ. FT. NET (0.5219% ACS.)
AREA: 24113 1/2 SQ. FT. GROSS (0.5536% ACS.)
8. PARKING SPACES: 2 SPACES REQUIRED + PROPOSED
9. THERE ARE NO KNOWN PRIOR PERMITS, CRG HEARINGS OR WAIVERS FOR THIS SITE.
10. A PRIOR ZONING HEARING (98-448-A) WAS DENIED FOR THIS SITE.

Handwritten signature

FRANK R. HULSEMAN, JR.
1700010463
11216/225

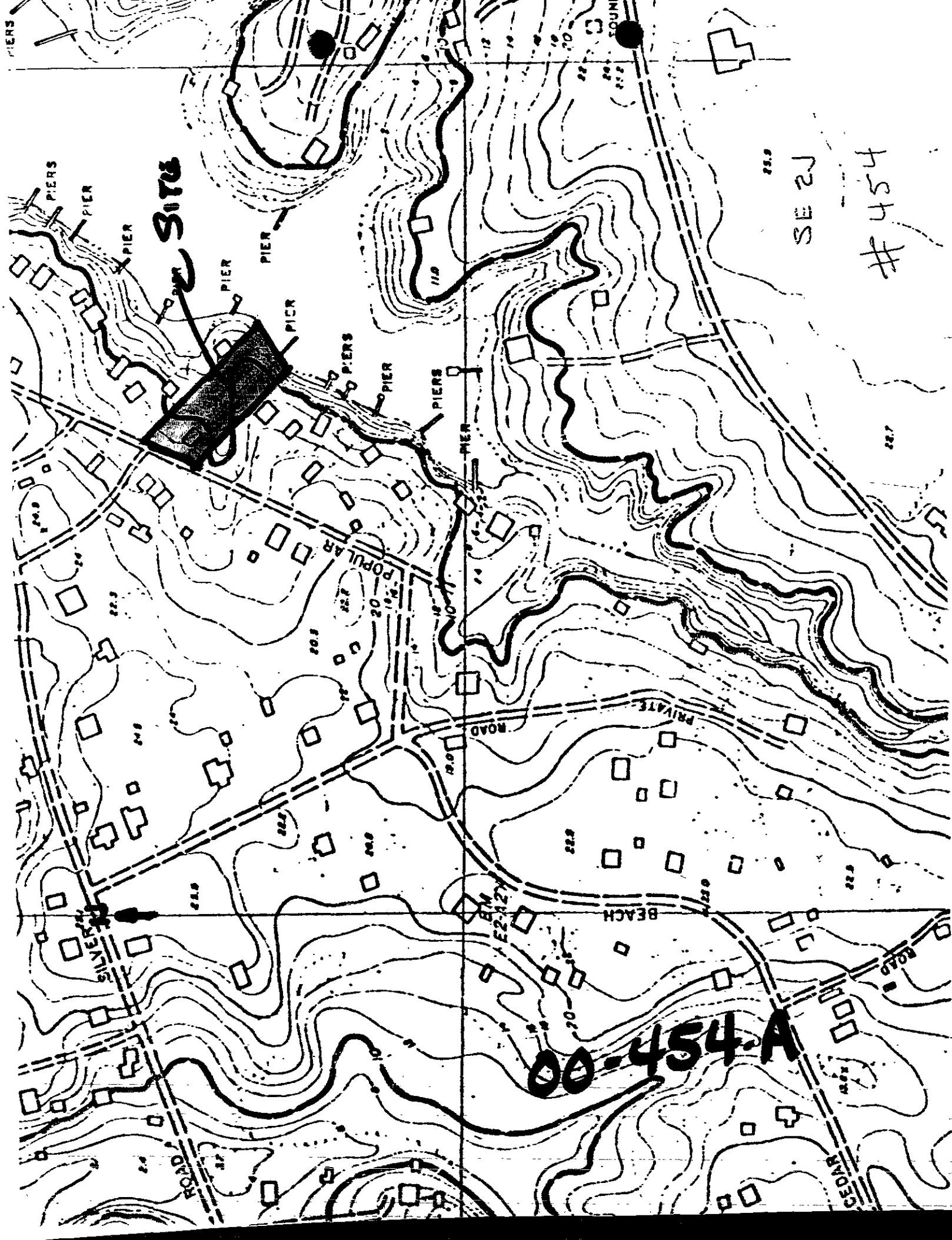


PLAT TO ACCOMPANY PETITION FOR
ZONING VARIANCE
FOR
2406 POPLAR ROAD
LOTS 121 + 122 CEDAR BEACH P.B. 7, F. 186
15TH ELECTION DIST. 7TH COUNCILMANIC DIST.
BALTIMORE COUNTY, MARYLAND

ITEM # 00-454-A

J.S.T. Engineering Co., Inc.
6912 North River Drive
Baltimore, MD. 21220
410 335-9142 Fax 410 335-9144

Scale: 1" = 50' Date: 4-3-00



SITE

SE 2J

#454

00-454-A

PIERS

PIER

PIER

PIER

PIER

PIER

PIERS

PIER

PIERS

PIER

FOUNTAIN

POPULAR

ROAD

PRIVATE

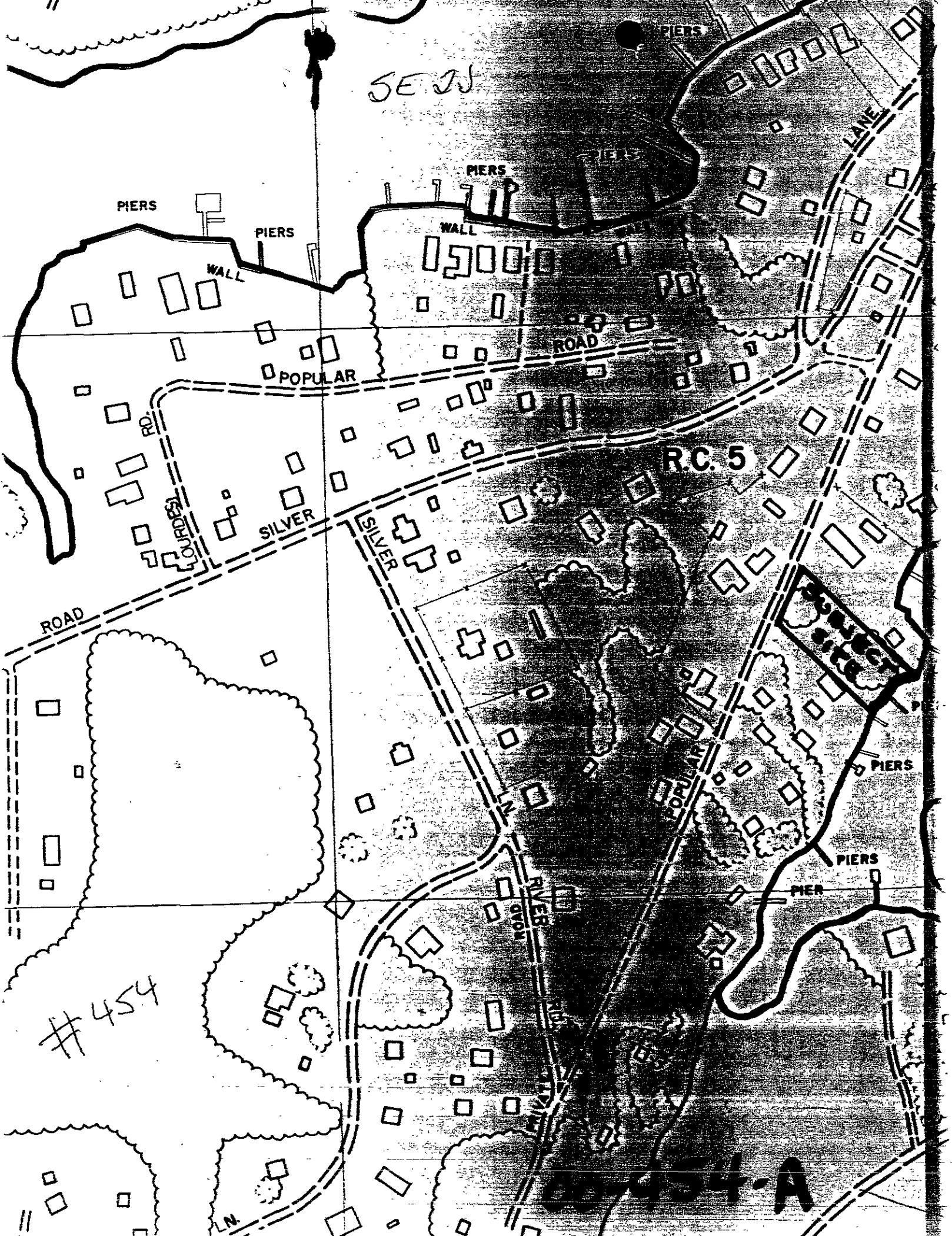
BEACH

SILVER

ROAD

ROAD

SEA



SE 25

PIERS

PIERS

PIERS

WALL

WALL

ROAD

POPULAR

RC. 5

RD

BOURDES

SILVER

SILVER

ROAD

PIERS

PIERS

PIER

RIVER

DRAIN

RIVER

DRAIN

RIVER

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RIVER

DRAIN

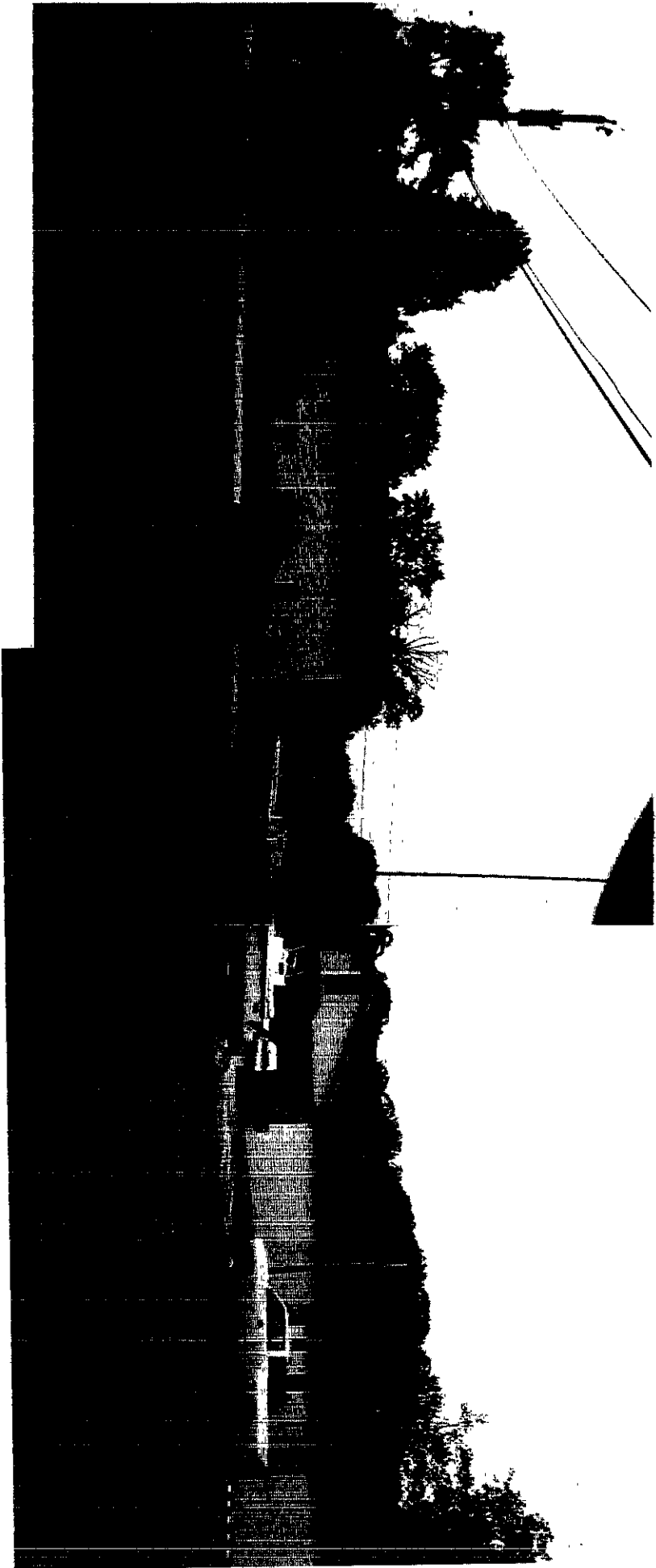
LN

454

454-A



VIEW OF HOUSES ACROSS POPLAR ROAD FROM SITE



PANORAMIC VIEW OF SITE FROM POPAR ROAD

10/10/2011
10:00 AM



HOUSE IMMEDIATELY ADJACENT TO SITE
TO NORTHEAS



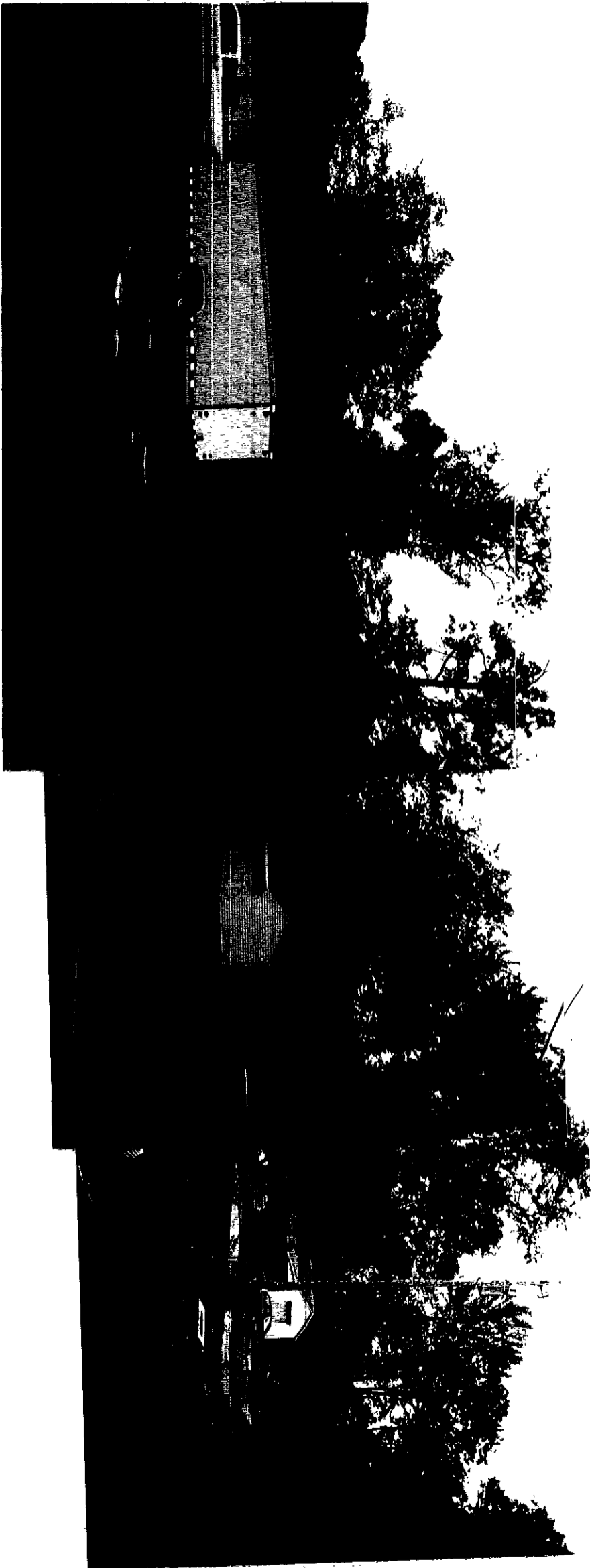
HOUSES ADJACENT TO SITE TO THE NORTHEAST

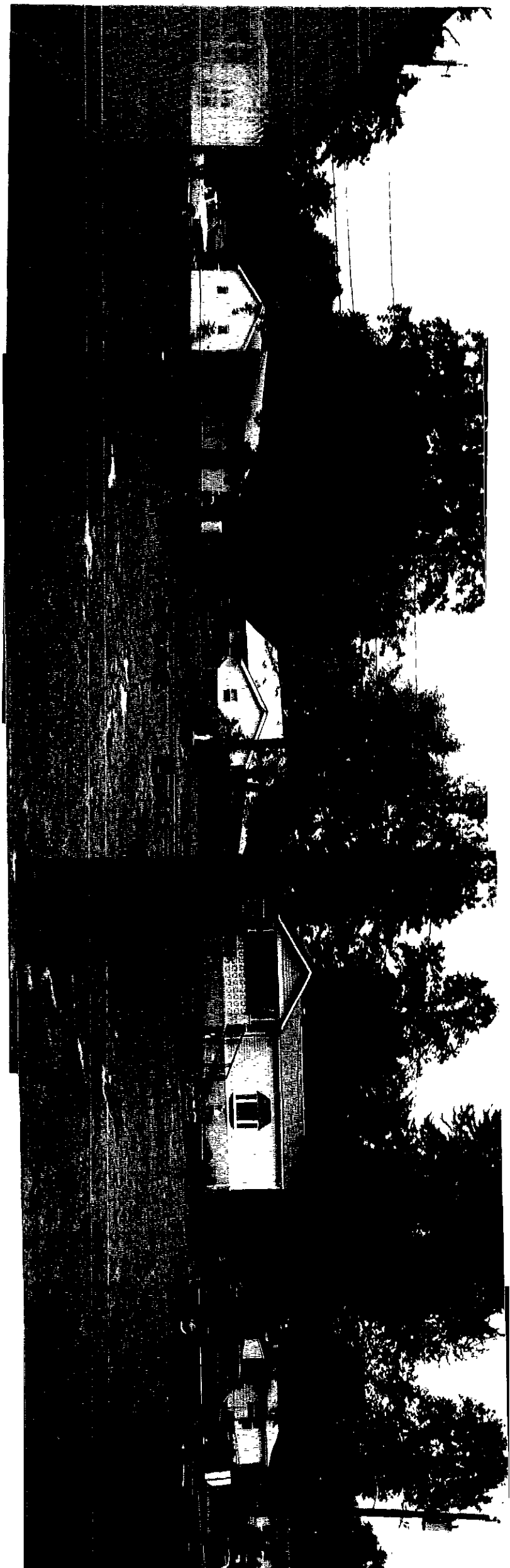


HOUSES ACROSS POPLAR ROAD
FROM SITE



HOUSE ACROSS POPLAR ROAD
FROM SITE





PANORAMIC VIEW OF SURROUNDINGS OF LOT FROM CENTER OF LOT.

