ORDER RECEIVED FOR FILING
Date //4/1/
By

IN RE: PETITION FOR VARIANCE

NW/S Briar Point Road, 10' SW of

Bay Drive

(3918 Briar Point Road) 15th Election District 5th Council District

George J. Guttenberger, III

Petitioner

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 01-179-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, George J. Guttenberger, III. The Petitioner seeks relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 30 feet on both sides in lieu of the minimum required 50 feet each, for a proposed dwelling. 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 public hearing in support of the request were George J. Guttenberger, III, and his wife, Deborah T. Guttenberger. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the northwest side of Briar Point Road, just south of that road's intersection with Bay Drive in Bowleys Quarters. The rear of the property abuts the right-of-way for Gooseneck Road (also known as Goose Harbor Road), and although not waterfront, the property is located a short distance from Seneca Creek. The property consists of a gross area of 1.13 acres, more or less, zoned R.C.5, and is presently unimproved, but for two accessory sheds. The Petitioner has owned the property for approximately 10 years and is now desirous of developing the lot with a single family dwelling. Due to the unusual configuration of the property, which tapers from the rear to the front, the requested variance relief is necessary in order to develop the lot with a dwelling. Indeed, strict adherence to the required 50-foot side setbacks would allow only a 9-foot wide dwelling to be built. Testimony indicated that the proposed dwelling will be a one-story ranch-style dwelling and vehicular access

thereto will be by way of a proposed driveway from Briar Point Road. Further testimony indicated that public water and sewer are available to the site.

In support of his request, the Petitioner produced signed affidavits from his neighbors on both sides of the lot which indicate that they have no objections to the relief requested and the proposed dwelling. Additionally, a favorable comment in support of the variance was received from the Office of Planning. Although not waterfront, the property is located in close proximity to Seneca Creek. Thus, the proposed development is subject to compliance with the Chesapeake Bay Critical Areas regulations, as administered by the Department of Environmental Protection and Resource Management (DEPRM). Based upon all of these factors, I find that the Petitioner has met the standards for the grant of variance relief set out in Section 307 of the B.C.Z.R. Moreover, there will be no detriment to the health, safety or general welfare of the surrounding locale.

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 day of January, 2001 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 30 feet on each side in lieu of the minimum required 50 feet, for a 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 Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated November 27, 2000, a copy of which is attached hereto and made a part hereof.

3) 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



January 4, 2001

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

Mr. George J. Guttenberger, III 1010 Fuselage Avenue Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE

NW/S Briar Point Road, 10' SW of Bay Drive

(3918 Briar Point Road)

15th Election District – 5th Council District George J. Guttenberger, III - Petitioner

Case No. 01-179-A

Dear Mr. Guttenberger:

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:bis

Chesapeake Bay Critical Areas Commission cc: 1804 West Street, Suite 100, Annapolis, Md. 21401 DEPRM; People's Counsel; Case File



Printed with Soybean Ink on Recycled Paper











Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3918 Brian Point Rd.
which is presently zoned RC5

	-	-		
This Petition shall be filed with the Department of Permits and Devowner(s) of the property situate in Baltimore County and which is described made a part hereof, hereby petition for a Variance from Section(s)	had in #	an docerinti	an and alat atta	ndersigned, legal ched hereto and
To allow a side yard setback of a	30'	un ead	shorde.	in lieu

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 discussed 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:		Legal Owner(s): George J. Gutterberger TIT
	Name - Type or Print		Name Type or Print
	Signature		Signature J. Gutterberger III
	Address	Telephone No.	Namer Type or Print
	Attorney For Petitioner:	Zip Code	Signature (410) 1010 Fuselage Que. (87.5756) Address Telephone No
Ø	Name - Type or Print Signature		Gity State Zip Code Representative to be Contacted:
FOR FILING	Company	Telephone No.	Name Same as obord. Address Telephone No
	City State	Zip Code	City State Zip Code OFFICE USE ONLY
REGE //	Case No. 01-179-A	<u></u>	ESTIMATED LENGTH OF HEARING
ORDER	REU 9115198		Reviewed By JRF Date 10-30-00

Property Description 3918 Briar Point Rd., Baltimore, MD 21220 George J. Guttenberger III

Beginning for the same at a point on the Northwest side of Burke Avenue, 30 feet wide, said point of beginning being 105 feet southwesterly, measured along said road, from the west side of H.J. Hughes' Lot as shown on the First Addition to Plat #2 Bowleys Quarters and recorded among the Land Records of Baltimore County in Plat Book L. McL. M. No. 9, folio, and running thence, binding on said northwest side of Burke Avenue (the courses herein are referred to the True Meridian as established by the Baltimore County Metropolitan District), south 46 degrees 20 minutes 20 seconds west 84.25 feet, thence, for line of division, north 35 degrees 08 minutes 40 seconds west 362.04 feet to the southeast side of a 30 foot right of way, thence, binding on said right of way with the use thereof in common with abutting owners, north 30 degrees 47 minutes east 169.65 feet, thence for line of division, parallel to and 100.24 feet measured at right angles from said west side of H.J. Hughes Lot, south 26 degrees 21 minutes east 420.48 feet to the place of beginning.

Containing 1.00 acres, more or less on the northwest side of Burke Avenue, now known as 3918 Briar Point Road.

#179

BALTIMORE COUNTY, MARYLA!
OFFICE OF BUDGET & FINANCE
MICCELL ANEOLIS DECEIPT

DISTRIBUTION

26742

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01-179-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: CASE # 01-179-A
PETITIONER/DEVELOPER
(George J. Guttenberger III)
DATE OF Hearing
(1-2-01)

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

3918 Briar Point Road Baltimore , Maryland 21220		
THE SIGN(S) WERE POSTED ON	12-14-00	
	(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 of Battmore 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: #01-179-A 3918 Briar Point Road NW/S Briar Point Road, 10' S of Bay Drive 15th Election District 5th Councilmanic District Legal Owner(s): George J. Guttenberger, III Variance: to allow side yard setbacks of 30 feet on each side in lieu of the required 50 feet.

50 teet. Hearing: Tuesday, January 2, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

LAWRENCE E. SCHMIDT. Zoning Commissioner for Baltimore County

Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
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) 8873301.

3391.

12/081 Dec. 14 C439278

CERTIFICATE OF PUBLICATION

TOWSON, MD,	214	, 20 <u>00</u>
THIS IS TO CERTIFY, that	the annexed ac	lvertisement was
published in THE JEFFERSONIAN,	a weekly news _l	paper published in
Towson, Baltimore County, Md., once	e in each of	successive
weeks, the first publication appearing	g on 121	4,2000.
	,	
TH	E JEFFERSO	ONIAN,
S. 0	JULINS	M-
LE(GAL ADVERT	ISING





RE: PETITION FOR VARIANCE
3918 Briar Point Road, NWS Briar Point Rd,
10' S of Bay Dr
15th Election District, 5th Councilmanic

Legal Owner: George J. Guttenberger III Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-179-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

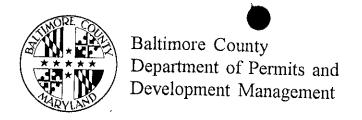
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of November, 2000 a copy of the foregoing Entry of Appearance was mailed to Legal Owner George J. Guttenberger III, 1010 Fuselage Avenue, Baltimore, MD 21220, Petitioner.

Peter May Cimmeman

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<u></u>		ZONING NOTICE	
		Case # : 0/-179-A	\$
		A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER THE ZONING COMMISSIONER MD.	
		PLACE : Post 167 County Counts Stra Har Bookey Ex.	
		TIME & DATE	
		VARIANCE TO ALLOW SIDE HARD SETTING TO FEET ON EACH SIDE IN LIEU OF THE RESURED SO FEET.	
		POINT OF THE PROPERTY OF THE P	
		HEADER HAVE	

3918 Briar Point Road



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

Fax: 410-887-5708

November 24, 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: 01-179-A
3918 Briar Point Road
NW/S Briar Point Road, 10' S of Bay Drive
15th Election District – 5th Councilmanic District
Legal Owner: George J. Guttenberger III

 $\underline{\text{Variance}}$ to allow side yard setbacks of 30 feet on each side in lieu of the required 50 feet

HEARING: Tuesday, January 2, 2001 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: George J. Guttenberger III, 1010 Fuselage Avenue, Baltimore 21220

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 15, 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, December 14, 2000 Issue – Jeffersonian

Please forward billing to:
George Guttenberger
1010 Fuselage Avenue
Baltimore, MD 21220

410 687-5756

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: 01-179-A 3918 Briar Point Road NW/S Briar Point Road, 10' S of Bay Drive 15th Election District – 5th Councilmanic District Legal Owner: George J. Guttenberger III

<u>Variance</u> to allow side yard setbacks of 30 feet on each side in lieu of the required 50 feet

HEARING: Tuesday, January 2, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

_ ,

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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

For Newspaper Advertising:
Petitioner: George J. Guttenberger III
Address or Location: 3918 BRIAR POINT Rd
PLEASE FORWARD ADVERTISING BILL TO:
Name: George Guttenberger
Address: 1010 Fuse lage Aue
BAIto. Md. 21220
Telephone Number: <u>410- 687-5756</u>

Revised 2/20/98 - SCJ

TO: Arnold Jablon, Director DATE: November 29, 2000

Department of Permits & Development Mgmt.

FROM: Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For November 27, 2000

Item No. 179

The Bureau of Development Plans Review did not receive a plan for the subject zoning

item.

RWB:IIJO:jrb

cc: File



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

November 27, 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 November 20, 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:

179, 180, 182, 183, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 196, 197, 198, 200, 201, 202, and 203

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

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:		Arnold Jablon
FROM:		R. Bruce Seeley KARS
DATE:		November 27, 2000
SUBJEC	CT:	Zoning Item #179 3918 Briar Point Road
2	Zoning	Advisory Committee Meeting of November 20, 2000
The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.		
а	ın exte	partment of Environmental Protection and Resource Management requests asion for the review of the above-referenced zoning item to determine the which environmental regulations apply to the site.
		partment of Environmental Protection and Resource Management offers owing comments on the above-referenced zoning item:
_	<u></u>	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).
-	<u>X</u>	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: November 27, 2000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: December 4, 2000

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3918Briar Point Road

INFORMATION:

Item Number:

01 - 179

Petitioner:

George J. Guttenberg III

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a side yard setback of 30 feet in lieu of the required 50 feet.

Prepared by: Mary Cumb

Section Chief: Jaffy W Zoz



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

11.27.00 Date:

RE:

Baltimore County

Item No. 179 (JRF)

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

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.tnd.us).

Very truly yours,

P. J. Doelle

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

Summary:

We, George and Deborah Guttenberger are filing for a variance for 30 foot setback at 3918 Briar Point Rd., Bowleys Quarters, in lieu of the 50 foot setback requirement.

We, Frances and Victor Ichniowski residing on the southwest side of subject property, 3918 Briar Point Road, belonging to George and Deborah Guttenberger, have no conflict and are in agreement with the new proposed setbacks of 30 feet.

Signature

Date

Signature

Date

Witness

Sionature.

Date

Summary:

We, George and Deborah Guttenberger are filing for a variance for 30 foot setback at 3918 Briar Point Rd., Bowleys Quarters, in lieu of the 50 foot setback requirement.

We, Joseph and Julia Orzolek residing on the northeast side of subject property, 3918 Briar Point Road, belonging to George and Deborah Guttenberger, have no conflict and are in agreement with the new proposed setbacks of 30 feet.

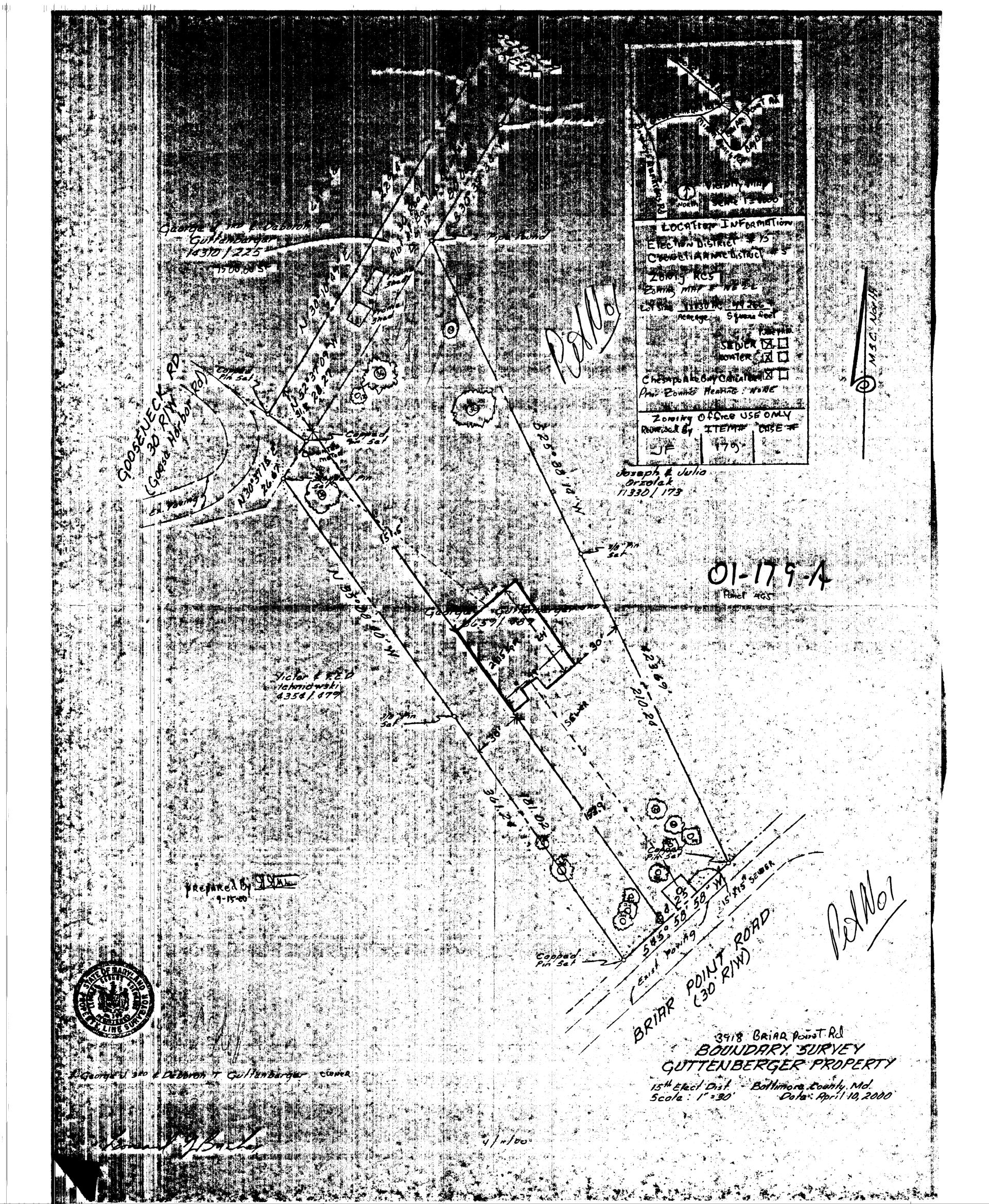
Joeo Signature Date 10-1. 2000

Witness: Signature Date

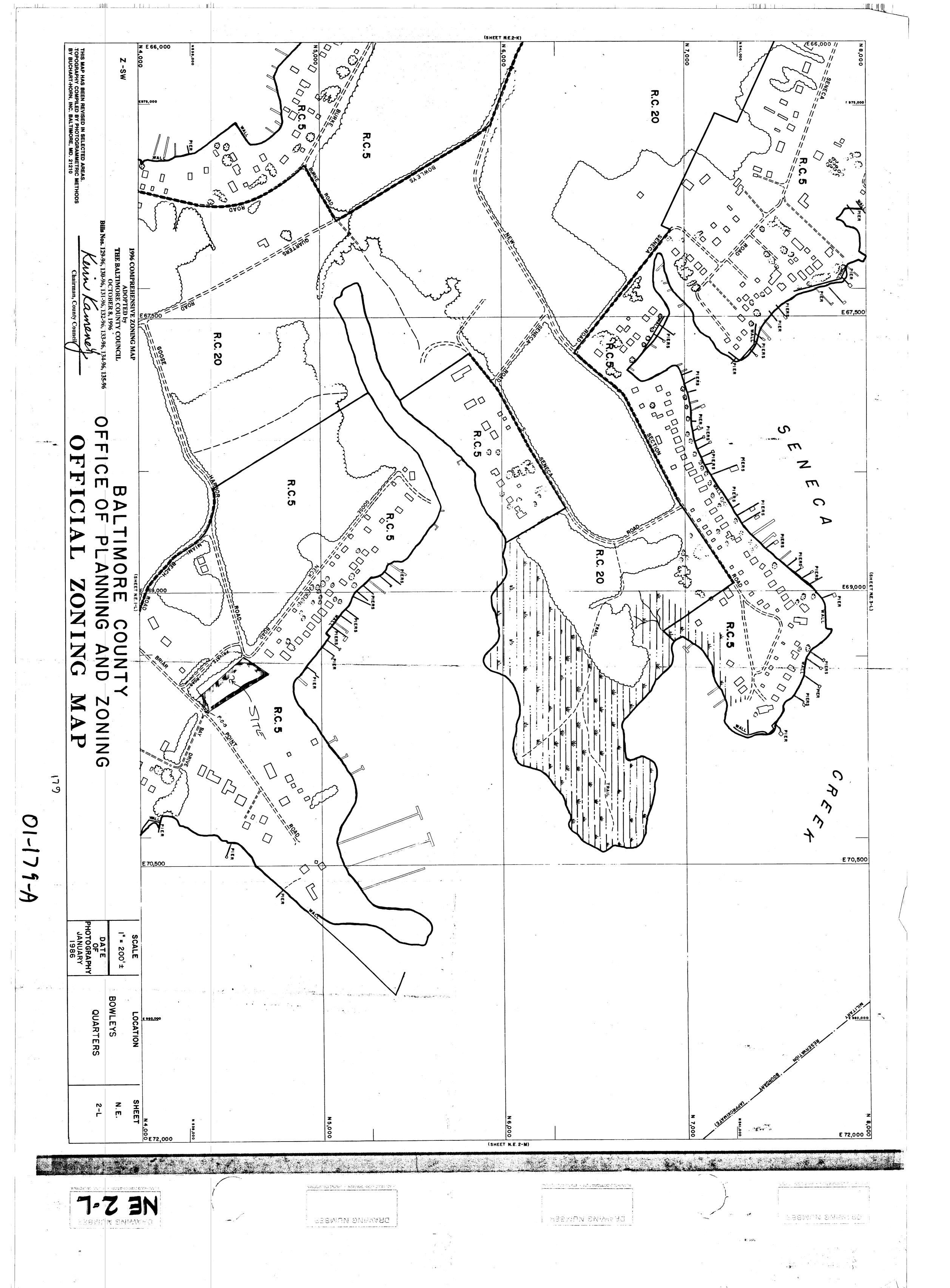
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OFFICE OF PLANNING AND PHOTOGRAPHIC MA ZONING

