

IN RE: PETITION FOR VARIANCE

NW/S Eastern Avenue, 359' NE of the c/l
Myersview Court
(12130 Eastern Avenue)
15th Election District
5th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 01-266-A

Estate of Howard M. Williams, Legal Owner;
Joyce Watlington, Personal Representative *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Joyce Watlington, Personal Representative, on behalf of the Estate of Howard M. Williams, Legal Owner of the subject property. The subject lot is part of an overall tract of land that is proposed to be subdivided to create two individual lots under Minor Subdivision Project No. 00-085M. A companion request filed under Case No. 01-267-A seeks similar relief for Lot 1 of the subject parcel. In the instant case, the Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet each for an existing dwelling on Lot 2. The subject property and requested relief 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 Ramona Scott, daughter of Howard Williams, and her husband, Joseph A. Scott, E. Monterey Williams, Carroll Williams, and Shirley Myers. Also appearing on behalf of the Petitioners was Geoffrey C. Schultz, Professional Engineer, who prepared the site plan for this property. There were no Protestants or other interested persons present.

As noted above, this matter was scheduled for a public hearing with a companion Petition filed in Case No. 01-267-A. Both cases involve parts of an overall tract of land located on the northwest side of Eastern Avenue (extended), between Myersview Drive and Minnow Branch

ORDER RECEIVED FOR FILING
Date 2/27/99
By [Signature]

Road in Chase. Apparently, Mr. Williams owned a number of properties in the vicinity and it is the family's intention to divide those properties so that each child can take one parcel.

As noted above, the subject tract under consideration is proposed for a minor subdivision to create two single family dwelling lots. Presently, the property consists of a net area of approximately .906 acres, more or less, zoned D.R.5.5, and is improved with a one-story trailer, a two-story dwelling, and two accessory sheds towards the rear. Proposed Lot 1, which is the subject of companion Case No. 01-267-A, will consist of 0.483 acres, more or less, and contain the one-story trailer, known as 12128 Eastern Avenue. It was indicated that Baltimore County issued a permit for this trailer many years ago. Proposed Lot 2, which is the subject of the instant case, will contain 0.423 acres, more or less, and the two-story frame dwelling, known as 12130 Eastern Avenue.

Due to the unique configuration of the overall tract, a variance from side yard setback requirements is necessary. As shown on the site plan, there is no practical location to place the new property line to create two lots and provide the requisite side yard setbacks for the existing buildings on both lots. The site is further limited by the existence of wetlands and a forest buffer easement to the rear. Indeed, the plan shows that the two existing sheds towards the rear of the tract will be razed. Moreover, Geoffrey C. Schultz, the Petitioners' land use consultant who appeared at the hearing, produced two letters from the Department of Environmental Protection and Resource Management (DEPRM) dated September 21, 1999 and October 5, 2000, respectively. These letters acknowledge the existence of the two dwellings on the site and the fact that the property contains wetlands and forest buffers. DEPRM concluded that the existing dwellings could remain at their present location to prevent any additional disturbance on the tract.

Based upon the testimony and evidence presented, I am persuaded to grant the variance requested. It is clear that the property is unique, by virtue of its shape and inherent site constraints. The recommendation of DEPRM is also persuasive, as is the fact that the Office of Planning supports the request. In my judgment, the Petitioner would suffer a practical difficulty if relief was denied, and the variance can be granted without detrimental impact to the surrounding locale.

ORDER RECEIVED FOR FILING

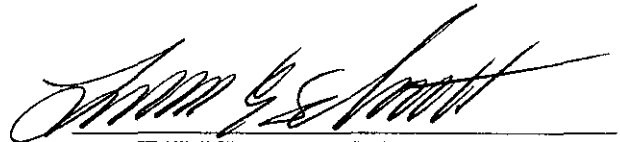
Date

By

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 27th day of February, 2001 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 3 feet in lieu of the required 10 feet for the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The 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) Within sixty (60) days of the date of this Order, Petitioners shall record a new deed in the Land Records of Baltimore County which references this case and sets forth and addresses the terms and conditions of this Order.
- 3) Petitioners shall comply with the findings of the Department of Environmental Protection and Resource Management (DEPRM) as set forth in their letters dated September 21, 1999 and October 5, 2000, copies of which are attached hereto and made a part hereof.
- 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 2/27/01
By [Signature]



Baltimore County
Zoning Commissioner

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

February 27, 2001

Ms. Joyce Watlington
Mr. Carroll Williams
9488 Lynnhall Place
Alexandria, Virginia 22309

RE: PETITIONS FOR VARIANCE
NW/S Eastern Avenue, 300' and 359' NE of the c/l Myersview Court
(12128 and 12130 Eastern Avenue)
15th Election District – 5th Council District
Estate of Howard M. Williams, Owners; Joyce Watlington, Pers. Rep. – Petitioners
Cases Nos. 01-266-A and 01-267-A

Dear Ms. Watlington & Mr. Carroll:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for 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 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. & Mrs. Joseph A. Scott
12130 Eastern Avenue, Baltimore, Md. 21220
Mr. E. Monterey Williams, 4-H Cameron Court, Baltimore, Md. 21236
Ms. Shirley Myers, 12146 Eastern Avenue, Baltimore, Md. 21220
Mr. Geoffrey C. Schultz, V.P.
McKee & Associates, Inc., 5 Shawan Road, Suite 1/Cockeysville, Md. 21030
Office of Planning; DEPRM; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lot 2 - 12130 Eastern Avenue
which is presently zoned DR - 5.5

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)

1B02.3.C.1 to permit a sideyard setback of 3 feet in lieu of the minimum required 10 feet.

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

The dwelling is existing and the relief requested is the minimum that would permit subdivision of the property.

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):

Howard M. Williams

Joyce Lois Watlington, P.R.

Name - Type or Print _____

Signature *Joyce Watlington* _____

Name - Type or Print _____

Signature _____

c/o Mr. Carroll Williams

9488 Lynnhall Place

Address _____ Telephone No. _____

Alexandria, VA 22309 (703) 780-3772

City _____ State _____ Zip Code _____

Representative to be Contacted:

Geoffrey C. Schultz, V.P.

McKee & Associates, Inc.

Name _____

5 Shawan Road, Suite 1 (410) 527-1555

Address _____ Telephone No. _____

Cockeysville, MD 21030

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By TAG Date 1/3/01

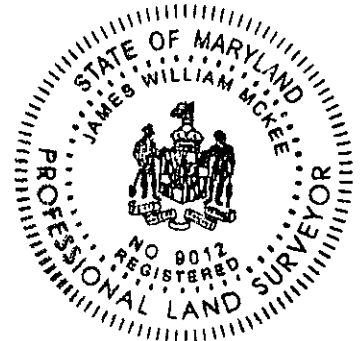
ORDER RECEIVED FOR FILING
Date 9/15/98
By _____

Case No. 01-266A

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

ZONING DESCRIPTION
#12130 EASTERN AVENUE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



Beginning for the same at a point on the northwest side of Eastern Avenue (80 feet wide), said point being 359 feet more or less northeast of the centerline of Myersview Court, thence running N 55-25-55 W 298.91 feet, N 33-40-15 E 64.12 feet and, S 54-27-06 E 299.16 feet to the northwest side of Eastern Avenue, thence running along said northwest side S 33-47-46 W 59.00 feet to the place of beginning.

Containing 18402 SF or 0.423 acres of land more or less and lying in the 15th Election District and 5th Councilmanic District of Baltimore County and being part of the land recorded in Deed Liber 6408 Folio 757.

Being know as #12130 Eastern Avenue

Also being known as Lot 2 as shown on a proposed Minor Subdivision of "#12130 Eastern Avenue", Minor Subdivision No. 00-085M.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **90611**

DATE 1-3-01 ACCOUNT Recy 6150

AMOUNT \$ 50.00

RECEIVED FROM: McKee & Assoc.

FOR: Variance 13130 Eastern Ave

01-266-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT ACTUAL TIME
1/05/2001 1/03/01 11:25:01
REG 0004 CASHIER SWA CMH BOWEN
DEPT 5 123 ZONING VERIFICATION
Receipt # 15661
CR NO. 000611
Rec'd Tot 50.00
100.00 CR
Baltimore County, Maryland

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: #01-266-A
12130 Eastern Avenue
NW/S Eastern Avenue, 359'
NE of centerline Myersview Court.

15th Election District
5th Councilmanic District
Legal Owner(s): Howard M. Williams

Variance: to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet.

Hearing: Tuesday, February 20, 2001 at 10:00 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 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) 887-3391.

JT/2/615 Feb. 6 C448851

CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/9/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/6/, 2001.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 01-266-A

Petitioner/Developer WILLIAMS, ETAL
906 SCHULTZ, ESQ.

Date of Hearing/Closing 2/20/01

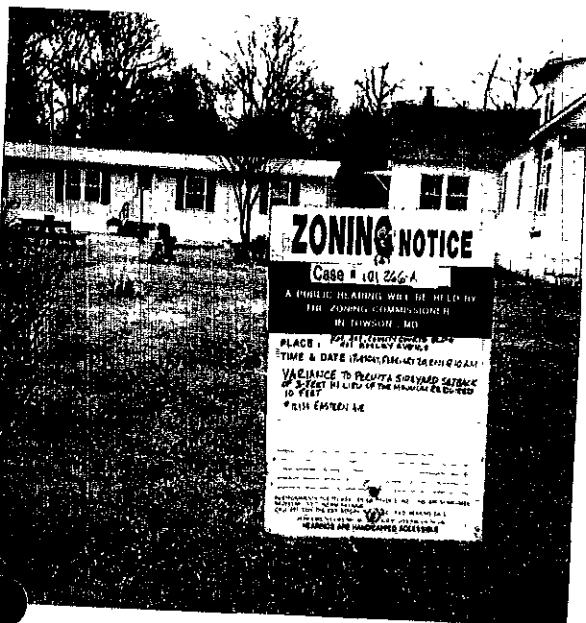
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #12130 EASTERN AVE.

The sign(s) were posted on 2/2/01
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe 2/4/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)

RE: PETITION FOR VARIANCE
12130 Eastern Avenue (Lot 2), NW/S Eastern Ave,
359' NE of c/l Myersview Ct
15th Election District, 5th Councilmanic

Legal Owner: Howard Williams
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-266-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 19th day of January, 2001 a copy of the foregoing Entry of Appearance was mailed to Geoffrey C. Schultz, McKee & Assoc., Inc., 5 Shawan Road, Suite 1, Hunt Valley, MD 21030, representative for Petitioners.



PETER MAX ZIMMERMAN



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

January 16, 2001

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: 01-266-A
12130 Eastern Avenue
NW/S Eastern Avenue, 359' NE of centerline Myersview Court
15th Election District – 5th Councilmanic District
Legal Owner: Howard M. Williams

Variance to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet.

HEARING: Tuesday, February 20, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon". Below the signature, the initials "GDZ" are written in a smaller, simpler font.

Arnold Jablon
Director

C: Joyce Watlington, P.R. and Howard M. Williams, c/o Mr. Carroll Williams,
9488 Lynnhall Place, Alexandria VA 22309
Geoffrey C. Schultz, VP, McKee & Associates, Inc., 5 Shawan Road, Suite 1,
Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 5, 2001.**
(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
Tuesday, February 6, 2001 Issue – Jeffersonian

Please forward billing to:

McKee and Associates
Geoffrey C. Schultz, VP
5 Shawan Road, Suite 1
Cockeysville MD 21030

410 527-1555

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: 01-266-A

12130 Eastern Avenue

NW/S Eastern Avenue, 359' NE of centerline Myersview Court

15th Election District – 5th Councilmanic District

Legal Owner: Howard M. Williams

Variance to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet.

HEARING: Tuesday, February 20, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

GDZ

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 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.

For Newspaper Advertising:

Item Number or Case Number: 01-266A

Petitioner: Howard M. Williams

Address or Location: 12130 Eastern Ave. Extended

PLEASE FORWARD ADVERTISING BILL TO:

Name: McKee and Associates

Address: 5 Shawan Road Suite 1
Cockeysville Md 21030

Telephone Number: 410-527-1555

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

February 16, 2001

Joyce Watlington PR &
Howard M Williams
C/o Mr. Carroll Williams
9488 Lynnhall Place
Alexandra VA 22309

Dear Ms. Watlington & Mr. Williams:

RE: Case Number: 01-266-A, 12130 Eastern Avenue Lot 2

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 3, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several 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.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Geoffrey C Schultz VP, McKee & Associates Inc, 5 Shawan Road, Suite 1,
Cockeysville 21030
People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 8, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For January 22, 2001
Item Nos. 266, 267, 268, 269

and

Case No. 01-218-SPH (Cumberland Property)

and

Case No. 01-217-A (1431 Fuselage Avenue)

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

January 10, 2001

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 JANUARY 16, 2001

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:

266, 267, 268, AND 269

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

cc: File

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



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RBS*
DATE: January 31, 2001
SUBJECT: Zoning Item #266
12130 Eastern Avenue (Lot 2)

Zoning Advisory Committee Meeting of January 16, 2001

- _____ 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:
- X 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).
- X 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: January 22, 2001

Les
2/20

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 22, 2001

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

JAN 22

SUBJECT: 12130 Eastern Avenue

INFORMATION:

Item Number: 01-266

Petitioner: Howard M. Williams

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a side yard setback of 3 feet in lieu of the required 10 feet.

Prepared by: Mark A. Cunniff

Section Chief: Jeffrey W. Long

AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.10.01

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

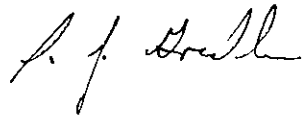
RE: Baltimore County
Item No. 266 TAG

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 150 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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,


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



Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

October 5, 2000

Mr. Carroll Williams
9488 Lynhall Place
Alexandria, VA 22309

Re: Williams Property (Parcel 309)
Forest Buffer Variance

Dear Mr. Williams:

A request for a variance from the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received and reviewed by this Department. This request proposes to allow continued use of the parcel and create a lot for two existing dwellings. The existing uses are located within the Forest Buffer limit, which encompasses most of the property.

This Department has reviewed your request, and has determined that a practical difficulty/unreasonable hardship does exist, and that the potential for impacts to water quality and aquatic resources as a result of this proposal can be minimized by performing mitigative measures. Therefore, we will grant this request in accordance with Section 14-334 of the Baltimore County Code, with the following conditions:

1. The following note must appear on all plans submitted for this project:

"A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains to reduce the Forest Buffer Easement limits to allow continued use of two houses and associated lawn. Conditions were placed on this variance to minimize water quality impacts, including posting of the easement limits with non-disturbance signs, and to maintenance of a 20 foot setback from the easement during any redevelopment of the houses."
2. The new Forest Buffer Easement on both lots shall be permanently posted at 50 foot intervals, with "Forest Buffer - Do Not Disturb" signs that are available from this Department, prior to approval of the minor subdivision.
3. If the existing homes are rebuilt, they shall extend no closer than 20 feet from the Easement.



Mr. Carroll Williams
October 5, 2000
Page 2

4. The existing sheds, and any existing trash and debris, shall be removed from within the Forest Buffer Easement prior to minor subdivision approval.
5. Prior to minor subdivision approval, the variances Forest Buffer Easement limits shall be recorded in the Land Records of Baltimore County via a right-of-way plat, along with an associated Declaration of Protective Covenants.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement below/on the next page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Roy List at (410) 887-3980.

Sincerely yours,

George B. Perdue 1/20

George G. Perdikakis
Director

I/we agree to the above conditions to bring my/our property into compliance with Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Property Owner _____
Date _____

Property Owner
Date

Contract Purchaser _____ Date _____

Contract Purchaser _____ Date _____

c: Keith Kelley
McKee & Associates, Inc.

WmspropfbvarltrRoy



Baltimore County
Department of Environmental Protection
and Resource Management

Office of the Director
401 Bosley Avenue, Suite 416
Towson, Maryland 21204

September 21, 1999

Mr. J. Lawrence Pilson
McKee & Associates, Inc.
5 Shawan Rd. - Ste. 1
Cockeysville, MD 21030

Re: Williams Property
Eastern Avenue Sites
Forest Buffer Variance Request

Dear Mr. Pilson:

A request for a variance to Baltimore County Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains was received and reviewed by this Department. The request proposes to impact wetlands on two parcels, #308 (12136 & 12140 Eastern Avenue Extended) and #309 (12130 Eastern Avenue Extended). The proposal for Parcel #308 involves the creation of a three lot minor subdivision, whereas on Parcel #309 the proposal is to relocate one of two existing dwellings.

As part of our review, we considered that both properties ultimately drain to Dundee Creek, a critical, productive, coastal ecosystem. It is imperative that we maximize the protection of this waterway by minimizing the effects of development or other disturbance.

We recognize that two dwellings previously existed on Parcel #308, and that these dwellings existed on the property for many years. However, the current proposal for this parcel would place three dwellings on this site and impact over an acre of nontidal wetlands. Additionally, the proposed mitigation would not offset the water quality impacts associated with this wetland fill. As such the proposal for this parcel does not constitute an unreasonable hardship or minimize water quality impacts, and is hereby denied in accordance with Section 14-334 of the Baltimore County Code.

With respect to Parcel #309, we acknowledge that two dwellings currently exist on this parcel, and that they have been present for years. However, we have determined that the proposal to relocate the trailer on the property from an area of mowed lawn to a forested non-tidal wetland does not minimize water quality impacts. Therefore, the requested variance for this parcel is hereby denied, in accordance with Section 14-334 of the Baltimore County Code.

This Department will consider a revised variance request which includes two replacement homes in their approximate former locations on Parcel #308, along with appropriate mitigation to offset any water quality impacts. We will consider a similar revised request for the trailer on Parcel #309.

RECEIVED SEP 30 1999

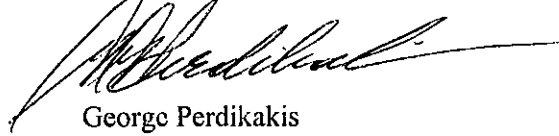
Come visit the County's Website at www.co.ba.md.us



Mr. J. Lawrence Pilson
September 21, 1999
Page 2

If you have any questions concerning this determination, please contact Mr. Roy List at
(410) 887-3980.

Sincerely yours,

A handwritten signature in black ink, appearing to read "G. Perdikakis", with a long horizontal flourish extending to the right.

George Perdikakis
Director

GGP/RL

Roy3/williamsvar.doc

DURABLE POWER OF ATTORNEY**KNOW ALL BY THESE PRESENTS:**

THAT I, HOWARD M. WILLIAMS, SR. , hereinafter referred to as "GRANTOR", Social Security Number 21-12-6211, residing at, 12130 Eastern Avenue, Baltimore, Maryland 21220, a legal resident of Baltimore County, Maryland, do appoint, my Daughter, JOYCE C. WATLINGTON, 12144 Eastern Avenue, Baltimore, Maryland 21220 home telephone number: 410/335-2241 as my Attorney-in-Fact, hereinafter referred to as "ATTORNEY". Should my Daughter, JOYCE C. WATLINGTON be unable or unwilling to serve for any reason, then in the alternative I do appoint my Daughter, SHIRLEY D. MYERS, 12146 Eastern Avenue, Baltimore, Maryland, 21220 home telephone number: 410/335-8388, as my Attorney.

REVOCATION: I hereby revoke all other general, limited, or durable financial Powers of Attorney that I may have made heretofore.

EFFECTIVENESS: This Durable Power of Attorney shall be effective when this document is signed.

I AUTHORIZE my Attorney to act as follows, that is to say:

1. DISPOSITION OF PROPERTY - To execute any and all documents, instruments, deeds or other paperwork necessary to lease, sell, transfer, convey, mortgage, pledge, insure, open, close, exchange, release or otherwise dispose of or encumber any and all of my property, real, personal or mixed, including but not limited to any interest that I may have in:

12130 Eastern Avenue, Baltimore, Maryland 21220 or any other real property that I may ever own, the contents maintained at any property I may ever rent or reside in, any and all bank accounts of whatsoever nature or kind, any and all brokerage accounts, stocks, bonds, mutual funds, life insurance policies and annuities, and health insurance.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

GEOFFREY C SCHULTZ

5 SHAWAN RD 21030

RAMONA SCOTT

12130B Eastern Ave 21220

Joseph A. SCOTT

12130 Eastern Ave 21220

E. Monterey Williams

4-H Cameron Court 21236

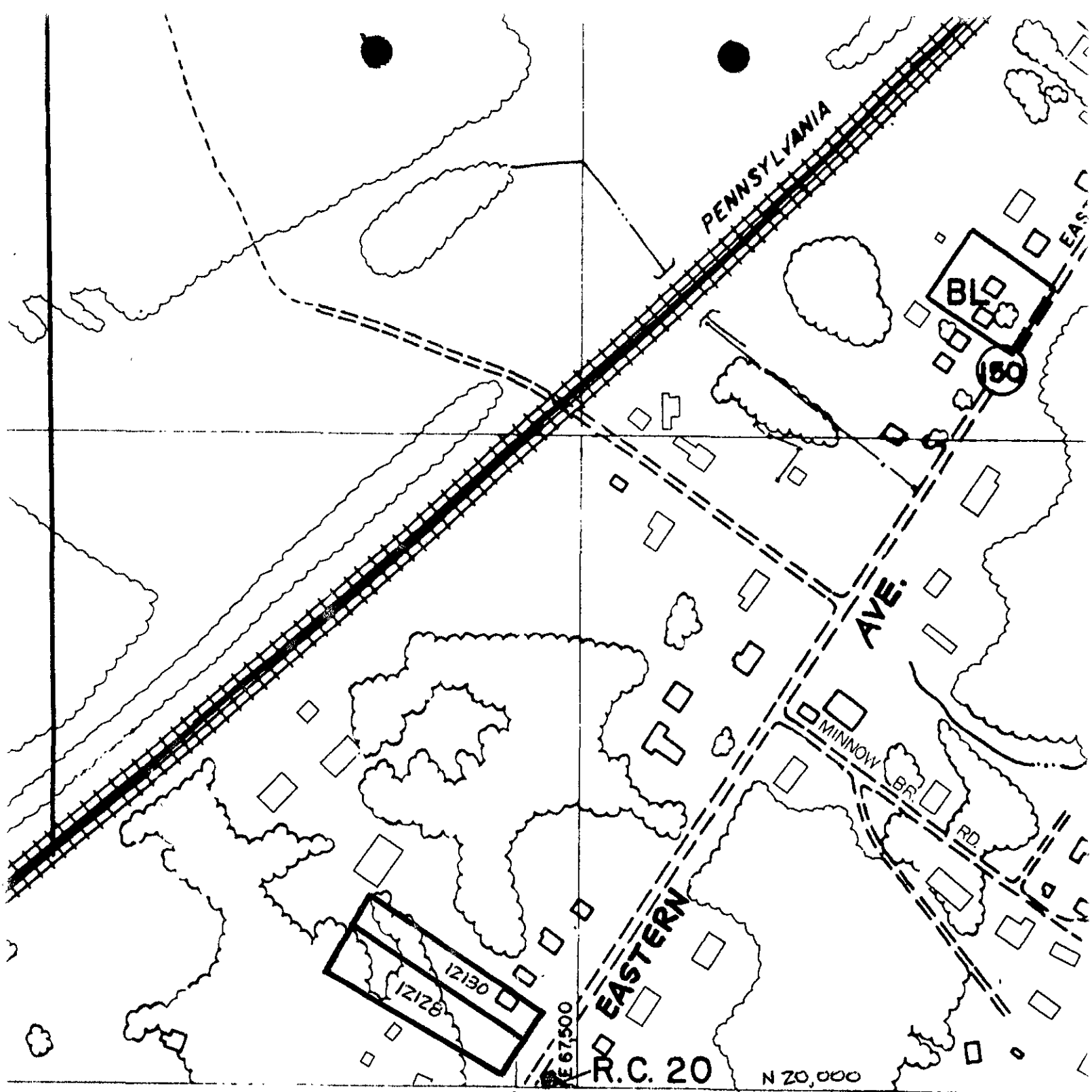
Shirley Myers

12146 Eastern Ave 21220

Carroll Williams

9488 Lynnhall Pl. 22301





1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BOARD OF ZONING ADJUSTMENT

Bills Nos. 120-96, 121-96, 122-96, 123-96, 124-96, 125-96, 126-96, 127-96, 128-96, 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

MAP NE 6L

OFFICIAL

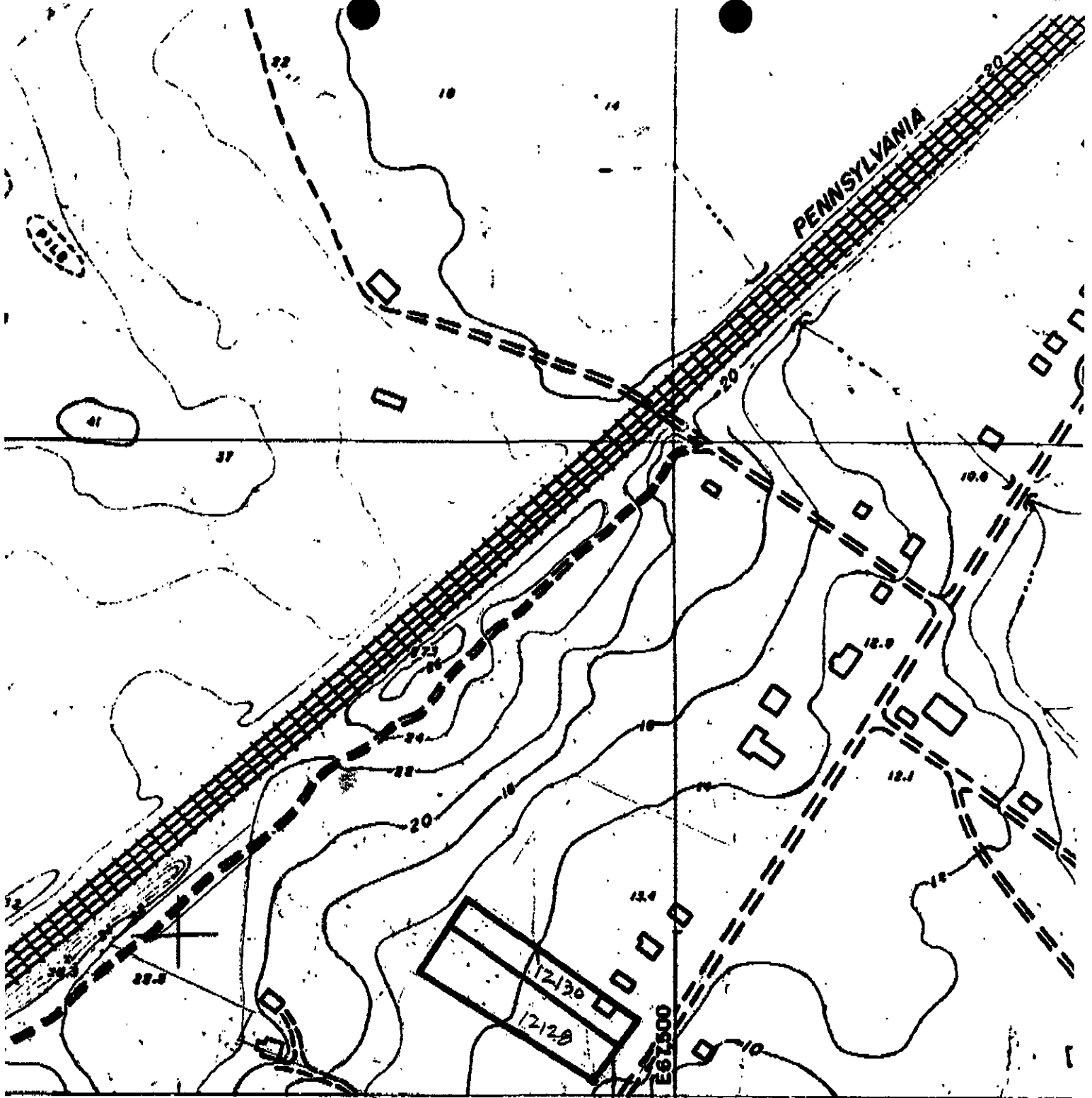
OF

AREAS.
METRIC METHODS
21210

200 SCALE ZONING MAP

12128 & # 12130 EASTERN AVE

01-266A



200 SCALE TOPO MAP

#12128 + 12130 EASTERN AVE

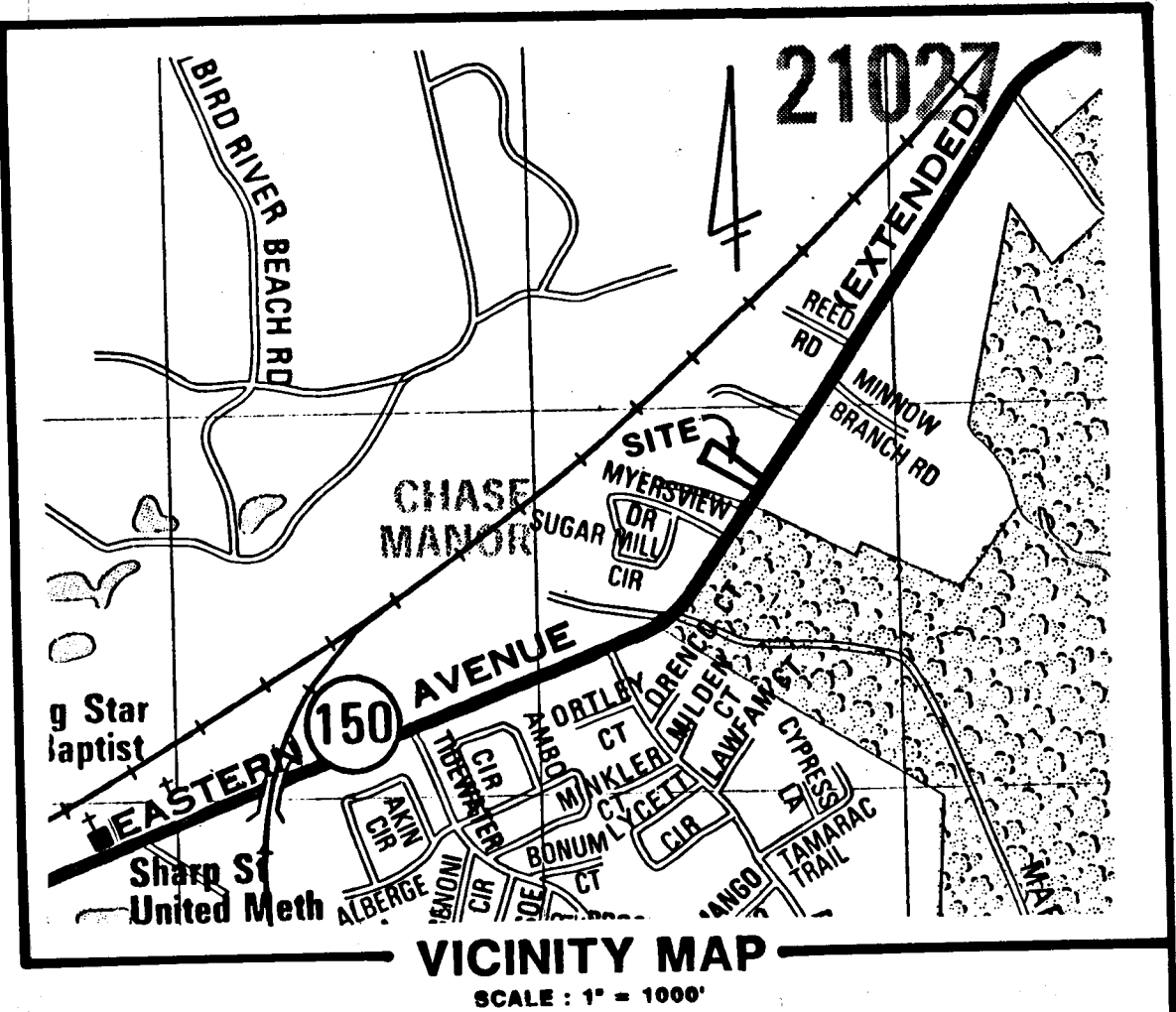
MAP NE 6L

BAI

01-266A

GENERAL NOTES

- All lots shown hereon are for the single-family dwelling and are for sale.
- All lots shown hereon will utilize public water and sewer.
- The maximum allowable building height is 35 feet.
- Building envelopes shown hereon are for the location of all principal buildings only. Accessory structures, fences and projections into yards may be constructed outside the envelope, but must comply with sections 400 and 301 of the Baltimore County Zoning Regulations (subject to covenants and applicable building permits).
- All driveways to be paved with a durable and dustless surface.
- Trash collection will be provided by Baltimore County.
- Soil types shown hereon are taken from Baltimore County Soil survey map # 41T.
- Topography and zoning shown hereon are taken from 200 scale Baltimore County map NE 6L.
- The existing site cover is lawn and woods.
- There are no prior zoning cases for this property.
- Average daily trips: 2 Lots x 12.4 = 25 ADT's.
- Existing structures on site are to remain unless otherwise noted.
- Except as shown, there are no historical areas, critical areas, archaeological sites, endangered species habitat or hazardous materials on this site.
- Individual lot grading will be accomplished by the home building contractor.
- This development plan is approved by the Director of P.D.M. based on his interpretation of the zoning regulations, that it complies present policy, density and bulk controls as they are delineated in the regulations. Any part or parcel for this tract that has been utilized for density to support dwellings shown thereon shall not be further divided, subdivided or developed for additional dwellings or any purpose other than that indicated presently on said plan. Utilization will have occurred when a dwelling is constructed and transferred for the purpose of occupancy.
- Accessory structures, fences and projections into yard can not be located in flood plain areas or hydric soils.
- There are no existing wells on this property.
- There are no underground storage tanks on site.
- There are no existing septic systems on site.
- Any Forest Conservation and Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
- There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Conservation and Forest Buffer Easement except as allowed by the Baltimore County Department of Environmental Protection and Resource Management.
- This property as shown on the plan, has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings. If any adjacent owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly.
- Envelopes or typical dwellings as shown dictate a specific orientation, which is intended to allow compliance with Baltimore County zoning regulations and policies. Should the orientation change or create conflicts with the regulation or policies, the orientation must be changed to alleviate the conflict.
- There have been no prior zoning cases on this site.
- Baltimore County makes no warranty, expressed or implied, as to the right of any present or future owner of any lot shown hereon to use all or any part of that land designated as private right-of-way for the purpose of ingress, egress, regress, or the right to open or excavate the aforesaid private right-of-way for the purpose of installing, constructing, and maintaining utilities such as, but not limited to, water, sewer, electrical, telephone, or cable television.



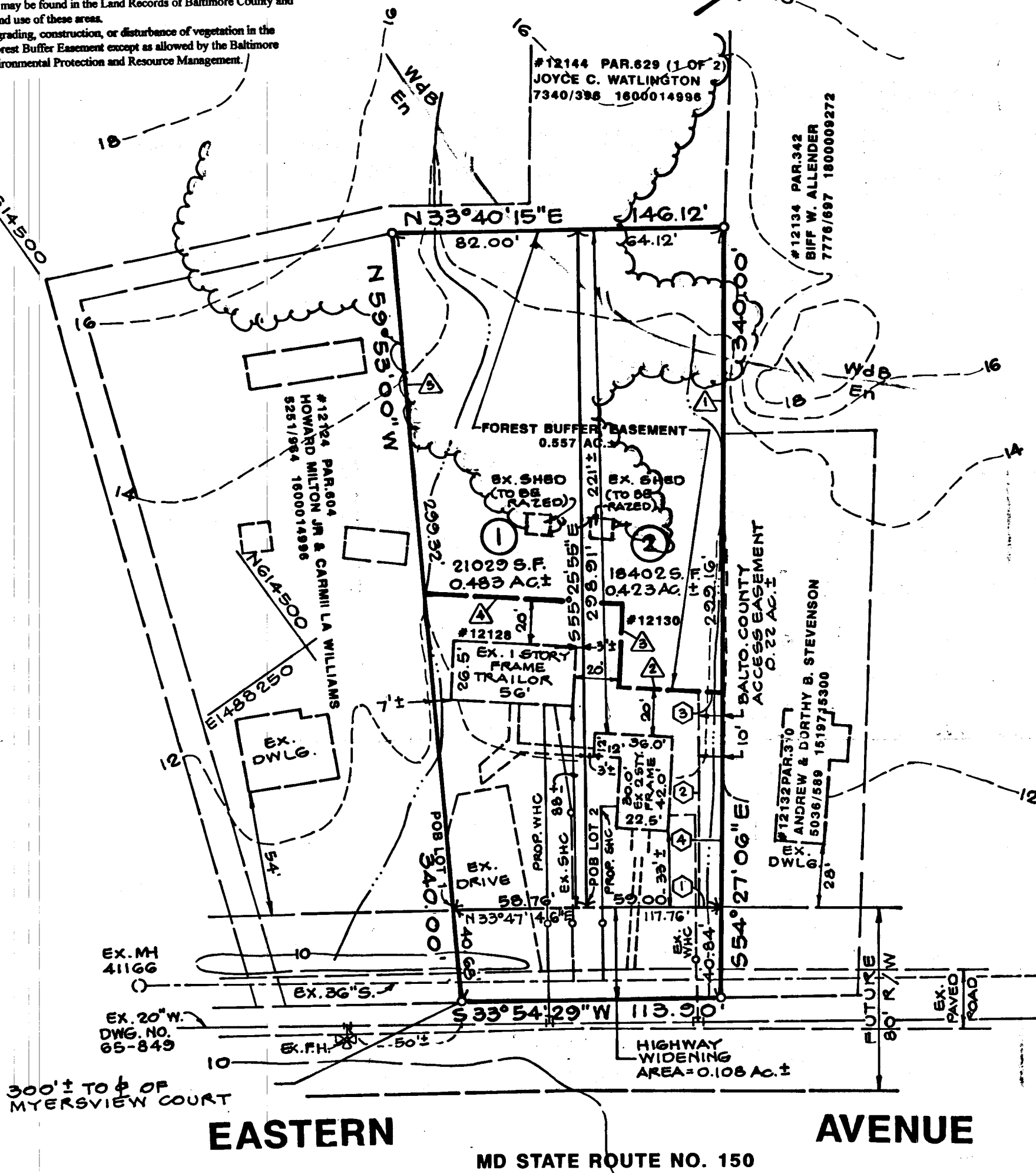
LEGEND

- EX. CONTOUR
- EX. STREAM
- EX. WOODS LINE
- SOILS LINE

REQUIRED ZONING BLOC. SETBACKS
(SEC 1802.3.C.1)
MIN. LOT AREA : 6000 S.F.
MIN. LOT WIDTH : 55'
MIN. FRONT YARD : 25'
MIN. SIDE YARD : 10'
MIN. REAR YARD : 30'

SITE DATA

- GROSS AREA OF SITE : 1.014 AC. ±
- DEED REFERENCE : 6408/757
- TAX ACCOUNT NO. : 2200004789
- CENSUS TRACT : 4517.01
- REGIONAL PLANNING DISTRICT : 322 A
- SCHOOL DISTRICT : 56 CHASE
- WATERSHED : 02
- SUBSEWERSHED : 11
- COUNCILMANIC DISTRICT : 5
- ZONING CLASSIFICATION : DR 5.5
- DENSITY CALCULATIONS:
LOTS ALLOWED (5.5 x 1.014 = 5.58) = 5
LOTS PROPOSED = 2
- HIGHWAY WIDENING AREA : 0.108 AC. ±
- NET AREA OF LOTS : 0.906 AC. ±
- PARKING REQUIRED : 2 PER LOT = 4 SPACES
- PARKING PROVIDED : 2+ PER LOT



FOREST BUFFER LINE TABLE

- 554°27'06"E 204.16'
- 537°21'10"W 45.47'
- 55°50'27"W 36.01'
- 537°46'05"W 85.75'
- 55°55'00"W 150.32'

BALTO. COUNTY ACCESS EASEMENT LINE TABLE

- 533°47'33"W 10.00'
- 554°27'06"W 95.62'
- 537°21'10"E 10.01'
- 554°27'06"E 95.00'

ZONING REQUESTS

REQUESTING A VARIANCE TO SECTION 1802.3.C.1 (B02R) TO PERMIT A SIDEYARD SETBACK OF 3 FEET FOR LOT 1 AND A SIDEYARD SETBACK OF 3 FEET FOR LOT 2 IN LIEU OF THE MINIMUM REQUIRED 10 FEET PER LOT.

SOILS LIMITATION CHART

Map Symbol	Soil Series	Homesites Limitations	Septic Systems Limitations	Hydric	K _c Value	Capability Unit
En	Elkton	Severe	Severe	Yes	0.43	Illw-9
WdB	Woodstown	Moderate	Moderate	No	0.24	Ile-36

I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION PLAN COMMENTS DATED 08 / 17 / 00, AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN PURSUANT TO THOSE AGENCY COMMENTS.

BALTIMORE COUNTY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND RESOURCE MANAGEMENT
FOREST CONSERVATION PLAN APPROVAL

Approved by: _____ Date: _____
Environmental Impact Review
DNRI approved qualified professional

FOREST CONSERVATION PLAN # _____

Baltimore County Minor Subdivision
Project No. 00-085 M.

DEVELOPMENT REGULATIONS
☐ Exempt from Division 2
☐ Panhandle, exempt from Sections 26-202 & 26-206

PDM CERTIFICATION
☐ Approved ☐ Disapproved

By: _____ Date: _____

APPROVED, DEPRM

By: _____ Date: _____

MINOR SUBDIVISION PLAN AND PLAT TO ACCOMPANY

PETITIONS FOR ZONING VARIANCES

DESIGN AND DRAWING
BASED ON MARYLAND
COORDINATE SYSTEM
HORIZONTAL - NAD 83/91
VERTICAL - NAVD 88

#12130 EASTERN AVENUE

TAX MAP 83 PARCEL 309
GRID 23
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND.
SCALE : 1" = 50' DATE : 08 / 08 / 2000

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
SHAWAN PLACE 5 SHAWAN ROAD
COCKEYSVILLE, MD 21036
PHONE - (410) 527-1858

JOB NO. 110 DRAWN: W.D.G. CHECKED: G.C.S.



DATE	REVISIONS
11-11-00	AS PER 1ST REVIEW COMMENTS
OWNER	
HOWARD M. WILLIAMS 12130 EASTERN AVENUE BALTIMORE, MD 21220	

01-266A