ORDER RECEIVED FOR FILING

IN RE: PETITION FOR VARIANCE

NE/S Turkey Point Road, 140' W

of Rockaway Beach Road

15th Election District

5th Councilmanic District

(2344 Turkey Point Road)

Howard M. and Elizabeth Henning

Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 01-365-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Howard and Elizabeth Henning. The Petitioners are requesting a variance for property they own at 2344 Turkey Point Road. The variance request is from Section 1B02.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing single-family dwelling with a lot width of 50 ft. in lieu of the required 70 ft. and to approve a sum of the side yard setbacks of 23 ft. in lieu of the required 25 ft.

Appearing at the hearing on behalf of the variance request were Mr. and Mrs. Henning, owners of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.2066 acres, more or less, split-zoned DR 3.5, with a small portion of BL. The subject property is improved with an existing single-story residential dwelling which has been owned by the Hennings for approximately 12 years. In addition to owning the subject dwelling, the Petitioners also own a vacant 50 ft. wide lot located to the west of this property. They are desirous of constructing a new single-family dwelling on the adjacent lot for

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themselves and their family. By virtue of the construction of a new home on the adjacent lot, the variance requests for their existing home are generated.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should, therefore, be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

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

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

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

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

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 such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



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

Fax: 410-887-3468

May 7, 2001

Mr. & Mrs. Howard M. Henning 6 Horney Court Baltimore, Maryland 21221

Re: Petition for Administrative Variance

Case No. 01-365-A

Property: 2344 Turkey Point Road

Dear Mr. & Mrs. Henning:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Mustly Motroco

TMK:rai Enclosure

Census 2000













Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2344 Turkey Point Road which is presently zoned DR 3.5 / BL

I/We do solemnly declare and affirm, under the penalties of

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

owner(s) or the property situate in Baitimore 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) 1802.3C1 to approve an existing single family dwelling with a lot width of 50 feet in lieu of the required 70 feet, and to approve a sum of side yard setbacks of 23 feet in lieu of the required 25 feet, and to approve any other variances deemed nacessary by the Zoning Commissioner, and to approve an undersized lot of 1,000 square feet in lieu of the required 10,000 square feet.

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 heaving

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.

	is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name - Type or Brint
Signature	Signature Mark Henring
Address Telephone No	Name Type or Print
City State Zip Code	Signaturé Signaturé
Attorney For Petîtioner:	10 HORNEY Ct (410)(082-4175 Address Telephone No.
Name - Type or Print	Baltimore MD ZIZZI City State Zip Code
Signature	Representative to be Contacted:
Company	Name
Address Telephone No.	Address Telephone No.
Giv State Zip Code	City State Zip Code
	OFFICE USE ONLY
Case No. 01-365-A	ESTIMATED LENGTH OF HEARING
Dan enclar	UNAVAILABLE FOR HEARING Reviewed By JNP Date 3 19/01

J. FINLEY RANSONE & ASSOCIATES

• Land Surveying •

Engineering

Real Estate Development

Construction Management

March 12, 2001

Zoning Description 2344 Turkey Point Road

Beginning at a point on the northeast side of Turkey Point Road, 50 feet wide, and distant 140 feet westerly from the centerline of Rockaway Beach Avenue, and being part of Lot No's. 12, 13 and 14 as shown on the Revised Plat of Middleview which is recorded among the Plat Records of Baltimore County in Platbook No. 7 folio 112, and known as No. 2344 Turkey Point Road.

Containing 9,000 square feet of land.

Located in the Fifteenth Election District, Fifth Councilmanic District of Baltimore County, Maryland.



PO BOX 10160 • TOWSON, MARYLAND • 21285-0160 PHONE: 410-666-7448 • FAX: 410-666-0373 • E-MAIL: JFRANSONE@HOME.COM

01-365-A

NOTICE OF ZONING HEARING

The Zoning Commissioner of Battmore County, by author-ity of the Zoning Act and Regulations of Baltmore County will hold a public hearing in Towson, Maryland on the prop-ery identified hersin as follows:

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2344 Turkey Point Road
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LAWRENDE E. SCHMIDT
Zoning Commissioner for Battmore County
NOTES: (1) Hearings are Handicapted Accessible; for special account of the Pease Contact the Zoning Commissioner's Office at (4.10) Refreq886
(2) For Information concerning the File and/or Hearing, Contact the Zoning Review Office at (4.10) 887-3391.

THIS IS TO CERTIFY, that the annexed advertisement was published -successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., once in each of

The Jeffersonian

- Arbutus Times
- ☐ Catonsville Times
 - Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
 - ☐ North County News

J. WULMST

LEGAL ADVERTISING

A THE RESIDENCE OF THE PROPERTY OF THE PROPERT MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND RECEIVED FROM: DISTRIBUTION WHITE - CASHIER PINK - AGENCY ACCOUNT & THE LE DOKE 16150 AMOUNT \$ YELLOW - CUSTOMER 93035 ALEXAL SOF HER GLAND THE SOCIAL SOCIA हिन्द्रम् । जिल्लाम् । जन्माति । जन्माति । जन्माति । CASHIER'S VALIDATION

CERTIFICATE OF POSTING

	Howard m. Henning
	Date of Hearing/Closing: May 2, 2001
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 perjuter were posted conspicuously on the property located	_
The sign(s) were posted on(N	RL 17, 266/ Month, Day, Year)
	Sincerely,
	School 4/17/01 (Signature of Sign Poster and Date) Robert Block (Printed Name)
	1508 LesLie Rd
	Dundalk , and 21222
The second secon	(City, State, Zip Code)
The Anti-Continue of the Continue of the Conti	410 · 282-7940
Contract of the Contract of th	(Telephone Number)

RE: Case No.: 01-365-A

Petitioner/Developer: ELIZABeth +

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

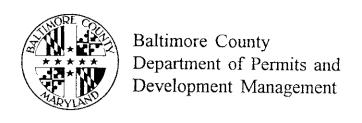
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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:
Item Number or Case Number:O(-365-A Petitioner:Henning
Address or Location: 2344 Turtey Point Road (Part of Lots 12, 13,14)
PLEASE FORWARD ADVERTISING BILL TO: Name: Howard Henning
Address: 6 Horney Court Baltimore, MD 21221
Telephone Number: 410-682-4175



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

Fax: 410-887-5708

April 3, 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: 01-365-A 2344 Turkey Point Road

NE/S Turkey Point Road, 140' W of Rockaway Beach Avenue

15th Election District – 5th Councilmanic District Legal Owners: Elizabeth & Howard M Henning

<u>Variance</u> to approve an existing single family dwelling with a lot width of 50 feet in lieu of the required 70 feet; to approve a sum of side yard setbacks of 23 feet in lieu of the required 25 feet; to approve an undersized lot of 9000 square feet in lieu of the required 10,000 square feet and to approve any other variances deemed necessary by the Zoning Commissioner.

HEARING: Wednesday, May 2, 2001 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon Director

C: Elizabeth & Howard M Henning, 6 Horney Court, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 17, 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, April 17, 2001 Issue – Jeffersonian

Please forward billing to:

Howard Henning 6 Horney Court Baltimore MD 21221

410 682-4175

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: 01-365-A
2344 Turkey Point Road
NE/S Turkey Point Road, 140' W of Rockaway Beach Avenue
15th Election District – 5th Councilmanic District
Legal Owners: Elizabeth & Howard M Henning

<u>Variance</u> to approve an existing single family dwelling with a lot width of 50 feet in lieu of the required 70 feet; to approve a sum of side yard setbacks of 23 feet in lieu of the required 25 feet; to approve an undersized lot of 9000 square feet in lieu of the required 10,000 square feet and to approve any other variances deemed necessary by the Zoning Commissioner.

HEARING: Wednesday, May 2, 2001 at 9:00 a.m. in Room 407, County Courts

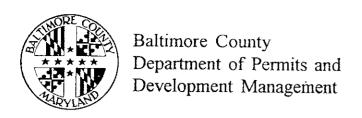
Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.



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

April 27, 2001

Elizabeth & Howard Mack Henning 6 Horney Court Baltimore MD 21221

Dear Mr. & Mrs. Henning:

RE: Case Number: 01-365-A, 2344 Turkey Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 9, 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 Richard, Jr.

W. Carl Richards, Jr. 69つ Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon FROM: R. Bruce Seeley DATE: April 4, 2001 SUBJECT: Zoning Item #365 2344 Turkey Point Road Zoning Advisory Committee Meeting of April 2, 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: Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley Date: April 4, 2001



Jim 5/2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 6, 2001

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

APR - 9

SUBJECT:

2344 Turkey Point Road

INFORMATION:

Item Number:

01-365

Petitioner:

Howard Mark Henning

Zoning:

Dr 3.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a lot width of 50 feet in lieu of the minimum required 70 feet, and to allow a sum of side yard of 23 feet in lieu of the minimum required 25 feet. This office also supports the request to approve an undersize lot of 9,000 square feet in lieu of the minimum required 10,000 square feet.

Prepared by:

Section Chief:

AFK:MAC:



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

March 29, 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 April 2, 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:

365, 366, 372, 373, 374, 375, 376, 377,

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

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 4.2.01

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

Item No. 345

JNP

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,

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

f. J. Doll

My telephone number is _____

RE: PETITION FOR VARIANCE
2344 Turkey Point Road, NE/S Turkey Point Rd,
140' W of Rockaway Beach Ave
15th Election District, 5th Councilmanic

Legal Owner: Howard M. & Elizabeth Henning Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * FOR
- * BALTIMORE COUNTY
- * Case No. 01-365-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 4th day of April, 2001 a copy of the foregoing Entry of Appearance was mailed to Legal Owner Howard M. & Elizabeth Henning, 6 Horney Court, Baltimore, MD 21221, Petitioner.

PETER MAX ZIMMERMAN

May Cimme

