

IN RE: PETITION FOR VARIANCE
W/S Holly Neck Road, 575' S
centerline of Goff Road
15th Election District
7th Councilmanic District
(137 Holly Neck Road)

Francis Lipscomb, *Legal Owner*
and
John & Joan MacFarlane,
Contract Purchasers
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-429-A

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*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Francis Lipscomb and the contract purchasers, John and Joan MacFarlane. The variance request is for property located at 137 Holly Neck Road, in the Essex area of Baltimore County. The subject property is zoned RC 5. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling with a property line setback of 21 ft. in lieu of the required 50 ft.

Appearing at the hearing on behalf of the variance request were John and Joan MacFarlane, the contract purchasers of the property. Also attending was their builder, Buck Jones and Kathy Love, an adjacent property owner.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.41 acres, more or less, zoned RC 5. The subject property is unimproved at this time. The Petitioners are interested in constructing a single-family residence on the property in the area shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. As a result of wetlands and wetland buffers that exist on this property, the house is forced to be situated in an area where it is located as close as 21 ft. to a property line. Accordingly, in order to proceed

ORIGINAL RECEIVED FOR FILING
Date 6/13/01
By [Signature]

with the construction of the home and avoid infringing on the wetlands and wetland buffers, the variance request is necessary.

It should also be noted that the Petitioners have obtained from Kathy Love, adjacent property owner, a 50 ft. fee simple strip over which access will be gained to Holly Neck Road. This satisfied the request of the Office of Planning and their comment which was contained within the file. In addition, the Petitioners have no intention and, therefore, there shall be no right to construct a home on the area of this property that fronts along Poplar Road. That area is shown to remain vacant on this site plan and, therefore, shall not be developed with a home in the future.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel.

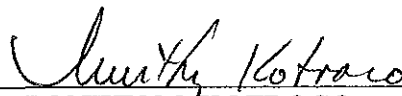
OFFICE RECEIVED FOR FILING
Date 6/13/01
By R. J. J. J.

In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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.

THEREFORE, IT IS ORDERED this 13th day of June, 2001, by this Deputy Zoning Commissioner, that the variance requested by Petitioners pursuant to Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a single-family dwelling with a property line setback of 21 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their 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

COPIES RECEIVED FOR FILING
6/13/01
BY R. J. [signature]



Baltimore County
Zoning Commissioner

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

June 13, 2001

Mr. Buck Jones
500 Vogts Lane
Baltimore, Maryland 21221

Re: Petition for Variance
Case No. 01-429-A
Property: 137 Holly Neck Road

Dear Mr. Jones:

Enclosed please find the decision rendered in the above-captioned case. The Petition for 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

TMK:raj
Enclosure

c: Mr. Francis Lipscomb
248 Kensington Parkway
Abington, MD 21009

Mr. & Mrs. John MacFarlane
1900 Middleborough Road
Essex, MD 21221





FLOOD PLAIN C.S.C.A. Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Lot 135-137 17024 10th Ave NW
~~1023 Beach 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.B.2 (S.C.T.R.)

TO PERMIT A PROPOSED SINGLE FAMILY DWELLING TO HAVE
A PROPERTY LINE SETBACK OF 21' IN LIEU OF THE
REQUIRED 50'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Due to the shape of the lot and the environmental restraints as noted on the site plan, there is a limited area that a home can be built to keep the dwelling out of the environmental buffers and attempt to construct the dwelling with abiding with the zoning regulations as much as possible. To not grant a variance will make the lot unusable.

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:

John & Joan Macfarlane

Name - Type or Print

Signature John & Joan Macfarlane

1900 Middleborough Rd 410-238-2628

Address

Telephone No.

Essex, Md

21221

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 01-429-A

Legal Owner(s):

Francis Lipscomb

Name - Type or Print

Signature Francis Lipscomb

Signature

Name - Type or Print

X

Signature 248 KENSINGTON PARKWAY

~~1023 Beach Rd~~

410-574-9337

Address ABINGTON

MD

Telephone No

Baltimore, Md

21221 21009

City

State

Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Vogts Lane

410-574-9337

Address

Telephone No

Baltimore

Md

21221

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By ETM Date 4/17/01

ORDER RECEIVED FOR FILING

Date 6/13/01
By R. J. [Signature]
REV. 9/15/98

ZONING DESCRIPTION

ZONING DESCRIPTION FOR: LOT 135 TO 137 HOLLY NECK ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF

HOLLY NECK ROAD WHICH IS 30'

WIDE AT THE DISTANCE OF 575' SOUTH OF THE

CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET GOFF ROAD

WHICH IS 30' WIDE. *BEING LOT # 135 TO 137

BLOCK _____, SECTION # _____ IN THE SUBDIVISION OF CEDAR BEACH

AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 13, FOLIO # 59,

CONTAINING 63,075 SF OR 1.45 ACRES. ALSO KNOWN AS LOTS 135 - 137 HOLLY NECK ROAD

AND LOCATED IN THE 15 ELECTION DISTRICT, 7 COUNCILMANIC DISTRICT.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92948

DATE 4/17/01 ACCOUNT R001 006 6150

AMOUNT \$ 50.00

RECEIVED
FROM:

FREE STATE GUN! CONT.

FOR:

010 VARIANCE

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
4/18/2001 4/17/2001 11:23:44
REF: WS01 CASHIER JRIC JWR DRAWER 1
- RECEIPT # 041543 OFLN
Rep: 5 528 ZONING VERIFICATION
CR ID: 012948

Receipt Tot 50.00
50.00 OK .00 CA
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: # 01-429-A
137 Holly Neck Road Lot 135

W. side Holly Neck Road,
575' S centerline Golf Road
15th Election District
7th Councilmanic District
Legal Owner(s): Francis
Lipscomb

Contract Purchasers: Joan
& John Macfarlane.

Variance: to permit a proposed single family dwelling to have a property line setback of 21 feet in lieu of the required 50 feet.

Hearing: Monday, June 11, 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.

5/24/01 May 24 C470679

CERTIFICATE OF PUBLICATION

5/24/, 2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/24/, 2001.

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

S. Wilkinson

LEGAL ADVERTISING

sent

Date of Hearing/Closing 6/11/01

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

r it* Fax Note 7671		Date	# of pages ▶
To	ROBIN/BETTY	From	OKEEFE
Co./Dept.	ZONING COMMISH	Co	
Phone #	887-1386	Phone #	887-321-4
Fax #	887-3468	Fax #	512-321-4

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 LOT-135 - HOLLY NECK RD.
ONSITE

The sign(s) were posted on 5/25/01
(Month, Day, Year)

Sincerely,

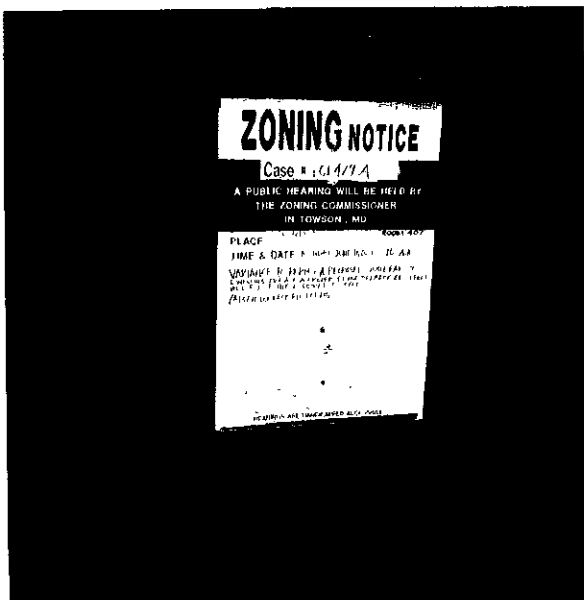
Patrick M O'Keefe 5/16/2011
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

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

410-666-5366 ; CELL 202-905-9557
(Telephone Number)



Q1-429-A

LOT 135 HOLLY NICK RD

61101

61116

**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: 01-429-A

Petitioner: John & Joan Macfarlane

Address or Location: Lot's 135 - 137 Holly Neck Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: Buck Jones

Address: 500 Vogts Lane
Baltimore, Md 21221

Telephone Number: 410-574-9337

Revised 2/20/98 - SCJ



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 10, 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: 01-429-A
137 Holly Neck Road Lot 135
W side of Holly Neck Road, 575' S centerline Golf Road
15th Election District – 7th Councilmanic District
Legal Owner: Francis Lipscomb
Contract Purchasers: Joan & John Macfarlane

Variance to permit a proposed single family dwelling to have a property line setback of 21 feet in lieu of the required 50 feet.

HEARING: Monday, June 11, 2001 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon CDZ
Director

C: Francis Lipscomb, 248 Kensington Parkway Abington 21009
Joan & John Macfarlane, 1900 Middleborough Road, Essex 21221
Buck Jones, 500 Vogts Lane, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 26, 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
Thursday, May 24, 2001 Issue -- Jeffersonian

Please forward billing to:
Buck Jones
500 Vogts Lane
Baltimore MD 21221

410 574-9337

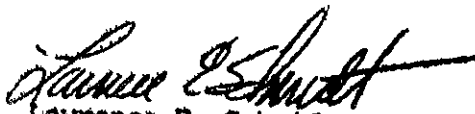
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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT CD2
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

June 8, 2001

Francis Lipscomb
248 Kensington Parkway
Abington MD 21009

Dear Mr. Lipscomb:

RE: Case Number: 01-429-A, 137 Holly Neck Road, Lot 135

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 17, 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. G12
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: John & Joan Macfarlane, 1900 Middleborough Rd, Essex 21221
Buck Jones, 500 Vogts Lane, Baltimore 21221
People's Counsel



Ink
6/11

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 15, 2001

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

SUBJECT: 137 Holly Neck Road

INFORMATION:

Item Number: 01-429

Petitioner: Francis Lipscomb

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a property line setback of 21 feet in lieu of the required 50 feet provided that the petitioner can demonstrate proof of ownership of the right-of-way through the adjacent property. A note should be added to the plan and entered in the land records stating that the portion of the lot west of Sue Creek and adjacent to Poplar Road cannot be developed.

Prepared by: Maetha Coughlin

Section Chief: Jeffrey W. Z...
AFK:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 4, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2001
Item 429

The Bureau of Development Plans Review has reviewed the subject zoning items.

This site is located in a 100-year tidal flood plain area. The county 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.

The lowest floor elevations of all new or substantially improved structures shall be at or above the flood protection elevation. Basements are not permitted in the flood plain area.

The minimum flood protection elevation for this site is 11 feet.

Whenever new buildings are constructed in areas subject to tidal flooding as established by the F.I.S. and F.I.R.M. of Baltimore County, they shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structures with materials resistant to flood damage.

A grinder pump will be required for providing sanitary sewer service to this house. See record drawing number 90-1687 for information on existing 3" Ø pressure sewer.

The proposed lot must have in-lot frontage on the public road for public water service.

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

May 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 MAY 7, 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:

428, 429, 430, 431, 432, 440, 441, 442

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: 5.9.01

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

RE: Baltimore County
Item No. 429 LTM

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,

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: May 11, 2001

SUBJECT: Zoning Item # 429 Lipscomb Prop.(Francis)
Lot 135 – Lot 137 Holly Neck Road

Zoning Advisory Committee Meeting of 5/7/01

X 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:

_____ If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to 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: 5/10/01

RE: PETITION FOR VARIANCE
137 Holly Neck Road, Lot 135, W/S Holly Neck Rd,
575' S of c/l Goff Rd
15th Election District, 7th Councilmanic

Legal Owner: Francis Lipscomb
Contract Purchaser: John & Joan Macfarlane
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-429-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 June, 2001 a copy of the foregoing Entry of Appearance was mailed to Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, representative for Petitioners.


PETER MAX ZIMMERMAN

FREE-STATE GENERAL CONTRACTORS, INC.



500 VOGTS LANE • BALTIMORE, MARYLAND 21221 • (410) 574-9337
M.H.I.C.# 20286
www.freestatehomes.com

APRIL 18, 2001

BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
DEVELOPMENT PROCESSING COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204
ATTENTION: LLOYD MOXLEY

DEAR MR. MOXLEY,

THIS IS TO CORRECT THE ADDRESS FOR FRANCIS LIPSCOMB FOR THE VARIANCE
APPLICATION YOU TOOK IN YESTERDAY. THE CORRECT ADDRESS IS:

248 KENSINGTON PARKWAY
ABINGDON, MD 21009

THANK YOU,

Buck Jones
BUCK JONES
PRESIDENT

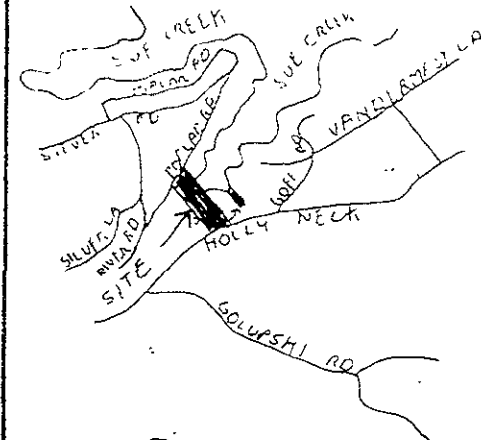
Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: LOTS 135-137 HOLY NECK RD.

See Pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name CEDAR BEACH
 plat book # 13, folio # 59, lot # 135-137 section # _____

OWNER: FRANCIS LIPSCOMB



Vicinity Map P.46-B-2
 scale: 1"=1000'

LOCATION INFORMATION

Election District: 15
 Councilmanic District: 7
 1"-200 scale map #: SE 2-7
 Zoning: R.C.5
 Lot size: 1.45 acreage 63,075 square feet

FLOOD ZONE C

FIRM MAP 445

SEWER: ☒ PUBLIC ☐ PRIVATE

WATER: ☒ PUBLIC ☐ PRIVATE

Chesapeake Bay Critical Area: ☒ YES ☐ NO

Prior Zoning Hearings:

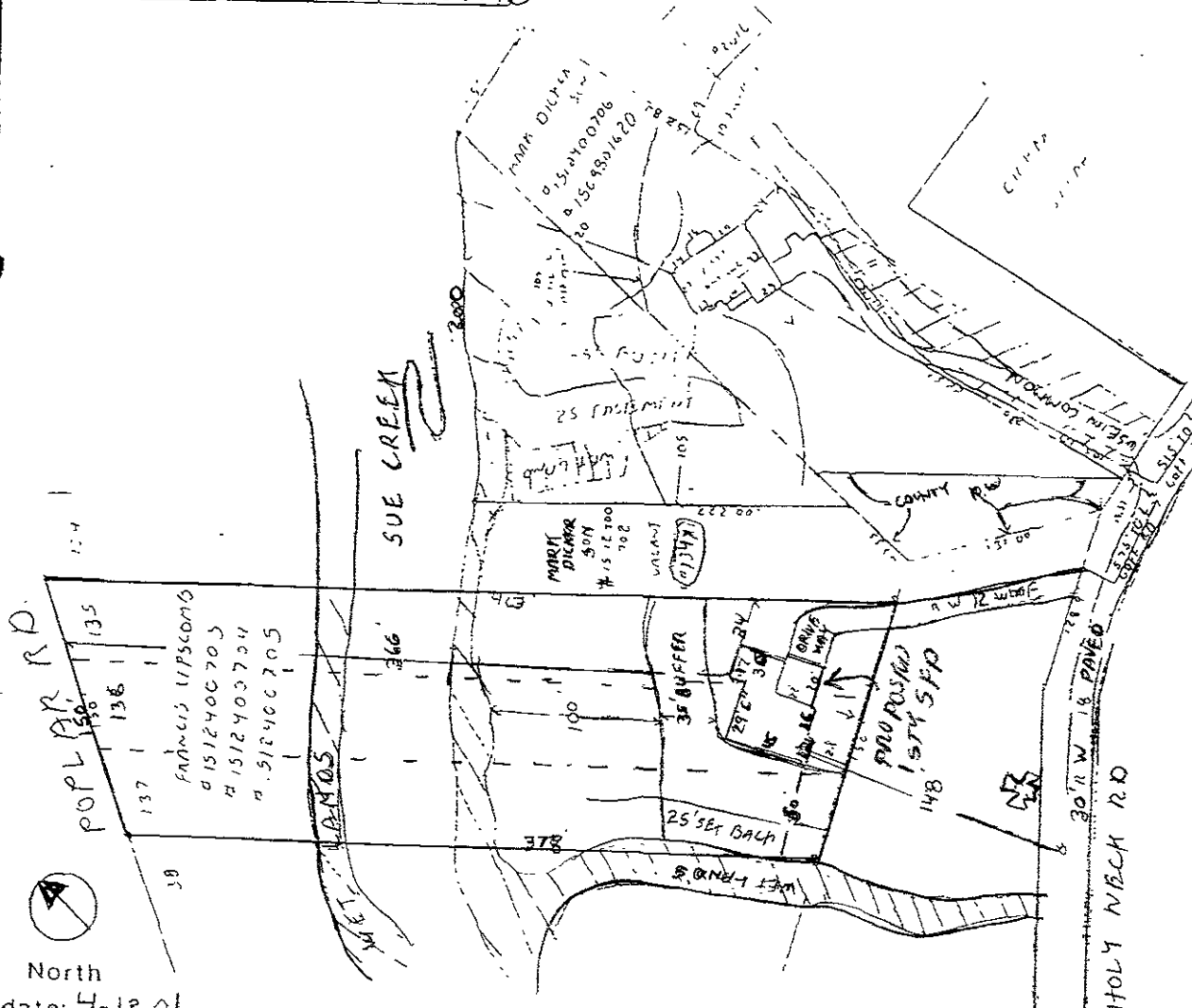
NONE

Zoning Office USE ONLY!

reviewed by _____ ITEM # _____ CASE # _____

LTM

429

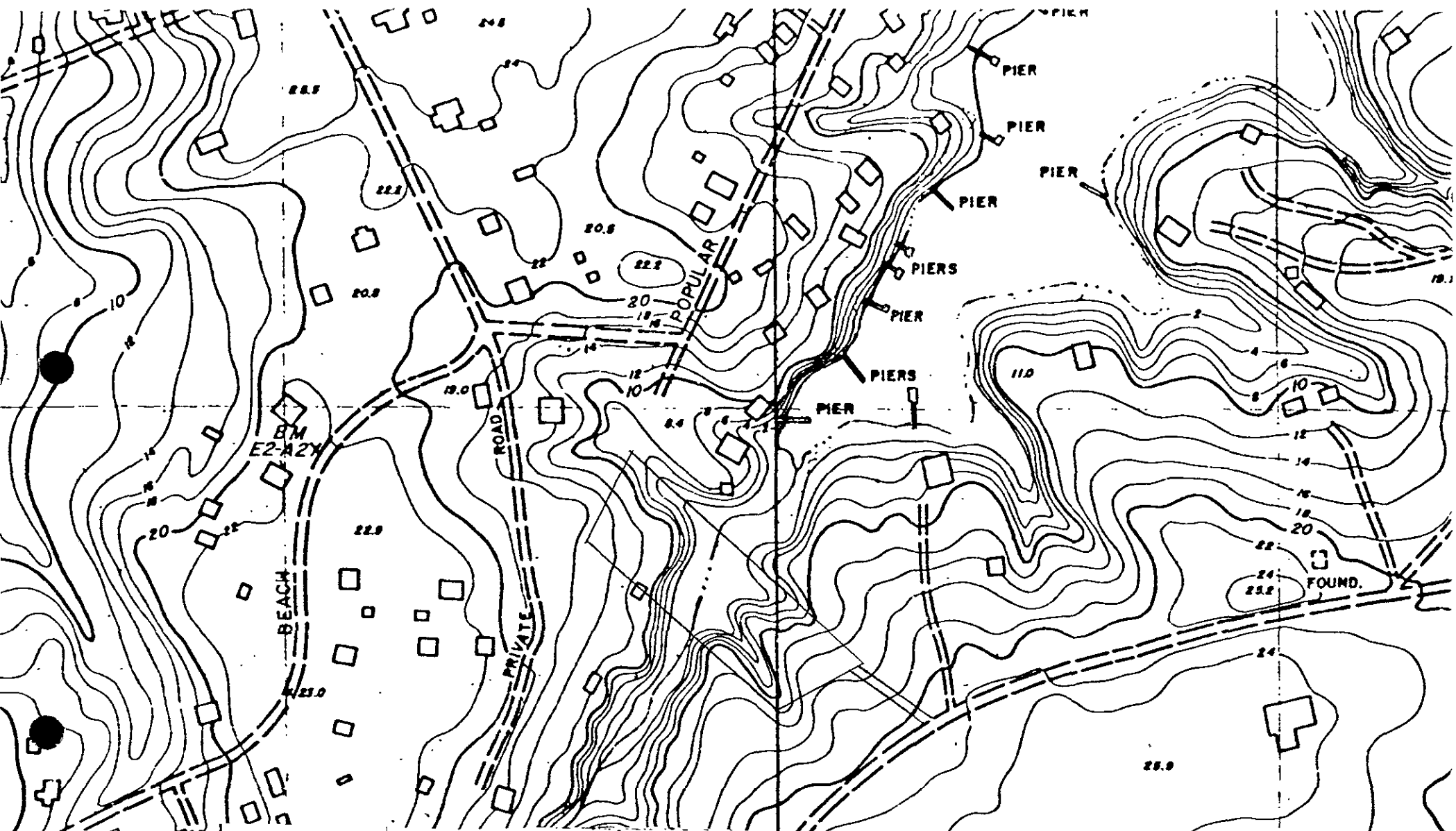


North

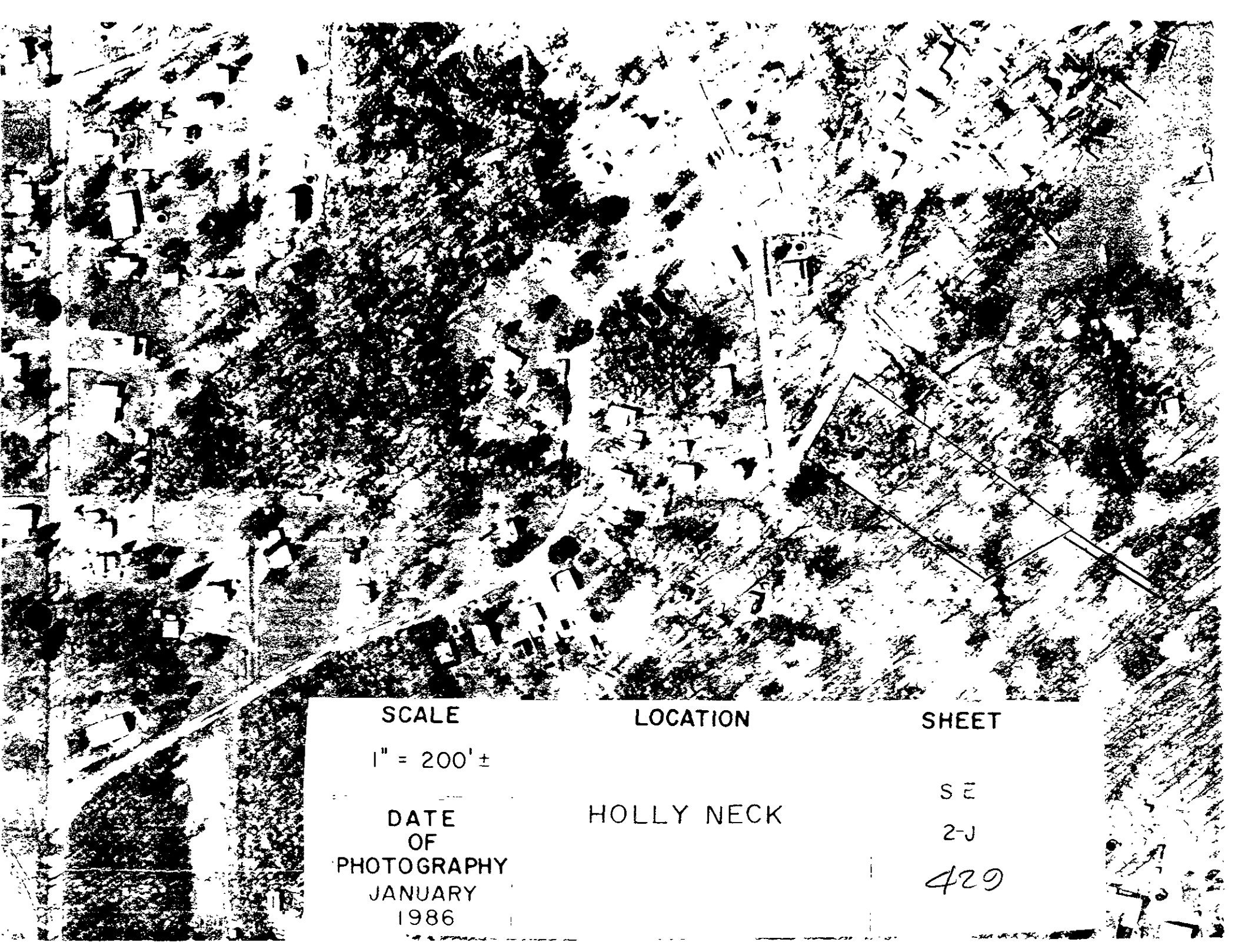
date: 4-12-01

prepared by: BUCK JONES

Scale of Drawing: 1"=100'



REVISIONS		SCALE 1" = 200'	LOCATION HOLLY NECK 429	SHEET S.E. 2-J
BY	DATE			
		DATE OF PHOTOGRAPHY DEC. 1954		
Topography Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP LANSING MICH				



SCALE

1" = 200' ±

LOCATION

HOLLY NECK

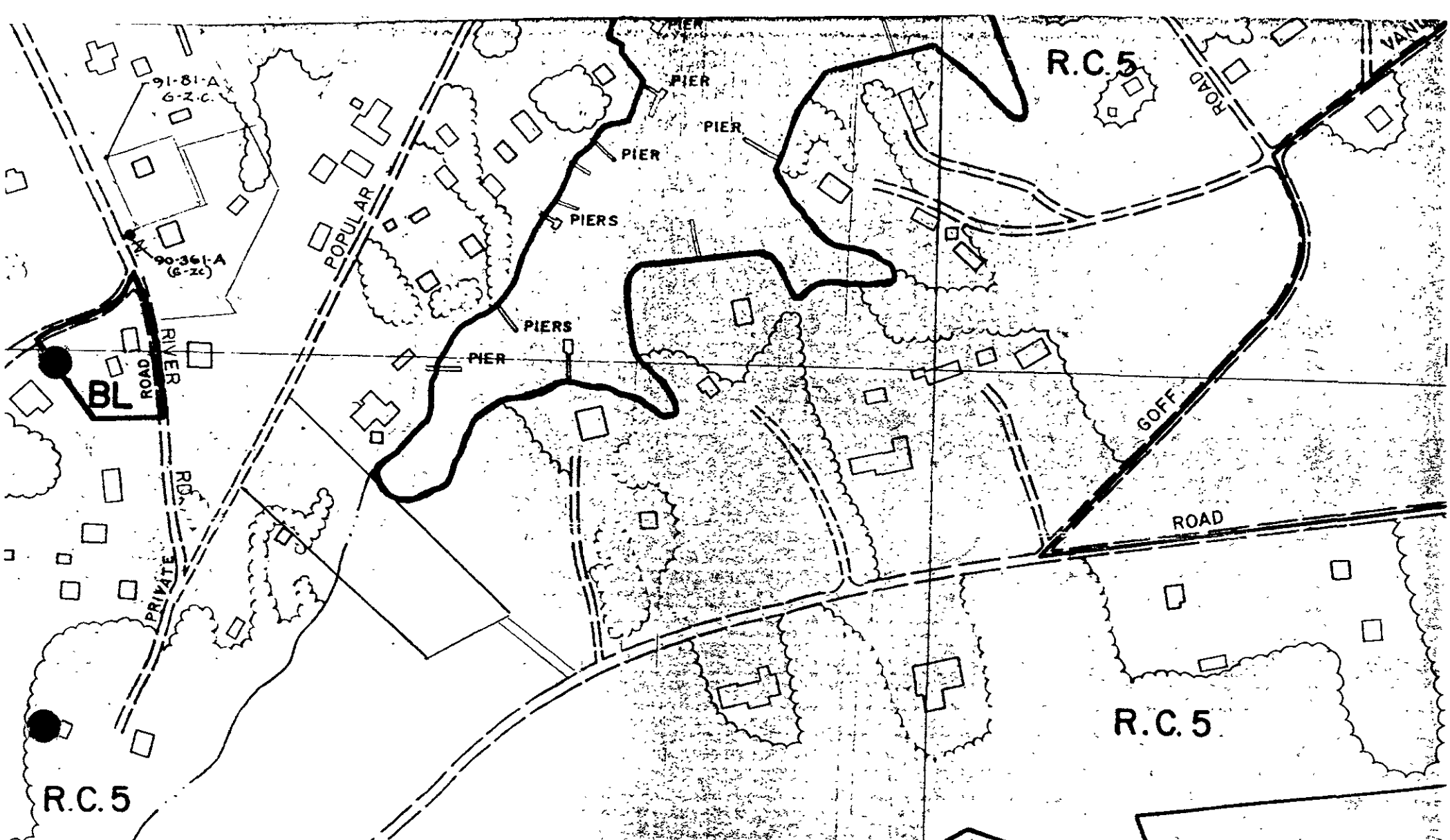
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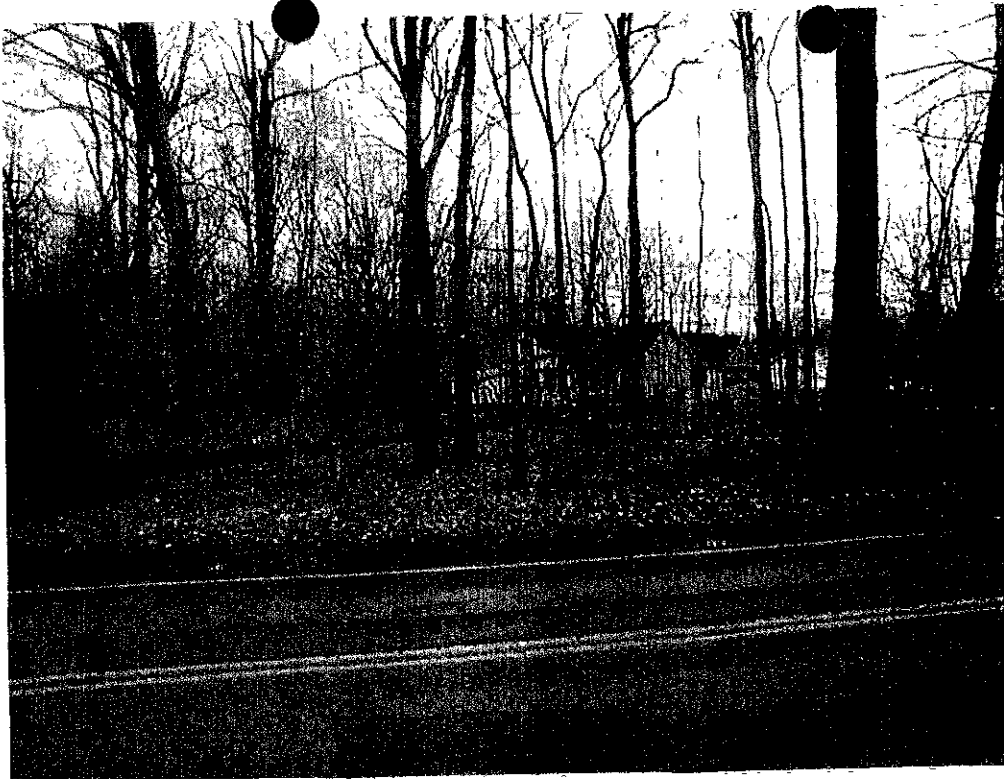
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PHOTOGRAPHY
JANUARY
1986



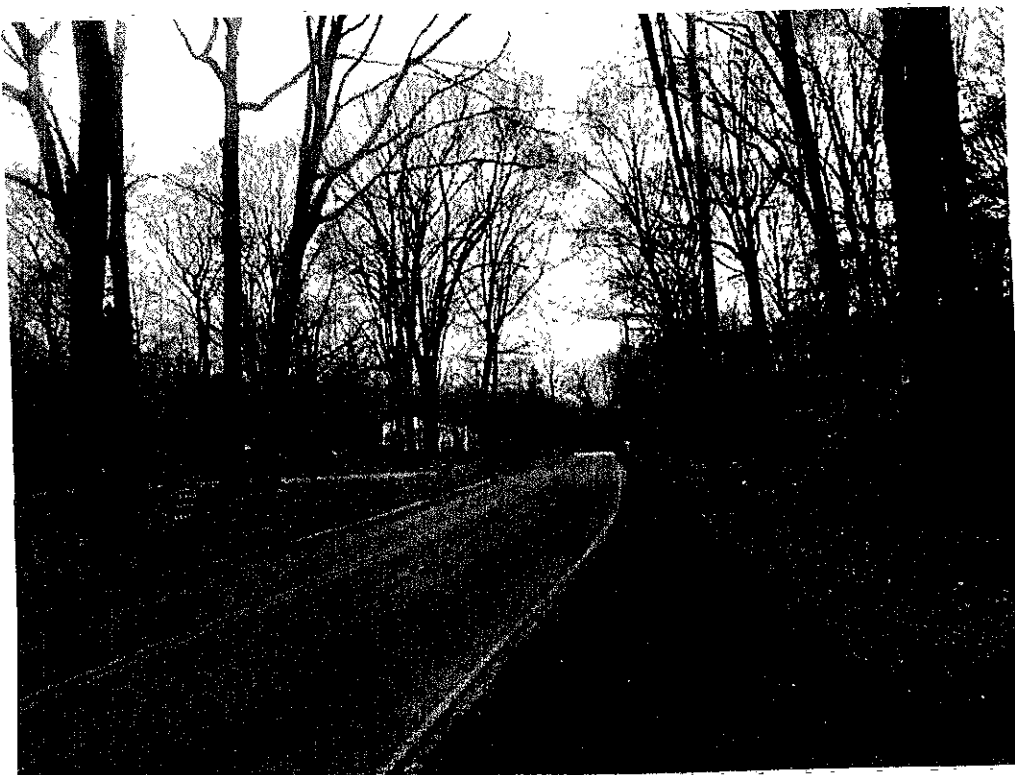
1992 COMPREHENSIVE ZONING MAP Adopted by the Baltimore County Council Oct. 15, 1992	SCALE 1" = 200' ±	LOCATION	SHEET
Bill Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92 G <i>William A. Howard IV</i> Chairman, County Council	DATE OF PHOTOGRAPHY JANUARY 1986	HOLLY NECK	S.E. 2-J 429



STANDING IN FRONT OF PROPERTY
LOOKING ACROSS STREET OR SOUTH



STANDING ON HOLLY NECK, LOOKING NORTH
EAST DOWN THE ROAD



STANDING ON HOLLY NECK, LOOKING SOUTH
WEST UP HOLLY NECK ROAD



STANDING ON HOLLY NECK ROAD LOOKING
NORTH INTO LOT



STANDING APPROXIMATELY 200' INTO
THE LOT LOOKING SOUTH INTO THE LOT



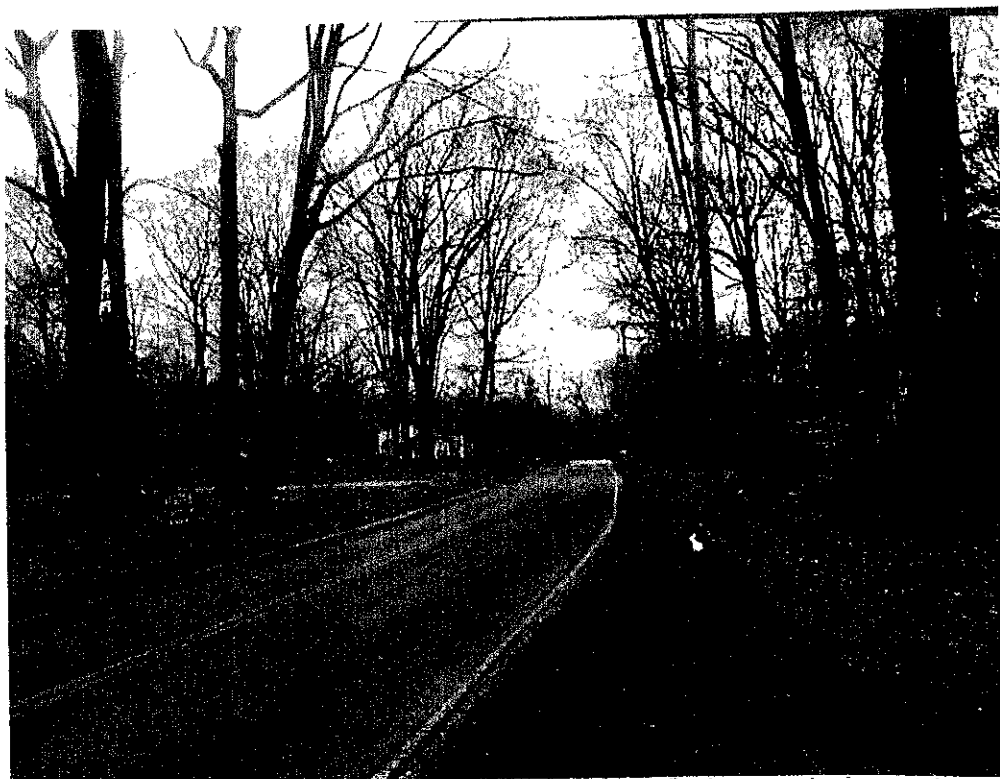
STANDING ON HOLLY NECK ROAD LOOKING
NORTH INTO LOT



STANDING APPROXIMATELY 200' INTO
THE LOT LOOKING SOUTH INTO THE LOT



STANDING ON HOLLY NECK LOOKING NORTH
EAST DOWN THE ROAD



STANDING ON HOLLY NECK LOOKING SOUTH
WEST UP HOLLY NECK ROAD



** [Signature]*
Buck Jones

Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

July 10, 2000

Mr. Francis Lipscomb
248 Kensington Parkway
Abington, Maryland 21009

Re: Parcels 207 and part of 311, Holly Neck Rd.
Lipscomb Property
Preliminary Assessment

Dear Mr. Lipscomb:

The Department of Environmental Protection and Resource Management has completed a preliminary assessment regarding environmental constraints on the above referenced property. The site is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to the following regulations:

1. Sue Creek and associated tidal wetlands, a tributary stream, and non-tidal wetlands exist on the site. A minimum 25-foot buffer would be required from the outer edge of any non-tidal wetland and a 100 foot buffer from the outer edge of any tidal wetland, Sue Creek, or stream. In addition, a 35-foot setback is required for any principle structure from the buffer which shall be known as a Critical Area Easement (CAE). The existing non-tidal wetlands have already been delineated by county, state, and federal personnel as part of the Special Area Management Plan (SAMP) for the forthcoming sanitary sewer project. A copy of the portion of the report pertaining to this particular property has been enclosed for your use. County, state, and federal personnel visited the site on July 18, 2000 and determined that the channel that conveys water under Holly Neck Road from a culvert pipe is a non-tidal wetland and not a stream as originally thought.

2. Parcels or lots greater than one-half acre in size are limited to 15% man-made impervious surfaces while parcels or lots less than one-half acre in size are limited to 25% man-made impervious surfaces. There are no improvements on this site at this time.

3. No more than 20% of the sum of all forest may be cleared and this shall be replaced by afforestation on a 1:1 acreage basis. An additional 10% of the forest may be cleared provided that every acre of forest cleared is replaced by 1.5:1 acres of afforestation. A fee-in-lieu may be accepted if a suitable area for afforestation cannot be found on or off-site in the same watershed. The fee-in-lieu is \$0.40 per square foot of forest cleared up to 20% and \$0.60 per square foot for forest cleared up to 30%. The maximum amount of forest allowed to be cleared by law is 30% of the forest on site. The property is 100% forested and delineated as such on Baltimore County aeriels. The undisturbed portion of the forest will need to be

Mr. Francis Lipscomb
July 19, 2000
Page 2

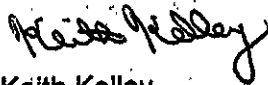
recorded as a non-disturbance area (Critical Area Easement) in Baltimore County Land Records.

4. Rooftop runoff must be directed across a pervious area such as lawn or forest to encourage maximum infiltration for any new construction.

I would suggest to call Mr. Glen Keller at 410-887-3781 to obtain a copy of the natural resources overlaid on a tax map. Then you can plot the buffers on this map and determine the buildable area on the site.

If you have any questions regarding this matter, please call me at 410-887-3980.

Sincerely,



Keith Kelley
Natural Resource Specialist
Environmental Impact Review

Attachment

C: Fred Mueller

kdk#9/lipscomb

old fill which is maintained as lawn. The eastern boundary of the wetland is limited presently by comparatively recent fill on parcels 91 and 92. A final wetland boundary in this area must wait until resolution of any enforcement action, which may require restoration of any unauthorized impacts. The fill extends to the property lines of these two parcels and is currently resulting in the impoundment of water on a platted but unconstructed section of Beach Road. We are aware of no plans to extend Beach Road through this section at the current time. This wetland received the following functional value indices: EI=M, PH=M, WH=M, FC=M, WQ=L. Due to the natural forested condition of this wetland and the extent of past disturbance, no further disturbance will be permitted in this wetland, which has potential for restoration.

Wetland 8

Wetland 8 is a temporarily flooded palustrine forested wetland of 0.12 acre. This wetland is dominated by Red Maple and Sweetgum and is directly adjacent to tidal emergent wetlands draining to Sue Creek. This wetland scored low in the functional assessment--EI=M, PH=L, WH=L, FC=L, WQ=L, but is designated for preservation because of its forested wetland Cowardin classification and its location completely within the 100 foot Critical Area tidal buffer.

Wetlands 9A and 9B

Wetlands 9A and 9B are temporarily flooded palustrine forested wetlands of 0.84 and 0.35 acres, respectively. Wetland 9B is separated from wetland 9A by Holly Neck Road but connected hydrologically by a culvert pipe crossing. Also, an upper perennial stream flows through most of the length of wetland 9A, and a ~~small stream~~ ^{channel containing wetland} forms opposite the culvert pipe crossing from wetland 9B. Both wetlands are forested and dominated by various Oaks,

American Beech, Red Maple and Sweetgum in the overstory and Black Gum and Pepperbush in the understory. Wetland 9A achieved the following functional value index scores: EI=L, PH=L, WH=L, AH=L, FC=L, WQ=M. Wetland 9B scored as follows: EI=M, PH=L, WH=M, FC=M, WQ=M. Both wetlands have been designated for preservation because of their PFO Cowardin classification, and in the case of wetland 9A, the existence of a perennial stream.

Wetland 10

Wetland 10 is a small (0.04 acre) temporarily flooded palustrine forested wetland dominated by surrounding upland fringe species--White Oak, American Beech and Tuliptree. An intermittent stream flows through this wetland to adjacent tidal wetlands and on to Sue Creek. This wetland received FVI scores of low for all parameters but is designated for preservation for its PFO Cowardin classification, intermittent stream, and location entirely within the 100 foot buffer.

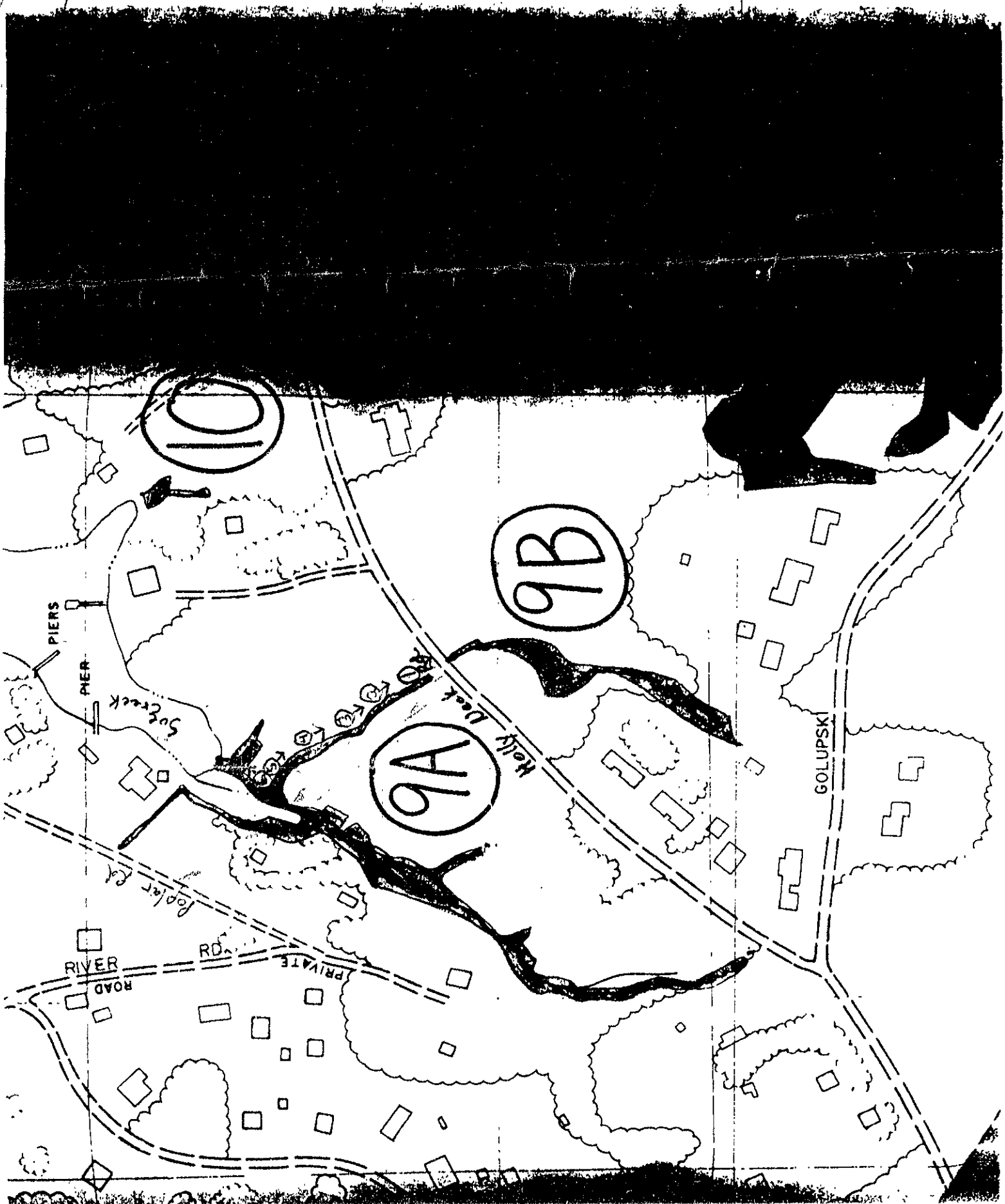
Wetland 11

Wetland 11 is a small (0.07 acre) temporarily flooded palustrine forested wetland with an upper perennial stream flowing to adjacent tidal wetlands of Sue Creek. This nontidal fringe wetland is dominated by White Oak and Sweetgum in the overstory and American Holly, Black Willow and Pepperbush in the understory. The functional assessment resulted in the following FVI scores: EI=L, PH=L, WH=M, AH=L, FC=L, WQ=M. This wetland is designated for preservation because of its PFO Cowardin classification, perennial stream, and location within the 100 foot tidal buffer.

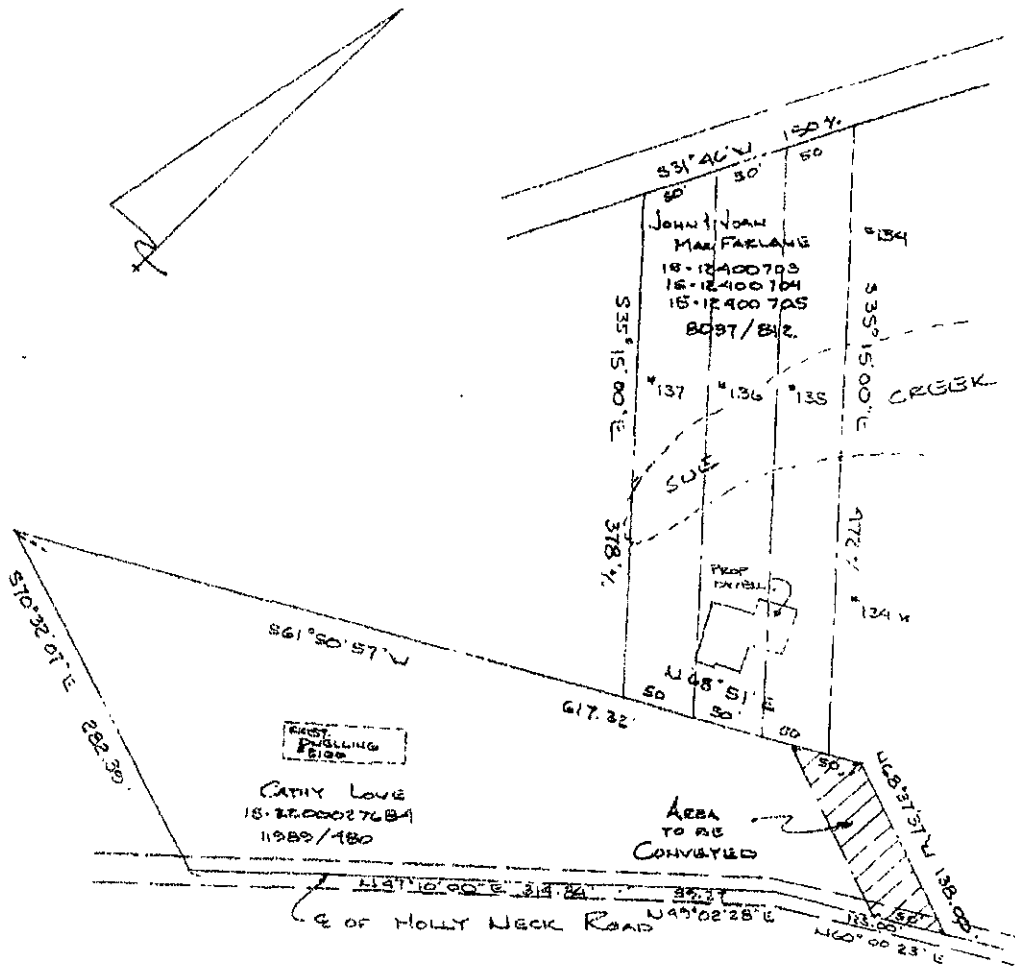
Wetland 12

Wetland 12 is similar to the previous two wetlands, a small (0.09 acre) tidal fringe temporarily flooded palustrine forested wetland. This wetland is dominated by Sweetgum and Tuliptree in the overstory, Red Maple

CH 88 B



Plat to accompany the DRC request for a Lot Line Adjustment at the property known as #2100 Holly Neck Road, 15TH Election District, 5TH Councilmanic District, Baltimore County, Maryland.



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

Scale 1"=100' Date: 6-5-01

Per Ex 2

