

IN RE: PETITION FOR VARIANCE

NE/Cor. Chesapeake Avenue & Chester Road
(1319 Chesapeake Avenue)

15th Election District

5th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 01-449-A

Eugene A. Huffines, et ux, Owners;

Theresa Moyer, Contract Purchaser

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Eugene A. and Georgina M. Huffines, and the Contract Purchaser, Theresa Moyer. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet in lieu of the required average of 42.4 feet for a proposed dwelling. 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 Theresa Moyer, Contract Purchaser, and Paul Lee, Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an unimproved rectangular shaped lot, located on the northeast corner of Chesapeake Avenue and Chester Road in Middle River. Although not waterfront, the property is located on a peninsula which has frontage on both Middle River and Galloway Creek. The Petitioners have contracted to sell the property to Ms. Moyer who is desirous of developing same with a single family dwelling. Presently, the lot is unimproved but for a shed and outhouse located towards the rear of the property. Testimony indicated that the outhouse will be removed; however, the Petitioner would like to retain the shed for storage purposes. As shown on the site plan, the property contains a critical area easement and

ORDER RECEIVED FOR FILING

Date

By

areas of wetlands which comprise nearly $\frac{3}{4}$ of the lot. Thus, there is limited area for development. As a result, the proposed dwelling will be located 25 feet from the front property line. Given that the average front setback for the adjacent, developed lots is 42.4 feet, the requested variance is necessary in order to proceed.

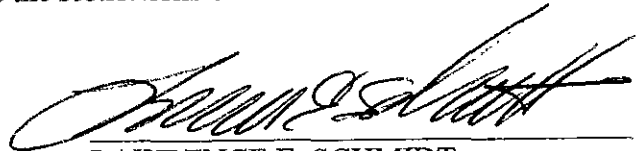
Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. Clearly, the Petitioner would suffer a practical difficulty and unreasonable hardship if relief was denied and render the subject lot unusable for a permitted purpose. The proposed development is an appropriate use of the property and will not result in any detriment to the health, safety or general welfare of the surrounding locale. However, pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated May 29, 2001, the Petitioner shall submit building elevation drawings of the proposed dwelling to that agency for review and approval prior to the issuance of any building permits. Moreover, the proposed development must be in compliance with the ZAC comments submitted by the Bureau of Development Plans Review, dated June 27, 2001, a copy of which is attached hereto and made a part hereof. In addition, the proposed development must be in compliance with Chesapeake Bay Critical Areas regulations. Thus, the Petitioner shall comply with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) to mitigate any impact the proposed development might have on the Bay and its tributaries. In this regard, it is to be noted that the Petitioner did obtain approval of a Critical Area Administrative Variance from DEPRM to permit disturbance of the wetlands and/or buffer area.

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 21st day of July, 2001 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet in lieu of the required average of 42.4 feet for a proposed dwelling, in

accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval prior to the issuance of any building permits.
- 3) Compliance with the ZAC comments submitted by the Bureau of Development Plans Review division of the Department of Permits and Development Management (DPDM), dated June 27, 2001, a copy of which is attached hereto and made a part hereof.
- 4) Compliance with any recommendations made by DEPRM relative to Chesapeake Bay Critical Areas regulations.
- 5) 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 7/24/01

By [Signature]



Baltimore County
Zoning Commissioner

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

July 20, 2001

Mr. & Mrs. Eugene A. Huffines
405 Brownell Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
NE/Corner Chesapeake Avenue & Chester Road
(1319 Chesapeake Avenue)
15th Election District – 5th Council District
Eugene A. Huffines, et ux, Owners; Theresa Moyer, Contract Purchaser - Petitioners
Case No. 01-449-A

Dear Mr. & Mrs. Huffines:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Theresa Moyer, 3905 Cutty Sark Road, Baltimore, Md. 21220
Mr. Paul Lee, Century Engineering, 32 West Road, Towson, Md. 21204
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; Development Plans Review (DPDM); DEPRM
People's Counsel; Case File





CRITICAL FLOODPLAIN Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1319 CHESAPEAKE AVENUE

which is presently zoned DR 3.5

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 ~~1B01.2.c.1~~ AND 303.1 OF THE BCZR TO PERMIT A FRONT YARD SETBACK OF 25' IN LIEU OF THE REQUIRED 42.4' (AVERAGE OF EXISTING SETBACKS) A VARIANCE OF 17.4'.

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 PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

THERESA MOYER

Name - Type or Print

Signature

3905 CUTTY SARK ROAD

410-335-2143

Address

Telephone No.

BALTIMORE

MD

21220

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

EUGENE A. HUFFINES

Name - Type or Print

Signature

GEORGINA M. HUFFINES

Name - Type or Print

Signature

405 BROWNELL ROAD

410-335-5956

Address

Telephone No.

BALTIMORE

MD

21220

City

State

Zip Code

Representative to be Contacted:

PAUL LEE - CENTURY ENGINEERING, INC.

Name

32 WEST ROAD

410-823-8070

Address

Telephone No.

TOWSON

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By JRF Date 4/24/01

ORDER RECEIVED FOR FILING

Case No. 01-449-A

Date 9/15/98

By _____

DESCRIPTION

**1319 CHESAPEAKE AVENUE
ELECTION DISTRICT 15C5 - BALTIMORE COUNTY, MD**

BEGINNING FOR THE SAME AT A POINT LOCATED AT THE INTERSECTION OF THE NORTH SIDE OF CHESTER ROAD WITH THE EAST SIDE OF CHESAPEAKE AVENUE. SAID POINT ALSO BEING LOCATED EASTERLY 20' FROM THE CENTER OF CHESAPEAKE AVENUE; THENCE RUNNING WITH AND BINDING ON SAID NORTH SIDE OF CHESTER ROAD 1) NORTH 64 DEGREES 51 MINUTES EAST - 300.00 FEET; THENCE LEAVING CHESTER ROAD AND RUNNING FOR THE FOLLOWING TWO COURSES AND DISTANCES; 2) NORTH 25 DEGREES 09 MINUTES WEST - 100.00 FEET AND, 3) SOUTH 64 DEGREES 51 MINUTES WEST - 300.00 FEET TO THE EAST SIDE OF CHESAPEAKE AVENUE, THENCE RUNNING WITH AND BINDING ON SAID EAST SIDE, 4) SOUTH 25 DEGREES 09 MINUTES EAST - 100.00 FEET TO THE INTERSECTION WITH THE CHESTER ROAD AND SAID POINT OF BEGINNING.

CONTAINING 30,000 S.F. OF LAND MORE OR LESS.

Project 2151.00
W:\file\Login2\Land-Dev\LD01\Des\ChesapeakeAve-pl-4-23-01



449

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92956

DATE 4-24-01 ACCOUNT 001-006-6150

AMOUNT \$ 50.00

RECEIVED

FROM: Lloyd Moyer

1319 CHESAPEAKE AVE.

ITEM# 1147

FOR: 01 - VARIANCE

TAKEN BY: JRF

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT ACTUAL TIME
4/25/2001 4/28/2001 14:48:50
REG. 0501 CASHIER MSTE WES DRAWER 5
RECEIPT # 210530 O/LH
DOP. 5 528 ZONING VERIFICATION
CR NO. 092956

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: # 01-449-A
1319 Chesapeake Avenue
NE/S Chesapeake Avenue,
Cor NW/S Chester Road
15th Election District
5th Councilmanic District
Legal Owner(s): Georgina
M. & Eugene A. Huffines
Contract Purchaser: Theresa
Moyer

Variance: To permit a front
yard setback of 25' in lieu of
the required 42.4' (average
of existing setbacks) a vari-
ance of 17.4'.

Hearing: Friday, June 29,
2001 at 9:00 a.m. in Room
407, County Courts Build-
ing, 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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

6/084 June 14 C474620

CERTIFICATE OF PUBLICATION

6/14, 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 6/14, 2001.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. 01-449-A

Petitioner/Developer HUFFINES, ETAL

C/O PAUL LEE

Date of Hearing/Closing. 6/29/01

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

Attention: Ms. Gwendolyn Stephens

Fax Note 7671		Date	# of pages
To	ROBIN/BETTY	From	O'KEEFE
Co./Dept	ZONING COMMISSION	Co	
Phone #	410-438-1115	Phone #	410-950-1115
Fax #	887-3468	Fax #	542-324-4111

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 #1319 CHESAPEAKE AVE

The sign(s) were posted on 6/13/01
(Month, Day, Year)

Sincerely,

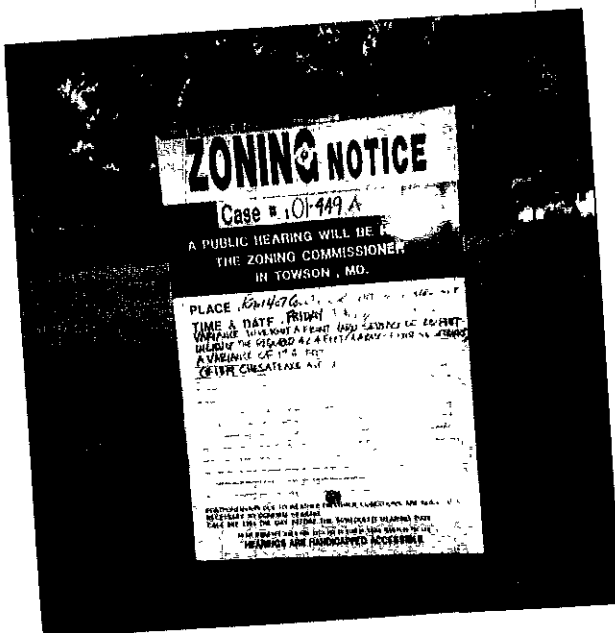
Patrick M. O'Keefe 6/14/01
(Signature of Sign Poster and Date)

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)



1319 Chesapeake Ave
01-449-A 6/29/01

**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: 01-449-A

Petitioner: EUGENE & GEORGINA HUFFINES

Address or Location: 1319 CHESAPEAKE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: THERESA MOYER

Address: 3905 CUTTY SARK ROAD

BALTO. MD 21220

Telephone Number: 410-335-2143



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 22, 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: 01-449-A
1319 Chesapeake Avenue
NE/S Chesapeake Avenue, Cor NW/S Chester Road
15th Election District – 5th Councilmanic District
Legal Owners: Georgina M & Eugene A Huffines
Contract Purchaser: Theresa Moyer

Variance to permit a front yard setback of 25' in lieu of the required 42.4' (average of existing setbacks) a variance of 17.4'.

HEARING: Friday, June 29, 2001 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

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

Arnold Jablon G D Z
Director

C: Georgina M & Eugene A Huffines, 405 Brownell Road, Baltimore 21220
Theresa Moyer, 3905 Cutty Sark Road, Baltimore 21220
Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 14, 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, June 14, 2001 Issue – Jeffersonian

Please forward billing to:
Theresa Moyer
3905 Cutty Sark Road
Baltimore MD 21220.

410 335-2143

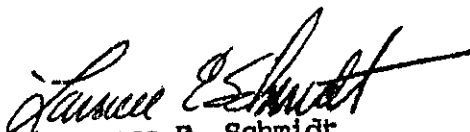
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1319 Chesapeake Avenue
NE/S Chesapeake Avenue, Cor NW/S Chester Road
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HEARING: Friday, June 29, 2001 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
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 22, 2001

Georgina M & Eugene A Huffines
405 Brownell Road
Baltimore MD 21220

Dear Mr. & Mrs. Huffines:

RE: Case Number: 01-449-A, 1319 Chesapeake Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 24, 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. G D Z
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204
Theresa Moyer, 3905 Cutty Sark Road, Baltimore 21220
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2001

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

SUBJECT: 1319 Chesapeake Avenue

INFORMATION:

Item Number: 01-449

Petitioner: Eugene A. Huffines

Zoning: DR 3.5

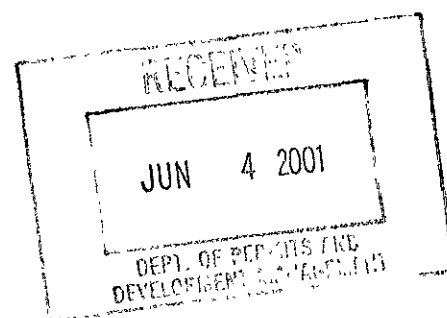
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a front yard setback of 25 feet in lieu of the required 42.4 feet (average of existing setbacks). Due to the fact that the site is in the growth management area of Bowleys Quarters, the petitioner is required to submit elevation drawings, including information regarding building materials to be used, to the Office of Planning prior to the issuance of a building permit.

Prepared by: Mark A. Cunniff

Section Chief: Jeffrey M. Long
AFK:MAC:



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 27, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
 For May 21, 2001
 Item No. 449

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

This site is located in the 100-year tidal flood plain area which requires a permit for all development, storage of equipment and materials, or placement of manufactured homes in the flood plain area. The Permit shall be granted only after necessary permits from the state and federal agencies have been obtained.

The lowest flood elevations of all new or substantially improved structures shall be at or above the flood protection elevation of 11 feet at this site. Basements are not permitted in the flood plain area.

Chesapeake Avenue and Chester Road are existing roads which shall ultimately be improved as a 30-foot street cross section on a 50-foot right-of-way.

RWB:1100jrb

cc: File

ZAC-5-21-2001-ITEM NO 449-6272001.doc

Post-it® Fax Note 7671		Date <u>6/27/2001</u>	# of pages <u>1</u>
To <u>Sette</u>		From <u>Joanne</u>	
Org/Dept. <u>Zoning Commissioner's Ofc.</u>		P.D.M. - Develop. Plans Rev	
Phone # <u>3468</u>		Phone # <u>x 3751</u>	
Fax # <u>x 3468</u>		Fax # <u>x 2431</u>	

ORDER RECEIVED FOR FILING

Date 7/24/01

By [Signature]

RE: PETITION FOR VARIANCE
1319 Chesapeake Avenue, NE/S Chesapeake Ave,
cor NW/S Chester Rd
15th Election District, 5th Councilmanic

Legal Owner: Eugene A. & Georgina M. Huffines
Contract Purchaser: Theresa Moyer
Petitioner(s)

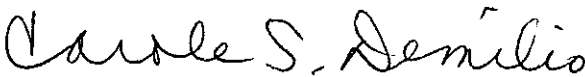
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-449-A

* * * * *

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 Paul Lee, Century Engineering, Inc., 32 West Road, Towson, MD 21204, representative for Petitioners.


PETER MAX ZIMMERMAN

February 1, 2001

PETITIONER EXHIBIT #2

During the period 1989 and 1990 the Department of Environmental Protection and Resource Management spearheaded the task of implementing the extension of sanitary sewer to the waterfront peninsulas of Baltimore County in order to eliminate approximately 2,500 failing sewage disposal systems that had existed in the area for four decades. Water Quality along Baltimore County's estuarine tributaries to the Chesapeake Bay had diminished significantly during that period. All but one public bathing beach out of approximately eighteen had to be

closed because concentrations bacteria consistently exceeded Maryland State requirements for human contact. As a result of poor soil conditions and an elevated ground water table, corrections to those failing systems could not be attained. Alternative waste water treatment technologies were not readily available which could be used to alleviate the problems caused by untreated, or partially renovated sewage discharges to the ground surface or directly into the ground water. The extension of sanitary sewer to eliminate the sewage discharge was a necessity in order to eliminate human contact with sewage, and improve the overall water quality of the ground water system, and estuarine waterways.

I offer this brief history of the circumstances leading up to, and eventually implementing the plan to extend sewer to these areas only to provide an understanding that it was Baltimore County's intention to finally accept responsibility for this insanitary condition and act to rectify it after forty years of inaction. Politically, this solution was not very popular with the existing communities because of concerns that the extension of sewer would cause increased growth and adverse environmental impact. It was understood by the Department, and the County Executive that before this project could be implemented extreme care should be exercised in controlling uncontrolled growth in these areas.

Prior to the implementation of the sewer extension, Baltimore County adopted it's Critical Areas legislation. In that legislation significant land holdings on the waterfront peninsulas were down zoned from RC-5, (one house per 1.5 acre) to RC-20 or 1 house per 20 acres the most stringent zoning category approve by the Maryland State Critical Areas Commission. Many Counties chose the lesser zoning requirement of 1 house per 8 acres. This restrictive zoning was chosen because of the knowledge that these areas were environmentally sensitive and that the eventual extension of sewer to correct the sewage problems would encourage growth. This pre-emptive action, along with the selection of a small diameter pressure sewer system instead of a conventional gravity sewer with pump stations provided protection for the area against unchecked growth while achieving the objectives of improving public health, and the water quality of the Bay.

During the deliberations of the public meetings associated with the extension of the sanitary sewer assurances were given to the community that the sewer would serve only those with failing sewage disposal systems and the recorded lots under existing zoning. Baltimore County has since gone one step further by reducing the amount of growth in the area by legislating Bill 99-66 which addresses this issue. A program is now in place to evaluate each building permit so that it adheres to all of the requirements set forth by the County to control growth in these areas.

When evaluating the subject property, it does not meet the strict interpretation of a sensitive area of concern. Furthermore, the lot is drained by a concrete pipe that conveys standing water from the lot to the nearest section of creek to the east through improved properties, not forests or wetlands. It is the intention of the agencies to deny building permits under these conditions in hopes that the undeveloped properties will revert back to a naturally vegetated area

you must consider that the Baltimore County Code under section 13-113 requires that properties be maintained of high grass and weeds. The owner of a lot such as the subject property, located in the middle of a well manicured, residential community, will be under constant pressure to maintain that lot in the manner that it presently appears.

It is possible that an agreement could be made with the new property owner to vegetate the lot with native plant species consistent with wetland areas. It is also possible that corridors of vegetation could be created between unforested lots and forested tracts in the area to encourage better habitat value. Then lots such as these could be improved and still maintain ecological value consistent with the intent of the Sensitive Area Management Plan process.

I would appreciate your consideration in this matter. If there are any questions regarding this matter, please contact me at 410-750-9925

Robert W. Sheesley

cc: Terri Moyer
Eugene Huffines



Baltimore County
Department of Environmental Protection
and Resource Management

401 Bosley Avenue, Suite 416
Towson, Maryland 21204

February 28, 2001

PETITIONER'S EXHIBIT 3

Mr. Robert Sheesley
Eco-Sense, Inc.
8354 Chestnut Farm Lane
Ellicott City, MD 21043

Re: Huffines Property
Chesapeake Avenue & Chester Road
Preliminary Assessment

Dear Mr. Sheesley:

The Special Area Management Plan (SAMP) committee met on February 7, 2001 to discuss the possibility of building a house on the above referenced property. County, state, and federal personnel re-examined the existing wetland function. The property is improved with a shed and is being maintained as lawn. Without grading or filling of the existing wetland, compliance with the SAMP document can be met. No filling, grading, placement of structures, or impervious surfaces will be allowed in the useable yard area. Mitigation (planting of trees) will be required for wetland impact. Please be advised SAMP committee review is separate from Critical Area compliance review. A determination of consistency of a proposed project with a SAMP document does not imply Critical Area Variance approval.

A Critical Area Administrative Variance (CAAV) will be required by this Department for the disturbance of wetlands and/or buffer since the property is in the Chesapeake Bay Critical Area (CBCA). The CAAV process takes about six weeks with no guarantee of approval. A CAAV application has been enclosed for your use. Submit a plot plan with your variance submittal showing all future impervious structures (i.e. dwelling, garage, driveway) outside of the wetland limits. Additionally, explore the possibility of moving the proposed dwelling further away from the wetland, and include a conceptual mitigation plan for buffer and wetland impacts.

If you have any questions regarding this matter, please contact Mr. Keith Kelley at 410-887-3980.

Sincerely,

Patricia M. Farr
Program Supervisor
Environmental Impact Review

C: Betty Kelley
Beth Bachur
Jeff Thompson
J: Keith Huffines

Post-it* Fax Note	7671	Date	3/8/01	# of pages	1
To	THOMAS MOYER	From	3035486566		
Co./Dept.		Co.			
Phone #		Phone #	750 9925		
Fax #	410-574-0705	Fax #			

Come visit the Co



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PETITIONER'S EXHIBIT #4

Mr. Keith Kelly
Environmental Management Review
Department of Environmental Protection
and Resource Management
401 Bosley Avenue
Towson, Md. 21204

Dear Mr. Kelly:

Enclosed is a completed application for a Chesapeake Bay Critical Area Variance for the lot of record located on the north corner of Chesapeake Avenue and Chester Road, in the Bowley's Quarters area of eastern Baltimore County. If you have any questions or concerns, please don't hesitate to contact myself (Terry Moyer) at 410-335-2143 or Bob Sheesley at 410-750-9925.

I would like to Thank you for your time and consideration in this matter.

Sincerely,

Terry Moyer

ADMINISTRATIVE VARIANCE APPLICATION - CHESAPEAKE BAY CRITICAL AREA REGULATIONS

Part A. Applicant/Property Owner Information.

Property Address 1319 Chesapeake Avenue Subdivision _____

Applicant(s) Terry Moyer Phone No. (410) 335-2143

Mailing Address 3905 Cutty Sark Road

City Baltimore State Md. Zip Code 21220

Property Owner(s) Eugene A. & Georgina M. Huffines Phone No. (410) 335-5956

Mailing Address 405 Brownell RD

City Baltimore State Md. Zip Code 21220

Part B. Property and Critical Area Information.

(NOTE: LEAVE BLANK. THIS BLOCK WILL BE FILLED IN BY DEPRM PERSONNEL)

Permit/SC No. _____ to construct _____

CA Designation(s): IDA LDA RCA Acreage/Lot Size _____

Existing Impervious Surfaces _____ square ft. _____ percent of property

Proposed Impervious Surfaces _____ square ft. _____ percent of property

Water: private public Sewer: private public

Waterfront? yes no Waterbody _____

Is the proposed activity within the 100 foot buffer? yes no

Is the proposed activity within the limits of Habitat Protection Areas, tidal wetlands, or nontidal wetlands/associated buffers? yes no

If so, list type(s) _____

Is the proposed activity within forest or developed woodland? yes no

Variance Type(s): impervious surface limit variance other variance

Section(s) of Code from which variance is being requested _____

Reviewer _____ Date _____

Part C. Project Description.

Briefly describe the proposed project or activity for which a variance is requested.

The proposed project involves the construction of a residential dwelling on a vacant unimproved lot. The lot is maintained as grass vegetation. There would also be a driveway, small sidewalk and garage.

As a condition of a variance approval the remainder of the lot will be planted with vegetation consistent with non-tidal wetland systems.

Part D. Alternates to Variance Request.

Briefly describe any alternates to requesting a variance which you considered, and why these alternates are not feasible.

Since it is the intention to purchase the lot, which is recorded, no other alternative was considered. However, minimization of impact to wetland areas of the lot would be considered. It is understood that a limited building envelope would be considered if the remainder of the property was not disturbed.

Part E. Variance Provisions of the Critical Area Criteria (COMAR 27.01.11).

Briefly explain any special conditions or circumstances ^{which} exist that are peculiar to the land or structure and how a literal enforcement of the provisions of the regulations relative to these conditions or circumstances would result in unwarranted hardship.

The property is a recorded lot. It is located in a residential neighborhood that has been designated as limited development within the Chesapeake Bay Critical Areas. The lot does not contain forest, plant or wildlife habitat. The lot is already surrounded by residential dwelling. Literal enforcement of these provisions of the regulations would represent an unwarranted hardship and would represent a "taking" of the property.

Part E. Continued.

Briefly describe how granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and how granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. Include any proposed mitigative measures to minimize impacts to these resources.

The property is a single lot that is presently undeveloped. The grass is mowed on a regular basis. The present conditions of the lot do not provide wildlife or plant habitat in the sense of a functioning ecosystem. Building on the lot for the construction of a residential dwelling will be minimized. Impervious surfaces will be minimized within the approved building envelope. Runoff from these surfaces will be minimal and will be conveyed to the adjacent tributary via grass swale. Mitigation for this disturbance will include vegetative plantings outside the building envelope but still at the rear of the lot. Water quality of the surrounding tributary should not be adversely effected by this use.

Part F. Additional Information.

Use this space to provide any other information about the site or project pertinent to this variance request. Attach additional sheets if necessary.

Applicant Signature

Date

4-25-01

Property Owner Signature

Date

4-25-01

Applicant Signature

Date

Property Owner Signature

Date

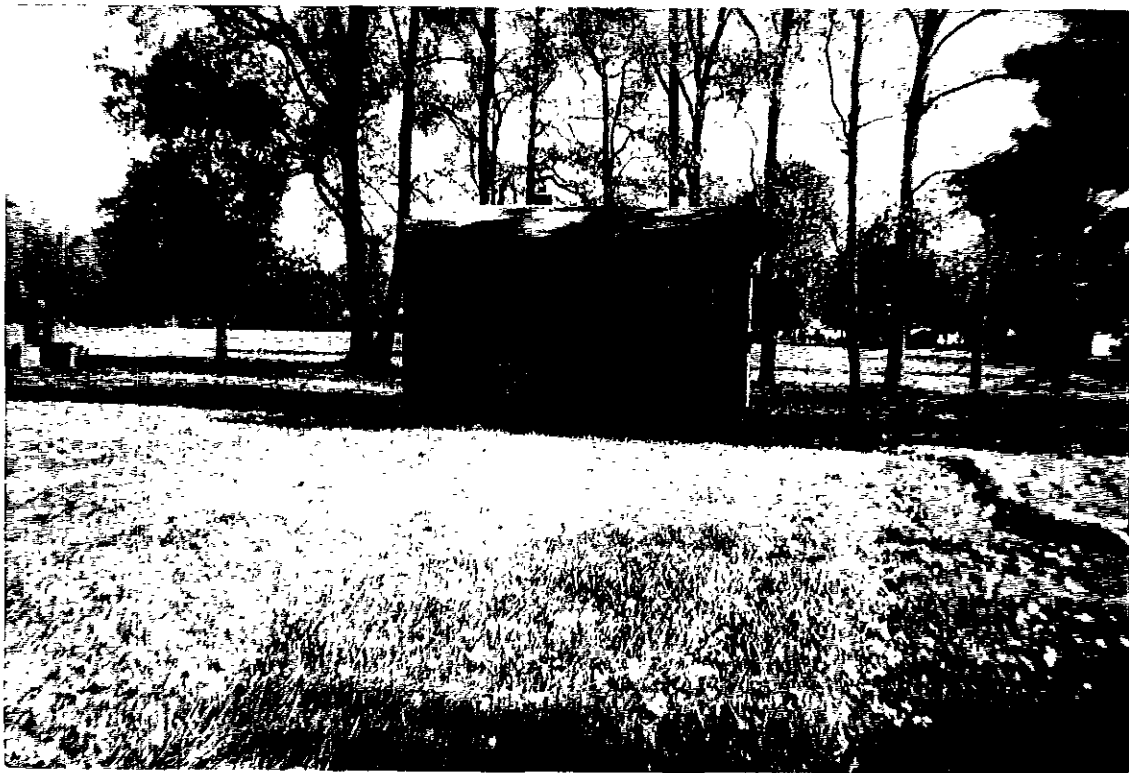
4-25-01

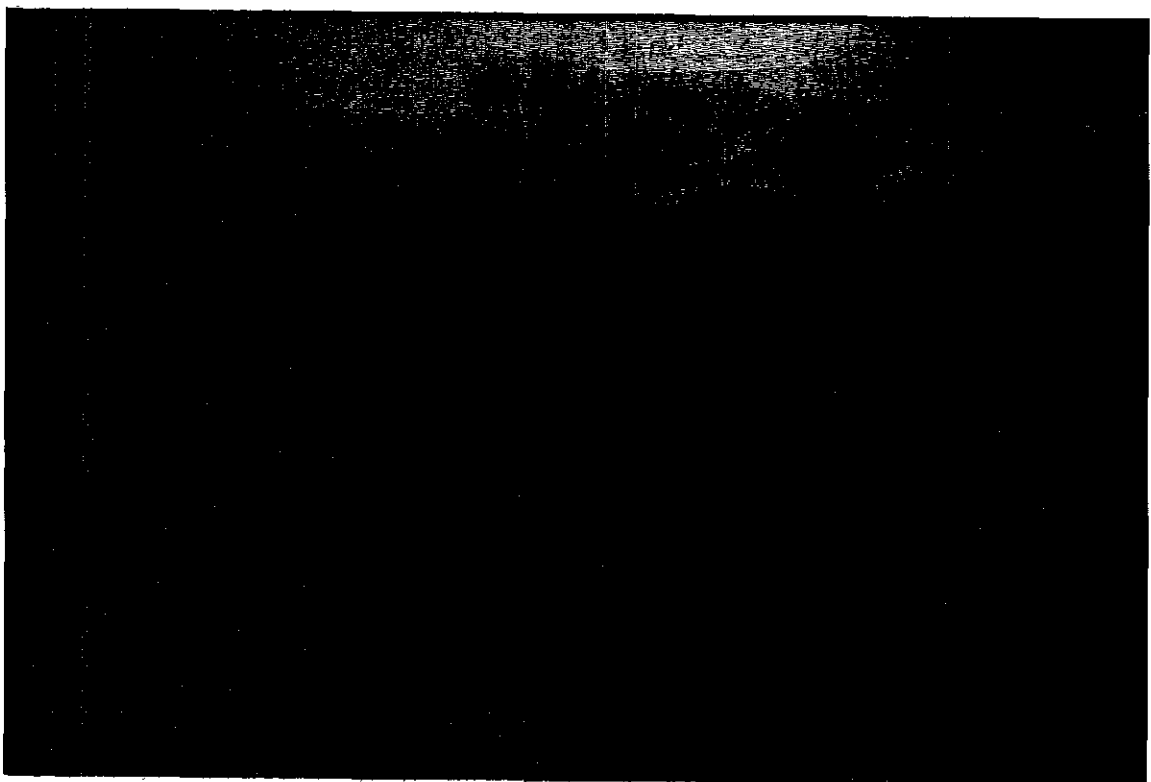
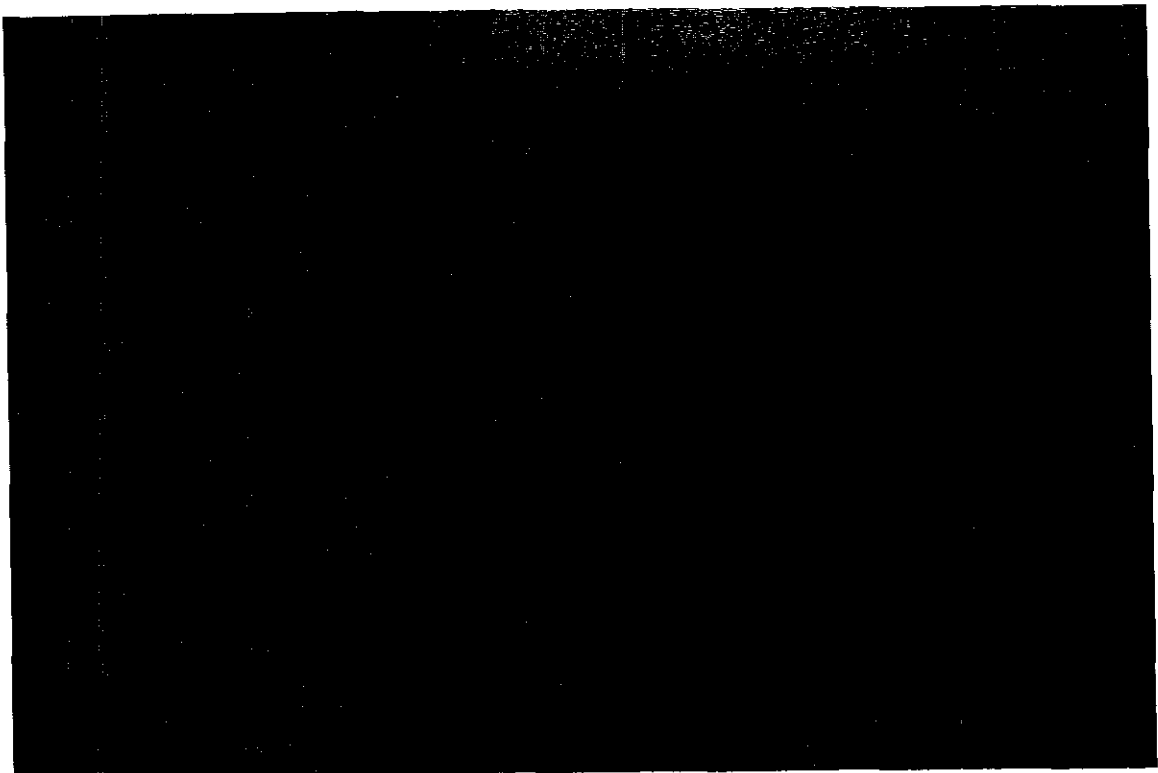
photographs

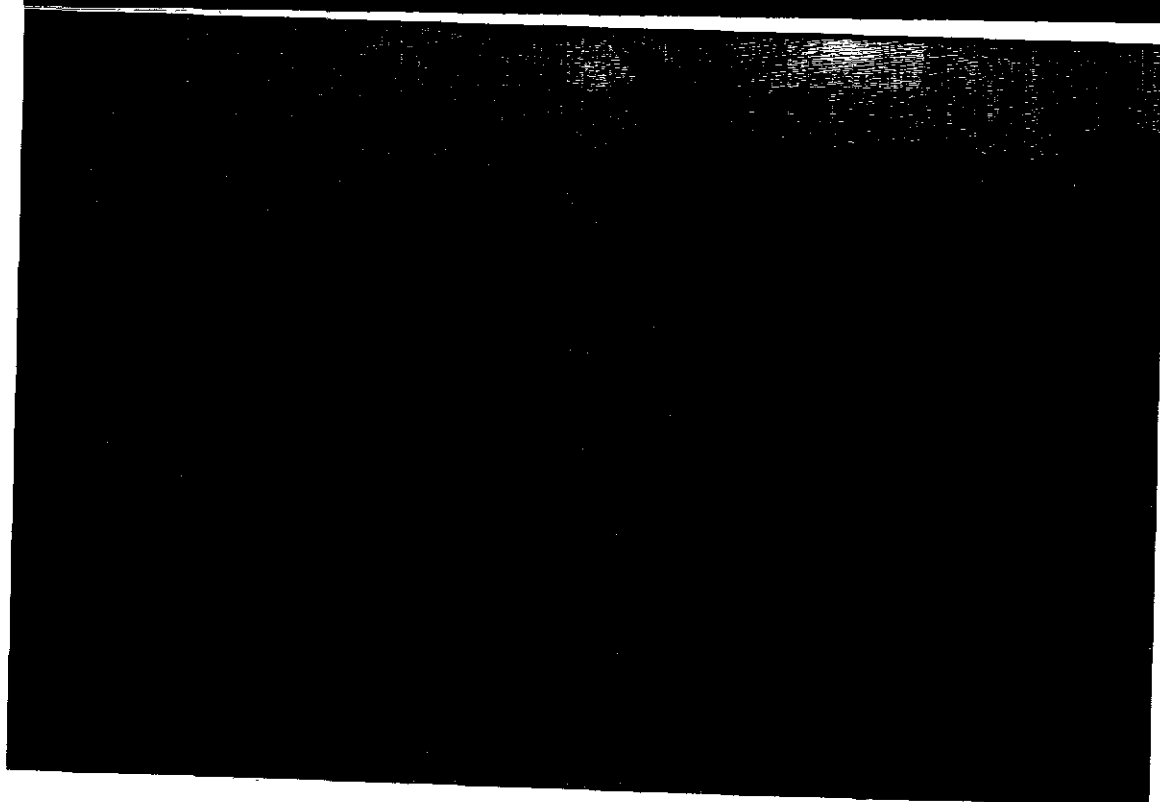
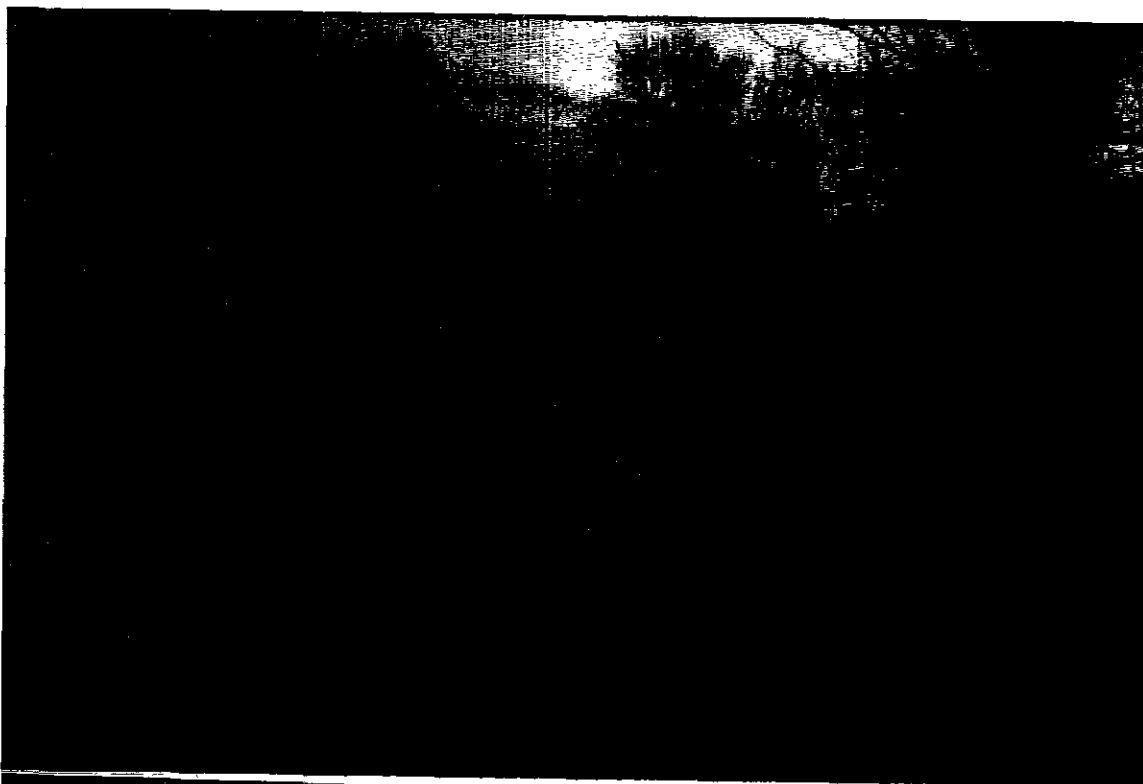
Case #01-449-A

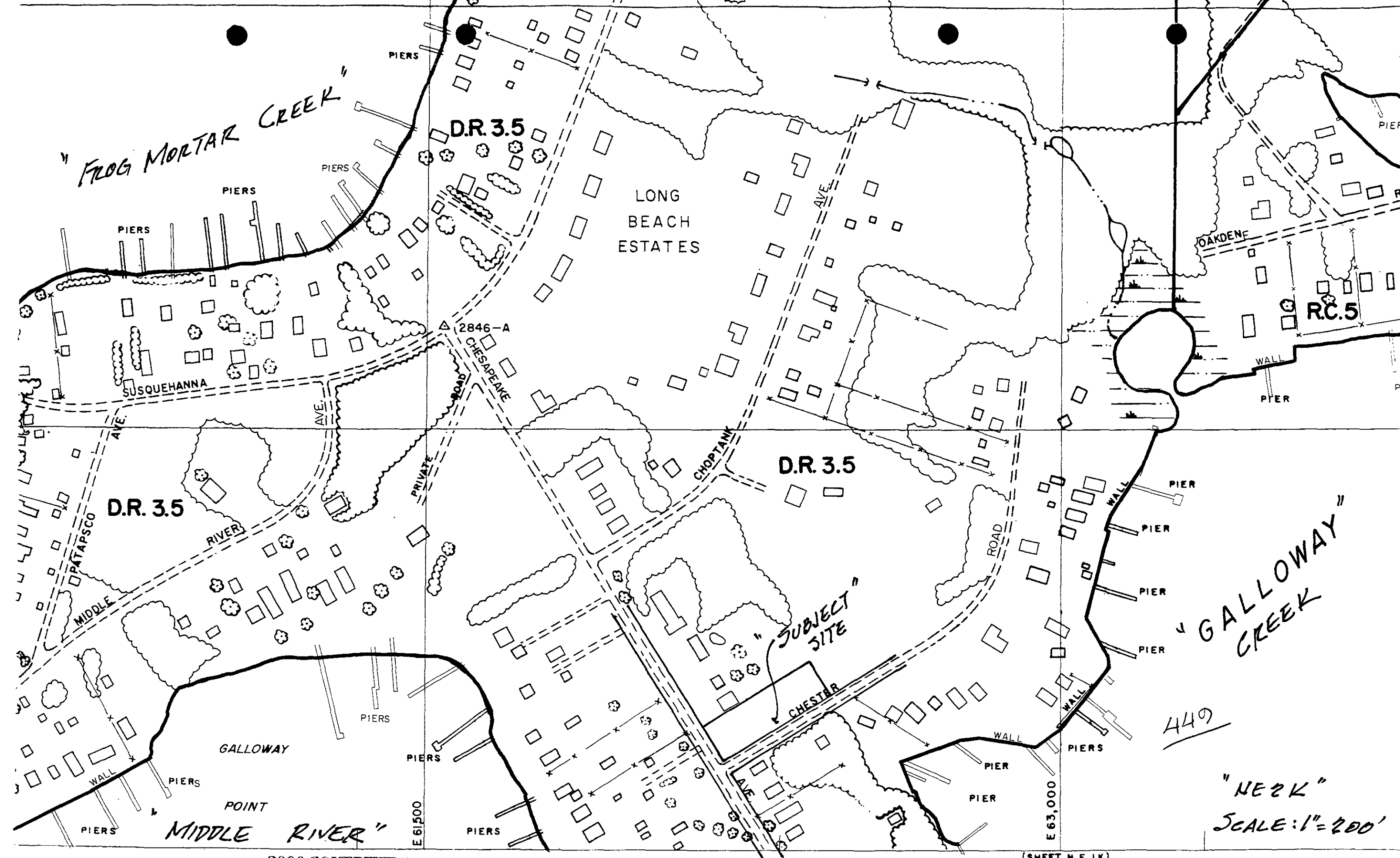








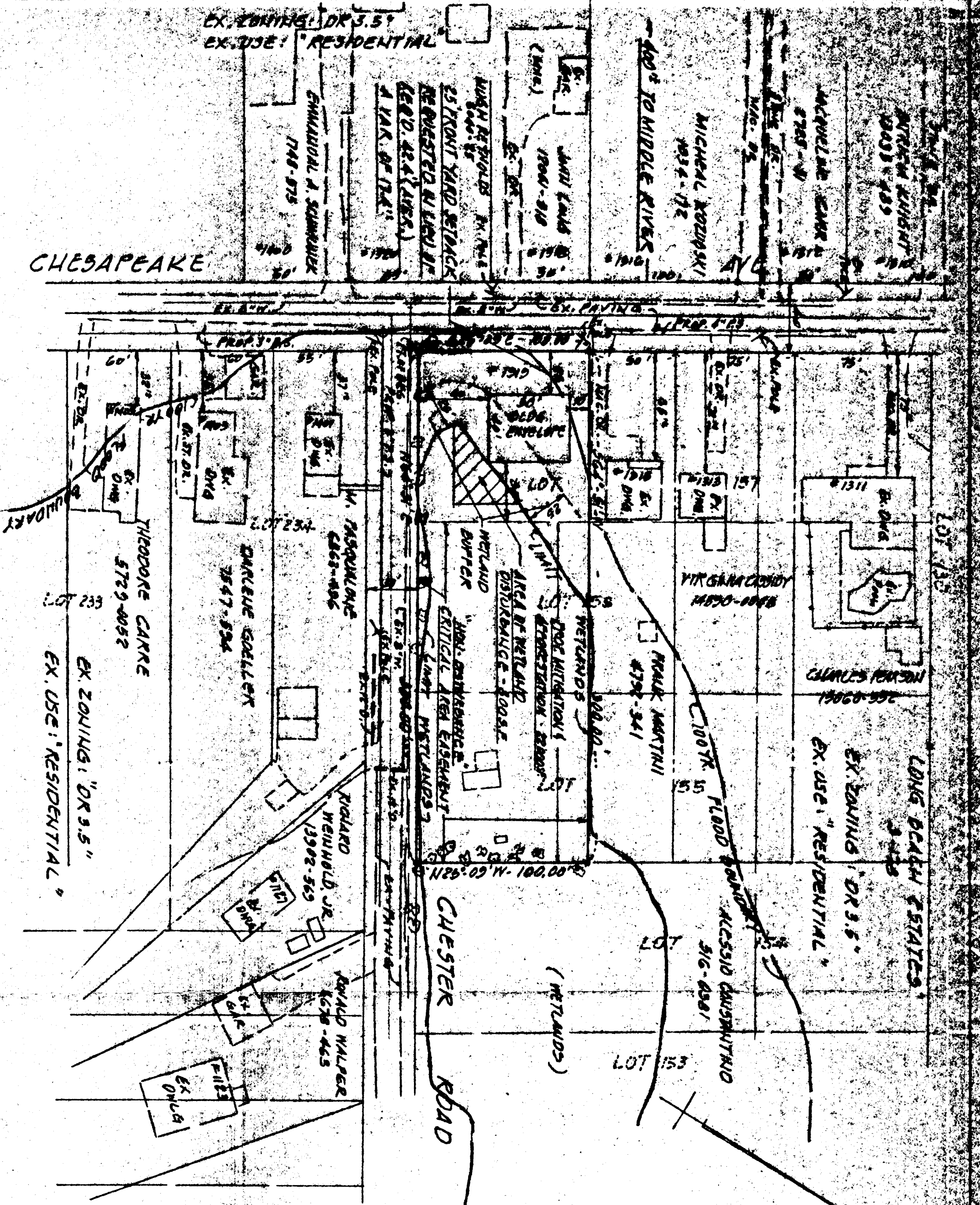




2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL

(SHEET N.E. 1K)

BALTIMORE COUNTY



EXISTING FRONT YARD SETBACKS

Address	Front Yard Setback
1311 CHESEAPEAKE AVE. - 73' USE 50'	73'
1313 " - 71' " 50'	71'
1315 " - 65' " 50'	65'
1401 " - 37' " 57'	37'
1403 " - 35' " 35'	35'
1405 CHESEAPEAKE AVE. - 32' " 32'	32'
TOTAL	254'
EX. AVER. SETBACK - 254' / 6 = 42.4'	



- GENERAL NOTES:**
1. AREA OF PROPERTY - 30,000 S.F. (0.69 AC.) 50055-32000 S.F. (0.73 AC.)
 2. EXISTING ZONING OF PROPERTY - "DR 3.5" Zoning map NE 2 K
 3. EXISTING USE OF PROPERTY - "VACANT" Zoning map NE 2 K
 4. PROPOSED ZONING OF PROPERTY - DR 3.5"
 5. PROPOSED USE OF PROPERTY - "RESIDENTIAL - DETACHED HOME"
 6. PROPERTY LOCATED IN CHESEAPEAKE AT CRITICAL AREA - DESIGNATION 104
 7. PERMITTED CONSTRUCTION AREA - 15% (39,000) = 4,500 S.F.
 8. PROPERTY NO. 15-05-150300; DEED: 6025-729
 9. TAX MAP 98-BLOCK 4 - PARCELS 203
 10. RECORDED PLAT: LONG BEACH ESTATES - RD. 3-178 - LOT 13 LOCATED ON THE SOUTHERN ONE-THIRD OF LOT 155, 156 & 157.
 11. CENSUS TRACT: 4516
 12. REGIONAL PLANNING DISTRICT: 987
 13. DISTRICT: 104 - COMMERCIAL DISTRICT 104
 14. PUBLIC WATER AND SEWER IS AVAILABLE TO PROPERTY
 15. A PORTION OF THE LOT HAS BEEN IDENTIFIED IN BALTIMORE COUNTY LOWER DOMESTIC QUARTERS SENSITIVE AREA MANAGEMENT PLAN AND INDICATES THAT IT HAS BEEN DETERMINED THAT NON-TYPICAL WETLANDS WERE IDENTIFIED.
 16. PETITIONER HAS MET WITH THE SPECIAL AREA MANAGEMENT PLAN (SAMP) COMMITTEE REFERENCE TO POSSIBILITY OF BUILDING A HOUSE ON THE PROPERTY. A CRITICAL AREA ADMINISTRATIVE VARIANCE (CAAV) TO DISTURB WETLANDS AND/OR BUFFER IN THE CHESEAPEAKE BAY CRITICAL AREA (CACA) APPLICATION HAS BEEN APPROVED.
 17. PETITIONER IS REQUESTING A VARIANCE TO SECT. 1802.3.C.1. AND SECT. 303.1 OF THE DECK TO PERMIT A FRONT YARD SETBACK OF 65' IN LIEU OF THE REQUIRED 42.4' (AVER. OF EX. SETBACKS) A VAR. OF 17.4'.
 18. TYPICAL FLOOD PLAIN ELEVATION = 10.2

Prior Hearing: 73-118-A

PLAT TO ACCOMPANY PETITION

FOR PETITIONER'S EXHIBIT 1

VARIANCE

1319 CHESEAPEAKE AVENUE

ELECT. DIST. 15 BALTIMORE CO., MD.

SCALE: 1"=50' APRIL 19, 2001



ENGINEER: CENTURY ENGINEERING, INC.
32 WEST ROAD
TOWSON, MARYLAND 21204
(410) 823-8070