OPDER RECENTO FOR FILING Date (OS)

IN RE: PETITION FOR VARIANCE

E/S Vogts Lane, 305' NW of the c/l

Cape May Road (507 Vogts Lane) 15<sup>th</sup> Election District 5<sup>th</sup> Council District

Edward R. Lohr, et ux, and

Edward P. Canaan, et ux - Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 03-078-A

### 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, Edward R. and Pauline M. Lohr, and Edward P. and Olivia Canaan. The Petitioners seek relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a distance between buildings of 20 feet in lieu of the required 40 feet (height to height); from Section 504 of the B.C.Z.R. (Section V.B.6.b of the C.M.D.P.) to permit a window to property line distance of 10 feet in lieu of the required 15 feet; and from Section 1B01.2.C.2.b of the B.C.Z.R. (Section V.B.6.c of the C.M.D.P.) to permit a distance between windows of 20 feet in lieu of the required 40 feet. 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 Olivia Canaan, property owner, and Paul Lee, the Professional Engineer who prepared the site plan for this property. There were no Protestants or other interested persons present.

An examination of the site plan discloses that the subject property is a triangular shaped lot, located on the west side of Vogts Lane, just north of Cape May Road in Essex. The property contains a gross area of 1.3402 acres, more or less, zoned D.R.3.5 and is located with frontage on Jordan's Creek, an extension of Norman's Creek, which is a tributary of Middle River. The

<u>~</u>.

property is presently improved with a one-story single family dwelling known as 507 Vogts Lane. Mrs. Lohr and Mrs. Canaan, who are sisters, purchased the subject property with their husbands several years ago with the intention of subdividing and developing same with single family dwellings for each of their respective families. It is envisioned that Mr. & Mrs Lohr will live in one house, Mr. & Mrs. Canaan will reside on the second lot and another sister, who is disabled, and their mother will live in the existing dwelling known as 507 Vogts Lane.

Testimony and evidence presented revealed that the property suffers from a number of unique conditions. In addition to its unusual shape, the site has environmental constraints due to its location immediately abutting Jordans Creek. In this regard, Mr. Lee indicated that he has had extensive discussions with Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) regarding development of the site. Obviously, that Department requires adherence to its regulations regarding the area of impervious surface, setbacks from the proposed building envelope to the water, etc. However, as the result of ongoing discussions and negotiations, an agreement was reached between DEPRM and the property owners regarding the proposed development. That agreement has been memorialized in a letter to the Petitioners from David A. C. Carroll, Director of DEPRM, dated October 15, 2001. Mr. Lee indicated that the site would be developed in accordance with that agreement.

After the agreement was reached, however, it was apparently discovered that the subject property was part of a prior subdivision created in November 1981. At that time, the property was designated as Lot 2 of the Borkowski Property, which apparently was approved by the former Joint Subdivision Planning Committee (JSPC). The JSPC was established by Baltimore County to approve subdivision plans prior to the current development review process codified under Title 26 of the Baltimore County Code, and the County Review Group (CRG) which existed prior to that. In any event, when the previously approved subdivision was discovered, a question arose as to the proposed development and the manner by which same should be reviewed. Following discussions with County agencies, Mr. Lee submitted an amended JSPC plan, a copy of which was offered into evidence as Petitioner's Exhibit 3. Apparently, this plan has been

ORDER RECEIVED FOR FILING Date Washing approved, subject to approval of the variance in the instant case. The Petitioner also submitted a copy of the minor subdivision plan that was previously proposed for this site, marked as Petitioner's Exhibit 2.

As noted above, a three-lot subdivision is proposed. Lot 1 will be the largest lot and will retain the existing dwelling known as 507 Vogts Lane. Lot 1 is irregularly shaped and contains that part of the parcel immediately abutting Jordans Creek. Lot 1 was so designated and configured to provide protection to the environmental resource in accordance with the agreement reached between the Petitioners and DEPRM. As shown on the plan, Lot 1 will not be further developed, although the existing house will be retained. Lots 2 and 3 abut Vogts Road and a proposed building envelope for each lot is shown on the site plan. As noted above, these two lots will be developed with a single family dwelling in which Mr. & Mrs. Lohr and Mr. & Mrs. Canaan will respectively reside.

Due to the environmental constraints associated with this property, as well as the prior subdivision plan, variance relief is requested as described above. Mr. Lee noted that variance relief is not needed from the existing zoning regulations now in effect. The Sections from which variance relief is sought are those requirements that were in effect at the time the JSPC plan was approved. The proposal requests approval for lesser setbacks between buildings and property lines then required.

After due consideration of the testimony and evidence presented, I am persuaded to grant the variance relief. The property is surely unique, by virtue of its configuration and environmental constraints associated therewith. Based upon the history of this site and prior development plans, I am persuaded that the proposal here is the most appropriate form of development and is consistent with DEPRM's requirements. In sum, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. and the case law for variance relief to be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of October 2002 that the Petition for Variance seeking relief from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front building face to public street right-of-way setback of 22 feet in lieu of the required 25 feet, and an amendment to the last approved Final Development Plan for Maple Ridge, Lot 25 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The proposed subdivision and development shall comply with the terms and conditions of the agreement reached between the Petitioners and DEPRM as set out in the letter dated October 15, 2001, a copy of which is attached hereto and made a part hereof.

3) When applying for any permits, 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 REGENED FOR FILING Sy Management

OR FILING DROER RECHIVE

IN RE: PETITION FOR VARIANCE

E/S Vogts Lane, 305' NW of the c/l

Cape May Road (507 Vogts Lane) 15<sup>th</sup> Election District 5<sup>th</sup> Council District

Edward R. Lohr, et ux, and Edward P. Canaan, et ux - Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-078-A

### AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Edward R. and Pauline M. Lohr, and Edward P. and Olivia Canaan. The Petitioners sought relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a distance between buildings of 20 feet in lieu of the required 40 feet (height to height); from Section 504 of the B.C.Z.R. (Section V.B.6.b of the C.M.D.P.) to permit a window to property line distance of 10 feet in lieu of the required 15 feet; and from Section 1B01.2.C.2.b of the B.C.Z.R. (Section V.B.6.c of the C.M.D.P.) to permit a distance between windows of 20 feet in lieu of the required 40 feet, all as more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

WHEREAS, an Order granting the requested relief was issued on October 8, 2002, subject to certain terms and conditions. Although the restrictions imposed thereon were appropriate, this Office was subsequently advised by Paul Lee, the Professional Engineer who prepared the site plan for the Petitioners, that the granting language did not accurately reflect the relief being approved, and that an amendment to correct the error was necessary. A review of the Order issued in this case discloses that a paragraph from another Order was inadvertently inserted in error. Thus, an amendment is indeed appropriate.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this K day of October, 2002 that the Order issued in the above-captioned matter on October 8, 2002 be and the same is hereby AMENDED to GRANT variance relief from Section 1B01.2.C.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Section V.B.3 of the Comprehensive Manual of Development Policies (C.M.D.P.)) to permit a distance between buildings of 20 feet in lieu of the required 40 feet (height to height); from Section 504 of the B.C.Z.R. (Section V.B.6.b of the C.M.D.P.) to permit a window to property line distance of 10 feet in lieu of the required 15 feet; and from Section 1B01.2.C.2.b of the B.C.Z.R. (Section V.B.6.c of the C.M.D.P.) to permit a distance between windows of 20 feet in lieu of the required 40 feet, in accordance with Petitioner's Exhibit 1.

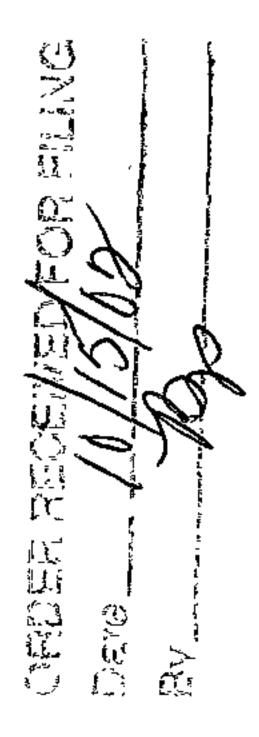
All of the terms and conditions of the Order issued on October 8, 2002 shall remain in full force and effect.

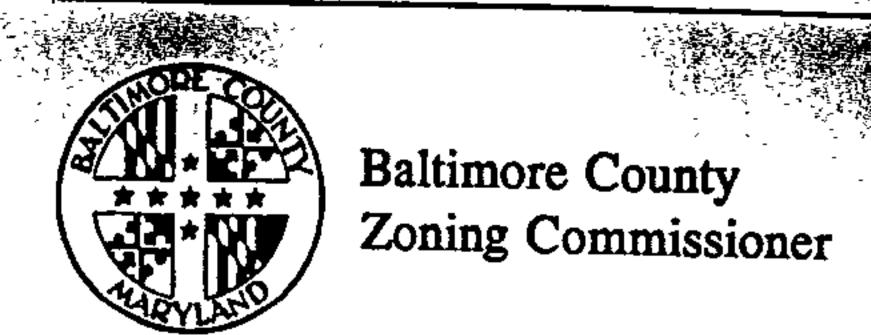
LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. & Mrs. Edward R. Lohr
Mr. & Mrs. Edward P. Canaan
302 Bright Oaks Drive, Bel Air, Md. 21015
Mr. Paul Lee, Century Engineering,
32 West Road, Towson, Md. 21204
DEPRM; People's Counsel; Case File





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

October 8, 2002

Fax: 410-887-3468

Mr. & Mrs. Edward R. Lohr Mr. & Mrs. Edward P. Canaan 302 Bright Oaks Drive Bel Air, Maryland 21015

RE: PETITION FOR VARIANCE
E/S Vogts Lane, 305' NW of the c/l Cape May Road
(507 Vogts Lane)
15<sup>th</sup> Election District – 5<sup>th</sup> Council District
Edward R. Lohr, et ux & Edward P. Canaan, et ux - Petitioners
Case No. 03-078-A

Dear Mr. & Mrs. Lohr & Mrs. & Mrs. Canaan:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. Paul Lee, Century Engineering, 32 West Road, Towson, Md. 212/04 DEPRM; People's Counsel; Case File



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at \_\_\_\_\_\_507 VOGTS LANE

which is presently zoned \_\_ "DR 3.5"

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, lega: 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)

(CMDP) V.B.3 (Sect. 1B01.2.C.6) to permit a 20' distance between building in lieu of required 40' (height to height) (Var. of 20') (CMDP) V.B.6.b (Sect. 504) to permit a 10' distance from window to property line in lieu of required 15' (Var. of 5') (CMDP) V.B.6.c. (Sect. 1.B01.2.C.2b) to permit a 20' distance between windows in lieu of required 40' (Var. of 20')

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 ADDRESSED 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.

**ENGINEER:** PAUL LEE, CENTURY ENGINEERING, INC. Name - Type or Print Signature 32 WEST ROAD 410-823-8070 Address Telephone No. TOWSON MD 21204 State City Zip Code Attorney For Petitioner: Name - Type or Print Signature Company Address Telephone No. Zip Code City State Cose No. 03-078-A

FILING

CRUER

Date

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.

### Legal Owner(s):

EDWARD R. & PAULINE M.	LOHR		
Name of Port / ///	7 1. 1	n John	
Signature			
EDWARD P. & OLIVIA CAN	IAAN		
Name Type or Pript anson	levre	Laron	
Signature			
302 BRIGHT OAKS DRIVE	410	-569-2684	
Address		Telephone No.	
BEL AIR	MD	21015	
City	State	Zip Code	
Representative to be Cont		INC	
Name			
32 WEST ROAD	410	-823-8070	
Address		Telephone No.	
TOWSON	MD	21204	
City	State	Zip Coae	
OFFICE USE ONLY			
ESTIMATED LENGTH OF HEARING			
UNAVAILABLE FOR HEARIN	NG	8/12/02	

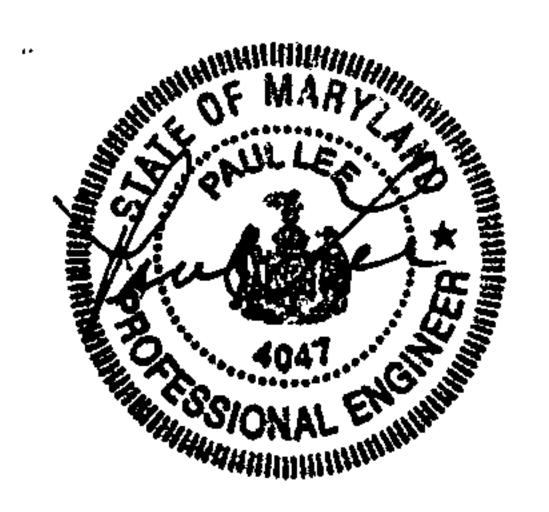
### #507 VOGT'S LANE ELECTION DIST. 15C5 BALTIMORE CO., MD

BEGINNING FOR THE SAME at a point on the East side of Vogt's Lane said point also being located Northwesterly 305'± from the center of Cape May Road, thence running with and binding on said East side, 1) N27° 54'- 18" W - 413.98', thence leaving the East side of Vogt's Lane and running for the four following courses and distances, 2) N44° 40' 07" E - 194.20'

3) S64° 41' 52" E - 80.93', 4) S00° 26' 28" W - 466.62' and 5) S77° 29' 28" W - 12.60' to the East side of Vogt's Lane and the point of beginning.

Containing 1.3402 Ac. of land more or less. Courses and distances as converted to M.C.S.

Wfile\Login2\Land-Dev\LD02\desc\VogtsLane-pl-8-9-02



#078

**建學是** 四個語 医配子的阻断 # K. اوروانها جسادر خ اوروستر مساسر 8/12/2002 Bellimic Confide 1966元 # 100.00 GENERAL GEORGE RCH THE CARE **SMICIPI** 1966 dia. 20 No. 000-100 47 ACCOUNT\_ BALTIMORE COUNTY, MARYLAND **AMOUNT** -- Loha & FINANCE MISCELLANEOUS RECEIPT BUDGET 6 B 00 OFFICE OF DISTRIBUTION RECEIVED FROM: DATE FOR:

A THE REAL PROPERTY.

146 4

CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

WHITE - CASHIER

# NOTICE OF ZONING HEARING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #03-078-A
507 Vogts Lane
NE/S Vogts Lane, 305' NW +/- centerline of Cape May Road 15th Election District - 5th Councilmanuc District Legal Owner(s): Edward R. & Pauline M. Lohr and Edward P. & Olivia Canaan

Variance: to permit a 20-foot distance between buildings in lieu of the required 40-foot (height to height); to permit a 10 feet distance from window to property line in lieu of required 40 feet.

Hearing: Weinesday, September 18, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Ave-

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) 887-339 Final (410) 887

7/5,2002
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 9/3 .20 02 .

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

LEGAL ADVERTISING 1 Swy my

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al memo 7671 # of pages ▶ ()	From OUKEERE	, Co	Phone # 17-18-11	Fax # 666-0929	
brand fax transmittal m	The ROBIN	NICE -COM		887.3468	

4.

RE	Case No _	0/	0	78-4	7
	Petitioner/D	eveloper	PAUL	LEE	ET
					7

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

Gentlemen.

This letter is to certify under the pena- were posted conspicuously on the pro-	thes of perjury that the necessary operty located at \(\frac{\pm 507}{207}\)	sign(s) required by law	LANE
The sign(s) were posted on	9/1/02 (Month, Day, Year)	<u></u>	<del></del>

507-VOGTS 9/58/02

(Signature of Sign Poster and Date) PATRICK M. O'KEEFE (Printed Name)

523 PENNY LANE (Address)

HUNT VALLEY, MD. 21030 (City, State, Z.p Cede) 410-666:5366 CELL-45-35-857.

(Tatephor's Number)

RE:	PETITION FOR VARIANCE	*	BEFORE
	507 Vogts Lane NE/side of Vogts Lane 305' NW +/- ctrl of Cape May Road	*	ZONING
	305' NW +/- ctrl of Cape May Road 15 <sup>th</sup> Election District 5 <sup>th</sup> Councilmanic	*	EOD
	District Legal Owner: Edward & Pauline Lohr	<b>ጥ</b>	FOR
	Edward & Olivian Canaan	*	BALTIN
	Engineer: Paul Lee	ð.	22.070
	Century Engineering, Inc.	*	03 <b>-</b> 078-A

Petitioner(s)

# E THE

- G COMMISSIONER
- MORE COUNTY

# ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and 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 28<sup>th</sup> day of August 2002 a copy of the foregoing Entry of Appearance was mailed to Paul Lee, CENTURY ENGINEERING, INC., 32 West Road, Towson, MD 21204, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, September 3, 2002 Issue – Jeffersonian

Please forward billing to:

Pauline Lohr 302 Bright Oaks Drive Bel Air MD 21015

410 569-2684

# **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: 03-078-A

507 Vogts Lane

NE/S Vogts Lane, 305' NW +/- centerline of Cape May Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Edward R & Pauline M Lohr and Edward P & Olivia Canaan

<u>Variance</u> to permit a 20-foot distance between buildings in lieu of the required 40-foot (height to height); to permit a 10 feet distance from window to property line in lieu of required 15 feet; to permit a 20 feet distance between windows in lieu of required 40 feet.

HEARING: Wednesday, September 18, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT GPZ
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

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

Fax: 410-887-5708

August 20, 2002

### **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: 03-078-A

507 Vogts Lane

NE/S Vogts Lane, 305' NW +/- centerline of Cape May Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owner: Edward R & Pauline M Lohr and Edward P & Olivia Canaan

<u>Variance</u> to permit a 20-foot distance between buildings in lieu of the required 40-foot (height to height); to permit a 10 feet distance from window to property line in lieu of required 15 feet; to permit a 20 feet distance between windows in lieu of required 40 feet.

HEARING: Wednesday, September 18, 2002 at 11:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon らりて

Director

C: Edward & Pauline Lohr 302 Bright Oaks Drive, Bel Air 21015 Edward & Olivia Canaan, 302 Bright Oaks Drive, Bel Air 21015 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 TUESDAY, SEPTEMBER 3, 2002.

(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.

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

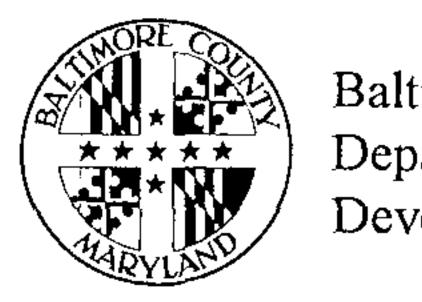
# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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: # 078
Petitioner: PAULINE LOHK
Address or Location: 507 VOGTS LANE
PLEASE FORWARD ADVERTISING BILL TO:
Name: PAULINE LOHR
Address: 302 BRIGHT O. H.S DR
BELAIR, MD HON-
Telephone Number: 410-529-2684



# Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

September 13, 2002

Mr. & Mrs. Edward R Lohr 302 Bright Oaks Drive Bel Air MD 21015

Dear Mr. & Mrs. Lohr:

RE: Case Number: 03-078-A, 507 Vogts Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 12, 2002.

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. らって

W. Carl Richard, Jr.

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Paul Lee, Century Engineering Inc, 32 West Road, Towson 21204 People's Counsel

# BALTIMORE COUNTY, MARYLAND DEPÁRTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley RBS /76T
DATE:	September 11, 2002
SUBJECT:	Zoning Item (78) Address 507 Vogts Lane
Zoning	g Advisory Committee Meeting of August 19, 2002
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an exte	epartment of Environmental Protection and Resource Management requests ension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	epartment of Environmental Protection and Resource Management offers lowing 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).
	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).
X	Additional Comments:
Subdiv	vision can be approved after critical area easement is property recorded.
Reviev	ver: Kieth Kellev Date: September 5, 2002

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 8, 2002

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 26, 2002

Item No. 078

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

The flood elevation protection for this site is 11.2 feet.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot above the floodplain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

for all

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 10, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-078

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

**Section Chief:** 

AFK/LL:MAC



# Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: 9.6.62

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County

Item No. 078 17F

Dear. Mr. Zahner:

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

## PLEASE PRINT CLEARLY

# PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
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OLIVIA CANAAN	302 BRIGHT OAKS DRIVE
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4/18



Parris N. Glendening Governor Kathleen Kennedy Townsend Lt. Governor

Roy W. Kienitz
Secretary
Mary Ahrams
Deputy Secretary

August 23, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/26/02 re: Case numbers 03-068-SPHXA, 03-069-A, 03-070-SPHX; 03-071-A, 03-072-SPH, 03-073-SPH, 03-074-A, 03-075-A, 03-076-A, 03-077-A, 03-078-A, 03-079-A, 03-080-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/22/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

TO: , PDM, MAIL STOP-1105

August21, 2002

FROM: LIEUTENANT JIMMIE MEZICK

BALTIMORE COUNTY FIRE MARSHAL OFFICE MAIL STOP-1102F, PHONE (410) 887-4881

SUBJECT: SUBDIVISION REVIEW COMMENTS

PROJECT NAME: Edward and Pauline Lohr

PROJECT NUMBER: 03-78-A

LOCATION: 507 Vogts Lane

DISTRICT: 15th

COMMENTS:

7. The Fire Marshal's Office has no comments at this time.



# Baltimore County Department of Environmental Protection and Resource Management

Office of the Director 40 i Bosley Avenue, Suite 416 Towson, Maryland 21204

October 15, 2001

Mr. and Mrs. Edward Canaan 302 Bright Oaks Drive Bel Air, MD 21015-6211

Re:

507 Vogt's Lane

Critical Area Administrative Variance

Dear Mr. and Mrs. Canaan:

The Department of Environmental Protection and Resource Management (DEPRM) has received your revised variance request to allow for an existing and continued use of a dwelling and lawn in the 100 foot buffer and to reduce the 35 foot residential setback from the 100 foot buffer for the two (2) proposed dwellings as part of a 3-lot minor subdivision. The Director of DEPRM may grant a variance to the Chesapeake Bay Critical Area regulations in accordance with regulations adopted by the Critical Area Commission concerning variances as set forth in COMAR 27.01.11. There are five (5) criteria listed in COMAR 27.01.11 that shall be used to evaluate the variance request. All five of the criteria must be met in order to approve the variance.

The first criterion requires that special conditions exist that are peculiar to the land or structure, and that literal enforcement of the regulations would result in unwarranted hardship. Lawn area and one dwelling existed within the 100 foot buffer prior to the effective date of the Critical Area Regulations. As such, a literal enforcement of the regulations would prevent the continuance of existing uses, thus resulting in an unwarranted hardship.

The second criterion requires that a literal enforcement of the regulations would deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area. Preventing the use of the existing lawn area would deprive the owners of rights which would be enjoyed by other property owners in similar areas; therefore, this criterion is met.

The third criterion requires that granting of a variance will not confer upon an applicant any special privilege that would be denied to other lands or

Census 2000

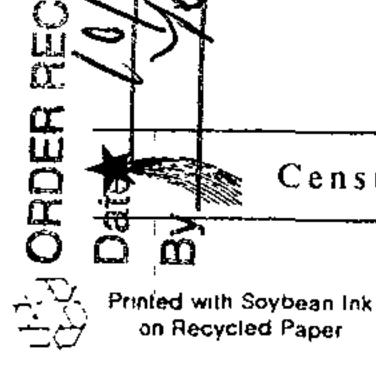


For You, For Baltimore County



Census 2000





E POR FILING

Mr. and Mrs. Edward Canaan October 15, 2001 Page 2

structures within the Critical Area. Granting of this variance would not confer upon the property owners any special privilege; therefore, this criterion is met.

The fourth criterion requires that a variance is not based upon conditions or circumstances which are the result of actions by the applicant, nor does the request arise from any condition relating to land or building use, either permitted or non-conforming, on any neighboring property. This variance is not based upon conditions or circumstances which are the result of your actions; therefore, this criterion is met.

The fifth criterion requires that granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area regulations. With appropriate mitigation, granting of this variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.

Based upon our review, this Department finds that the first four of the above criteria have been met, and that the fifth criterion can be met by adhering to the conditions below. Therefore, the requested variance is hereby approved in accordance with Section 26-445(c) of the Baltimore County Code with the following conditions:

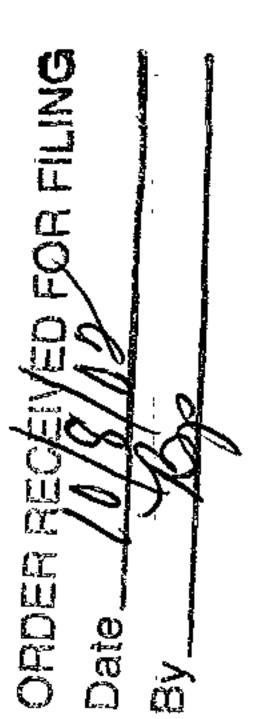
- 1. The attached "Notice of Granting of Variance" must be published in The Avenue, Dundalk Eagle, or The East County Times. Final variance approval cannot be granted until fifteen (15) calendar days after the notice has been published. A copy of the Certificate of Publication for the advertisement issued by the newspaper, or a copy of the advertisement from the paper must be submitted to this office prior to receiving final variance approval.
- 2. Mitigation must be performed to provide water quality benefits. Eleven (11) 5-6 foot tall, native, deciduous trees must be planted (from the enclosed list) at 15 foot intervals in the 100 foot buffer prior to release of any Use & Occupancy certificate. You will be allowed a 35 foot yard waterward of the proposed dwellings. Environmental Impact Review staff will assist you with the required Forest Protection and Establishment Plan.

ORDER REGENED FOR FILING By 28 Mr. and Mrs. Edward Canaan October 15, 2001 Page 3

- 3. The proposed single family dwellings must be built entirely out of the 100 foot buffer. Staff from Environmental Impact Review will assist in the placement of the corner markers for the dwellings as necessary.
- 4. No additional structures will be allowed within the 100 foot buffer.
- 5. The following notes must be added to the minor subdivision plan and to any plans submitted for building permit application:
  - "A variance was granted by the Baltimore County Department of Environmental Protection and Resource Management from Chesapeake Bay Critical Area Regulations to allow an existing and continued use of a dwelling and lawn in the 100 foot buffer and to reduce the 35 foot building setback from the 100 foot buffer for two proposed dwellings as part of a three lot minor subdivision. Water quality impacts were reduced by the planting of trees in the buffer."
- The 100 foot buffer shall be known as "Critical Area Easement" and must be recorded as such in Baltimore County Land Records prior to subdivision approval.
- 7. The Critical Area Easement must be posted with "Do Not Disturb" signs at 100 foot intervals. A list of businesses, which sell the signs, is attached to this letter.

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

Please sign the statement on the next page and then return a copy of the Certificate of Publication and the letter to this Department c/o Ms. Patricia M. Fair of Environmental Impact Review. Failure to return a signed copy of this letter and the other item may result in delays in processing of permits or other development plans for the subject property, and/or may render this variance null and void.



Mr. and Mrs. Edward Canaan October 15, 2001 Page 4

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



Director

David A. C. Carroll

1997 Gold Award Recipient

DAAC:kdk

Ms. Wanda Cole, CBCA Commission C.

Mr. and Mrs. Edward Lohr

I/We have read and agree to implement the above requirements to bring my/our property into compliance with Chesapeake Bay Critical Area regulations.

Signature Date Signature Date

OHOFF RE

### **BALTIMORE COUNTY**

# DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE

MANAGEMENT

# NOTICE OF GRANTING OF VARIANCE

ADDRESS:

507 Vogt's Lane

LEGAL OWNER:

Mr. and Mrs. Edward Canaan

Mr. and Mrs. Edward Lohr

The Baltimore County Department of Environmental Protection and Resource Management, pursuant to Section 26-445(c) of the Baltimore County Code, hereby gives notice that a variance from Section 26-449 of the Code, Chesapeake Bay Critical Area Requirements, will be granted to allow the existing and continued use of a dwelling and lawn in the 100 foot buffer and reduction of the 35 foot building setback from the 100 foot buffer for the two (2) proposed dwellings as part of a 3-lot minor subdivision on the referenced property. Any person or persons, jointly or severally, or any taxpayer aggrieved or feeling aggrieved by this decision, may appeal to the Baltimore County Board of Appeals within forty-five (45) days from the date of this notice. Appeals must be made in writing, stating the reason for appeal, and must be mailed to Environmental Impact Review, Baltimore County Department of Environmental Protection and Resource Management, 401 Bosley Avenue, Suite 416, Towson, Maryland 21204. All appeals must be accompanied by a check for \$75.00 payable to Baltimore County Government.

Kdk#13/cannanlonrcaav

# CHESAPEAKE BAY CRITICAL AREA EASEMENTS

Standard non-disturbance note:

"There shall be no clearing, grading, construction or disturbance of vegetation in the Critical Area Easement except as permitted by the Baltimore County Department of Environmental Protection and Resource Management."

Protective covenants note:

"Any Critical Area Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas."

THE STATES / DEPRM/TXTTMM

