IN RE: PETITION FOR VARIANCE

W/S Clarks Point Road, 2500' E of the c/l

Bowleys Quarters Road (3835 Clarks Point Road) 15th Election District 5th Council District

Clarence A. Ensminger, et ux **Petitioners**

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 03-131-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, Clarence A. and Joan A. Ensminger. The Petitioners request variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the reconstruction of a single family dwelling with a side yard setback of 6 feet in lieu of the required 10 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 3

Appearing at the requisite public hearing in support of the request were Clarence and Joan Ensminger, property owners, and Ronald M. Kearney, Registered Property Line Surveyor who prepared the site plan for this property. Appearing as interested persons were Michael and Janet Krystofiak, adjacent property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront lot, located at the western end of Clarks Point Road, west of Seneca Gardens Road in Bowleys Quarters. Vehicular access to the site is by way of a panhandle driveway leading from the west side Clarks Point Road. The property is located with frontage on Seneca Creek, and contains a gross area of 0.21 acres, more or less, zoned D.R.5.5. Presently, the property is improved with a single-family dwelling, 40' x 24' in dimension, in which the Petitioners have resided since 1974. This dwelling was constructed in approximately 1930 and has been used as a

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summer home since that time. Apparently, the Petitioners only reside on the property during the warmer months of the year and live in Florida over the winter.

Testimony indicated that the Petitioners would like to use the dwelling year-round; however, due to its age and condition, it would be impractical to rehabilitate the existing house. Thus, the Petitioners propose razing the existing structure and constructing a new dwelling in its place. The new dwelling will be constructed utilizing the existing footprint and will be the same width as the existing structure (24'); however, will be slightly longer at 44' deep. Testimony indicated that the new house will be 2 feet closer to Clarks Point Road and 2 feet closer to Seneca Creek than the existing dwelling, but will be no closer to the common property line shared with the Krystofiak property. Relief is requested, however, to approve a side yard setback of 6 feet in lieu of the required 10 feet, due to the location of the existing footprint.

On behalf of the Petitioners, Mr. Kearney submitted a series of documents into the record regarding the subject property and surrounding neighborhood. Apparently the subdivision was originally platted as the Bowleys Quarters Plat No. 2 Subdivision, and recorded in the Land Records on May 26, 1921. In recent years, public sewer and water facilities have been extended into this neighborhood. During the installation of those improvements, additional surveys were completed in the area.

The parties at the hearing indicated that there was some confusion over the exact location of the property line between their dwellings. Mr. Kearney's documentation suggests that the property line is located approximately 6 feet from the north side of the existing house and the new house will be no closer. However, Mr. & Mrs. Krystofiak believe that this distance may be erroneous.

As I explained at the hearing, the undersigned Zoning Commissioner does not have the authority or jurisdiction to resolve this issue. My authority is based upon the provisions of the B.C.Z.R. and I cannot determine property line locations or quiet questions of title. These issues are reserved to a judge of the Circuit Court of Maryland for Baltimore County. Clearly, there is

some difference of opinion in this case. No doubt this difference is related in part to the age of the plat and the waterfront nature of these properties.

In any event, I am persuaded to grant the variance request. In this regard, the Petitioners shall be permitted to build upon the existing footprint. The new dwelling will be no closer to the north side property line than the existing dwelling. The modest increase in depth (4') is also permitted. Obviously, the Petitioners and their neighbors might seek relief from the Circuit Court of Maryland for Baltimore County to resolve the property line issue, or, they may reach agreement between themselves. In any event, I am persuaded that the Petition for Variance should be granted and that the new house should be located where proposed. Obviously, the proposed improvements will be subject to compliance with County building codes and floodplain regulations, as well as Chesapeake Bay Critical Areas requirements, due to its waterfront location.

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 November, 2002 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the reconstruction of a single family dwelling with a side yard setback of 6 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibit 3, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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 development is subject to compliance with the Chesapeake Bay Critical Areas regulations, as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management, dated October 21, 2002, a copy of which is attached hereto and made a part hereof. Moreover, County building codes and floodplain regulations must be complied with.

3) 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



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

Fax: 410-887-3468

November 1, 2002

Mr. & Mrs. Clarence A. Ensminger 3835 Clarks Point Road Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
W/S Clarks Point Road, 2500' E of the c/l Bowleys Quarters Road
(3835 Clarks Point Road)
15th Election District – 5th Council District
Clarence A. Ensminger, et ux - Petitioners
Case No. 03-131-A

Dear Mr. & Mrs. Ensminiger:

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

Mr. Ronald M. Kearney, KLS Associates, Inc.
 4401 Philadelphia Road, Bel Air, Md. 21015
 Mr. & Mrs. Michael Krystofiak
 3834 Clarks Point Road, Baltimore, Md. 21220
 Chesapeake Bay Critical Areas Commission,
 1804 West Street, Suite 100, Amapolis, Md. 21401
 DEPRM; People's Counsel; Case File



OFFICE RECEIVED FO

Date

Pétition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3835 Clarks boint Road	
which is presently zoned DR 5.5	

IWe do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that I/we are the legal owner(s) of the property which

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) 1802,3,C.1 to permit a proposed single family dwelling (which is replacing existing dwelling to be razed) with a side yard setback of 6 feet in lieu of the required 10 feet.

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

TO BE DETERMINED 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.

Contract Purchaser/Lessee:		Legal Owner(s):
Name - Type or Print	······································	Clarence A. Ensminger Name - Type of Print
Signature		Signature 4
Address	Telephone No.	Name - Type or Print Twamenaan
City	Zip Code	Signature
Attorney For Petitioner:		9835 Clarks Point Rd. 410-335-2198 Address Telephone No.
	, \ `	Baltimore Maryland 21220
Name - Type or Print		City State Zip Code
		Representative to be Contacted:
Signature		K.L.S. Consultants, Inc. Ronald M. Kearney Name
		4401 Philadelphia Road 410-989-0445
Addless	Telephone No.	Address Telephone No.
		Bel Air, Maryland 21015
City	Zip Code	City State Zip Code
		OFFICE USE ONLY
Case No. 03-131-A	-	ESTIMATED LENGTH OF HEARING
R8V 9/15/98	 	UNAVAILABLE FOR HEARING Date 9/17/02

ZONING DESCRIPTION 3835 CLARKS POINT ROAD

Beginning at a point on the west side of Clarks Point Road which is 20 feet wide at the distance of 2500 feet east of the nearest intersecting street, Bowleys Quarters Road, which is 30 feet wide. Being Lot # 11, Plat No. 2, in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book # 7 folio 13 containing 0.21 acres. Also known as 3835 Clarks Point Road and located in the 15th Election District, 5th Councilmanic District.

新新月 4 YELLOW - CUSTOMER 18 ₩| BALTIMORE COUNTY, MARYLAND ACCOUNT. AMOUNT * 1 MISCELLANEOUS RECEIPT OFFICE OF BUDGET & FINANCE $C \rightarrow \gamma$ PINK - AGENCY () · 4) DISTRIBUTION WHITE - CASHIER <u>---</u> RECEIVED FROM: DATE F0R:

₹.

NOTICE OF ZONING HEARING

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

Case. #03-131 A
3835 Clarks Point Road
W/S of Clarks Point Rd.,
2,500° east of Bowleys
Quarters
15th Election District
5th Councilmanic District
Legal Owner(s): Clarence and
Joan Ensminger
Variance: to permit a side
yard setback of 6 feet ut lieu
of the required 10 feet
Hearing: Tuesday, October
22, 2002 at 9:00 a.m. in
Room 407, County Courts
Building, 401 Bosley Ave-

mile.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baffimore 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) 8873391.
JT/10/677 Oct. 8 C567618

10/10/1,2002

THIS IS TO CERTIFY, that the annexed advertisement was published

newspaper published in Baltimore County, Md., in the following weekly

successive weeks, the first publication appearing once in each of ono

X The Jeffersonian

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

NE Booster/Reporter

North County News

MULLINGS

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE:	Case No	1-131	-A	-
	Petitioner/Developer:	K.L.S	5. ₁ E	TAL
	Date of Hearing/Closing	3:	122	102

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

Attention: Ms. Gwendolyn Stephens & GEORGE ZAHNER

Ladies and Gentlemen:

rand fax transmittal memo 7671

at™ b

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 #3055 CLARKS POIN The sign(s) were posted on (Month, Day, Year)

> Sincerely, (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)

Case # : 03-131 - A A PUBLIC HEARING WILL BE RELO BY THE ZONING COMMISSIONER IN TOWSON, MO PLACE KAND, COUNT COUNTE BLOS 401 BOSLEY AVE. TIME & DATE: OCTOBER 22, 2002 AF 9 ORAM. VARIANCE TO HERNIT A SIDE YARD SETBACK OF 6-FERT IN LIEU HE THE MERCARE TO FERT IN LIEU HE THE MERCARE TO FEET IN LIEU HE THE MERCARE

Post-It® Fax Note	7671	Date	# of pages
То		From	
Co./Dept.		Co.	
Phone #		Phone #	<u> </u>
Fax #	····	Fax #	

·3855 Clarks Point 10/22/02

RE:	PETITION FOR VARIANCE.	*	BEFORE THE
	3835 Clarks Point Road 2,500' east of Bowleys Quarters	*	ZONING COMMISSIONER
	15 th Election District 5 th Councilmanic District	*	FOR
	Legal Owner: Clarence & Joan Ensminger	*	BALTIMORE COUNTY
	Petitioner(s)	*	03-131-A

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 2nd day of October, 2002, a copy of the foregoing Entry of Appearance was mailed to Ronald M. Kearney, K.L.S. Consultants, Inc., 4401 Philadelphia Road, Bel Air, MD 21015 Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 8, 2002 Issue - Jeffersonian

Please forward billing to: Clarence Ensminger

3835 Clarks Point Road Baltimore, MD 21220

410-335-2198

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: 03-131 A 3835 Clarks Point Road

W/s of Clarks Point Rd., 2,500' east of Bowleys quarters

Election District 15th - Councilmanic District 5th Legal Owner: Clarence and Joan Ensminger

VARIANCE to permit a side yard setback of 6 feet in lieu of the required 10 feet.

HEARING: Tuesday 10-22-02 at 9:00 am in Room 407, County Courts Building, 401

Bosley Avenue

LAWRENCE E. SCHMIDT

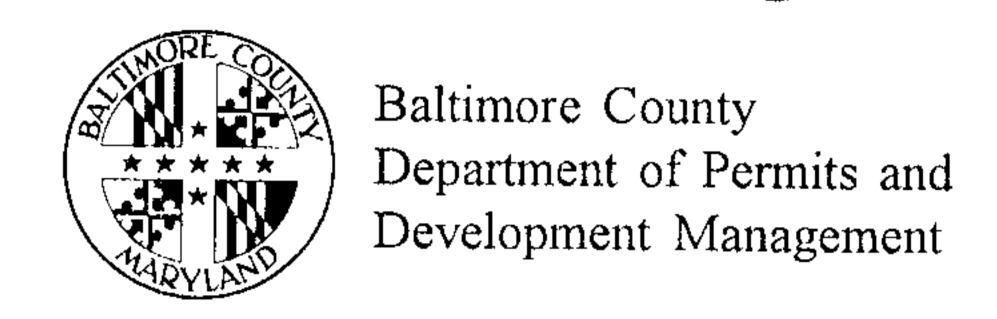
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL

ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

September 25, 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: 03-131 A 3835 Clarks Point Road

W/s of Clarks Point Rd., 2,500' east of Bowleys quarters

Election District 15th - Councilmanic District 5th Legal Owner: Clarence and Joan Ensminger

VARIANCE to permit a side yard setback of 6 feet in lieu of the required 10 feet.

HEARING: Tuesda

Tuesday 10-22-02 at 9:00 am in Room 407, County Courts Building, 401

Bosley Avenue

Arnold Jablon Director

Cc: Clarence A. Ensminger Joan A. Ensminger 3835 Clarks Point Rd.

Baltimore, MD 21220

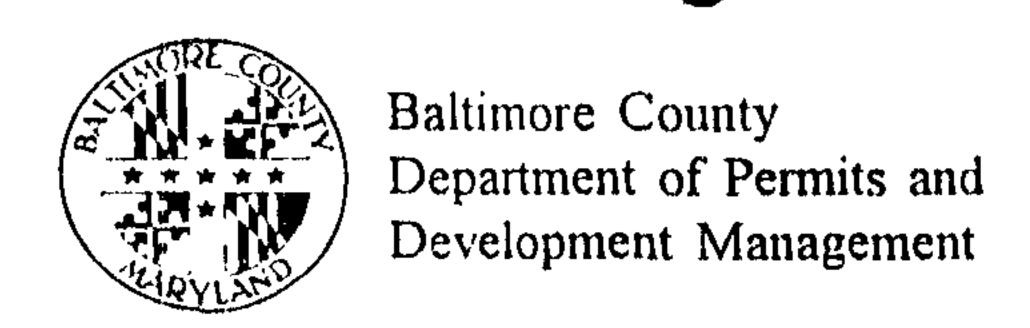
K.L.S. Consultants, Inc. Ronald M. Kearney, 4401 Philadelphia Rd.

Bel Air, MD 21015

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY .Monday, October 7, 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



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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

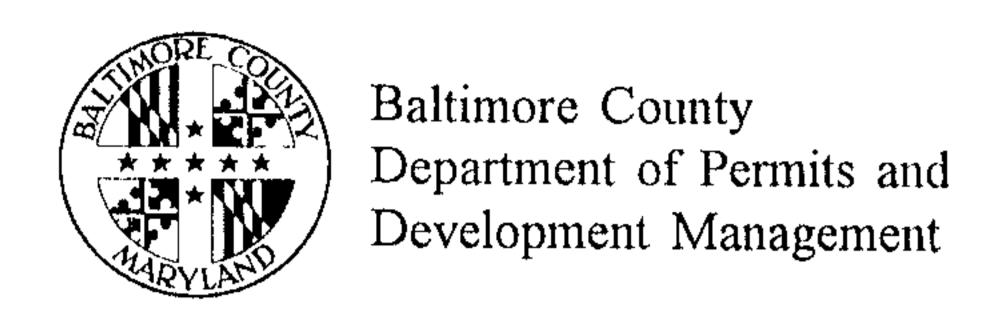
Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

•		ARNOLD	JABLON,	DIRECTOR	
For newspaper	advertising:			m to vii to to	24 AV 257 FE ST TO SE
Item No.: <u>03</u>	-(31-A				
Petitioner:	Clarence A. & Joan	A Ensm	inger		
Location:	3835 Clarks Point Rd.	Balti	more Ma	ryland	21220
PLEASE FORWARD	ADVERTISING BILL TO:				
NAME:	Clarence Ensminger			, d a i P P P 20 20 A 2	·
ADDRESS: 3	835 Clarks Point Road	d		······································	
E	Baltmore, Maryland 2	1220	<u></u>	,	
PHONE NUMBER:	410-335-2198	.,, ,, 			
AJ:ggs			(Rev	ised 09/24	/96)



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

October 16, 2002

Clarence A. Ensminger Joan A. Ensminger 3835 Clarks Point Road Baltimore, MD 21220

Dear Mr. and Mrs. Ensminger:

RE: Case Number: 03-131-A, 3835 Clarks Point Road

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

Supervisor, Zoning Review

W. Carl Richards, Jr.

WCR:rlh

Enclosures

c: K.L.S. Consultants, Inc., Ronald M. Kearney, 4401 Philadelphia Road, Bel Air 21015 People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 27, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

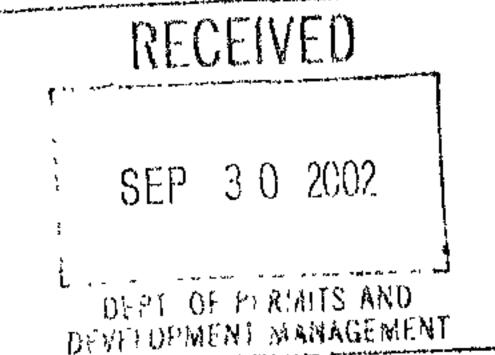
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items: (131-146)

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

THOME OUT TOOL, NO TION

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 22, 2002

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

SUBJECT:

Zoning Advisory Committee Meeting

For October 7, 2002

Item Nos. 131, 133, 134, 135, 136, 137, 138, 139, 142, 143, 144, 145,

and 146

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablor	n									
FROM:	R. Bruce Seeley RBS 1767										
DATE:	October 21, 2	002									
SUBJECT:	Zoning Item Address	131 3855 Clarkspoin	<u>t Road</u>								
Zoning	g Advisory Cor	nmittee Meeting o	of September 30, 2	<u>2002</u>							
The Decomme	epartment of Energy ents on the above	nvironmental Prot ve-referenced zon	ection and Resouring item.	ce Management l	has no						
an exte	ension for the re	eview of the above	ection and Resour e-referenced zonir ons apply to the si	ig item to determi	eques						
X The Details the foll	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:										
	Protection of \	Water Quality, Str	ist comply with the eams, Wetlands and altimore County C	nd Floodplains (S	the ection						
	Development of Conservation I Baltimore Cou	Regulations (Secti	ust comply with the contract on 14-401 through	ne Forest h 14-422 of the							
	Critical Area R	of this property model Regulations (Sections Baltimore Count	ust comply with thons 26-436 through Code).	ne Chesapeake Bath 26-461, and oth	ıy 1er						
<u>X</u>	Additional Cor	nments:									
See the	attached comm	nents		₹ [†] ,	√_1, ,}F						
Review	er: Kieth K	Celley	Date:	10/21/02							

CBCA Zoning Comments (zoning item #131)

The property is located within the Limited Development Area (LDA), or Resource Conservation Area (RCA), or Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA).
This proposal must use best management practices, which reduce pollutant loadings by 10%.
Man-made impervious surfaces are limited to 15% for lots greater than ½ acre in size.
Man-made impervious surfaces are limited to 25% for lots less than ½ acre in size.
Mitigation is required if exceeding the 25% impervious surface limit. Impervious surfaces are limited to 25% of the lot & 500 square feet or 31.25% of the lot. Otherwise, a Critical Area Administrative Variance (CAAV) is required.
If permitted development on a property currently exceeds impervious surface limits, that percentage may be maintained during redevelopment of the property.
15% forest must be established or maintained. This equates to 3 trees for a lot of this size.
Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.
The downspouts must discharge rainwater runoff across a pervious surface such as a lawn
The lot is in a Buffer Management Area (BMA). Mitigation (planting trees, removing impervious area, or paying a fee-in-lieu) is required for the placement of the proposed structure within 100' of tidal waters.
If the lot is unimproved, then the proposed dwelling cannot go any closer to the water than the neighboring dwelling farthest away from the water.
If the lot is improved, then the proposed dwelling can go as close to the water as the existing dwelling.
A Critical Area Administrative Variance (CAAV) is required for the placement of the proposed structure within 100' of tidal waters, tidal wetlands, stream, or within 25' of non-tidal wetlands.
A Critical Area Administrative Variance (CAAV) is required since the proposed principal structure cannot honor the required 35' residential building setback or 25' commercial building setback from the 25' or 100' buffer.

Kdk#14/cbcazoningcomments

10/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: October 9, 2002

1 1

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

3835 Clarks Point Road

INFORMATION:

Item Number:

03-131

Petitioner:

Clarence Ensminger

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a side yard setback of 6 feet in lieu of the minimum required 10 feet.

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: 10.1.02

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

RE: Baltimore County

Item No. 131 JAP

Dear Mr. Zahner:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Dadl

10

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



Parris N Glendening
Governor

Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

September 27, 2002

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

Re: Zoning Advisory Committee Agenda, 10/7/02 re: case numbers 03-131-A, 03-132-A, 03-133-SPHXA, 03-134-A, 03-135-A, 03-136-SPH, 03-137-SPHA, 03-138-SPH, 03-139-SPH, 03-140-A, 03-141-A, 03-142-SPHA, 03-143-SPHA, 03-144-A, 03-145-A, 03-146-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 9/26/02. 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

CASE NAME	
CASE NUMBER	
DATE	

PETITIONER'S SIGN-IN SHEET

								Donas Massey	JOBN SWSMINGER	CHARGOCE EXSMINGE	NAME
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								51012 EW 2012	Chops 1	BOWLEYS Miserens	CITY, STATE, ZIP
											E-MAIL

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	NUMBER_{	ME
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CITIZEN'S SIGN-IN SHEET

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									+ML10-MD. 01220	ひとけ	CITY, STATE, ZIP
											E-MAIL

UHER5480 7481925

Grevadine 1.

THE STANTOR AND GRANTES --- BITS

This Deed, Made this

18th

lay of September

in the year one thousand nine hundred and seventy-four , by and between

William J. F. Altevogt and Mildred R. Altevogt, his wife

, of the first part, and

Clarence A. Ensminger and Joan A. Ensminger, his wife

of the second part.

Witnesseth, that in consideration of the sum of Five Dollars and other valuable consideration

the said

William J. F. Altevogt and Mildred R. Altevogt, his wife

do hereby grant and convey unto the said

Clarence A. Ensminger and Joan A. Ensminger, his wife, their

heirs and assigns,

in fee simple, all that

lot(s) of ground, situate, lying and being in

Baltimore County , State of Maryland, and described as follows, that is to say:—
Beginning for the same lot of ground and premises known as Lot 11, which
by deed bearing the date of the fourth day of May, 1922 and recorded among the
Land Records of Baltimore County in Liber W. P. C. No. 555, folio 143, was
granted and conveyed by the Bowleys Quarters Company unto Elizabeth Ward.

Being same property from Ward to grantors dated April 14, 1952, Liber 2927, Folio 441.

00.01-1-74 23216002 ***-1-100 00.01-1-74 23216002 ***-1-100 00.01-1-74 23216002 ***-105.00

*7 " Oak 1

3 x 5 x 1 1 kg

LIBER5480 PAGE926

Together with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

To Have and To Hold the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said

Clarence A. Ensminger and Joan A. Ensminger, his wife

> their heirs and assigns,

> > in fee simple.

And the said parties of the first part hereby covenant that they not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that they will warrant specially the property granted and that he execute such further assurances of the same as may be requisite.

Witness the hand and seal of said grantor

TEST:

Milliam J. J. Alterogi [SEAL]

Mildred R. Alterogi [SEAL]

State of Maryland, Baltimore County

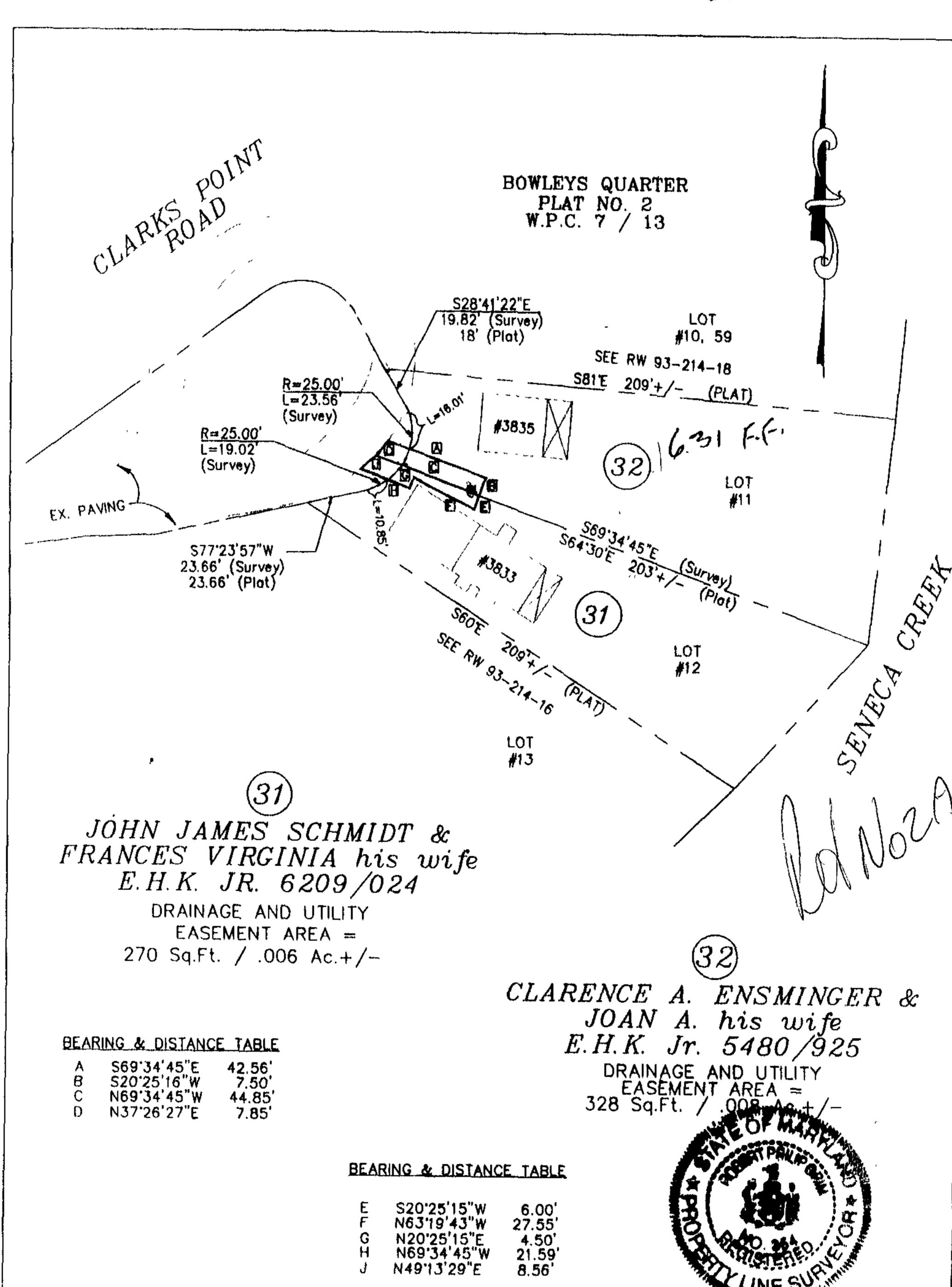
I HEREBY CERTIFY, That on this /8 day of September before me, the subscriber, a Notary Public of the State of Maryland, in and for

, personally appeared

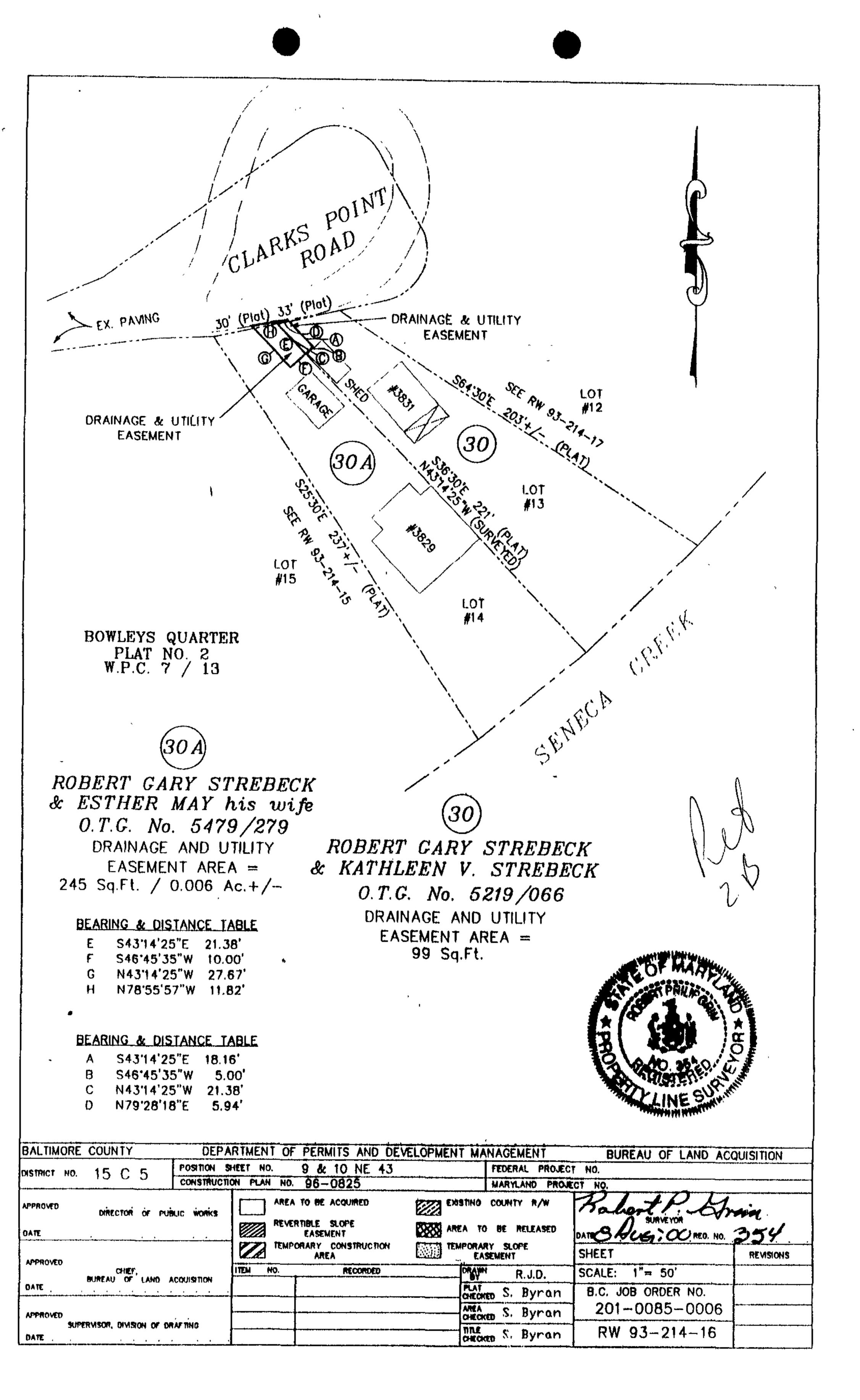
Will'am J. F. Altevogt and Mildred R. Altevogt

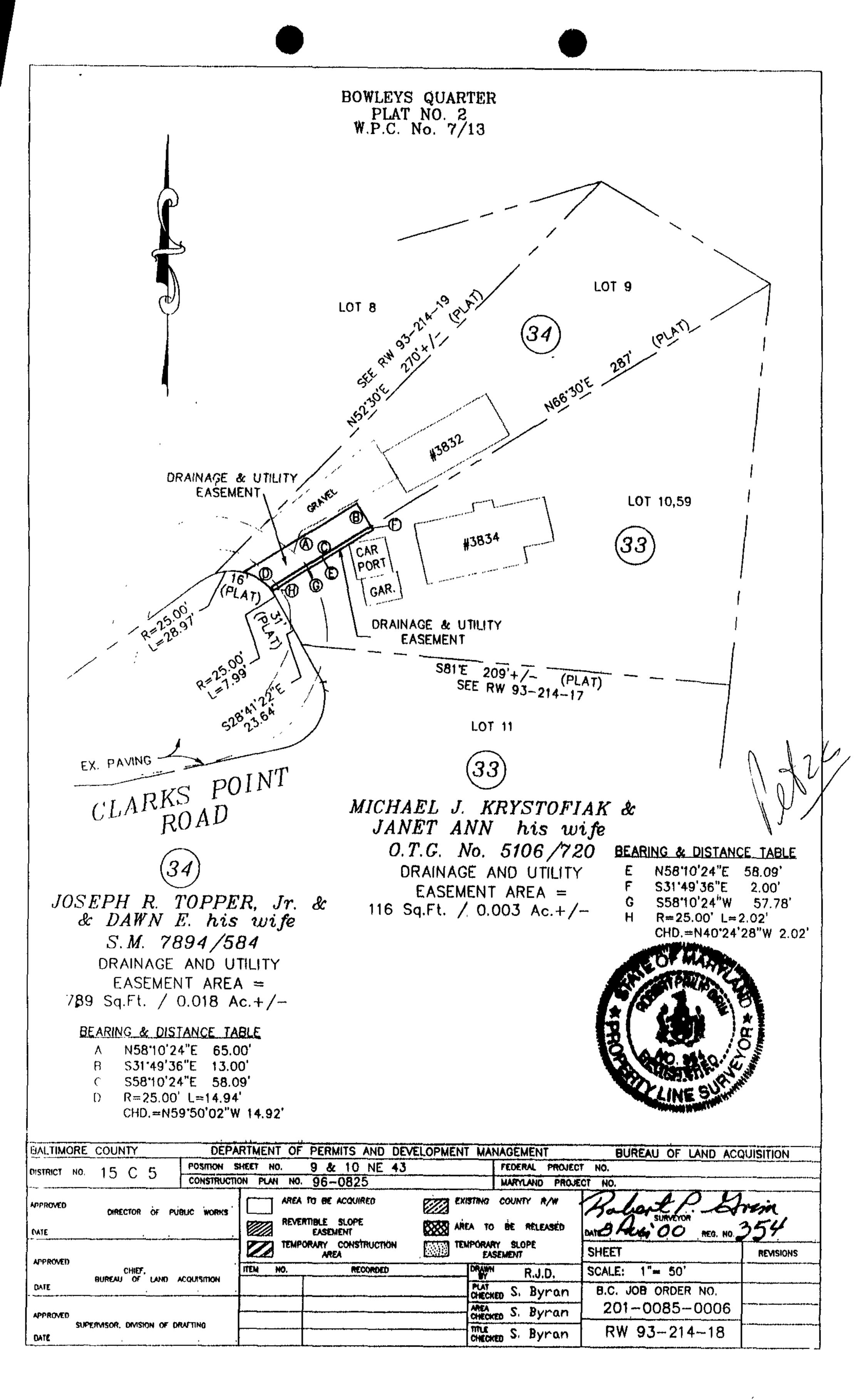
known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that h executed the same for the purposes therein contained, and in my presence signed and scaled the same.

In Witness Whencor, I hereunto set my hand and official seal.

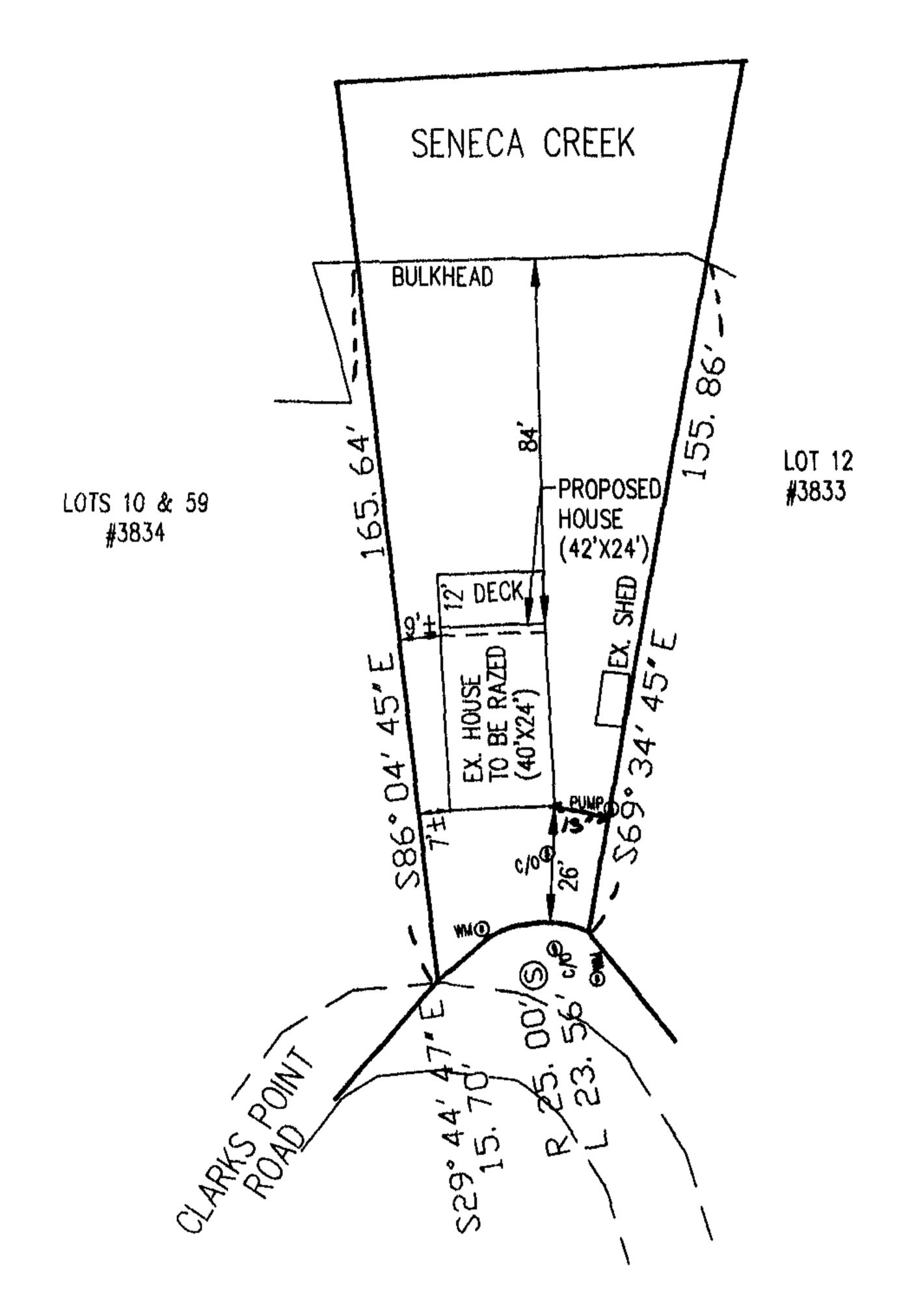


	- 45	POSITION S	ARTMENT OF PERMITS AND DEVELOPMENT MAI		The state of the s			
STRICT N	• 15 C 5	CONSTRUCTION PLAN NO. 96-0825			FEDERAL PROJECT NO. MARYLAND PROJECT NO.			
approved	DIRECTOR OF PUE	NJC WORKS		TO BE ACQUIRED	EXISTING	COUNTY R/W		in
DATE .							Malant P. String. OATE AUG. CO REG. NO. 354	
APPROVED _	Making of all of and a	mby .		ORARY CONSTRUCTION AREA	TEMPORAN EAS	y slope Ement	SHEET	REVISIONS
	PUREAU OF LAND A	COLISITION	ITEM NO.	RECORDED	DAVAN	R.J.D.	SCALE: 1"= 50"	
DATE	8-16-00	2	• + 	} 	PLAT	s. Bryan	B.C. JOB ORDER NO.	***************************************
APPROVED	Bilow		·· ·······	<u> </u>	AMEA	S. Bryan	201-0085-0006	<u></u>
DATE	HO NO HOLENIG HAPPHERSON	AFTINO		 		S. Bryan	RW 93-214-17	







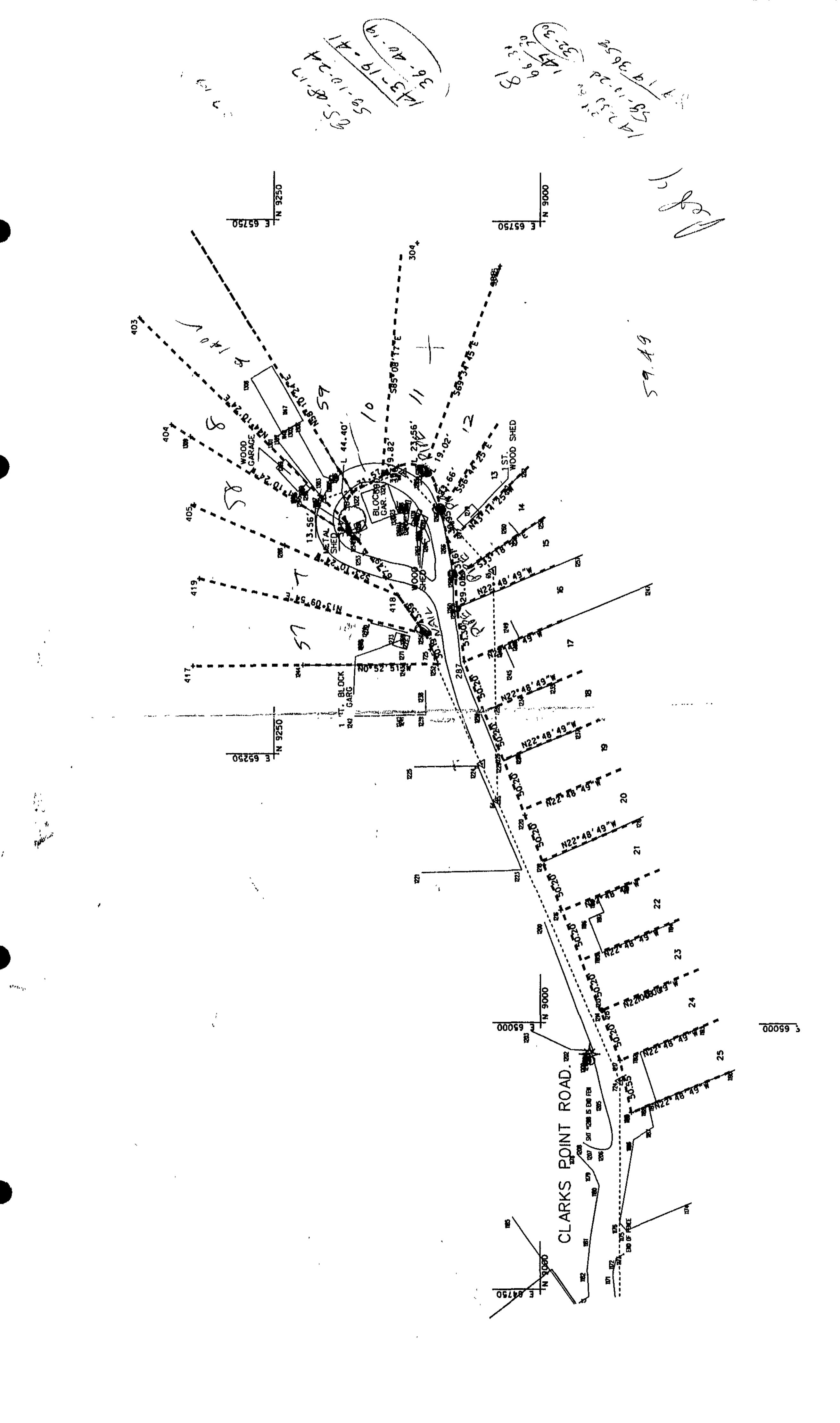


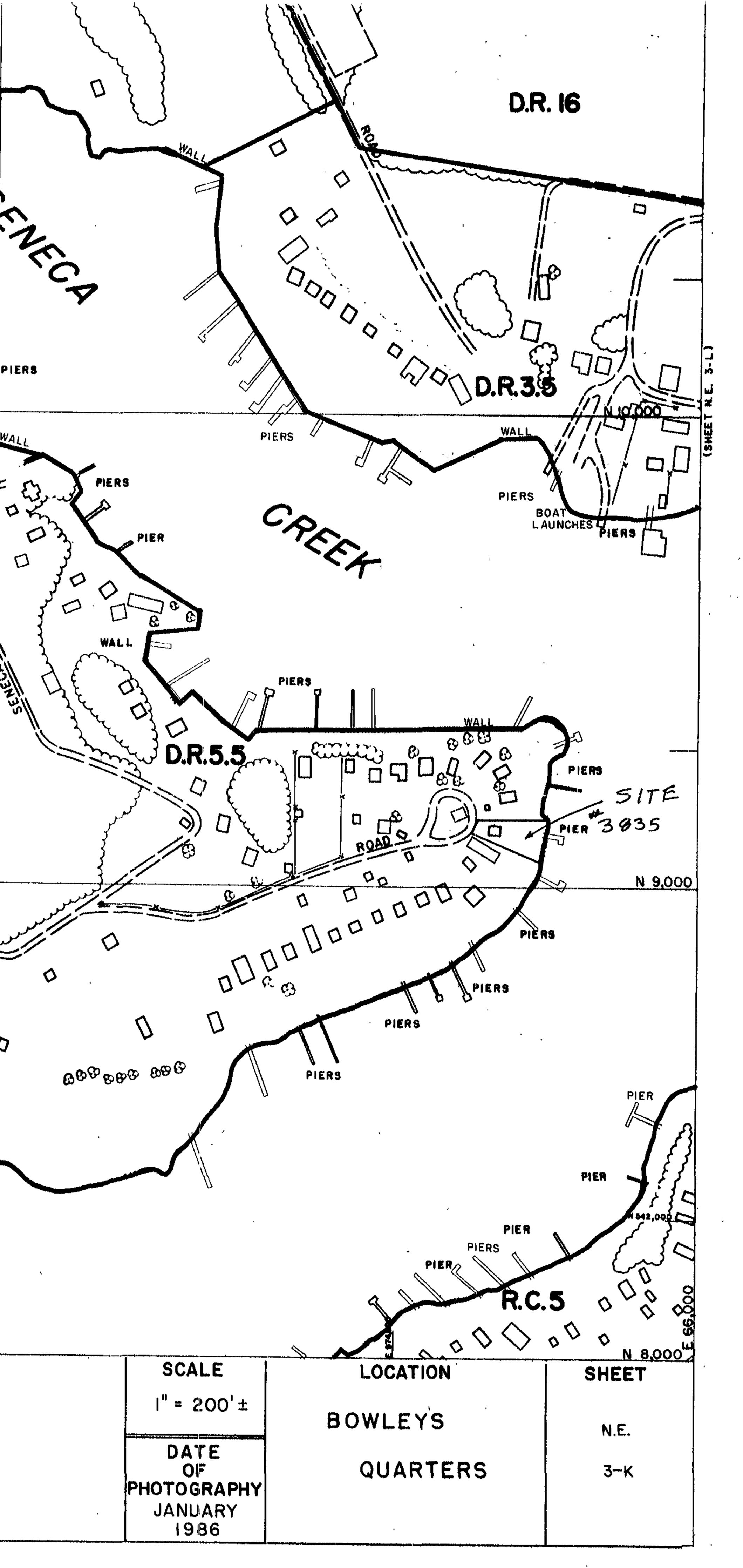
ZONING CASE NO.:

LOT 11 BOWLEYS QUARTERS


RECORDED: 7/13

و الفائدات المنظم ا المنظم المنظم	PLOT PLAN	K.L.S.	CONSULTAN	TS, INC.	
	3835 CLARKS POINT ROAD	ENGINEERS AND SURVEYORS 4401 PHILADELPHIA ROAD BEL AIR, MARYLAND 21015 (410) 734-0445			
	15TH ELECTION DISTRICT	DATE	SCALE	FILE NO.	
	BALTIMORE COUNTY, MARYLAND	10/28/02	1"=40'	0273	





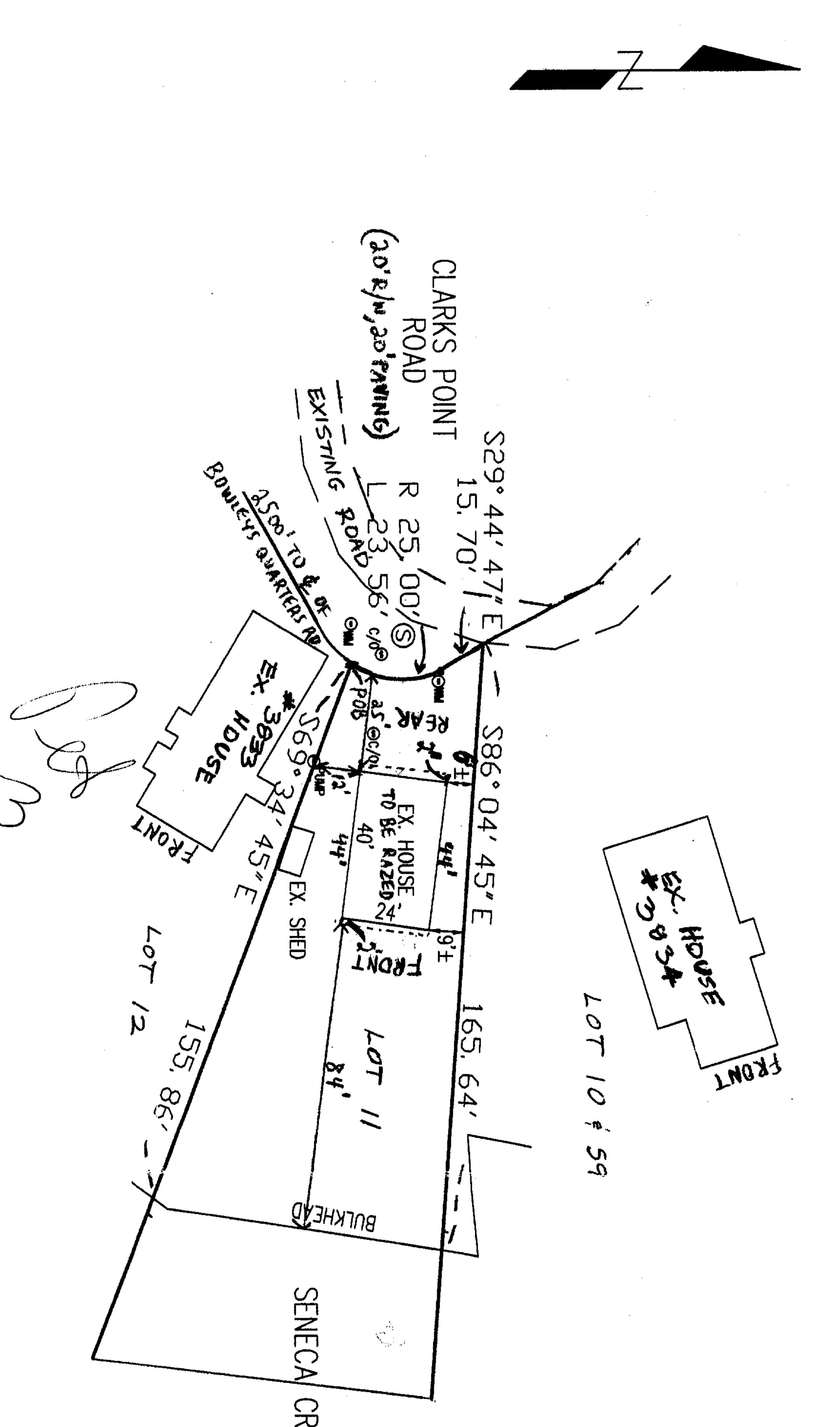
25 CN CN CN CN CN



Subdivision name: Bowleys Quarters (Plat 2)

plat book# 7 ____, folio# __13 __lot# __11 ____, section# ______

OWNER: Clarence & Joan Ensminger



FLOOD PLAIN NOTE:

PAPLICANT IS AWARE THAT PROPERTY
LIES WITHIN FLOOD PLAIN AND CERTIFIES
THAT PROPOSED DWELLING WILL COMPL
WITH ALL FLOOD PLAIN REGULATIONS

NOTE:

BE RAZED AND REPLACE



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