

IN RE: PETITION FOR VARIANCE

E/S Cedar Creek Road, 182' N of Silver Lane
(Lots 372 through 375 Cedar Beach)
15th Election District
6th Council District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

Ruth Elsie Luciano, Owner;
Michael W. Heede, Contract Purchaser

* Case No. 03-341-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 owner of the subject property, Ruth Elsie Luciano, and the Contract Purchaser, Michael W. Heede. The Petitioners seek relief from Sections 1A04.3.B.2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 30 feet in lieu of the required 50 feet, and a street centerline setback of 70 feet in lieu of the required 75 feet for a proposed dwelling, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary by the Zoning Commissioner. 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 Ruth Luciano, property owner, her daughter, Maria Heede, and son-in-law, Michael W. Heede, Contract Purchaser. Also appearing was John Totty, Builder. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an unimproved parcel located on the east side of Cedar Creek Road, just north of Silver Lane, not far from Sue Creek in Essex. The property consists of four lots, known as Lots 372 through 376 of the subdivision of Cedar Beach, and is served by public water and sewer. Each lot is 25 feet wide by 150 feet deep and collectively, contains 15,000 sq.ft. in area, zoned R.C.5. Although not

ORDER RECEIVED FOR FILING

Date

By

3/27/13

waterfront, any development on the property is subject to Chesapeake Bay Critical Areas regulations. Testimony indicated that Ms. Luciano's late husband purchased the property a number of years ago. As is often the case with older subdivisions that were recorded prior to the adoption of the first set of zoning regulations in 1945, the lots and property are undersized. Testimony indicated that Ms. Luciano intends to convey the property to her daughter and son-in-law, Maria and Michael Heede, who propose to develop same with a single-family dwelling. As shown on the site plan, the proposed dwelling will be 40' x 50' in dimension, including an attached garage and sunroom, and will be centered on the property, consistent with homes on neighboring lots. As a result, the house will be located 70 feet from the centerline of Cedar Creek Road, and 30-foot setbacks will be provided on each side. Further testimony indicated that at the request of the Department of Environmental Protection and Resource Management (DEPRM), the dwelling was moved closer to Cedar Creek Road to comply with Chesapeake Bay Critical Areas requirements and to reduce clearing.

Based upon the testimony and evidence offered, I am persuaded that relief should be granted. Strict compliance with the zoning regulations would render the property unbuildable in that 50-foot side yard setbacks are required and the lot is 100 feet wide in total width. I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted. However, in approving same, I will impose two restrictions. First, the proposed development shall comply with the Chesapeake Bay Critical Areas requirements as administered by DEPRM and set forth in their Zoning Advisory Committee (ZAC) comment dated February 27, 2003. Secondly, the proposed dwelling shall be constructed substantially in accordance with the building elevation drawings submitted to the Office of Planning for review and approval.

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 27th day of March, 2003 that the Petition for Variance seeking relief from Sections 1A04.3.B.2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard

COPY RECEIVED FOR PLANS
Date 3/27/03
By [Signature]

setback of 30 feet in lieu of the required 50 feet, and a street centerline setback of 70 feet in lieu of the required 75 feet for a proposed dwelling, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., and any other variances deemed necessary by the Zoning Commissioner, in accordance with Petitioner's Exhibit 1, 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) Compliance with Chesapeake Bay Critical Areas regulations as set forth in the ZAC comment submitted by DEPRM, dated February 27, 2003, a copy of which is attached hereto and made a part hereof.
- 3) The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings submitted for review and approval by the Office of Planning.
- 4) 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 3/27/03
By Rep



Baltimore County
Zoning Commissioner

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

March 27, 2003

Ms. Ruth Elsie Luciano
806 Back River Neck Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
E/S Cedar Creek Road, 182' N of Silver Lane
(Lots 372 through 375 Cedar Beach)
15th Election District – 6th Council District
Ruth Elsie Luciano, Owner; Michael W. Heede, Contract Purchaser - Petitioners
Case No. 03-341-A

Dear Ms. Luciano:

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".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Michael W. Heede
1564 Williams Avenue, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at CEDAR CREEK RD. LOTS 372-375
which is presently zoned "CEDAR BEACH"
R.C.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04, 3B.2, 304 (BCZR)

To permit a side yard setback for a dwelling of 30 feet in lieu of the required 50 feet and to be situated 70 feet from the centerline of a street in lieu of the required 75 feet and to approve an undersized lot per Section 304 and to approve any other variances deemed necessary by the Zoning Commissioner.

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

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:

Michael W. HEED
Name - Type or Print
[Signature]
Signature
1544 Williams Ave 410-682-3991
Address Telephone No.
Baltimore MD 21221
City State Zip Code

Attorney For Petitioner:

Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Case No. 03-341-A

Legal Owner(s):

Ruth Elsie Luciano
Name - Type or Print
[Signature]
Signature
Name - Type or Print

806 Back River Road 410-686-6804
Address Telephone No.
Baltimore MD 21221
City State Zip Code

Representative to be Contacted:

Sara F. Totty
Name
3 Misty Meadows Ct 410-952-3850
Address Telephone No.
Balt. Md. 21221
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 1/23/03

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Date 1/23/03
By [Signature]

LIBER 8760 PAGE 225

Cedar Creek Md.

BEING known and designated as Lots Nos. 372, 373, 374, and 375, Cedar Beach, Plot, 25 feet by 150 feet each, fronts 100 feet on east side of Cedar Creek Road, 920 feet north from Holly Neck Road runs West, which Plot of Cedar Beach, is recorded among the Land Records of Baltimore County, in Plot Book W.P.C. No. 7 folio 186. Situate on the east side of Cedar Creek Road.

BEING the same lots of ground described in a Deed dated September 6, 1978 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5933 folio 126, etc., from Leslie S. Goldstein, Joel A. Herschman and Manne F. Greenberg, Personal Representatives of the Estate of H. Lee Brill, deceased, unto Michael Luciano (a/k/a Michael A. Luciano).

TOGETHER with the buildings and improvements thereupon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said lots of ground and premises above described and mentioned, unto and to the use of the said Ruth Elsie Luciano, her personal representatives and assigns, in fee simple.

And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of the within named party of the first part, Personal Representative as aforesaid, Grantor.

WITNESS

Charlotte W. Mann

Ruth Elsie Luciano (SEAL)
RUTH ELSIE LUCIANO,
Personal Representative of the
Estate of Michael A. Luciano,
deceased

I have to certify that the within instrument was prepared by a Maryland Attorney.
Charlotte W. Mann

03-341-A

NOTICE OF ZONING HEARING

The Zoning Commission 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: #03-341-A

Cedar Creek Road, Lots 372-375 "Cedar Beach"
100 feet east side Cedar Creek Road 920 feet north of
Holly Neck Road

15th Election District - 6th Councilmanic District

Legal Owner(s): Ruth Elise Luciano

Contract Purchaser: Michael Heede

Variance: to permit a side yard setback for a dwelling of 30 feet in lieu of the required 50 feet and to be situated 70 feet from the centerline of a street in lieu of the required 75 feet and to approve an undersized lot. To approve any other variances deemed necessary by the Zoning Commission.

Hearing: Monday, March 17, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Rosley Avenue.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

2/26/03 Feb 27

CS89652

CERTIFICATE OF PUBLICATION

2/28/, 2003

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 2/27/, 2003.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 20459

DATE 1/23/03 ACCOUNT 0010066150

AMOUNT \$ 130.00

RECEIVED FROM: JOHN TOTTY

FOR: ITEM #341 03-341-A + UNDER SIZE LOT AERONAL

LOTS 272-275 "ORDER BECH"

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL
1/23/2003 1/23/2003 10:37:52
FEB 0304 WALKIN DIAL DIAL DRAWER 2
RECEIPT # 012381 1/23/2003 WLN
DEPT 5 528 ZONING VERIFICATION
CHK NO. 020459
Receipt Tot \$130.00
.10 OK 130.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-341-A

Petitioner/Developer: MICHAEL

OWNER
HEEDE/Ruth LUCIANO

Date of Hearing/Closing: 3/17/03

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

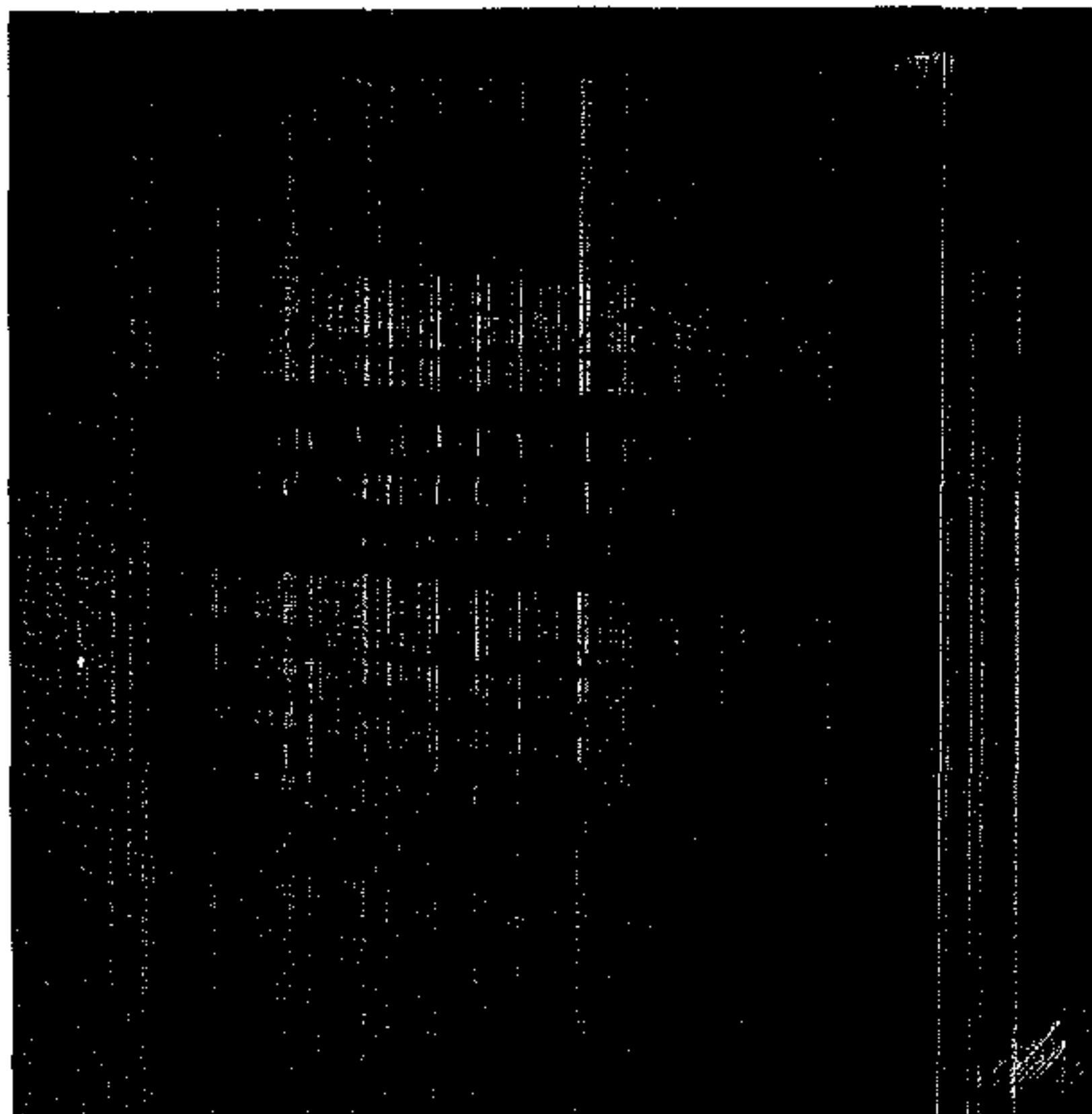
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at CEDAR CREEK RD
LOTS 372-375 "CEDAR BEACH"

The sign(s) were posted on 3/1/03
(Month, Day, Year)

Sincerely,



[Signature] 3/1/03
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

February 4, 2003

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: 03-341-A

Cedar Creek Road, Lots 372-375 "Cedar Beach"
100 feet east side Cedar Creek Road 920 feet north of Holly Neck Road
15th Election District – 6th Councilmanic District
Legal Owner: Ruth Elise Luciano
Contract Purchaser: Michael Heede

Variance to permit a side yard setback for a dwelling of 30 feet in lieu of the required 50 feet and to be situated 70 feet from the centerline of a street in lieu of the required 75 feet and to approve an undersized lot. To approve any other variances deemed necessary by the Zoning Commissioner.

Hearings: Monday, March 17, 2003 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
Director

AJ:rlh

C: Ruth Elise Luciano, 806 Back River Neck Road, Baltimore 21221
Michael W. Heede, 1564 Williams Avenue, Baltimore 21221
John F. Totty, Sr., 3 Misty Meadows Court, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 1, 2003.**
(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, February 27, 2003 Issue - Jeffersonian

Please forward billing to:
John F. Totty, Sr.
3 Misty Meadows Court
Baltimore, MD 21221

410-952-3850

NOTICE OF ZONING HEARING

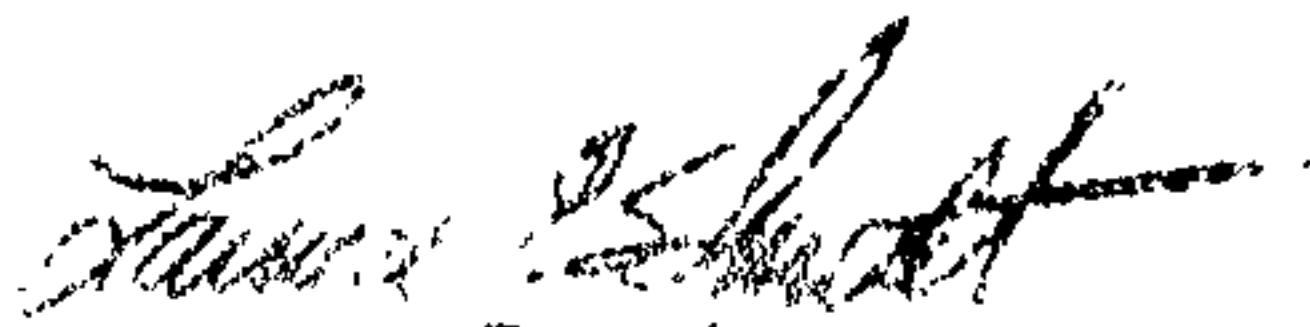
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Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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: 03-341-A

Petitioner: LUCIANO

Address or Location LOTS 372-375 "CEDAR BEACH"

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN F. TOTTY SR.

Address 3 MISTY MEADOWS CT.

BALTO. MD 21221

Telephone Number: 410-952-3850

Revised 2/20/98 - SCJ

TOTTY
FAX 410-780-3152

CELL
410-952-3850



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

March 14, 2003

Ruth Elsie Luciano
806 Back River Neck Road
Baltimore, MD 21221

Dear Ms. Luciano:

RE: Case Number: 03-341-A, Cedar Creek Rd., Lots 372-375, Cedar Beach

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 23, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Michael W. Heede, 1564 Williams Avenue, Baltimore, MD 21221
John F. Totty, 3 Misty Meadows Ct., Baltimore, MD 21221

Come visit the County's Website at www.co.ba.md.us



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MARYLAND DEPARTMENT OF TRANSPORTATION

Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

Date: 2.4.03

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

RE: Baltimore County
Item No. 341 DT

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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com



**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 3, 2003

Item No.: ³⁴⁹ 339-347, 349

Dear Ms. Hart:

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.*

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

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS HWT*

DATE: March 27, 2002

SUBJECT: Zoning Item 341
Address Cedar Creek Road

Zoning Advisory Committee Meeting of February 3, 2003

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Additional Comments:

See attached comments.

Reviewer: Keith Kelley

Date: February 27, 2003

ORDER RECORDED
Date 3/27/03
[Signature]

CBCA Zoning Comments (zoning item # 341)

☒ 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 1/2 acre in size.

☒ Man-made impervious surfaces are limited to 25% for lots less than 1/2 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 5 trees for a lot of this size.

☐ Any tree removed in the buffer for this structure must be replaced on a 1:1 basis.

☒ All 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/cbc zoning comments

ORDER RECEIVED FOR FILING

Date 3/27/13

By [Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 26, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For February 10, 2003
Item Nos. 339, 340, 341, 342, 344,
345, 347, 348, 349, and 350

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

RWB:CEN:jrb

cc: File

**INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM**

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 03-341-A

FROM: Arnold Jablon, Director
Department of Permits & Development Management

Residential Processing Fee Paid
(\$50.00)

Accepted by D. THOMPSON
Date 1/25/03

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit

MINIMUM APPLICANT SUPPLIED INFORMATION:

JOHN F. TOTTY, SR., 3 MISTY MEADOWS CT., 41221 410-952-3850
Print Name of Applicant Address Telephone Number

"CEDAR BEACH"
Lot Address LOTS 372-375 CEDAR CREEK RD Election District 15 Councilmanic District 6 Square Feet 15,000

Lot Location N/E S W side/corner of CEDAR CREEK RD, 920' feet from N/E S W corner of HOLLY NECK RD
(street) (street)

Land Owner RUTH ELSIE LUCIANO Tax Account Number 1502650094

Address 806 BACK RIVER NECK RD. Telephone Number (410) 686-6806

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan Property (3 copies)	☒	☐
Topo Map (2 copies) available in Room 206, County Office Building - (please label site clearly)	☐	☒
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly) Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>R.C. 5</u>		

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations

Signed by _____
for the Director, Office of Planning and Community Conservation

Date _____

RE: PETITION FOR VARIANCE * BEFORE THE
Cedar Creek Rd Lots 372-375 "Cedar Beach"
100ft Eside Cedar Creek Rd; 920ft N Holly * ZONING COMMISSIONER
Neck Rd
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Ruth Elsie Luciano
Contract Purchaser(s): Michael W. Heede * BALTIMORE COUNTY
Petitioner(s) *
* 03-341-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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 10th day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to, John F. Totty, Sr., 3 Misty Meadows Court, Baltimore, MD 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 1, 2003

Mr. Ralph E. Sheckells
7304 Waldman Avenue
Baltimore, MD 21219

Dear Mr. Sheckells:

RE: *In the Matter of: Ralph Sheckells - Applicant*
Case No. CBA-03-141

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Mr. and Mrs. Bruce Miskimon
John R. Reisinger, P.E. /Buildings Engineer
Timothy M. Kotroco, Director /PDM
Nancy C. West, Assistant County Attorney
Edward J. Gilliss, County Attorney

IN THE MATTER OF THE
RALPH SHECKELLS -APPLICANT
7304 WALDMAN AVENUE

15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT

RE: DENIAL OF APPLICATION FOR
ADMINISTRATIVE WAIVER /
FENCE HEIGHT LIMITATIONS

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CBA-03-141

* * * * *

ORDER OF DISMISSAL

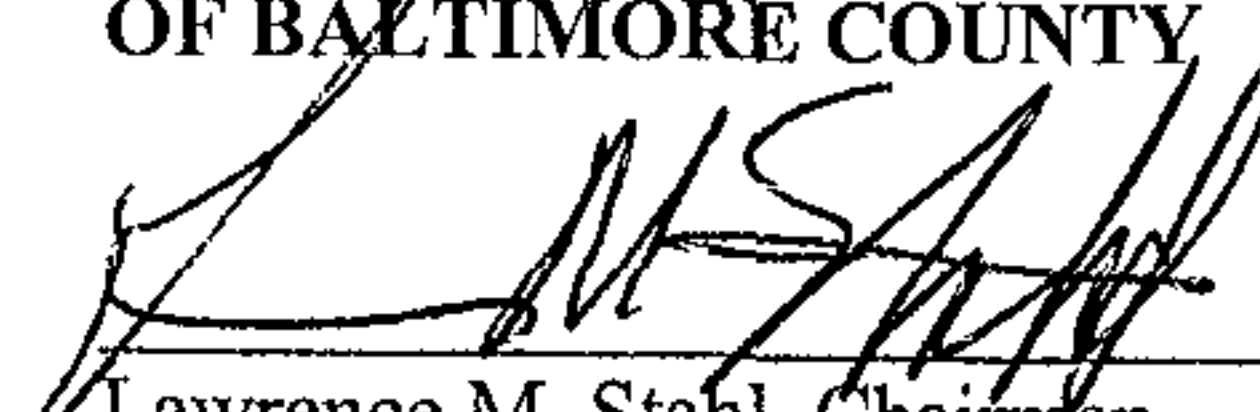
This matter comes before this Board as an appeal from the August 4, 2003 denial, by John Reisinger, P.E., Baltimore County Buildings Engineer, Department of Permits & Development Management, of Appellant's Application for Administrative Waiver of Building Code Fence Height Limitations.

WHEREAS, the Board is in receipt of a request for withdrawal of appeal filed on September 24, 2003 via facsimile by Ralph Everet Sheckells, Appellant (a copy of which is attached hereto and made a part hereof); and

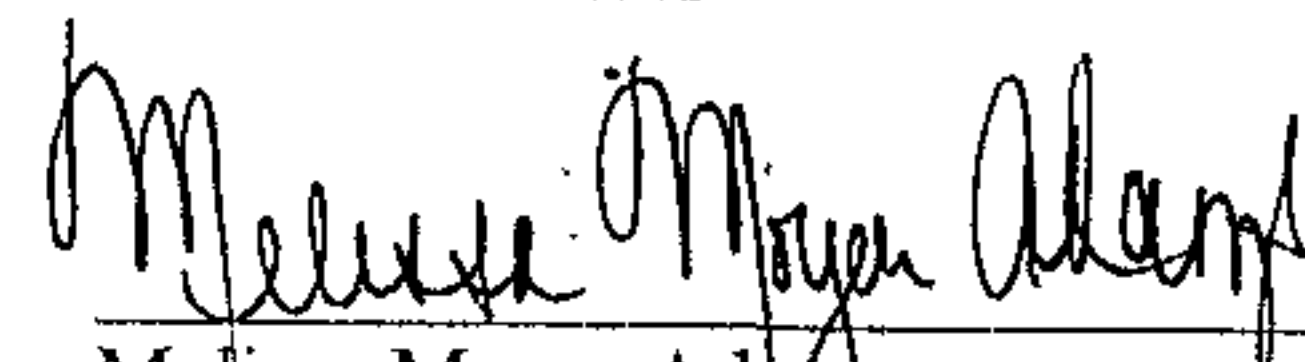
WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of September 24, 2003 as stated in the attached request for withdrawal of appeal,

IT IS THEREFORE ORDERED this 1st day of October, 2003 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. CBA-03-141 be and is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl, Chairman


Charles L. Marks


Melissa Moyer Adams

Mr. Ralph Everet Sheckells
7304 Waldman Avenue
Baltimore, MD 21219
410-365-3460

County Board of Appeals of Baltimore County
Old Court House, room 49
400 Washington Avenue
Towson, MD 21204

Attention: Kathleen Bianco

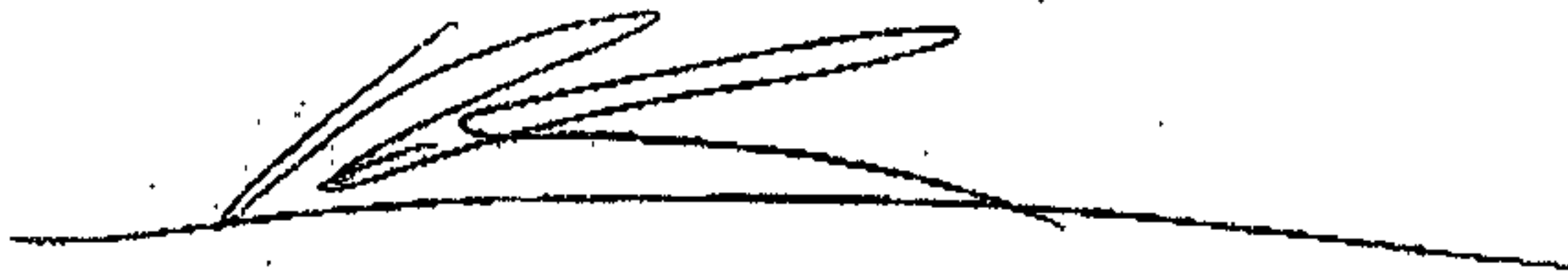
RE: Cancellation of Appeal Process
Case #CBA-03-141

September 24, 2003

Dear MS. Bianco,

As per our phone conversation on 9-24-03, please cancel my appeal process on the aforementioned property. Due to the severe damage to my property from Hurricane Isabel, I am unable to continue the process at this time. Thank you for your cooperation.

Mr. Ralph Sheckells



RECEIVED

SEP 24 2003

BALTIMORE COUNTY
BOARD OF APPEALS

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
U. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

February 4, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 W. Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

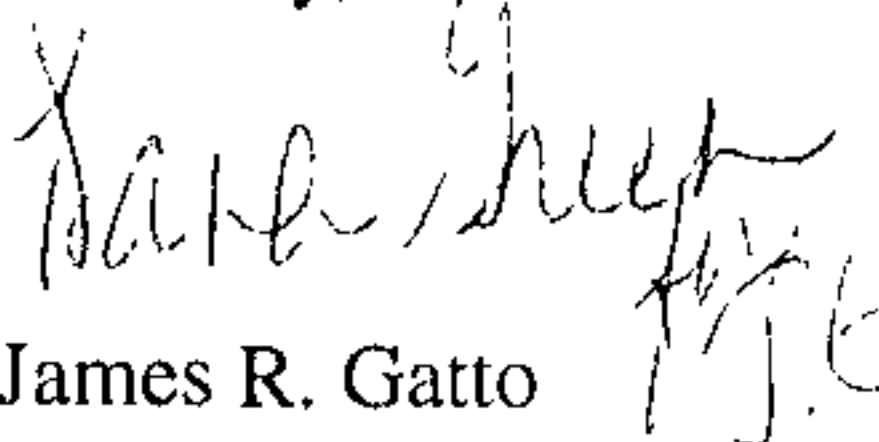
Re: Zoning Advisory Committee Agenda 02/10/03 re: case numbers 03-339-A, 03-340-A, 03-341-A, 03-342-SPHA, 03-343-A, 03-344-SPH, 03-345-A, 03-346-SPH, 03-347-A, 03-348-SPH, 03-349-A, 03-350-XA

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 02/04/03. 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

DATE _____

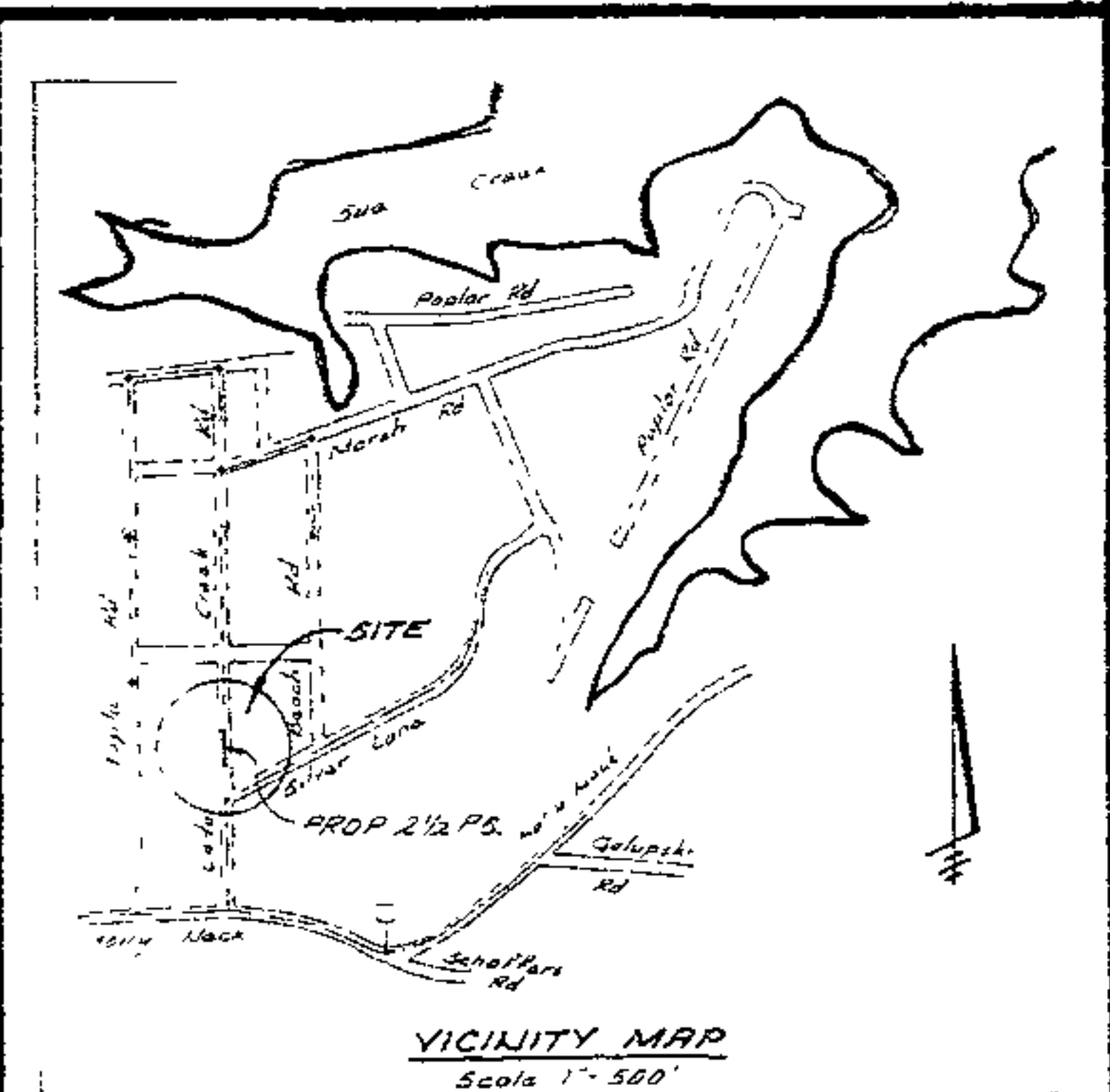
PETITIONER'S SIGN-IN SHEET

[illegible]

15-

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

OWNER Moth Glacie Gulligmo



ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6
1"=200' SCALE MAP # SE 2 J
ZONING RC 5
LOT SIZE $\frac{.34}{\text{ACREAGE}}$ $\frac{15000}{\text{SQUARE FEET}}$

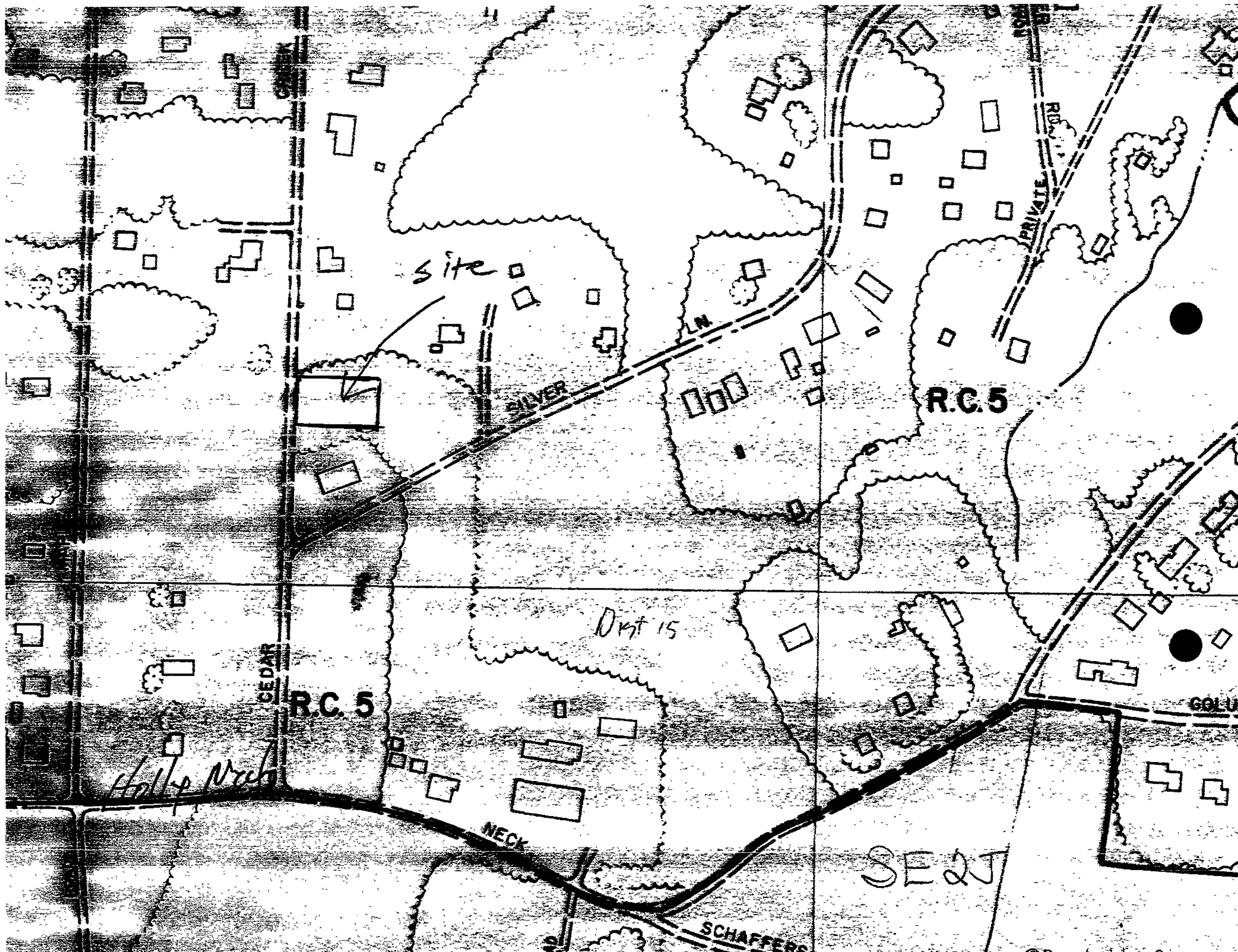
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	NONE	

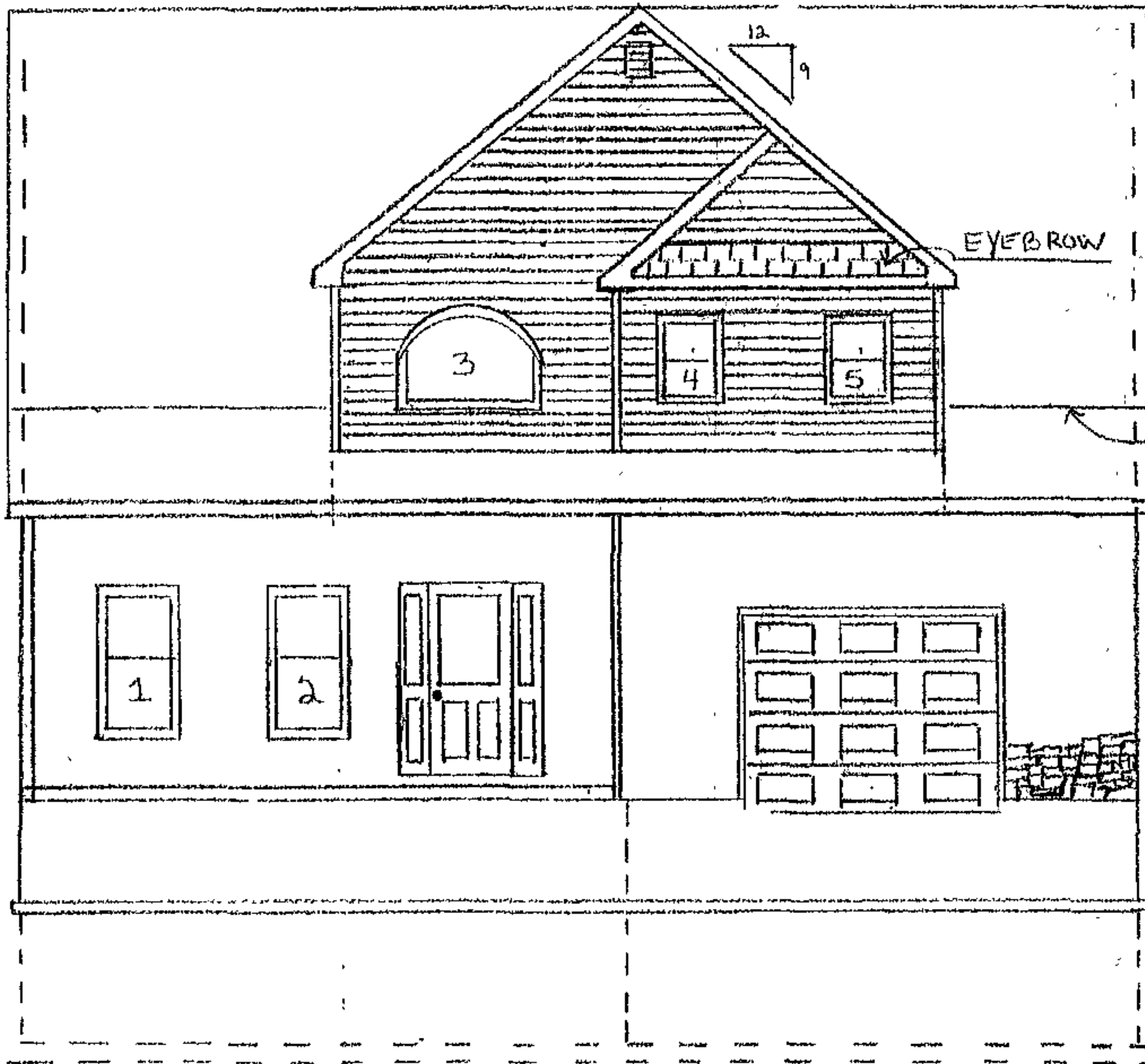
ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

D. THOMPSON 341 03-341-A

PLAN
Scale: 1" = 50'-0"



03-341-A



9" OVERHANG

25yr ASPHALT SHING

D5 VINYL SIDING

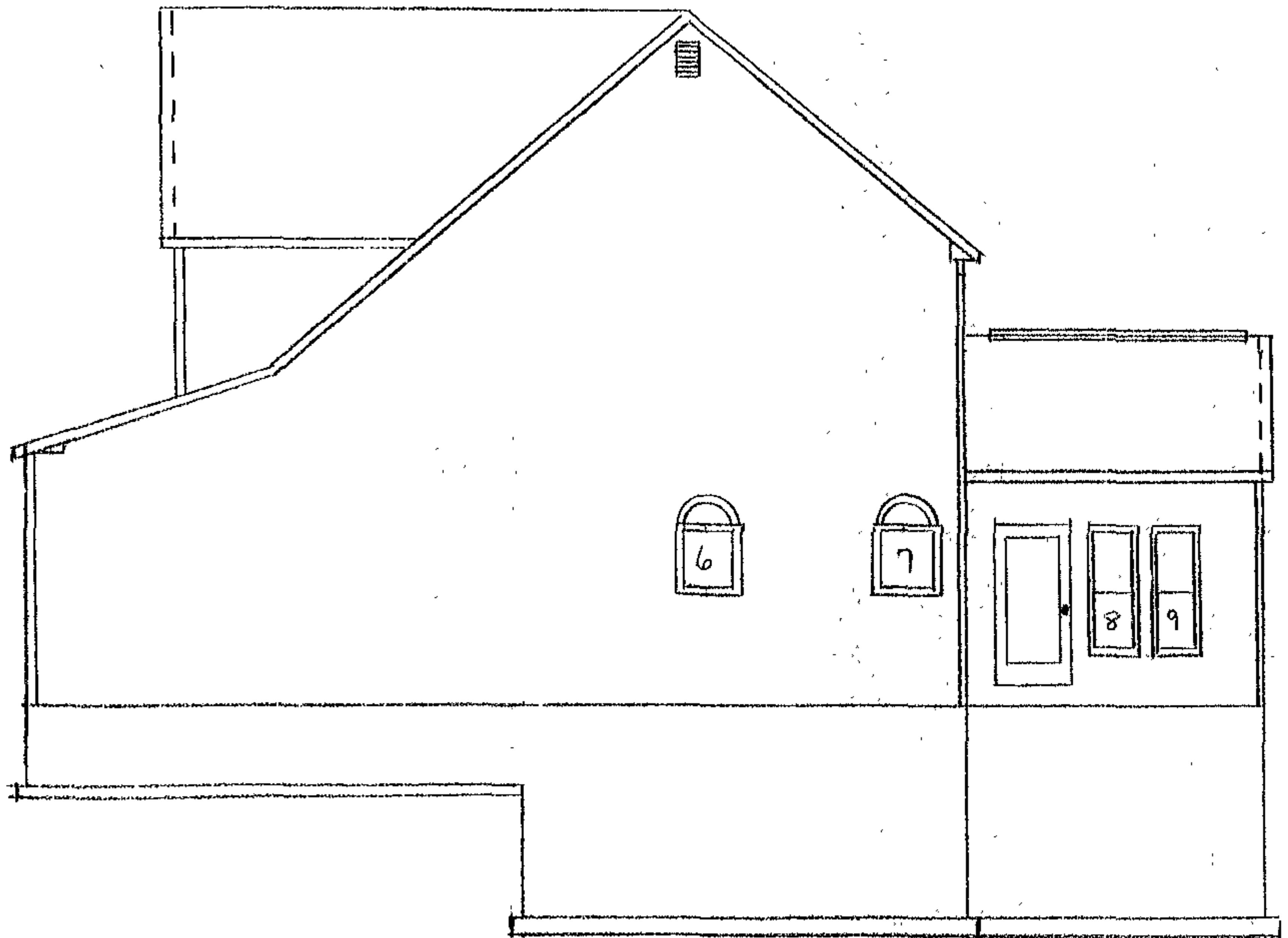
PITCH BREAK

Opt. STONE FRONT

FRONT ELEVATION

Ledar Creek Rd.

TU



RIGHT SIDE ELEVATION

Cedar Creek Rd.