IN RE: PETITION FOR VARIANCE
SE/S of Holly Neck Road, 880' NE
of Golupski Road
15th Election District
5th Councilmanic District
(2107 Holly Neck Road)

Agnes J. & Edward M. Haas Petitioners

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-451-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Variance for the property located at 2107 Holly Neck Road in the Holly Neck area of eastern Baltimore County. The petition was filed by Edward M. Haas and Agnes J. Haas, property owners. Variance relief is requested from Section 1A04.3.B.1 & 2 and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 15 ft. and 14 ft. in lieu of the required 50 ft. and to approve the subject undersized lot (less than one acre in area) for improvement with a single-family dwelling. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the petition for variance.

Appearing at the requisite public hearing held for this case were the Petitioners, Edward M. Haas and Agnes J. Haas, his wife. Also present was Vincent J. Moskunas of Site Rite Surveying, Inc., the consultants who prepared the site plan. There were no protestants or other interested persons present.

Testimony and evidence presented was that the subject property is an irregularly shaped parcel with frontage on Holly Neck Road, near Sue Creek in eastern Baltimore County. The property is approximately .6049 acres in area, zoned R.C.5. The property is presently unimproved. Mr. and Mrs. Haas acquired the property on December 10, 1958. Since that time, they have made attempts to develop the property with a single-family dwelling. However,

12/03 Januar development in such a fashion has not been permitted because of soil conditions on the property.

That is, the property does not perc and thus approval could not be obtained for a private septic system on the property.

Recently however, Baltimore County has extended public sewer to this property. The property is also served by public water. Due to the availability of these public utilities, the Petitioners now seek zoning variance relief in order to develop the property with a single-family dwelling. In this regard, Mr. and Mrs. Haas are elderly and propose constructing a rancher/one story dwelling on the site. The dimensions and layout of the proposed dwelling on this property are more particularly shown on the site plan. The building will be oriented towards Holly Neck Road and 14 ft. and 15 ft. respective side yard setbacks will be maintained.

It is to be noted that adjacent properties feature similar setbacks. The immediate property at 2105 Holly Neck Road is being improved with a single-family dwelling which will be set back 18 ft. from the common property line with the subject property. On the other side, the dwelling at 2109 Holly Neck Road is set back 10 ft. from the property line. Thus, it is argued that the subject property will be developed in a manner consistent with neighboring dwellings.

Based upon the testimony and evidence offered, I am persuaded to grant the Petition for Variance. The fact that the Petitioners have held title to this property intact for over 40 years is persuasive. A denial of the variance would make the property unusable. The parcel was created in its present size and configuration prior to the adoption of the RC Zoning Regulations in Baltimore County. Additionally, the existing character of the neighborhood is a persuasive factor. In sum, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R.

However, in granting the variance relief requested, I shall impose certain conditions and restrictions. Specifically, a Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection & Resource Management (DEPRM) indicating that the property is subject to the Chesapeake Bay Critical Area Regulations. Additionally, a ZAC comment was received from the Bureau of Development Plans Review setting out several concerns relating to public improvements and utilities in the area. Compliance with these comments shall be required.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

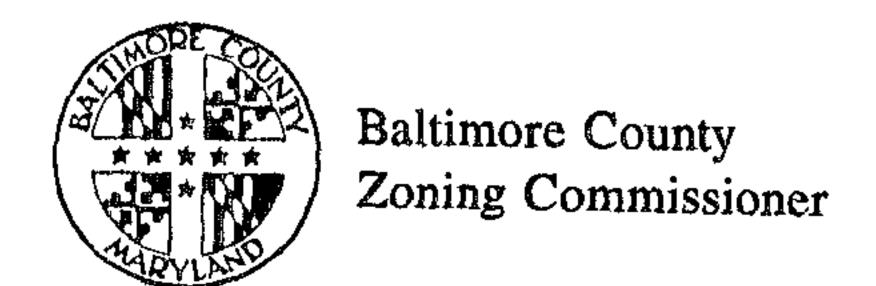
THEREFORE, IT IS ORDERED, this <u>9th</u> day of June, 2003, by this Zoning Commissioner, that the Petitioners' request for variances from Section 1A04.3.B.1 & 2 and Section 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 15 ft. and 14 ft. in lieu of the required 50 ft. and to approve the subject undersized lot (less than one acre in area) for improvement with a single-family dwelling, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by DEPRM dated May 23, 2003, a copy of which is attached hereto and made a part hereof.

- 3) Compliance with the Zoning Advisory Committee (ZAC) recommendations submitted by Development Plans Review dated April 28, 2003, a copy of which is attached hereto and made a part hereof.
- 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:raj



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

Fax: 410-887-3468

June 9, 2003

Mr. & Mrs. Edward M. Haas 1518 Neighbor Avenue Baltimore, Maryland 21237

Re: Petition for Administrative Variance

Case No. 03-451-A

Property: 2107 Holly Neck Road

Dear Mr. & Mrs. Haas:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

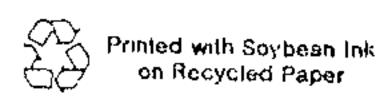
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

c: Vincent Moskunas
 Site Rite Surveying, Inc.
 200 E. Joppa Road, Room 101
 Towson, MD 21286





Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 207 HOLLY NECK POAD

which is presently zoned ___

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) 1 A 04.3. B. 1 & 2:304 BCZIZ.

pwmt cidunand sithences of 15' and 14' in liev of the required 50' and approve the subject undersuid by (< | Az) for improvement with a single

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) 1. This is a lot of record since 1925 and the same ownership since 1958. No contiguous ownership of property in order to meet current B.C.Z.R.

- 2. The lot configuration restricts meeting B.C.Z.R.; although, the proposed development is within the spirit and intent of such regulations.
- 3. Most of the homes in the area do not meet setback requirements, being constructed before the adoption of B.C.Z.R., thus, the proposed dwelling is consistent with the locale and does not Property is to be posted and advertised as prescribed by the zoning regulations.

, 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	
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Contract Purcha	ser/Lessee:		Legal Owner(s):
Klassa Para Salara			me-Type or Print, M. HAAS
Name - Type or Print		Nan	me - Type or Print
Signature			Signature Type of Print Signature My Laas Signature
Address		Telephone No.	AGNES JOAN HAAS Name - Type or Print
		releptions (40.	
City	State	Zip Code	Signature Loan Rosa
Attorney For Pet	itioner:		1518 Neiskborn Over 4/8-866-8858
			Address Telephone No.
Alama Tima as Patak			(Salumore) MD 2/237
Name - Type or Print		City	State Zip Code
Signature	***************************************		Representative to be Contacted:
			Site Rite Surveying Inc.
Company	Vincent 1947 - Land Company of the 		Name
	······································	V	200 B. Joppa Poad Room 101 410 828 906
Address		Telephone No.	AGUICES '' I BIRDONE NO.
City	State	Zip Code	TOWSON, MD 21286 City State Zip Code
		Lip soco	
			OFFICE USE ONLY
Case No. <u>03</u>	-451A		ESTIMATED LENGTH OF HEARING
141-31			LIMAVALI ADI E COD LICADINO

ZONING DESCRIPTION FOR #2107 HOLLY NECK ROAD

BEGINNING AT A POINT ON THE SOUTHEAST SIDE OF HOLLY
NECK ROAD WHICH IS 40 FEET WIDE AT THE DISTANCE OF
880 FEET NORTHEAST OF GOLUPSKI ROAD WHICH IS 50 FEET
WIDE: AS RECORDED IN DEED LIBER 3463, FOLIO 57 AND
RUNNING THENCE N 65 DEGREES 08 MINUTES E, 125 FEET;
THENCE S 63 DEGREES 30 MINUTES W, 280 FEET; THENCE S 65
DEGREES 08 MINUTES W, 125 FEET AND THENCE N 63 DEGREES
30 MINUTES E, 280 FEET TO THE PLACE OF BEGINNING,
CONTAINING 26,350 SQ. FT. ALSO KNOWN AS #2107 HOLLY
NECK ROAD AND LOCATED IN THE 15TH. ELECTION DISTRICT,
5TH. COUNCILMANIC DISTRICT.

Wilder Howard

J. TILGHMAN DOWNEY, JR.

45/

WHITE - CASHIER FROM: DATE_ MISCELLANEOUS RECEIPT RECEIVED OFFICE OF BUDGET & FINANCE BALTIMORE COUNTY, MARYLAND PINK - AGENCY ACCOUNT AMOUNT YELLOW - CUSTOMER 43-是自然是 是那是

MOTICE OF ZOMING 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 County will hold a public hearing in Towson Maryland on County will hold a public hearing in Towson Maryland on Case: #G3-451-A

2107 Holly Neck Road
Seast side of Holly Neck Road 880 feet nortigast of Solupski Road

Golupski Road
15th Election District - 5th Councilmanic District
15th Election District

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for 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. (2) For information concerning the File and/or Hearing. (3) 5755 May 20

LAWRENCE E. SCHMIDT

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in the following weekly newspaper published in Baltimore County, Md., once in each of ____ THIS IS TO CERTIFY, that the annexed advertisement was published _successive weeks, the first publication appearing

LEGAL ADVERTISING

CERTIFICATE OF POSTING

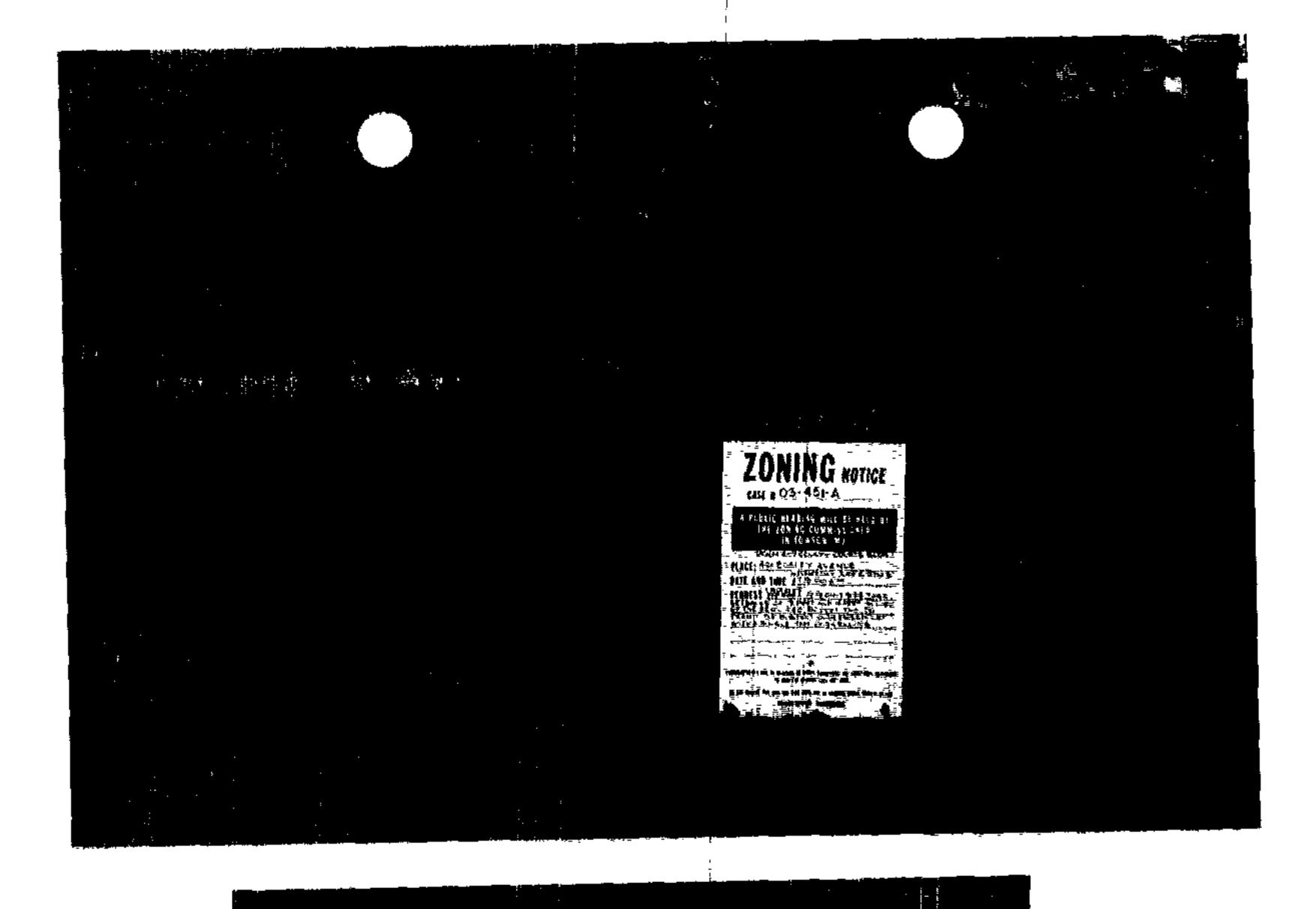
Baltimore County Department of

Permits and Development Management County Office Building, Room 111	· I
111 West Chesapeake Avenue	!
Towson, MD 21204	!
Attention:	
Ladies and Gentlemen: This letter is to certify under the penalti	es of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at	,
#2107 Now N.	ECIC DOAD
	! ! !
The sign(s) were posted on MAY 155, Z	ee03
(Month, Day	, Year)
Since	relv
	ar land De Noore
	(Signature of Sign Poster and Date)
	ARLANDE, Woors (Printed Name)
3	225 RYERSON CIRCLES (Address)
	OAUT/11/10/2017 (City, State, Zip Code)
\underline{C}	HO) 242-4263
,	(Telephone Number)

RE: Case No.: 03-451-A

Petitioner/Developer: EDWAND & ACNIES D

Date of Hearing/Closing: JUNE 4, 2003



CASE # 03-451-A

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ROOM 407, COUNTY COURTS BLOG.

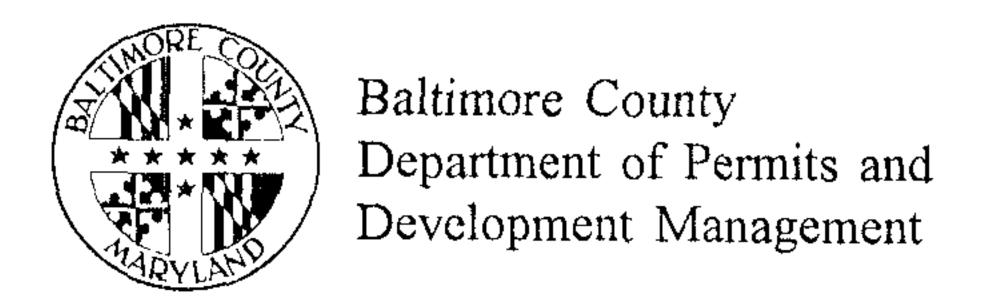
PLACE: 401 BOSLEY AVENUE

DATE AND TIME: AT 9.00 A.M.

REQUEST: VARIANCE-TO PERMIT SIDE YARD
SETBACKS OF 15 FEET AND 14 FEET IN LIEU
OF THE REQUIRED SOFEET AND TO
PERMIT THE SUBJECT UNDERSIZED LOT
WITH A SINGLE-FAMILY DUBLLING

POSTPOREMENTS QUE TO MEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TID CONFIAM HEADING CALL 887 3391

50 NOT BENCHT THE SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE



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

Fax: 410-887-5708

April 14, 2003

CORRECTED 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: 03-451-A

The same of the sa

2107 Holly Neck Road

S/east side of Holly Neck Road 880 feet northeast of Golupski Road

15th Election District – 5th Councilmanic District

Legal Owner: Edward and Agnes Haas

Variance to permit side yard setbacks of 15 feet and 14 feet in lieu of the required 50 feet, and to permit the subject undersized lot with a single-family dwelling.

Hearings:

Wednesday, June 4, 2003 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Edward and Agnes Haas, 1518 Neighbors Avenue, Baltimore 21237 Site Rite Surveying, 200 E. Joppa Road, Room 101, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 20, 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 Tuesday, May 20, 2003 Issue - Jeffersonian

Please forward billing to:

Ed and Agnes Joan Haas 1518 Neighbors Avenue Baltimore, MD 21237

410-866-8855

CORRECTED 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: 03-451-A

2107 Holly Neck Road

S/east side of Holly Neck Road 880 feet northeast of Golupski Road

15th Election District – 5th Councilmanic District

Legal Owner: Edward and Agnes Haas

<u>Variance</u> to permit side yard setbacks of 15 feet and 14 feet in lieu of the required 50 feet, and to permit the subject undersized lot with a single-family dwelling.

Hearings:

Wednesday, June 4, 2003 at 9:00 alm. in Room 407, County Courts

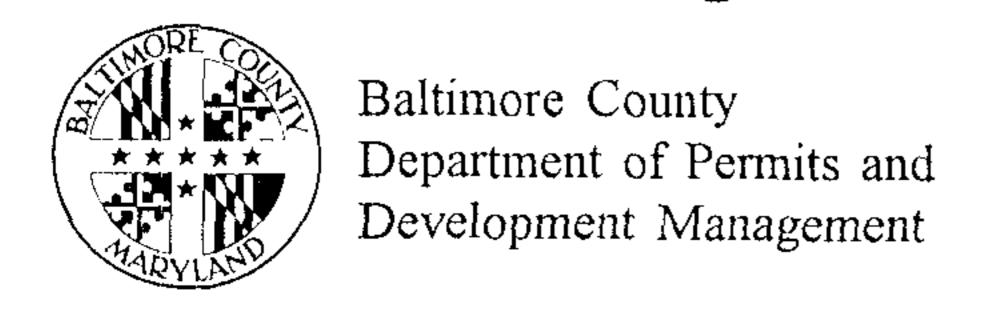
Building, 401 Bosley Avenue

Miller Carrier of the State of

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



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

Fax: 410-887-5708

April 10, 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: 03-451-A

2107 Holly Neck Road

S/east side of Holly Neck Road 880 feet northeast of Golupski Road

15th Election District – 5th Councilmanic District

Legal Owner: Edward and Agnes Haas

Variance to permit side yard setbacks of 15 feet and 14 feet in lieu of the required 50 feet, and to permit the subject undersized lot with a single-family dwelling.

Hearings:

Monday, June 2, 2003 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: Edward and Agnes Haas, 1518 Neighbors Avenue, Baltimore 21237 Site Rite Surveying, 200 E. Joppa Road, Room 101, Towson 21204

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 17, 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, May 15, 2003 Issue - Jeffersonian

Please forward billing to:

Ed and Agnes Joan Haas 1518 Neighbors Avenue Baltimore, MD 21237

410-866-8855

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: 03-451-A

2107 Holly Neck Road
S/east side of Holly Neck Road 880 feet northeast of Golupski Road
15th Election District – 5th Councilmanic District
Legal Owner: Edward and Agnes Haas

Variance to permit side yard setbacks of 15 feet and 14 feet in lieu of the required 50 feet, and to permit the subject undersized lot with a single-family dwelling.

Hearings: Monday, June 2, 2003 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

LAWRENCE E. SCHMIDT

The state of the s

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

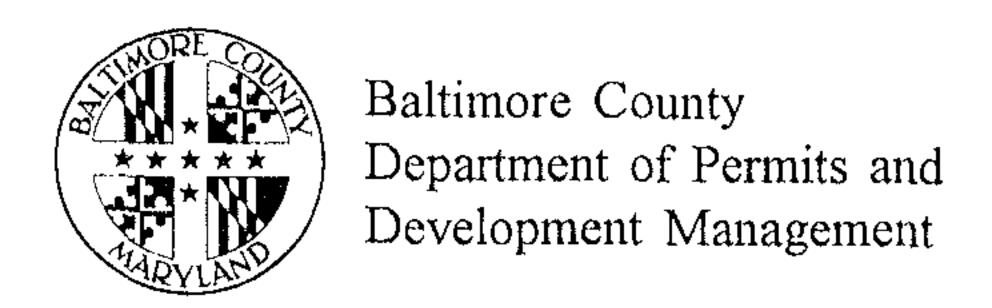
ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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: 45/	
Petitioner: Ed and Joan Haas	
Address or Location: 2107 Holly News Pr	oad
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Ed and Joan tras	
Address: 1518 Neighbors Avenue Baltimore, MD 21237	
Baltimore, MD 21237	
Telephone Number: (410) 866 - 8855	



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

May 30, 2003

Edward Haas Agnes Haas 1518 Neighbors Avenue Baltimore, MD 21237

Dear Mr. and Mrs. Haas:

RE: Case Number: 03-451-A, 2107 Holly Neck Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 28, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callibal D.

WCR:klm

Enclosures

c: People's Counsel Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286



Robert L. Ehrlich, Jr., Governor . Michael S. Steele, Lt. Governor .

Robert L. Flanagan, Secretary Neil J. Pedersen, Acting Administrator

JCM

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4.8.03

Item No.

Baltimore County

RE:

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

Dear. Ms. Hart:

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,

1

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



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

April 08, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: April 7, 2003

Item No.:

445-455 45/

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.

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

cc: File

on Recycled Paper

BALTIMORE COUNTY MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

DATE: May 23, 2003 TO: Arnold Jablon R. Bruce Seeley RBS /76T FROM: DATE: May 23, 2003 SUBJECT: Zoning Item 451 Address 2107 Holly Neck Road (Haas Property) Zoning Advisory Committee Meeting of March 31, 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: If streams or wetlands occur on or within 200 feet of the property, the development of the property may need to comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code). Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code). X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

See the following Attached Comments.

Reviewer: Keith Kelley

Date: 5/13/03

CBCA Zoning Comments (zoning item #451)

•	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 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. There is a non-tidal water on the property line of 205 He water and 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.
	Mitigation (afforestation or fee-in-lieu) is required for any forest removed onsite. The maximum amount of forest allowed to be cleared on site is 30% without the need for a Critical Area Administrative Variance.
	The forest to remain, and buffer from tidal waters, tidal wetlands, streams, and/or non-tidal wetlands shall be known as an "Critical Area Easement" and recorded as such in Baltimore County, MD Land Records.

Sent 4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: April 10, 2003

RECEIVED

APR 1 1 2003

SUBJECT: Zoning A

Zoning Advisory Petition(s): Case(s) 03-451

20NING COMMISSIONER

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 28, 2003

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 14, 2003 Item No. 451

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

Holly Neck Road is an existing road which shall ultimately be improved as a 40-foot street on a 60-foot right-of-way.

Highway widening area fronting the subject property shall be dedicated to the county at no cost.

The State Department of the Environment construction permits for water and sewer mains that are larger than 15-inches in diameter and for pumped sewer systems (including grinder pumps) will be obtained through the Baltimore County Department of Public Works after approval of the construction drawings.

With 3-inch sewer as shown, grinder pump shall be required.

Provide utility easement area for the grinder pump.

RWB:CEN:jrb

cc: File

6/9/03 Enerst

ZAC-4-14-2003-ITEM 451-4282003

INTER-UPFILE CORRESPONDENCE RECOMMENDATION FOR Permit or Case No. 03-451 A TO: Director, Office of Planning & Community Conservation Attention: Jeffrey Long County Courts Building, Room 406 401 Bosley Avenue Towson, MD 21204 Residential Processing Fee Paid (\$50.00) FROM: Arnold Jablon, Director Department of Permits & Development Management Accepted by _____ Date 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: Site Rife Surveying, Inc. 200 E. Joppa Road Room 101 Towson, MO 21286 9060

Print Name of Applicant

Addless

Telephone Number Lot Address 2107 HOLLY Neck Poad Election District 15 Councilmanic District 5 Square Feet 26,350 880 feet from Es w corner of GOWDSKI POND Lot Location: NEWWiside/corner of HOW NUK-PORA (streat) Land Owner: Edward and Joan Tax Account Number 1508004530 Address: 518 Nughbors Avenue Telephone Number (410 Baltimova, AD 21237 CHECKLIST OF MATERIALS. (to be submitted for design review by the Office of Planning and Community Conservation) Telephone Number (410) 866 - 8855 TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY PROVIDED? NO 1. This Recommendation Form (3 copies) 2. Permit Application 3. Site Plan Property (3 copies) "Fono Man (2-copies): #V#lishis in Rhom-208; County Office Building - (please label alter leady 4. Building Elevation Drawings 5. Photographs (please label all photos clearly) Adjoining Buildings Surrounding Neighborhood 6. Current Zoning Classification:

TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

	1	
RECOMMENDATIONS /	COMMENTS:	
Approval	Disapproval	Approval conditioned on required modifications of the application to conform with the following recommendations
		CAKE # 02-451A

for the Director, Office of Planning and Community Conservation

SCHEDULED DATE CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avevnue
Towson, Maryland 21204

The application for your proposed Building Permit a filing by	pplication has been reviewe	d and is accepted for
(name of planner)	Øate	(A)
A sign indicating the proposed building must be post decision can be rendered. The cost of filing is \$50 current fees prior to filing the application.	ted on the property for fiftee 1.00. This fee is subject to	n (15) days before a change. Confirm all
In the absence of a request for public hearing during expected within approximately four weeks. However, then the decision shall only be rendered after the required.	If a valid demand is receive	d, a decision can be d by the closing date.
*SUGGESTED POSTING DATE	D (15 Da	ays Before C)
DATE POSTED	,	
HEARING REQUESTED? YES NO DA	TE	
CLOSING DAY (LAST DAY FOR HEARING DEMAND	() ((B-3 Work Days)
TENTATIVE DECISION DATE		B (A + 30 Days)
*Usually within 15 days of filing		
CERTIFICATE OF POSTING		
District:		
Location of Property:		
Posted by:Signature	Date of Posting:	,
Number of Signs:	\	

RE: PETITION FOR VARIANCE

2107 Holly Neck Road; SE/side Holly Neck

Road, 880' NE Golupski Road

15th Election & 5th Councilmanic Districts

Legal Owner(s): Edward M & Agnes J Haas *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

03-451-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 ____ day of April, 2003, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E. Joppa Road, Room 101, Towson, MD 21286, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME 2107 HOLLY NUCK ROAD
CASE NUMBER 03 451-A
DATE 6-4-03

PETITIONER'S SIGN-IN SHEET

E- MAIL	UTH HVMG LOL. GAR									
CITY, STATE, ZIP	Towson Mo. 21286			!						
ADDRESS	518 Weither Que.								•	
NAME	MUCCENT 3. MOSKUNDS									

