IN RE: PETITION FOR VARIANCE 2,465 ft. SE centerline of Bluemount Road 7th Election District 3rd Councilmanic District **(1260 Monkton Road)** Jessica H. & Michael P. Schreibeis *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-563-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Jessica H. and Michael P. Schreibeis. The Petitioners are requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for property they own at 1260 Monkton Road, which property is located in the Monkton area of Baltimore County. The variance request is to permit an accessory building (detached garage) with a height of 24 ft. in lieu of the maximum permitted 15 ft.

The property was posted with Notice of Hearing on July 19, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 17, 2003 to notify any interested persons of the scheduled hearing date. Notice was taken that the subject of this request consists of 9.337 acres of land, more or less, zoned R.C.5.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances.***

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

ORDER RECEIVED FOR FILING
Date 8/5/03
By

as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

There were no ZAC comments opposing this petition.

Interested Persons

Michael Schreibeis, the Owner/Petitioner appeared at the hearing. Mitch Kellman appeared on behalf of Daft, McCune & Walker, the engineering firm who prepared the site plan of the property and C. William Clark, Esquire, represented the Petitioners. People's Counsel entered their appearance in the case but did not participate in the hearing. There were no Citizens or Protestants at the hearing.

Findings of fact and conclusions of law

Testimony and evidence was taken by proffer and indicated the subject property is improved by a home being built by the Petitioner's in the "family farm" style as shown by Petitioner's Exhibit 2. The proposed garage would be constructed in the rear yard of the Petitioner's home and requires only a height variance. The essence of the request is that the Petitioner's family has much personal property to store and the new home being built does not have the space or the access to provide this storage due to the unique design of the home including pitched and gabled roofs limiting attic space, and no basement. Certainly the Petitioner is entitled to build as many accessory buildings under 15 feet in height as he may desire. The property is large enough to accommodate many such buildings. The proposes to have only one, two story storage building

ORDER 8/5/03 RECEIVED

instead of several, single story, accessory buildings which could ultimately provide the needed storage space. The advantage to his request is not only that Petitioner will save time and money, but he will leave more space open on the lot free of impermeable surfaces, and that the two story garage can be designed architecturally compatible with the home enhancing the neighbor's perspective of the property as the home is also two story. The Petitioner survey of neighboring property owners showed no opposition to the two story design.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). Variances from height and area regulations can be granted only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height regulation, and only in such manner as to grant relief without injury to the public health, safety and general welfare.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance and special hearing are not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

ORDER 8/5/03 L. Jones

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 5th day of August, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the B.C.Z.R., to permit an accessory building (detached garage) with a height of 24 ft. in lieu of the maximum permitted 15 ft., 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 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 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. The Petitioners or subsequent owners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartment.

3. The Petitioner's design for the garage shall be architecturally compatible with the home being built on the property.

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.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 8/5/03
By R. Jameson

Baltimore County
Zoning Commissioner

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

August 5, 2003

C. William Clark, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

Re: Petition for Variance
Case No. 03-563-A
Property: 1260 Monkton Road

Dear Mr. Clark:

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,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Mr. & Mrs. Michael P. Schreibeis
642 Marianne Lane
Baltimore, Maryland 21228

Mitch Kellman
Daft, McCune & Walker
200 E. Pennsylvania Avenue
Towson, MD 21286

Printed with Soybean Ink
on Recycled Paper

Visit the County's Website at www.baltimorecountyonline.info

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1260 Monkton Road

which is presently zoned RCS

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)

400.3 to permit an accessory building (detached garage) height of 24 ft in lieu of the maximum 15 ft.

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 discussed at hearing

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

✗ MICHAEL PAUL SCHREIBER
Name - Type or Print

✗ [signature]
Signature

✗ JESSICA HALL SCHREIBER
Name - Type or Print

✗ Jessica H Schreiber
Signature

✗ 642 MARIANNE LANE 410 465 8452
Address Telephone No

✗ BALTIMORE MD 21228
City State Zip Code

Representative to be Contacted:

Mitch Kellman DMW Inc
Name

200 E Pennsylvania Ave 410-296-3333
Address Telephone No.

Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1/2 hr.

UNAVAILABLE FOR HEARING

Reviewed By [signature] Date 5-29-03

Case No. 03-563-A

REV 9/15/98

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
http://www.dmw.com
410 296 3333
Fax 410 296 4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

Zoning Description for 1260 Monkton Road

Beginning at a point 2,465 feet southeast of the centerline of Bluemount Road and then 642 feet east of the centerline of Monkton Road. Known as Lot 2 of the Lewis Property as approved in Minor Subdivision Number 00077M of said property. Also known as 1260 Monkton Road, containing 9.337 acres, in the 7TH Election District and 3RD Councilmanic District.

563

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 000437
03-564-A

DATE 5-30-03 ACCOUNT R-001-106-6150

AMOUNT $ 65.00

RECEIVED FROM: Dept of Liquor Control

FOR: Re Appeal Hearing filing fee
[illegible] Monkton Rd

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #03-563-A
1260 Monkton Road
642 feet east of centerline of Monkton Road at a point 2,465 feet southeast of centerline of Bluemount Road
7th Election District
3rd Councilmanic District
Legal Owner(s): Michael Paul and Jessica Hall Schreibels
Variance: to permit an accessory building height of 24 feet in lieu of the maximum allowed 15 feet

Hearing: Monday, August 4, 2003 at 11:00 a.m. 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 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.

7/182 July 17 €615184

CERTIFICATE OF PUBLICATION

7/17, 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 7/17, 2003.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-563-A

Petitioner/Developer: MICHAEL PAUL + JESSICA HALL SCHREIBEIS

Date of Hearing/Closing: 8/4/03

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

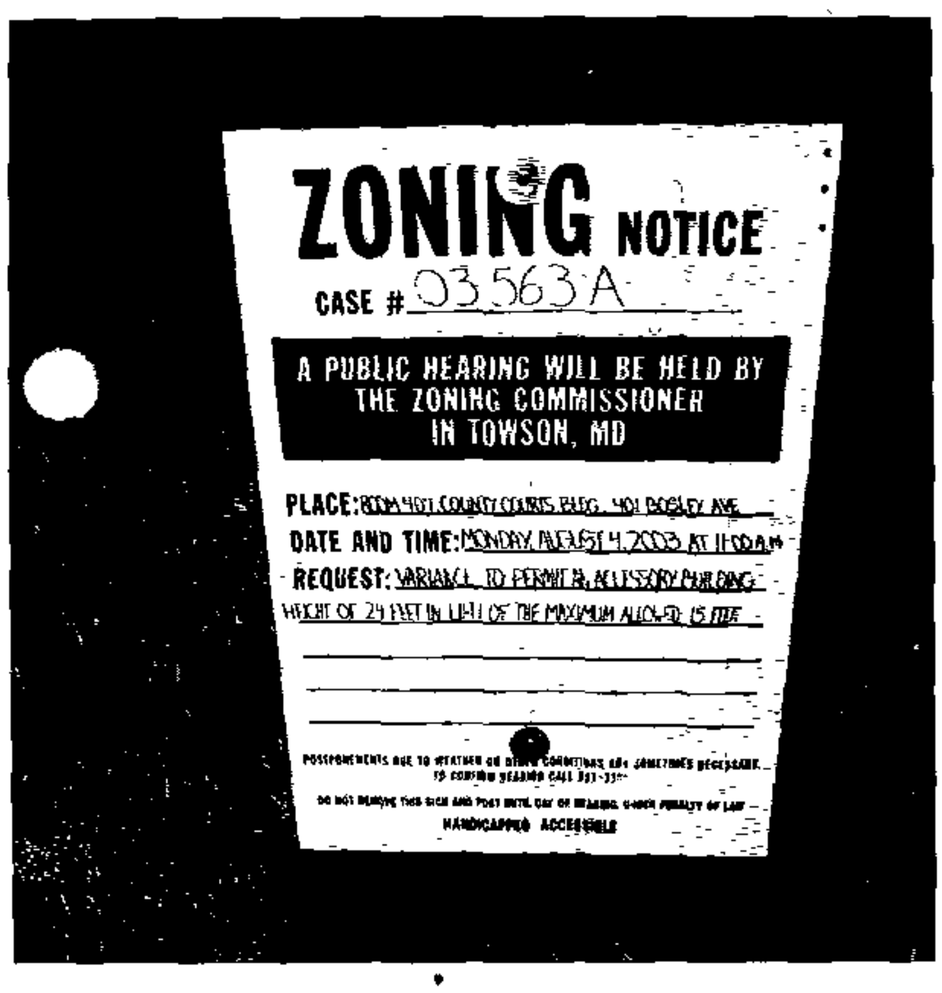
Attention: Ms. Gwendolyn Stephens

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

1260 MONKTON RD

The sign(s) were posted on 7/19/03
(Month, Day, Year)



Sincerely,

7/19/03
(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

June 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: 03-563-A
1260 Monkton Road
642 feet east of centerline of Monkton Road at a point 2,465 feet southeast of centerline of Bluemount Road
7th Election District – 3rd Councilmanic District
Legal Owners: Michael Paul and Jessica Hall Schreibeis

Variance to permit an accessory building height of 24 feet in lieu of the maximum allowed 15 feet.

Hearings: Monday, August 4, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Michael and Jessica Schreibeis, 642 Marianne Lane, Baltimore 21228
Mitch Kellman, DMW, 200 E. Pennsylvania Ave., Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 19, 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.

Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 17, 2003 Issue - Jeffersonian

Please forward billing to:
Michael Schreibeis
1260 Marianne Lane
Baltimore, MD 21228

410-465-8452

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: 03-563-A
1260 Monkton Road
642 feet east of centerline of Monkton Road at a point 2,465 feet southeast of centerline of Bluemount Road
7th Election District – 3rd Councilmanic District
Legal Owners: Michael Paul and Jessica Hall Schreibeis

Variance to permit an accessory building height of 24 feet in lieu of the maximum allowed 15 feet.

Hearings: Monday, August 4, 2003 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

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: 03-563-A

Petitioner: Michael P. Schneibers

Address or Site Location: 1260 Monkton Rd.

PLEASE FORWARD ADVERTISING BILL TO.

Name Same

Address. ~~Same~~ 642 Marianne Lane
Balto, Md., 21228

Telephone Number: 410-465-8452

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

August 1, 2003

Michael Paul Schreibeis
Jessica Schreibeis
642 Marianne Lane
Baltimore, MD 21228

Dear Mr. and Mrs. Schreibeis:

RE: Case Number: 03-563-A, 1260 Monkton Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 29, 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.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Mitch Kellman, DMW Inc., 200 E. Pennsylvania Ave., Towson 21286

Printed with Soybean Ink
on Recycled Paper

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

June 10, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: JuneS 9, 2003

Item No.: 558, 560-569 563

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

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

State Highway Administration
Driven to Excel

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

Date: 6.6.03

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

RE: Baltimore County
Item No. 563 JJS

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,

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

8/4

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

RECEIVED
JUN - 9 2003
ZONING COMMISSIONER

DATE: June 9, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-559, 03- 563 and 03-566**

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: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: June 23, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For June 16, 2003
Item Nos. 559, 560, 561, 562, 563,
564, 565, 566, 567, 568, and 569

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR VARIANCE 1260 Monkton Road; 642' E c/line Monkton Road, 2,465; SE c/line Bluemount Road 7th Election & 3rd Councilmanic Districts Legal Owner(s): Michael Paul & Jessica Hall Schreibeis Petitioner(s)	* * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-563-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 17th day of June, 2003, a copy of the foregoing Entry of Appearance was mailed to, Mitch Kellman, DMW, Inc, 200 E Pennsylvania Avenue, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED
JUN 17 2003
Per...bh.....

TRANSMITTAL

DMW

Daft•McCune•Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21286
410-296-3333
Fax 410-296-4705

A Team of Land Planners, Landscape Architects, Golf Course Architects, Engineers, Surveyors & Environmental Professionals

To: John Sullivan, Planner
Zoning Review Office
111 W. Chesapeake Ave, Rm 111
Towson, MD 21204

Date: 5/28/03
Job No.: 98117.B
Attention: Variance Package
Reference: Lot 2, Lewis Prop.

We are sending you ☐ attached ☐ under separate cover ☑ via hand delivered
☐ Shop drawings ☐ Samples ☐ Plans
☐ Specifications ☐

Copies	Date	Number	Description
15		1	Site Plan
5		1	Zoning Description
3		1	Zoning Variance Forms
2		1	200 scale Zoning Map
		1	check for filing

These are transmitted as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected for prints
☐ For review and comment ☐

Remarks:

John,
I will replace w/ better forms in next couple of days.
Thanks

cc:

Signed: Mitch

(Rev. 12/02)

ARTICLE 4

SPECIAL REGULATIONS

Section A400
Purpose
[Bill Nos. 40-1967; 18-1976]

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations.

Section B400
Application of This Article's Provisions
[Bill No. 18-1976]

The provisions of this article apply only to principal uses except as otherwise specified (as in Item 405.4.D.7) or unless the provision implicitly relates to accessory usage (as in Section 405A).

Section 400
Accessory Buildings in Residence Zones
[BCZR 1955; Bill No. 27-1963]

400.1 Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2½ feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

400.2 Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts. **[Bill No. 2-1992]**

400.3 The height of accessory buildings, except as noted in Section 300 shall not exceed 15 feet.

RESIDENTIAL ZONE — A zone classified as R.C., D.R., R-O-A or R.A.E. "zoned for residential purposes": Within a residential zone. **[Bill Nos. 98-1975; 170-1991]**

RESTAURANT, CARRY-OUT — An establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or by fax machine and whose principal characteristic is that food and beverages are consumed off the premises. **[Bill No. 110-1993]**

RESTAURANT, FAST-FOOD — An establishment whose principal business is to sell ready-to-consume food and beverages in disposable containers and which is not a drive-in restaurant. A fast-food restaurant has some or all of the following characteristics:

Prepackaged frozen, chilled or sealed food and meals are cooked in advance for immediate sale.

Food and beverages are ordered over the counter or by motorists from within their vehicles.

Food and beverages are consumed on the premises of the restaurant or within a motor vehicle on or off the premises. **[Bill No. 110-1993]**

RESTAURANT, FAST-FOOD, DRIVE-THROUGH ONLY — A fast-food restaurant, as defined in Section 101, except that no customer seating is provided inside the restaurant. Food and beverages are ordered by motorists from a drive-through lane or from a walk-up window on the outside of the building or within a vestibule. Orders are primarily consumed off the premises, but restaurants may provide seating at tables outside the building on the premises. **[Bill No. 110-1993]**

RESTAURANT, STANDARD — A facility or part of a facility used primarily for serving meals and beverages to persons seated at tables on the premises of the establishment. The term includes cafes, cafeterias, tearooms and outdoor cafes. The term does not include a

(Cont'd on page 1-27)

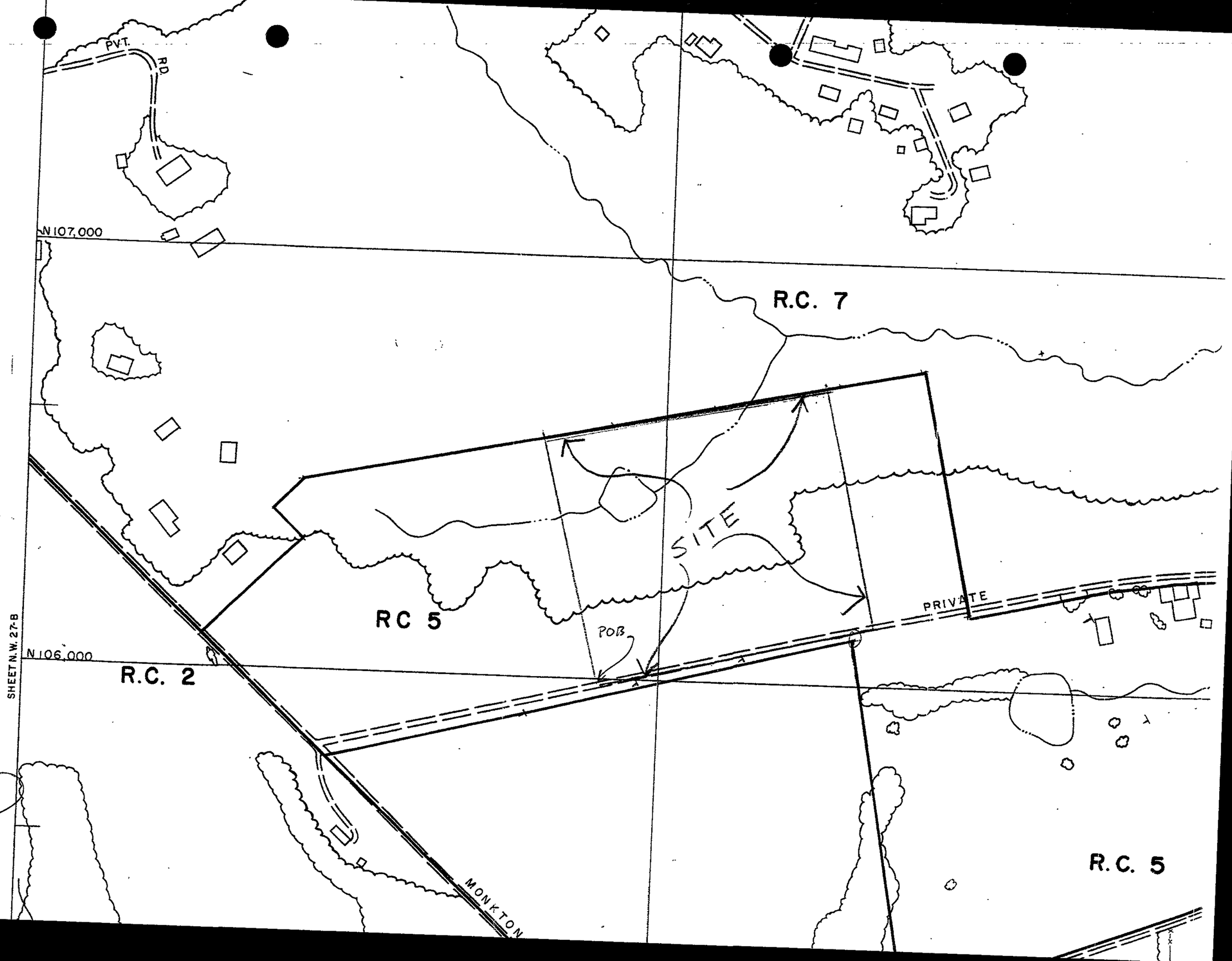
PLEASE PRINT CLEARLY

CASE NAME 1260 Moulton Rd
CASE NUMBER 03-563-A
DATE 8/4/03

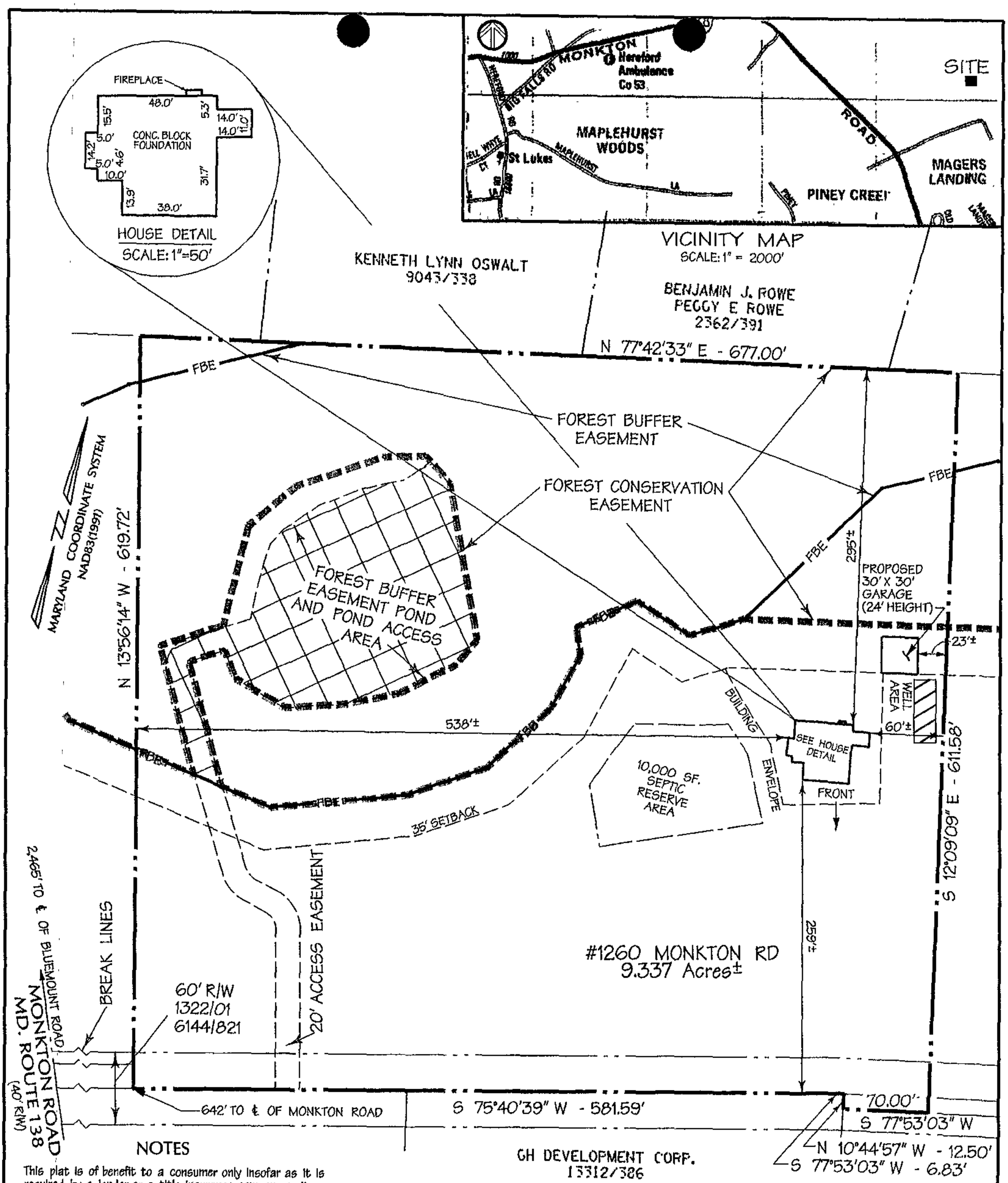
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Q. William Clark	502 Washington Ave	Towson MD 21204	CWClark@nolanplumhoff.com
Mitch Kellman	200 E. Pennsylvania Ave	Towson MD 21286	MKellman@DMW.com
Michael Schreiber	642 Marianne Lane	Baltimore MD 21228	MSchreiber@thecolumbiabank

NW 27 A


PVT. RD.
N 107,000
R.C. 7
SITE
RC 5
POB
PRIVATE
N 106,000
R.C. 2
SHEET N.W. 27-B
MONKTON
R.C. 5

563



NOTES

This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing; This plat is not to be relied uponfor the establishment or location of fences, garages, buildings or other existing or future improvements; and
This plat does not provide for the accurate identification of property boundary lines, but such identification may not be requiredfor the transfer of title or securing financing or refinancing.
The accuracy of the apparent setback dimensions from the property lines to the improvements is within 0.50' of being greater than or less than the dimension shown.

FLOOD

The subject property lies within Flood Zone "C", (Areas of Minimal Flooding) as shown on Flood Insurance Rate Map No. 240010 0210 B. dated March 2, 1981.

NOTES

1. ZONING - RC5
2. 1" = 200' SCALE ZONING MAP NW 27A
3. ELECTION DISTRICT 7, COUNCILMANIC DISTRICT 3
4. SITE IS NOT WITHIN THE CBCA OR ON A OR B FLOOD ZONE.
5. SITE IS NOT HISTORIC NOR LIES WITHIN AN HISTORIC DISTRICT.
6. THERE ARE NO PRIOR ZONING HEARINGS ON THE PROPERTY.

563

PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCE
LOT 2
LEWIS PROPERTY

PREVIOUS PDM FILE No. VII-354 (MINOR SUB. FILE 00077M)
OWNER: MICHAEL P. SCHREIBEIS

7th Election District — Baltimore County, Maryland

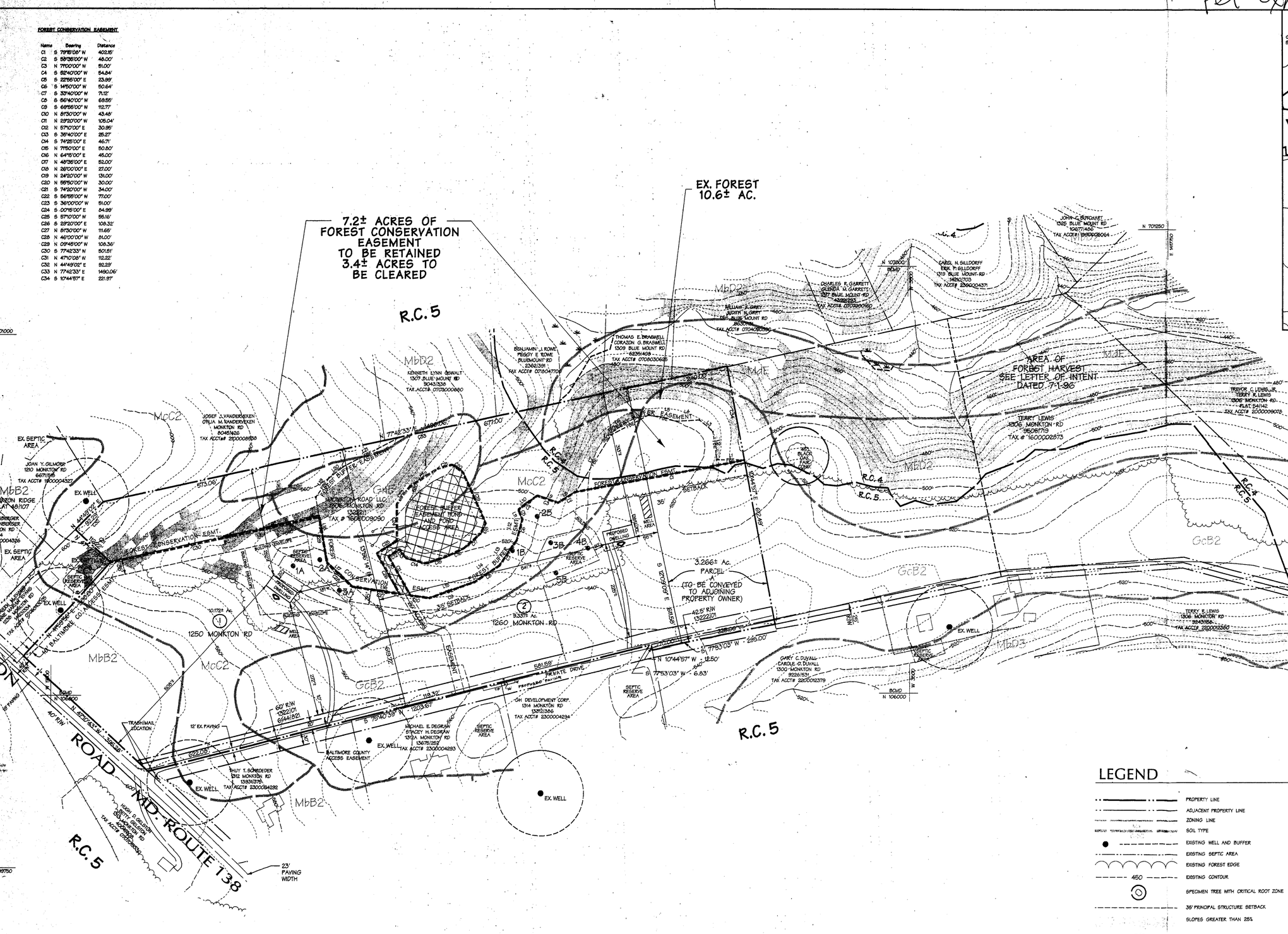
DMW
Daft · McCune · Walker, Inc.
A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3333
Fax 296-4705

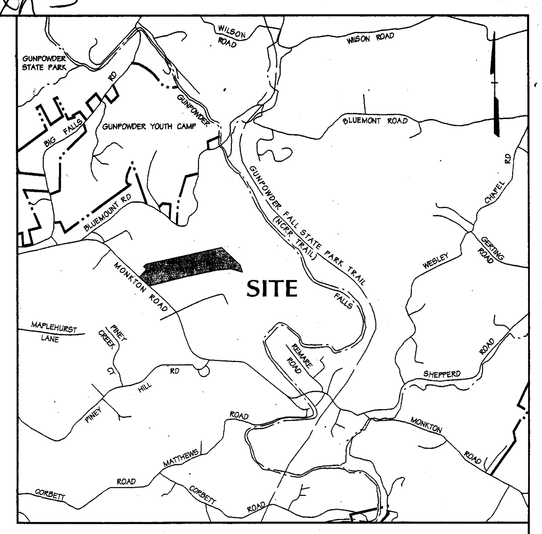
Scale: 1" = 100' — Date: MAY 14, 2003
Drawn by: FDK — Checked by: — File: Lot2.ZON — Job No.: 98117.B

Pet Exh 3

FOREST CONSERVATION EASEMENT

Name	Bearing	Distance
C1	S 79°15'08" W	402.15'
C2	S 58°35'00" W	48.00'
C3	N 77°00'00" W	51.00'
C4	S 82°40'00" W	54.84'
C5	S 22°55'00" E	23.95'
C6	S 14°50'00" W	50.64'
C7	S 33°40'00" W	7.12'
C8	S 56°40'00" W	69.55'
C9	S 66°55'00" W	112.77'
C10	N 81°30'00" W	43.48'
C11	N 23°20'00" W	105.04'
C12	N 57°10'00" E	30.95'
C13	S 36°40'00" E	25.27'
C14	S 74°25'00" E	46.71'
C15	N 77°50'00" E	50.80'
C16	N 64°15'00" E	45.00'
C17	N 48°35'00" E	52.00'
C18	N 26°00'00" E	27.00'
C19	N 24°20'00" W	131.00'
C20	N 56°50'00" W	30.00'
C21	S 74°20'00" W	34.00'
C22	S 56°55'00" W	77.00'
C23	S 36°00'00" W	51.00'
C24	S 00°15'00" E	84.99'
C25	S 57°10'00" W	55.16'
C26	S 23°20'00" E	108.32'
C27	N 81°30'00" W	111.65'
C28	N 46°00'00" W	81.00'
C29	N 09°45'00" W	106.36'
C30	S 77°42'33" W	501.51'
C31	N 47°10'08" W	112.22'
C32	N 44°49'02" E	92.23'
C33	N 77°42'33" E	1490.06'
C34	S 10°44'57" E	221.97'





LOCATION MAP
SCALE: 1" = 2000'

10. ALL SITE RUNOFF WILL BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING WATERBODY, WATERCOURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.

11. HOUSE DOWN SPOUTS WILL BE DISCHARGED ONTO PERVIOUS AREAS.

12. ALL IMPERVIOUS AREAS WILL BE LIMITED TO 30% OF CLEARED AREA AND CONVEYED AS SHEET FLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSION.

13. LIMIT OF DISTURBANCE= 2.500 S.F.±

14. GRADING FOR EACH INDIVIDUAL HOUSE WILL BE DONE ON AN INDIVIDUAL SITE PLAN BASIS AT THE TIME OF BUILDING PERMIT.

15. NO GRADING, FILLING, CUTTING, OR VEHICULAR TRAFFIC WILL BE PERMITTED IN THE 10,000 S.F. SEPTIC RESERVE AREA. ANY VIOLATION OF THIS OR INCURSIONS INTO THE DESIGNATED 10,000 S.F. SRA MAY CAUSE REVOCATION OF THE SOIL PERCOLATION TESTS APPROVAL AND DENIAL OF ANY BUILDING PERMITS ON THE SUBJECT PROPERTY.

16. AREAS BETWEEN THE SIGHT DISTANCE LINE AND EDGE OF PAVEMENT MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.

17. THE CONTRACTOR IS TO MAINTAIN POSITIVE DRAINAGE AWAY FROM OFF SITE DWELLINGS WHEN GRADING LOTS.

18. EXISTING UTILITY LOCATION INFORMATION SHOWN ON THESE PLANS IS FOR THE CONTRACTORS CONVENIENCE ONLY. WHILE THE INFORMATION SHOWN HAS BEEN GATHERED FROM SURVEYS AND SOURCES DEEMED TO BE RELIABLE, THE CORRECTNESS OR COMPLETENESS OF THE INFORMATION SHOWN IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL INFORMATION TO THIS OWN SATISFACTION.

THE CONTRACTOR IS TO NOTIFY MISS UTILITY (800)-257-7777 A MINIMUM OF 3 WORKING DAYS PRIOR TO ANY CONSTRUCTION OR EXCAVATION. THE CONTRACTOR IS TO ALSO NOTIFY A PRIVATE UTILITY CONTRACTOR FOR ALL ON SITE UTILITY LOCATIONS.

19. THERE ARE NO EXISTING STRUCTURES ON SITE.

20. ANY ADDITIONAL CLEARING BEYOND THE BUILDING ENVELOPE AND THE LIMIT OF DISTURBANCE SHALL REQUIRE REVIEW BY LANDMARKS PRESERVATION COMMITTEE AND THE OFFICE OF PLANNING.

21. THERE IS NO ZONING HISTORY FOR THIS PROPERTY.

22. THE MAXIMUM BUILDING HEIGHT IS 35 FEET.

23. THE PROPERTY SHOWN ON THE PLAN HAS BEEN HELD INTACT SINCE NOVEMBER 25, 1975 (R.C. 4) AND NOVEMBER 25, 1979 (R.C. 5). THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

24. TEMPORARY FOREST PROTECTION FENCE SHALL BE INSTALLED ALONG THE FOREST BUFFER AND/OR FOREST CONSERVATION EASEMENT WHERE LOD IS WITHIN 50 FEET, OF THE EASEMENT. FENCE LOCATION SHALL BE APPROVED BY BALTIMORE COUNTY DEPRM-ER 410-887-3980.

25. "THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION, OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER / CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT."
"ANY FOREST BUFFER / CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS."

26. DEVELOPER HAS THE RIGHT TO BURDEN THE 60' RIGHT OF WAY WITH 2 PROPOSED LOTS.

27. "BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSES OF INGRESS, EGRESS, REGRESS OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID PRIVATE RIGHT OF WAY FOR THE PURPOSES, OF INSTALLING, CONSTRUCTING, AND MAINTAINING UTILITIES SUCH A BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TELEVISION.

28. DUE TO ACCESS BY EXISTING RIGHT OF WAY FOR DRIVEWAY FANHANDLE REGULATIONS DO NOT APPLY.

29. 1"=200' ZONING MAP:- NW27A.

"A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM) FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. THE VARIANCE PROVIDES FOR THE CONTINUED USE OF THE POND AND POND ACCESS AREA LOCATED WITHIN THE FOREST BUFFER EASEMENT AS DESIGNATED ON THE APPROVED MINOR SUBDIVISION PLAN ON FILE WITH DEPRM. THIS AREA REMAINS A PART OF THE FOREST BUFFER EASEMENT AND SHALL COMPLY WITH ALL PROTECTIVE COVENANTS EXCEPT AS NOTED IN THE FOLLOWING STATEMENTS: THE POND ACCESS AREAS SHALL BE MAINTAINED ONLY THREE TIMES EACH GROWING SEASON (MARCH THROUGH OCTOBER), AND THE OWNER OF LOT 2 IS REQUIRED TO MAINTAIN THE POND BERM AS NECESSARY TO PREVENT FAILURE OF THE BERM. IT IS RECOMMENDED THAT A PROFESSIONAL ENGINEER BE CONSULTED TO DETERMINE ANY COURSE OF ACTION INVOLVING THE BERM. THE LOT 2 OWNER IS RESPONSIBLE FOR ANY CORRECTION AND/OR MITIGATION REQUIRED DUE TO FAILURE OF THE POND."

SOILS LEGEND

SOILS	DESCRIPTION / CONDITION
GcB2	CHESTER SILT LOAM MODERATELY ERODED
EnB2	ELIOAK SILT LOAM MODERATELY ERODED
GeB2	GLENELG LOAM MODERATELY ERODED
GeC2	GLENELG LOAM MODERATELY ERODED
GgB2	GLENELG CHANNERY LOAM MODERATELY ERODED
GnB	GLENVILLE SILT LOAM
MoC2	MANOR CHANNERY LOAM MODERATELY ERODED
MoD2	MANOR CHANNERY LOAM MODERATELY ERODED
MaE	MANOR SOILS

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- ZONING LINE
- SOIL TYPE
- EXISTING WELL AND BUFFER
- EXISTING SEPTIC AREA
- EXISTING FOREST EDGE
- 450 — EXISTING CONTOUR
- SPECIMEN TREE WITH CRITICAL ROOT ZONE
- 35' PRINCIPAL STRUCTURE SETBACK
- SLOPES GREATER THAN 25%
- FIELD LOCATED NON -TIDAL WETLAND LIMIT
- HEAD OF STREAM — STREAM
- PROPOSED HOUSE
- PROPOSED LOT LINE
- PROPOSED WELL AREA
- PROPOSED MINIMUM BUILDING SETBACK
- PROPOSED SEPTIC RESERVE AREA
- FOREST CONSERVATION EASEMENT
- PERMANENT FOREST BUFFER PROTECTION SIGNS AT 100 FT. INTERVALS
- FBE — FOREST BUFFER EASEMENT
- PERMANENT FOREST CONSERVATION EASEMENT SIGNS AT 100 FT. INTERVALS
- FOREST BUFFER EASEMENT POND AND POND ACCESS AREA

Pet Exh 3
03-563-A
2-17-01 Tape

8/7/01

DATA SOURCES:

PROPERTY BOUNDARY ON TAX ACCT.# 1600002090 FROM A SURVEY BY DAFT-McCUNE-WALKER, INC. DATED 9-25-96, AND ADJACENT DEEDS.

TOPOGRAPHY FROM BALTIMORE COUNTY METROPOLITAN DISTRICT, FLOWN (1997) AND TRANSLATED TO NAD83 HORIZONTALLY AND NAVD88 VERTICALLY AND REMODELED.

SOILS DELINEATION - USDA SOIL SURVEY OF BALTIMORE COUNTY, MARYLAND 1976.

PREVIOUS PDM FILE No. VII-354

DMW
Daft·McCune·Walker, Inc.
200 East Pennsylvania Avenue
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A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

MINOR SUBDIVISION AND FOREST CONSERVATION PLAN
MINOR SUBDIVISION NO. 00077 M

LEWIS PROPERTY

7th ELECTION DISTRICT — 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

MCS

7/6/01

DATE	BY	REVISIONS
11/14/00	SNW	REVISIONS REFLECTING VARIANCE APPROVAL
3/28/01	WHJ	REVISING FOREST CONSERVATION LOT 2 AND BUILDING ENVELOPE LOT 1
8/2/01	SNW	Revised FCW and notes per DE plan

ISSUE DATES

REVIEW:	5-25-01
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	WDE
DRAWN:	WDE
DESIGNED:	SNW
CHECKED BY:	AJV
DATE CHECKED:	7/5/01
SCALE:	1"=100'
PROJECT NO.:	98117.A
DRAWING:	1 of 2