| | | |
|---|---|---|
| IN RE: PETITION FOR VARIANCE<br>N/S Holly Beach Road, 100 ft. E<br>of Henrieta Avenue<br>15th Election District<br>6th Councilmanic District<br>**(2602 Holly Beach Road)**<br><br>Norma & Martin Hoffman<br>*Petitioners* | *<br>*<br>*<br>*<br>*<br>*<br>* | BEFORE THE<br><br>DEPUTY ZONING COMMISSIONER<br><br>OF BALTIMORE COUNTY<br><br>CASE NO. 03-571-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,. The Petitioners are requesting variance relief for property they own at 2602 Holly Beach Road, located in the eastern area of Baltimore County. The variance request is from Section 1.A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of as close as 10 ft. and 12.5 ft. in lieu of 50 ft. (for a new dwelling to replace an existing dwelling) and from Section 1A04.3.B.1 to approve an existing undersized lot.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of .47 acres, zoned R.C.5. The subject property originated as a summer home which has deteriorated over the years. The house is not worth renovating. Therefore, the Petitioners are requesting a variance to allow them to tear down the old shore shack and construct a new single-family dwelling in its place. Testimony indicated that Mr. and Mrs. Hoffman have owned this property for the past 3 years. In order to proceed with their plans to construct a new home on the property, the variance request is necessary.

**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

ORDER RECEIVED FOR FILING
Date 8/12/03
By

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 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**

The Planning Office required the Petitioners to change the location of the proposed dwelling so that the new home is the same distance from the water as the existing home. DEPRM notified the Petitioners that even if this petition was approved, the plan would still have to comply with the Chesapeake Bay Critical Area Regulations. Development Plans Review indicated that the first floor or basement floor must be one foot above the flood plain elevation. Otherwise there were no ZAC comments.

**Interested Persons**

Appearing at the hearing on behalf of the variance request were Martin Hoffman, the Petitioner, and Buck Jones, Builder. There were no Protestants or others in attendance. Ginny Terhume was present as an interested citizen.

**Findings of fact and conclusions of law**

The Petitioners moved at the outset of the hearing to substitute Petitioners' Exhibit 2 for Petitioners' Exhibit 1 in response to the Planning Office comment. Essentially, the new home was moved back from the water 7 feet on the new plan. However the request for variance remained the same.

ORDER RECEIVED FOR FILING
Date 8/12/03
By B. Jameson

Testimony and evidence presented by the Petitioner indicated that the subdivision through which this area was originally developed was laid out in 1913. The existing home was built in 1924. Fortunately the Petitioners' predecessors had a double lot (50 ft each in width) on which to build. The home originally had well and septic systems but presently the property is served by public water. Testimony indicated that the home was in poor condition internally and would be very difficult to renovate as it stands. Thus, the Petitioners proposes to replace the home with a modern structure and that a reasonable sized replacement home would come within 10 or 12.5 feet of the side yard lot line.

The Petitioner presented the County's plan to bring public sewer to this area within the next six months. This plan also showed the many homes in the area that had been built or rebuilt within a few feet of the property lines. Photographs presented by the Petitioner showed the surrounding area was rapidly being upgraded in style and size of homes even on 50 foot wide lots.

The present zoning of RC.5 requires lots of at least one acre with 50 foot setbacks from any lot line. This zoning was created in 1975 long after this subdivision was established and homes built. Obviously, with even a 100 foot wide double lot, the 50 foot setback requirement would prevent any building on these lots. The lot (approximately .47 acre) is undersize because the zoning was applied after the subdivision was created.

I find that special circumstances or conditions exist that are peculiar to this land or structure and that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, I find that such variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare.

Date 8/12/03 By Jameson

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 12 day of August, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of as close as 10 ft. and 12.5 ft. in lieu of 50 ft. (for a new dwelling to replace an existing dwelling) in accord with Petitioners' Exhibit 2 and from Section 1A04.3.B. 1, to approve an existing undersized lot, 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. That the new home be located on the property in accord with Petitioners' Exhibit No. 2;

3. That the Petitioners comply with the Chesapeake Bay Critical Area Regulations;

4. That the first floor or basement floor must be one foot above the flood plain elevation; and

5. That no permit for construction of the new home be granted until and unless public sewer is in fact extended to the property and all County requirements for hookup are complied with.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 8/12/03
By R. Johnson

Baltimore County
Zoning Commissioner

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

August 12, 2003

Mr. & Mrs. Martin Hoffman
2730 Greene Road
Baldwin, Maryland 21013

Re: Petition for Variance
Case No. 03-571-A
Property: 2602 Holly Beach Road

Dear Mr. & Mrs. Hoffman:

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 Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Buck Jones
500 Vogts Lane
Baltimore, MD 21221

Ginny Terhume
409 Washington Avenue
Towson, MD 21204



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on Recycled Paper

CBCA

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

**for the property located at** 2602 Holly Beach Road

**which is presently zoned** 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) 1A04.3.B.2 TO PERMIT SIDE SETBACKS OF AS CLOSE AS 10FT AND 12FT IN LIEU OF 50FT. (FOR A NEW DWELLING TO REPLACE AN EXISTING DWELLING) AND TO APPROVE A (EXISTING) UNDERSIZED LOT

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The existing home was built in 1924 and is structurally not sound. To try to repair the home would be impractical. Other Homeowners in this area were in the same circumstances and were allowed to rebuild. I wish only to enjoy the same priviledges that other Homeowners of this area have enjoyed.

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

8/12/03 R. Jemison

***Legal Owner(s):***

Martin Hoffman
Name - Type or Print
Martin Hoffman
Signature

Norma Hoffman
Name - Type or Print
Norma Hoffman
Signature

2602 Holly Beach Road — 410- 866-6686
Address — Telephone No

Baltimore, Md 21221
City — State — Zip Code

***Representative to be Contacted:***

Buck Jones
Name

500 Vogts Lane — 410-574-9337
Address — Telephone No

Baltimore, Md 21221
City — State — Zip Code

**OFFICE USE ONLY**

**ESTIMATED LENGTH OF HEARING** 1/2 HR

**UNAVAILABLE FOR HEARING** —

**Case No.** 03 571 A

**Reviewed By** JL **Date** 6/05/03

*REV 9/15/98*

UNDERSIZE PACK SENT TO O.P. THIS DATE

571

# ZONING DESCRIPTION

ZONING DESCRIPTION FOR 2602 HOLLY BEACH ROAD

BEGINNING AT A POINT ON THE NORTH SIDE OF HOLLY BEACH ROAD WHICH IS 40 (FORTY) FEET WIDE AT THE DISTANCE OF 100 FEET EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET HENRIETTA AVENUE WHICH IS 40 (FORTY) FEET WIDE. *BEING LOT #12 & 13. IN THE SUBDIVISION OF HOLLY BEACH AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 4, FOILIO # 182, CONTAINING 20,500/.47 SQUARE FEET. ALSO KNOWN AS 2602 HOLLY BEACH ROAD AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMANIC DISTRICT.

**BALTIMORE COUNTY, MARYLAND**
**OFFICE OF BUDGET & FINANCE**
**MISCELLANEOUS RECEIPT**

JV 511 **No. 25007**

DATE 6/05/03 ACCOUNT 001 006 6150

AMOUNT $ 130.00

RECEIVED FROM: Free State General Contractors

FOR: Res Var. + Underground Lot
2602 HOLLY PEACH RD.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

| BUSINESS | ACTUAL | TIME | DRW |
|---|---|---|---|
| 6/06/2003 | 6/05/2003 | 14:51:26 | 4 |

REG WS06 WALKIN KMCM KSH
>>RECEIPT # 161286 6/05/2003 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 025007
Recpt Tot $130.00
130.00 CK .00 CR
Baltimore County, Maryland

**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: # 03-571-A
2602 Holly Beach Road
N/side of Holly Beach Road
100 feet east of Henrietta Ave.
15th Election District
6th Councilmanic District
Legal Owner(s): Martin and Norma Hoffman

**Variance:** To permit side setbacks of as close as 10 feet and 12 feet in lieu of 50 feet. (For a new dwelling to replace an existing dwelling) and to approve an (existing) undersized lot.

**Hearing: Tuesday, August 12, 2003 at 9:00 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.

7/262 July 24 C616354

# CERTIFICATE OF PUBLICATION

7/24, 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 7/24, 2003.

☒ 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.: 03-571-A

Petitioner/Developer: MARTIN AND NORMA HOFFMAN

Date of Hearing/Closing: 8/12/03

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

Attention: Ms. Gwendolyn Stephens

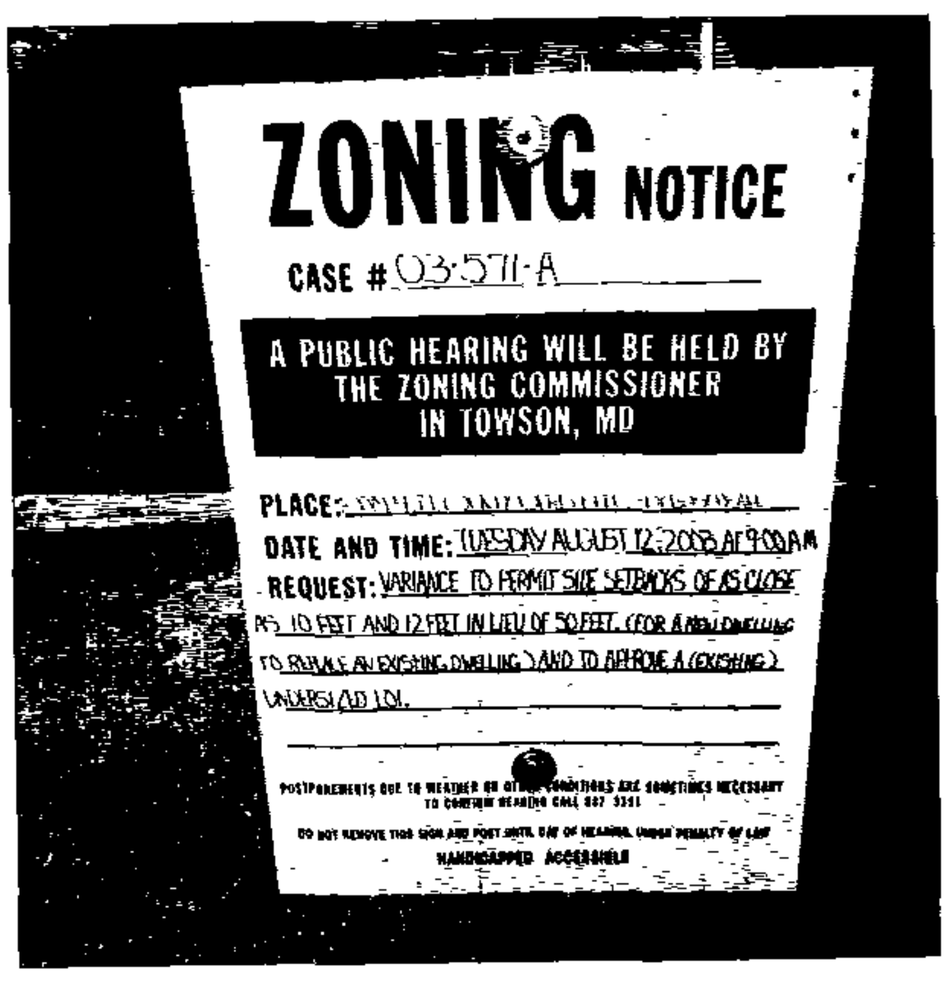
Ladies and Gentlemen:

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

2602 HOLLY BEACH RD

The sign(s) were posted on 7/26/03
(Month, Day, Year)

Sincerely,




7/26/03
(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 18, 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: 03-571-A**
2602 Holly Beach Road
N/side of Holly Beach Road, 100 feet east of Henrietta Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Martin and Norma Hoffman

Variance to permit side setbacks of as close as 10 feet and 12 feet in lieu of 50 feet. (For a new dwelling to replace an existing dwelling) and to approve a (existing) undersized lot.

Hearings: Tuesday, August 12, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Martin and Norma Hoffman, 2602 Holly Beach Road, Baltimore 21221
Buck Jones, 500 Vogts Lane, Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 26, 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.

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on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 24, 2003 Issue - Jeffersonian

Please forward billing to:
Buck Jones
500 Vogts Lane
Baltimore, MD 21221

410-574-9337

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## 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: 03-571-A**
2602 Holly Beach Road
N/side of Holly Beach Road, 100 feet east of Henrietta Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Martin and Norma Hoffman

Variance to permit side setbacks of as close as 10 feet and 12 feet in lieu of 50 feet. (For a new dwelling to replace an existing dwelling) and to approve a (existing) undersized lot.

Hearings: Tuesday, August 12, 2003 at 9:00 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: 03-571-A

Petitioner: MARTIN & NORMA HOFFMAN

Address or Location: 2602 HOLLY BRACH RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BUCK JONES

Address: 500 VOGTS LANE
BALT. MD. 21221

Telephone Number: 410-574-9337

Revised 2/20/98 - SCJ

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 8, 2003

Martin Hoffman
Norma Hoffman
2602 Holly Beach Road
Baltimore, MD 21221

Dear Mr. and Mrs. Hoffman:

RE: Case Number: 03-571-A, 2602 Holly Beach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 5, 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

WCR:klm

Enclosures

c: People's Counsel
Buck Jones, 500 Vogts Lane, Baltimore 21221



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on Recycled Paper

**Zoning Commissioner**

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

**Baltimore County**

*James T. Smith, Jr., County Executive*
*Lawrence E. Schmidt, Zoning Commissioner*

June 14, 2004

Michael B. Sauer, Esquire
401 Washington Avenue, Suite 802
Towson, Maryland 21204

Re: Petition for Variance
Case No. 03-571-A
Property: 2602 Holly Beach Road

Dear Mr. Sauer:

I received your June 7, 2004 letter requesting that I remove Restriction No. 5 from my August 12, 2003 Order concerning the above-captioned matter. This restriction required that the public sewer line in Holly Beach Road be operational before a building permit could be issued for the new home and your client's hookup to the public sewer.

In your letter, you assert that the line will be installed shortly. Supporting your contention, I spoke to the Department of Public Works personnel who confirmed that the sewer line was being installed, but that the line may not be operational for another year.

You requested that I remove Restriction No. 5 under the circumstances because the situation falls within the spirit and intent of the zoning regulations. You also point out that DEPRM has approved an interim septic system that could be used temporarily by your clients until the public sewer line is operational.

Under the circumstances, I find that a building permit may be issued by the County using the approved interim septic system until the public sewer line is operational. I understand that when the public sewer line becomes operational, your clients will connect to it and disable the interim septic system previously installed.

Please refer to this correspondence in your client's application for building permit.

Very truly yours,

John Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
c: John Lewis, PDM



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File

**Zoning Commissioner**

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

**Baltimore County**

*James T. Smith, Jr., County Executive*
*Lawrence E. Schmidt, Zoning Commissioner*

May 10, 2004

Mr. & Mrs. Martin J. Hoffman
2602 Holly Beach Road
Baltimore, Maryland 21221

Re: Petition for Variance
Case No. 03-571-A
Property: 2602 Holly Beach Road

Dear Mr. & Mrs. Hoffman:

Thank you for your letter of April 19, 2004. As requested in your letter, I would be happy to schedule a meeting with you and Mr. Jones. Please call my office to set up an appointment.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Buck Jones, Freestate Construction
Timothy Kotroco, Dir., Dept. Permits & Development Mgmt.
Robert Knatz, Special Asst., Executive Office

04-1274



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RECEIVED
MAY 12 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

**Zoning Commissioner**

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468

**Baltimore County**

*James T. Smith, Jr., County Executive*
*Lawrence E. Schmidt, Zoning Commissioner*

April 1, 2004

Mr. & Mrs. Martin Hoffman
2602 Holly Beach Road
Baltimore, Maryland 21221

Re: Petition for Special Hearing
Case No. 03-571-A
Property: 2602 Holly Beach Road
Interim Sewer System

Dear Mr. & Mrs. Hoffman:

I received your correspondence of March 1, 2004 regarding installing an interim sewer system at your property to allow a building permit to be issued for your new home. I wanted to respond to your request.

First let me call your attention to Petitioners' Exhibit No. 1 in the file. This is the plat to accompany your petition for zoning variance. The plat indicates that the property is served by both public water and public sewer. The file indicates that you filed the petition in June, 2003. What the petitioners indicate on these plats becomes the basis for County review and my decision on a case. I depend upon any representations made in these documents. It is vital that they are true and correct.

I also call your attention to your Exhibit No. 2, Holly Neck Sewage System, by which your representative reinforced his contention that the property was served by public sewer. However, it is clear from my written decision that I specifically asked if the sewer line was really in the street. Only then did I learn that the sewer line was actually scheduled to be installed within six months, which would be February, 2004.

Again, it was on the basis of the representations made to me at the hearing that my decision was made to grant your variance. I depend on these representations and it is vital that they are true. Obviously, the representation in the plat that the property is served by public sewer was not true. Similarly, the representation that Exhibit No. 2 proved that the sewer line served the property was also not true.

The hearing for your case was held on August 12, 2003. The thirty-day period to ask for reconsideration or appeal of my decision (dated August 12, 2003) to the Board of Appeals ended on approximately September 12, 2003. To my knowledge, you did not file an appeal or ask for reconsideration within the prescribed timeframe. I thought the case was closed.

Printed on Recycled Paper

However, to my surprise, I received a letter and urgent calls from Mr. Jones in November and December asking for my agreement to waive the condition in my order that no building permit be issued until the public sewer was available for hookup. Apparently, Mr. Jones had convinced DEPRM that an interim system could be installed. I reminded Mr. Jones that I had no power (jurisdiction) to revise the order as the thirty-day period had elapsed. I further told him that I would not agree to a spirit and intent interpretation of my order under the circumstances.

Besides the issue of representations, you can imagine the County is processing many petitions to build new large permanent homes to replace weekend summer cottages once the sewer line comes through a street in this area. However, there is a very large increase in sewerage generated by these new full-time homes and hooking them up to the old septic system or outhouse will only amplify the serious health problem of raw sewerage going into the bay in the area. It makes sense to me to require the actual sewer line in place before allowing new homes and new sewerage to be generated. Frankly, if I waive this requirement for you I must waive it for all. As I told Mr. Jones, I am not willing to do this.

However, your case is even more compelling. Your representative assured me that the public sewer line would be available by February 2004. Now I see your March 1, 2004 letter asking for the interim system. How can this be when the sewer line was to be installed in the road in front of your home in February 2004? Or is it possible, like the representation that the property was served by public sewer in the plan and Exhibit No. 2 that the representations made that the public sewer line would be available in six months were also not true?

Please understand that I rely on these representations as the basis for my decision. Petitioners and their representatives have to tell me the truth regarding the facts of the petition and documents. If I find otherwise, I will not approve a spirit and intent waiver of the condition.

In writing to you today, I hope you understand my position in this matter. This is my final decision and not one that I will change unless you can show me that the County intended to have the sewer line installed by February 2004, somehow the County changed its plans and that the new County installation program is unreasonably in the future.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
c: Timothy Kotroco, Dir., Dept. Permits & Development Mgmt.
Robert Knatz, Special Asst., Executive Office

| | | |
|---|---|---|
| IN RE: PETITION FOR VARIANCE<br>N/S Holly Beach Road, 100 ft. E.<br>Of Henrieta Avenue<br>15th Election District<br>6th Councilmanic District<br>(2602 Holly Beach Road<br><br>Norma & Martin Hoffman<br>Petitioners | *<br><br>*<br><br>*<br><br>*<br><br>*<br><br>* | BEFORE THE<br><br>DEPUTY ZONING<br>COMMISSIONER<br><br>OF BALTIMORE COUNTY<br><br>CASE NO: 03-571-A |

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

MODIFICATION ORDER

Upon consideration of Petitioners' request for modification of Order dated April 12, 2003, a review of the supporting documents and arguments thereto it is this _____ day of June, 2004, by the Deputy Zoning Commissioner for Baltimore County:

ORDERED that the previous Order dated April 12, 2003 be and is hereby modified to the extent that condition five (5) is omitted from the Order and the Petitioners shall not be precluded from obtaining a building permit on the basis that public sewer has not been extended to the property

_____
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER FOR
BALTIMORE COUNTY

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 17, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 17, 2003

Item No.: 570 - 576 571

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*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.13.03

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

RE: Baltimore County
Item No. 571 JL

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/TGT

DATE: August 7, 2003

SUBJECT: Zoning Item 571
Address 2602 Holly Beach Road (Hoffman Property)

Zoning Advisory Committee Meeting of June 16, 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).

Reviewer: Keith Kelley Date: July 28, 2003

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 27, 2003

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

RECEIVED

JUN 30 2003

ZONING COMMISSIONER

**SUBJECT:** 2602 Holly Beach Road

**INFORMATION:**

**Item Number:** 03-571

**Petitioner:** Martin Hoffman

**Zoning:** RC 5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request to permit a side yard setback as close as 10 feet in lieu of the minimum required 50 feet provided the proposed dwelling is relocate so that it is on-line (from the water's edge) with the existing dwelling footprint.

**Prepared by:** Mark A Cunningham

**Section Chief:** Lynn Lochner

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 23, 2003
Item No. 571

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

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

RWB:CEN:jrb

cc: File

*ZAC-6-23-2003-ITEM 571-NOS 570-576-06232003*

**BALTIMORE COUNTY, MARYLAND**

Inter-Office Memorandum

TO: FILE DATE: December 16, 2003

FROM: John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Case No. 03-571-A
Property: 2602 Holly Beach Road
Petitioners: Mr. & Mrs. Martin Hoffman
Letter dated November 26, 2003 from Buck Jones
Request for Spirit & Intent Letter/Change to Conditions

---

Buck Jones requested that I waive the requirement that no building permit be issued until public sewer is available. He has gotten DEPRM approval to use an interim septic system until the public sewer is available.

I called to inform him that I did not believe that a spirit & intent letter was appropriate as he is asking to remove a condition of the variance. This requires a petition for special hearing, posting and hearing. I also told him I was concerned that this would set a bad precedent for the many variances which we have granted for new homes in that area with this condition.

JM:raj

# RECOMMENDATION FORM

Permit or Case No. 03-571-A
6/25/03

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)

Accepted by JL
Date 6/25/03

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

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:

Buck Jones — Print Name of Applicant
500 Vogts Lane, Balto. Md 21221 — Address
410-574-9337 — Telephone Number

Lot Address 2602 Holly Beach Rd Election District 15 Councilmanic District 6 Square Feet 20,500 sq.

Lot Location: (N) E S W/side/corner of Holly Beach Rd (street), 80 feet from N (E) S W corner of Henrieta Ave. (street)

Land Owner: Martin & Norma Hoffman Tax Account Number 1502470860

Address 2602 Holly Beach Rd. Telephone Number (410) 866-6686

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!*

| | PROVIDED? YES | NO |
|---|---|---|
| 1. This Recommendation Form (3 copies) | ✓ | |
| 2. Permit Application | | ✓ |
| 3. Site Plan<br>Property (3 copies) | ✓ | |
| ~~Topo Map (2 copies) available in Room 206, County Office Building (please label this clearly)~~ | | ✓ |
| 4. Building Elevation Drawings | ✓ | |
| 5. Photographs (please label all photos clearly)<br>Adjoining Buildings | ✓ | |
| Surrounding Neighborhood | ✓ | |

6. Current Zoning Classification: RC 5

*TO BE FILLED IN BY THE OFFICE OF PLANNING*

| Post-It® Fax Note 7671 | Date 6/27/03 | # of pages ▶ 2 |
|---|---|---|
| To John Lewis | From Lynn Lanham | |
| Co./Dept. Zoning | Co. Planning | |
| Phone # | Phone # 3480 | |
| Fax # 2824 | Fax # | |

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☑ Approval conditioned on required

See attached ZAC comments

RECEIVED
JUN 10 2003
OFFICE OF PLANNING

Signed by: Lynn Lanham
for the Director, Office of Planning and Community Conservation

Date 6/25/03

Revised 2/25/99

## SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

| | | | |
|---|---|---|---|
| RE: | PETITION FOR VARIANCE<br>2602 Holly Beach Road; Nside Holly Beach Rd, 100' E of Henrieta Avenue<br>15th Election & 6th Councilmanic Districts<br>Legal Owner(s): Martin & Norma Hoffman<br>Petitioner(s) | *<br>*<br>*<br>*<br>*<br>* | BEFORE THE<br>ZONING COMMISSIONER<br>FOR<br>BALTIMORE COUNTY<br>03-571-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 25th day of June, 2003, a copy of the foregoing Entry of Appearance was mailed to, Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

RECEIVED
JUN 25 2003
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Ground Water Management - 401 Bosley Ave., Towson, MD 21204

November 25, 2003

Mr. Buck Jones
Free State General Const. Inc
500 Vogts Lane
Baltimore Md. 21221

Dear Mr. Jones:

The following information pertains to Building Permit application number B522230, for a 3 Bedroom Dwelling located at 2602 Holly Beach Road, , 21221, Election District 15:

**SEPTIC SYSTEM DESIGN**

1,000 gallon septic tank,1 absorption trench: 40 ft. long, 3 ft. wide, 11 ft. deep with 6 ft. of stone, perforated pipe to be 5 ft. deep.

IMPORTANT REQUIREMENT: The minimum separation distance between absorption trenches, unless otherwise specified, will be the greater of : 9 feet on center or a separation distance equal to twice the depth of stone below the pipe. *The septic system is to be installed as shown on the final approved site plan.* The top of the septic tank shall not be deeper than 18 inches below grade. MANHOLE risers are to be installed to the surface over the septic tank and/or grease interceptor. The septic tank cover shall remain in place.

A plumbing permit is required for installation of an on site sewage disposal system. Installation detail shall conform with the Baltimore County Plumbing and Gasfitting Code. This office must be contacted if any deviation to specification or location of the sewage disposal system is desired. Deviation requests must be accompanied by revised site plans showing all structures, water well, sewage disposal system and reserve area, for review and approval prior to system construction. Note: A sewage ejector pump may be required for basement plumbing . It is the owner's/builder's responsibility to make this determination and notify this office.

*An inspection must be made by the Plumbing Inspection Division 410-887-3620 at the time the absorption trench is* completely excavated to verify the final depth and grade of the trench. A transit or similar device must be provided.

**WATER SUPPLY SYSTEM**

Metropolitan water system supply.

If there are any questions regarding the above, please contact this office at 410-887-2762.

Sincerely,

J. Robert Powell, R.S.

See Jack Murphy

RECEIVED

APR 21 2004

ZONING COMMISSIONER

April 19, 2004

Mr. John V. Murphy
Deputy Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No. 03-571-A
Property: 2602 Holly Beach Road

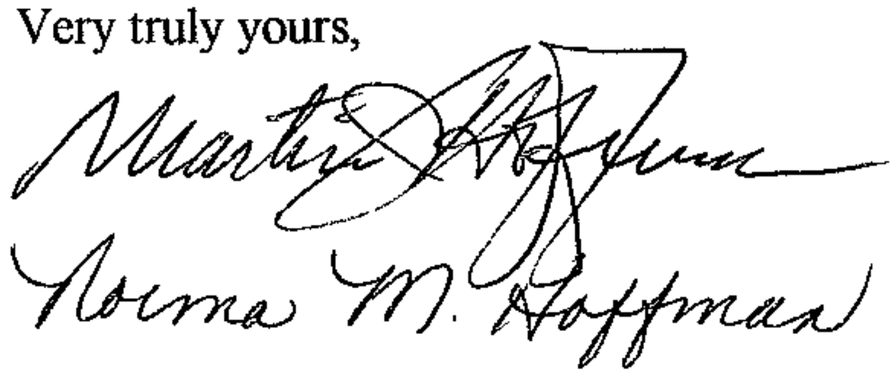
Dear Mr. Murphy:

In response to your letter dated April 1, 2004, we feel it may be in our best interest to request a meeting with you at your earliest convenience. There are some issues you may not be aware of regarding this case. By meeting with you, we could best explain our circumstances to help resolve this situation we have now encountered.

We would greatly appreciate the opportunity to meet with you. If you have no objections, Mr. Buck Jones requests that he also be present.

We look forward to your earliest response.

Very truly yours,



Martin J. & Norma M. Hoffman

cc: Buck Jones – Freestate Construction
Timothy Kotroco – Dir., Dept. Permits & Development Mgmt.
Robert Knatz – Special Asst., Executive Office

1. Lot area; density control. A lot having an area of less than one acre may not be created in an R.C.5 Zone. The maximum gross residential density of a lot of record is 0.667 dwelling per acre. **[Bill No. 178-1979 [22]]**

2. Building setbacks. Any principal building hereafter constructed in an R.C.5 Zone shall be situated at least 75 feet from the center line of any street and at least 50 feet from any lot line other than a street line, except as otherwise provided in Paragraph 5 below.

3. Coverage. No more than 15% of any lot in an R.C.5 Zone may be covered by buildings, except as otherwise provided in Paragraph 5 below.

4. Exceptions for certain record lots. Any existing lot or parcel of land with boundaries duly recorded among the land records of Baltimore County with the approval of the Baltimore County Office of Planning on or before the effective date of these zoning regulations and not part of an approved subdivision that cannot meet the minimum standards as provided within the zone may be approved for residential development in accordance with the standards prescribed in force at the time of the lot recordation.

5. Dwellings per lot. No more than one dwelling is permitted on any lot in an R.C.5 Zone, but not excluding additional dwellings for bona fide tenant farmers.

1A04.4 Special provisions for life care or continuing care facilities. **[Bill No. 6-1984]**

A. Notwithstanding contrary provisions contained in these regulations, life care or continuing care facilities are subject to the following provisions:

1. May only be located on a site containing a minimum of 450 acres. To obtain the required acreage, property zoned R.C.2 may be combined with property zoned R.C.5. The entire building envelope of the facility must be located in the R.C.5 portion of the tract and the building envelope is limited to a maximum of 12.5% of the gross acreage (building envelope site).

2. Density control. A maximum of 5.5 dwelling units per acre of building envelope site is permitted.

3. No part of any building shall be closer than 500 feet to the nearest public road. **[Bill No. 36-1988]**

4. The balance of the tract outside of the building envelope may only be used for open space, and recreational uses permitted by special exception in the respective R.C.2 and R.C.5 Zones, provided that no recreational use which is permitted by special exception may be allowed within 200 feet of any public road. **[Bill No. 36-1988]**

5. Neither the use of the site for a life care or continuing care facility nor any increased density of the site allowed by legislative act may be considered as

---

[22] **Editor's Note: This bill also repealed former Paragraph 2, "Minimum diametral dimension," which followed this paragraph.**

Baltimore County Government
Office of Planning and Zoning

TO FILE
03-571-A

401 Bosley Avenue
Towson, MD 21204

(410) 887-3211
Fax (410) 887-5862

# LETTER OF TRANSMITTAL

DATE: 11/17/03

TO: ~~John Lewis~~ Zoning

FROM: Lynn Lanham Planning

WE ARE SENDING YOU THE FOLLOWING ITEMS:

_____Report _____Prints _____Original Plans
_____Maps _____Copy of Letter ✓ Other

| COPIES | DATE | DESCRIPTION |
|---|---|---|
| | | Replacement File info |
| 1 | 2 | Plan |
| 1 | 6/25 | Undersized Lot form |
| 1 | 6/27 | Agc. comments |
| 1 | 11/17 | Revised Undersized Lot form |
| 1 | 11/17 | "Approved 11/17/03" |
| | | Revised Site Plan |

THESE ITEMS ARE TRANSMITTED AS CHECKED BELOW:

_____For approval _____Approved as submitted _____Approved as noted
✓ For your use _____For review/comment _____As requested
_____Returned for corrections _____Prints returned after loan to us

REMARKS: As requested by Freestate & also faxed to them.

Lynn Lanham

Printed with Soybean Ink
on Recycled Paper

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. 03-571-A
6/25/03

Residential Processing Fee Paid
($50.00)

Accepted by JL
Date 6/05/03

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

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:

Buck Jones — Print Name of Applicant
500 Vogts Lane, Balto. Md 21221 — Address
410-574-9337 — Telephone Number

Lot Address 2602 Holly Beach Rd Election District 15 Councilmanic District 6 Square Feet 20,500 sq.

Lot Location: (N) E S W/side/corner of Holly Beach Rd (street), 80 feet from N (E) S W corner of Henrieta Ave. (street)

Land Owner: Martin & Norma Hoffman Tax Account Number 1502470860

Address 2602 Holly Beach Rd. Telephone Number (410) 866-6686

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!*

| | PROVIDED? 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 file clearly)~~ | | ✓ |
| 4 Building Elevation Drawings | ✓ | |
| 5. Photographs (please label all photos clearly) Adjoining Buildings | ✓ | |
| Surrounding Neighborhood | ✓ | |

6 Current Zoning Classification: RC 5

---

*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

Approval

Signed by: Lynn Lanham
for the Director Office of Planning and Community Conservation

RECEIVED
JUN 10 2003
OFFICE OF PLANNING

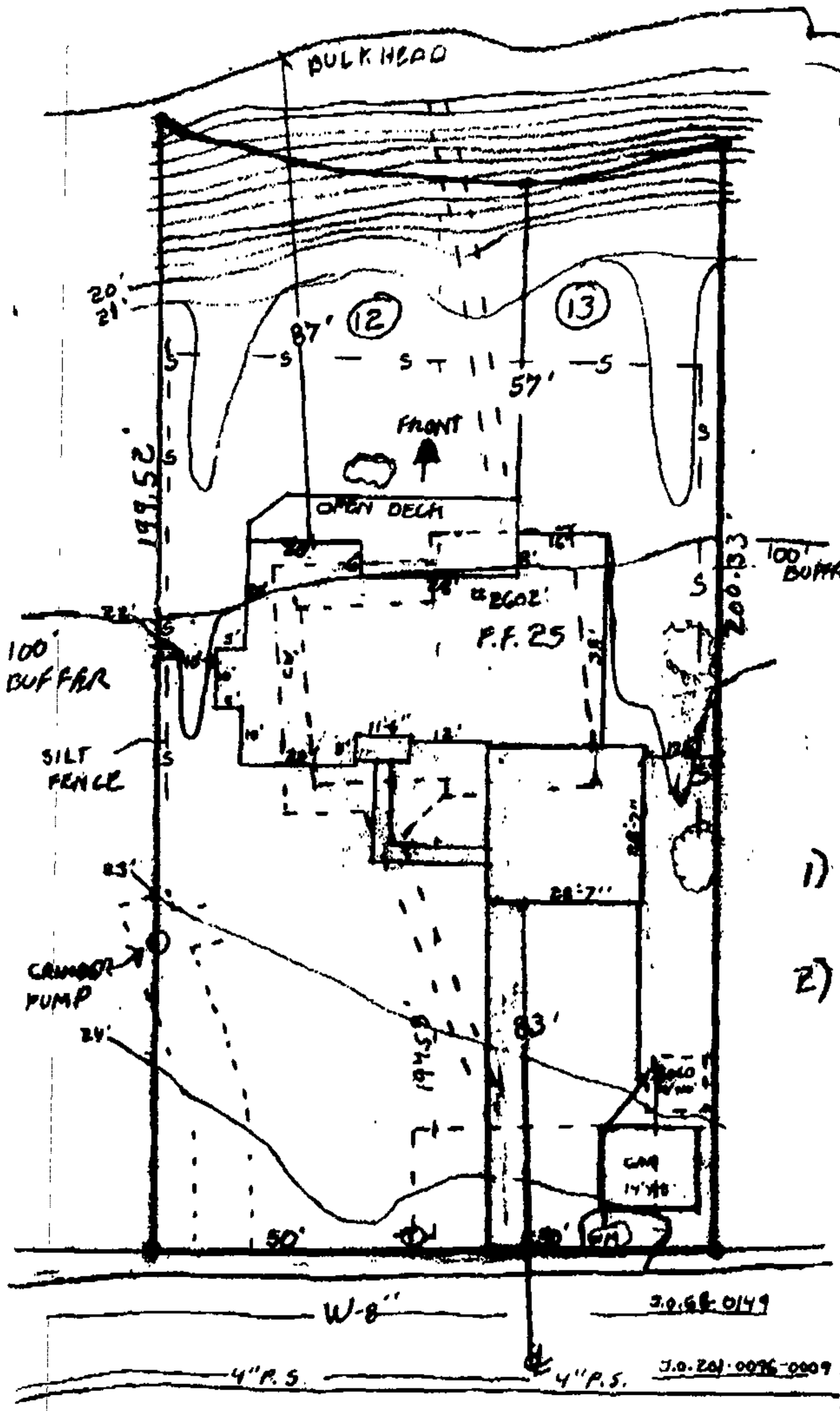
Date 6/17/03

Revised 2/25/99

# SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

PERMIT # B 52223

MARTIN & NORMA HOF
2602 HOLLY BEACH
BALT. MD. 21221
TAX ID: 15024701
SUB DIV.: HOLLY BEA
SUB REF: 4-182
COUNCIL DIST.: 6
ELECTION DIST.: 15
ZONING: RC5
VARIENCE: 03-5
LOT SIZE: 20,50




CRITICAL NOTI

1) THIS SITE IS IN THE LI MENT AREA OF THE
2) THERE IS A 25% LIMIT O EXISTING IMPERVIOUS E PROPOSSED EQUAL'S

| IMPERVIOUS | AL |
|---|---|
| ITEM | EXISTING |
| SFD | 19 |
| GARAGE | 2 |
| SHED | 100 |
| COVERD DECK | 0 |
| SIDEWALK/DRIVEWAY | 14 |
| TOTAL | 38 |
| PERCENTAGE | 1 |

RECEIVED
NOV 17 2003
OFFICE OF PLANNING

EXHIBIT # 2

2 30
HOFFMAN
ACH RD.
2/
70860
BEACH
BZ

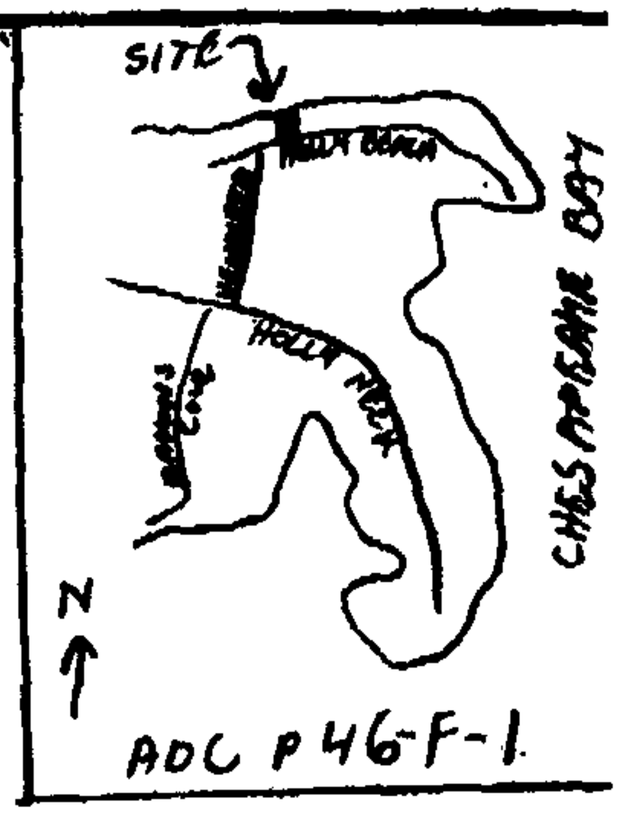
5

3-571-A
500SF/.47AC.

VOTES
HE LIMITED DEVELOPE-
THE CBCA.
MIT ON IMPERVIOUS SURFACE
IUS EQUALS 18.58%
AL $ 18.55%

CRITICAL BAY REQUIREMENTS

1) MINIMIZE ADVERSE IMPACTS ON WATER QUALITY THAT RESULTS FROM POLLUTION'S THAT ARE DISCHARGED FROM STRUCTURES OR CONVEYANCES OR THAT HAVE RUN OFF FROM SURROUNDING LANDS.
2) CONSERVE FISH, WILDLIFE, AND PLANT HABITAT.
3) BE CONSISTENT WITH ESTABLISHED LAND USE POLICIES FOR DEVELOPMENT IN THE CHESAPEAKE BAY CRITICAL AREA WHICH ACCOMMODATE GROWTH AND ALSO ADDRESS THE FACT THAT EVEN IF POLLUTION IS CONTROLLED THE NUMBER MOVEMENT, AND ACTIVITIES OF PERSONS IN THAT AREA CREATE ADVERSE ENVIRONMENTAL IMPACTS.




(4) AREA PROPOSED IN 100' BUFFER 260 SF EXISTING AREA IN 100' BUFFER 130SF. NEW IMPRE-VIOUS IN 100' BUFFER 480 S.F.

(5) THE PROPOSED SINGLE FAMILY DWELLING WILL NOT BE CLOSER TO THE WATER THEN THE EXISTING DWELLING, WHICH IS 87 FEET FROM THE WATER'S EDGE. THE NEW STRUCTURE WILL BE 87 FEET FROM THE WATERS EDGE

(6) ONE TREE IS SCHEDULED TO BE REMOVED. ANY TREE REMOVED IN THE 100FOOT BUFFER WILL BE REPLACED ON A ONE TO ONE RATI WITH A 5 FOOT TO 6 FOOT TALL NATIVE DECIDUOU TREE

CALCULATIONS

| STING | PROPOSED |
|---|---|
| 996SF | 2278SF |
| 252 | 1061SF |
| 100 | 100SF |
| 0 | 168SF |
| 462SF | 196SF |
| 813SF | 3803SF |
| 18.58% | 18.55% |

RECEIVED
NOV 17 2003
OFFICE OF PLANNING

HOFFMAN SITE PLAN

| | | |
|---|---|---|
| SCALE: 1" = 30' | APPROVED BY: | DRAWN BY BWA |
| DATE: 7-10-03 | | REVISED |
| Exhibit # 2 | | DRAWING NUMBER |

# 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. 03-571-A
6/25/03

Residential Processing Fee Paid ($50.00)

Accepted by JL
Date 6/05/03

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

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:

Buck Jones — Print Name of Applicant
500 Vogts Lane, Balto. Md 21221 — Address
410-574-9337 — Telephone Number

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Lot Location: (N) E S W/side/corner of Holly Beach Rd (street), 80 feet from N (E) S W corner of Henrieta Ave. (street)

Land Owner Martin & Norma Hoffman Tax Account Number 1502470860

Address 2602 Holly Beach Rd. Telephone Number (410) 866-6686

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!*

| | PROVIDED? 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: RC 5

*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

See attached ZAC comments

RECEIVED JUN 10 2003 OFFICE OF PLANNING

Signed by: Lynn Lanham
for the Director, Office of Planning and Community Conservation

Date 6/25/03

Revised 2/25/99

## SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** June 27, 2003

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

**SUBJECT:** 2602 Holly Beach Road

**INFORMATION:**

**Item Number:** 03-571

**Petitioner:** Martin Hoffman

**Zoning:** RC 5

**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request to permit a side yard setback as close as 10 feet in lieu of the minimum required 50 feet provided the proposed dwelling is relocate so that it is on-line (from the water's edge) with the existing dwelling footprint.

**Prepared by:** Mark A Cunningham

**Section Chief:** Lynn Lochner

AFK/LL:MAC:

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

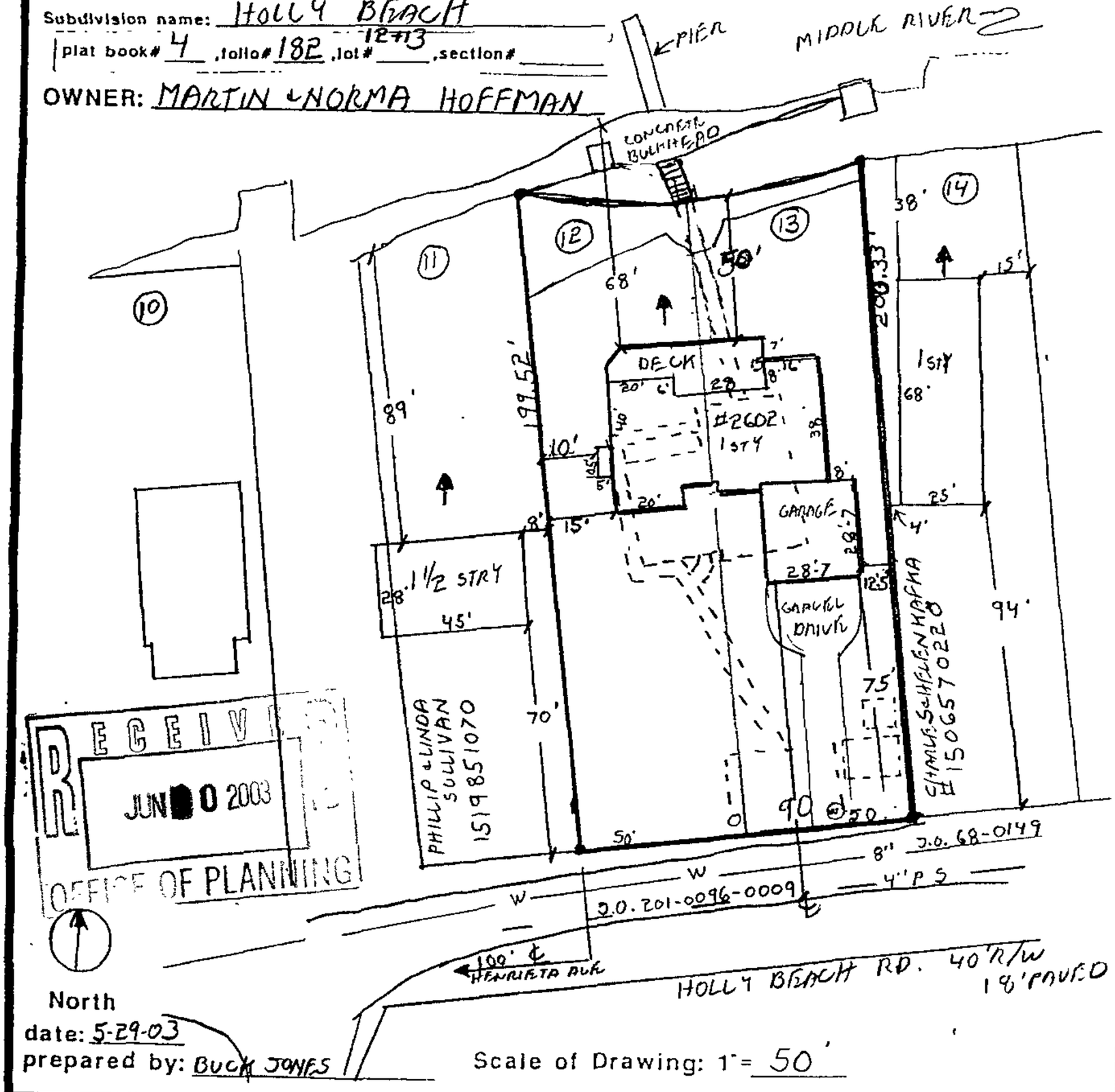
PROPERTY ADDRESS: 2602 HOLLY BEACH RD.

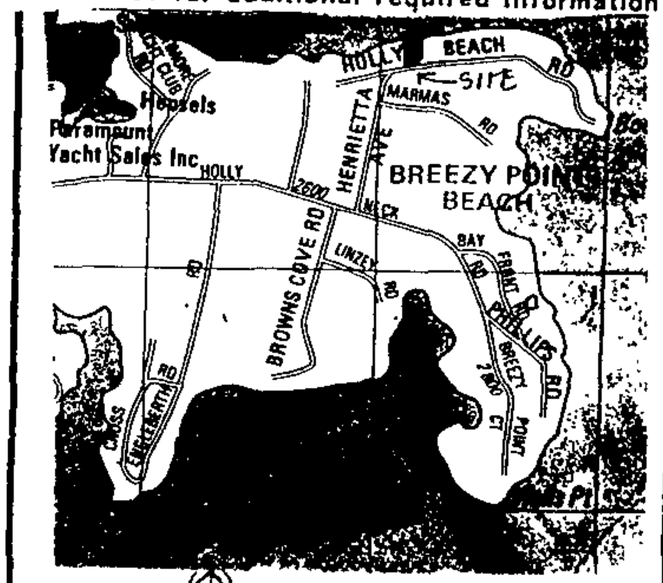
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: HOLLY BEACH

plat book# 4 ,folio# 182 ,lot# 12+13 ,section# ____

OWNER: MARTIN & NORMA HOFFMAN




Vicinity Map AOC P-46-F-1

scale: 1"=1000'

## LOCATION INFORMATION

Election District: 15

Councilmanic District: 6

1"=200' scale map#: SE 2-H

Zoning: RC 5

Lot size: .47 acreage 20,500 square feet

NOT IN FLOOD PLAIN

| | public | private |
|---|---|---|
| SEWER: | ☒ | ☐ |
| WATER: | ☒ | ☐ |

| | yes | no |
|---|---|---|
| Chesapeake Bay Critical Area: | ☒ | ☐ |

Prior Zoning Hearings:

NONE

## Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

date: 5-29-03

prepared by: BUCK JONES

Scale of Drawing: 1"= 50'

-15-

# FREE-STATE GENERAL CONTRACTORS, INC.

500 VOGTS LANE • BALTIMORE, MARYLAND 21221 • (410) 574-9337
M.H.I.C. = 20286
www.freestatehomes.com


DECEMBER 16, 2003

MR. TIM KOTROCCO, DIRECTOR
DEPT.OF PERMIT AND DEVELOPMENT MANAGEMENT
BALTIMORE MUNICIPAL BUILDING
111 WEST CHESAPEAKE AVE
ROOM #123
TOWSON, MD 21204

RE: CASE NO. 03-571-A
MR. & MRS. HOFFMAN
2602 HOLLY BEACH ROAD
BALTIMORE, MD 21221

DEAR MR. KOTROCCO,

THE PURPOSE OF THIS MEMO IS TO REQUEST A MODIFICATION TO THE ORDER FOR MR. & MRS. HOFFMAN'S VARIANCE. MR. & MRS. HOFFMAN ARE NOW WITHOUT A HOME AT THE ABOVE MENTIONED ADDRESS AND ARE ASKING FOR A MODIFICATION TO THE FIFTH ORDER WHICH TALKS ABOUT THE UPCOMING SEWERAGE SYSTEM.

THE HOFFMANS OBTAINED A SATISFACTORY PERC AND HAS ASCERTAINED PERMISSION FROM THE HEALTH DEPARTMENT TO INSTALL A INTERIM SEPTIC SYSTEM UNTIL SUCH TIME AS THE NEW SYSTEM IS COMPLETED, WHICH IS CURRENTLY BEING INSTALLED. THE SYSTEM IS ACTUALLY IN LINE IN THE DIRECTION OF THE EJECTOR PUMP, SO AS TO MAKE A QUICK AND EASY HOOK UP.

I BELIEVE THE PURPOSE OF THE ORDER IS TO MAKE SURE THAT THE PROPERTY OWNERS HAVE A FUNCTIONING SEWERAGE SYSTEM WHETHER IT IS COUNTY SEPTIC OR SEWERAGE WHICH WE CAN ACCOMPLISH.

THE EXISTING HOUSE WHICH HAS BEEN RAZED WAS A TWO (2) BEDROOM AND THE NEW HOME IS ALSO A 2 BEDROOM. IN CLOSING I BELIEVE WE ARE STAYING IN THE SPIRIT AND INTENT OF THE DEPUTY COMMISSIONERS ORDER.

THANK YOU IN ADVANCE FOR YOUR PROMPT ATTENTION TO THIS MATTER. IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL MY OFFICE AT 410-574-9337.

SINCERELY,
Buck Jones
BUCK JONES
PRESIDENT

# FREE-STATE GENERAL CONTRACTORS, INC.

500 VOGTS LANE • BALTIMORE, MARYLAND 21221 • (410) 574-9337
M.H.I.C. = 20286
www.freestatehomes.com


NOVEMBER 26, 2003

JOHN V MURPHY
DEPUTY ZONING COMMISSIONER
SUITE 405, COUNTY COURTS BLDG.
401 BOSLEY AVENUE
TOWSON, MD 21204

RE: CASE NO. 03-571-A
MR. & MRS. HOFFMAN
2602 HOLLY BEACH ROAD
BALTIMORE, MD 21221

DEAR MR. MURPHY,

THE PURPOSE OF THIS MEMO IS TO REQUEST A MODIFICATION IN YOUR ORDER FOR MR. & MRS. HOFFMAN'S VARIANCE. MR. & MRS. HOFFMAN ARE NOW WITHOUT A HOME AT THE ABOVE MENTIONED ADDRESS AND ARE ASKING FOR A MODIFICATION TO THE FIFTH ORDER WHICH STATES NO WORK CAN BE STARTED UNTIL SUCH TIME THAT THE COUNTY SEWERAGE SYSTEM IS OPERATING.

THE HOFFMANS OBTAINED A SATISFACTORY PERC AND HAS ASCERTAINED PERMISSION FROM THE HEALTH DEPARTMENT TO INSTALL A INTERIM SEPTIC SYSTEM UNTIL SUCH TIME AS THE NEW SYSTEM IS COMPLETED, WHICH IS CURRENTLY BEING INSTALLED. THE SYSTEM IS ACTUALLY IN LINE IN THE DIRECTION OF THE EJECTOR PUMP, SO AS TO MAKE A QUICK AND EASY HOOK UP.

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SINCERELY,

BUCK JONES
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THANK YOU IN ADVANCE FOR YOUR PROMPT ATTENTION TO THIS MATTER. IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CALL MY OFFICE AT 410-574-9337.

SINCERELY,

Buck Jones

BUCK JONES
PRESIDENT

MARCH 1, 2004

RECEIVED
MAR 3 2004
ZONING COMMISSIONER

COMMISSIONER JOHN V MURPHY
DEPUTY ZONING COMMISSIONER
BALTIMORE COUNTY COURTS BLDG.SUITE 405
401 BOSLEY AVENUE
TOWSON, MD 21204

RE: CASE NO. 03-571-A
MARTIN & NORMA HOFFMAN
2602 HOLLY BEACH ROAD
BALTIMORE, MD 21221

DEAR COMMISSIONER MURPHY,

IN REGARDS TO THE ABOVE CASE, THAT IN ITEM # 5 OF THE COMMISSIONER'S RULING OF AUGUST 12, 2003, WE, MARTIN AND NORMA HOFFMAN ADVISE THAT AN INTERIUM PRIVATE SYSTEM HAD BEEN APPROVED BY BALTIMORE COUNTY DEPRM, SPECIFICALLY MR. ROB POWELL OF DEPRM. FURTHER MORE WE HAVE ENTERED INTO AN AGREEMENT WITH BALTIMORE COUNTY DPW, THAT WE WILL CONNECT TO PUBLIC SEWER WHEN IT IS AVAILABLE.

THEREFORE, WE RESPECTFULLY REQUEST THAT THESE ACTIONS REPRESENT " THE SPIRIT AND INTENT" OF ITEM # 5 OF THE ORDER OF CASE # 03 - 571 - A. ALSO BOBBY KNATZ OF THE OFFICE OF COUNTY EXECUTIVE JAMES SMITH IS AWARE OF THIS REQUEST AND HAS OFFERED TO PROVIDE DOCUMENTATION FROM BOTH DEPRM AND DPW TO THE COMMISSIONER.

SINCERELY,

Martin J. Hoffman
Norma M. Hoffman

MARTIN & NORMA HOFFMAN
410-866-6686

CC: ROBERT KNATZ
SPEC. ASST. CO. EXEC.

# Deck House, Inc.

Designers and Manufacturers of Acorn and Deck House

May 27, 2004

Marty & Norma Hoffman
2730 Greene Road
Baldwin, MD 21013

Mr. & Mrs. Hoffman,

Based upon the understanding agreement you had with Baltimore County in September 2003 that a building permit would be forthcoming issued in conjunction with either the sewer line or a temporary septic. Deck House shipped the materials for your home at that time. Please be advised that long term storage of these materials may be detrimental to the condition of the materials. In order to maintain the integrity and quality of the materials we strongly recommend commencement of construction as soon as possible.

If you require addition data for your materials please call me at 410-974-6990.

Very truly yours,

Hans Orthner
Regional Manager

BALTIMORE COUNTY, MARYLAND
DEPT. OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Ground Water Management - 401 Bosley Ave., Towson, MD 21204

November 25, 2003

Mr. Buck Jones
Free State General Const. Inc
500 Vogts Lane
Baltimore Md. 21221

Dear Mr. Jones:

The following information pertains to Building Permit application number B522230, for a 3 Bedroom Dwelling located at 2602 Holly Beach Road, , 21221, Election District 15:

**SEPTIC SYSTEM DESIGN**

1,000 gallon septic tank,1 absorption trench: 40 ft. long, 3 ft. wide, 11 ft. deep with 6 ft. of stone, perforated pipe to be 5 ft. deep.

IMPORTANT REQUIREMENT: The minimum separation distance between absorption trenches, unless otherwise specified, will be the greater of : 9 feet on center or a separation distance equal to twice the depth of stone below the pipe. The septic system is to be installed as shown on the final approved site plan. The top of the septic tank shall not be deeper than 18 inches below grade. MANHOLE risers are to be installed to the surface over the septic tank and/or grease interceptor. The septic tank cover shall remain in place.

A plumbing permit is required for installation of an on site sewage disposal system. Installation detail shall conform with the Baltimore County Plumbing and Gasfitting Code. This office must be contacted if any deviation to specification or location of the sewage disposal system is desired. Deviation requests must be accompanied by revised site plans showing all structures, water well, sewage disposal system and reserve area, for review and approval prior to system construction. Note: A sewage ejector pump may be required for basement plumbing . It is the owner's/builder's responsibility to make this determination and notify this office.

An inspection must be made by the Plumbing Inspection Division 410-887-3620 at the time the absorption trench is completely excavated to verify the final depth and grade of the trench. A transit or similar device must be provided.

**WATER SUPPLY SYSTEM**

Metropolitan water system supply.

If there are any questions regarding the above, please contact this office at 410-887-2762.

Sincerely,

J. Robert Powell, R.S.

MICHAEL B. SAUER
ATTORNEY AT LAW

SUITE 802, 401 WASHINGTON AVENUE, TOWSON, MARYLAND 21204
TELEPHONE (410) 296-2151
FAX (410) 321-1820

June 7, 2004

RECEIVED
JUN 10 2004
ZONING COMMISSIONER

John V. Murphy, Deputy Zoning Commissioner
for Baltimore County
Suite 405
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No.: 03-571-0
Request for Modification of Order dated 8/12/03
Property: 2602 Holly Beach Road
Property Owners: Martin and Norma Hoffman

Dear Mr. Murphy:

As a follow-up to our several telephone conversations and in lieu of our meeting last Friday I am writing to you on behalf of the Hoffmans in connection with their present difficulties in obtaining a building permit for the above-captioned matter.

The matter was before you on August 13, 2003 on Petition for sideyard setback variances which were granted.

In your Order dated August 12, 2003 the variances were granted and the Petitioner was allowed permission to apply for the building permit. However, paragraph five (5) of the Order imposed the condition that a building permit could not be granted until public sewer was in fact extended to the property. Nearly a year has lapsed and public sewage has not been extended to the property as of this date. However, my client informed me that it will be installed very shortly based upon his contacts with County personnel and also based upon my contacts with men in the field of the contractor who is doing the work. In the spirit and intent of the zoning regulations I am requesting that you remove condition five of the Order which is precluding Mr. Hoffman from getting his permit and commencing construction.

At the time of the filing of the Petition Mr. Hoffman was given assurances by the County that the public sewer would be in and now nearly a year has passed.

Mr. Hoffman has exigent circumstances that need to be addressed. He purchased from Deck House Inc. on September 3, 2003

---

a "stick built packaged home" which materials were shipped to Mr. Hoffman and are now in storage. Deck House Inc. has informed Mr. Hoffman that any long term storage (now nearly a year) may be detrimental to the condition of the building

materials. Deck House, Inc. has recommend to Mr. Hoffman that commencement of construction of his home begin as soon as possible. See copy of letter dated May 22, 2004 from Deck House, Inc. to the Hoffmans.

Needless to say, the Hoffmans have every intention of hooking up to the public sewer line once installed and have entered into an Agreement to do so with the County which includes the temporary installation of a sewage disposal system and a sewage ejector pump. See letter dated November 25, 2003 from J. Robert Powell of DEPRM to Mr. Hoffman's building contractor. We are now in the prime of building season because of the weather and it would certainly be beneficial to commence construction.

In summary we are requesting, in lieu of a formal hearing with you, a modification of your Order to omit condition five. Enclosed is a proposed modified order for your consideration.

Very truly yours,

Michael B. Sauer

MBS:las
Enclosure
cc: Mr. Martin Hoffman

Holly Beach Sewer line
Bid date
Contract let - May 29 2003

under construction

18 working months - doe

contract 030735X0

Job Order 201-0096-0009

6 under Pumps being installed
- line may not be operational

(h) Other map symbols shall be as shown in Table 14.

**.05 Individual Water Supply and Individual Sewerage Systems.**

The installation of individual water supply or individual sewerage systems shall be subject to the following requirements:

A. An individual water supply or individual sewerage system may not be permitted to be installed where an adequate community water or sewerage facility is available. If an existing community water or sewerage facility is inadequate or is not available, an interim individual water and sewerage system may be used as set forth in §B(1), (2), and (3), below.

B. Interim individual water supply and sewerage systems may be permitted to be installed in any portion of the county, except where otherwise prohibited, where community systems will be programmed for construction within the S-1-2, 3 and 4 and W-1-2, 3 and 4 service categories provided that:

(1) The interim systems are adjudged by the local health department to be adequate, safe, and in compliance with pertinent State and local regulations, including minimum lot ownership as set forth in COMAR 26.04.03.02 and .03;

(2) Permits for the interim systems shall bear a notice regarding the interim nature of the permit and stating that connection to a future community system shall be made within 1 year or less after the system becomes available;

(3) If interim systems are used, provisions shall be made, whenever possible, to locate the systems so as to permit connection to the public facilities in a most economical and convenient manner.

C. Individual water supply or sewerage systems, not of an interim nature, shall be permitted to be installed in any portion of the county designated as S-5 and 6, and W-5 and 6 where community systems are not planned. The installations shall be governed by the regulations under COMAR 26.04.02 and 26.04.03 as minimum requirements.

**.06 Flow Data.**

For each service area, flow data for all community and multi-use sewerage facilities will be presented according to either Table No. 15 for wastewater treatment plants or Table No. 15A for all principal collector sewers, interceptors, pumping stations, and associated force mains. Information presented previously in either Table No. 9 or Table



410-583-0288

# BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO Donald Outen Date August 28, 1989

FROM Robert W. Sheesley

SUBJECT Development on Interim Systems

In order to eliminate any confusion on the Departments interpretation of the use of interim water and sewage systems, the following policy should guide DEPRM personnel in reviewing proposals.

HISTORY

Interim systems in the subdivision of land were used as an emergency method to continue development projects affected by the Gwynn's Falls Moratorium and Patapsco Moratorium (1983-84). At that time, systems were installed after percolation tests with provisions for an original and one expansion. Developers were also required to begin utility construction in the streets and provide house connections.

Minor subdivisions (3 lots or less) were reviewed on a case by case basis. The history of the neighborhood, potential for development of surrounding lands and proximity to existing utilities were factors considered. The cost of extensions were not considered in the process of subdividing land in either large developments or minor subdivisions.

Building permits for individual lots have always been handled on a case by case basis. The cost of extensions were considered with the other factors when making decisions on individual building permits.

POLICY

1. Interim individual water supply and sewerage systems are permitted to be installed under C.O.M.A.R. 26.03.01.05.

2. These installations are restricted to S-1,2,3 and 4 and W-1,2,3 and 4 service categories in The Master Water and Sewerage Plan where community services will be programmed for construction.

3. "Programmed for Construction" is interpreted to mean that construction of the facilities has begun or a

fully executed Public Works Agreement is on file with the Department of Public Works.

4. DEPRM will not sign Record Plats unless the conditions outlined in #1, #2, #3 are satisfied.

5. Minor subdivisions and individual building lots will be considered on a case by case basis. Costs will not be the primary condition in these deliberations.

Robert W. Sheesley, Director
Department of Environmental
Protection and Resource
Management

RWS:rmk

**BALTIMORE COUNTY**
**Department of Environmental Protection and Resource Management**

# INTERIM - AGREEMENT

*AGREEMENT* between the owner of a property petitioning to install an interim individual water supply and/or sewage disposal system and the Baltimore County Department of Environmental Protection and Resource Management.

*WHEREAS*, the Code of Maryland Regulations C.O.M.A.R. 26.03.01.05, effective July 1, 1975, allows for the installation of interim individual water supply and/or sewage disposal systems under certain conditions in areas where community water and/or sewer systems are mapped as being existing, under construction, or immediately extendible, W-1, S-1, and W-3, S-3, and,

*WHEREAS*, the subject property, located _____,
*(Street Address)*

_____, _____, _____, _____, _____
*(Subdivision)* *(Lot)* *(Section)* *(Plat)* *(Block)*

is classified by the currently approved Water and Sewerage Plan for Baltimore County as W-____ and S-____, and,

*WHEREAS*, a community _____ System(s) is/are not immediately available to the property, and,

*WHEREAS*, the Owner wishes to obtain a permit to construction a _____ at the subject property, and,

*WHEREAS*, the Department has found that the approval of the interim system(s) to be adequate, safe and in compliance with pertinent State and Baltimore County regulations including minimum ownership as set forth in C.O.M.A.R. 126.04.03.02 and .03.

*NOW, THEREFORE*, the parties hereto in consideration of the mutual Covenants and conditions set forth below, agree as follows:

(1) The County shall issue an approval for the installation and maintenance of an interim _____ _____ system(s) on the property owned by Owner(s), which property was conveyed to the Owner(s) by Deed dated _____, and recorded in the Land Records of Baltimore County in Liber _____, Folio _____.

(2) The Owner(s) agree that within one year of availability of a community water and/or sewerage system that a connection to that system be made.

(3) The Owner(s) further agree to participate in a sewer petition extension and pay any benefit assessments and deficit charges at the current rate due for the extension.

(4) The parties agree that this Agreement shall run with the land and be binding on all parties having any right, title or interest in the above described property or any part thereof, their heirs, successors and assigns.

Witness the hands and seal of the parties hereto.

| | | |
|---|---|---|
| *(Date)* | *(Print Name)* | *(Owner's Signature)* |
| *(Date)* | *(Print Name)* | *(Owner's Signature)* |
| *(Date)* | *(Print Name)* | *(DEPRM Representative's Signature)* |

*c:agree.doc - rev. 9/96*

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

# Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

June 17, 2003

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

Re: **Zoning Advisory Committee Agenda, 06/23/03 re: case numbers 03-570-A, 03-571-A, 03-572-A, 03-573-SPHA, 03-574-A, 03-575-SPH, 03-576-SPHA**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 06/16/03. 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
Planning Services

cc: Mike Nortrup

PLEASE PRINT CLEARLY

CASE NAME 2602 Holly Beach Rd
CASE NUMBER 03-571-A
DATE 8/12/03

# CITIZEN'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL |
|---|---|---|---|
| Gary Terhune | 409 Washington Ave | Towson 21204 | |
| TERHUME | Jeffersonian | | |

PLEASE PRINT CLEARLY

CASE NAME 03-571-A
CASE NUMBER 2602 Holly Beach Rd
DATE 8/12/03

# PETITIONER'S SIGN-IN SHEET

| NAME | ADDRESS | CITY, STATE, ZIP | E- MAIL |
|---|---|---|---|
| BUCK JONES | 500 VOGTS LANE | BALT. MD. 21221 | BUCKYJO19542@A.O.L. |
| MARTIN HOFFMAN | 2730 GREENE RD | BALDWIN MD 21013 | |
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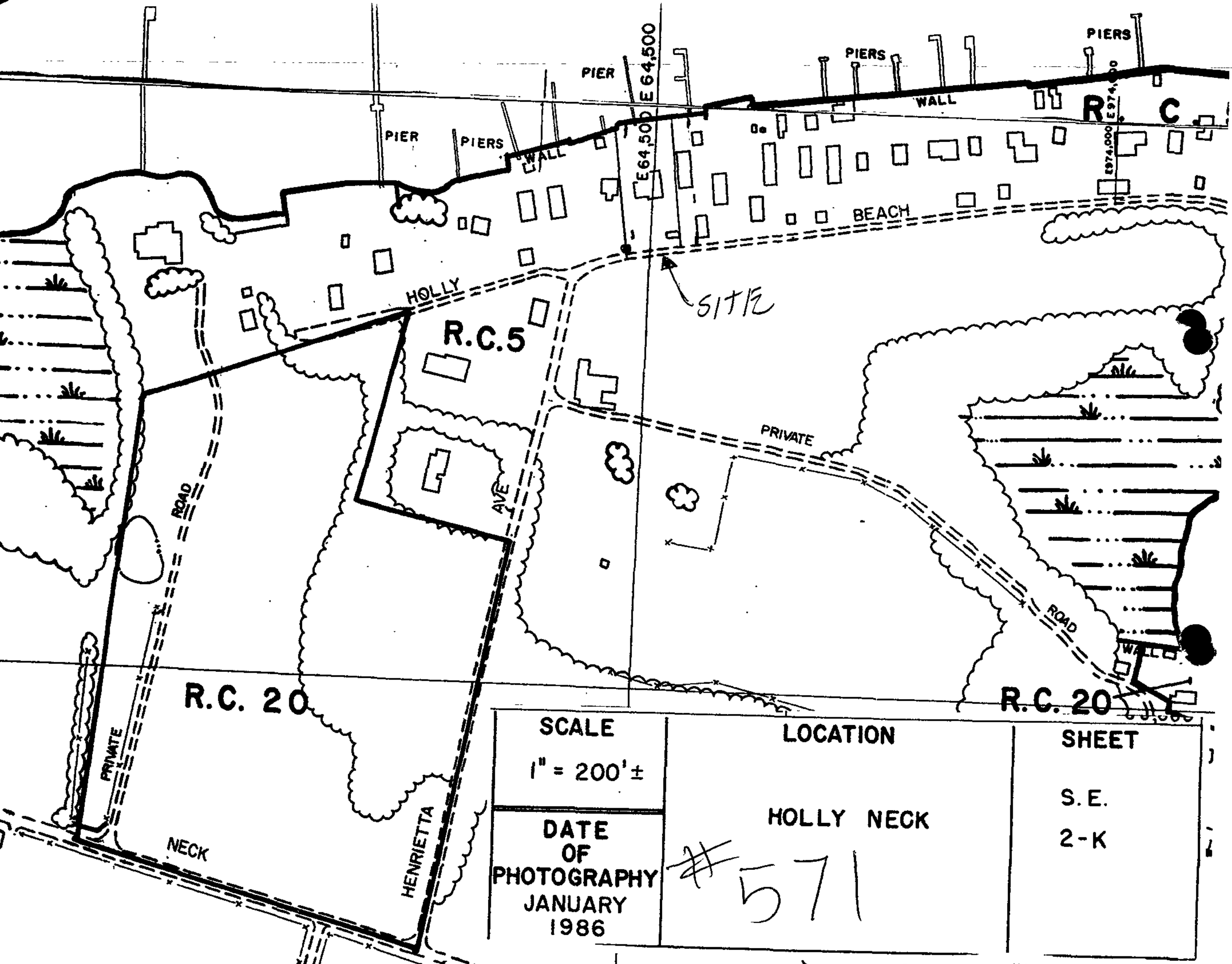



| SCALE | LOCATION | SHEET |
|---|---|---|
| 1" = 200'± | HOLLY NECK | S.E. 2-K |
| DATE OF PHOTOGRAPHY JANUARY 1986 | #571 | |

# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

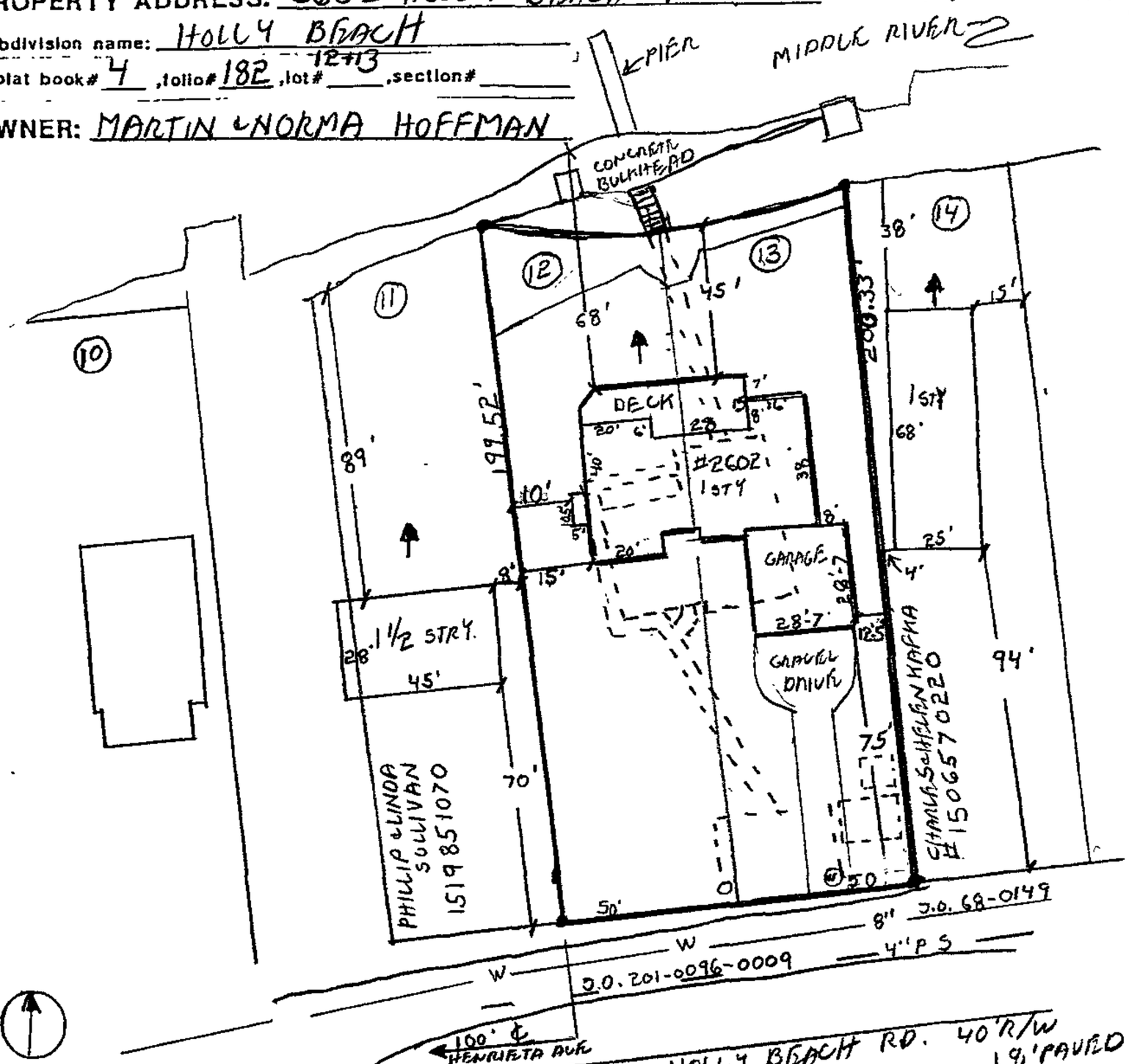
see pages 5 & 6 of the CHECKLIST for additional required information

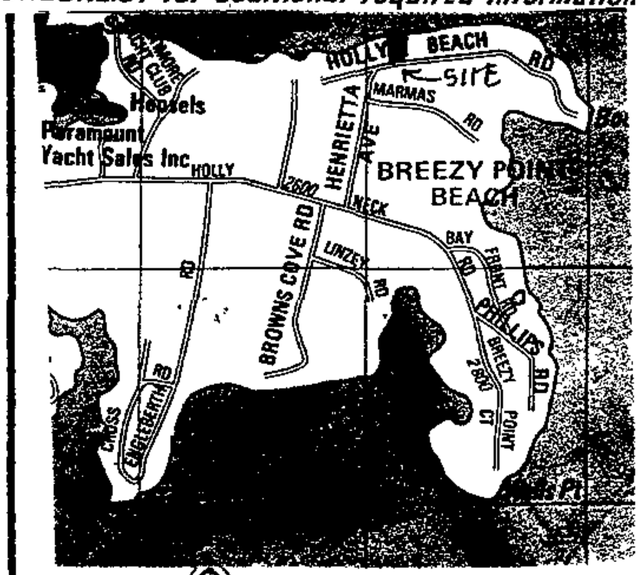
PROPERTY ADDRESS: 2602 HOLLY BEACH RD.

Subdivision name: HOLLY BEACH

plat book# 4, folio# 182, lot# 12+13, section# ____

OWNER: MARTIN & NORMA HOFFMAN




Vicinity Map ADC P-46-F-1

scale: 1"=1000'

## LOCATION INFORMATION

Election District: 15

Councilmanic District: 6

1"=200' scale map#: SE 2-H

Zoning: RC 5

Lot size: .47 acreage 20,500 square feet

NOT IN FLOOD PLAIN

| | public | private |
|---|---|---|
| SEWER: | ☒ | ☐ |
| WATER: | ☒ | ☐ |

| | yes | no |
|---|---|---|
| Chesapeake Bay Critical Area: | ☒ | ☐ |

Prior Zoning Hearings:

NONE

## Zoning Office USE ONLY!

| reviewed by: | ITEM #: | CASE#: |
|---|---|---|
| ? | | 03-571-A |

North

date: 5-29-03

prepared by: BUCK JONES

Scale of Drawing: 1"= 50'

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2602 HOLLY BEACH RD.

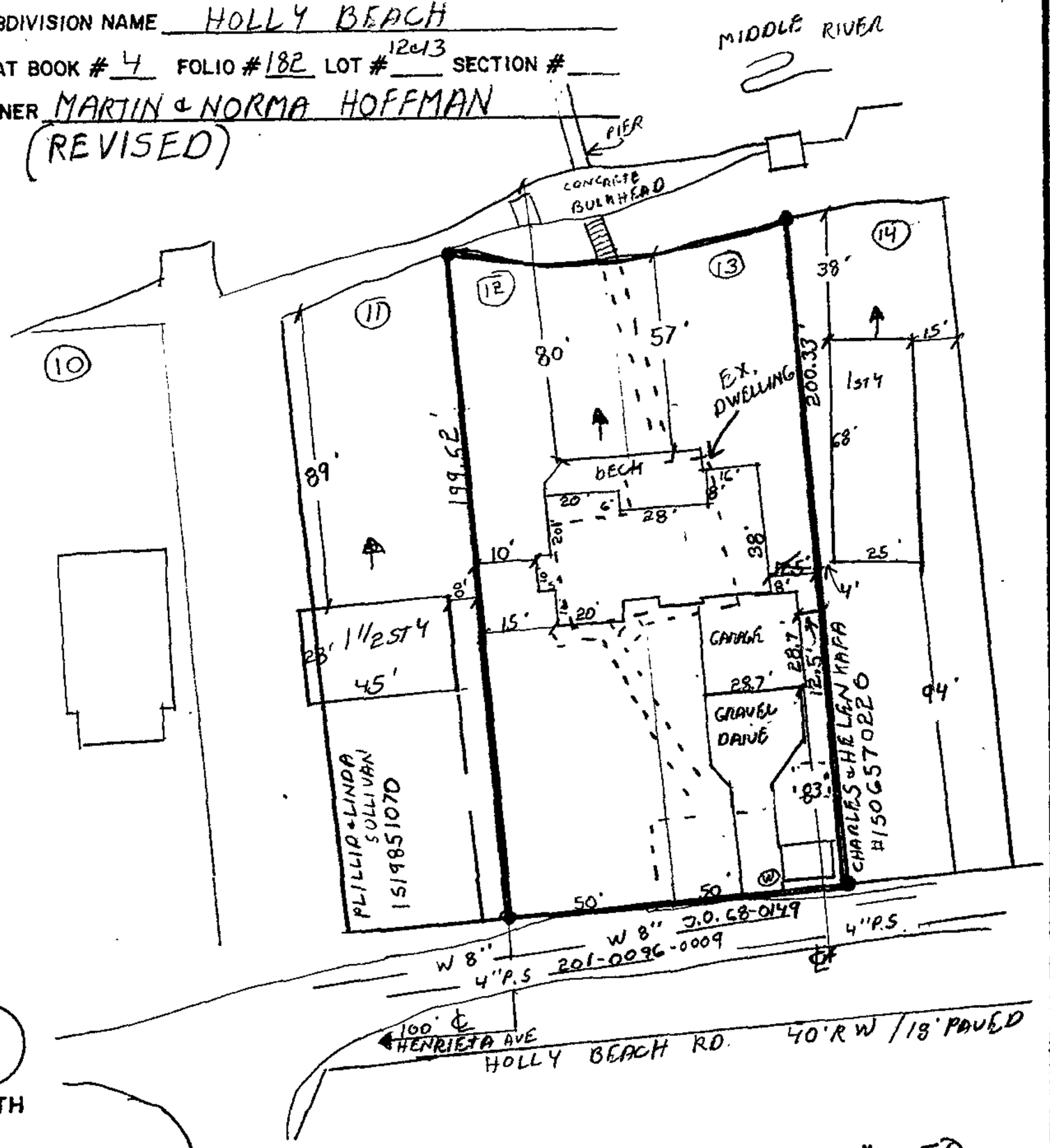
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

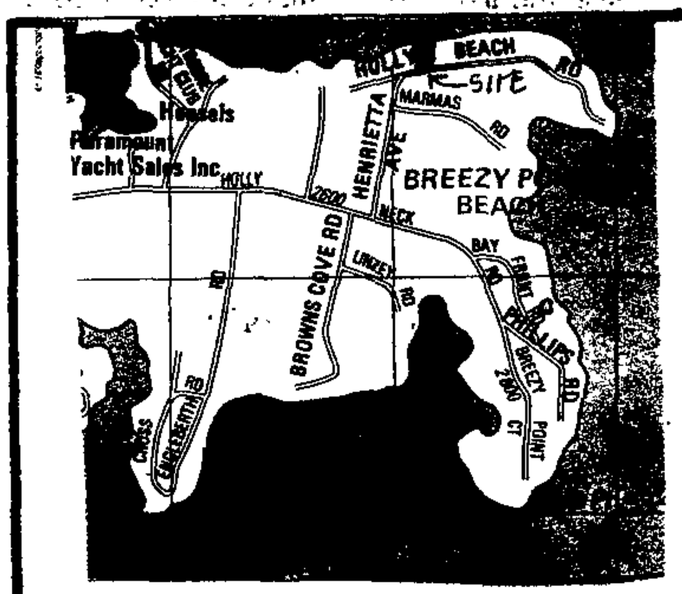
SUBDIVISION NAME HOLLY BEACH

PLAT BOOK # 4 FOLIO # 182 LOT # 12&13 SECTION # ____

OWNER MARTIN & NORMA HOFFMAN

(REVISED)




VICINITY MAP ADC-P.46-F-1

SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # S.E. 2-H

ZONING RC 5

LOT SIZE .47 ACREAGE 20,500 SQUARE FEET

| | PUBLIC | PRIVATE |
|---|---|---|
| coming 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 # ____

PREPARED BY BUCK JONES SCALE OF DRAWING: 1" = 50

-15-

Pet #2

STANDING DIRECTLY INFRONT OF HOME TO BE RAZED.

Pet 3A

DRIVING NORTH DOWN HENRIETA AVE.

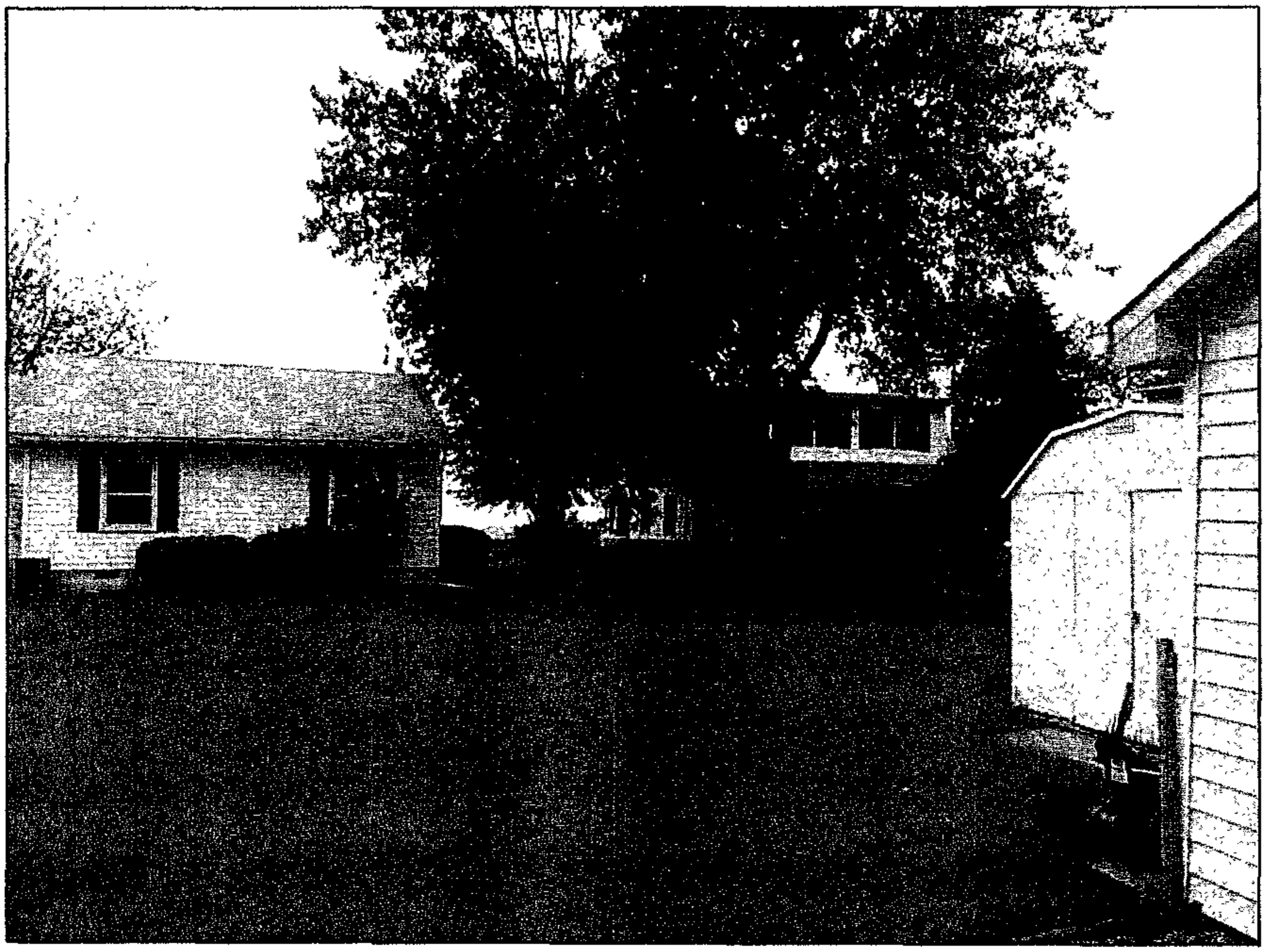
3B

LOOKING EAST DOWN HOLLY BEACH ROAD

3C

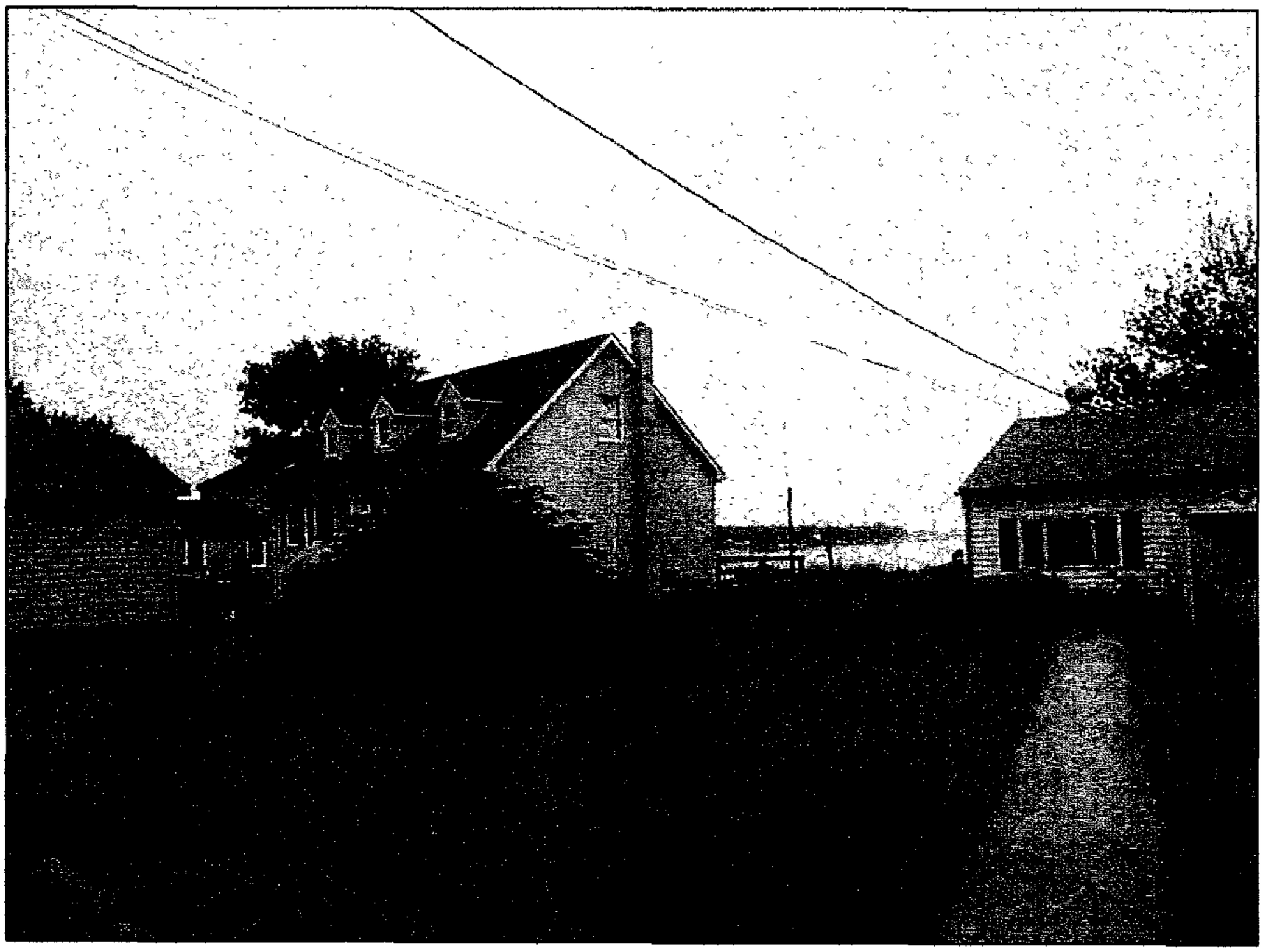
LOOKING WEST ON HOLLY BEACH ROAD

3D



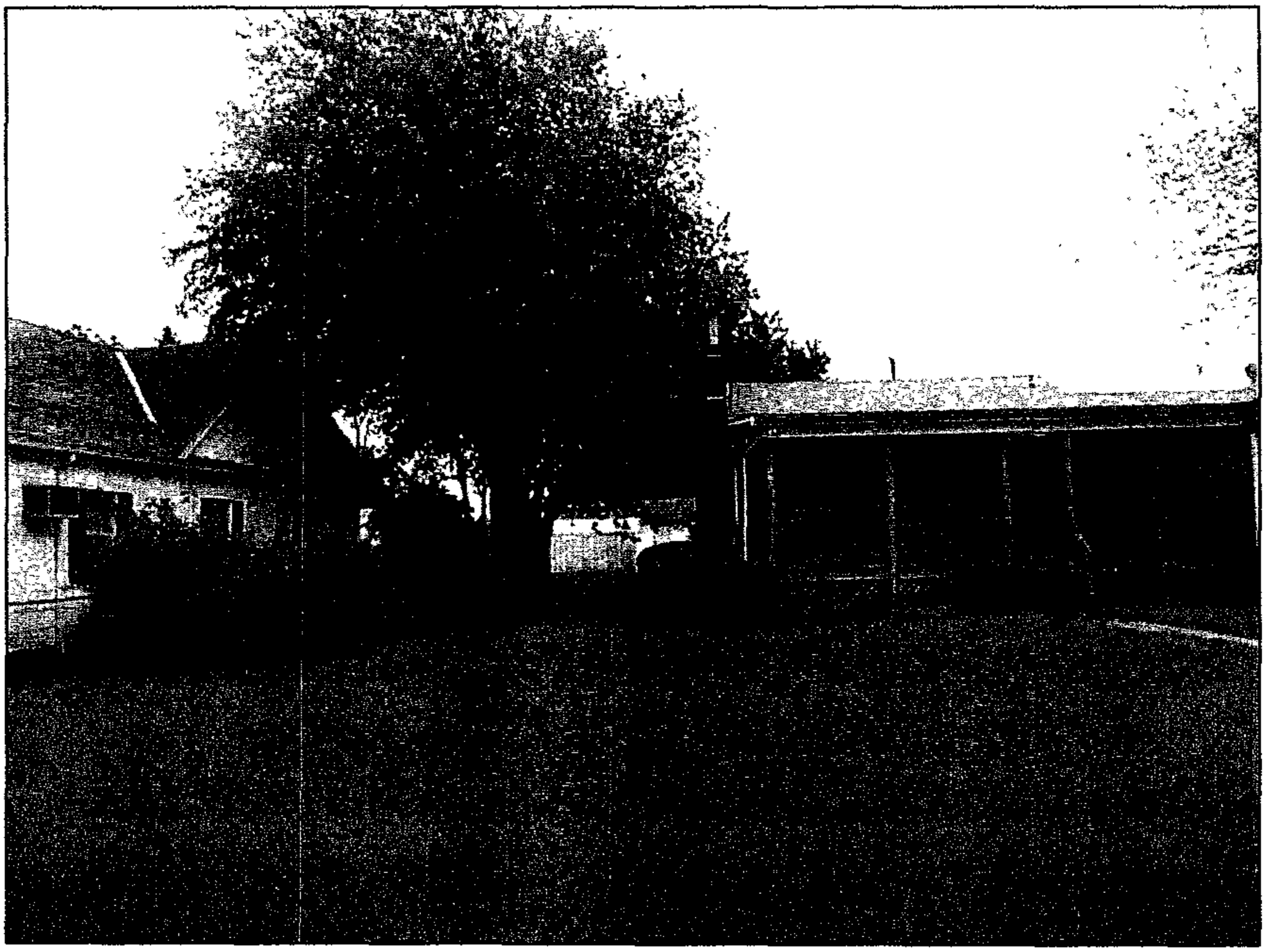
STANDING NEXT TO GARAGE LOOKING NORTH EAST. NEIGHBOR'S HOME ON RIGHT

3E



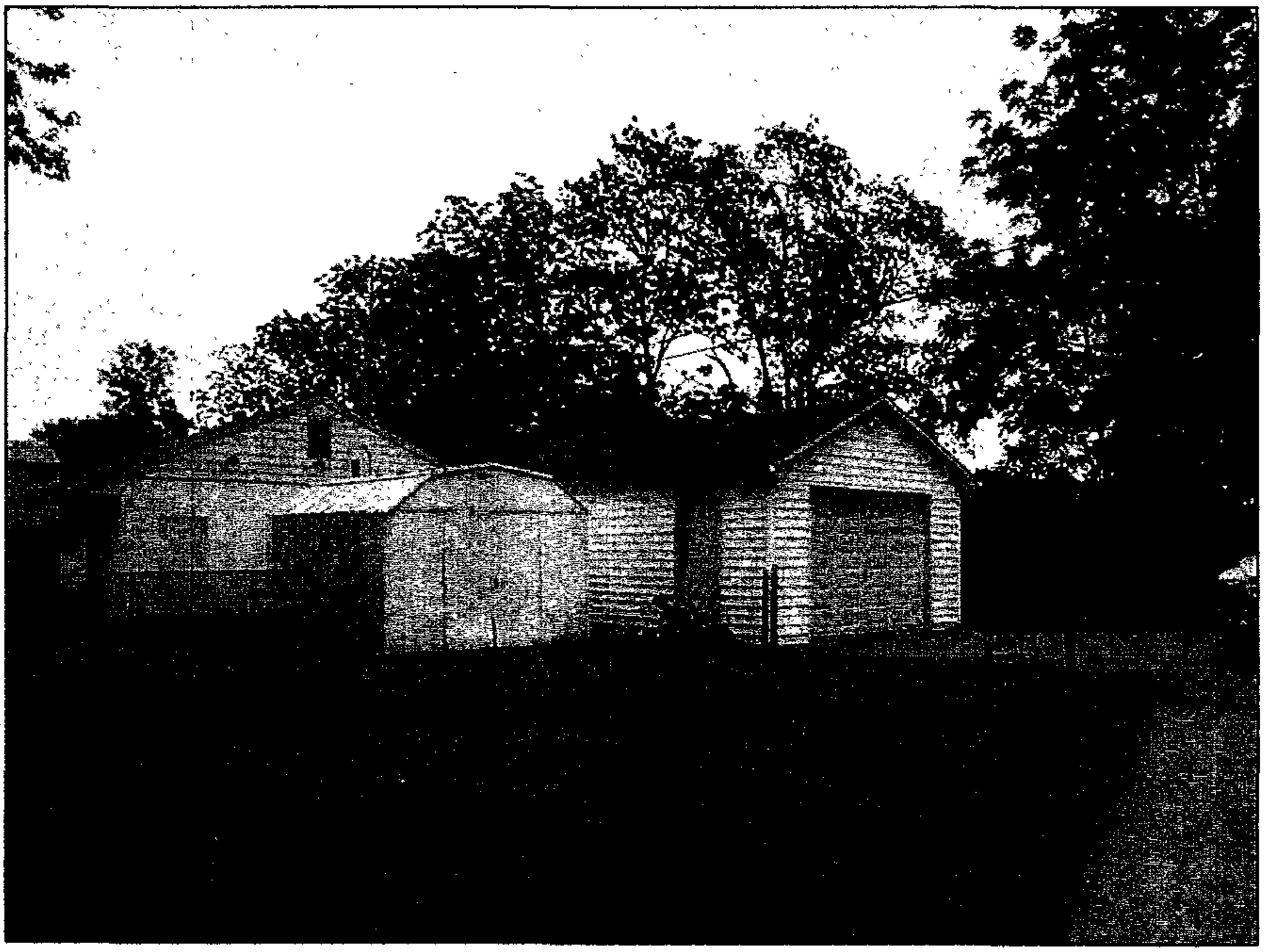
STANDING AT THE GARAGE LOOKING NORTH/
WEST NEIGHBOR'S HOME ON LEFT

STANDING AT WATERFRONT LOOKING SOUTH
NEIGHBOR'S HOME ON RIGHT SIDE.



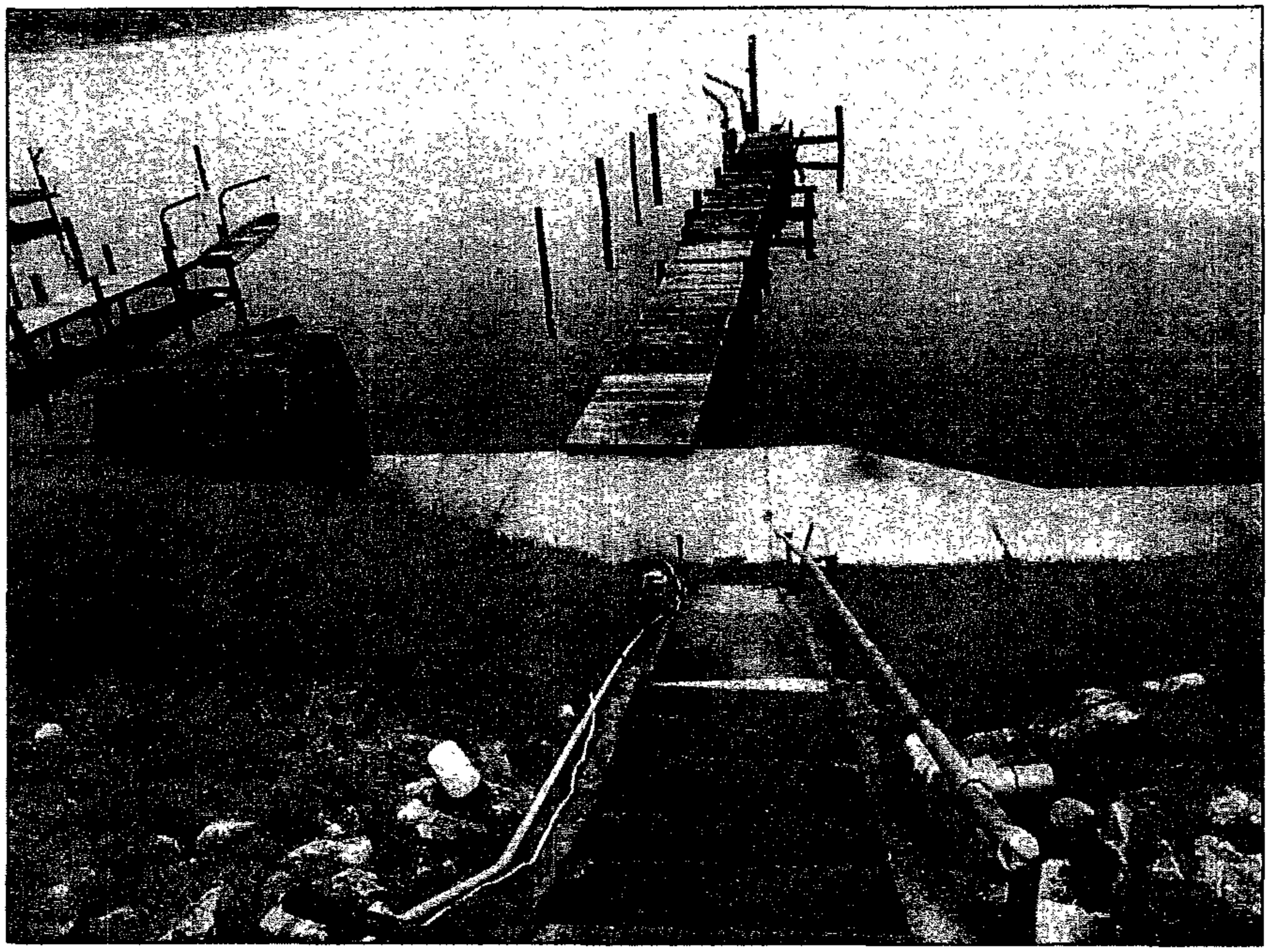
STANDING ON WATER FRONT SIDE LOOKING
SOUTH NEIGHBOR'S HOME ON LEFT SIDE

3H

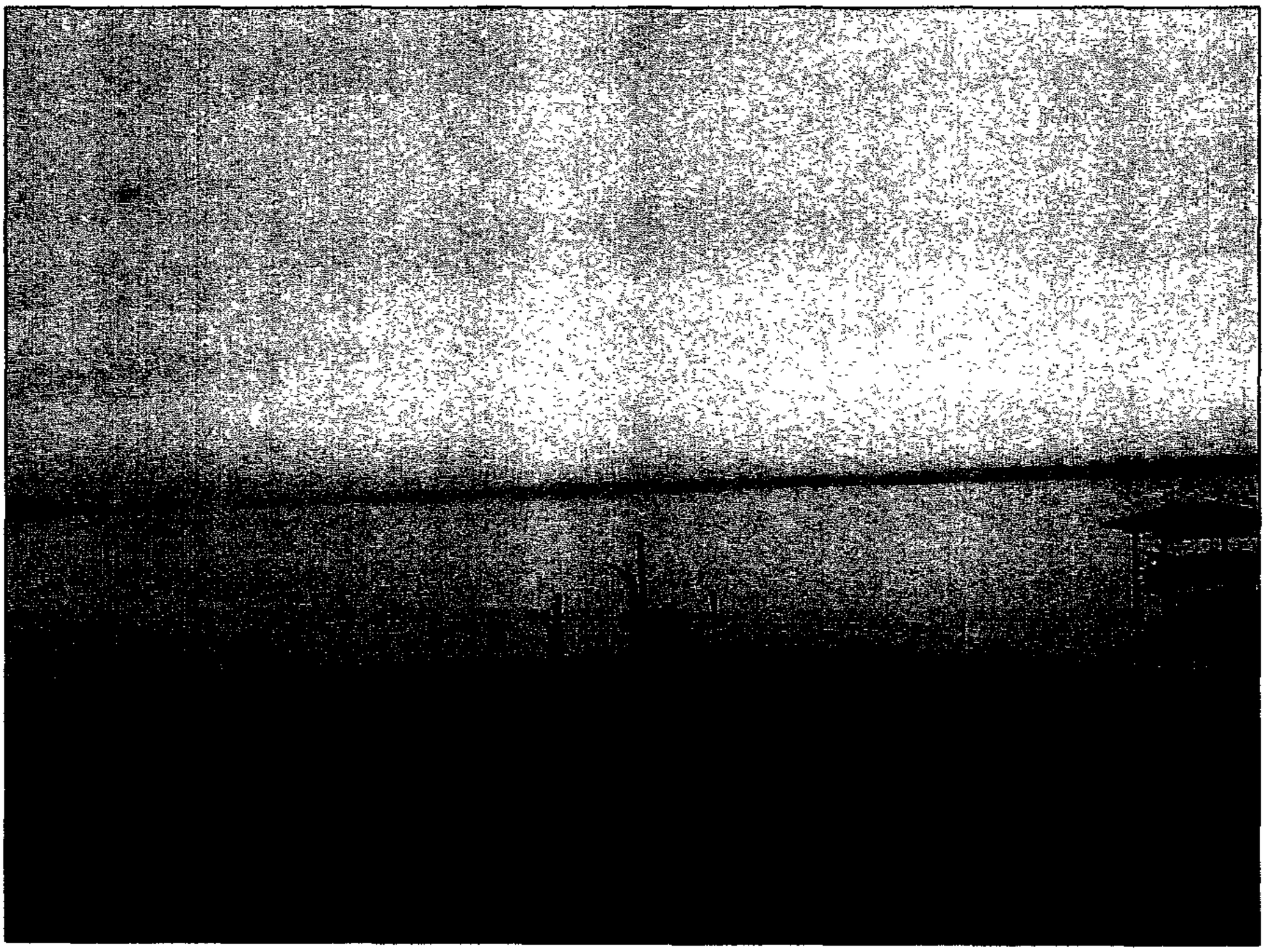


STANDING INFRONT OF EXISTING DWELLING LOOKING SOUTH / EAST

3I

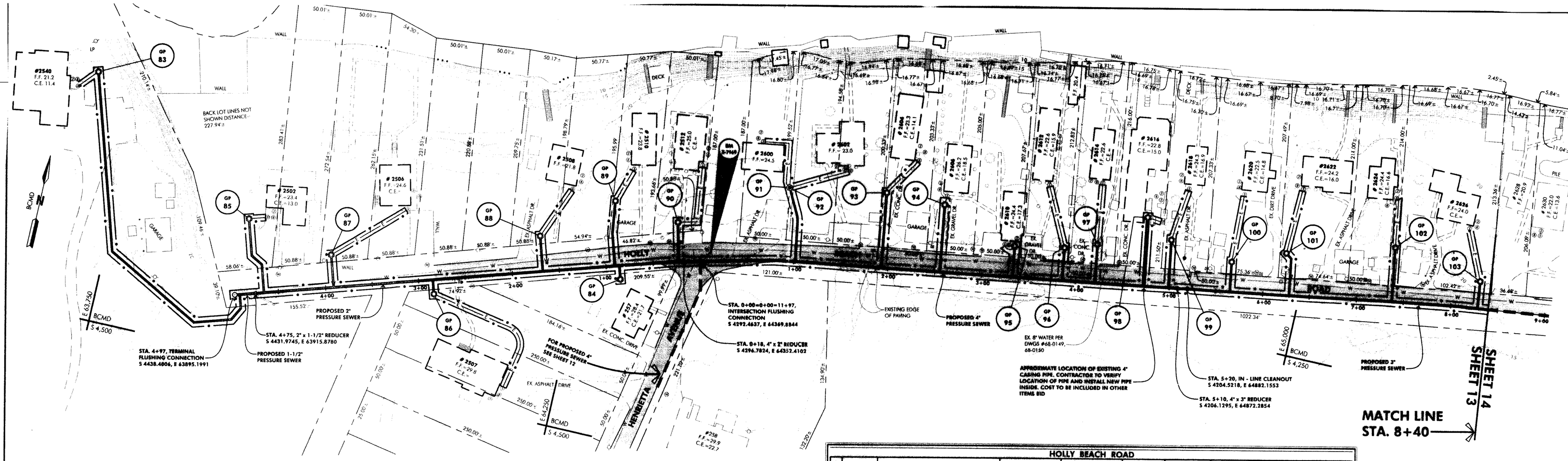


STANDING ONTOP OF BANK LOOKING NORTH
AT BULKHEAD & PIER



STANDING INFRONT OF EXISTING STRUCTURE
LOOKING NORTH OVER THE MIDDLE RIVER.

3K




# PLAN

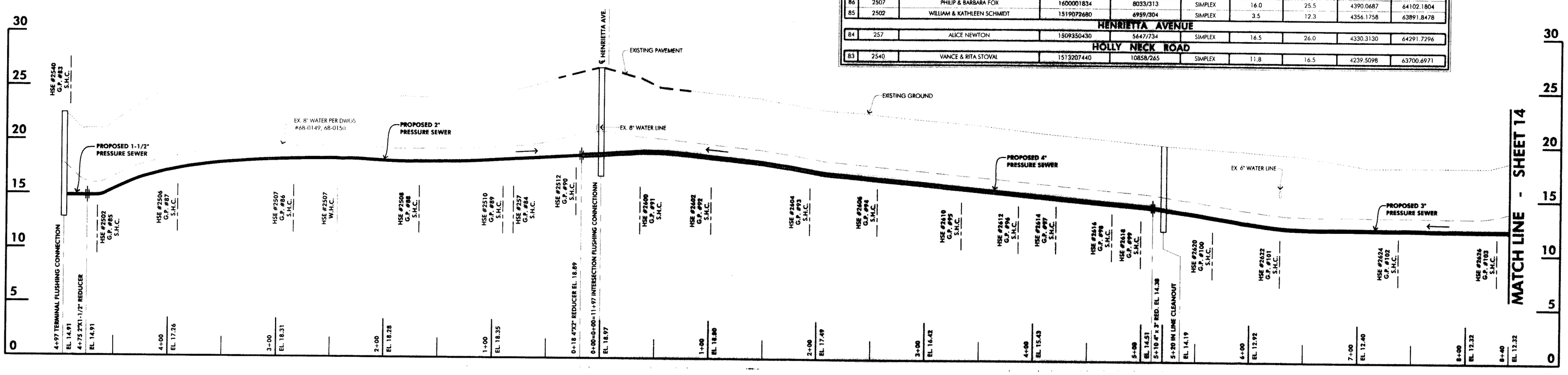
SCALE: 1" = 50'

BM #

**NOTE:**
FOR BENCHMARK INFORMATION SEE SHEETS 29 & 30

| HOLLY BEACH ROAD | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| GP No. | HOUSE | OWNER | T.A. NO. | DEED REF. | TYPE | PUMP INVERT (FEET) | GROUND AT GP (ELEVATION) | SOUTHING | EASTING |
| 103 | 2626 | JOHN A. & KATHLEEN A. FILAR | 1504751340 | 11970/550 | SIMPLEX | 16.5 | 21.1 | 4126.3093 | 65183.1116 |
| 102 | 2624 | RONALD & CATHERINE BELBOT | 1504002710 | 5219/179 | SIMPLEX | 11.2 | 22.0 | 4111.5014 | 65087.7603 |
| 101 | 2622 | WAYNE & ETHEL WEBSTER | 1523156450 | 4882/578 | SIMPLEX | 10.4 | 20.3 | 4143.5358 | 64976.1268 |
| 100 | 2620 | MANLEY & THERESA GATELY | 1507000280 | 10902/430 | SIMPLEX | 15.4 | 19.8 | 4165.6719 | 64921.5968 |
| 99 | 2618 | MELVIN L. ZIEMANN ET AL. | 1526400670 | 10104/516 | SIMPLEX | 15.7 | 20.1 | 4157.4956 | 64853.2729 |
| 98 | 2616 | RICHARD & ANN MROZ | 1523002020 | 7613/139 | SIMPLEX | 15.6 | 20.0 | 4139.8742 | 64823.2550 |
| 97 | 2614 | JOHN C., DAVID C., PENNY K. & GLORIA K. HEISLER | 1507582540 | 12482/222 | SIMPLEX | 16.5 | 20.9 | 4179.5857 | 64777.7388 |
| 96 | 2612 | MARINO & VIRGINIA BIRI | 1507081360 | 12701/173 | SIMPLEX | 12.2 | 22.0 | 4190.9500 | 64744.3216 |
| 95 | 2610 | KAREN R. TREAT & ALVERTA C. TUTCHTON | 1502573801 | 14078/455 | SIMPLEX | 12.5 | 22.2 | 4201.2386 | 64692.4035 |
| 94 | 2606 | DAVID A. JACOBS | 1502573800 | 16448/327 | SIMPLEX | 16.8 | 22.6 | 4175.4061 | 64609.9115 |
| 93 | 2604 | CHARLES & HELEN KAFKA | 1506570220 | 5279/86 | SIMPLEX | 18.2 | 22.6 | 4178.7438 | 64564.3924 |
| 92 | 2602 | MARTIN J. & NORMA M. HOFFMAN | 1502470860 | 14810/140 | DUPLEX | 12.0 | 24.4 | 4176.6243 | 64547.3579 |
| 91 | 2600 | PHILIP & LINDA SULLIVAN | 1519851070 | 14552/227 | DUPLEX | 12.0 | 24.4 | 4194.5687 | 64445.3974 |
| 90 | 2512 | WILLIAM & REGINA DAUSES | 1515000020 | 6190/738 | SIMPLEX | 18.7 | 23.6 | 4194.5687 | 64445.3974 |
| 89 | 2510 | MICHAEL McKEW ET AL. | 1513108080 | 14175/303 | SIMPLEX | 14.7 | 22.4 | 4250.3669 | 64267.9288 |
| 88 | 2508 | KATHLEEN SCHMIDT | 1512201920 | 13254/416 | SIMPLEX | 13.3 | 21.7 | 4304.7791 | 64198.0862 |
| 87 | 2506 | DAVID COLLIGNON ET AL. | 1503470980 | 8114/761 | SIMPLEX | 12.5 | 24.0 | 4374.0677 | 63985.3194 |
| 86 | 2507 | PHILIP & BARBARA FOX | 1600001834 | 8033/313 | SIMPLEX | 16.0 | 25.5 | 4390.0687 | 64102.1804 |
| 85 | 2502 | WILLIAM & KATHLEEN SCHMIDT | 1519072680 | 6959/304 | SIMPLEX | 3.5 | 12.3 | 4356.1758 | 63891.8478 |
| HENRIETTA AVENUE | | | | | | | | | |
| 84 | 257 | ALICE NEWTON | 1509350430 | 5647/734 | SIMPLEX | 16.5 | 26.0 | 4330.3130 | 64291.7296 |
| HOLLY NECK ROAD | | | | | | | | | |
| 83 | 2540 | VANCE & RITA STOVAL | 1513207440 | 10858/265 | SIMPLEX | 11.8 | 16.5 | 4239.5098 | 63700.6971 |

Jeffrey P. Wantz 4-17-03
Tom Chiavirini 4-17-03




# PROFILE HOLLY BEACH ROAD

SCALE: HORIZ. 1"=50', VERT. 1"=5'

**NOTE:**
DESIGN AND DRAWING BASED ON BALTIMORE COUNTY METROPOLITAN DISTRICT GRID SYSTEM AND DATUM

| ROAD PERMIT AND GRADES | REVISED AS PER RECORD PRINT | DATE | REVISION | BY |
|---|---|---|---|---|
| PERMIT REQUESTED | DRAFTSMAN | DATE | | |
| PERMIT NUMBER | | | | |
| GRADE ESTABLISHED | | | | |
| PROFILE NUMBER | | | | |

McCRONE

| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| ENGINEER Robert Sell | DESIGNED S.A.C. | BUREAU OF ENGINEERING AND CONSTRUCTION | HIGHWAYS | STRUCTURES | STORM DRAINS | SEWER | WATER | FIELD ENGINEER |
| DATE 4/9/03 LIC. NO. 17797 | DRAWN S.A.C. | REVIEWED | MJR | | SKW | DAB | JEK | DRP |
| | CHECKED R.W.S. | DATE | 4/15/03 | | 4/15/03 | 4/15/03 | 4/14/03 | 4-15-03 |

BUR. OF ENGINEERING & CONSTRUCTION APPROVED _____ CHIEF DATE 4/15/03

DEPARTMENT OF PUBLIC WORKS APPROVED _____ DIRECTOR DATE 4/16/03

| P. W. A. DIR. NO. | KEY SHEET | SCALE |
|---|---|---|
| RIGHT OF WAY | 27-NW, E-NE | PLAN: 1"=50' |
| | POSITION SHEET | PROFILE HOR. 1"=50' VERT. 1"=5' |

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION

PLAN & PROFILE / GRADING, SEDIMENT & EROSION CONTROL

HOLLY NECK SEWAGE SYSTEM

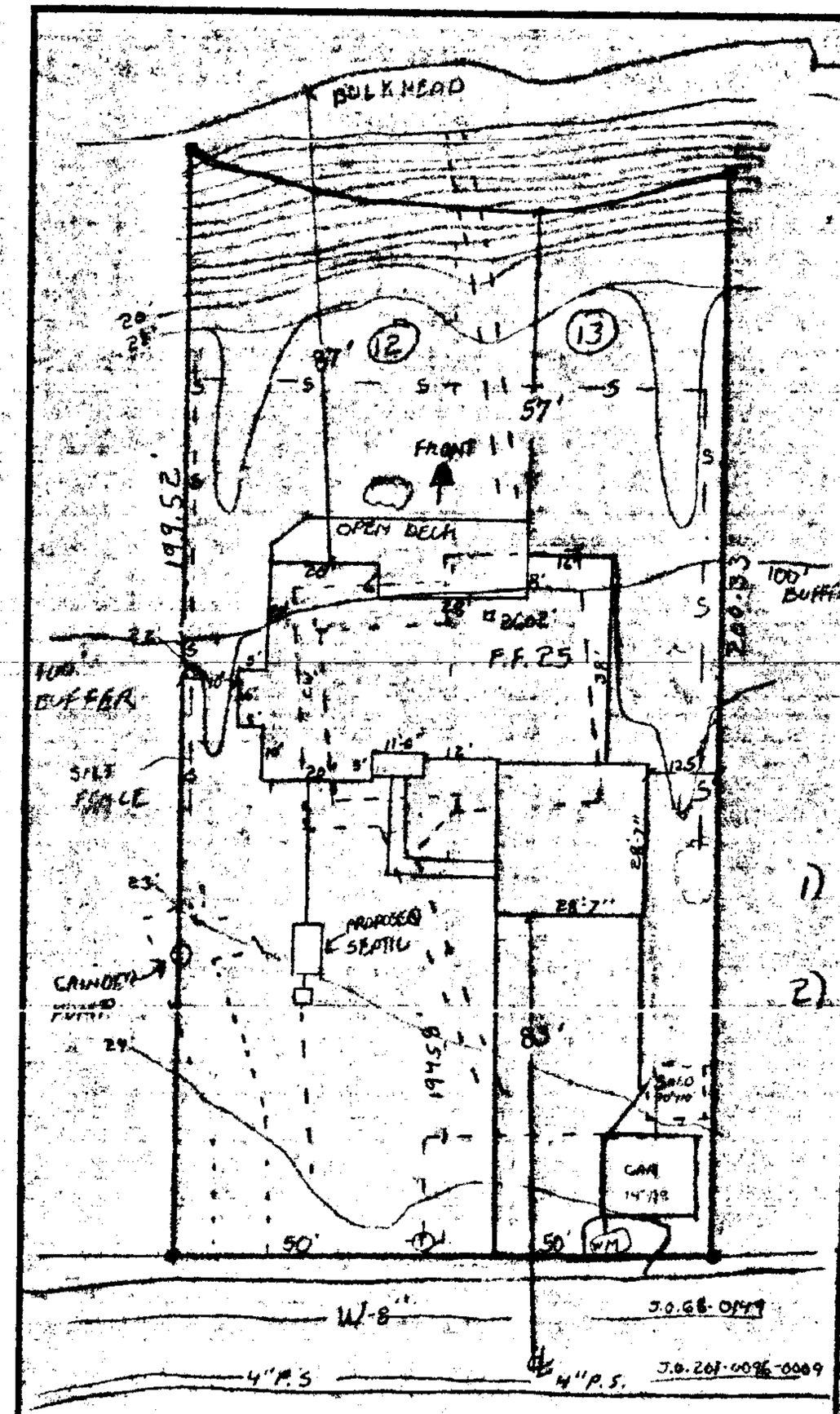
SUBDIVISION HOLLY NECK

EL. DISTRICT NO. 15 C - 8

| CONTRACT NO. |
|---|
| 03073SX0 |
| JOB ORDER NO. |
| 201-0096-0009 |
| SHEET 13 OF 32 |
| DWG. NO. |
| 2002-0203 |
| FILE: 1 |

STATE OF MARYLAND ROBERT SELL No. 17797 REGISTERED PROFESSIONAL ENGINEER

SEAL 4/9/03




HOLLY BEACH ROAD
40' RW - 20' PAVED

PERMIT # B522230

MARTIN & NORMA HOFFMAN
2602 HOLLY BEACH RD.
BALT. MD 21221
TAX ID: 1502470860
SUB DIV.: HOLLY BEACH
SUB REF: 4-182
COUNCIL DIST.: 6
ELECTION DIST.: 15
ZONING: RCS
VARIENCE: 03-571-A
LOT SIZE: 20,500 SF/.47 AC.

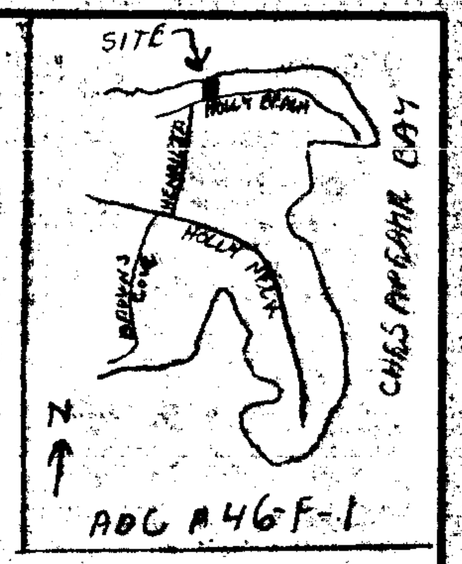
CRITICAL NOTES

1) THIS SITE IS IN THE LIMITED DEVELOPMENT AREA OF THE CBCA
2) THERE IS A 25% LIMIT ON IMPERVIOUS SURFACE
EXISTING IMPERVIOUS EQUALS 18.58%
PROPOSSED EQUALS 18.55%

| IMPERVIOUS CALCULATIONS | | |
|---|---|---|
| ITEM | EXISTING | PROPOSED |
| SFD | 1996 SF | 2278 SF |
| GARAGE | 252 | 1061 SF |
| SHED | 100 | 100 SF |
| COVERD DECK | 0 | 168 SF |
| SIDEWALK/DRIVEWAY | 1462 SF | 196 SF |
| TOTAL | 3810 SF | 3803 SF |
| PERCENTAGE | 18.58% | 18.55% |

CRITICAL BAY REQUIREMENTS

1) MINIMIZE ADVERSE IMPACTS ON WATER QUALITY THAT RESULTS FROM POLLUTION'S THAT ARE DISCHARGED FROM STRUCTURES OR CONVEYANCES OR THAT HAVE RUN OFF FROM SURROUNDING LANDS.
2) CONSERVE FISH, WILDLIFE, AND PLANT HABITAT.
3) BE CONSISTENT WITH ESTABLISHED LAND USE POLICIES FOR DEVELOPMENT IN THE CHESAPEAKE BAY CRITICAL AREA WHICH ACCOMMODATE GROWTH AND ALSO ADDRESS THE FACT THAT EVEN IF POLLUTION IS CONTROLLED THE NUMBER MOVEMENT, AND ACTIVITIES OF PERSONS IN THAT AREA CREATE ADVERSE




4) AREA PROPOSED IN 100' BUFFER 260 SF EXISTING AREA IN 100 BUFFER 130 SF. NEW IMPREVIOUS IN 100' BUFFER 480 S.F.
5) THE PROPOSED SINGLE FAMILY DWELLING WILL NOT BE CLOSER TO THE WATER THEN THE EXISTING DWELLING, WHICH IS 87 FEET FROM THE WATER'S EDGE. THE NEW STRUCTURE WILL BE 87 FEET FROM THE WATERS EDGE
6) ONE TREE IS SCHEDULED TO BE REMOVED. ANY TREE REMOVED IN THE 100 FOOT BUFFER WILL BE REPLACED ON A ONE TO ONE RATIO WITH A 5 FOOT TO 6 FOOT TALL NATIVE DECIDUOUS TREE

Pat Ex #1

HOFFMAN SITE PLAN

| | | |
|---|---|---|
| SCALE: 1" = 30' | APPROVED BY: | DRAWN BY BLCA |
| DATE: 11-19-03 | | REVISED |

PROPOSED SEPTIC PLAN

DRAWING NUMBER