

IN RE: PETITION FOR VARIANCE
N/S Bird River Grove Road, 3600' E of
Ebenezer Road
(11032 Bird River Grove Road)
15th Election District
6th Council District

Eugenia J. Webster
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-246-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Eugenia J. Webster. The Petitioner seeks relief from Section 1A01.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot size of 0.41 acres (17,782 sq.ft.) in lieu of the minimum required 1.0 acre, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed single-family dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Eugenia J. Webster, property owner; Mark Daneker, Esquire, attorney for the Petitioner; Ron Kearney, Registered property Line Surveyor, who prepared the site plan; and Lloyd A. Harris, Builder. Richard Barnes appeared as an interested person.

This case was heard in conjunction with Case No. 04-247-A for the adjacent property also owned by the Petitioner. Both properties are waterfront lots located on the south side of Bird River Grove Road, with frontage on the Bird River, near Ebenezer Road and Pulaski Highway (Maryland Route 40) in eastern Baltimore County. The property in the instant case consists of two unimproved lots, identified as Lots 22 and 23 of the Bird River Grove subdivision. The two lots contain a combined gross area of 17,782 sq.ft., more or less, zoned R.C.2, and are proposed for development with a single-family dwelling.

ORDER RECEIVED FOR FILING

Date

By

1/24/14
[Signature]

As noted in Case No. 04-247-A, Ms. Webster acquired the subject property several years ago from her father who had previously owned it for more than 50 years. She currently resides in the dwelling on the adjacent parcel, known as 11030 Bird River Grove Road, and proposes to develop the subject property with a single-family dwelling. As shown on the site plan, the proposed house will meet the required setbacks from front, side and rear property lines; however, relief is necessary in that the property does not meet the area requirements for an R.C.2-zoned lot. Thus, the requested variance relief is necessary in order to proceed.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. The fact that this property has existed as a lot of record in the Land Records of Baltimore County for many years is a persuasive factor. Moreover, there were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency; however, the proposed construction must comply with Chesapeake Bay Critical Areas regulations and appropriate floodplain regulations.

It is also to be noted that within its ZAC comment, the Office of Planning requested that the footprint of the proposed house be relocated so as to be closer to the street, consistent with the houses on the neighboring lots. Discussion ensued at the hearing regarding this issue. Obviously, DEPRM desires that the house be located as far from the water as is practical. Additionally, it appears appropriate that the house be located closer to the street so that the proposed dwelling does not interfere with the line of sight from adjacent homes towards the water. Thus, although I will grant variance relief, I will require the Petitioner relocate the house at a minimum a distance of 18 feet closer to the road. This will result in a front yard of 45 feet, which is the average distance to the road when compared with the adjacent dwellings. Moreover, the undersigned would be sympathetic to granting additional variance relief as might be necessary to accommodate a reconfiguration of the building envelope, if deemed appropriate, in order to meet DEPRM requirements and develop the site in a manner consistent with the neighborhood.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of January 2004 that the Petition for Variance seeking relief from Section 1A01.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot size of 0.41 acres (17,782 sq.ft.) in lieu of the minimum required 1.0 acre, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for a proposed dwelling to be known as 11032 Bird River Grove Road, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The building envelope for the proposed dwelling shall be relocated so as to provide a setback of 45 feet from Bird River Grove Road. Prior to the issuance of any permits, the Petitioner shall submit a revised plan depicting the new location of the building envelope to the Department of Permits and Development Management for inclusion in the case file.
- 3) The proposed construction shall be in compliance with all Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, pursuant to the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated December 5, 2003, and the Development Plans Review Division of DPDM, dated December 15, 2003, copies of which are attached hereto and made a part hereof.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 1/26/04
By [Signature]

Department of Environmental Protection and Resource Management (DEPRM) requirements, which apparently were raised after the zoning hearing. Specifically, DEPRM required that the house be located a minimum 100 feet from the water in accordance with Chesapeake Bay Critical Areas (CBCA) regulations. Thus, the Petitioner proposes to turn the dwelling so as to be parallel to the road. The dwelling will now be setback 48 feet from the road and 115 feet from the water; however, the setbacks to the side yard property lines will be reduced to 20 feet on each side. Although the new location complies with the dwelling to water setback requirements imposed by the CBCA regulations and zoning requirements governing the distance of the dwelling to the centerline of the road, variance relief is necessary from the minimum required side yard setbacks of 35 feet. The proposed reconfiguration is more particularly shown on the revised site plan submitted, which has been marked as Petitioner's Exhibit 1A.

As noted in the prior Opinion, the Petitioner owns the adjacent property to the east and thus, will not be impacted by the reduced side yard setback in that direction. However, a different individual, Eleanor Penn, owns the property to the west. The Petitioner was advised to obtain the approval of Ms. Penn prior to my making a decision on the requested Modification. By letter dated March 26, 2004, Counsel for the Petitioner submitted a Consent Order signed by Ms. Penn evidencing she has no objections to the proposed reconfiguration. In sum, the revised proposal appears to be the best alternative. Although a variance from side yard setback requirements is necessary, the house will comply with CBCA requirements, be located a consistent distance from the water and road as are adjacent dwellings, and will provide a reasonable use of the land.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of April, 2004 that the Order issued January 20, 2004 be and the same is hereby AMENDED; and,

IT IS FURTHER ORDERED that relief shall be granted from Sections 1A01.3.B.2&3 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow construction of the proposed dwelling with side yard setbacks of 20 feet each in lieu of the minimum required 35 feet, in accordance with the revised site plan marked as Petitioner's Exhibit 1A.

All other terms and conditions of the Order issued January 20, 2004 shall remain in full force and effect.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mark Daneker, Esquire, One North Charles Street, Suite 245, Baltimore, Md. 21201
Ms. Eugenia J. Webster, 11030 Bird River Grove Road, White Marsh, Md. 21162
Ms. Eleanor Penn, 11034 Bird River Grove Road, White Marsh, Md. 21162
Mr. Ronald M. Kearney, 4401 Philadelphia Rd., Bel Air, Md. 21015
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review Division, DPDM;
People's Counsel; Case File

ORDER RECEIVED FOR FILING

DATE

4/11/04

BY



In Re: Petition For Variance

N/S Bird River Growth Road, 3550'E of
Ebenezer Road
15th Election District
6th Council District

Eugenia J. Webster
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* CASE NO.: 04 -- 247 -- A
And 04 -- 246 -- A

RECEIVED

FEB 19 2004

ZONING COMMISSIONER

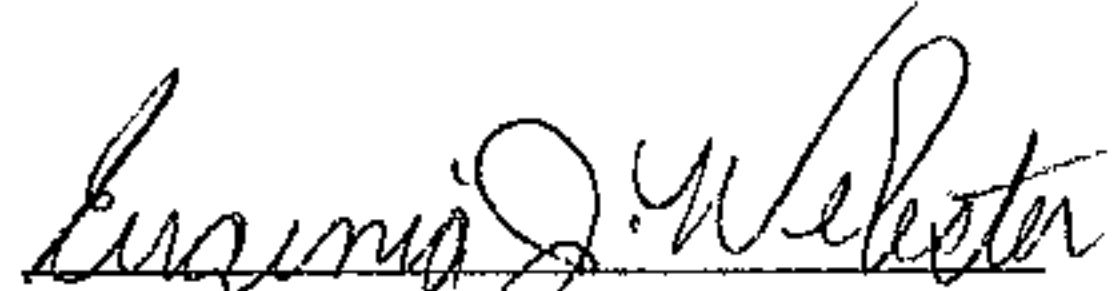
* * * * *

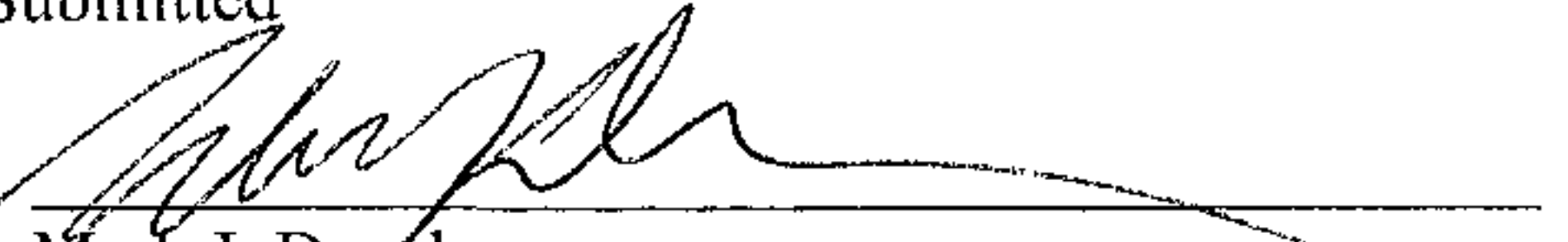
REQUEST FOR MODIFICATION OF ORDER DATED JAN. 20, 2004

Petitioner, Eugenia J. Webster, filed a Petition for Variance in this proceeding seeking approval to locate a proposed house on two lots on Bird River Grove Road , Lots 22 and 23. The plan accompanying the Petition showed this house oriented with the long side on a North South axis and the short side parallel to Bird River Grove Road . This placed one portion of the house only approximately 67 feet from Bird River, but allowed the house to comply with the minimum 35 ft. side yard setback requirements of the Zoning Code. The Baltimore County Department of Environmental Protection and Resource Management has refused to approve a building permit for the house in this location because this would violate the 100 foot buffer from the River and has indicated in the letter attached hereto that it will require a minimum setback from the river of 94 feet. Therefore, the house cannot be located as requested and must be turned on its axis so that the long side is parallel to Bird River Grove Road in order to comply with the DEPRM requirement. The house in question is a pre-fabricated ranch house approximately 60 feet long and this will make it necessary to have approval of a variance for the side yard reducing it from the required 35 feet to approximately 20 feet on each side. A revised zoning plat is submitted showing the requested layout and the needed side yard variance. The possibility of this requested modification, if required by DEPRM, was discussed at the public hearing.

It is therefore requested that the Zoning Commissioner or Baltimore County modify the order of Jan. 20, 2004 to add approval of side yard setbacks of 20 feet on each of the east and west sides of Lots 22 and 23 in lieu of the minimum required 35 feet for each side.

Respectfully Submitted


Eugenia J. Webster, Petitioner


Mark J. Daneke
DANEKER, MCINTIRE, SCHUMM, PRINCE,
GOLDSTEIN, MANNING & WIDMANN, P.C.
One N. Charles Street
Suite 2450
Baltimore, MD 21201
(410) 649-4753

Attorneys for Petitioner, Eugene J. Webster

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

March 22, 2004

Mark J. Daneker, Esquire
Daneker, McIntire, Schumm, Prince, Goldstein, Manning & Widmann, P.C.
One N. Charles Street, Suite 2450
Baltimore, Maryland 21201

RE: PETITIONS FOR VARIANCE
N/S Bird River Grove Road, 3550' & 3600' E of the c/l Ebenezer Road
(11030 and 11032 Bird River Grove Road)
15th Election District – 6th Council District
Eugene J. Webster, et ux - Petitioners
Cases Nos. 04-246-A & 04-247-A

Dear Mr. Daneker:

This is to acknowledge receipt on February 19, 2004 of your Request for Modification of the Order issued in the above-captioned matter on January 20, 2004. In response thereto, I am inclined to grant the Motion and approve the amended site plan submitted therewith. However, prior to formally amending my decision, I need verification that the revised plan is not objectionable to Eleanor Penn, who is identified on the site plan as the adjacent property owner to the east. Ms. Penn's property is impacted by your current proposal to reduce the side yard setbacks from 36 feet as shown on the original plan to 20 feet. Your client owns the lot on the other side (west).

Please obtain a letter from Ms. Penn indicating that she has no objections to the modified proposal and forward a copy of same to me. If she no longer resides or owns the adjacent property, a letter from the actual owner/resident would be appreciated. Upon receipt of said letter, I will issue an amended Order granting relief in accordance with the revised site plan.

Please contact me should you wish to discuss this matter further.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Eugenia J. Webster
11030 Bird River Grove Road, White Marsh, Md. 21162
Mr. Ronald M. Kearney, 4401 Philadelphia Rd., Bel Air, Md. 21015
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review Division, DPDM;
People's Counsel; Case File

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

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

January 15, 2004

Mark Daneker, Esquire
One North Charles Street, Suite 245
Baltimore, Maryland 21201

RE: PETITIONS FOR VARIANCE
N/S Bird River Grove Road, 3550' & 3600' E of the c/l Ebenezer Road
(11030 and 11032 Bird River Grove Road)
15th Election District – 6th Council District
Eugene J. Webster, et ux - Petitioners
Cases Nos. 04-246-A & 04-247-A

Dear Mr. Daneker:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted, in accordance with the attached Orders.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Eugenia J. Webster
11030 Bird River Grove Road, White Marsh, Md. 21162
Mr. Ronald M. Kearney, 4401 Philadelphia Rd., Bel Air, Md. 21015
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review Division, DPDM;
People's Counsel; Case File

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11032 Bird River Grove Road
which is presently zoned RC-2

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) 1A01.3, B.2, BC2R, to permit a proposed single family dwelling with a lot size of .41 acres (17,782 square feet) in lieu of the minimum lot size of 1 acre, and to permit an 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)

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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):

Eugenia J. Webster
Name - Type or Print

Signature

Name - Type or Print

Signature

410-335-8456

11030 Bird River Grove Rd.

Address Telephone No.

White Marsh Maryland 21162-1808

City State Zip Code

Representative to be Contacted:

Ronald M. Kearney
Name

4401 Philadelphia Rd. 410-989-0445

Address Telephone No.

Bel Air, Maryland 21015

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 11/13/03

ORDER RECEIVED FOR FILING

Date

By

REV 9/15/98

Case No. 04-246-A

ZONING DESCRIPTION FOR 11032 BIRD RIVER GROVE ROAD

Beginning at a point on the North side of Bird River Grove Road which is 25 feet wide at the distance of 3600 feet East of the centerline of the nearest improved intersecting street Ebenezer Road, which is 18 feet wide (paving). Being Lot #22 & 23 Section #B in the subdivision of Bird River Grove as recorded in Baltimore County Plat Book #13 Folio #1 containing 17782 S.F. - 0.41 acres +/- . Also known as 11032 Bird River Grove Road and located in the 15th Election District, 6th Councilmanic District.

04-246-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 30503

DATE

11/13/03

ACCOUNT

R 001-006-6150

AMOUNT \$

115.00

RECEIVED
FROM:

KLS Consultants, Inc.

FOR:

Variance (04-246-A) & Undersize Lot

Approval - 11032 Bld River Grove Rd. (Webster)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	ISS
11/13/2003	11/13/2003	09:51:44	4
REG 0506	WALKIN	KNDM	KCN
RECEIPT #	210535	11/13/2003	OFLH
Det.	5	S28 ZONING VERIFICATION	
CR. NO.	030503		

Recpt Tot \$115.00
\$115.00 OK \$0.00 CA
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: #04-246-A
11032 Bird River Grove Road
N/side of Belfast Road, 3,550
feet east of Ebenezer Road.
15th Election District
6th Councilmanic District
Legal Owner(s): Eugenia J.
Webster

Variance: to permit an existing single-family dwelling with a lot size of .21 acres in lieu of the minimum required 35 feet for each side and to permit an undersize lot.

Hearing: Wednesday,
January 7, 2004 at 10:00
a.m. in Room 106, County
Office Building, 111 W.
Chesapeake 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.

JT/12/756 De23 C642275

CERTIFICATE OF PUBLICATION

2017
12/24/, 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 12/23/, 2003.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Attention: Becky Hart

Date: December 22, 2003

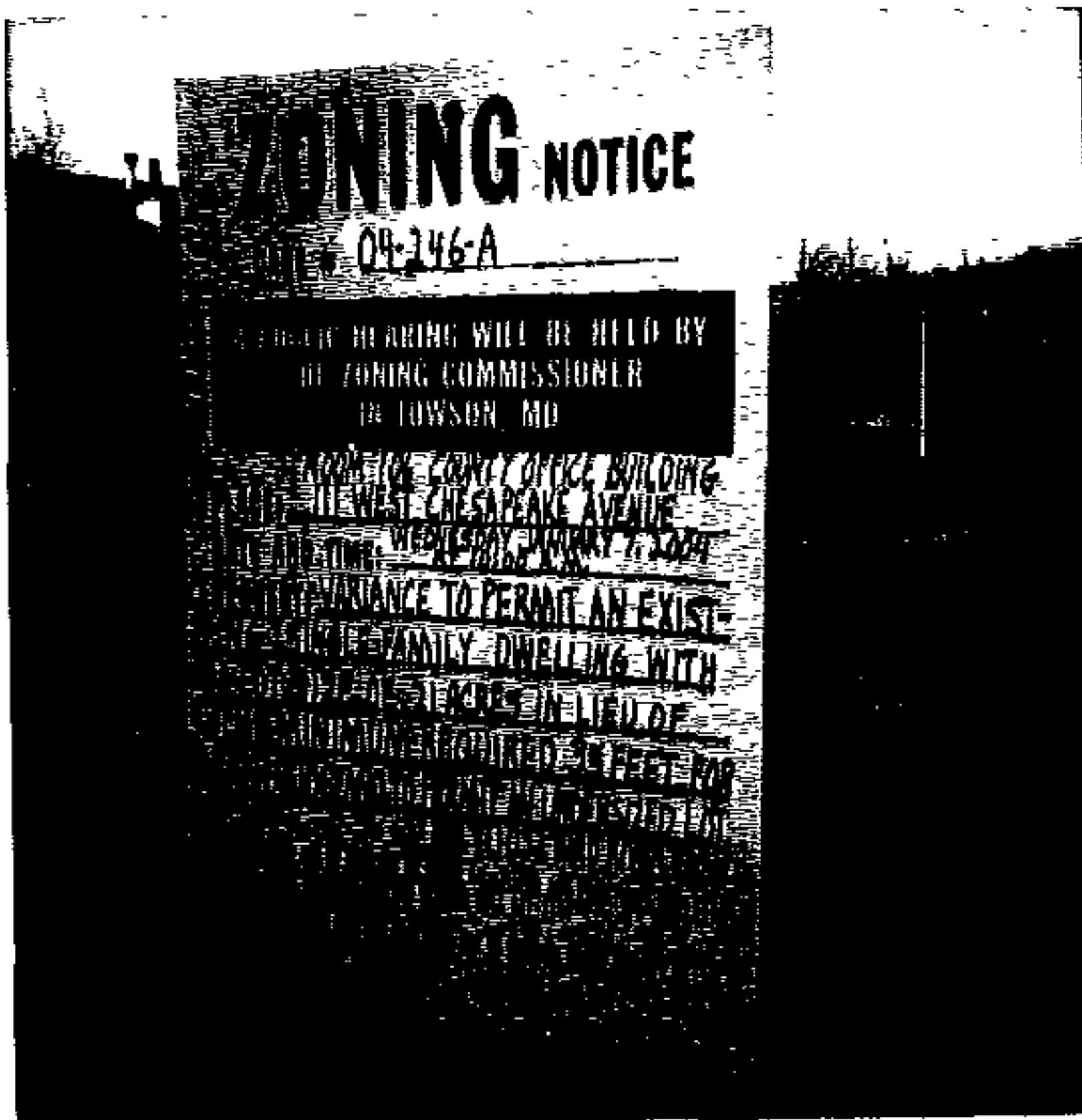
RE: Case Number 04-246-A

Petitioner/Developer: EUGENIA WEBSTER/RONALD M. KEARNEY

Date of Hearing/Closing: January 7, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11032 Bird River Grove Road

The sign(s) were posted on December 21, 2003
(Month, Day, Year)



11032 BIRD RIVER GROVE ROAD

Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

December 9, 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: 04-246-A

11032 Bird River Grove Road
N/side of Belfast Road, 3,550 feet east of Ebenezer Road
15th Election District – 6th Councilmanic
Legal Owner: Eugenia J. Webster

Variance to permit an existing single-family dwelling with a lot size of .21 acres in lieu of the minimum required 35 feet for each side and to permit an undersize lot.

Hearing: Wednesday, January 7, 2004, 10:00 a.m. in Room 106, County Office Building,
111 W. Chesapeake Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:rlh

C: Eugenia J. Webster, 11030, White Marsh 21162
Ronald M. Kearney, 4401 Philadelphia Road, Bel Air 21015

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 23, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 23, 2003 Issue - Jeffersonian

Please forward billing to:

Eugenia A. Webster
11030 Bird River Grove Road
White Marsh, MD 21162

410-335-8456

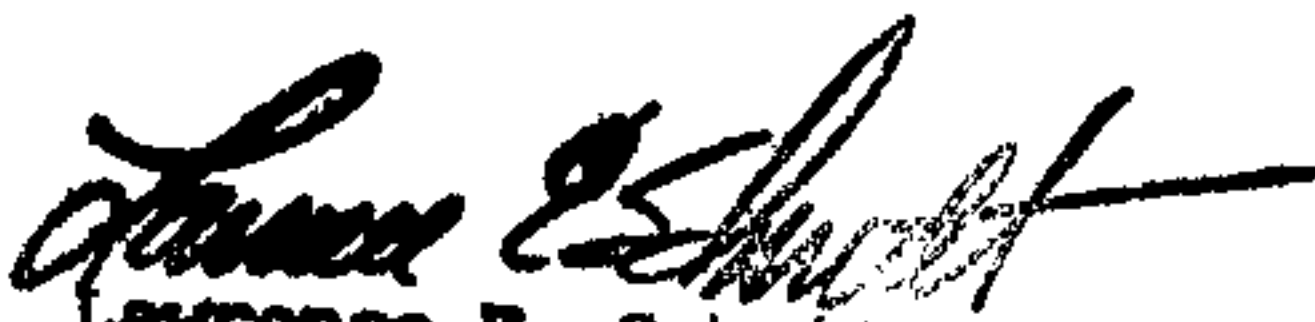
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The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-246-A
11032 Bird River Grove Road
15th Election District – 6th Councilmanic
Legal Owner: Eugenia J. Webster

Variance to permit an existing single-family dwelling with a lot size of .21 acres in lieu of the minimum required 35 feet for each side and to permit an undersize lot.

Hearing: Wednesday, January 7, 2004, 10:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake 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 04-246-A
Petitioner: Webster
Address or Location 11032 Bird River Grove Road

PLEASE FORWARD ADVERTISING BILL TO

Name: EUGENIA A. WEBSTER
Address 11030 BIRD RIVER GROVE ROAD
WHITE MARSH, MD. 21162-1808

Telephone Number: 410-335-8456

**Department of Permits and
Development Management**

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

January 2, 2004

Eugenia Webster
11030 Bird River Grove Road
White Marsh, MD 21162-1808

Dear Ms. Webster:

RE: Case Number: 04-246-A, 11032 Bird River Grove Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 13, 2003.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
Ronald Kearney, 4401 Philadelphia Road, Bel Air 21015

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RB*

DATE: December 5, 2003 *f*

SUBJECT: Zoning Item # 04-246
Address 11032 Bird River Grove Road
Webster Property

Zoning Advisory Committee Meeting of November 24, 2003

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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).

Additional Comments:

Reviewer: Keith Kelley

Date: December 1, 2003

ORDER RECEIVED FOR FILING
Date *11/29/14*
By *[Signature]*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For December 1, 2003
Item No. 246

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

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

RWB:CEN:jrb

cc: File

ORDER RECEIVED FOR FILING

Date

1/28/04

By

ZAC-12-1-2003-ITEM NO 246-12152003



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11.26.03

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

RE: Baltimore County
Item No. 246 JHP

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 www.marylandroads.com

Ho
1/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 9, 2003

RECEIVED

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

DEC 12 2003

SUBJECT: 11032 Bird River Grove Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 04-246

Petitioner: Eugenia J. Webster

Zoning: RC 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the proposed dwelling is relocated so that it is on line with the adjoining two dwellings. The proposed dwelling shall not be any closer to Bird River than the dwellings on the adjoining lots.

Prepared by:



Section Chief:



AFK/LL:MAC:

11/28/03

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. 04-246-A

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

Residential Processing Fee Paid
(\$50.00)Accepted by JNP
Date 11/13/03

RE: Undersized Lots

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

Eugenia J. Webster 11030 Bird River Grove Rd. White Marsh Md. 21162
Print Name of Applicant Address Telephone Number
11032 Bird River Grove Rd. Election District 15 Councilmanic District 6 Square Feet 17,782
Lot Address

Lot Location: NE S W corner of Bird River Grove Rd. 3600 feet from NE S W corner of Ebenezer Road
(street) (street)

Land Owner: Eugenia J. Webster Tax Account Number 15-13-202450

Address: 11030 Bird River Grove Rd. White Marsh Md. 21162 Telephone Number (410) 335-8456

(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?

1. This Recommendation Form (3 copies)

YES ☒

NO

2. Permit Application

☒3. Site Plan
Property (3 copies)☒

4. Building Elevation Drawings

☒5. Photographs (please label all photos clearly)
Adjoining Buildings☒

Surrounding Neighborhood

6. Current Zoning Classification: R.C. 2

TO BE FILLED IN BY THE O

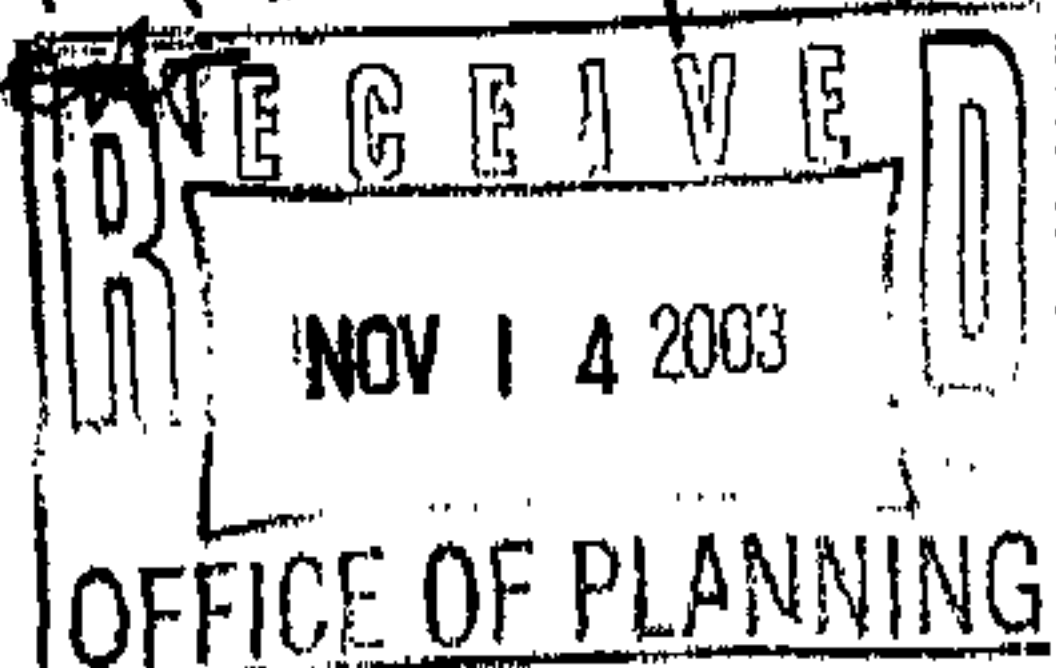
RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☒ Approval conditioned on requirements

HOMES MUST BE RELOCATED SO THAT IT'S ONLY AS CLOSE TO THE WATER AS THE ADJACENT NEIGHBOR FURTHEST FROM THE WATER.

Signed by: [Signature]
for the Director, Office of Planning and Community Conservation

Post-It* Fax Note 7671		Date <u>11/25/03</u>	# of Pages <u>1</u>
To <u>Jeffrey Long</u>	From <u>Lynn Lankau</u>		
Co./Dept. <u>Planning</u>	Co.		
Phone #	Phone #		
Fax # <u>2824</u>	Fax #		

Date: 11/24/03

Revised 2/05/02

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

RE: PETITION FOR VARIANCE * BEFORE THE
11032 Bird River Grove Road; N/side of Bird *
River Grove Road, 3,600' E of Ebenezer Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Eugenia J Webster * FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-246-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

RECEIVED

DEC 08 2003

Per...*bh*.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2003, a copy of the foregoing

Entry of Appearance was mailed to, Ronald M Kearney, 4401 Philadelphia Road, Bel Air, MD 21015, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

**Department of Environmental Protection
and Resource Management**

401 Bosley Avenue, Suite 416
Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive
David A.C. Carroll, Director

February 6, 2004

Ms. Eugenia Webster
11030 Bird River Grove Road
Baltimore, MD 21162

RE: Permit Application #B544949
For Single Family Detached
Dwelling at 11032 Bird River Grove
Road

Dear Ms. Webster:

Environmental Impact Review (EIR) has reviewed the above referenced permit application for constructing a single family detached dwelling and has placed this application on hold because the structure is proposed within the 100 foot buffer to tidal waters, and the plan accompanying the application must be revised. Moreover, the lot is within both a Limited Development Area (LDA) and Buffer Management Area (BMA) in the Chesapeake Bay Critical Area (CBCA). The BMA Program, which applies to heavily developed shoreline areas of the CBCA, was developed to eliminate the need for variances for many buffer disturbances and to provide more expeditious review of building permit applications. A copy of the BMA Regulations is enclosed for your use. The LDA regulations impose a 25% maximum impervious surface limit and a 15% minimum tree cover requirement on this lot. Consequently, impervious surface area on the lot cannot exceed 4,445 square feet, and six (6) trees must be planted to meet the 15% minimum.

While certain structures are permitted within the 100 foot buffer to tidal waters, BMA regulations require that structures be located out of the 100 foot buffer if at all possible, and that adequate mitigation be provided to offset impacts to water quality when buffer impacts are unavoidable. Examples of such mitigation include, but are not limited to, planting native species of trees and shrubs in the buffer, conversion of impervious surfaces to pervious in the buffer, shoreline enhancement, water quality management of storm runoff from the property, etc. If mitigation cannot be reasonably accomplished onsite, a fee may be paid in lieu of providing part or all of the required mitigation. However, every attempt must be made to site proposed structures and provide any required BMA mitigation onsite in accordance with the goals and objectives of the BMA Program. To that end, the proposed dwelling must be relocated either out of the 100-foot

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



Ms. Eugenia Webster
11032 Bird River Grove Road
February 6, 2004
Page 2

buffer or no closer than 94 feet to the shoreline as required by the BMA regulations. Furthermore, BMA mitigation must consist of planting five native deciduous trees a minimum of 1.5 inches caliper within the 100-foot buffer. This requirement is based on the proposed house being 94 feet from the shoreline and the fact that the property is currently below the required 15% minimum tree cover requirement. Planting these five trees would count both toward meeting the 15% tree cover and as BMA mitigation. These trees shall be planted prior to issuance of any Use & Occupancy Certificate.

The State's CBCA Commission approved the BMA Program on January 3, 1998. The success of this program and our ability to continue to provide expeditious permit review depends upon compliance with policy provisions and proper implementation of mitigation requirements. Please be advised that EIR staff and/or State CBCA officials will visit your property to determine compliance with this policy.

Before EIR can approve the subject permit application, the following items must be addressed:

1. Sign a copy of this letter to indicate your agreement to perform the required mitigation and return the same to this Department;
2. Revise the permit plan as directed in the enclosed checklist, and submit five (5) copies thereof to Baltimore County Department of Permits and Development Management;

While the individual impact of the proposed dwelling may be minimal, the cumulative impact of all the structures existing and proposed in the buffer throughout Baltimore County's waterfront is very significant. It is for this reason that mitigation, such as that indicated above, is required by CBCA Regulations. Each resident of the Chesapeake Bay's watershed, especially those residing directly on the Bay, must do their part toward protecting and enhancing the Bay so that it may continue to provide its vast array of economical and recreational benefits.

If you have any questions regarding these requirements or if we can be of assistance, please contact me at 887-3980.

Sincerely,



Glenn Shaffer,
Natural Resource Specialist
Environmental Impact Review

Ms. Eugenia Webster
11032 Bird River Grove Road
February 6, 2004
Page 3

Enclosures (2)

c. Mr. Alfred Harris, Contractor/Permit Applicant

I/We have read and do hereby agree to either build the house out of the 100 foot buffer or no closer than 94 feet to the shoreline with five trees planted in this buffer to bring my/our property into compliance with Chesapeake Bay Critical Area Regulations.

<u>Eugenia J Webster</u>	<u>2/15/04</u>		
Owner's Signature	Date	Co-owner's Signature	Date

Eugenia J Webster
Printed Name

Contract Purchaser's Signature Date

Contract Purchaser's Printed Name

CRITICAL AREAS DEVELOPMENT PLAN REQUIREMENTS CHECKLIST

- ☐ Property boundary lines with dimensions;
- ☐ Chesapeake Bay Critical Area outer boundary, if applicable;
- X Land use designation of property (IDA, LDA, RCA);
- ☐ Total acreage or square footage of property;
- X All existing structures (i.e. sheds, gazebos, concrete slabs, decks, etc.) shown and labeled;
- X Specify any existing structures to be removed;
- ☐ Existing streams, bodies of water, springs, and/or seeps;
- X 100 foot buffer to tidal waters shown and labeled;
- ☐ Tidal and nontidal wetlands limits;
- ☐ Stream, wetlands, and tidal water buffers and/or forest to be saved labeled as Critical Area Easement;
- ☐ A note stating: "There shall be no clearing, grading or disturbance of vegetation in the Critical Area Easement except as permitted by DEPRM";
- ☐ A note stating: "Any Critical Area Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict the disturbance and use of these areas."
- ☐ Delineation of documented habitat protection areas, including the presence of any rare, threatened or endangered species on or within a 300 foot radius of the site (where applicable). If there are none, a note stating such must be on the plans.
- ☐ Linear water frontage (in feet) of property, if applicable;
- ☐ Location of existing and proposed bulkheads, piers, boat slips (indicate number), mooring piles, and boat ramps;
- ☐ Limit of disturbance;
- X Existing or proposed septic reserve areas, if applicable;
- X Ownership of subject property;
- X Applicant's name address, and daytime telephone number;

For development activities within Limited Development Area (LDA), or Resource Conservation area (RCA), the additional information is required:

- ☐ Location and acreage of any forest or woodland onsite along with the limits of any proposed clearing of the forest or developed woodland; forest to remain must be labeled as Critical Area Easement;
- X Location of any afforestation to bring the property's percentage of forested area up to 15%;
- X Location of any individual trees on small, previously improved individual lots;
- X Percent of site covered by impervious surfaces (post construction);

For development activities proposed in Intensely Developed Area (IDA), the method of compliance with the 10% Pollutant Reduction requirement must be shown on the plan accompanying the permit application or in a separate submittal as appropriate.

For development activities in a Buffer Management Area, the additional information is required:

- X A note stating that the site is within a Buffer Management Area (BMA)
- X The proposed BMA mitigation shown and/or a note specifying the mitigation including the deadline for completion and any fee-in-lieu to be paid. **Unless the dwelling is proposed out of the 100 foot shoreline buffer**

RECEIVED

MAR 30 2004

ZONING COMMISSIONER

In Re: Petition For Variance

* BEFORE THE

N/S Bird River Growth Road, 3550'E of
Ebenezer Road
15th Election District
6th Council District

* ZONING COMMISSIONER

* OF

Eugenia J. Webster
Petitioner

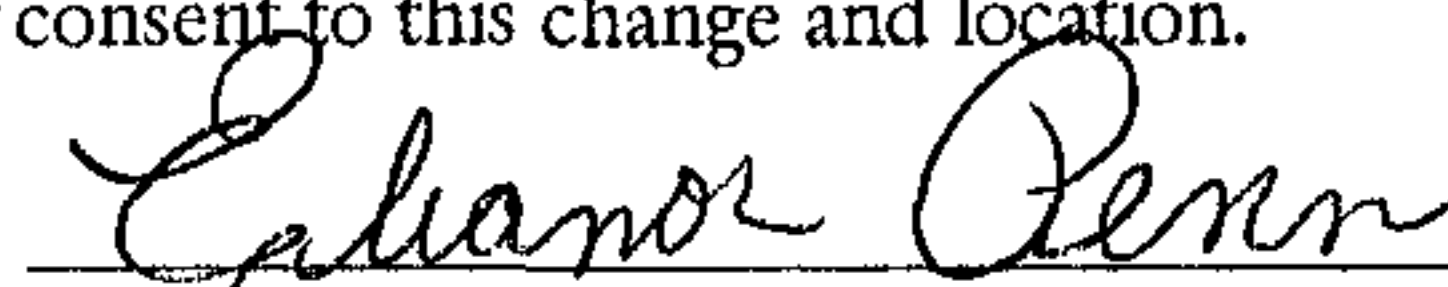
* BALTIMORE COUNTY

* CASE NO.: 04 -- 247 -- A
And 04 -- 246 -- A

* * * * *

CONSENT OF ELEANOR PENN TO MODIFICATION OF ORDER

I, Eleanor Penn, am the owner of property known as 11034 Bird River Grove Road, which is next to the property owned by Eugenia J. Webster at 11032 Bird River Grove Road , where she is seeking approval to build her house. I have reviewed the plan dated February 18, 2004 accompanying this Consent which shows her new house located with the long side facing Bird River Grove Road and the end of the house approximately 20 feet from the property line dividing her property from my property. I understand that this is less than the minimum 35 ft. side yard setback requirements of the Zoning Code. I understand that the Baltimore County Department of Environmental Protection and Resource Management has refused to approve a building permit for the house unless the location is changed to this location because otherwise it would violate the 100 foot buffer from the River. I give my consent to this change and location.



Eleanor Penn
11034 Bird River Grove Road
White Marsh, Maryland 21162

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

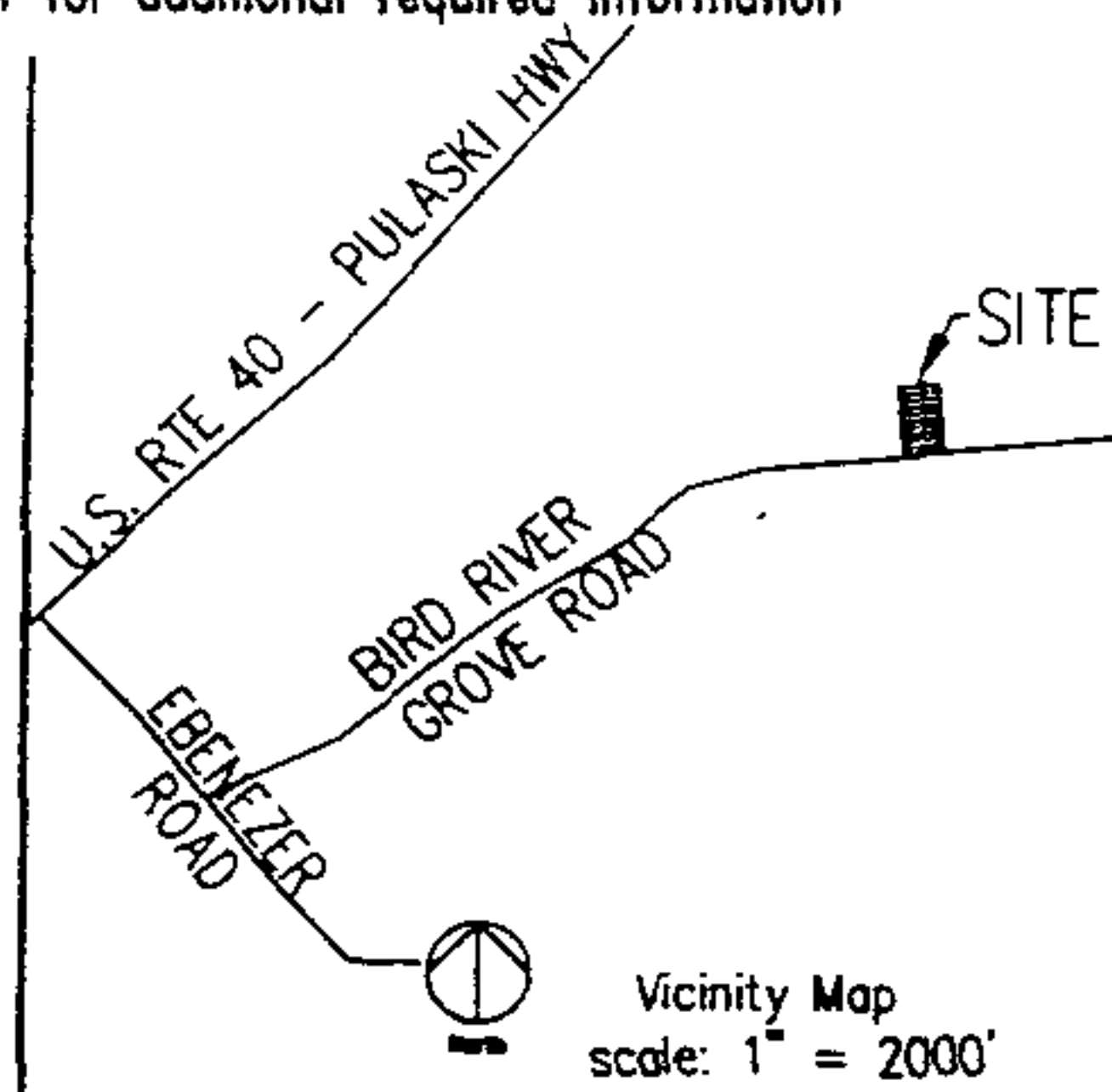
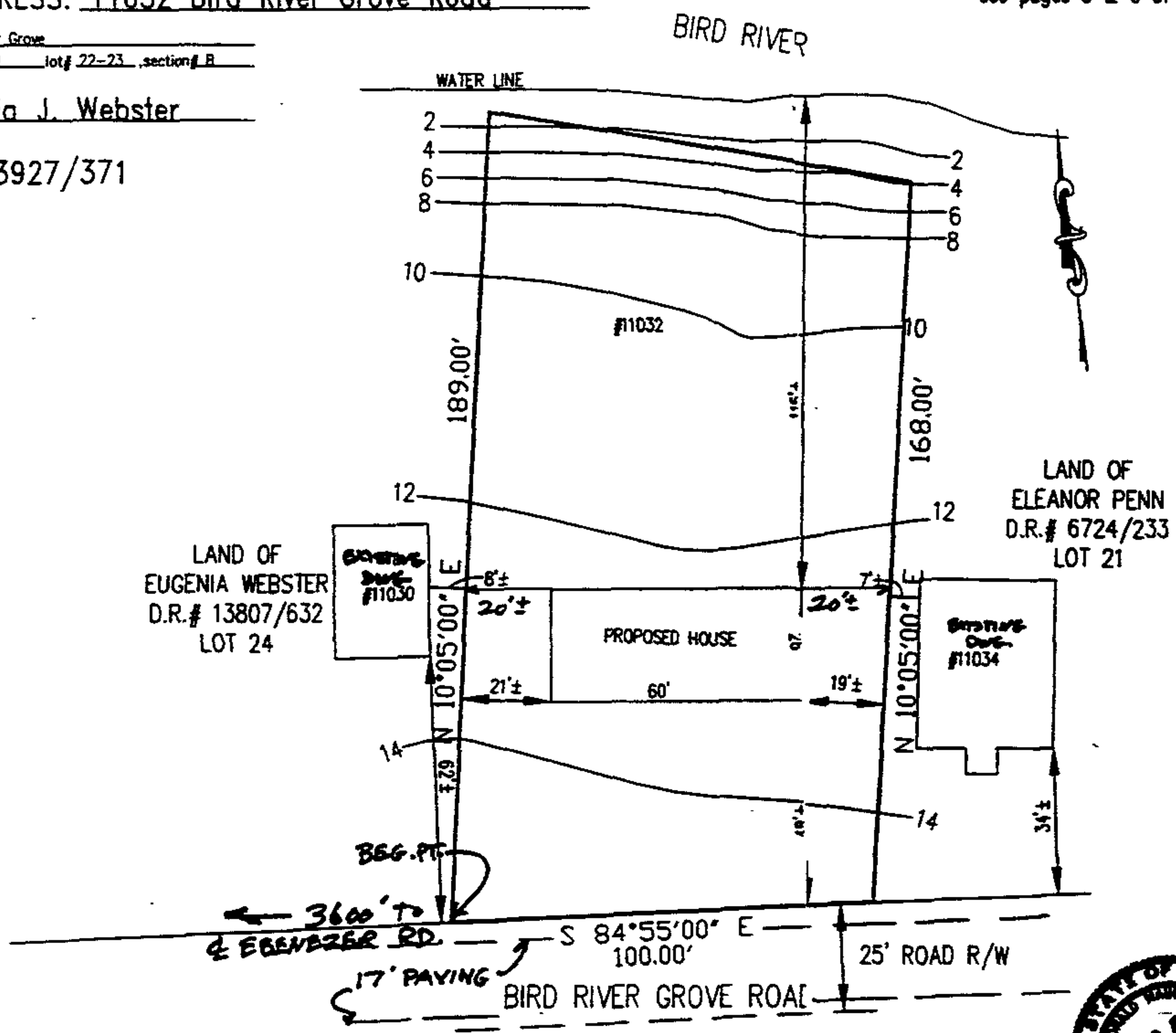
PROPERTY ADDRESS: 11032 Bird River Grove Road

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

Subdivision name: Bird River Grove
plat book# 13 folio# 1 lot# 22-23 section# B

OWNER: Eugenia J. Webster

DEED REF.: 13927/371



LOCATION INFORMATION

Councilmanic District: 6
Election District: 15
1" = 200' scale map#: NE 8J
Zoning: RC 2
Lot size: 0.41 acreage 17782 square feet
Sewer Public ☒ Private ☐
Water ☒ ☐
Cheapeake Bay Critical Area: ☒ ☐
100 Year Floodplain ☒ ☐
Historic Property/ Building ☐ ☒
Prior Zoning Hearings: N/A

Zoning Office USE ONLY

reviewed by: _____ ITEM # _____ CASE# _____

date: 2/18/04
prepared by: J. Campbell

Scale of Drawing: 1"=30'

CASE NO 04-246-A



**DANEKER, McINTIRE, SCHUMM, PRINCE,
GOLDSTEIN, MANNING & WIDMANN, P.C.**

Attorneys At Law
Suite 2450
One N. Charles Street
Baltimore, Maryland 21201
(410) 649-4747
Facsimile (410) 649-4756

RECEIVED

MAR 30 2004

ZONING COMMISSIONER

Mark J. Daneker
Direct Dial (410) 649-4753

March 26, 2004

Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

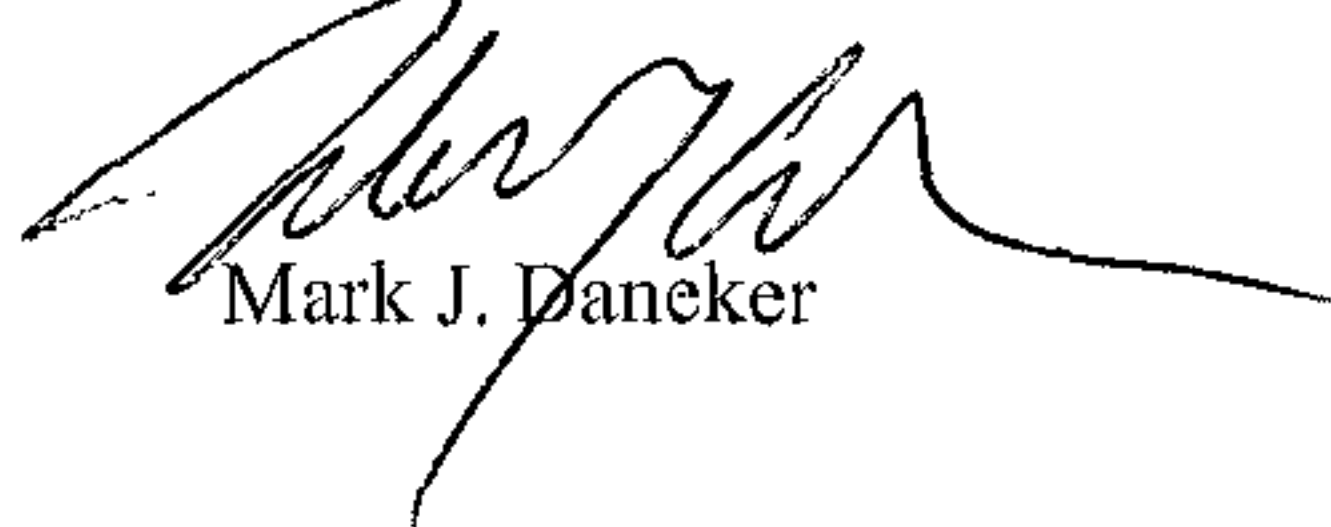
RE: PETITIONS FOR VARIANCE
N/S Bird River Road, 3550' & 3600' E. of the c/l Ebenezer Road
(11030 and 11032 Bird River Grove Road)
15th Election District - 6th Council District
Eugene J. Webster, et ux - Petitioners
Cases Nos. 04-246-A & 04-247-A

Dear Mr. Schmidt:

Pursuant to your request, please find a Consent Order from Eleanor Penn enclosed. Thank you for your consideration of this matter.

If you have any further questions, please do not hesitate to contact me.

Very truly yours,



Mark J. Daneker

MJD
jc\docs\webster.20040326letter

0013927-3711

NO TITLE EXAMINATION
NO CONSIDERATION

Tax I.D. No. 15-13-202450

THIS DEED, Made this 29th day of July, 1999, by and between EUGENIA J. WEBSTER, FORMERLY KNOWN AS EUGENIA A. MARTIN, name having been changed by virtue of marriage, of Baltimore County, State of Maryland, parties of the first part, Grantor to EUGENIA J. WEBSTER, party of the second part, Grantee.

WITNESSETH, That for the consideration of Five Dollars, the actual consideration paid or to be paid being the sum of ZERO DOLLARS, the said EUGENIA J. WEBSTER, FORMERLY KNOWN AS EUGENIA A. MARTIN, does hereby grant and convey unto EUGENIA J. WEBSTER, her personal representative, heirs and assigns, in fee simple, all those lots of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING known and designated as Lots 22 and 23 and all improvements located thereon, as shown on the amended Plat of Section A-B of Bird River Grove, which Plat is recorded among the Plat Records of Baltimore County in Plat Book CHK No. 13, folio 1, also see Plat Book WPC No 7, folio 189.

BEING the same two lots of ground referred to in a deed dated October 8, 1949 from Francis R. Milling, et al, to Joseph G. Martin and Eugenia A. Martin, his daughter, as joint tenants. The said Joseph G. Martin departed this life on August 19, 1998, thereby vesting title solely in Eugenia A. Martin. The said Eugenia A. Martin having married is now known as Eugenia J. Webster.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Eugenia J. Webster, formerly known as Eugenia A. Martin, her personal representatives, heirs and assigns, in fee simple.

0013807 632

NO TITLE EXAM

Tax I.D. 15-13-202440

NO CONSIDERATION

11030 Bird River Grove Road

THIS DEED made this 11th day of May, 1999, by and between EUGENIA JO WEBSTER, PERSONAL REPRESENTATIVE OF THE ESTATE OF JOSEPH G. MARTIN, deceased, of Baltimore County, State of Maryland, party of the first part, Grantor, and EUGENIA JO WEBSTER, of the State of Maryland, party of the second part, Grantee.

WHEREAS, the said Joseph G. Martin, late of Baltimore County, died on August 19, 1998 seized and possessed of the fee simple interest in the property hereinafter described, with a Will; and

WHEREAS, Eugenia Jo Webster was appointed Personal Representative of the Estate of Joseph G. Martin on August 26, 1998 by the Orphans' Court of Baltimore County, and Eugenia Jo Webster, Personal Representative of the Estate of Joseph G. Martin, duly qualified and posted the required bond (See Estate No. 103877 - Register of Wills for Baltimore County); and

WHEREAS, pursuant to the provisions of Section 1-301 of the Estates and Trusts Article of the Annotated Code of Maryland, legal title to the hereinafter described property passed directly to the said Grantor as Personal Representative of the Estate of Joseph G. Martin, deceased; and

WHEREAS, pursuant to Item II of the Last Will and Testament of Joseph G. Martin, the said property was bequeathed to Eugenia Jo Webster.

NOW, THEREFORE WITNESSETH, That in consideration of the

premises and pursuant to the Will the actual consideration paid or to be paid, being Zero Dollars the said Eugenia Jo Webster, Personal Representative of the Estate of Joseph G. Martin, does hereby grant and convey unto the said Eugenia Jo Webster, her personal representatives, heirs and assigns, all that lot of ground, in fee simple; situate lying and being in Baltimore County, State of Maryland, and described as follows, that is to say:

BEING known and designated as Lot No. 24, and all improvements located thereon, as shown on the amended plat of Section B of Bird River Grove, which plat is recorded among the Plat Records of Baltimore County in Plat Book C.H.K. No. 13, folio 1.

BEING the same lot of ground described in a Deed dated February 28, 1950 and recorded among the Land Records of Baltimore County in Liber TBS. No. 1820, folio 421 from Lillian J. Batzer to Joseph G. Martin. See also agreement between Joseph G. Martin and Eugenia M. Martin dated February 28, 1950 and recorded in Liber TBS 1820, folio 421.

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

TO HAVE AND TO HOLD the said lot of ground and premises, above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Eugenia Jo Webster, her personal representatives, heirs and assigns, in fee simple.

AND the Grantor hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted, and that she will execute such further assurances of the same as may be requisite.

IN RE: PETITION FOR VARIANCE
N/S Bird River Grove Road, 3600' E of
Ebenezer Road
(11032 Bird River Grove Road)
15th Election District
6th Council District

Eugenia J. Webster
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-246-A

*

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Eugenia J. Webster. The Petitioner sought relief from Sections 1A01.3.B.2 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit development of the subject waterfront lot with a single-family dwelling. The specific variance relief requested was to approve development on a lot with an area less than the minimum required one acre (.41 acres). All setback requirements were shown on the original site plan as being met (see Section 1A01.3.B.3 of the B.C.Z.R.). The proposed house is a modular, ranch-style dwelling, 26 feet wide and 60 feet deep, and was proposed to be situated on the lot perpendicular to the road. In that the lot is 100 feet wide and 189 feet deep, the citing of the house as proposed would provide side yard setbacks of 36 feet each, a front yard setback of 63 feet, and a setback of 52 feet to the water.

By Order dated January 20, 2004, relief was granted from the requirements set forth above, however, I required that the house be moved 18 feet closer to the street to provide a greater distance from the water. Such a condition was imposed to assure that the proposed dwelling would not block the view of the water from adjacent properties and would provide a consistent setback from the water when compared with adjacent lots.

Subsequent to the issuance of said Order, Counsel for the Petitioner filed a Request for Modification of the Order to allow a reconfiguration of the building envelope to comply with

ORDER RECEIVED FOR FILING

Date

By

4/1/04
[Signature]

