

IN RE: PETITION FOR VARIANCE
N/S Bird River Grove Road, 3550' E of
Ebenezer Road
(11030 Bird River Grove Road)
15th Election District
6th Council District

Eugenia J. Webster
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-247-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 Sections 1A01.3.B.2 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot size of 0.21 acres (9,314 sq.ft.) in lieu of the minimum required 1.0 acre, existing side yard setbacks of 16 feet and 8 feet, respectively, in lieu of the minimum required 35 feet for each side, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for the existing dwelling known as 11030 Bird River Grove Road. 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. 04-246-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 in eastern Baltimore County, near Ebenezer Road and Pulaski Highway (Maryland Route 40). The property in the instant case is also known as Lot 24 of the Bird River Grove subdivision, and is approximately 50 feet wide by 189 feet deep,

ORDER RECEIVED FOR FILING

Date

By

1/20/14
Jep

and contains a gross area of 9,314 sq.ft., more or less, zoned R.C.2. The property is improved with a single-family dwelling, known as 11030 Bird River Grove Road, in which the Petitioner resides. Ms. Webster testified has owned and resided on the property for many years. She testified that her father acquired the property in the late 1940s and that the house is approximately 50 years of age.

As noted above, the Petitioner owns both the subject property and the adjacent parcel, which is identified as Lots 22 and 23 of Bird River Grove. Those lots, which were previously used as a side yard in conjunction with the use of the subject property, remain unimproved. The Petitioner proposes to develop that parcel with a single-family dwelling, for which variance relief is sought under companion Case No. 246-A. A separate written decision will be entered in that case contemporaneously herewith. In any event, based upon the proposed subdivision, variance relief is requested to approve Lot 24 as a single lot and legitimize existing improvements thereon. As shown on the site plan, the existing house is located 16 feet from the western property line adjoining the Land of David Mohr. An 8-foot internal lot line setback is provided on the east side adjacent to Lots 22 and 23.

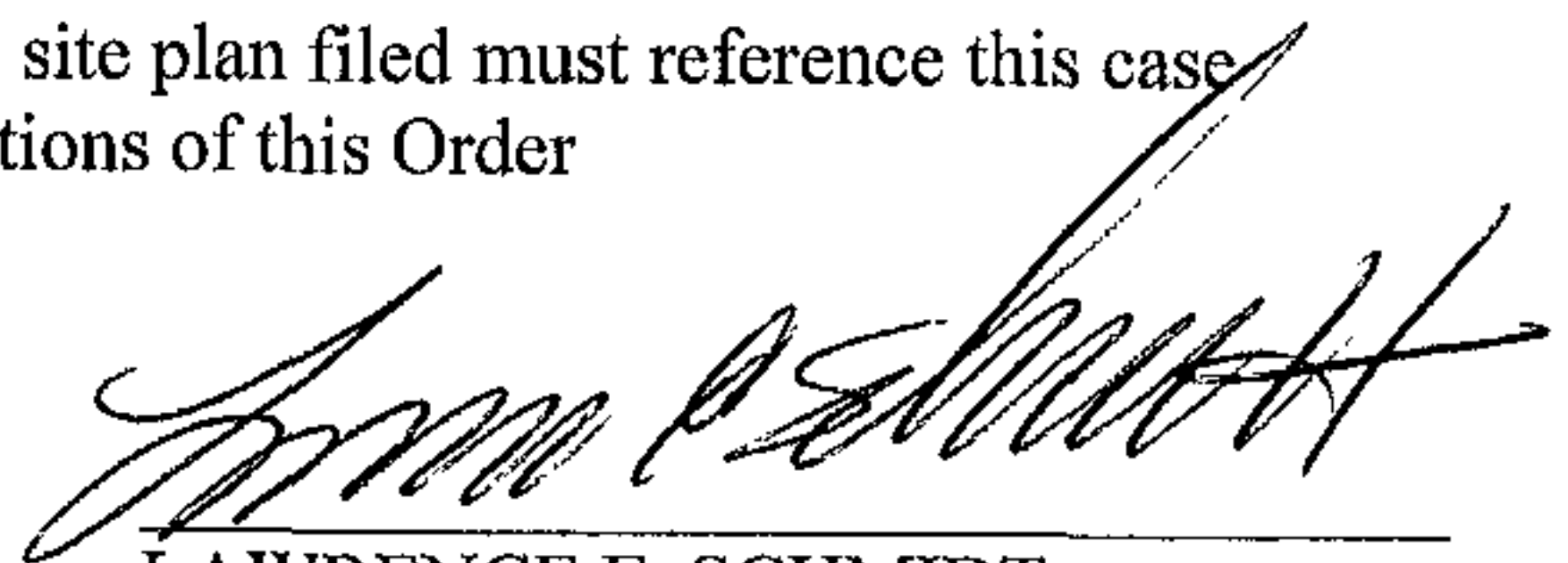
Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. The fact that this property has existed as a lot of record in the Land Records of Baltimore County for many years is a persuasive factor. Moreover, the house has existed on the property for at least 50 years. To the extent applicable, the Petitioner must comply with Chesapeake Bay Critical Areas regulations and appropriate floodplain regulations. However, it is to be noted that insofar as this lot is concerned, there is no new construction proposed. The relief requested here is merely to legitimize the location of the existing dwelling.

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 Sections 1A01.3.B.2 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot size of 0.21 acres (9,314 sq.ft.) in lieu of the minimum required 1.0 acre, side yard setbacks of

16 feet and 8 feet, respectively, in lieu of the minimum required 35 feet for each side, and to approve the subject property as an undersized lot, pursuant to Section 304 of the B.C.Z.R., for the existing dwelling known as 11030 Bird River Grove Road, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) 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) 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 1/29/04

By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11030 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) 1 A01.3.B.2. & 1 A01.3.B.3, BCZR, to permit an existing single family dwelling with a lot size of 0.21 acres (9314 square feet) in lieu of the minimum required lot size of 1 acre, to permit side yard setbacks of 16 feet and 8 feet, respectively, in lieu of the minimum required 35 feet (for each side), 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 11/20/03
By [Signature]
Case No. 04-247-A
220 11/15/98

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", is written over a horizontal line.

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



Printed on Recycled Paper

ZONING DESCRIPTION FOR 11030 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 3550 feet East of the centerline of the nearest improved intersecting street Ebenezer Road, which is 18 feet wide (paving). Being Lot #24 Section #B in the subdivision of Bird River Grove as recorded in Baltimore County Plat Book #13 Folio #1 containing 9314 S.F. - 0.21 acres +/- . Also known as 11030 Bird River Grove Road and located in the 15th Election District, 6th Councilmanic District.

04-247-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 23564

DATE 11/13/03 ACCOUNT R 001-006-6150
AMOUNT \$ 65.00

RECEIVED
FROM:

KLS Consultants, Inc.

FOR:

Variance (04-247-A)

11030 Bird River Grove Road (Webster

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DEPT
11/13/2003	11/13/2003 09:52:02		4
REG 2506	WALKIN	WALKIN	
RECEIPT # 210536	11/13/2003		DEPT
DEPT 5	509 ZONING VERIFICATION		
CR NO.	023564		
Receipt Tot	\$65.00		
\$65.00 CR	\$1.00 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: #04-247-A
11030 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/12/757 De23 C642276

CERTIFICATE OF PUBLICATION

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Attention: Becky Hart

Date: December 22, 2003

RE: Case Number 04-247-A

Petitioner/Developer: EUGENIA WEBSTER / RONALD M. KEARNY

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 11030 Bird River Grove Road

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

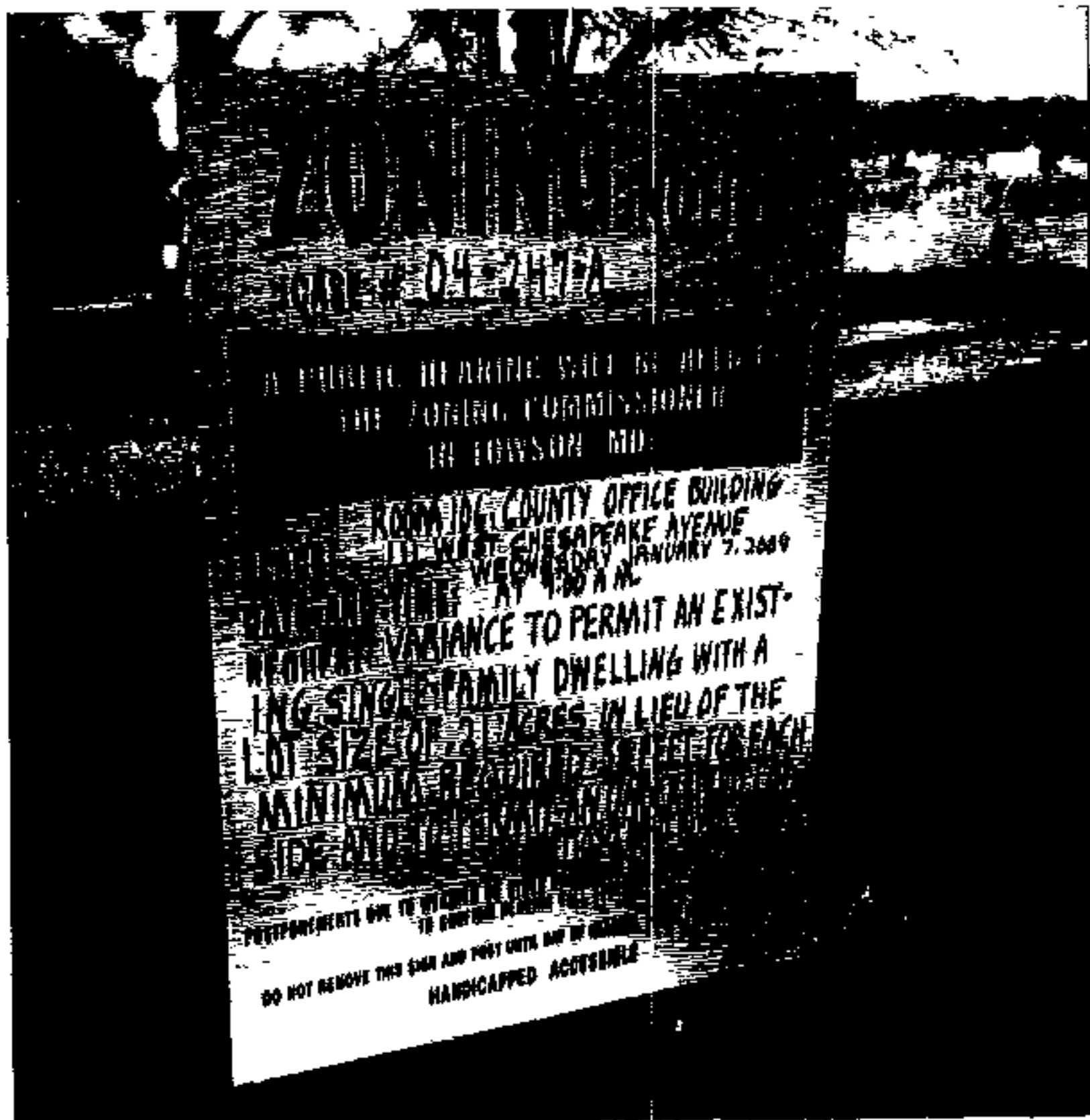
Linda O'Keefe
(Signature of Sign Poster)

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)



11030 BIRD RIVER
GROVE ROAD

**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: 04-247-A

11030 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, 9:00 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: 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

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: CASE NUMBER: 04-247-A

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, 9:00 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 04-247-A
Petitioner Webster
Address or Location 11030 Bird River Grove Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: EUGENIA A. WEBSTER
Address 11030 BIRD RIVER GROVE RD.
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, Maryland 21162-1808

Dear Ms. Webster:

RE: Case Number: 04-247-A, 11030 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, reading "W. Carl Richards, Jr." in a cursive style.

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

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. 247 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,

1- 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBS*

DATE: December 5, 2003

SUBJECT: Zoning Item # 04-247
Address 11030 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 1/24/04

By *RBS*

8

11/7

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 4, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-230, 04-238, and 04-247

RECEIVED

DEC 4 2003

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Mark A. Cunningham

Section Chief:

John L. Latham

AFK/LL

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. 247

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

The flood protection elevation for this site is 11.2 feet.

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.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-12-1-2003-ITEM NO 247-12152003

ORDER RECEIVED FOR FILING

Date

By

1/28/04
[Signature]

RE: PETITION FOR VARIANCE * BEFORE THE
11030 Bird River Grove Road; N/side of Bird
River Grove Road, 3,550' E of Ebenezer Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Eugenia J Webster * FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-247-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.

RECEIVED

DEC 08 2003

Per. *bh*.....

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 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

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

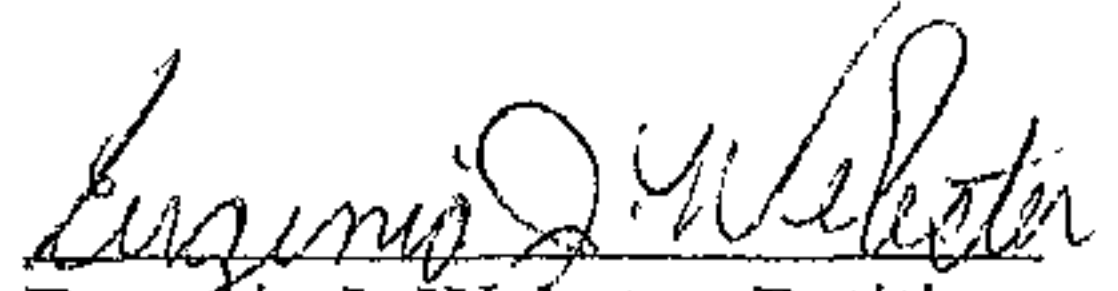
* * * * *

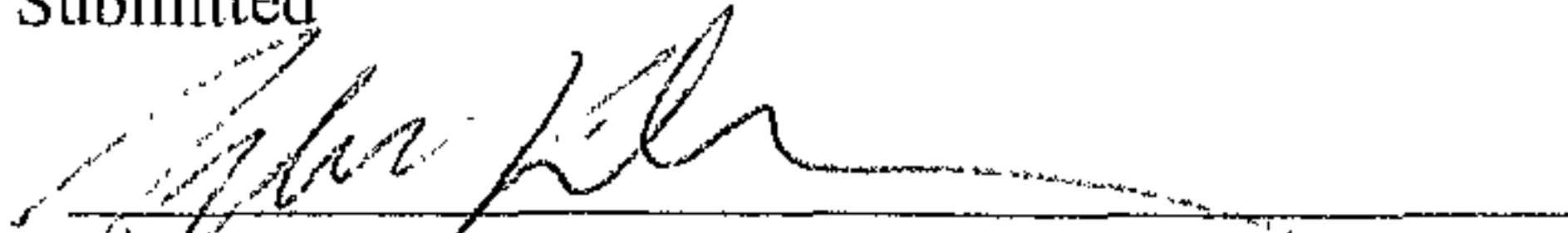
REQUEST FOR MODIFICATION OF ORDER DATED JAN. 20, 2004

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

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

BIRD

SITE

PIER

R.C.2

GROVE

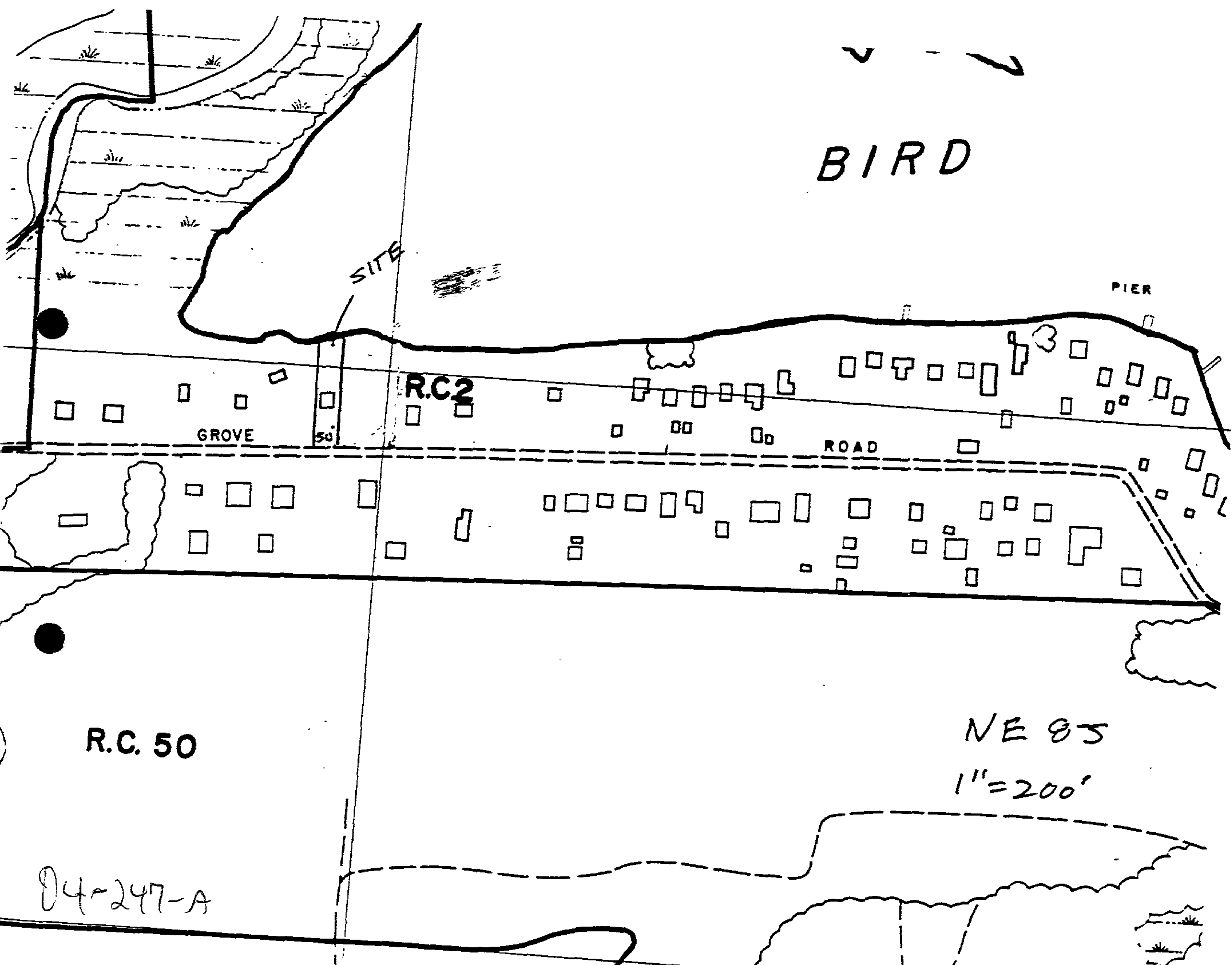
ROAD

R.C. 50

NE 85

1"=200'

04-247-A



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Exception

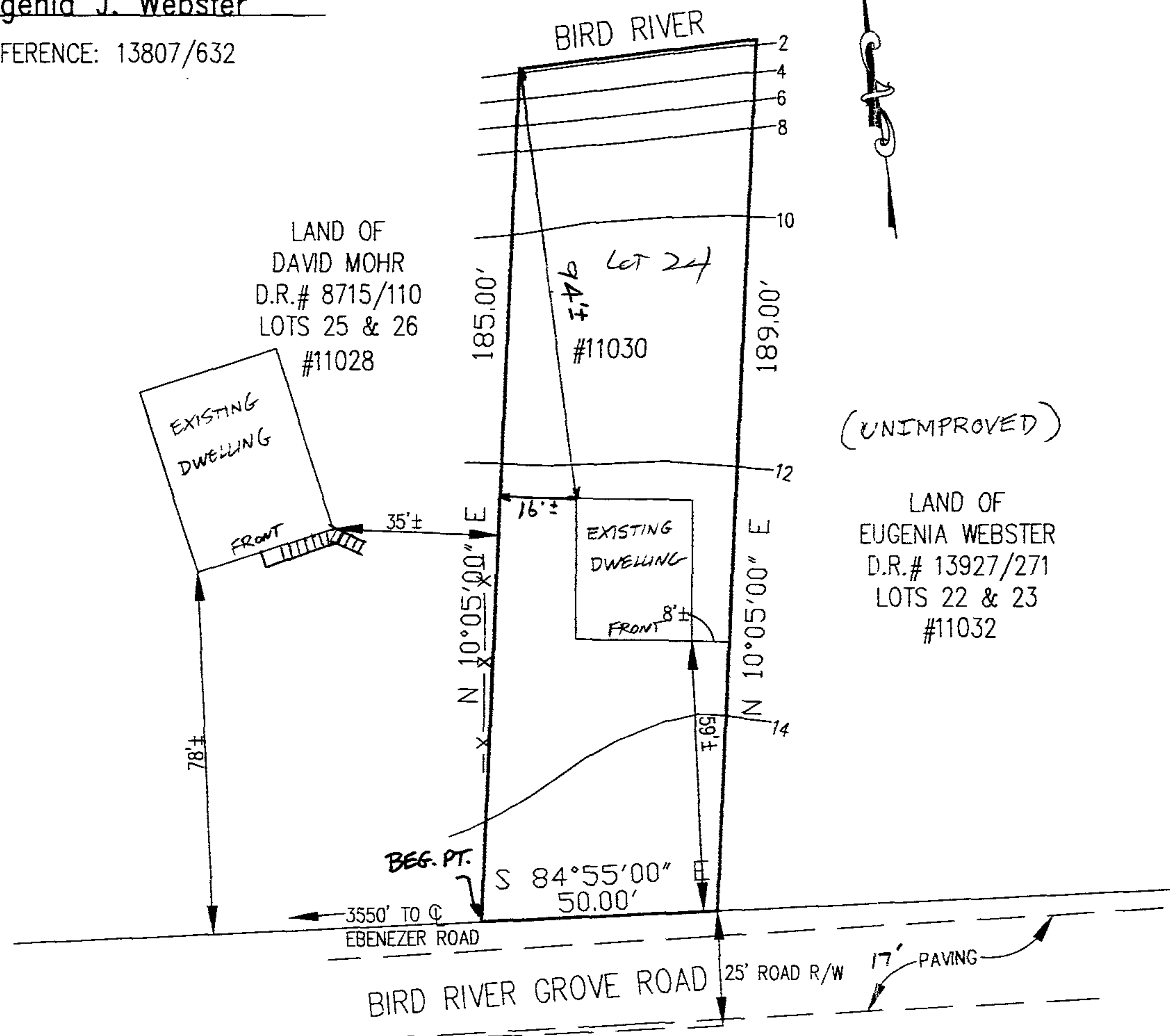
PROPERTY ADDRESS: 11030 Bird River Grove Road

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

Subdivision name: Bird River Grove
plat book # 13, folio # 1, lot # 24, section # B

OWNER: Eugenia J. Webster

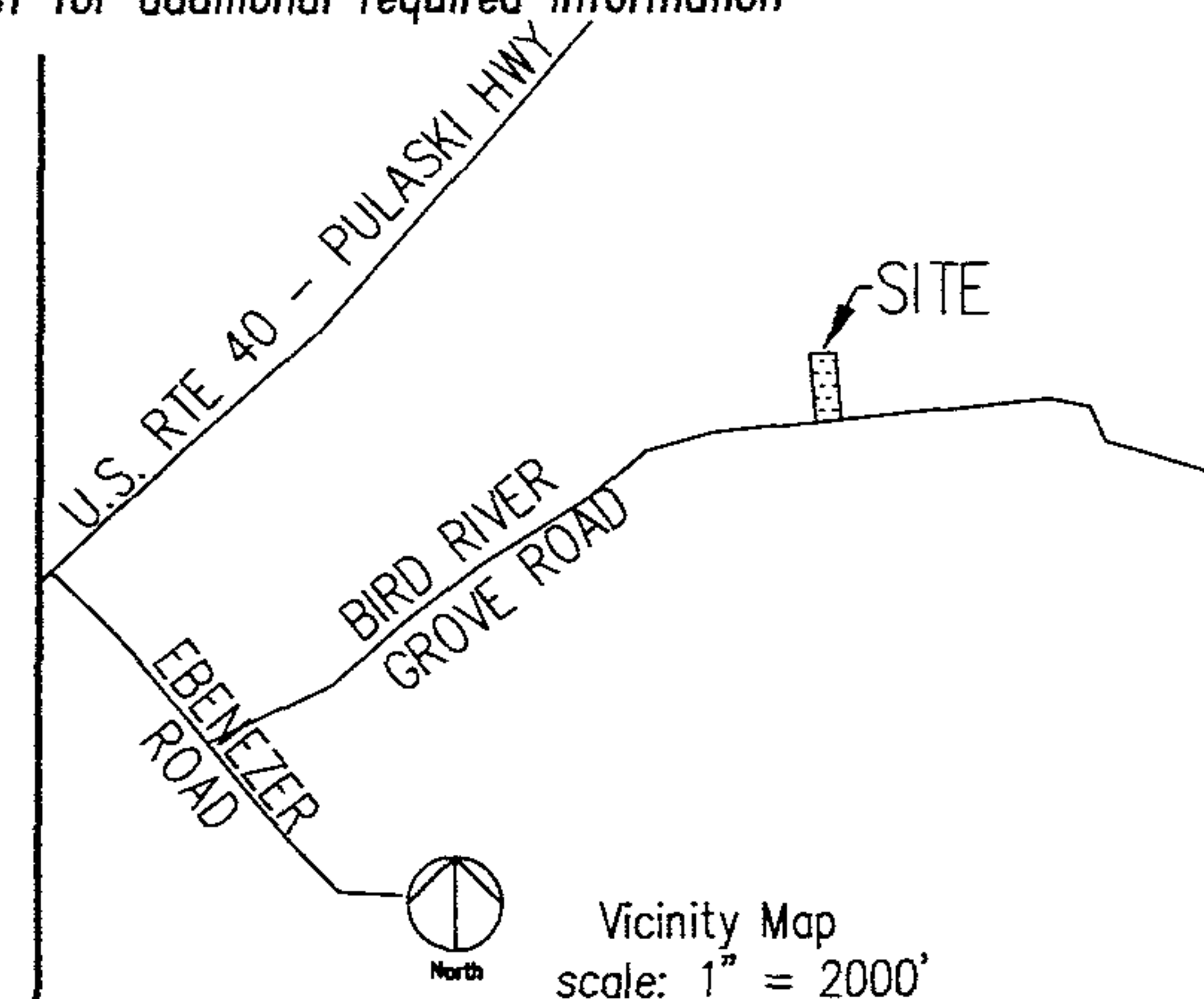
DEED REFERENCE: 13807/632



(UNIMPROVED)

LAND OF
EUGENIA WEBSTER
D.R.# 13927/271
LOTS 22 & 23
#11032

Not No!



LOCATION INFORMATION

Councilmanic District: 6

Election District: 15

1" = 200' scale map#: NE 8J

Zoning: RC 2

Lot size: 0.21 acreage 9314 square feet

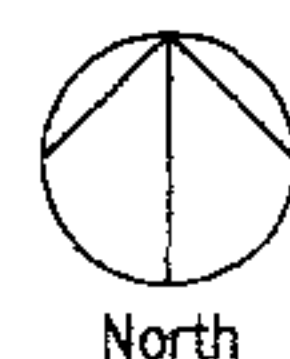
Sewer ☒ Public ☐ Private
Water ☒ ☐

Cheapeake Bay Critical Area: ☒ yes ☐ no

100 Year Floodplain ☒ ☐

Historic Property/
Building ☐ ☒

Prior Zoning Hearings: N/A



date: 11/12/03

prepared by: J. Campbell

Scale of Drawing: 1"=30'

Zoning Office USE ONLY!

reviewed by:

JNP

ITEM #:

247

CASE#:

04247-A