IN RE: PETITION FOR VARIANCE NW/S of Chestnut Road, 598 ft. NE centerline of Bowleys Quarters Road 15th Election District 6th Councilmanic District **(3724 Chestnut Road)** Anna M. & Herbert E. Smith *Petitioners*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-324-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, Anna M. and Herbert E. Smith. The Petitioners are requesting variance relief for property located at 3724 Chestnut Road in the Bowleys Quarters area of Baltimore County. Variance relief is requested from Sections 1A04.3.B.2 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 25 ft. and 35 ft. in lieu of the required 50 ft., respectively; to permit a lot area of 28,800 sq. ft. in lieu of the required one acre, and to approve an undersized lot per Section 304.

The property was posted with Notice of Hearing on February 16, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on February 17, 2004 to notify any interested persons of the scheduled hearing date

Applicable Law

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

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

ORDER RECEIVED FOR FILING
Date 3/5/04
By R. Jenkins

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 Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 3, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated February 10, 2004 setting forth several federal and county code requirements the Petitioners must comply with for this project

Interested Persons

Appearing at the hearing on behalf of the variance request was Beverly True who represented the Petitioners and Vincent Moskunas from the firm that drafted the plat to accompany the petition for variance. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property consists of 28,800 sq. ft. and is zoned RC 5. Mr. Moskunas proffered that the subject property is composed of Lots 96 and 97 of the Bowleys Quarters Plat No. 2 subdivision, which was recorded in the Land Records of Baltimore County in 1921. The property is improved only by a small outbuilding, which will be relocated.

ORDER RECEIVED FOR FILING
Date 3/5/04
By K. Jungmann

Public water and sewer are available in Chestnut Road. No land is available on either side of the property, which could eliminate the need for these variances or to allow the lots together to meet the lot size required.

The Petitioners would like to build a new home on the property, which would straddle the lot line between Lots 96 and 97. Mr. Moskunas indicated that DEPRM and Plans Review comments would be satisfied with the proposed structure. This will be a one-story home on pilings to allow for flooding. Only storage and a garage will be permitted on the ground floor. See Petitioner's Exhibit No. 7.

However, even with two lots together the property is only 100 ft. wide. See Petitioners' Exhibit No. 1. Consequently, the Petitioner cannot possibly meet the 50 ft. setback to side lot lines. Consequently, for a reasonable size home, the proposed home will be only 35 ft. from one side yard boundary and 25 ft. from the other. Mr. Moskunas opined that the proposed 40 ft. x 51 ft. home was the minimum that would serve the family needs of the Petitioner and that granting the requested variances would not be detrimental to the neighborhood.

Findings of fact and conclusions of law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lots, which are of record from this 1921 subdivision, cannot meet the RC 5 regulations, which were imposed many years later. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. One could never build a home there. No increase in residential density beyond that otherwise allowable by the Zoning was requested. Furthermore, I find that the variance requested can be granted in strict harmony with the spirit

ORDER RECEIVED FOR FILING
Date 3/5/04
By

and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare.

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 5 day of March, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 1A04.3.B.2 and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 25 ft. and 35 ft. in lieu of the required 50 ft., respectively; to permit a lot area of 28,800 sq. ft. in lieu of the required one acre, and to approve an undersized lot per Section 304, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

2. Compliance with the ZAC comments made by DEPRM dated February 3, 2004, a copy of which is attached hereto and made a part hereof.

3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated February 10, 2004, a copy of which is attached hereto and made a part hereof.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

ORDER RECEIVED FOR FILING
Date 3/5/04
By

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 5, 2004

Mr. & Mrs. Herbert E. Smith
127 Memory Lane
Artemas, Pennsylvania 17211

Re: Petition for Administrative
Case No. 04-324-A
Property: 3724 Chestnut Road

Dear Mr & Mrs. Smith:

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

Flood CBCA

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3724 Chestnut Road

which is presently zoned RCS

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.2 & 304.2 BCZR To permit a side yard setbacks of 25' and 35' in lieu of the required 50' respectively. To permit a lot area of 28,800 SF in lieu of the required 1 Acre. And to approve an undersize lot per Section 304 and to approve any other variances deemed necessary by zoning commissioner.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons. (indicate hardship or practical difficulty) (1) Property under same ownership since 1988 and there is no contiguous ownership. (2) Two lots are part of a recorded plat dated May 1921. Lot widths along Chestnut Road and adjacent to property are 50 feet. (3) Owners are seeking to use the property as permitted by right and with the spirit and intent of the B.C.Z.R.

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):

Hobert E. Smith
Name - Type or Print

Hobert E Smith
Signature

Anna M. Smith
Name - Type or Print

Anna M. Smith
Signature

127 Memory Lane - 443-829-5228
Address — Telephone No

Artemas PA 17211
City — State — Zip Code

Representative to be Contacted:

Site Rite Surveying Inc.
Name

200 E. Joppa Road Rm 101 410 828 9060
Address — Telephone No

Towson, MD 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF **Date** 1/14/04

Case No. 04-324-A

RECEIVED FOR FILING
Date 3/5/04
By

REV 9/15/98

ZONING DESCRIPTION FOR #3724 CHESTNUT ROAD

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF CHESTNUT ROAD WHICH IS 30 FEET WIDE AT THE DISTANCE OF 598 FEET NORTHEAST OF THE CENTERLINE OF BOWLEYS QUARTERS ROAD WHICH IS 30 FEET WIDE. BEING LOT NOS. 96 AND 97 IN THE SUBDIVISION OF "BOWLEYS QUARTERS PLAT NO. 2, AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 7, FOLIO NO. 13, CONTAINING 28,800 SQUARE FEET. ALSO KNOWN AS #3724 CHESTNUT ROAD AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

STATE OF MARYLAND
MICHAEL VINCENT MOSKUNAS
PROFESSIONAL LAND SURVEYOR
NO. 21175

MICHAEL V. MOSKUNAS

SITE RITE SURVEYING, INC.
200 East Joppa Road
Suite 101
Towson Maryland 21204
(410) 828-9060

#324

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 28131

DATE 1-14-04 ACCOUNT 001-006-6150

AMOUNT $ 115.00

RECEIVED FROM: Hobert E. Smith
3724 Chestnut Rd.

FOR: Variance & Undersized Lot ITEM # 324

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
1/14/2004	1/14/2004	07:17:43	1

Rec 0501 WALKIN JRIC JMR
RECEIPT # 172176 1/14/2004 OFIN
Rept 5 520 ZONING VERIFICATION
CH NO. 028131
Rcpt Tot $115.00
$115.00 CK $.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: #04-324-A
3724 Chestnut Road
N/w side of Chestnut Road at the distance of 598 feet n/east of the centerline of Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owner(s): Hobert and Anna Smith

Variance: to permit side yard setbacks of 25 feet and 35 feet in lieu of the required 50 feet respectively. To permit a lot area of 28,800 square feet in lieu of the required 1 acre, and to approve an undersized lot, per section 304 and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, March 3, 2004 at 11:00 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 2/724 Feb. 17

C649986

CERTIFICATE OF PUBLICATION

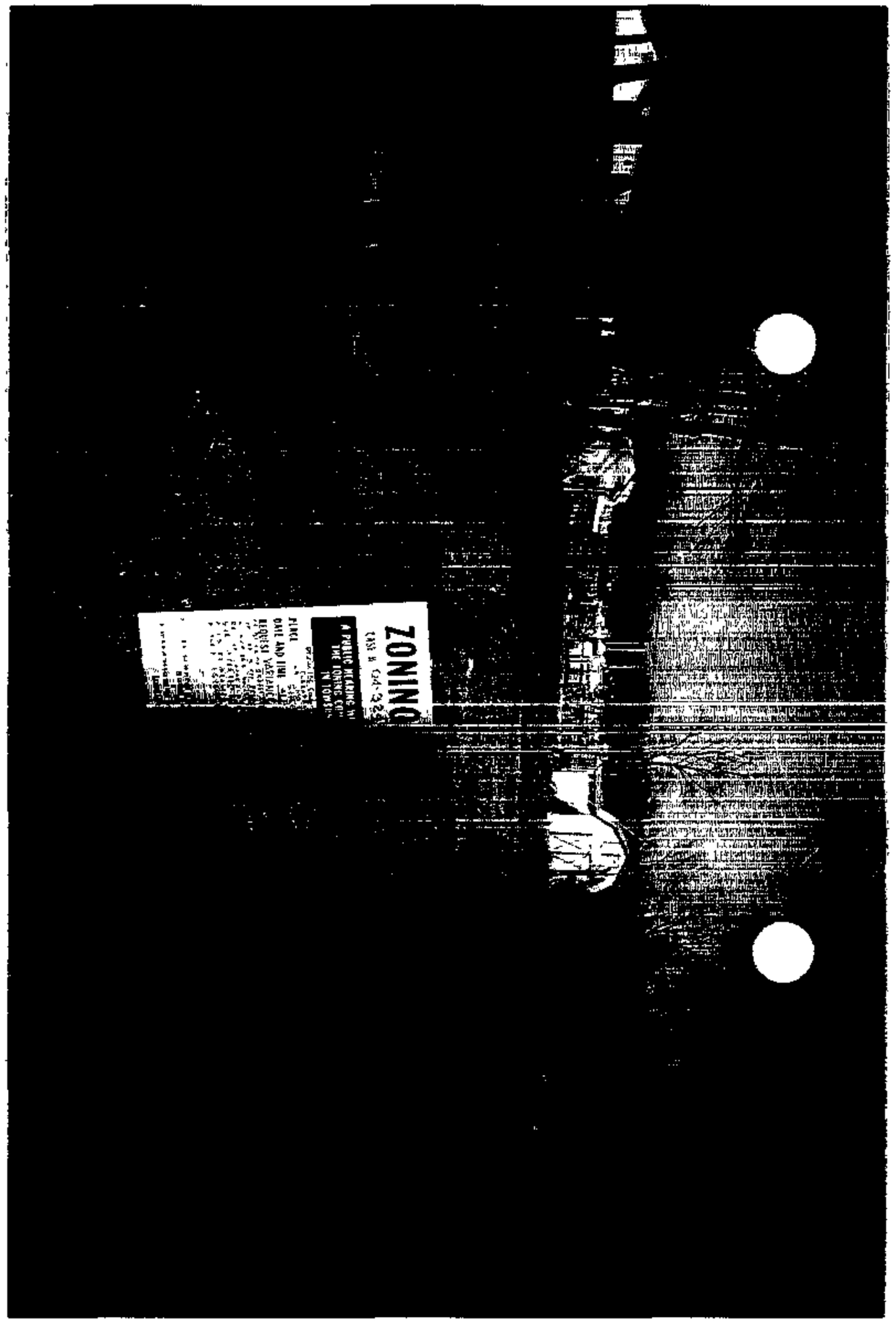
2/18/, 2004

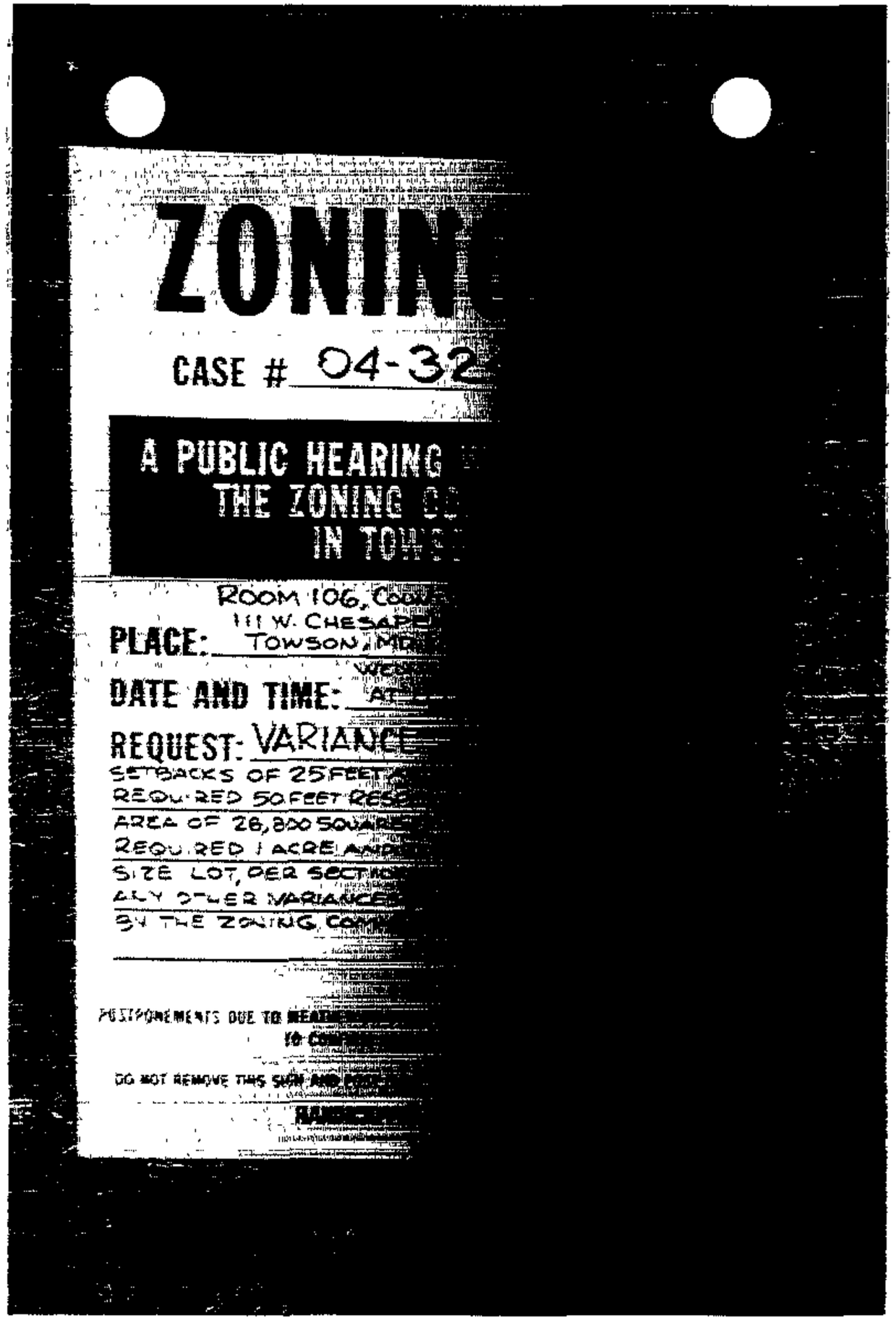
THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/17/, 2004.

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

S. Wilkinson

LEGAL ADVERTISING


ZONING


ZONIN
CASE # 04-32
A PUBLIC HEARING
THE ZONING
IN TOW
PLACE: ROOM 106, COU
111 W. CHESA
TOWSON, MD
DATE AND TIME:
REQUEST: VARIANCE
SETBACKS OF 25 FEET
REQUIRED 50 FEET
AREA OF 26,800 SQUA
REQUIRED 1 ACRE AND
SIZE LOT, PER SECTIO
ALL OTHER VARIANCE
BY THE ZONING CO
POSTPONEMENTS DUE TO
DO NOT REMOVE THIS

CERTIFICATE OF POSTING

RE: Case No.: 04-324-A

Petitioner/Developer: HOBERT & ANNA SMITH

Date of Hearing/ Closing: MAR 3, 2004

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

Attention: Becky Hart

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 # 3724 CHESTNUT ROAD

The sign(s) were posted on FEB-16, 2004
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

January 28, 2004

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: 04-324-A
3724 Chestnut Road
N/w side of Chestnut Road at the distance of 598 feet n/east of the centerline of Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owners: Hobert and Anna Smith

Variance to permit side yard setbacks of 25 feet and 35 feet in lieu of the required 50 feet respectively. To permit a lot area of 28,800 square feet in lieu of the required 1 acre, and to approve an undersize lot, per section 304 and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, March 3, 2004, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

Timothy Kotroco
Director

TK:klm

C: Hobert & Anna Smith, 127 Memory Lane, Artemas PA 17211
Site Rite Surveying, 200 E. Joppa Rd., Rm. 101, Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 17, 2004.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 17, 2004 Issue - Jeffersonian

Please forward billing to:
Hobert & Anna Smith
127 Memory Lane
Artemas, PA 17211

443-829-5228

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: 04-324-A
3724 Chestnut Road
N/w side of Chestnut Road at the distance of 598 feet n/east of the centerline of Bowley's Quarters Road
15th Election District – 6th Councilmanic District
Legal Owners: Hobert and Anna Smith

Variance to permit side yard setbacks of 25 feet and 35 feet in lieu of the required 50 feet respectively. To permit a lot area of 28,800 square feet in lieu of the required 1 acre, and to approve an undersize lot, per section 304 and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Wednesday, March 3, 2004, at 11:00 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: 04-324-A

Petitioner: Hobert and Anna Smith

Address or Location: 3724 Chestnut Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Hobert and Anna Smith

Address: 127 Memory Lane
Artemas, PA 17211

Telephone Number: 443 829 5228

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

February 26, 2004

Herbert E. Smith
Anna M. Smith
127 Memory Lane
Artemas, PA 17211

Dear Mr. and Mrs. Smith

RE: Case Number: 04-324-A, 3724 Chestnut Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 14, 2004

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:clb

Enclosures

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

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on Recycled Paper

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

January 30, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 26, 2004

Item No.: 321-328 324

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.

6. 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

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on Recycled Paper

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

SHA
Driven to Excel
State Highway Administration
MARYLAND DEPARTMENT OF TRANSPORTATION

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

Date: 1·29·04

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

RE: Baltimore County
Item No. 324 JRF

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

DATE: February 3, 2004

SUBJECT: Zoning Item # 04-324
Address 3724 Chestnut Road
Smith Property

Zoning Advisory Committee Meeting of January 26, 2004

_____ 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: January 29, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 4, 2004

RECEIVED

FEB - 5 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-324**

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: Kathy Schlabach

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 10, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For February 2, 2004
Item No. 324

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-02-02-2004-ITEM NO 324-02102004A

RE: PETITION FOR VARIANCE 3724 Chestnut Road; NW/side Chestnut Rd, 598' NE c/line of Bowley's Quarters Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Herbert E & Anna M Smith Petitioner(s)	* * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-324-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 4th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Room 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED
FEB 04 2004
Per.....

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

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 04-324-A

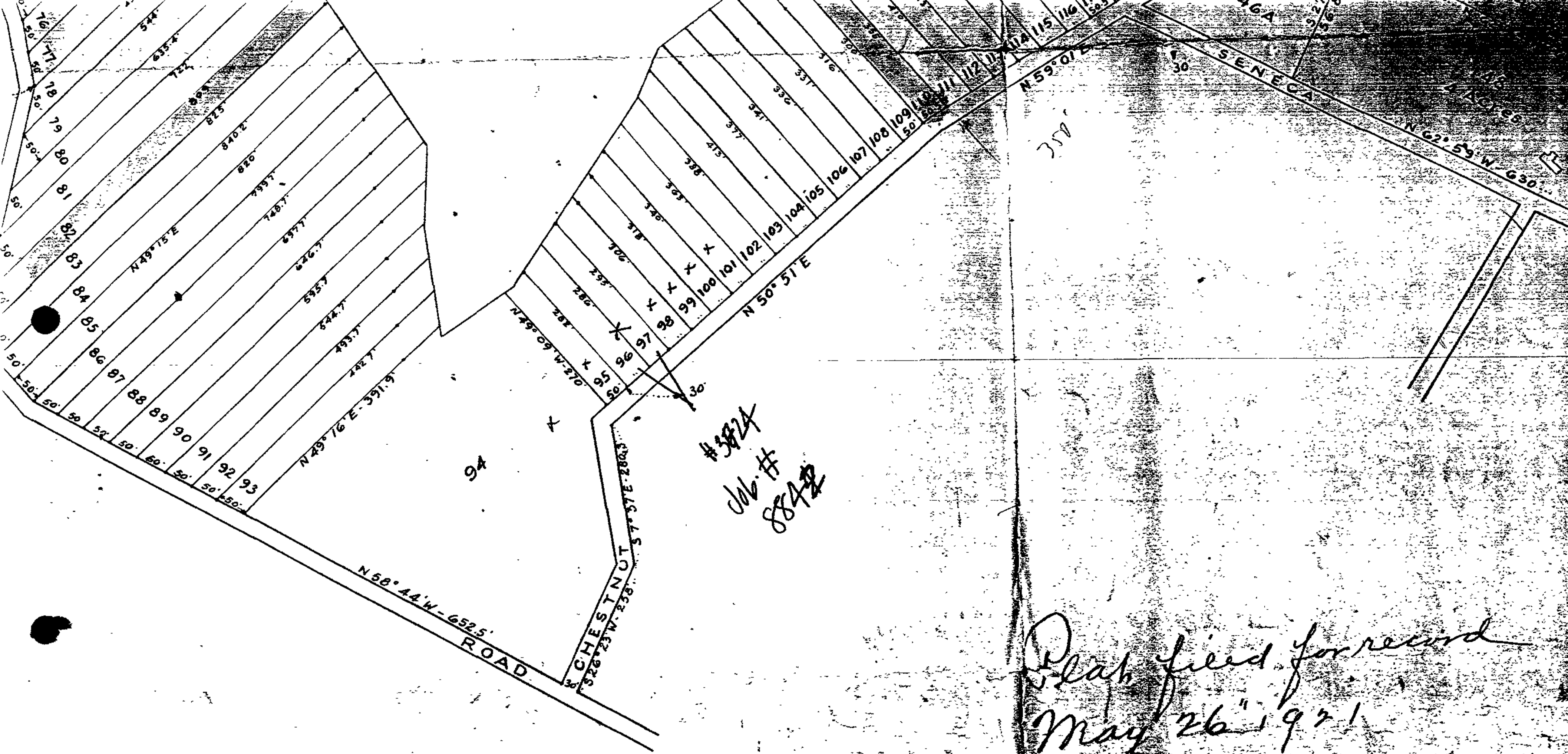
Date Completed/Initials	
1-28-04	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
2/26/04	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

PLEASE PRINT CLEARLY

CASE NAME Smith
CASE NUMBER 04-324-A
DATE 3-3-04

PETITIONER'S SIGN-IN SHEET

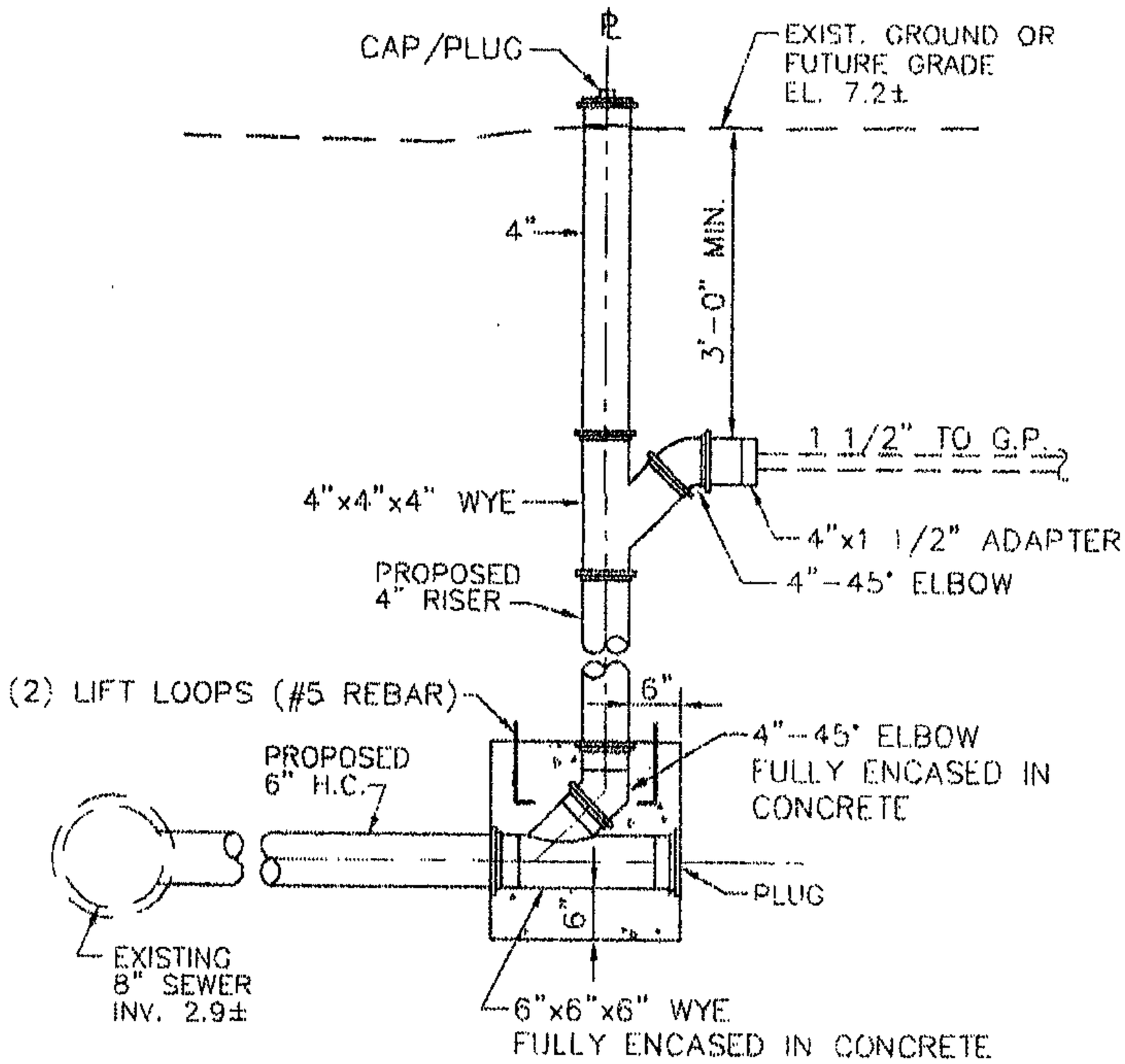
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Beverly True	1615 Deer Park Rd	Finksburg, MD 21048	
SITE RITE SURVEYING, INC. VINCENT MOSKUNAS	200 E JOPPA Rd.	TOWSON, MD 21286	VJM MUMC@AOL.COM.



Plat filed for record
May 26 1921
Test - Wm P Coles

NECA
EEK
RTER
LOT 95
LOT 96
LOT 97
LOT 98
LOT 99
LOT 100
LOT 101
LOT 102
LOT 103
270'
282'
286'
295'
306'
318'
340'
388'
413'
18.94'
P.C. 22+00
22+38.59
21+00
20+00
19+00
128.18'
104.31'
50'
EX. 8"W
53-1665 A-4C
4"
SHEET 4

& BETTY S. MITCHELL	1512590130	10440/484	SIMPLEX	-1.1	7577.67	65175.87
E. & CECELIA KELLY	1511151680	3925/528	SIMPLEX	8.62	7424.10	65356.55
F. & ROSE MARIE KEHL	1511150221	4524/453	SIMPLEX	7.9	7451.93	65380.76
K KRAFT	1522350300	6288/048	SIMPLEX	-2.3	7548.19	65279.10



SECTION VIEW

GRINDER PUMP TO GRAVITY SEWER CONNECTION

NOT TO SCALE

DWG FILENAME:

CONTRACT NO.
03145-SXO
JOB ORDER NO.
1-85-12
SHEET 7 OF 28
DWG. NO.
2003-0493
FILE:

RTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION

— GOOSE HARBOR SEWERAGE SYSTEM

CHESTNUT ROAD

UARTERS EL. DISTRICT NO. 15 C 5

P:\1995\95001001\95001C7.DWG

DEED-CODE-City or County

title examination.

This Deed, Made this 12th day of October in the year one thousand nine hundred and eighty-eight, by and between

FRANKLIN G. ROGERS, SR.

of Baltimore County in the State of Maryland, of the first part, and

HOBART E. SMITH and ANNA M. SMITH, his wife

of the second part.

Witnesseth, That in consideration of the sum of thirty thousand ($30,000) dollars, the receipt of which is hereby acknowledged

the said FRANKLIN G. ROGERS, SR.

does grant and convey unto the said HOBART E. SMITH and ANNA M. SMITH, his wife, as tenants by the entirities, their heirs and assigns, in fee simple, reserving, however, the exclusive right unto FRANKLIN G. ROGERS, SR., the grantor herein to reside on the property during the period of his natural life without imposition of rent or any cost whatsoever,

~~heirs and assigns, in fee simple,~~ all those unimproved lots of ground, situate, lying and being in Baltimore County, aforesaid, and described as follows, that is to say:—

[redacted]

BEING KNOWN AND DESIGNATED as lots numbered 96 and 97 as shown on Plat No. 2 of Bowiey's Quarter, which Plat is duly filed among the Plat records of Baltimore County in Plats Book W.P.C. No. 7, folio 13.

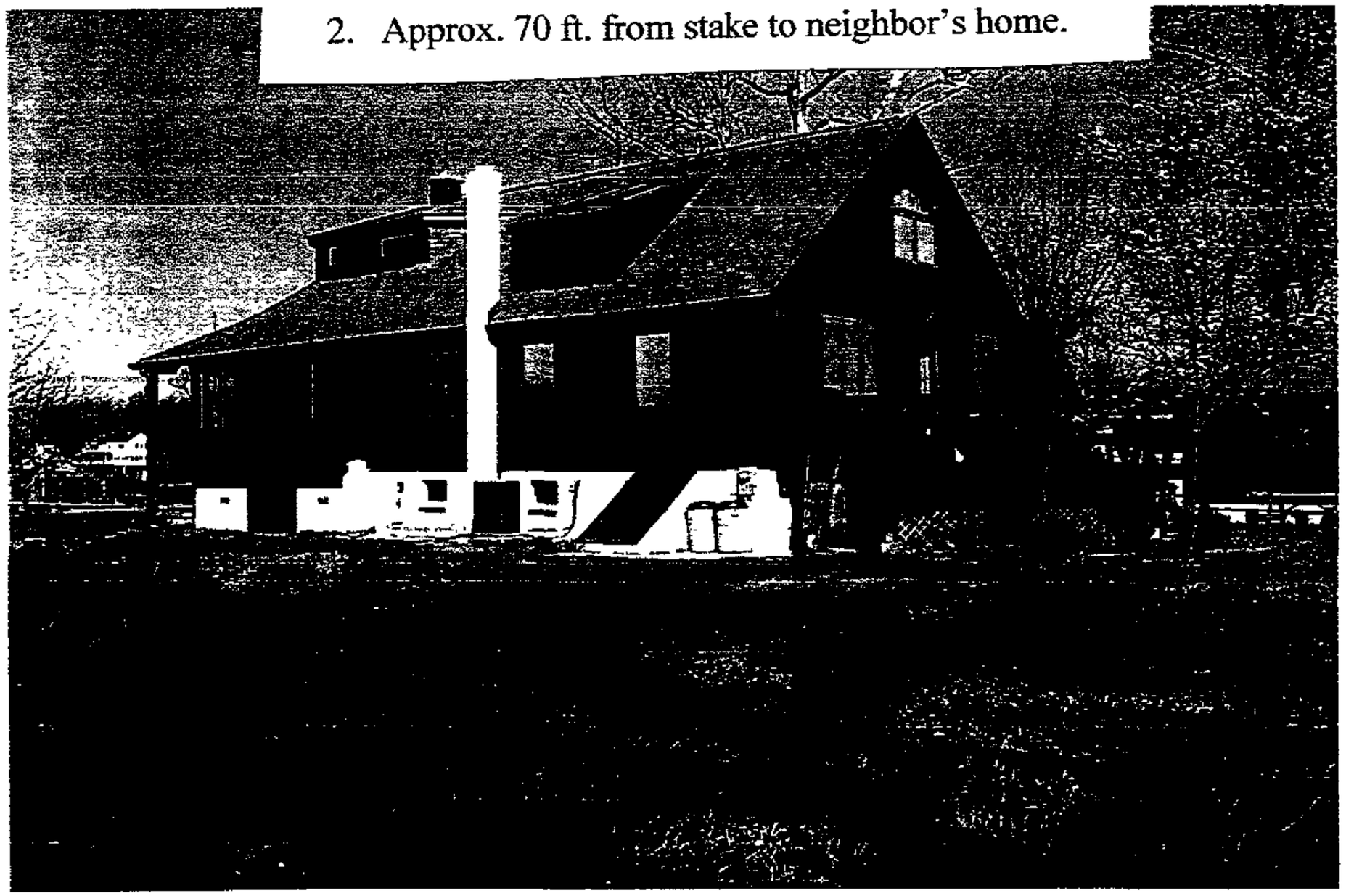
BEING the same lots of ground which by Deed dated March 31, 1981 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. 6293 folio 612 was granted and conveyed by Franklin C. Rogers, Sr. and Marie A. Rogers to the Grantor herein.

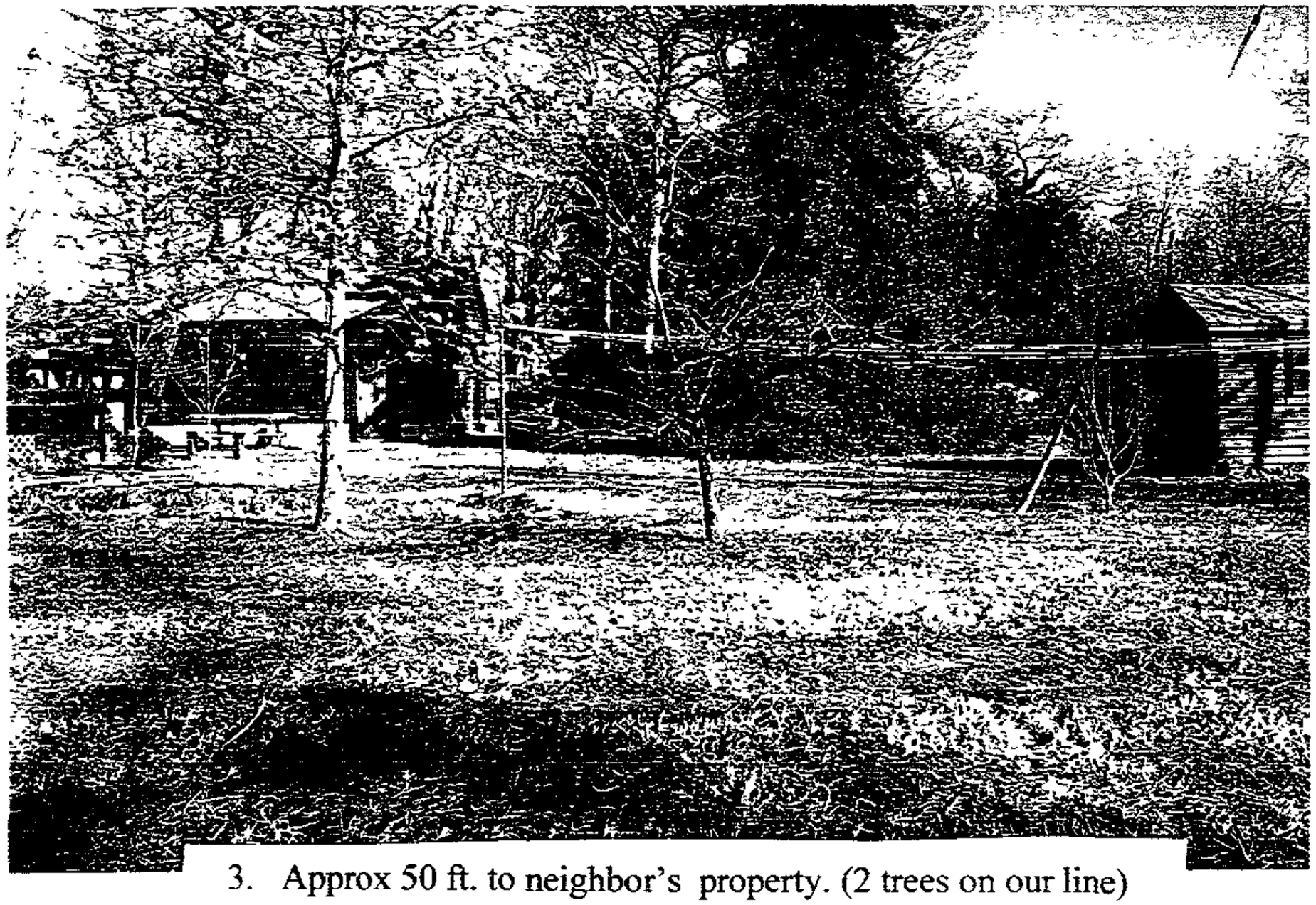
AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE AF DATE 10-27-88

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
AF 10-27-88
By Date

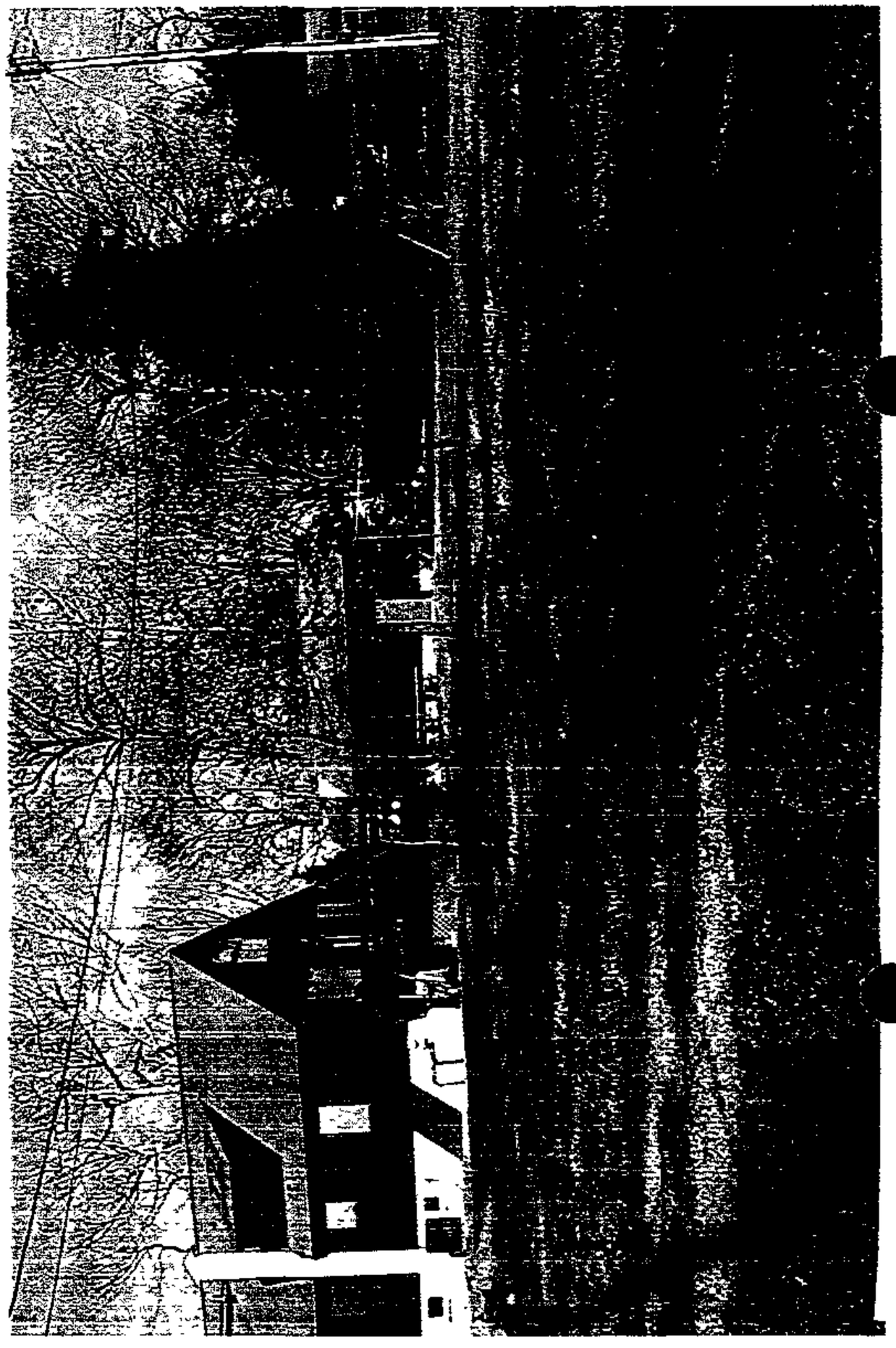
Pd #3

2. Approx. 70 ft. from stake to neighbor's home.





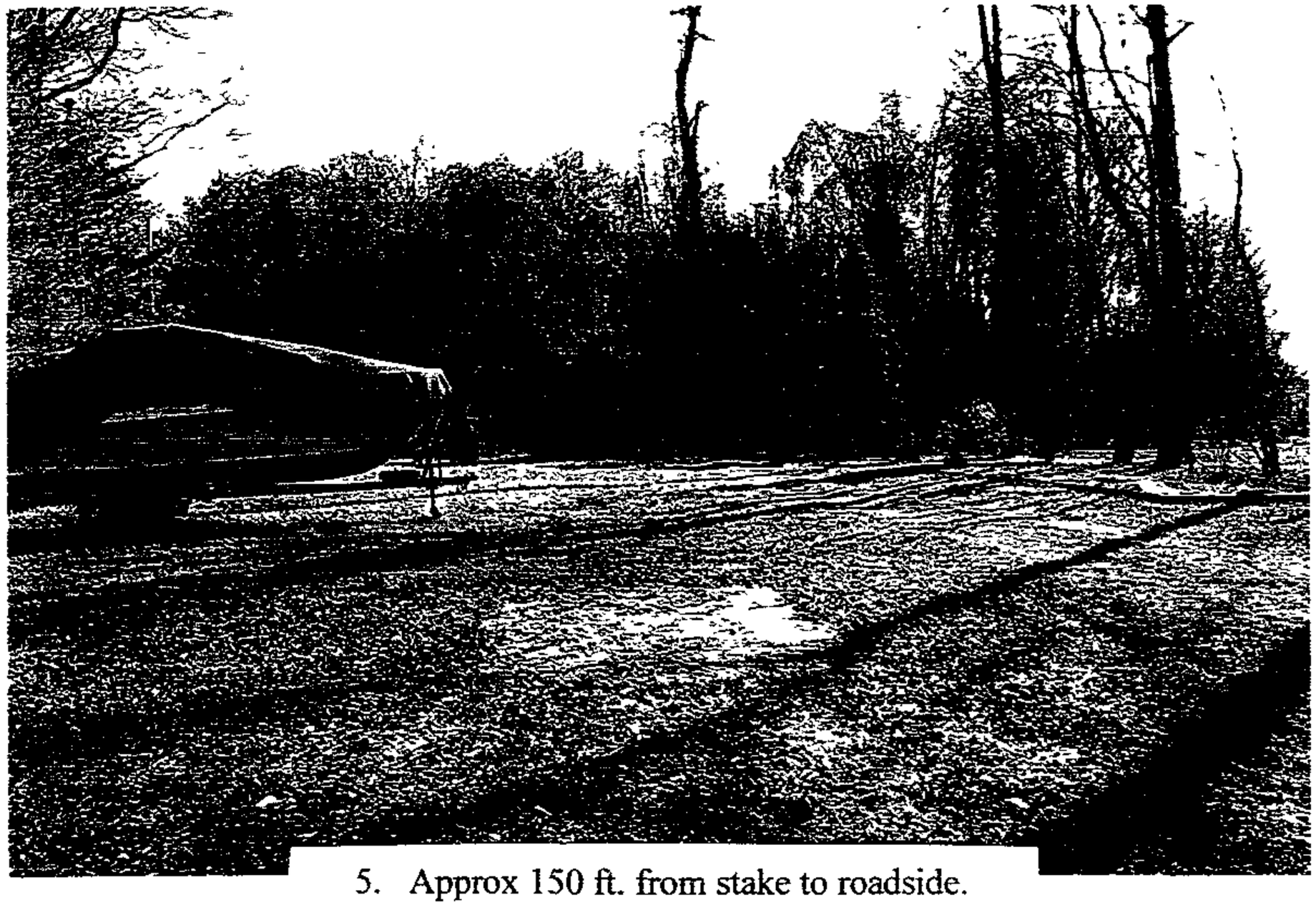
3. Approx 50 ft. to neighbor's property. (2 trees on our line)



1. Approx. 100 ft.-neighbor's property. Stake approx center of lot 96/97.

4 A

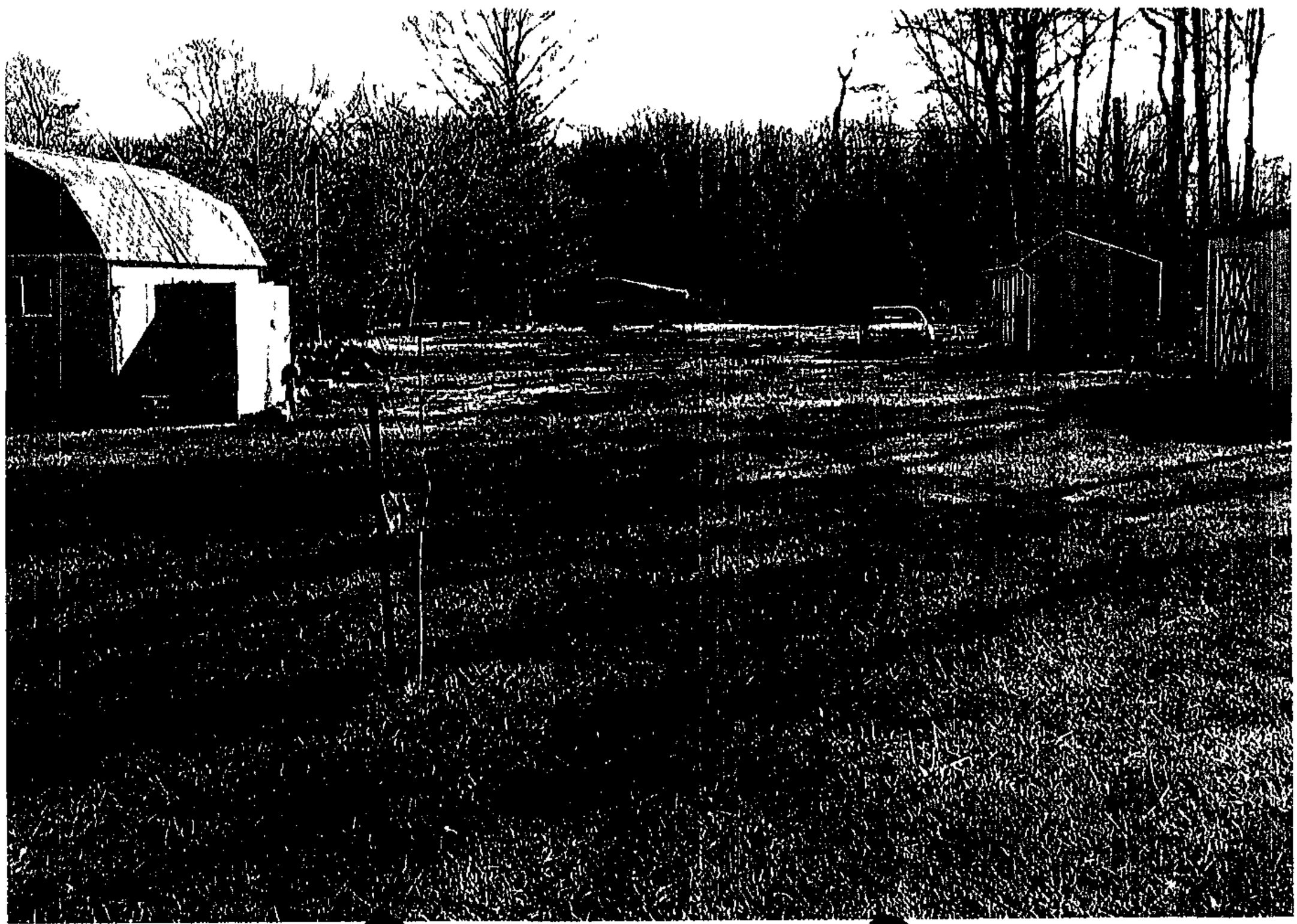
4. Approx 50 ft from stake to vacant lot. (Some trees on our Property)



5. Approx 150 ft. from stake to roadside.

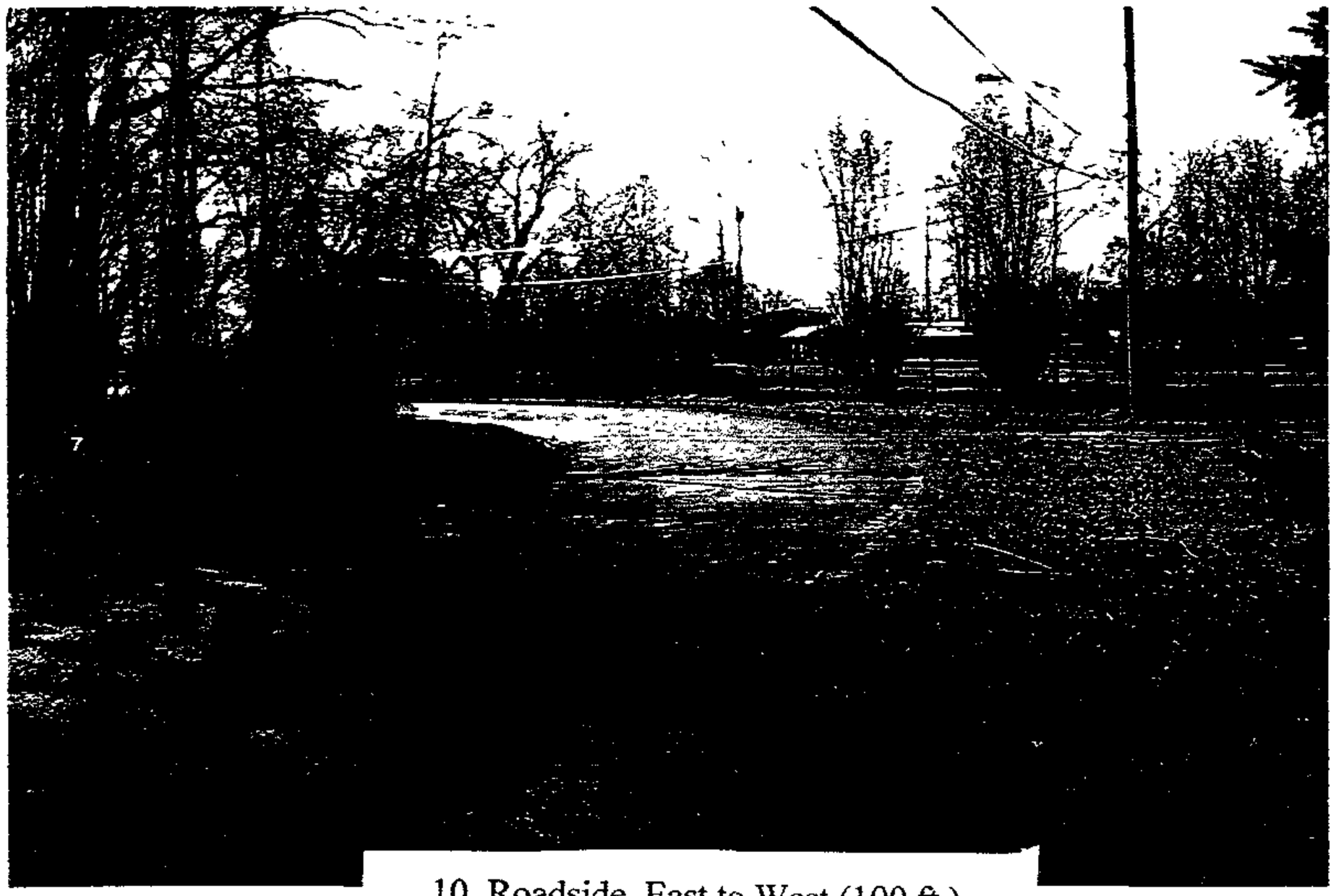
6. Approx 150 ft from stake to waterfront

7. Approx 300 ft. roadside to waterfront



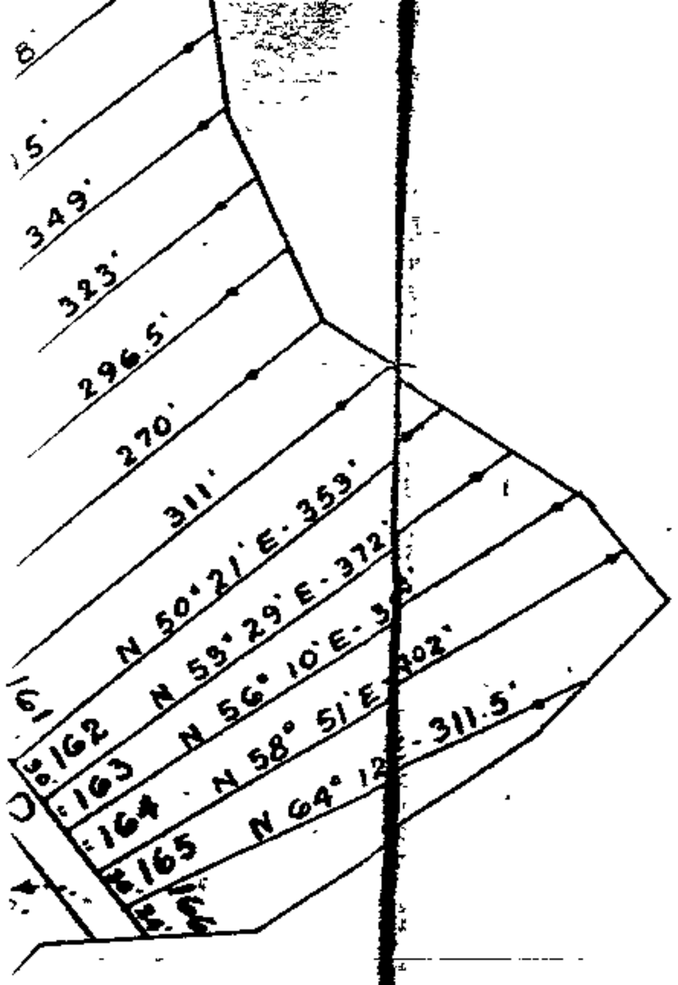
8. Approx 300 ft. waterfront to roadside.

9. Roadside West to East. (100 ft.)



10. Roadside East to West (100 ft.)

11. Waterfront West to East (100. ft.)

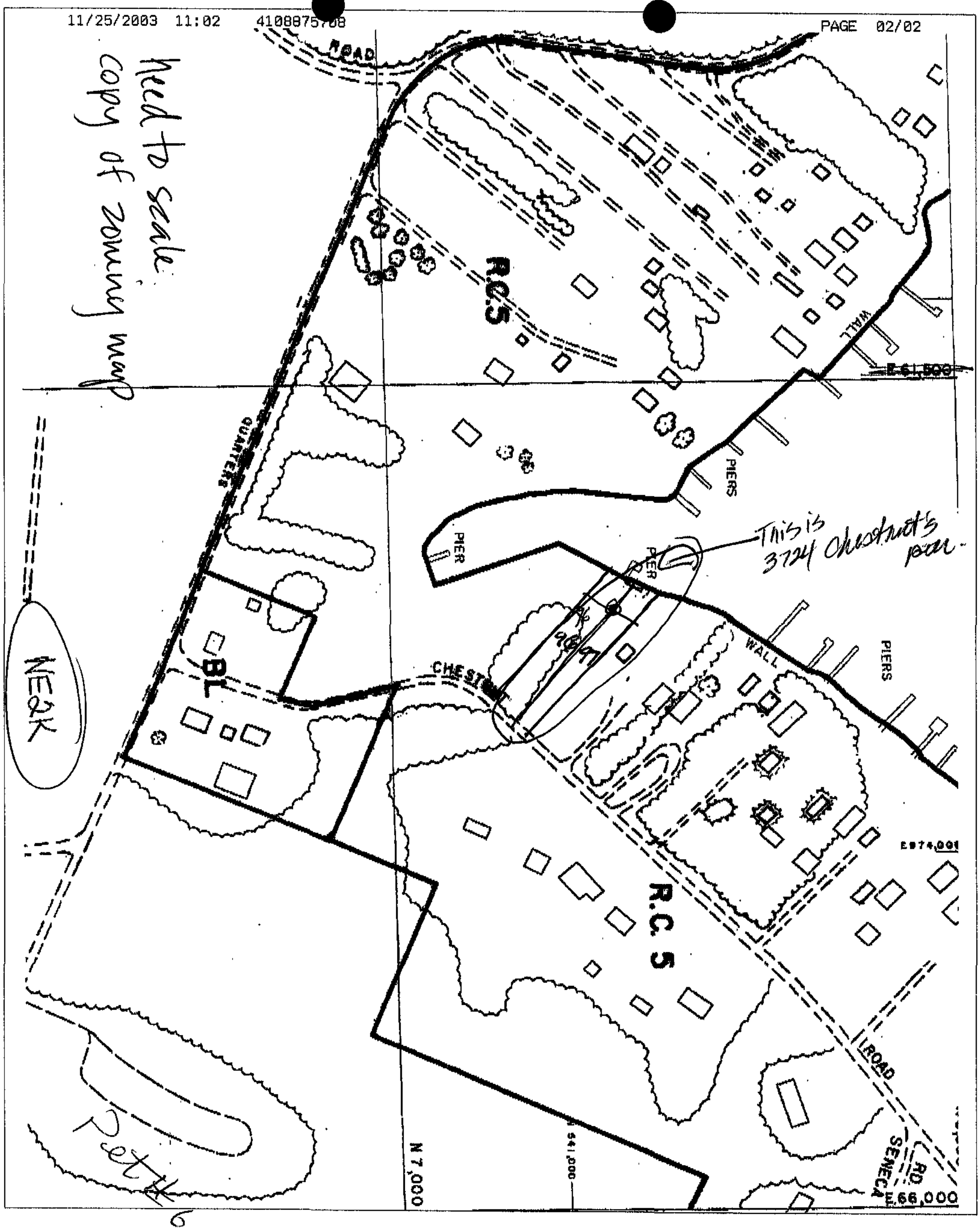


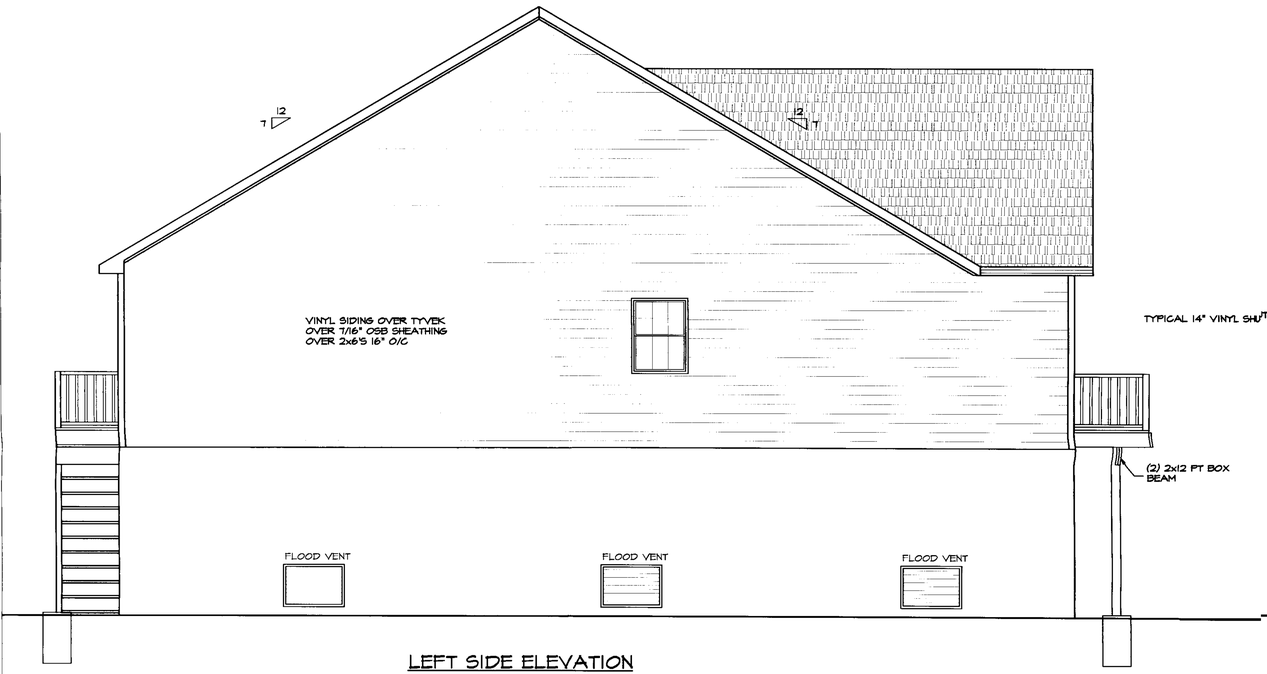
240010 0435

BOWLEYS QUARTER
PLAT NO. 2

Scale 1" = 200' April 16, 1921.

Edward V. Coonan and Company
Surveyors and Civil Engineers
Balto., Md.


need to scale
copy of zoning map
ROAD
R.C.5
WALL
E 61,500
PIERS
QUARTER
PIER
PIER
This is 3724 Chestnut's pier.
NEAR
BL
CHESTNUT
WALL
PIERS
E 74,000
R.C. 5
ROAD
N 7,000
541,000
SENECA RD
E 66,000
Petit



LEFT SIDE ELEVATION

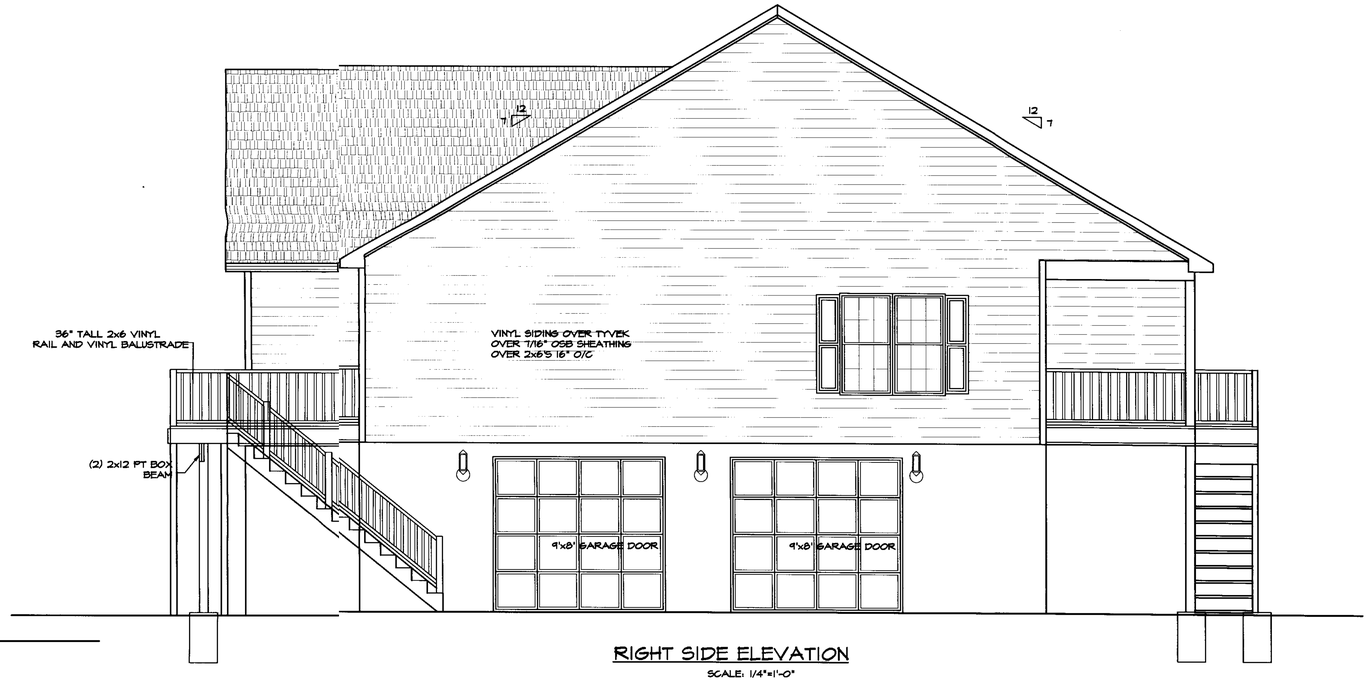
SCALE: 1/4"=1'-0"

FRONT ELEVATION

SCALE: 1/4"=1'-0"

REAR ELEVATION

SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

THE SMITH RESIDENCE
3724 CHESNUT ROAD

THE SMITH RESIDENCE

SCALE: 1/4" = 1'-0"

DATE: 12/2003

SHEET NO.: 1 OF 3

GBL CUSTOM HOME DESIGN INC.
PO BOX 237 FINKSBURG, MD 21048
PHONE 410-833-6520

Plat #7