IN RE: PETITION FOR SPECIAL HEARING S/S of Holly Neck Road, 85 ft. E centerline of Goff Road 15th Election District 6th Councilmanic District **(2205 Holly Neck Road)** Julia C. & Harold M. Weidow *Petitioners*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-362-SPH

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Julia C. and Harold M. Weidow. The Petitioners are requesting special hearing relief for property located at 2205 Holly Neck Road in the eastern area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two dwellings (each single-family) on a lot of record (Deed 4577/38) for a temporary period of time. One dwelling (2205 Holly Neck Road) is existing and is occupied by Estelle R. Weidow (Mother – age 72 yr.). A second dwelling will be constructed and will be occupied by Mr. Harold M. Weidow (son age 49 yr.) and his wife Julia C. Weidow (age 48 yr.). Both dwellings will remain until the death of Mrs. Estelle R. Weidow. Her dwelling (2205 Holly Neck Road) will be razed within 4 months (120 days) after her death.

The property was posted with Notice of Hearing on March 18, 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 March 23, 2004 to notify any interested persons of the scheduled hearing date

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

ORDER RECEIVED FOR FILING
Date 5/25/04
By R. Jones

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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 March 22, 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 Office of Planning dated March 9, 2004 recommending the denial of Petitioners' special hearing request.

Interested Persons

Appearing at the hearing on behalf of the special hearing request were Alonzo Childress, civil engineer who prepared the plan to accompany the request, and Harold Weidow. 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 5.0 acres, more or less, and is zoned RC5/RC20. The Petitioner's mother who is 72 and obviously independent of mind, lives in the small home on the property which is owned by her son and daughter-in-law, the Petitioners in this case. They wish to build a new home on the RC 5 portion of the property to be close to their elderly mother. The new home is to be located as shown in Petitioners' Exhibit No. 1 and will use the same driveway, sewerage system (grinder pump to public sewer) and water

ORDER RECEIVED FOR FILING
Date 5/25/04
By

supply as the existing home. The new home would comply with all County and environmental regulations applicable to the Chesapeake Bay Critical Area. Approximately 60% of the property is wooded or delineated wetlands.

The Petitioner recognizes that by law there can not be two dwellings on the same lot per Section 102.2 of the B.C.Z.R. The Petitioner admits that he could apply for a minor subdivision of this five-acre lot and have both lots meet the County regulations. However, he proposes to have the two dwellings only until his mother passes away at which time he will raze the existing home. Upon questioning, he also proposed that, if she left the home as her principal residence to reside in an assisted living facility or the like, that he also would raze the existing home. The reason for his reluctance to pursue the minor subdivision is that he does not want to have to bear the costs of requesting the minor subdivision or pay for new and separate sewerage and water facilities for the new home. In addition, the existing home is not in best repair and so razing it will not be much of a loss.

He could also simply add onto the existing home providing for an in-law apartment for his mother. However, she apparently does not want to move from her existing home or to live in the same home as her son. Consequently, the Petitioners propose that a new home would allow them to be close to his aging mother without compromising her independence.

Findings of fact and conclusions of law

This office has often approved additions to existing dwellings to accommodate elderly parents and worried children. The salient features of this arrangement are that the addition not be an independent dwelling, that the address for the addition and the existing home be the same, that a Declaration For In-Law Quarters be executed requiring eventual elimination of the in-law quarters, and in some instances recording deeds to that effect. The reason for this elaborate procedure is that the County is concerned that in the future in-law quarters could be rented to the

PETITIONER'S EXHIBIT NO. 8
Date 5/25/04
By R. Jamison

problem. It seems to me that subdividing the property, although perhaps at some additional costs, now would be a far superior solution if they want true generational independence.

I recognize that the RC 5 zoning would require 50 ft. setbacks should the property be subdivided. This means that the new home would have to be reconfigured, as there would only be 60 ft. available for the front of the new home. However, if this was not workable, they could apply for a variance to allow closer spacing between homes. Or perhaps they could simply build onto the exiting home or connect a new home to the old with a breezeway. I am sure their engineer has reviewed these options with them but perhaps it is time to look again.

Finally, although Section 500.7 of the B.C.Z.R. gives no criteria for special hearing cases, I recognize another principal of zoning law that I should not do by special hearing what I could not do by another zoning option. Specifically, I am concerned that if I would approve this request I would be approving essentially a variance of a regulation which can not be varianced, that is Section 102.2 which provides that no yard can be used by different building. In this case there is no delineation of what yard is "controlled" by the existing house and what yard is "controlled" be the new house. Section 307.1 allows dimensional, sign and parking variances. It specifically prohibits granting other variances. It appears by allowing two homes on the same lot, I would be violating this provision albeit that the violation would be temporary.

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 denied.

THEREFORE, IT IS ORDERED, this 25 day of May, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit two dwellings (each

ORDER RECEIVED FOR FILING
Date 5/25/04
By

single-family) on a lot of record (Deed 4577/38) for a temporary period of time, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 5/25/04
By R. Jamison

Zoning Commissioner

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

Baltimore County

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

May 25, 2004

Mr. & Mrs. Harold M. Weidow
817 Dorsey Avenue
Baltimore, Maryland 21221

Re: Petition for Special Hearing
Case No. 04-362-SPH
Property: 2205 Holly Neck Road

Dear Mr. & Mrs. Weidow:

Enclosed please find the decision rendered in the above-captioned case. The petition for special hearing has been denied 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 W. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Alonzo Childress
713 Pheasant Drive
Forest Hill, MD 21050

Printed on Recycled Paper

CBCA

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2205 Holly Neck Road
which is presently zoned RC5/RC20

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To permit two (2) dwellings (each single family) on a lot of record (deed 4577/38) for a tempory period of time.

One Dwelling(2205 Holly Neck Road) is existing and is occupied by Estelle R. Weidow (Mother - age 72 yr.).

A second dwelling will be constructed and will be occupied by Mr. Harold M. Weidow (Son age 49 yr.) and his wife Julia C. Weidow (age 48). Both dwellings will remain until the death of Mrs. Estelle R. Weidow. Her dwelling (2205 Holly Neck Road) will be raised within 4 months (120 days) after her death.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, 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):

Harold M. Weidow
Name - Type or Print
Harold M Weidow
Signature

Julia C. Weidow
Name - Type or Print
Julia C Weidow
Signature

817 Dorsey Avenue 410-391-9974
Address Telephone No.
Baltimore Maryland 21221
City State Zip Code

Representative to be Contacted:

Harold M. Weidow
Name

817 Dorsey Avenue 410-391-9974
Address Telephone No.
Baltimore Maryland 21221
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 2/5/04

ORDER RECEIVED FOR FILING
Date 5/25/04
By

Case No. 04-362-SPH

Rev 9/15/98

R. A. Childress & Associates, Inc.
Civil Engineering Consultants
713 Pheasant Drive Forest Hill, Maryland 21050-1528
(410) 803-0304 FAX (410) 803-0299

February 4, 2004

ZONING DESCRIPTION FOR
Harold M. & Julia C. Weidow Property
2205 Holly Neck Road
Baltimore County, Maryland

Beginning at a point at the center of Holly Neck Road approximately 85 feet east of the center of Goff Road and running along the center of Holly Neck Road N 87 12' 0"E for a distance of 332.26 feet and then leaving Holly Neck Road and running along the following course:

1.	S 10 28' 00" E	767.75 ft.
2.	N 62 30' 00" W	417.69 ft.
3.	N 10 28' 00" W	555.10 ft.

To the Point of Beginning.

The Property, located in the 15th Election District, 6th Councilmanic District, as recorded in:

Deed	Tax Map	Parcel
Liber 18762, Folio 696	105	37

Containing 5.0 acres of land more or less.

STATE OF MARYLAND
ROBIN ALONZO CHILDRESS
No. 10227
REGISTERED
PROFESSIONAL ENGINEER
SEAL

R. Alonzo Childress
Registered Professional Engineer
Maryland P.E. No. 10227

#362

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 32607

DATE 2/5/04 ACCOUNT R021-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Harold Worden

FOR: Special Hearing

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Item # 362

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
2/06/2004 2/05/2004 15:16:27 2
REG W002 MAIL JEWA JEE
>>RECEIPT # 320518 2/05/2004 OFLR
Dept 5 528 ZONING VERIFICATION
CR NO. 032607
Recpt Tot $65.00
$65.00 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: #04-362-SPH
2205 Holly Neck Road
S/side of Holly Neck Road, 85 feet east of centerline of Goff Rd.
15th Election District
6th Councilmanic District
Legal Owner(s): Harold and Julia Weidow

Special Hearing: to permit a second dwelling for an in-law on a lot of record (deed 4577/38) for a temporary period of time. One dwelling (2205 Holly Neck Road) is existing and occupied and the second will be constructed.

Hearing: Tuesday, April 6, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/3/765 Mar. 23 C655942

CERTIFICATE OF PUBLICATION

3/23/, 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 3/23/, 2004.

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

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 04-362-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

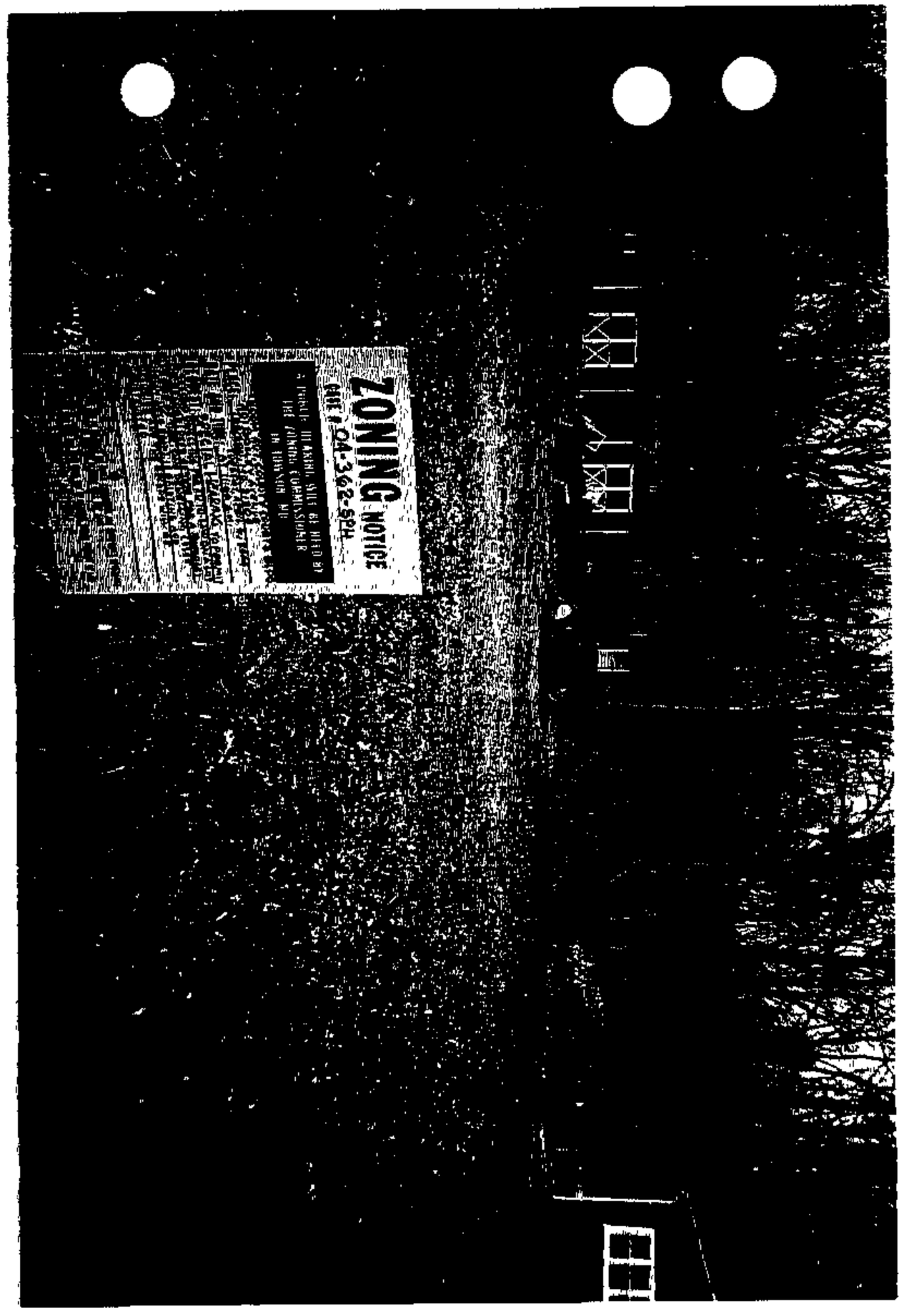
PLACE: ROOM 407, COUNTY COURTS BLDG.
401 BOSLEY AVENUE
TOWSON, MD. 21204

DATE AND TIME: TUESDAY, APRIL 6, 2004
AT 11:00 A.M.

REQUEST: SPECIAL HEARING TO PERMIT
A SECOND DWELLING FOR AN IN-LAW ON A LOT
OF RECORD (DEED 4577/38 FOR A TEMPORARY
PERIOD OF TIME. ONE DWELLING (2205
HOLLY NECK ROAD) IS EXISTING AND
OCCUPIED AND THE SECOND WILL BE
CONSTRUCTED

[illegible] ARE TO [illegible] OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

[illegible] ACCESSIBLE.



CERTIFICATE OF POSTING

RE: Case No.: 04-362-SPH

Petitioner/Developer: HAROLD & JULIA WEIDOW

Date of Hearing/ Closing: APRIL 6, 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

2205 HOLLY NECK ROAD

The sign(s) were posted on MAR. 18TH 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)

RECEIVED
MAR 19 2004
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

RE:	PETITION FOR SPECIAL HEARING 2205 Holly Neck Road; S/side Holly Neck Rd, 85' E c/line of Goff Road 15th Election & 6th Councilmanic Districts Legal Owner(s):Harold M. & Julie Weidow Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 04-362-SPH

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

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 and 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 24th day of February, 2004, a copy of the foregoing Entry of Appearance was mailed to Harold M. Weidow, 817 Dorsey Avenue, Baltimore, MD 21221, Petitioner(s).

RECEIVED
FEB 2 4 2004
Per.....

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 23, 2004 Issue - Jeffersonian

Please forward billing to:
Harold Weidow
817 Dorsey Avenue
Baltimore, MD 21221

410-391-9974

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: 04-362-SPH
2205 Holly Neck Road
S/side of Holly Neck Road, 85 feet east of centerline of Goff Road
15th Election District – 6th Councilmanic District
Legal Owners: Harold and Julia Weidow

Special Hearing to permit a second dwelling for an in-law on a lot of record (deed 4577/38) for a temporary period of time. One dwelling (2205 Holly Neck Road) is existing and occupied and the second will be constructed.

Hearing: Tuesday, April 6, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

February 24, 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: 04-362-SPH
2205 Holly Neck Road
S/side of Holly Neck Road, 85 feet east of centerline of Goff Road
15th Election District – 6th Councilmanic District
Legal Owners: Harold and Julia Weidow

Special Hearing to permit a second dwelling for an in-law on a lot of record (deed 4577/38) for a temporary period of time. One dwelling (2205 Holly Neck Road) is existing and occupied and the second will be constructed.

Hearing: Tuesday, April 6, 2004 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Harold and Julia Weidow, 817 Dorsey Avenue, Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 22, 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.

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: 04-362-SPH

Petitioner: * HAROLD M. WEIDOW

Address or Location: * ~~817 Dorsey Avenue~~ 2205 Hilly Neck ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: HAROLD M. WEIDOW

Address: 817 DORSEY AVENUE
BALTIMORE MARYLAND 21221

Telephone Number: 410-381-9974

Revised 2/20/98 - SCJ

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

March 31, 2004

Harold M. Weidow
Julia C. Weidow
817 Dorsey Avenue
Baltimore, Maryland 21221

Dear Mr. and Mrs. Weidow:

RE: Case Number: 04-362-SPH, 2205 Holly Neck Road

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

Printed on Recycled Paper

Fire Department

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

Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 17, 2004

Item No.: ~~355-366~~ 362

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

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 12, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For February 23, 2004
Item Nos. 355, 356, 357, 359, 362,
and 366

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: March 22, 2004

SUBJECT: Zoning Item # 04-362
Address 2205 Holly Neck Road
Weidow Property

Zoning Advisory Committee Meeting of February 17, 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: March 4, 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: March 9, 2004

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

RECEIVED

MAR 1 1 2004

ZONING COMMISSIONER

SUBJECT: 2205 Holly Neck Road

INFORMATION:

Item Number: 4-362

Petitioner: Harold M. Weidow

Zoning: RC 5/RC 20

Requested Action: Special Hearing

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends that the petitioner's request to permit 2 single-family dwelling units on a single lot of record be **DENIED**.

The BCZR does not allow more that one dwelling on any lot in a RC 5 zone except for additional dwellings for bona fide tenant farmers.

Prepared by: Mark A Cunnyfe

Section Chief: Lyn Lanham

AFK/LL:MAC:

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2·20·04

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

RE: Baltimore County
Item No. 362 BPR

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,

L. G. Gredlein

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

A. MIXED USES ON ONE PROPERTY

1. If several uses are proposed as separate structures on one property, each use must meet the zoning requirements as if it was a separate parcel.

2. Even if subdivision of the property is not proposed, the Zoning Commissioner may require that a line of division either a lease line or a zoning use division line between each use be shown on the plat.

   a. Conditions: The following guidelines have been formulated so that this matter can be handled consistently:

      i. Both existing and proposed uses, as divided, must be able to meet the B.C.Z.R. requirements with respect to area, density, parking, setbacks between buildings and to the division lines as if they were property lines.

      ii. Residential density may be calculated on the overall property acreage if all uses are residential and is allowed in that zone.

   b. Interpretation: This determination may be subject to a Special Hearing at the discretion of the Zoning Commissioner.

B. SETBACKS AND BUILDINGS ACROSS ZONE LINES

1. If the property is bisected by a zone or a use and setback limitation line, the required applicable setbacks (for a building legally located in one of these zones) would be measured to the property or street right of way line and not the zone line.

   The only exceptions to this method of measuring setbacks would be:

   a. If there is a specific use limitation within a certain distance of a particular zone, then the distance would have to be maintained, or if possible, a variance may be applied for.

   b. If there are 2 principal buildings proposed in different zones, on the same property, in close proximity, then the greatest distance between principal buildings will have to be maintained or a variance granted.

2. If a building is proposed across a zone or use and setback limitation line, regardless of what percentage of the building is on each side, the setbacks for each section of the building will be determined and applied separately, according to each separate zone or zone proximity requirement.

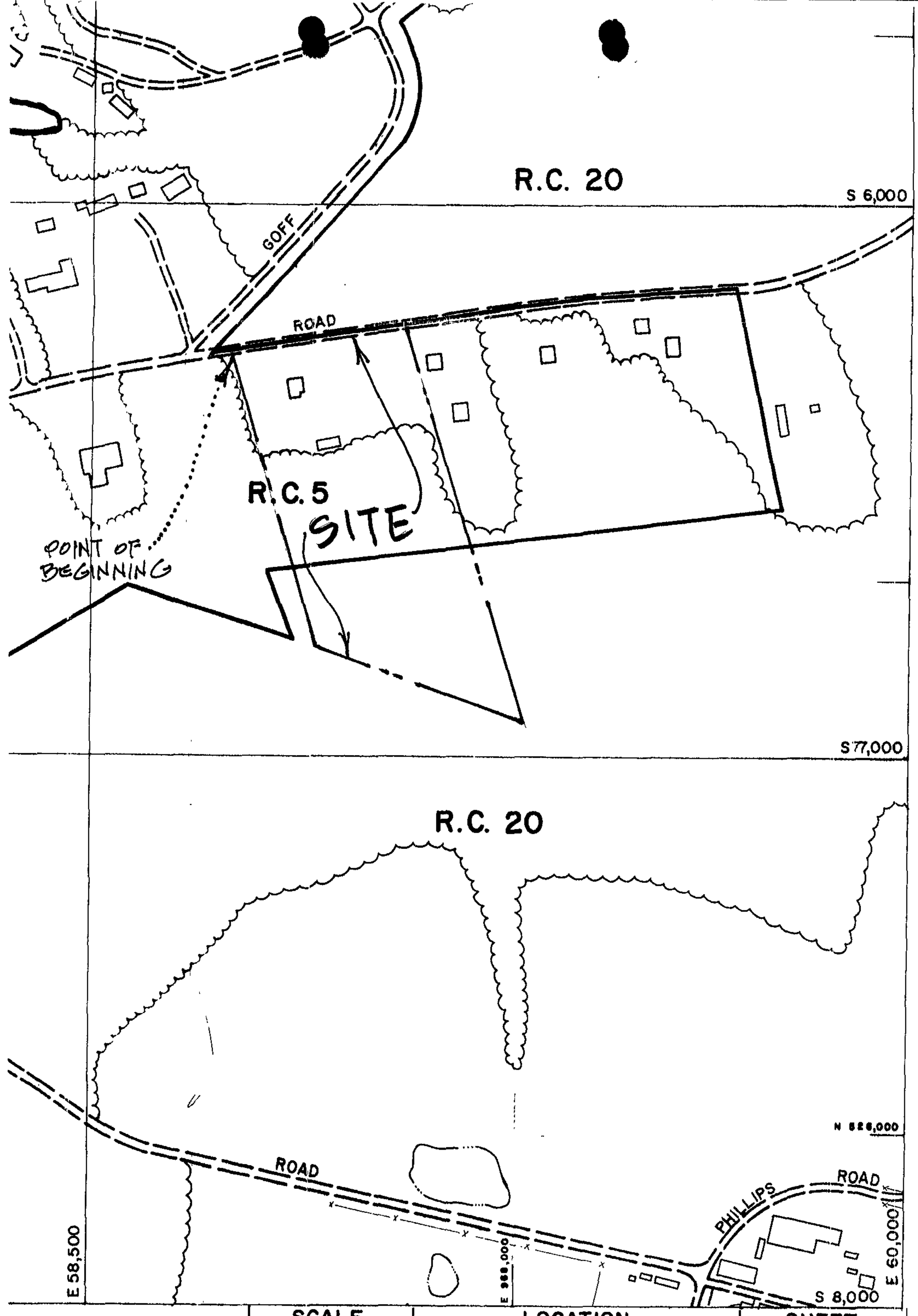
APPROVED MAY 1 3 1992

PLEASE PRINT CLEARLY

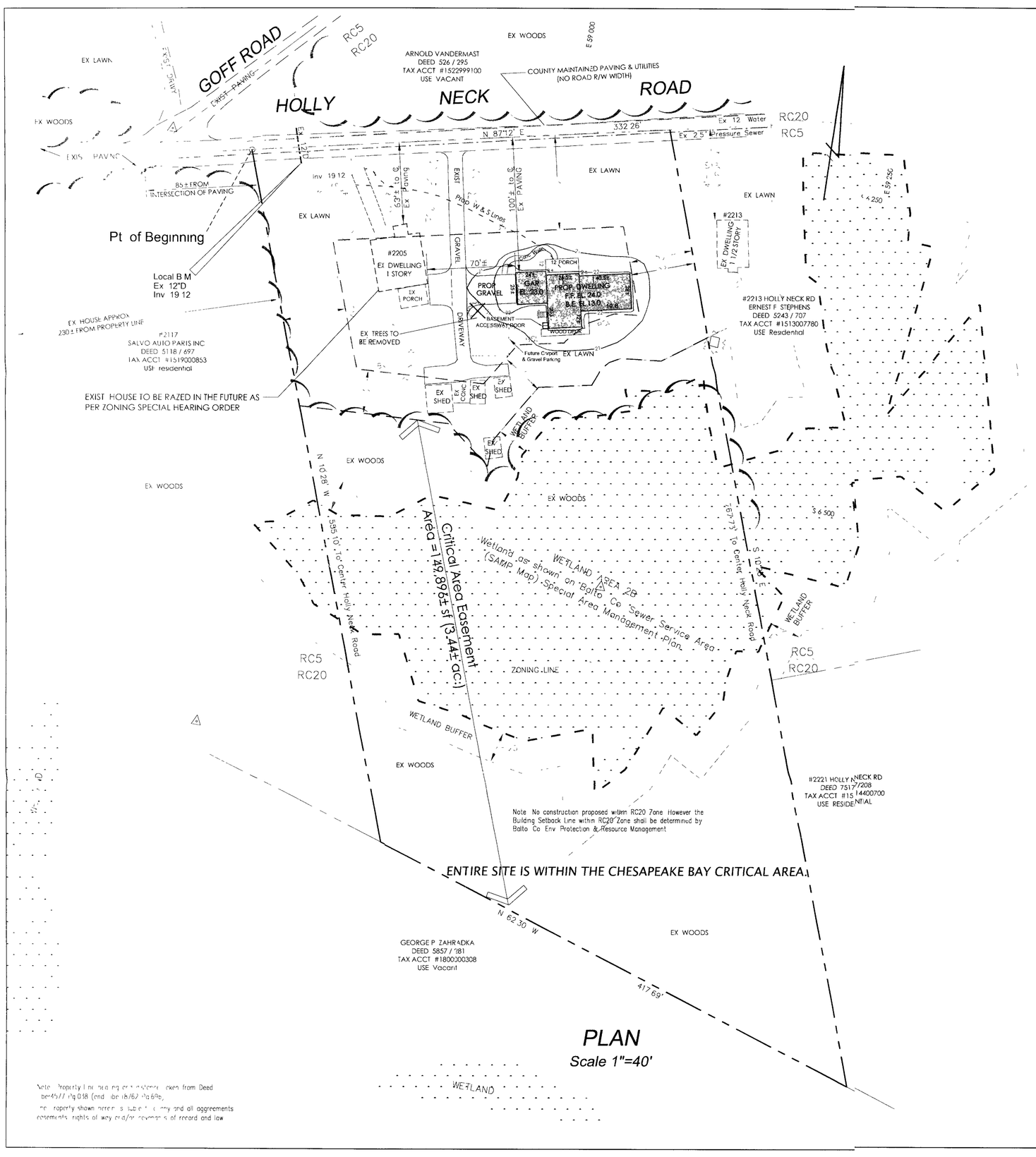
CASE NAME 2205 Holly Beach Rd
CASE NUMBER 04-362-SPH
DATE 4/6/04

PETITIONER'S SIGN-IN SHEET

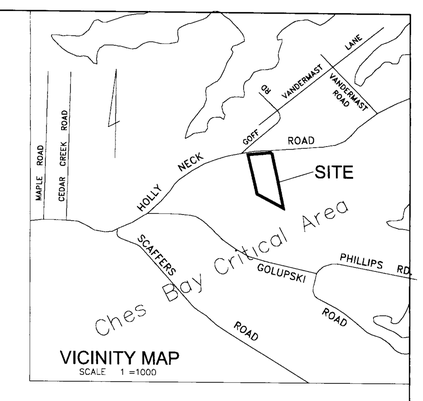
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ALONZO CHILDRESS	717 PHEASANT DRIVE	FOREST HILL MD 21050	rachildress@earthlink.net
HAROLD WEIDOW	817 Dorsey Ave	Baltimore Md 21221	hmweidow@bcpl.net



SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S.E. 2-J
DATE OF PHOTOGRAPHY JANUARY 1986		#362



PLAN
Scale 1"=40'



VICINITY MAP
SCALE 1 =1000

GENERAL NOTES

SITE

1 DEED REFERENCE 18762/696
2 TAX ACCOUNT No #1523153640
3 TAX MAP 105, GRID BLOCK 2, PARCELS 37
4 ELECTION DISTRICT 15 COUNCILMANIC DISTRICT 6
5 TOTAL AREA OF PROPERTY NET = 5.0 A.C. ± (APPROX. 218,000 sf)
GROSS = 5.0 A.C. ± (APPROX. 218,000 sf)

ENVIRONMENTAL

6 THERE ARE NO CRITICAL AREA, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS WITHIN THE LIMITS OF CONSTRUCTION SHOWN ON THIS PLAN, TO THE BEST OF OUR KNOWLEDGE
7 THERE ARE NO CRITICAL EXISTING SLOPES OF 25% OR GREATER
8 THERE ARE NO EXISTING WELL, SEPTIC SYSTEM OR ABANDONED UNDERGROUND TANKS ON SITE
9 FORCST EXIST ON SITE AS SHOWN
10 WETLANDS EXIST ON SITE AS SHOWN
11 NO STREAMS EXIST WITHIN A 100' OF THE SITE THE SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN ENTIRE SITE IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA
12 PUBLIC WATER AND SEWER SERVE THIS SITE

ZONING

13 EXISTING ZONING OF SUBJECT PROPERTY RC5 AND RC20
14 EXISTING USE RESIDENTIAL
PROPOSED USE RESIDENTIAL
15 THE SITE IS LOCATED ON 1"=200' SCALE ZONING MAP SE 2-J
16 ALL PARKING SPACES WILL BE A MINIMUM OF 8.5' X 18' UNLESS OTHERWISE NOTED
17 ZONING HISTORY - NONE
18 PARKING
TOTAL REQUIRED 4 PARKING SPACES
TOTAL PROVIDED 4 SPACES

PETITION FOR ZONING SPECIAL HEARING
TO PERMIT TWO DWELLINGS (EACH SINGLE FAMILY) ON A LOT OF RECORD (DEED 4577/38) FOR A TEMPORARY PEROID OF TIME

OWNER / PETITIONER
HAROLD M. WEIDOW
JULIA C. WEIDOW
817 DORSEY AVENUE
BALTIMORE, MD 21221
(410) 391-9974

STATE OF MARYLAND
ROBIN ALONZO CHILDRESS
No. 10257
REGISTERED PROFESSIONAL ENGINEER
SEAL

DATE	REVISION DESCRIPTION	BY

Plan to Accompany Petition for a Zoning Special Hearing for
HAROLD & JULIA WEIDOW PROPERTY
2205 HOLLY NECK ROAD

BALTIMORE COUNTY — DISTRICT 15 C6 — MARYLAND
SCALE 1 = 40 ft — DATE 02/04/04

ENGINEER
R. A. CHILDRESS & ASSOC. INC.
713 PHEASANT DRIVE
FOREST HILL, MD 21050
(410) 803-0304 RACHILDRESS@EARTHLINK.NET

OWNER
HAROLD & JULIA WEIDOW
2205 HOLLY NECK ROAD
BALTIMORE, MD 21221
(410) 391-9974

DWG NO
Z-1
SHEET 1 OF 1

REAR ELEVATION

FRONT ELEVATION

ELEVATIONS

ALL FLOOR PLANS AND ROOM SIZES ARE APPROXIMATE.

SCALE: 1/4"=1'0"

DATE: 04/07/03

DRAWN BY: DDM

REVISED BY:

6 PIECE

HOMES BY KEYSTONE

DRAWING NUMBER: 28TP-108

6 PIECE

general public or the property sold on the basis of an additional existing apartment. Because the traditional in-law quarters has its own entrance, kitchen and bath facilities, it looks to the entire world to be a separate apartment. What arrangement might be appropriate for a family could become very inappropriate for the general public not to mention a zoning violation.

We have also approved in-law quarters for short periods of time in converted garages which are separated from the main dwelling on the same lot. This arrangement is of more concern than the attached in-law apartment because having a separate building gives more of an aura that the two buildings are independent and separate. Still, the buildings look like a home and a garage so the general public is given some reason to wonder about renting or buying either.

In this case, however, there would be two entirely separate homes. They will look separate. They will operate separately. This arrangement would in my view amplify the public's belief of separate legal entities. These could be rented or sold outright. To my knowledge this office has not approved two separate homes on one lot even for an in-law arrangement.

In relating the above, I do not question that the elder and junior Weidow's intend to raze the existing home when the elder Weidow moves or passes away. The problem I raise occurs against the best intentions. Perhaps the junior Weidow's want to move or to retire to Florida or simply are very tired of the arrangement. The elder Ms Weidow is only 72 years old so that the junior Weidow's are bound to this arrangement for perhaps thirty years. Or perhaps Mr. Weidow dies before his mother and Mrs. Weidow then is bound to live with Mrs. Weidow. She can not sell the home or move etc. I am sure the junior Weidow's are willing to state today that they will keep such an arrangement regardless of the personal sacrifice it may mean to them. I also realize I am not their legal counsel. But when I compare the effects making this arrangement may have on their personal lives, I have to wonder if this is the best long term solution to their

ORDER RECEIVED FOR FILING
Date 5/25/04
By R. Johnston