

IN RE: PETITION FOR VARIANCE
SE/S of Gwynbrook Avenue, 450 ft.
NE centerline of Walk Avenue
4th Election District
2nd Councilmanic District
(105 Gwynbrook Avenue)

Elva M. Bright, *Legal Owner*
and
Brian Chan, *Contract Purchaser*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-395-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 owner of the subject property, Elva M. Bright and Brian Chan, contract purchaser. The variance request is for property located at 105 Gwynbrook Avenue in Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement dwelling with a front yard setback of 18 ft. in lieu of the minimum required 30 ft.

The property was posted with Notice of Hearing on March 5, 2005, 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 8, 2005 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 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-

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3/23/05
[Signature]

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: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were Paul Naldrett and Donald Hicks from Hicks Engineering and Brian Chan, Petitioner. There were no protestants or citizens attending the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence by Mr. Naldrett indicated that the property, which is the subject of this variance request, consists of one acre of land zoned DR 3.5. The property is improved by an existing single-family dwelling which Mr. Naldrett described as in very poor condition. The Petitioner is in the process of going through a minor subdivision, which will result in two more homes being added to the property. See Petitioner's Exhibit 1.

Because of the minor subdivision, the County requires the subject owner to grant property on the Gynnbrook end of the property to widen the road to 60 feet. This means that the present home will be within 15 feet of the new right-of-way and would require a variance because the front yard setback required is 30 feet.

However, the Petitioner decided to raze the existing home because of its very poor condition. The new home will be located essentially on the footprint of the existing home. Mr.

3/23/05
Ray

Naldrett indicated that he could not pull the home back away from Gwynnbrook Avenue because the land rises very steeply toward the rear of the existing house. See Petitioner's photographs which show the steep slopes behind the existing house. By making the house slightly smaller, the variance request can be reduced to 18 feet. He indicated that it would be a hardship and practical difficulty if the regulations were strictly enforced. They also noted that the area is residential and the variance would be within the spirit and intent of the DR 3.5 regulations.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure. The property slopes quickly behind the existing home and so I find the property unique in a zoning sense. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The existing home does not meet the front yard setback. The new home is slightly smaller but can not be pushed back from the right-of-way a few feet. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting a variance from height or area regulations. The lots meet the minimum lot size of the DR 3.5 regulations. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. There is an existing house on the lot that will be replaced by a new home to be built. This variance does not cause any change to the neighborhood. The proposed home is certainly compatible with similar homes being erected in the neighborhood.

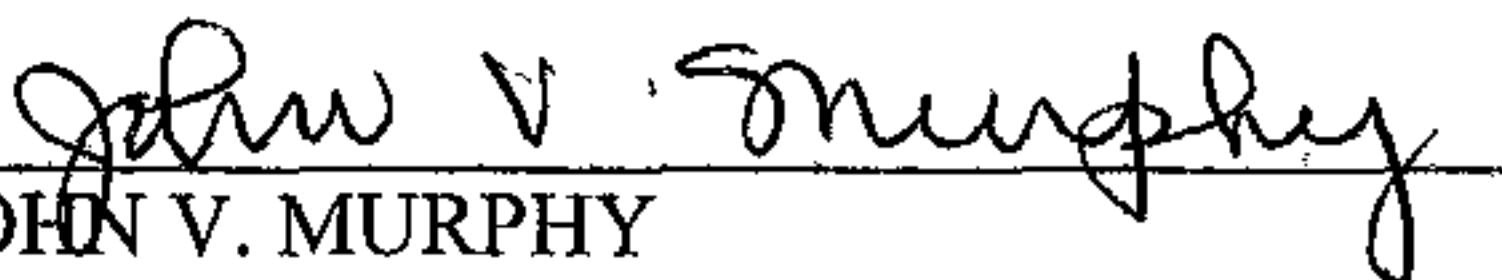
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be GRANTED.

COPIES RECEIVED FOR FILING
3/23/05
[Signature]

THEREFORE, IT IS ORDERED, this 23 day of March, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement dwelling with a front yard setback of 18 ft. in lieu of the minimum required 30 ft., be and it is hereby GRANTED, subject, however, to the following restriction which is a condition 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;

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
3/23/05
Ray

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
William J. Wiseman III, Zoning Commissioner

March 23, 2005

Ms. Elva M. Bright
105 Gwynnbrook Avenue
Baltimore, Maryland 21117

Re: Petition for Variance
Case No. 05-395-A
Property: 105 Gwynnbrook Avenue

Dear Ms. Bright:

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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. Brian Chan, P. O. Box 626, Timonium, MD 21093
Paul M. Naldrett, Hicks Engineering Assoc., Inc., 200 E. Joppa Road, Ste. 402, Towson, MD 21286

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 105 Gwynnbrook Avenue (LOT 1)
which is presently zoned DR 3,5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) BO2.3.C.1, BC2R, to permit a replacement dwelling with a front yard setback of 18 feet in lieu of the minimum required 30 feet.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The steep slopes behind the property prohibit placing the house anywhere else. & other reasons to be presented 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:

BREWER COLMAN
Name - Type or Print
[Signature]
Signature
P.O. Box 626 443-520-5973
Address Telephone No.
TIMONIUM MD 21093
City State Zip Code

Attorney For Petitioner:

[Signature]
Name - Type or Print
[Signature]
Signature
[Blank]
Company
3/23/05
Address Telephone No.
[Blank] [Blank]
State Zip Code

Case No. 05-395-A

Legal Owner(s):

ELVA M. BRIGHT
Name - Type or Print
[Signature]
Signature
[Blank]
Name - Type or Print
[Signature] 443-520-5973
Signature Telephone No.
105 GWYNNBROOK AVE.
Address
BALTIMORE MD 21117
City State Zip Code

Representative to be Contacted:

Paul M. Naldrett
Name
Nicks Engineering Associates, Inc.
800 E. Joppa Road Suite 402 (410) 494-0001
Address Telephone No.
Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JNP Date 2/7/05

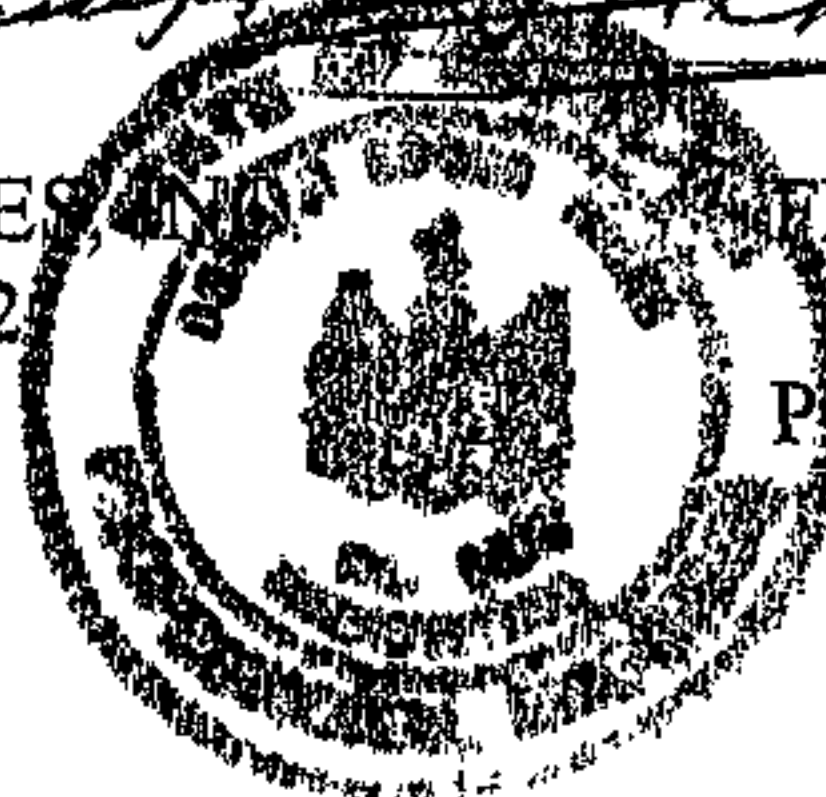
DESCRIPTION FOR ZONING
OF
105 GWYNNBROOK AVENUE (Lot 1)
TAX MAP 58, PARCEL 134
4 TH ELECTION DISTRICT, 3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME on the southeast side of Gwynnbrook Avenue,
450 feet +/- northeasterly from the intersection formed by the centerline of Gwynnbrook
and Walk Avenue, thence binding on the southeast side of the proposed widening
(ultimate 60 foot right of way) of Gwynnbrook Avenue,

- 1) North 69 degrees 53 minutes 00 seconds East 105.61 feet, thence leaving
said road,
- 2) South 35 degrees 13 minutes 00 seconds East 113.97 feet
- 3) South 54 degrees 44 minutes 31 seconds West 20.00 feet
- 4) South 79 degrees 34 minutes 12 seconds West 96.16 feet
- 5) North 35 degrees 13 minutes 00 seconds East 348.00 feet to the place of
beginning.

CONTAINING 10,890 square feet or 0.25 acres of land, more or less.

HICKS ENGINEERING ASSOCIATES, INC.
200 EAST JOPPA ROAD, SUITE 402
TOWSON, MARYLAND 21286



FEBRUARY 03, 2005

PAGE NUMBER 1 OF 1

05-395-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39311

DATE

2/7/05

ACCOUNT

R-001-006-6050

AMOUNT

\$ 65.00

RECEIVED FROM

Hick Engineering Associates, Inc

FOR

Invoice #105-Graphbook Acc (Lot 1)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

BS-395-A (Bright)

PAID RECEIPT

BUSINESS ACTION TIME

2/10/05 2:00/2:15 PM

PER 1004 10/1/04 10:00 AM

RECEIPT # 101414 2/10/2005

DATE 3 525 OFFICE VERIFICATION

BY NO. 109211

Receipt for

\$65.00

105.00 PM

4.00 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: #05-395-A
105 Gwynnbrook Avenue
S/east side of Gwynnbrook
Avenue, 450 feet n/east of
Walk Avenue

4th Election District
2nd Councilmanic District
Legal Owner(s): Elva M.
Bright

Variance: to permit a replacement dwelling with a front yard setback of 18 feet in lieu of the minimum required 30 feet.

Hearing: Monday, March
21, 2005 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County

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

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

UT/3/054 Mar 8 41974

CERTIFICATE OF PUBLICATION

3/10/, 2005

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 3/8/, 2005.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-395-A

Petitioner/Developer: ELVA M.

BRIGHT

Date of Hearing/Closing: 3/21/05

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

ATTN: Kristen Matthews ((410) 887-3394)

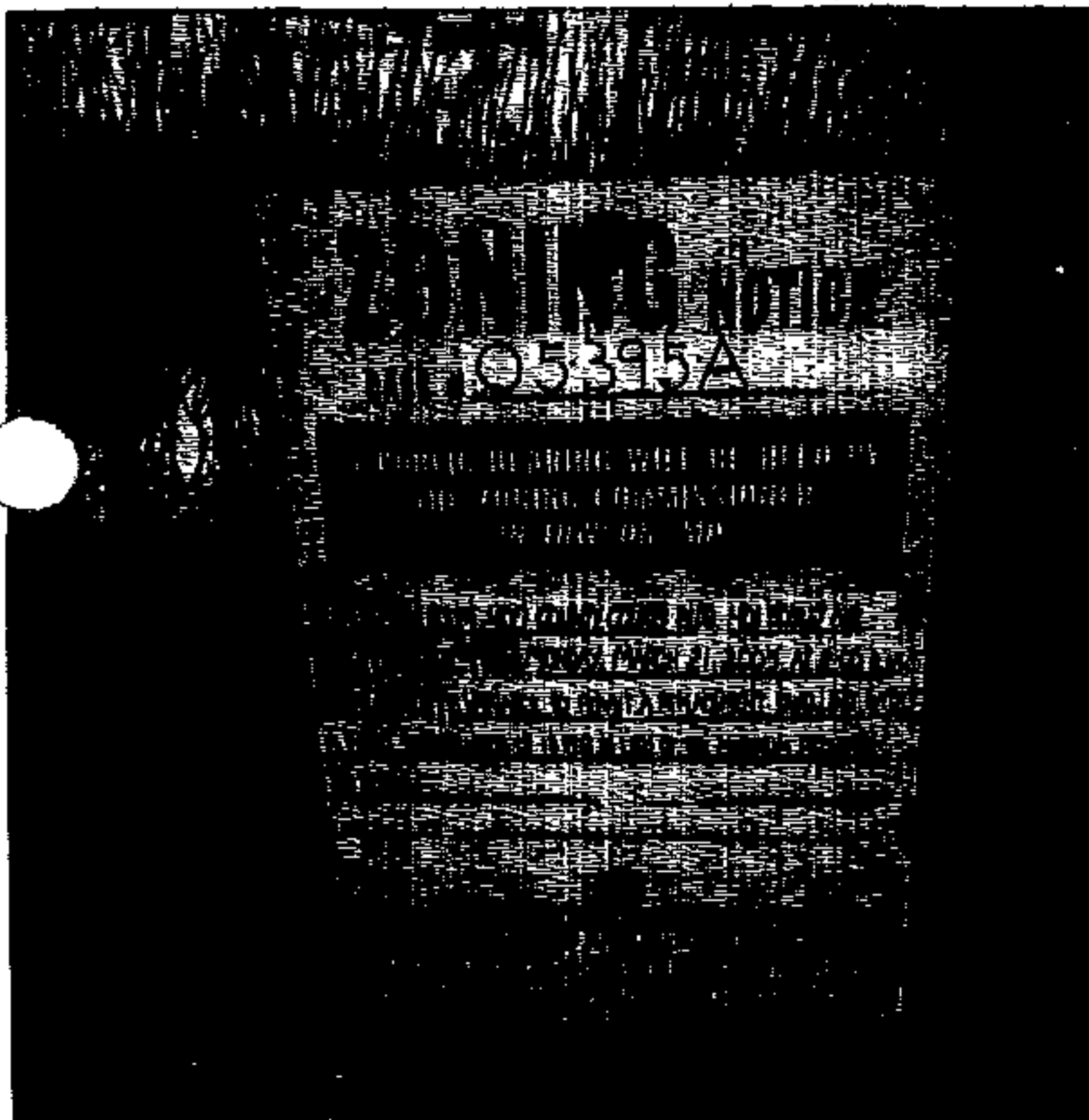
Ladies and Gentlemen:

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: _____

105 GWYNNBROOK AVE

The sign(s) were posted on 3/5/05
(Month, Day, Year)

Sincerely,



Robert Black 3/8/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

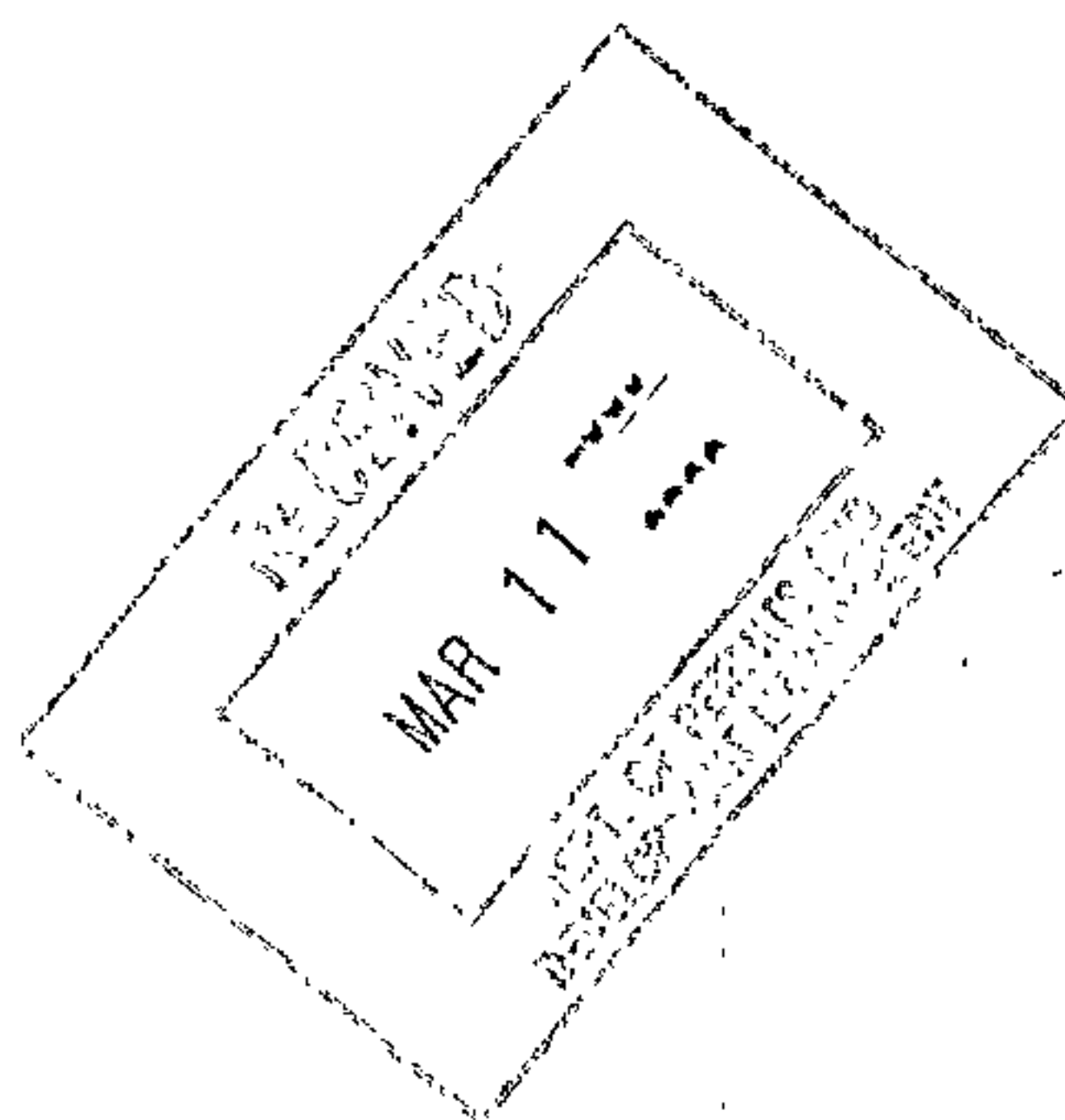
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

105 GWYNNBROOK AVE



**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 22, 2005

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: 05-395-A

105 Gwynnbrook Avenue
S/east side of Gwynnbrook Avenue, 450 feet n/east of Walk Avenue
4th Election District – 2nd Councilmanic District
Legal Owners: Elva M. Bright

Variance to permit a replacement dwelling with a front yard setback of 18 feet in lieu of the minimum required 30 feet.

Hearing: Monday, March 21, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Elva Bright, 105 Gwynnbrook Avenue, Baltimore 21117
Brian Chan, P.O. Box 626, Timonium 21093
Paul Naldrett, Hicks Engineering, 200 E. Joppa Rd., Ste. 402, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 5, 2005.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 8, 2005 Issue - Jeffersonian

Please forward billing to:
Brian Chan
P.O. Box 626
Timonium, MD 21093

443-520-5973

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: 05-395-A

105 Gwynnbrook Avenue

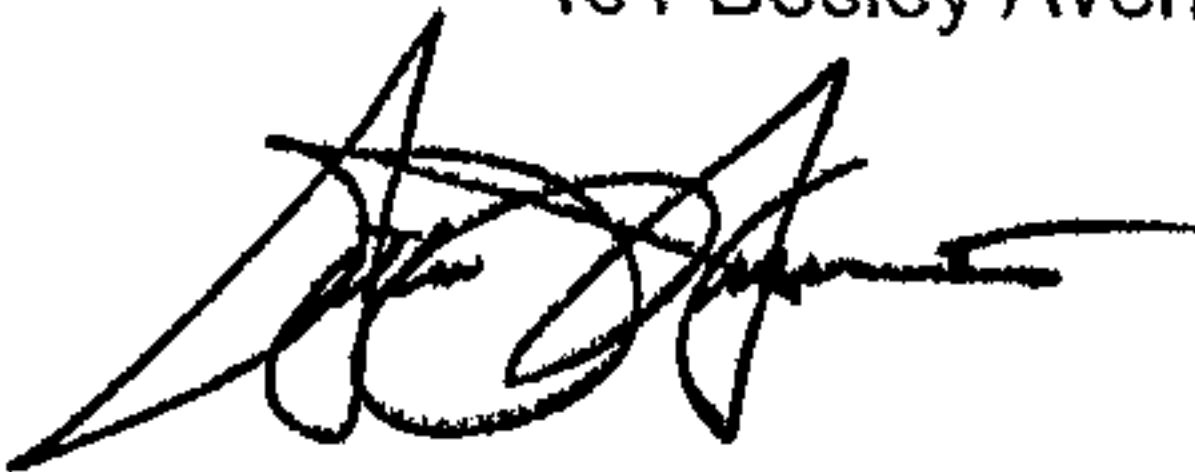
S/east side of Gwynnbrook Avenue, 450 feet n/east of Walk Avenue

4th Election District – 2nd Councilmanic District

Legal Owners: Elva M. Bright

Variance to permit a replacement dwelling with a front yard setback of 18 feet in lieu of the minimum required 30 feet.

Hearing: Monday, March 21, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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: 05-395-A

Petitioner: BRIGHT

Address or Location: 105 Gwynbrook Avenue (Lot 1)

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr BRIAN CUAN

Address: P.O. Box 626
TIMONIUM, MD 21093

Telephone Number: 443-520-5973

**Department of Permits
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 14, 2005

Elva Bright
105 Gwynnbrook Avenue
Baltimore, Maryland 21117

Dear Ms. Bright:

RE: Case Number: 05-395-A, 105 Gwynnbrook Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 7, 2005.

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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Brian Chan P.O. Box 626 Timonium 21093
Paul M. Naldrett Hicks Engineering 200 E. Joppa Road Ste 402 Towson 21286

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



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, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 22, 2005

Item No.: 395

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual, Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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: 2.18.05

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

RE: Baltimore County
Item No. 395

JMP

Dear Ms. Matthews:

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
BUREAU OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr. *mo*
DATE: March 15, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 22, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-396

05-397

05-398

05-400

05-402

05-404

Reviewers: Sue Farinetti, Dave Lykens

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

Jan
3/21

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 25, 2005

RECEIVED

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

FEB 25 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-395 and 5-402

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A. Cunningham

Division Chief: Lynn L. Lerman

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 7, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For February 28, 2005
Item Nos. 395, 397, 398, 399, 402, 403,
and 404

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE	*	BEFORE THE
105 Gwynbrook Avenue; SE/side Gwynbrook		
Avenue, 450' NE Walk Avenue	*	ZONING COMMISSIONER
4 th Election & 2 nd Councilmanic Districts		
Legal Owner(s): Elva M. Bright	*	FOR
Contract Purchaser(s): Brian Chan		
Petitioner(s)	*	BALTIMORE COUNTY
	*	05-395-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 and all 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 1st day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to, Paul M. Naldrett, Hicks Engineering, Inc, 200 E. Joppa Road, Suite 402, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Per.....

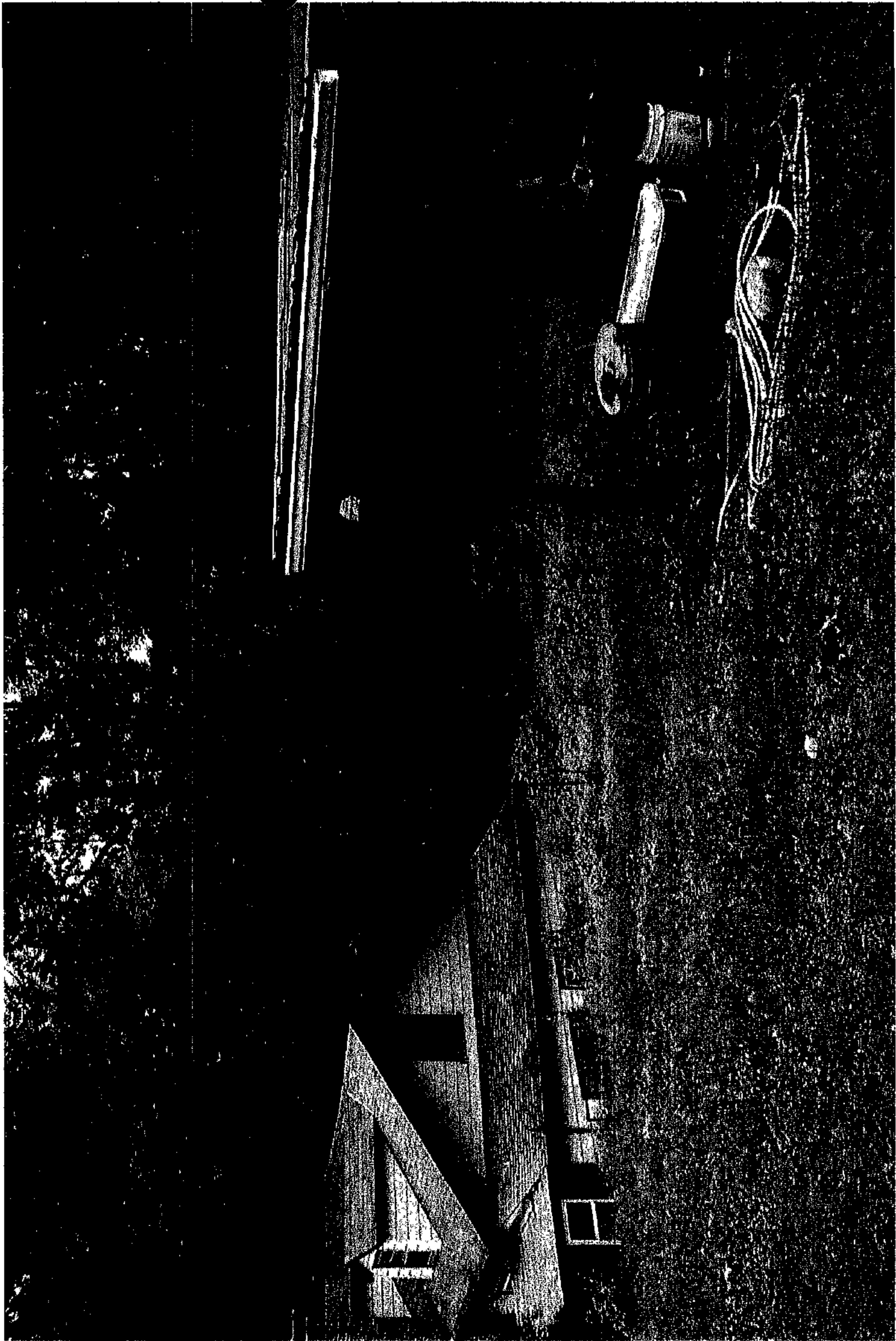
CASE NAME 105 Gwynnbrook Ave.
CASE NUMBER 05-395A
DATE 3/21/05
ET

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
DANIEL E. THICKS JR.	41000 E. 10th Ave. #100	TOLEDO, OH 44204	
Brian Chan	93 West Ridgely Rd #160	Timonium, Md 21093	

05-395-A

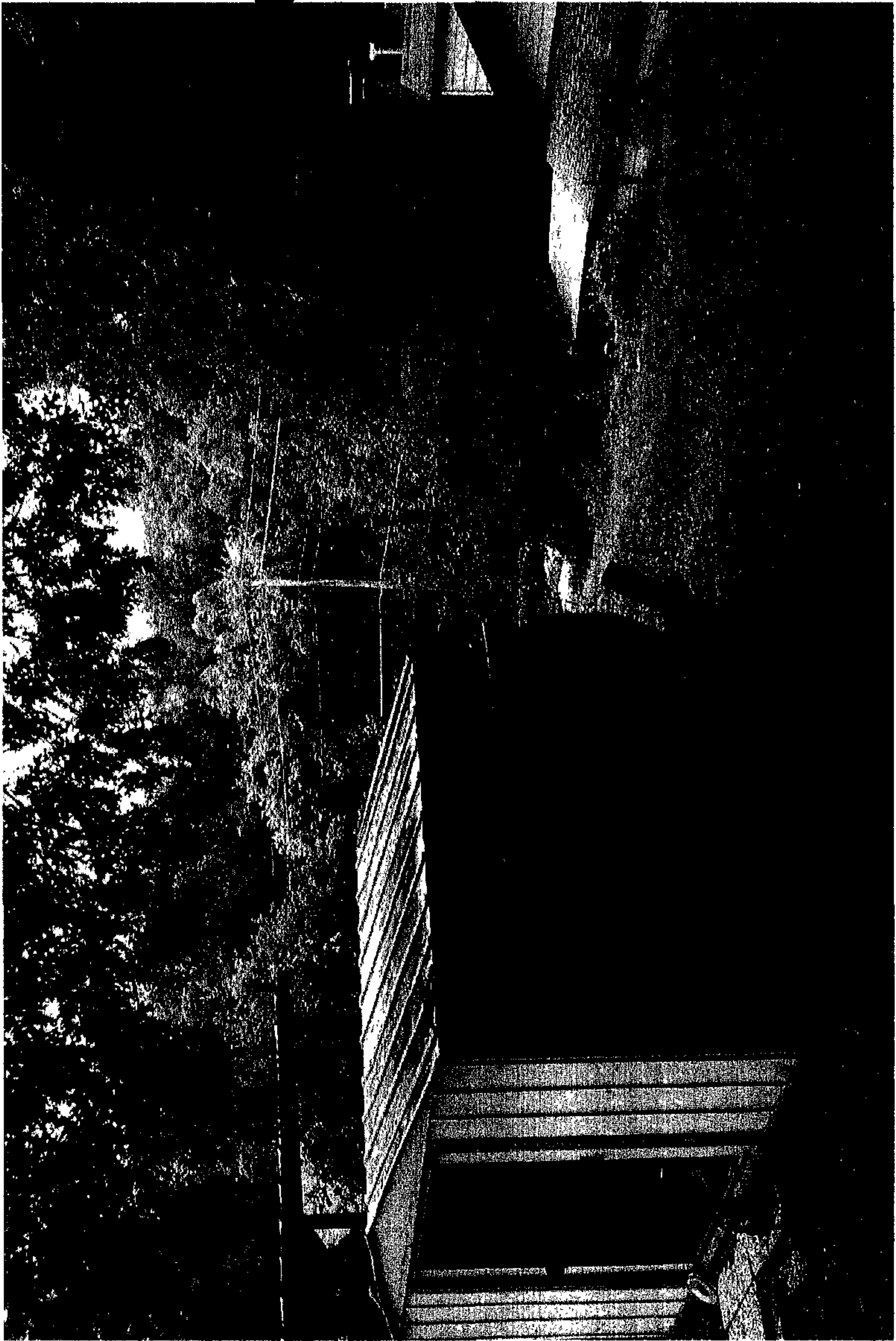
SITE



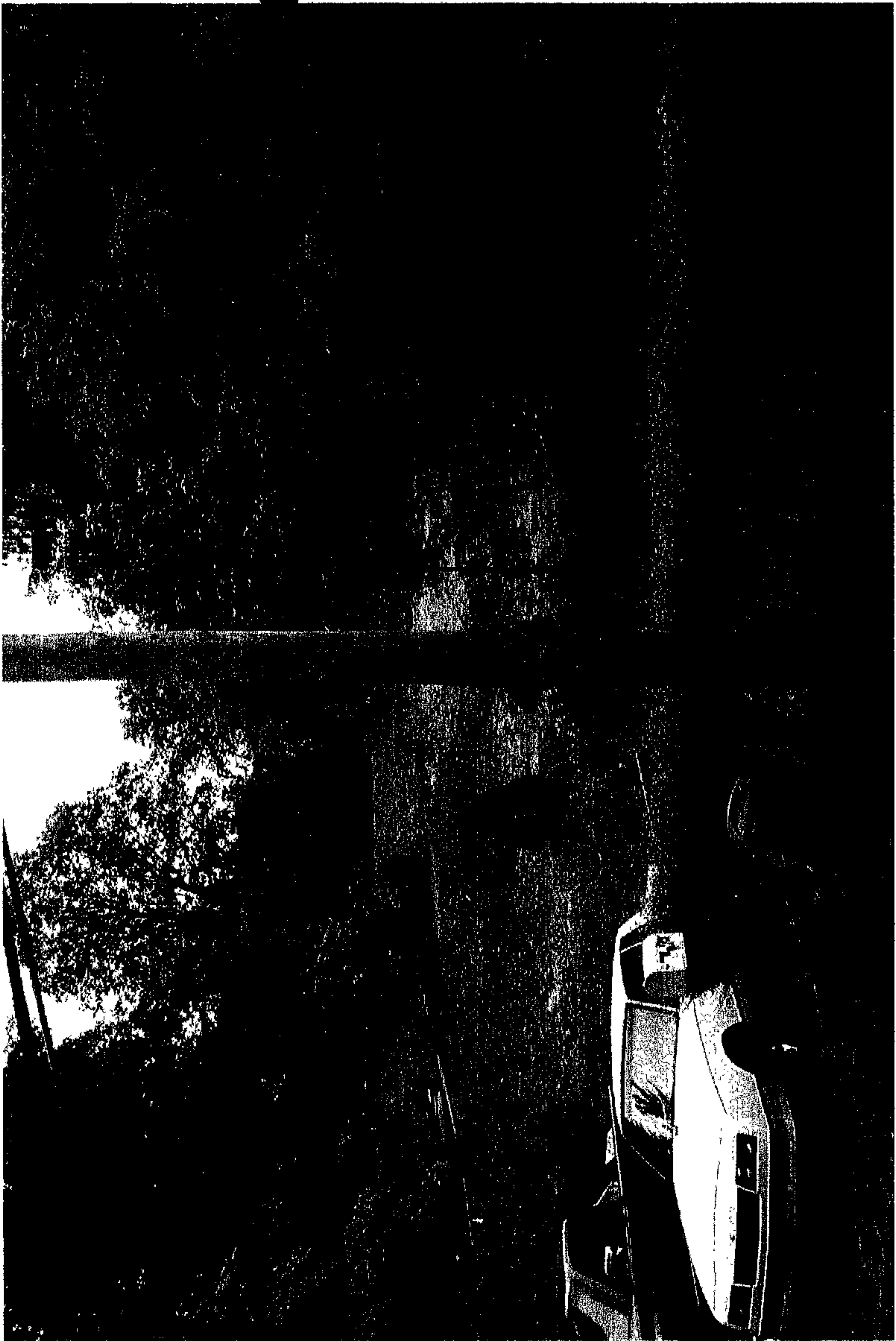
27



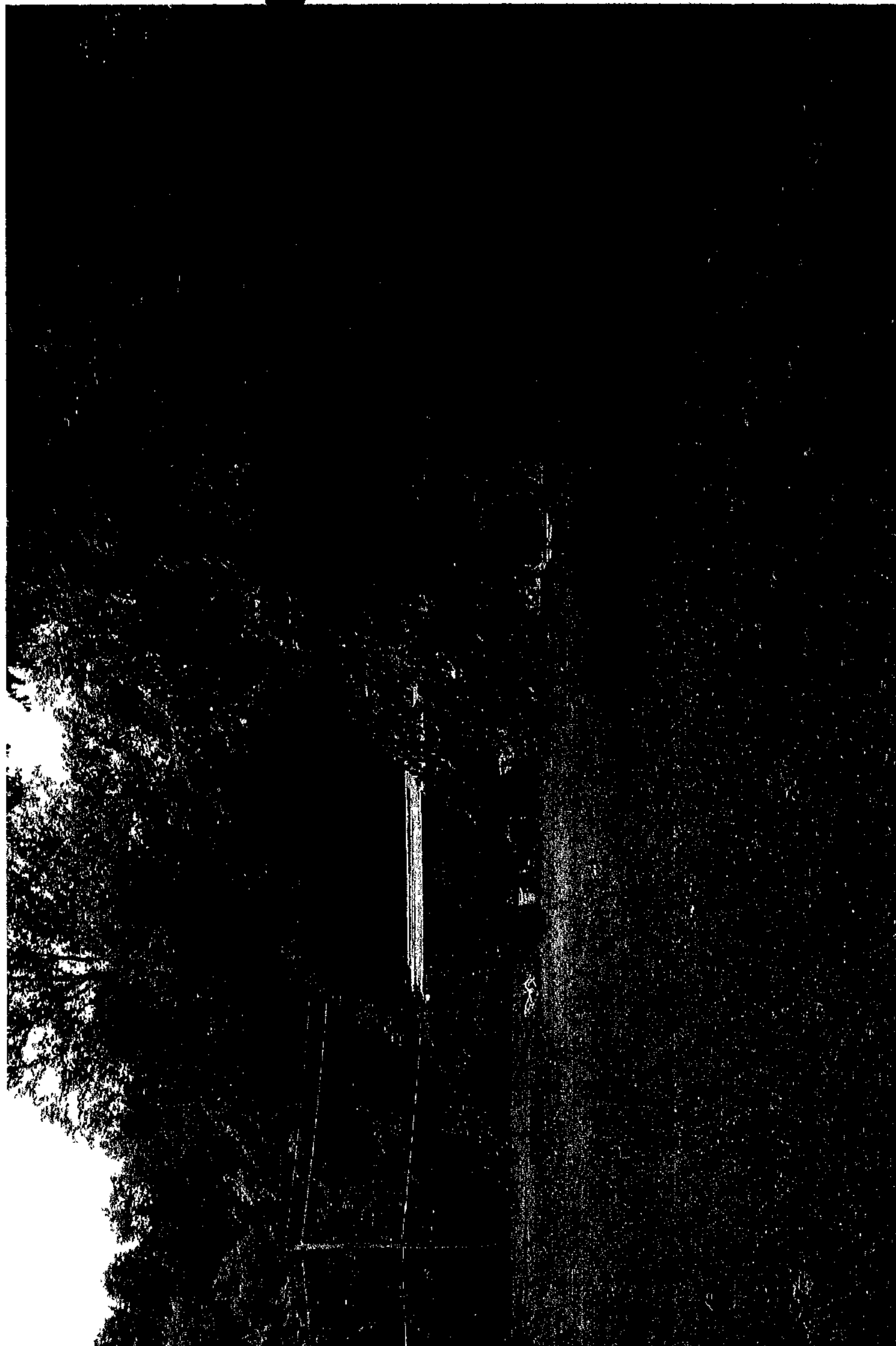
28



2
2



2D

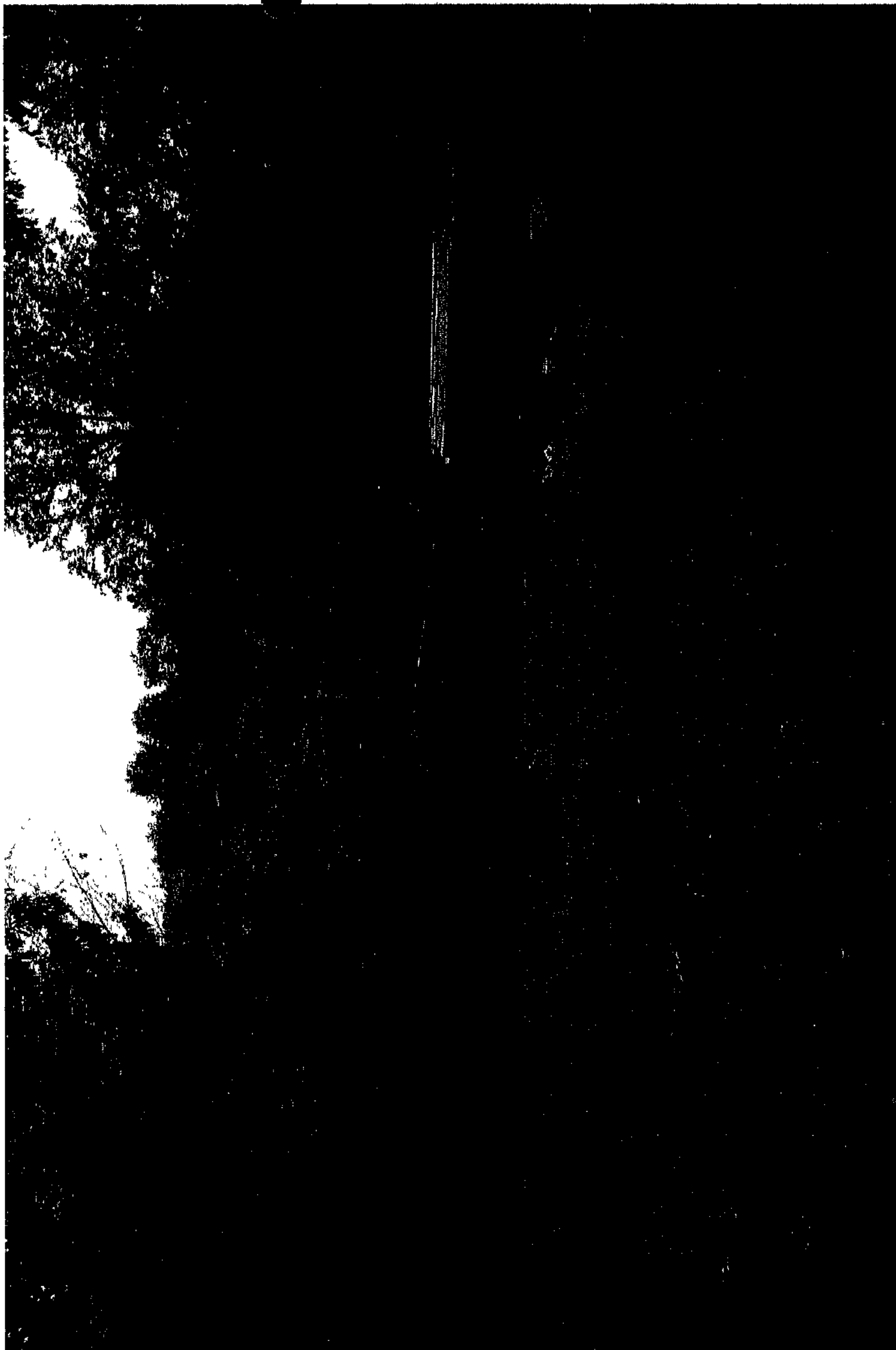


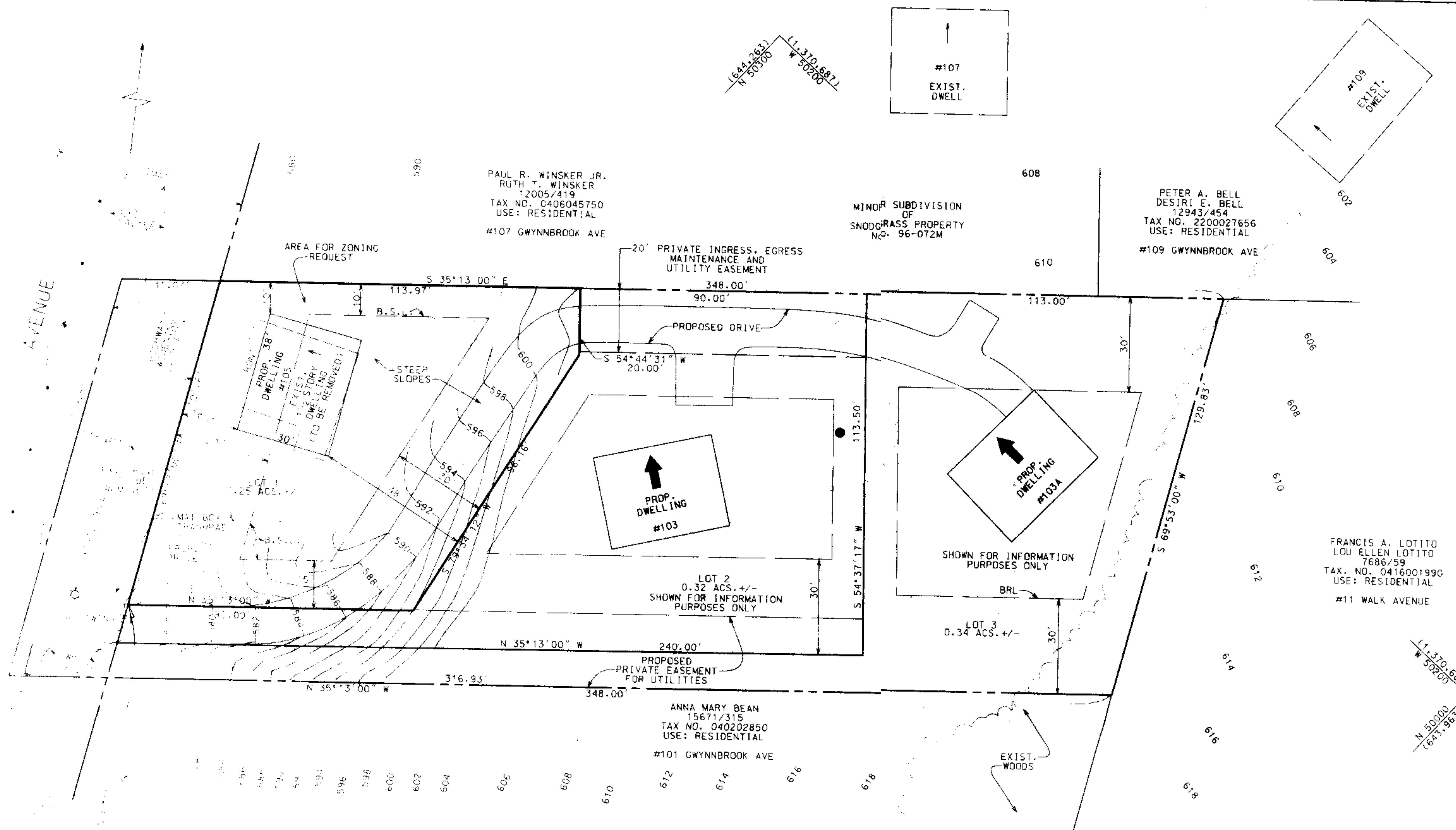
72



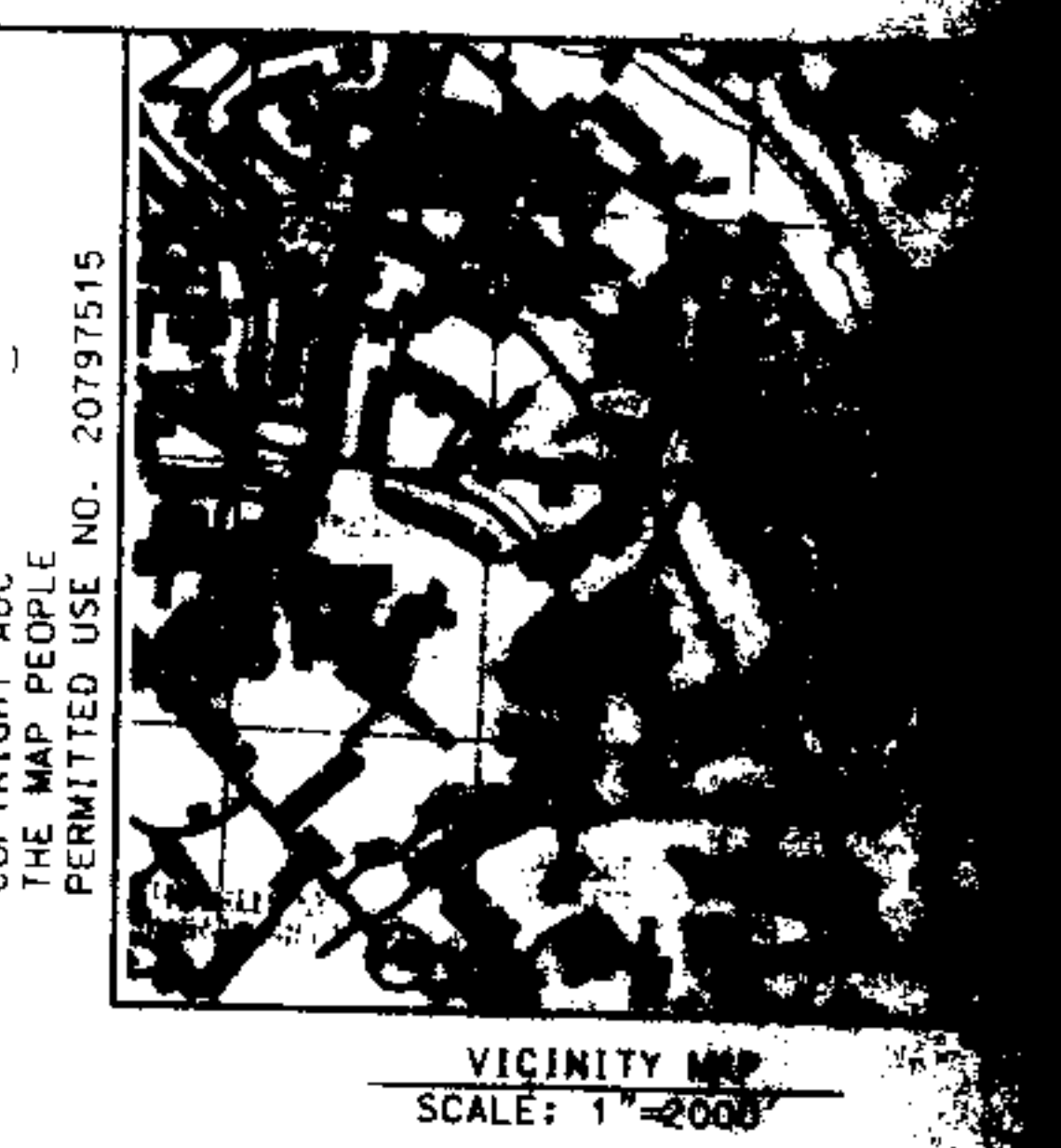
112

22





SITE DATA
 GROSS SITE ACREAGE: 43.620.86 S.F./
 1.00 ACRES +/-
 HWY. WIDENING AREA: 0.09 ACRES +/-
 NET SITE ACREAGE: 0.92 ACRES +/-
 EX. & PROP. ZONING: DR 3.5 - NW 13-1
 UNITS PERMITTED: 3
 UNITS PROPOSED: 3
 TAX MAP 58/GRID 8/PARCEL 134
 DEED REFERENCE: 11912/610
 TAX. ACCT. NO.: 0402067880
 CENSUS TRACT: 4042.02
 REGIONAL PLANNING DISTRICT: 322
 WATERSHED: 27
 SUBWATERSHED: 27
 SCHOOL DISTRICTS: OWINGS MILLS ELEM.
 DEER PARK MIDDLE
 OWINGS MILLS HIGH



- GENERAL NOTES**
1. THERE ARE NO KNOWN HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS, WELL OR SEPTIC AREAS, ARCHAEOLOGICAL OR HISTORIC SITES, CRITICAL AREAS, FLOOD PLAINS, UNDERGROUND (FUEL) STORAGE TANKS, STEEP SLOPES, ON THIS SITE.
 2. THERE WILL BE NO ADDITIONAL SUBDIVISION OF THIS PARCEL.
 3. COORDINATES AND GRID TICKS SHOWN HEREON ARE REFERENCED TO THE BALTIMORE COUNTY METROPOLITAN DISTRICT SYSTEM.
 4. THE SUBJECT PROPERTY HAS NO ZONING CASE HISTORY.
 5. THE DEVELOPER SHALL NOT ALLOW ANY CABLE TELEVISION CABLES TO BE INSTALLED IN THIS SUBDIVISION WITHOUT THE REQUIRED COUNTY PERMITS BEING OBTAINED. BALTIMORE COUNTY WILL NOT ASSUME ANY RIGHT-OF-WAY, EASEMENTS, OR MAINTENANCE OF ANY PUBLIC IMPROVEMENTS, WHEN SUCH CABLES HAVE BEEN INSTALLED WITHOUT A PERMIT, UNTIL THE CABLES ARE SATISFACTORILY LOCATED.
 6. THE ISSUANCE OF THE BUILDING PERMITS AND ALL GRADING WILL BE DONE IN ACCORDANCE WITH THE STANDARD PLAN FOR SEDIMENT AND EROSION CONTROL APPROVED BY THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT.
 7. STORM WATER MANAGEMENT - A FEE IN LIEU OF PAYMENT FOR UNMANAGED RUN-OFF HAS BEEN REQUESTED BY A LETTER DATED 11/11/2004. EXISTING IMPERVIOUS AREA=1000 SQ. FT. PROPOSED IMPERVIOUS AREA=5000 SQ. FT. OF ADDITIONAL IMPERVIOUS AREA.
 8. MAXIMUM BUILDING HEIGHT IS 50 FEET.
 9. THE SITE IS NOT SUBJECT TO R.T.A. OR R.T.A. BUFFER REQUIREMENTS.
 10. THIS SITE IS NOT LOCATED IN ANY BASIC SERVICES DEFICIENT AREAS, AS SHOWN ON THE LATEST AVAILABLE MAP.
 11. THIS PROPERTY, AS SHOWN ON THE PLAN, HAS BEEN HELD INTACT SINCE 1971. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE PROPERTY, AS SHOWN ON THE PLAN, HAS NEVER BEEN UTILIZED, REPAIRED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
 12. ONSITE SOILS: M6D, M6D3
 13. THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST, AS PROTECTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION, PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT (DEPRM).
 14. ANY FOREST BUFFER AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS PERMANENT AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.
 15. DEVELOPMENT GRADING SHALL MAINTAIN THE EXISTING DRAINAGE CHARACTERISTICS OR CONCENTRATING FLOOD OR CAUSING FLOODING, OR CAUSING FLOODING, OR CAUSING FLOODING OFF-SITE PROPERTY.
 16. NO LATER THAN 180 DAYS AFTER THE PROPERTY MAY REQUIRE LOCAL OPEN SPACE.
 17. THE AREA BETWEEN THE DESIGNATED GREENWAY IS AFFECTED BY THIS DEVELOPMENT, AND KEPT FREE OF ANY OBSTRUCTIONS.
 18. THE SUBJECT PROPERTY DOES NOT LIE WITHIN THE CHEESAPEAKE BY CRITICAL AREA.
 19. THE PROPERTY IS NOT LOCATED WITHIN A 100-YEAR FLOOD PLAIN.
 20. THERE ARE NO WELLS OR SEPTICS ON THE SUBJECT PROPERTY OR ADJACENT PROPERTIES.
 21. LANDSCAPING SHALL BE PROVIDED ALONG THE PROPOSED PANHANDLE DRIVEWAY.
 22. THE PANHANDLE SHALL BE PAVED WITHIN ONE YEAR OF THE ISSUANCE OF THE FIRST OCCUPANCY PERMIT AND PRIOR TO THE ISSUANCE OF THE OCCUPANCY PERMIT OF THE LAST LOT TO BE SERVED, WHICHEVER COMES FIRST.
 23. SUBJECT PROPERTY WILL BE SERVED BY EXISTING PUBLIC WATER & SEWER FACILITIES.

DENSITY CALCULATIONS

LOTS ALLOWED = 0.91 (NET AREA) x 3.5 = 3.14
 LOTS PROPOSED = 3

ZONING CLASSIFICATION	MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	MINIMUM LOT WIDTH (feet)	MINIMUM FRONT YARD DEPTH (feet)	MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	MINIMUM SUM OF SIDE YARD WIDTHS (feet)	MINIMUM REAR YARD DEPTH (feet)
DR 3.5	10,000	70	30	10	25	30

"ENVELOPES OR TYPICAL DWELLINGS AS SHOWN DICTATE A SPECIFIC LOCATION AND ORIENTATION WHICH IS INTENDED TO ALLOW COMPLIANCE WITH BALTIMORE COUNTY ZONING REGULATIONS AND POLICIES. SHOULD THE LOCATION OR ORIENTATION CHANGE OR CREATE CONFLICTS WITH THE REGULATIONS OR POLICIES, THE ORIENTATION MUST BE CHANGED TO ALLEVIATE THE CONFLICT."

NOTE: THE PROPOSED DWELLINGS SHALL MEET THE B.O.C.A. BUILDING CODES, AS WELL AS THE FIRE CODE REQUIREMENTS.

- LEGEND**
- 120 EXISTING CONTOURS
 - 120 PROPOSED CONTOURS
 - LIMIT OF DISTURBANCE (L.O.D.)
 - PROPERTY BOUNDARY
 - WOODS LINE
 - WATER MAIN
 - SEWER MAIN
 - STORM DRAIN
 - GAS MAIN

DONALD E. HICKS, P.E.
 HICKS ENGINEERING CO., INC.
 200 E. JOPPA ROAD
 TOWSON, MD. 21286
 PHONE (410) 494-0001



REVISIONS	
DATE	DESCRIPTION

OWNER:
 ELVA M. BRIGHT, TRUSTEE
 105 GWYNNBROOK AVENUE
 OWINGS MILLS, MD 21117-2122
 443-520-5973

HICKS ENGINEERING CO.
 ENGINEERS, SURVEYORS & E.C.
 200 EAST JOPPA ROAD - SUITE 200
 TOWSON, MARYLAND 21286-3106
 (410) 494-0001

PROJECT TITLE:
 PROPOSED MINOR SUBDIVISION OF
 "BROOKVIEW"
 105 GWYNNBROOK AVENUE (LOT 1)

DRAWING TITLE:
 PLAT TO ACCOMPANY
 PETITION FOR ZONING VARIANCE
 4th ELECTION DISTRICT
 3rd COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MD

JOB NO.:	21545	DRAWING NO.:	
DRAWN BY:	JPM		
CHECKED BY:	PMN		
DATE:	FEBRUARY 3, 2005		
SCALE:	1"=20'	SHEET:	