

IN RE: PETITION FOR VARIANCE
S/S of Greenbank Road, 315 ft. E
centerline of Susquehanna Avenue
15th Election District
6th Councilmanic District
(7335 Greenbank Road)

Mark Celluzzi, *Legal Owner*
and
Harry L. Tolley, III, *Contract Purchaser*
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 05-438-A

* * * * *

IN RE: PETITION FOR VARIANCE
S/S of Greenbank Road, 265 ft. E
centerline of Susquehanna Avenue
15th Election District
6th Councilmanic District
(7337 Greenbank Road)

Mark Celluzzi, *Legal Owner*
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 05-439-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as a Petitions for Variance filed by the legal owner of the subject property, Mark Celluzzi and Harry L. Tolley, III, contract purchaser. The Petitioners are requesting variance relief for properties set forth as follows:

Case No. 05-438-A: Property located at 7335 Greenbank Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a lot width of 50 ft. in lieu of the required 55 ft. for a new dwelling and to approve an undersized lot.

Case No. 05-439-A: Property located at 7337 Greenbank Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County

RECEIVED FOR FILING
4/20/05
By [Signature]

Zoning Regulations (B.C.Z.R.), to allow a lot width of 50 ft. in lieu of the required 55 ft. for an existing dwelling.

These properties were posted with Notice of Hearing on April 2, 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 31, 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-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."

Section 304 of the B.C.Z.R. – Use of Undersized Single Family Lots (Reference Only)

Section 304, Use of Undersized Single-Family Lots [BCZR 1955; Bill No. 47-1992]

304.1[Bill Nos. 64-1999; 28-2001] Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

- A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;
- B. All other requirements of the height and area regulations are complied with; and
- C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

RECEIVED FOR FILING
4/20/05
Ray

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection & Resource Management (DEPRM) dated March 17, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, copies of which are attached hereto and made a part hereof. In addition, ZAC comments were received from the Bureau of Development Plans Review dated March 24, 2005, copies of which are attached hereto and made a part hereof. Finally, ZAC comments were received from the Office of Planning dated March 28, 2005, copies of which are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were David Billingsley, Bob Infussi and Harry L. Tolley, III, contract purchaser, the Petitioner. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

By agreement, all testimony and evidence given in Case No 05-438-A is equally applicable to Case No. 05-439-A. Mr. Billingsley explained that Mr. Celluzzi owns lots 182 and 183 of the "Oliver Beach" subdivision, which was recorded among the Land Records of Baltimore County in 1940 as shown by Petitioner's Exhibit 2. Lot 183 is improved by an existing home which meets all DR 5.5 regulations except lot width, which is 50 feet instead of the required 55 feet. He would like to sell his side yard, lot 182, on which the contract purchaser would like to build a new home again which meets all DR 5.5 regulations except lot width which is 50 feet. See Petitioner's Exhibit 1 for the setback and dimensions of the lots.

Mr. Billingsley indicated that it would be a hardship on the Petitioner not to be able to build on Lot 182, which is intended for residential development. He noted that the lot is served by gravity, public sewer, and public water. He noted that each lot is 7500 sq. feet in area which exceeds the 6000 sq. feet required by the regulations so that building a new home on the lot would not result in greater density than was otherwise allowed. He further indicated that granting the requested variances would be within the spirit and intent of the DR regulations and would not adversely affect the pattern of development in the neighborhood. In support of the latter, he pointed to this same conclusion by the Planning Office comments, which noted that the neighborhood is primarily developed as one home on each 50 foot lot. He noted this was especially true of waterfront properties north and south of Greenbank Road with the exception of 7327 Greenbank Road which has a larger home on several lots.

Findings of Fact and Conclusions of Law

At the outset, I want to observe that I agree with the process displayed in these cases. The lots meet all the conditions for simple administrative approval of undersized lots pursuant to Section 304 of the BCZR except for the fact that both lots are in common ownership. Since the lots then do not meet every requirement of Section 304, they must be processed by requests for variance.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. These lots were part of a subdivision that was recorded in the Land Records of Baltimore County in 1940, much before the DR 5.5 zoning regulations were imposed. As such, I find that the imposition of the zoning regulations impact these lots differently than lots in the area laid out in accord with the DR regulations. Consequently, I find the lots are 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 on the Petitioners, as they would not be able to

build a new home on the vacant lot. I further find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting these variances. Both lots exceed the area requirement of the regulations. There is an existing home on Lot 183.

I further find that these variances can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety, and general welfare. Mr. Billingsley has shown that the pattern of development in the neighborhood is one home on each 50 foot lot. Building a home on Lot 182 is compatible with that pattern. The existing home on Lot 183 meets that pattern.

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 requests should be granted.

THEREFORE, IT IS ORDERED, this 20 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioners' requests for variance relief as follows:

Case No. 05-438-A: Property located at 7335 Greenbank Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a lot width of 50 ft. in lieu of the required 55 ft. for a new dwelling and to approve an undersized lot.

Case No. 05-439-A: Property located at 7337 Greenbank Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a lot width of 50 ft. in lieu of the required 55 ft. for an existing dwelling,

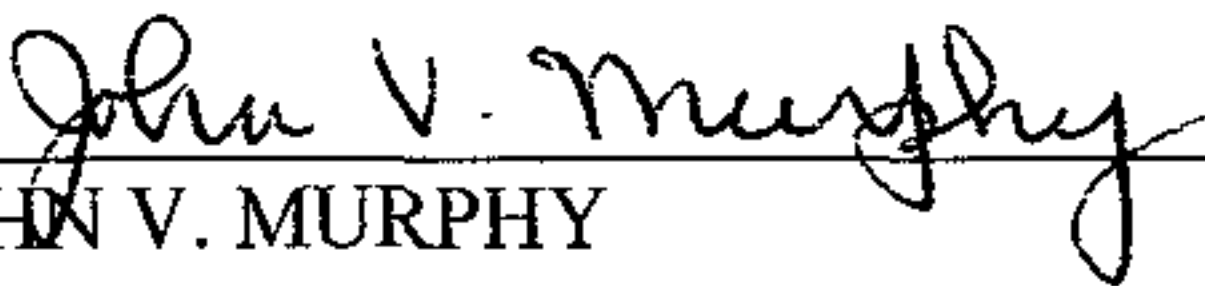
be and they are hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the relief granted herein:

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 March 17, 2005, 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 March 24, 2005, a copy of which is attached hereto and made a part hereof;
4. Compliance with the ZAC comments made by the Office of Planning dated March 28, 2005, a copy of which is attached hereto and made a part hereof
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

CHIEF RECOVERED FOR FILING
4/20/05
Raj

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

April 20, 2005

Mr. Mark Celluzzi
7337 Greenbank Road
Baltimore, Maryland 21220

Re: Petitions for Variance
Case Nos. 05-438-A & 05-439-A
Property: 7335 & 7337 Greenbank Road

Dear Mr. Celluzzi:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for variance have 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 black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Harry L. Tolley, III, 4713-A Forge Road, Perry Hall, MD 21128
Robert Infussi, P. O. Box 1043, Belair, MD 21014
David Billingsley, 601 Charwood Ct., Edgewood, MD 21040
Alan Fox, 3816 Proctor Lane, Baltimore, MD 21236

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





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7335 GREENBANK ROAD

which is presently zoned DR 5.5

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) *1 BOZ. 3.C.1 TO ALLOW A LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET FOR A NEW DWELLING.*

AND TO APPROVE AN UNDERSIZED LOT

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To Be Discuss 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:

Harry L. Tolley III
 Name - Type or Print
 Harry L. Tolley III
 Signature
 4713 A Forge Rd
 Address
 410-529-2404
 Telephone No.
 Perry Hall MD
 City State Zip Code
 21128

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Case No. 05-438-A

REV 9/15/98

Legal Owner(s):

MARK CELLUZZI

Name - Type or Print

Mark Celluzzi

Signature

Name - Type or Print

Signature

7337 GREEN BANK RD.

Address Telephone No.

BALTO MD 21220

City State Zip Code

Representative to be Contacted:

ROBERT INFUSSI		
Name		
P.O. BOX 1043	(410) 812-2236	
Address	Telephone No.	
BELAIR	MD.	21014
City	State	Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM Date 3/4/05

**DESCRIPTION TO ACCOMPANY PETITION FOR
VARIANCE AND UNDERSIZED LOT
7335 GREENBANK ROAD**

Beginning for the same at a point on the south side of Greenbank Road (30 feet wide) said point being distant 315 feet east of it's intersection with the center of Susquehanna Road (30 feet wide) thence being all of Lot 182 as shown on the plat entitled Section A, Oliver Beach recorded among the plat records of Baltimore County in plat book 12 folio 56. Containing 7,500 square feet or 0.172 acre of land, more or less.

Being known as 7335 Greenbank Road. Located in the 15th Election District, 6th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 442762

DATE

3/4/05

ACCOUNT

00010066150

AMOUNT

\$ 115.00

RECEIVED FROM

EXPERTE LLC

FOR

OS-4302A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE

TIME

10/1/2005 14:30:47

RECEIVED BY

3/4/2005 3:04:20 PM

RECEIVED BY

3/4/2005

RECEIVED BY

3/4/2005

RECEIVED BY

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: #05-438-A
7335 Greenbank Road
S/side of Greenbank Road;
315 feet east of centerline
of Susquehanna Road
15th Election District
6th Councilmanic District
Legal Owner(s): Mark Celluzzi
Contract Purchaser:
Harry L. Tolley, III

Variance: to allow a lot width of 50 feet in lieu of the required 55 feet for a new dwelling and to approve an undersized lot.
Hearing: Monday, April 18, 2005 at 9:00 a.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 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.

3/444 Mar. 31 44857

CERTIFICATE OF PUBLICATION

3/31/, 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 3/31/, 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. : 05-438-A

Petitioner/Developer: MARC

CELLUZZI

Date of Hearing/Closing: 4/18/05

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

Attention:

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
at 7335 GREENBANK RD

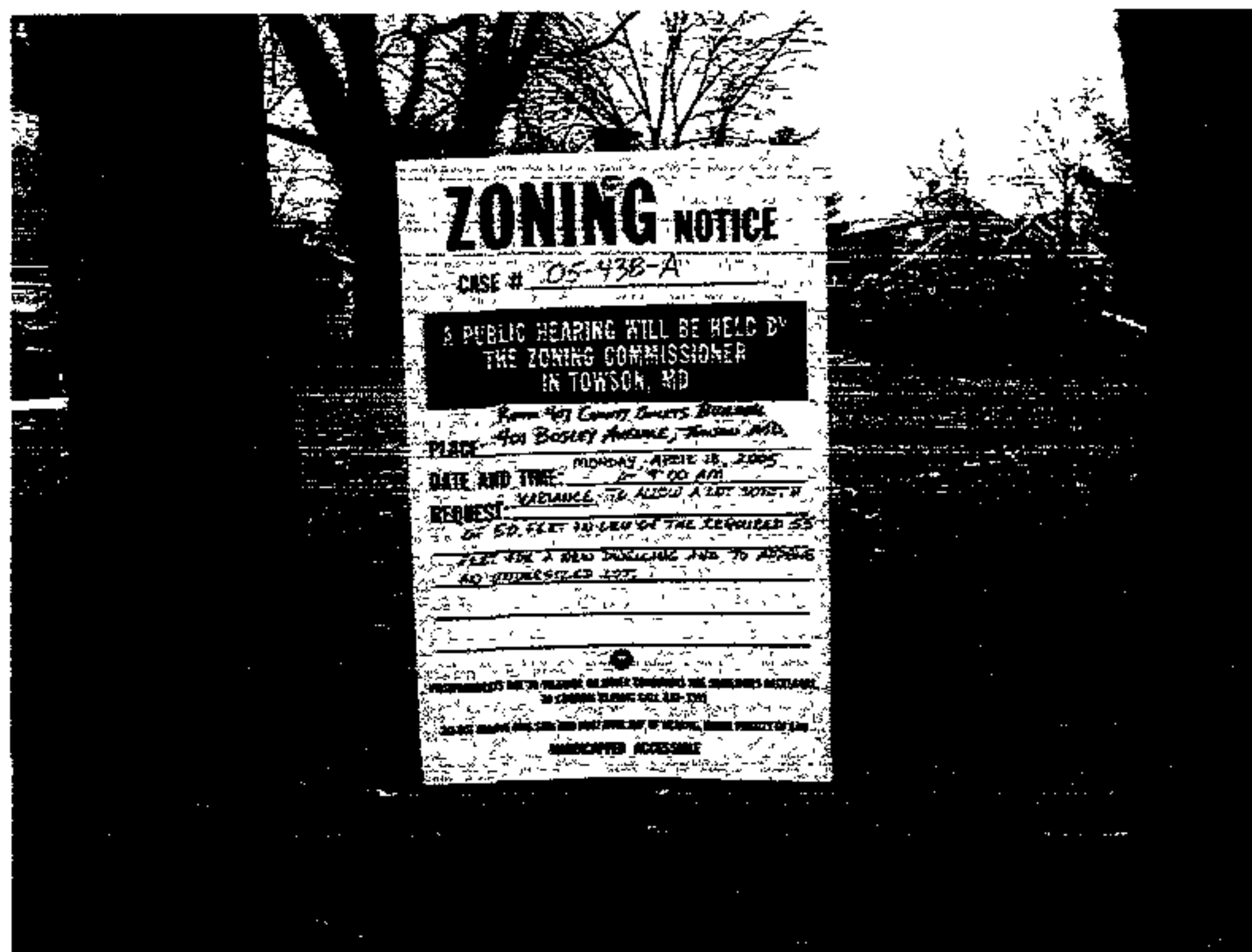
This sign(s) were posted on April 2, 2005
(Month, Day Year)

Sincerely,

Martin Ogle 4/2/05
(Signature of Sign Poster and Date)

Martin Ogle
Sign Poster
5016 Castlestone Drive
Address
Balto. Md 21237
(443-629-3411)

im000246 (1152x864x24b jpeg)



Meeting 4/2/05

**Department of Permits and
Development Management**



Baltimore County

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

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

March 11, 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: 05-438-A

7335 Greenbank Road

S/side of Greenbank Road, 315 feet east of centerline of Susquehanna Road

15th Election District – 6th Councilmanic District

Legal Owners: Mark Celluzi

Contract Purchaser: Harry L. Tolley, III

Variance to allow a lot width of 50 feet in lieu of the required 55 feet for a new dwelling and to approve an undersized lot.

Hearing: Monday, April 18, 2005 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Mark Celluzi, 7337 Greenbank Road, Baltimore 21220
Harry Tolley, III, 4713 A Forge Road, Perry Hall 21128

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 2, 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.

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



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 31, 2005 Issue - Jeffersonian

Please forward billing to:
Expedite, LLC
P.O. Box 1043
Bel Air, MD 21014

410-812-2236

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: 05-438-A

7335 Greenbank Road

S/side of Greenbank Road, 315 feet east of centerline of Susquehanna Road

15th Election District – 6th Councilmanic District

Legal Owners: Mark Celluzi

Contract Purchaser: Harry L. Tolley, III

Variance to allow a lot width of 50 feet in lieu of the required 55 feet for a new dwelling and to approve an undersized lot.

Hearing: Monday, April 18, 2005 at 9:00 a.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: 05-438-A

Petitioner: MARK CELLUZZI

Address or Location: 7335 GREENBANK RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: Expedite LLC

Address: P.O. Box 1043

BEL Air, Md 21014

Telephone Number: 410-812-2236

**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

April 12, 2005

Mark Celluzzi
7337 Greenbank Road
Baltimore, Maryland 21220

Dear Mr. Celluzzi:

RE: Case Number: 05-438-A, 7335 Greenbank Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 4, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Robert Infussi P.O. Box 1043 Belair 21014
Harry L. Tolley III 4713 A Forge Road Perry Hall 21128



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

March 23, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: March 14, 2005

Item No.: 434, 435, 436, 437, 438, 439, 441, 442, 443.

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.

The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman
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: 3.11.05

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

RE: Baltimore County
Item No. 438 LTM

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 Grédlein 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr ⁵⁰⁰
DEPRM

DATE: March 17, 2005

SUBJECT: Zoning Item # 05-438
Address 7335 Greenbank Road

Zoning Advisory Committee Meeting of March 14, 2005

_____ 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:

1.) The property must comply with the Limited Development Area regulations of the CBCA. Specifically, the property is limited to 25% maximum impervious surface cover or up to 31.25% with mitigation approved by this Department. The property must also comply with the 15% minimum tree cover requirements.

Reviewer: Martha Stauss

Date: April 13, 2005

RECEIVED FOR FILING

4/20/05

Ray

gm
4/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 28, 2005

RECEIVED

MAR 31 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-438 and 5-439

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, the existing lot pattern along Green Bank Road appears to 50-foot wide lots. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road.

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

Division Chief: [Signature]

MAC/LL

ORDER RECEIVED FOR FILING

4/26/05

Ray

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2005
Item No. 438

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

The minimum right-of-way for all public roads in Baltimore County is 40 feet. Setbacks shall be modified accordingly.

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 the requirement of B.O.C.A. International Building Code adopted by the county.

RWB:CEN:jrb

cc: File

ZAC-03-21-2005-ITEM 438-03252005

ORDER RECEIVED FOR FILING
4/20/05
Rag

RE: PETITION FOR VARIANCE
7335 Greenbank Road; S/side Greenbank
Road, 315' E c/line Susquehanna Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Mark Celluzzi
Contract Purchaser(s): Harry L. Tolley, III
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 05-438-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 22nd day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to, Robert Infussi, P.O. Box 1043, Bel Air, MD 21014, Representative for Petitioner(s).

RECEIVED

[Handwritten initials]

[Handwritten signature]

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

INTER-OFFICE CORRESPONDENCE RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. 05-438-A

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

RE: Undersized Lots

Post-it® Fax Note	7671	Date	3-30-05	# of pages	1
To	L. Moxley	From	J. German		
Co./Dept.		Co.	Planning		
Phone #		Phone #	X 3480		
Fax #	X 2824	Fax #			

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

MINIMUM APPLICANT SUPPLIED INFORMATION:

Print Name of Applicant HARRY L. TOLLEY III Address 4713 A Forge Rd, Ray Hill MD 21128 Telephone Number 410-529-2404

Lot Address 7335 GREENBANK RD Election District 15 Councilmanic District 6 Square Feet 7,500

Lot Location: NE SW/side/corner of GREENBANK RD. 315 feet from NE SW corner of SUSQUEHANNA RD.
(street) (street)

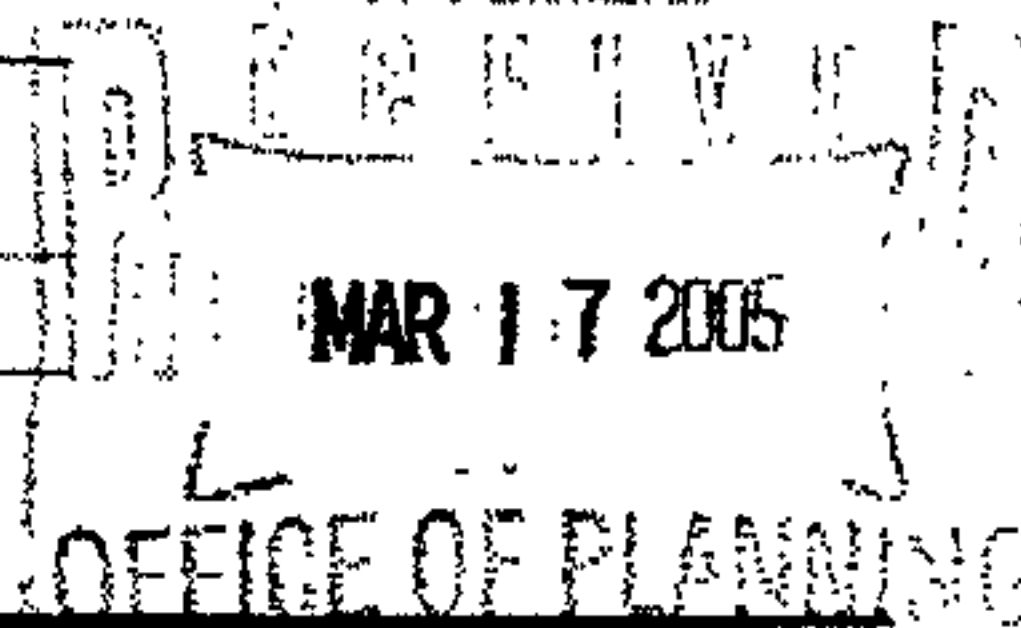
Land Owner: MARK CELLUZZI Tax Account Number 1503700000

Address: 7337 GREENBANK RD. BALTO, MD. 21220 Telephone Number (410) 335-1099

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!

	YES	PROVIDED?	NO
1. This Recommendation Form (3 copies)	☒		
2. Permit Application	☒		
3. Site Plan Property (3 copies)	☒		
4. Building Elevation Drawings	☒		
5. Photographs (please label all photos clearly) Adjoining Buildings	☒		
Surrounding Neighborhood	☒		
6. Current Zoning Classification: <u>DR 5.5</u>			



TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☐ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Building permit approval is conditioned on 4-sided architectural elevations being submitted to the Office of Planning for review & approval. In addition, a site plan showing vehicular pairing and how parking is to be handled must be submitted.

Signed by: Jeffrey German
for the Director, Office of Planning and Community Conservation

Date: 3/29/05

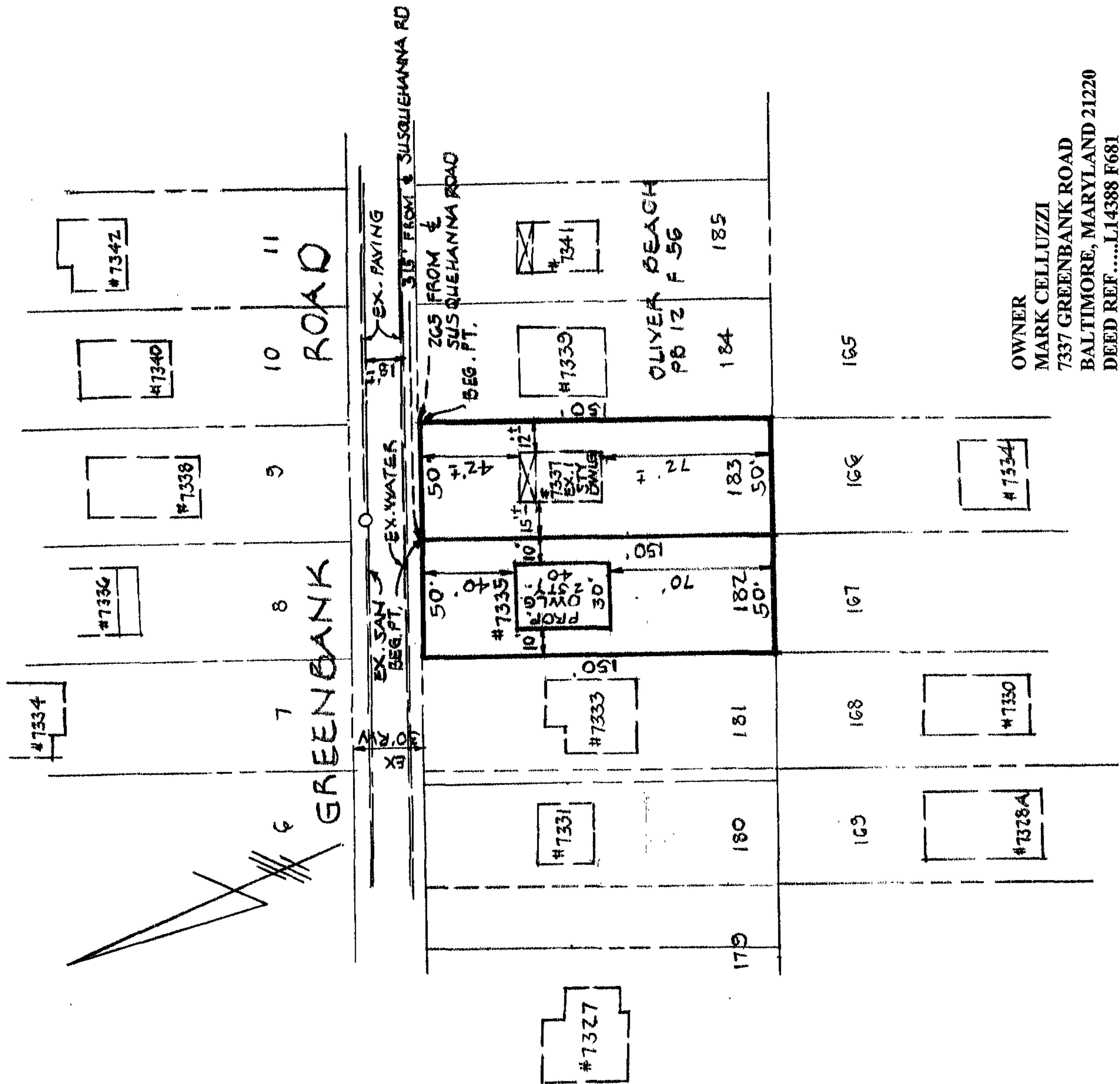
Revised 2/05/02

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

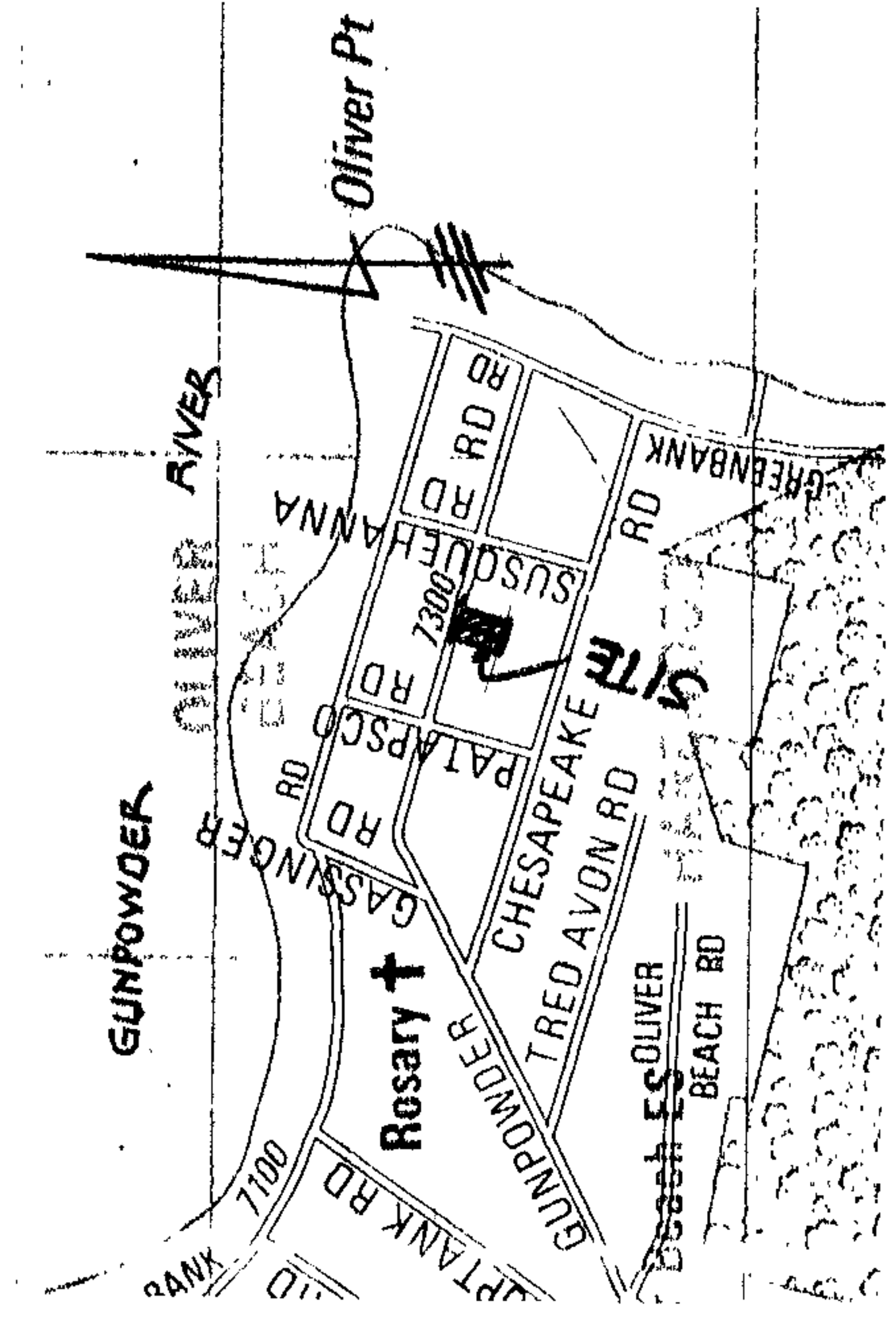
CASE NAME 7335 GREENBANK RD
CASE NUMBER 05-438-A
DATE 4/18/05

PETITIONER'S SIGN-IN SHEET

[illegible]



OWNER
 MARK CELLUZZI
 7337 GREENBANK ROAD
 BALTIMORE, MARYLAND 21220
 DEED REF.....L14388 F681
 ACCT. NO. 1503200000 AND 1503200001



LOCATION PLAN.
 SCALE 1" = 1000'

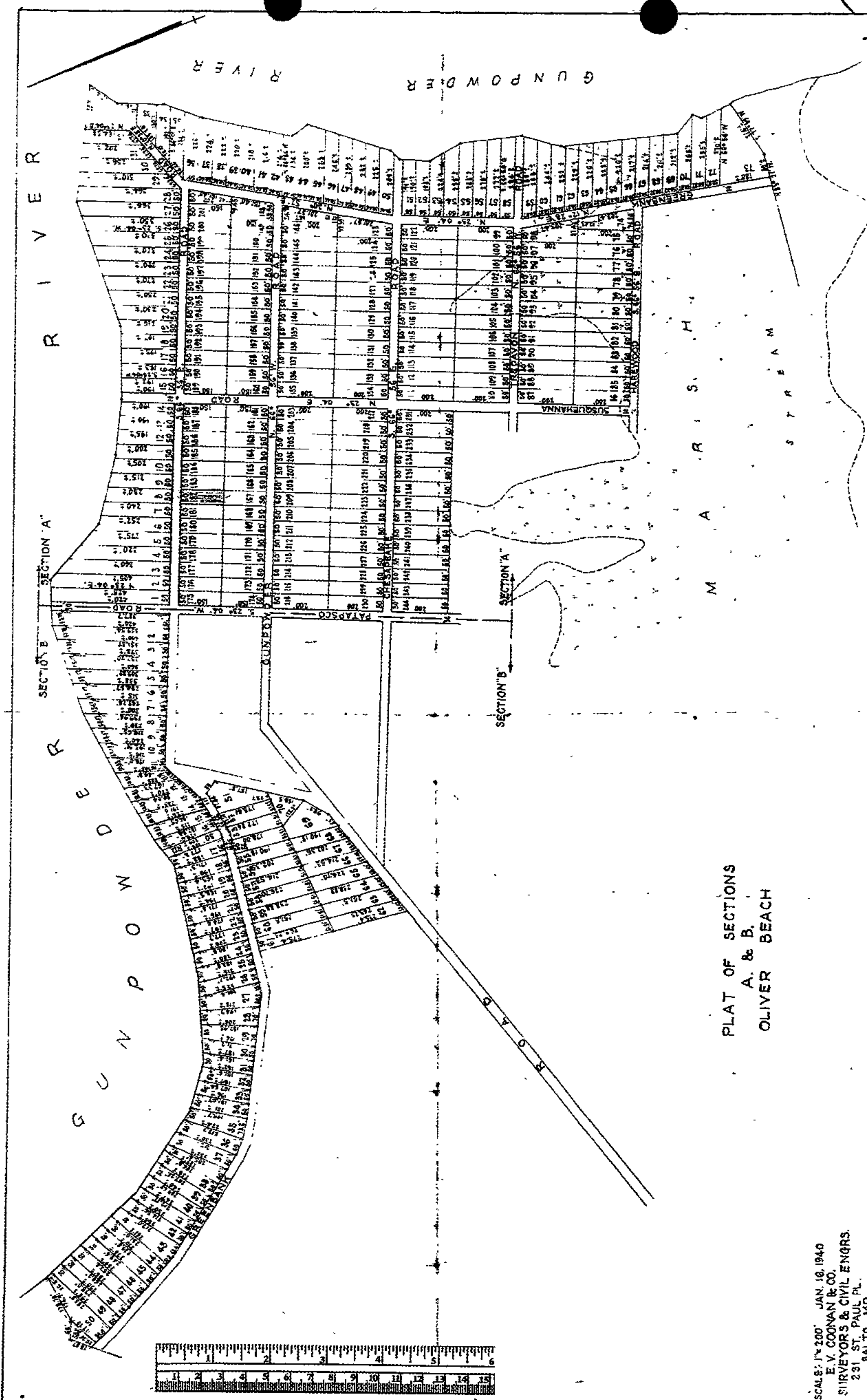
NOTES

1. ZONING.....DR 5.5 (MAP)
2. AREA.....7335 GREENBANK ROAD = 7,500 S.F. = 0.172 ACRE
 7337 GREENBANK ROAD = 7,500 S.F. = 0.172 ACRE
3. NO PREVIOUS ZONING HISTORY OR HISTORIC BUILDINGS
4. SITE IS LOCATED IN THE CBCA. SITE IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN
5. PUBLIC WATER AND SEWER EXIST

Redup #1

PLAT TO ACCOMPANY PETITION FOR
 VARIANCE AND UNDERSIZED LOT
 7335 AND 7337 GREENBANK ROAD
 LOTS 182 AND 183 OLIVER BEACH PB12, F56
 ELECTION DISTRICT 15C6
 BALTIMORE COUNTY, MARYLAND
 SCALE: 1 INCH = 50 FEET FEBRUARY 26, 2005

CTM-438



SCALE: 1"=200' JAN. 16, 1940
 E. V. COONAN & CO.
 SURVEYORS & CIVIL ENGRS.
 231 ST. PAUL PL.
 BALTO., MD.

JOB #0521

GREEN BANK ROAD
 SEWER PLAN / POSITION SHEET

22