

IN THE MATTER OF
THE APPLICATION OF
LISA AND NORMAN MIDWIG -LEGAL
OWNERS /PETITIONERS FOR SPECIAL
HEARING ON PROPERTY LOCATED AT
CORNER N/E OF PROCTOR & NW OF RED
LION ROAD (10928 RED LION ROAD)

11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 06-544-SPH

* * * * *

ORDER OF DISMISSAL OF PETITION

This case comes to the Board on an appeal filed by Deborah C. Dopkin, Esquire, on behalf of Mr. and Mrs. Norman Midwig, and an appeal filed by the Office of People's Counsel from the July 6, 2006 Order of the Deputy Zoning Commissioner, in which the requested zoning relief was granted with conditions.

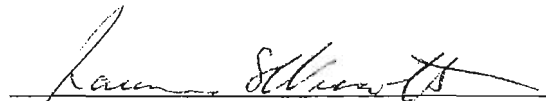
WHEREAS, the Board is receipt of a letter of withdrawal of the Petition for Special Hearing filed September 26, 2006 by Deborah C. Dopkin, Esquire, Counsel for Norman and Lisa Midwig, Petitioners (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Petitioners requests that the Petition filed in the above-referenced matter be withdrawn as of September 23, 2006,

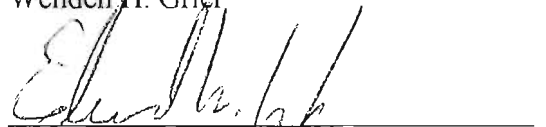
IT IS THEREFORE, this 22nd day of December, 2006, by the County Board of Appeals of Baltimore County

ORDERED that said Petition filed in Case No. 06-544-SPH is **WITHDRAWN AND DISMISSED**, and that the Deputy Zoning Commissioner's Order dated July 6, 2006, including any and all relief granted therein, is rendered **null and void**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Wendell H. Grier


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 22, 2006

Deborah C. Dopkin, Esquire
1000 Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: *In the Matter of: Norman and Lisa Midwig – Legal Owners /*
Petitioners Case No. 06-544-SPH /Order of Dismissal

Dear Ms. Dopkin:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of
Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Bianco
Kathleen C. Bianco
Administrator

Enclosure

c: Norman and Lisa Midwig
William Alexander
Rev. James Brussard
Frances Midwig
Scott Lindgren
Hugh Edwards
Thomas Myrick
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

September 26, 2006

Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

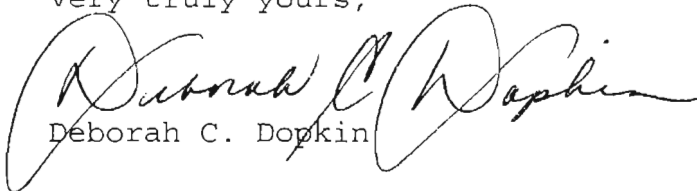
RE: 10928 Red Lion Road
Case No. 06-544-SPH

Dear Ms. Bianco:

This office represents Norman and Lisa Midwig, the Petitioner in the above captioned case, which was decided by the Deputy Zoning Commissioner for Baltimore County on July 6, 2006. An appeal was noted by me on August 1, 2006 and a partial appeal was noted by People's Counsel on August 2, 2006. This letter is to advise you that the Petitioner has elected to withdraw their petitions, abandon the relief therein, and end these proceedings. Please note your docket accordingly.

Thank you in advance for your attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Mr. and Mrs. Norman Midwig
People's Counsel for Baltimore County
Mr. Carl Richards
Gerhold, Cross & Etzel

C:\docs\KMC\DCD\Letters 2006\Bianco Kathleen-midwig.wpd

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Re: PETITION FOR SPECIAL HEARING * BEFORE THE
Corner NE/S of Proctor Avenue * BOARD OF APPEALS
& NW/S of Red Lion Road *
(10928 Red Lion Road) *
11th Election District * OF
5th Councilmanic District * BALTIMORE COUNTY
Case No. 06-544-SPH *

Lisa and Norman Midwig, * Case No.
Petitioners/Appellants *
*

NOTICE OF APPEAL

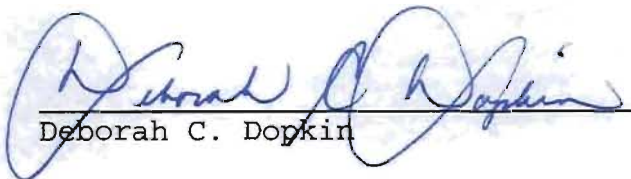
Please note an appeal from the Findings of Fact and Conclusions of Law rendered by the Zoning Commissioner of Baltimore County, dated July 6, 2006 to the County Board of Appeals, and forward all papers in connection therewith to the Board for hearing. The Petitioners/Appellants are Lisa and Norman Midwig, whose address is 10928 Red Lion Road, White Marsh, Maryland 21162.

Enclosed is the appeal fee of \$325, plus a \$75 posting fee.


Deborah C. Dopkin
Deborah C. Dopkin, P.A.
409 Washington Avenue, Suite 1000
Towson, Maryland 21204
(410) 821-0200
Attorney for Petitioners/Appellants

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 1st day of August, 2006, a copy of the foregoing Notice of Appeal was mailed, postage prepaid to People's Counsel for Baltimore County, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204.


Deborah C. Dopkin

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

Rec'd
8/1/06
xlm

DEBORAH C. DOPKIN

August 1, 2006

Via Hand Delivery

Timothy M. Kotroco, Esquire
Director, Department of Permits and
Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

**RE: Notice of Appeal - Petition for Special Hearing
10928 Red Lion Road
Norman and Lisa Midwig, Petitioners
Zoning Case No. 06-544-SPH**

Dear Mr. Kotroco:

Enclosed for filing please find Notice of Appeal with
regard to the above captioned matter.

Also enclosed is my check in the amount of \$400 to cover
the costs of same.

Thank you for your assistance.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

Enclosure

cc: People's Counsel for Baltimore County (w/encl.)
Mr. and Mrs. Norman Midwig (w/encl.)
Gerhold, Cross & Etzel, Ltd. (w/encl.)
County Board of Appeals (w/encl.)



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

August 2, 2006

Hand-delivered

Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Re: PETITION FOR SPECIAL HEARING
Corner NE/S Proctor Avenue & NW/S Red Lion Road
(10928 Red Lion Road)
11th Election District; 5th Council District
Norman & Lisa Midwig - Petitioners
Case No.: 06-544-SPH

Dear Mr. Kotroco:

Please enter a limited appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated July 6, 2006 by the Baltimore County Deputy Zoning Commissioner. This appeal is only of the granted items in the Order. We are not appealing the denial of the Petitioner's request to parking commercial vehicles or equipment in a ML portion of the property and the deletion of condition 5 of case no. 94-512-SPHA.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

RECEIVED

AUG 02 2006

Per...

PMZ/CSD/rmw

cc: Deborah C. Dopkin, Esquire

IN RE: PETITION FOR SPECIAL HEARING
Corner N/E side of Proctor Avenue & N/W
Side of Red Lion Road
11th Election District
5th Councilmanic District
(10928 Red Lion Road)

Lisa and Norman Midwig
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 06-544-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, Lisa and Norman Midwig. The Petitioners are requesting special hearing relief for property owned at 10928 Red Lion 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 approve business or industrial parking in a residential zone and to affirm in part and amend in part the relief granted in Case No. 94-512-SPHA and to modify the previously approved plan to reflect subsequently imposed zoning classification and to approve a residential garage lying in part in an ML zone and in part in DR 5.5 zone to approve the re-orientation of the front of a dwelling located at the intersection of two streets to the side street.

The property was posted with Notice of Hearing on May 22, 2006, 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 June 1, to notify any interested persons of the scheduled hearing date.

Applicable Law

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

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

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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 Comments are made part of the record of this case and contain the following highlights: A comment was received from the Office of Planning dated May 25, 2006 which contains restrictions. A comment letter was received from the Department of Environmental Protection and Resource Management (DEPRM) dated May 24, 2006, which contains restricts. Copies of both documents are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were William Alexander, Rev. Jack Bussard, Francis Midwig, Norman Midwig and Lisa Midwig, Petitioner. Debora C. Dopkin, Esquire, represented the Petitioner. Scott Lindgren, with Gerhold, Cross & Etzel, Ltd., prepared the site plan. Hugh Edwards and Thomas Myrick attended the hearing as an interested citizen with concerns. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject property contains one acre split zoned DR 5.5 and ML and improved by the Petitioners' commercial cleaning business and a rented dwelling. Basically the commercial uses are in the ML area and the residential uses in the DR zone. Almost. The Petitioners propose to subdivide the property to separate the commercial and residential uses in one commercial and two residential lots. Ms. Midwig indicated that she would like to build a home for her son on the vacant residential lot to be created. Exhibit 1 shows the three lots proposed while exhibit 2 shows the zoning problems associated with this request. The property also had been the subject of a prior Zoning Commissioner's case, no. 94-512-SPHA whose order the Petitioners would like to modify.

Ms. Dopkin noted that the only change in use of the property is to build one new house as shown. This house will meet all County regulations. She opined that there are no changes to the uses in the ML zone.

Mr. Lingren, a registered land surveyor, presented aerial photographs of the subject lot and surrounding area in exhibits 3, 4 and 5. He noted the nearby railroad tracks of the B&O line, the church across Proctor Avenue, the large home in which the Petitioners live across Proctor Avenue, and the narrow strip of ML zoned land between Red Lion Road and Philadelphia Road with mixed residential and commercial uses.

One item for special hearing arises because of the topography of the land along Red Lion Road to the east. Mr. Lingren noted that a stream flows under this road near the subject property in a rather deep ravine. As a result he opined that there is no reasonable access for the contractor's storage yard east of the subject site or from the ML portion of this site to have road access directly with Red Lion Road. There is not enough sight distance for direct access. The Petitioners also own the adjacent contractor's storage yard, from which the Petitioners must use the subject property to exit onto Proctor Avenue.

In regard to the Planning Office comments he indicated that he had been unable to locate a landscape plan required in the prior zoning case and so presented a new landscape plan which has been approved by the County Landscape Architect as shown in exhibit 7. He opined that the existing row of Norway Maple trees on the north side of the property will adequately buffer visually and acoustically the uses on the property from the home on the adjacent property to the north. He also indicated that the Petitioners have complied with the Planning Office request to terminate the access road from the ML portion of the site to Red Lion Road and to remove the dumpster from the site.

In regard to the request to approve commercial or industrial parking in a residential zone pursuant to Section 409.8 B of the BCZR, he noted that the access to the ML zone uses was

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[Signature]

approved in the prior case through the DR zone in the area shown in pink on exhibit 2. The Petitioners would like to use this strip to park its commercial and industrial vehicles in this area. He noted that there would be no servicing of vehicles in this area nor is there any proposed lighting. When questioned whether Section 409.8B allows parking trucks, Ms. Dopkin opined that this was allowed under the Zoning Commissioner's Policy Manual and the 1994 order. In response to a neighbor's question regarding boundaries of this property, Mr. Lingren noted that this is a difficult site to survey, the he will show the neighbors the corners of the property found and resolve questions in this regard.

In summary he opined that the requested special hearing relief meets the criteria of Section 502.1 of the BCZR, meets the spirit and intent of the regulations and will not adversely affect the community if granted.

Ms. Midwig indicated that the Midwig family has owned this property since 1933, her uncles live in the rented dwelling, she lives across Proctor Avenue and she now owns the contractor storage yard to the east of the subject site. She noted that she has operated a cleaning business from the site since 1994, that she employs 22 people, that her business starts at 6 AM with trucks and equipment going to customers' locations and returning around 3 PM. Thereafter the trucks and equipment are serviced and fueled for the next day.

She noted that her business has grown, that she now has the need to store nine vehicles, four bobcats, one sweeper and 2 trailers on site rather than be limited as allowed by the prior order.

Ms. Dopkin proffered that there is an existing garage which serves the existing dwelling as shown on exhibit 2 but a tiny slice of the garage (orange triangle) lies in the ML zone. She indicated that it would be impractical to chop off a few feet of garage that stuck out into the ML zone. Consequently there is a special hearing request to approve a residential garage lying in part in an ML zone and part in a DR zone.

Rev. Jack Bussard, pastor of the church across Proctor Avenue, indicated that the Petitioners had done a good job of cleaning up a previously problem site and that he supported the Petitioners' zoning requests.

Mr. Edwards and Mr. Myrick live in the house next to the proposed new house. They did not oppose construction of the new home as such. However, they complained of loud noises and commotion coming from the subject site starting at 5:30 AM and ending at 11 PM when the Petitioner's employees serviced vehicles or loaded trucks. This is so severe it occasionally shakes their home.

Ms. Midwig opined the new house will itself reduce noise and commotion from the site to the adjacent residence but to assure this result she promised to build a privacy fence and make additional plantings between the Edwards' house and the new home.

Findings of Fact and Conclusions of Law

I can imagine that the Petitioners view the many requests for zoning relief in this case and the 1994 case as so much to do about nothing. The uses are all internal to the site and family. Mr. Schmidt's decision in case no. 94-512-SPHA reflects this view. In addition they are rightfully proud of their successful business which now requires more equipment and trucks. By and large they are supported by the community. They reasonably request the site plan be adjusted as requested.

However the Petitioners have now entered a new world. Wanting to build a house for their son on the northern portion of their property does not by itself cause them to enter this new world. But they now ask for much more. They ask for subdivision. This means any of the three lots resulting from the subdivision can be sold to the general public. This means that they should understand it is very likely that both the letter and spirit of the law of zoning will be applied to them. So as to prepare them for this new world I will review the zoning regulations which now apply to the subject property.

The subject property is zoned DR 5.5 (a residential zone) and ML (a manufacturing zone). Because the ML portion of the property abuts a residential zone, very special and highly restrictive regulations apply. Section 253.4 of the BCZR specifies:

"Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, only passenger automobile accessory parking and those uses permitted in M.R. Zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. Zones as limited by the use regulations in Section 241 established within 100 feet of the right-of-way of an existing or proposed freeway or expressway so designated by the Planning Board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County Landscape Manual adopted pursuant to § 32-4-404 of the Baltimore County Code. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right-of-way. [Bill Nos. 176-1981; 31-1984; 137-2004]"

Section 241 specifies:

241.1. The following uses are permitted, provided that their operations are entirely within enclosed buildings except where approval of the development plan indicates otherwise: EN

Assembly of electrical appliances, electronic instruments and devices, radios and phonographs

Bakery

Bank [Bill Nos. 139-1962; 85-1967]

Bottling establishment, soft drink

Cold storage plant

Commercial film production [Bill No. 57-1990]

Commercial recreational facilities [Bill No. 21-1996]

Heliport, Type II, if located at least 200 feet from a residential zone [Bill No. 85-1967]

Helistop [Bill No. 85-1967]

Laboratory

Manufacture, compounding, packaging or treatment of candy, cosmetics, drugs, perfumes and food products

Manufacturing, compounding, electroplating, assembling, machining or other comparable light processing or treatment of articles of merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (excluding large stampings such as motor vehicle fenders and bodies), light steel or other light metal mesh, pipe, rods, shapes, strips, wire or similar component parts, shells, textiles, tobacco, wax, wood and yarns [Resolution, November 21, 1956]

Manufacture of musical instruments, precision instruments, clocks, watches, toys, novelties, wrought iron products, rubber or metal stamps and other small moulded rubber products

Neighborhood car rental agency, subject to Section 408A [Bill No. 122-2005]

Office and office buildings and medical clinic [Bill No. 37-1988]

Printing, lithographing or publishing plant

Public utility uses

Research institute [Bill Nos. 76-1964; 85-1967]

Transit facilities, rail passenger stations subject to Section 434, transit centers and transit storage repair yards [Bill No. 91-1990]

Warehouses (inclusion of wholesale sales area permitted, provided it is clearly incidental to the warehouse function) [Bill No. 18-1976 EN]

Accessory uses [Bill No. 18-1976]

241.2 The following uses are prohibited:

Dwellings

241.3 No outside display or storage of products or materials of any kind is permitted in the front, side or rear yards.

241.4 If required, screening shall be provided by structure and/or planting, of such nature and in such locations as may be specified by the Director of Planning.

From the above one can see that there are really three zones in the Petitioner's properties. First there is the Density Residential Zone along Proctor Avenue. Next is the highly restrictive MR zone described above for the area within 100 feet of the DR zone. This includes all the subject property and the Petitioners' contractor's storage yard roughly to the retaining wall. Last is the remaining portion of the contractor's storage yard in which all the ML uses are allowed.

Within the 100 foot wide area along the DR boundary (all the remaining subject property) only those uses listed above are allowed. Whether or not the Petitioners' present uses fit these categories, I will not address. But whatever those uses are, the "operations" must be within enclosed buildings. This means that there can be no maintenance of trucks or equipment in the parking area outside the buildings. If the Petitioners follow this rule, there would be little or no complaints from neighbors about noise or commotion on the property.

As important only passenger automobile accessory parking is allowed within the 100 foot zone. This means the trucks and equipment cannot be parked within this area. Fortunately the Petitioners own the adjacent contractor's storage yard where all these vehicles can be parked. I have interpreted this section to allow tour busses to be parked within the 100 foot zone in case no.06-389-A but that this interpretation has been appealed to the Board of Appeals. The safest approach would be to park all trucks and equipment outside the 100 foot zone.

Finally the Petitioners asked in this case to approve business or industrial parking in residential zone pursuant to Section 409.8 B of the BCZR. This would apply to that portion of lot 3 which juts out to Proctor Avenue. This section allows parking in residential zones in support of

adjacent businesses or industries essentially for employee or customer parking under certain circumstances as follows:

"409.8 B Business or industrial parking in residential zones.

e. Following the public hearing, the Zoning Commissioner may either deny or grant a use permit conditioned upon:

(1) His findings following the public hearing;

(2) The character of the surrounding community and the anticipated impact of the proposed use on that community;

(3) The manner in which the requirements of Section 409.8.B.2 and other applicable requirements are met; and

(4) Any additional requirements as deemed necessary by the Zoning Commissioner in order to ensure that the parking facility will not be detrimental to the health, safety or general welfare of the surrounding community and as are deemed necessary to satisfy the objectives of Section 502.1 of these regulations.

2. In addition to all other applicable requirements, such parking facilities shall be subject to the following conditions:

a. The land so used must adjoin or be across an alley or street from the business or industry involved.

b. Only passenger vehicles, excluding buses, may use the parking facility.

c. No loading, service or any use other than parking shall be permitted.

d. Lighting shall be regulated as to location, direction, hours of illumination, glare and intensity, as required.

e. A satisfactory plan showing parking arrangement and vehicular access must be provided.

f. Method and area of operation, provision for maintenance and permitted hours of use shall be specified and regulated as required.

g. Any conditions not listed above which, in the judgment of the Zoning Commissioner, are necessary to ensure that the parking facility will not be detrimental to adjacent properties."

One can see that no trucks associated with the business may be parked in this area. Neither case 94-512-SPHA nor the Zoning Commissioner's Policy Manual allow trucks associated with the business to be parked in this area. Again this area can not be used to service or load trucks but can be used only for customer or employee parking. Finally if the Petitioners want to use this area for employee and customer parking, the Petitioners must present a parking plan showing the parking spaces and aisle ways which meet Section 409 of the BCZR. This is not presently on the Plat to Accompany.

With that introduction, considering the testimony and evidence, I will grant the Petitioners' request to approve business or industrial parking in a residential zone for that portion of lot 3 in the DR zone but will require the Petitioners to submit a parking plan showing the details of proposed

parking spaces etc. for the review and approval by the Bureau of Development Plans Review. Only passenger vehicles may be parked in this area.

I will also affirm in part and amend in part the relief granted in Case No. 94-512-SPHA to modify the previously approved plan to reflect subsequently imposed zoning classification as shown on Petitioners' exhibit 1. However all operations of the Petitioners' business on the subject property shall be inside a building as required by the MR zoning regulations which apply within 100 feet of a residential boundary. I can not approve parking more equipment than previously approved on the subject property since all of the subject site is within 100 feet of a residential boundary and the MR regulations prohibit any such storage and parking in this area.

I will also approve a residential garage lying in part in an ML zone and in part in DR 5.5 zone. This garage serves the leased home on the corner of Red Lion and Proctors Avenue. The fact that a small portion of the garage lies in the ML zone is clearly a technical anomaly.

Finally I will approve the re-orientation of the front of the leased dwelling located at the intersection of two streets to the side street. All evidence indicates the front of the dwelling faces Proctor Avenue.

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' special hearing request should be granted with restrictions.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 6th day of July, 2006 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 approve business or industrial parking in a residential zone is GRANTED with the following conditions:

1. Parking shall be for passenger vehicles only; and
2. The Petitioner shall submit a parking plan to the Bureau of Development Plans Review for review and approval.

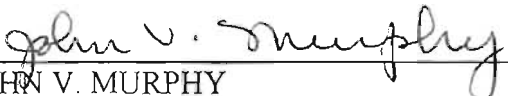
IT IS FURTHER ORDERED that the Petitioner request to affirm in part and amend in part the relief granted in Case No. 94-512-SPHA and to modify the previously approved plan to reflect subsequently imposed zoning classification is hereby GRANTED as shown on Petitioner's exhibit 1 with the following conditions:

1. All the Petitioner's business operations shall be within enclosed buildings; and
2. The Petitioner shall implement the landscape plan shown as exhibit 7
3. Condition 4 of case no. 94-512 SPHA is hereby deleted, and
4. The Petitioner shall comply with the ZAC comments dated May 22, 2006

IT IS FURTHER ORDERED that the Petitioners' request to park commercial vehicles and equipment in the ML portion of the property is hereby DENIED and condition 5 of case no. 94-512-SPHA is deleted; and

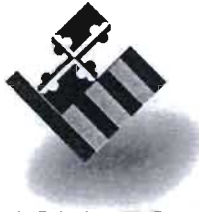
IT IS FURTHER ORDERED that the Petitioners' request to approve a residential garage lying in part in an ML zone and in part in DR 5.5 zone and to approve the re-orientation of the front of a dwelling located at the intersection of two streets to the side street, be and is hereby GRANTED.

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:pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 6, 2006

LISA AND NORMAN MIDWIG
10928 RED LION ROAD
WHITE MARSH MD 21162

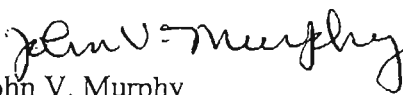
Re: Petition for Special Hearing
Case No. 06-544-SPH
Property: 10928 Red Lion Road

Dear Mr. and Mrs. Midwig:

Enclosed please find the decision rendered in the above-captioned case. The petition for Special Hearing has been granted in part with conditions 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 V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

- c: Deborah Dopkin, Esquire, 409 Washington Avenue, Towson, MD 21204
William Alexander, 10928 Red Lion Road, White Marsh MD 21162
Rev. James Bussard, 10830 Red Lion Road, White Marsh MD 21162
Frances Midwig, 917 North Iris Avenue, Baltimore MD 21205
Scott Lindgren, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Blvd. #100, Towson MD 21286
Hugh Edwards, 10828 Proctor Avenue, White Marsh MD 21162
Thomas Myrick, 10828 Proctor Avenue, White Marsh MD 21162



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #10928 Red Lion Road

which is presently zoned DR.B.5 and ML

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

See attached

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:

LISA MIDWIG
Name - Type or Print
Lisa Midwig
Signature
10928 Red Lion Road
Address
White Marsh Md 21162
City State Zip Code

Attorney For Petitioner:

Deborah C. Dopkin, Esquire
Name - Type or Print
Deborah C. Dopkin
Signature
Deborah C. Dopkin, P.A.
Company
409 Washington Avenue, #1000 (410-821-0200)
Address Telephone No.
Towson, Maryland 21204
City State Zip Code

Legal Owner(s):

LISA MIDWIG
Name - Type or Print
Lisa Midwig
Signature
NORMAN MIDWIG
Name - Type or Print
Norman Midwig
Signature
10928 Red Lion Road
Address
White Marsh Md 21162
City State Zip Code

Representative to be Contacted:

Gerhold, Cross, & Etzel, Ltd. - Mike Alexander
Name
320 E. Towsontown Blvd. Ste. 100
Address
Towson, Maryland 21286 (410)-823-4470
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

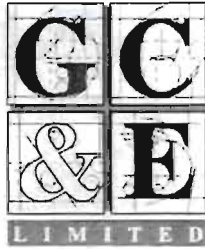
Reviewed By [Signature] Date 4-26-06

Case No. 06-544SPH

REV 9/15/98

RECEIVED FOR FILING

7-6-06



Gerhold, Cross & Etzel, Ltd.

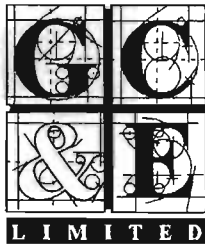
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

April 24, 2006

Zoning Petition Requests 10928 Red Lion Road

- To approve business or industrial parking in a residential zone pursuant to BCZR §409.8.B;
- To affirm in part and amend in part the relief granted in Case No. 94-512;
- To modify the previously approved plan to reflect subsequently imposed zoning classification;
- To approve a residential garage lying in part in an ML zone and in part in a DR 5.5 zone; and
- To approve the re-orientation of the front of a dwelling located at the intersection of two streets to the side street.



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towson Town Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

March 30, 2006

Zoning Description 10928 Red Lion Road

All that piece or parcel of land situate, lying and being in the Eleventh Election District And Fifth Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Beginning for the same at a point in the intersection of Red Lion Road and Proctor Avenue, and running along Proctor Avenue (1) North 31 degrees 31 minutes 37 Seconds West 249.97 feet, thence leaving Proctor Avenue (2) North 52 degrees 43 minutes 29 seconds East 196.34 feet, (3) South 35 degrees 12 minutes 09 seconds East 194.75 feet to the northwest side of Red Lion Road, thence running and binding along the north side of Red Lion Road (4) South 33 degrees 01 minutes 12 seconds West 85.02 feet, and (5) South 42 degrees 00 minutes 12 seconds West 136.68 feet to the point of beginning.

Containing 45,991 sq. ft. or 1.056 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.



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: #06-844-SPH

10928 Red Lion Road

Corner northeast side of Proctor Avenue and northwest side of Red Lion Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Lisa & Norman Midwig

Special Hearing: to approve business or industrial parking in a residential zone and to affirm in part and amend in part the relief granted in Case No. 94-512 and to modify the previously approved plan to reflect subsequently imposed zoning classification and to approve a residential garage lying in part in an ML zone and in part in DR 5.5 zone and to approve the reorientation of the front of a dwelling located at the intersection of two streets to the side street.

Hearing: Monday, June 19, 2006 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868/4386.

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

6/008 June 1

97092

CERTIFICATE OF PUBLICATION

6/11, 2006

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 6/11, 2006.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 06-544-SPH
PETITIONER/DEVELOPER:
Lisa & Norman Midwig
DATE OF HEARING: June 19, 2006

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

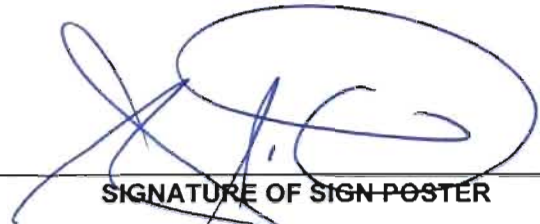
LADIES AND GENTLEMEN:

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

(see page 2 for full size photo)

LOCATION:

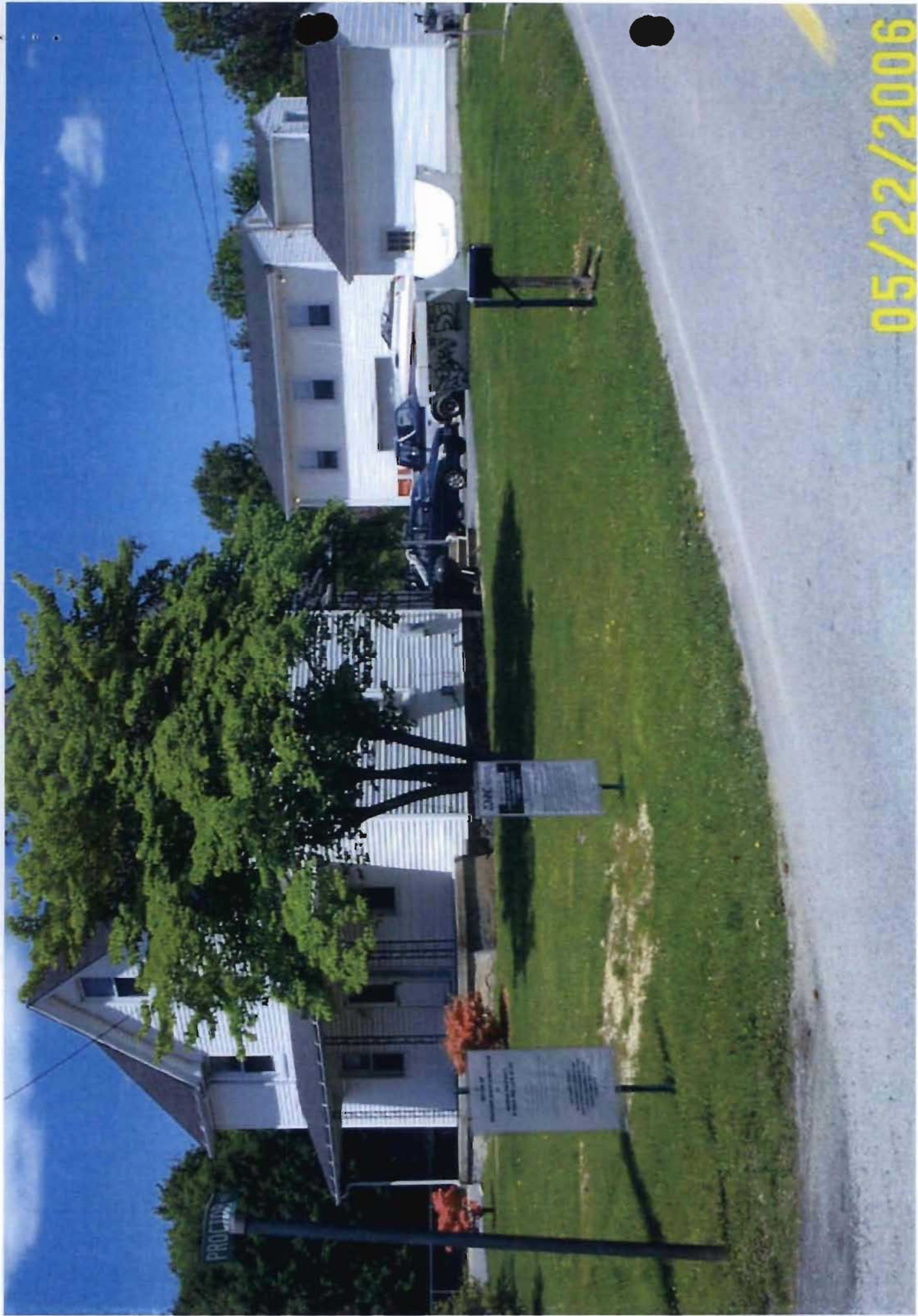
10928 Red Lion Road



SIGNATURE OF SIGN-POSTER
John J. Dill

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: May 22, 2006



05/22/2006

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 5995

DATE 4-24-06 ACCOUNT Pool-006-6150

AMOUNT \$ 325.00

RECEIVED FROM: L. A. Miowig 10928

FOR: SPH. Red Lion Rd.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	AMT
4/27/2006	4/26/2006	14:30:57	1
SEN WDEL	MALITH	REC 70R	
>>RECEIPT # 203491	4/26/2006	DELN	
Rept	S 520	200000 VERIFICATION	
CR NO.	005995		
Recpt Tot		1,025.00	
1,025.00	CR	1.00	CA
Baltimore County, Maryland			

CASHIER'S VALIDATION

**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: 544

Petitioner: Norman A. and Lisa R. Midwig

Address or Location: #10928 Red Lion Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Norman A. and Lisa R. Midwig

Address: # 10829 Proctor Avenue

White Marsh, Maryland 21162

Telephone Number: (410) - 335 - 6233

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 1, 2006 Issue - Jeffersonian

Please forward billing to:
Norman & Lisa Midwig
10829 Proctor Avenue
White Marsh, MD 21162

410-335-6233

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: 06-544-SPH

10928 Red Lion Road

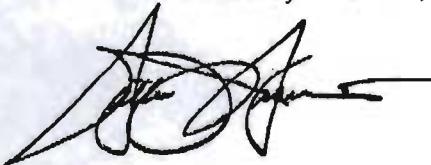
Corner northeast side of Proctor Avenue and northwest side of Red Lion Road

11th Election District – 5th Councilmanic District

Legal Owners: Lisa & Norman Midwig

Special Hearing to approve business or industrial parking in a residential zone and to affirm in part and amend in part the relief granted in Case No. 94-512 and to modify the previously approved plan to reflect subsequently imposed zoning classification and to approve a residential garage lying in part in an ML zone and in part in DR 5.5 zone and to approve the re-orientation of the front of a dwelling located at the intersection of two streets to the side street.

Hearing: Monday, June 19, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
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.



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

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

May 9, 2006

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: 06-544-SPH

10928 Red Lion Road

Corner northeast side of Proctor Avenue and northwest side of Red Lion Road

11th Election District – 5th Councilmanic District

Legal Owners: Lisa & Norman Midwig

Special Hearing to approve business or industrial parking in a residential zone and to affirm in part and amend in part the relief granted in Case No. 94-512 and to modify the previously approved plan to reflect subsequently imposed zoning classification and to approve a residential garage lying in part in an ML zone and in part in DR 5.5 zone and to approve the re-orientation of the front of a dwelling located at the intersection of two streets to the side street.

Hearing: Monday, June 19, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco", is written over the printed name.

Timothy Kotroco
Director

TK:klm

C: Deborah Dopkin, 409 Washington Avenue, #1000, Towson 21204
Mr. & Mrs. Ludwig, 10928 Red Lion Road, White Marsh 21162
Mike Alexander, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 3, 2006.**
- (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
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*

June 15, 2006

Deborah Dobkins, Esquire
409 Washington Ave, #1000
Towson, MD, 21204

Dear: Mrs. Dobkins,

RE: Case Number: 06-544-SPH, 10928 Red Lion Rd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 26, 2006.

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:sma

Enclosures

c: People's Counsel
Lisa Midwig Norman Midwig 10928 Red Lion Rd. White Marsh, MD 21162
Gerhold, Cross & Etzel, Ltd. Mike Alexander 320 E. Towsontown Blvd., Ste. 100
Towson, MD, 21286

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



Jan
6/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 25, 2006

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

SUBJECT: 10928 Red Lion Road

INFORMATION:

Item Number: 6-544

Petitioner: Lisa Midwig

Zoning: DR 5.5 and ML

Requested Action: Special Hearing

RECEIVED

JUN 07 2006

ZONING COMMISSION

The subject property was granted prior zoning relief to access the ML zoned portion of the property through a private easement off of Proctor Lane (case # 94-512). The aforementioned granted relief was contingent on several conditions being met. Among those conditions were that all commercial vehicles be stored in the ML zoned portion of the property originally identified in case 94-512. Furthermore, a landscape plan was to be approved by the County landscape architect before the relief granted in case 94-512 was to take effect. To date the landscape plan has not been filed and approved nor has the physical landscaping been provided on the site.

A site visit revealed the petitioner has parked commercial vehicles in the DR 5.5 zoned portion of the property. Moreover, the petitioner has provided a second access to the site from Red Lion Road, which is located along the southeast corner of the tract (southeast corner of proposed lot 3). The parking of commercial vehicles in the DR zone is clearly inconsistent with the stipulations of case 94-512. The additional access points are not shown on the existing site plan and are against the rationale used in case 94-512 that the current relief is based upon.

SUMMARY OF RECOMMENDATIONS:

As such, the Office of Planning cannot support the petitioner's request for the following reasons:

1. Secondary access into the subject property from Red Lion Road shall be terminated; it is not consistent with the relief granted in case number 94-512.

7-6-06
Py

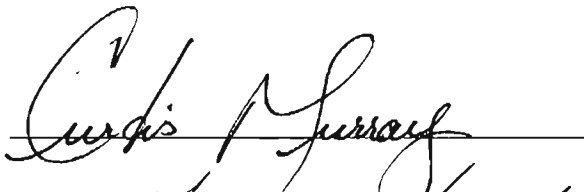
2. A site plan showing precisely where vegetative screening will be placed between proposed lot 1 and lot 2 shall be submitted, reviewed, and approved by this Office as well as the County landscape architect:
 - a. Vegetative buffers shall completely screen the proposed dwelling on lot 2 from view of commercial vehicles and uses on proposed lot 1.
 - b. Elevation drawings showing specific plant/vegetative species with bulk and massing for the mature plantings shall accompany newly submitted landscape plan.
3. Commercial parking and storing on the subject property shall be limited to two sweepers, a bobcat, three trucks, and one utility trailer as described in the final zoning for case # 94-512. The additional paving and commercial apparatus including a large trash receptacle / dumpster shall be removed from residential and ML zoned areas.

Be advised, the Office of Planning is aware of the need to create a third proposed lot, which has been added to the site plan for this petition. This was due to the fact that the minor subdivision regulations will not allow for lots to be created which are split zoned. The Office of Planning endorses the creation of this third lot along the DR 5.5 and ML zoning boundary. This support is based upon the understanding that the existing, 2-story frame garage only be occupied as living quarters for caretakers or watchmen as defined by BCZR section 253.1.f.2. It should be noted here that new residential construction is not a permitted use on ML zoned property.

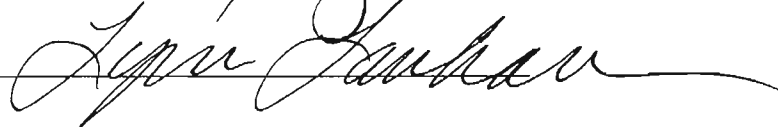
The plan must be revised to clearly show proposed lot lines for the three proposed lots and the plan must be resubmitted as a B.viii limited exemption not a minor subdivision.

For further information concerning the matters stated here in, please contact Kevin Gambrill at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



7-6-06
PJ

jm
6/19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM – Development Coordination *JVL*

DATE: May 24, 2006

SUBJECT: Zoning Item # 06-544
Address 10928 Red Lion Road
Midwig Property

RECEIVED

MAY 24 2006

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of May 8, 2006

_____ 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:

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Martha Stauss, EIR

Date: 05/22/2006

RECEIVED FROM PLANNING
7606
Pj



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

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

Maryland Department of Transportation

Date: 5.5.06

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

RE: Baltimore County
Item No. 544 JCM

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

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

May 8, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: May 15, 2006

Item Numbers: 537 thru 557

544

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 12, 2006

FROM: Dennis A. Kennedy, Supervisor^{DNK}
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 15, 2006
Item Nos: 441, 537, 538, 539, 540,
542, 544, 547, 548, 549, 550, 551,
552, 553, 554, 555, 556, and 557

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-05102006.doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
10928 Red Lion Road; Corner NE.S Proctor *
Avenue & NW/S Red Lion Road * ZONING COMMISSIONER
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Lisa & Norman Midwig * FOR
Contract Purchaser(s): Lisa Midwig *
Petitioner(s) * BALTIMORE COUNTY
* 06-544-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 sent and all documentation filed in the case.

RECEIVED

MAY 08 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2006, a copy of the foregoing Entry of Appearance was mailed to, Mike Alexander, Gerhold, Cross & Etzel, Ltd, 320 E. Towsontown Blvd, Suite 100, Towson, MD 21286 and to Deborah C. Dopkin, Esquire, 409 Washington Avenue, St 1000, Towson, MD, 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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

September 14, 2006

Norman Midwig
Lisa Midwig
10928 Red Lion Road
White Marsh, MD 21162

Dear Mr. & Mrs. Midwig:

RE: Case: 06-544-SPH, 10928 Red Lion Road

Please be advised that an appeal of the above-referenced case was filed in this office on your behalf by Deborah Dopkin on August 1, 2006. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Deborah Dopkin, 409 Washington Avenue, Towson 21204
William Alexander, 10928 Red Lion Road, White Marsh 21162
Rev. James Brussard, 10830 Red Lion Road, White Marsh 21162
Frances Midwig, 917 North Iris Avenue, Baltimore 21205
Scott Lindgren, 320 E. Towsontown Blvd., #100, Towson 21286
Hugh Edwards, 10828 Proctor Avenue, White Marsh 21162
Thomas Myrick, 10828 Proctor Avenue, White Marsh 21162

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



APPEAL

Petition for Special Hearing
10928 Red Lion Road
Corner N/E of Proctor & NW of Red Lion Road
11th Election District – 5th Councilmanic District
Legal Owners: Lisa & Norman Midwig

Case No.: 06-544-SPH

Petition for Special Hearing (April 26, 3006)

Zoning Description of Property

Notice of Zoning Hearing (May 9, 2006)

Certification of Publication (The Jeffersonian – June 1, 2006)

Certificate of Posting (May 22, 2006) by John Dill

Entry of Appearance by People's Counsel (May 8, 2006)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plan to accompany Petitions
2. Plan to accompany Petitions
3. Aerial Photograph with Zoning Lines
4. Photographs (A thru UU)
5. Plat to accompany photographs
6. Zoning Order – 94-512-SPHA
7. Final Landscape Plan
8. Real Property Search

Protestants' Exhibits:

None

Miscellaneous (Not Marked as Exhibit)

1. Zoning Commissioner's Policy Manual – 1-42.2

Deputy Zoning Commissioner's Order (GRANTED w/conditions – July 6, 2006)

Notice of Appeal received on August 1, 2006 from Deborah Dopkin on behalf of Mr. & Mrs. Midwig

Notice of Appeal received on August 2, 2006 from People's Counsel of Baltimore County

c: People's Counsel of Baltimore County, MS #2010
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Deborah Dopkin
Mr. & Mrs. Midwig
Mr. William Alexander
Rev. James Brussard
Frances Midwig
Scott Lindgren
Hugh Edwards
Thomas Myrick

date sent September 15, 2006, klm



Case No. 06-544-SPH

In the Matter of: Norman and Lilsa Midwig

7/06/06 – D.Z.C.'s Order in which Petition for Special Hearing was GRANTED subject to restrictions.

9/26/06 – – Letter received from Deborah C. Dopkin, Esquire, on behalf of Mr. and Mrs. Midwig – petition in this matter is withdrawn and relief therein abandoned, ending these proceedings. Order of Dismissal to be issued.

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

July 27, 2006

Via Hand Delivery

W. Carl Richards, Jr., Chief
Baltimore County Zoning Review
Department of Permits and
Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 10928 Red Lion Road
Zoning Case No. 06-544-SPH

Dear Mr. Richards:

This office represents Lisa and Norman Midwig, the owners of the above captioned property. I am writing you pursuant to a meeting with you on Tuesday, July 25, 2006 at which Scott Lindgren of Gerhold, Cross & Etzel and I were in attendance.

On behalf of Mr. and Mrs. Midwig, the petitioner in Case No. 06-544-SPH, we are **withdrawing** the petitions filed in that case and **abandoning** the relief requested therein. Specifically, that petition requested approval of "business or industrial parking in a residential zone pursuant to BCZR Section 409.8B; affirmation in part an amendment in part of the relief granted in Case No. 94-512-SPHA; modification of the plan previously approved in Case No. 94-512-SPHA to reflect a subsequently imposed zoning classification; approval of a residential garage lying in part in an ML zone and in part in a DR 5.5 zone and approval of the re-orientation of the front of the dwelling located at the intersection of two streets to the side street."

This letter is also to request an affirmation that upon the withdrawal of the above captioned matter, the relief granted in Case No. 94-512-SPH will continue to apply provided that the property is in compliance with all of the conditions noted in that Order, and a determination that the previously granted relief is

W. Carl Richards, Jr., Chief
Baltimore County Zoning Review
July 27, 2006
Page 2

within the spirit and intent of the Baltimore County Zoning Regulations notwithstanding a slight refinement to the location of the zoning line as a result of Baltimore County changing the maps to a digital format.

The letter is also to seek an interpretation that an amendment to the plan approved in Case No. 94-512-SPHA to permit a minor subdivision of the property by the creation of a residential building lot in the DR 5.5 zone is in keeping with the spirit and intent of the Baltimore County Zoning Regulations. The area of the site on which the lot is proposed is identified as Lot 2 on the attached plan and is fenced off from the portions of the property that are used for the business purposes approved in Case No. 94-512-SPHA. The use of a single-family dwelling is a use permitted by right in the DR 5.5 zone. Further, as illustrated by the enclosed photograph, that portion of the property is both unused and unimproved and separated from other uses that exist on the site by fencing.

In addition to the enclosed photographs, I am enclosing a subdivision plan and my check no. 5974 in the amount of \$250 to cover the fee for the requested interpretation on an expedited basis (24 hours).

If you should have any questions or desire further clarification, please feel free to contact me or Scott Lindgren at Gerhold, Cross & Etzel (410-823-4470).

Thank you for your prompt attention to this matter.

Very truly yours,



Deborah C. Dopkin

DCD/kmc

Enclosure

cc: Jim Thompson, Zoning Enforcement
Derek Propalis, Zoning Enforcement
Keith Parker, Zoning Enforcement
Mr. and Mrs. Norman Midwig
Gerhold, Cross & Etzel, Ltd.

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

*To Carl Richards,
please process
Tim K.*

DEBORAH C. DOPKIN

September 21, 2006

Via Facsimile Transmission
and First Class Mail

W. Carl Richards, Jr., Chief
Baltimore County Zoning Review
Department of Permits and
Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: 10928 Red Lion Road
Zoning Case No. 06-544-SPH

Dear Mr. Richards:

This office represents Lisa and Norman Midwig, the owners of the above captioned property. I am writing to you pursuant to our conversation of Wednesday, September 20, 2006.

On behalf of Mr. and Mrs. Midwig, the petitioner in Case No. 06-544-SPH, we are **withdrawing** the petitions filed in that case and **abandoning** the relief requested therein. Specifically, that petition requested approval of "business or industrial parking in a residential zone pursuant to BCZR Section 409.8B; affirmation in part and amendment in part of the relief granted in Case No. 94-512-SPHA; modification of the plan previously approved in Case No. 94-512-SPHA to reflect a subsequently imposed zoning classification; approval of a residential garage lying in part in an ML zone and in part in a DR 5.5 zone and approval of the re-orientation of the front of the dwelling located at the intersection of two streets to the side street."

This letter is also to request an affirmation that upon the withdrawal of the above captioned matter, the relief granted in Case No. 94-512-SPH will continue to apply provided that the property is in compliance with all of the conditions noted in that Order, and a determination that the previously granted relief is

W. Carl Richards, Jr., Chief
Baltimore County Zoning Review
September 21, 2006
Page 2

within the spirit and intent of the Baltimore County Zoning Regulations notwithstanding a slight refinement to the location of the zoning line as a result of Baltimore County changing the maps to a digital format.

As you are aware, on August 1, 2006, I noted an appeal of the decision of the Deputy Zoning Commissioner to the Baltimore County Board of Appeals. Upon receipt of the above requested affirmation, I will dismiss the appeal and notify the Board of Appeals of the Midwig's decision to withdraw the petitions and abandon the requested relief. A copy of my letter to the Board is enclosed.

If you should have any questions or desire further clarification, please feel free to contact me or Scott Lindgren at Gerhold, Cross & Etzel (410-823-4470).

Thank you for your prompt attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc
Enclosure

cc: Timothy Kotroco, Director
Jim Thompson, Zoning Enforcement
Derek Propalis, Zoning Enforcemer
Keith Parker, Zoning Enforcement
Mr. and Mrs. Norman Midwig
Gerhold, Cross & Etzel, Ltd.

C:\docs\KMC\DCD\Letters 2006\richards carl2.wpd

September 26, 2006

Dear Mrs. Dopkin:
Re 10928 Red Lion Road

I have spoken to the Director, Timothy Kotroco and this office will accept your withdraw of petition 06-544 SPH contingent upon your withdrawal of the appeal and compliance with previous zoning case and the BCZR.


W. Carl Richards
Date 9/26/06

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

September 21, 2006

Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: 10928 Red Lion Road
Case No. 06-544-SPH

Dear Ms. Bianco:

This office represents Norman and Lisa Midwig, the Petitioner in the above captioned case, which was decided by the Deputy Zoning Commissioner for Baltimore County on July 6, 2006. An appeal was noted by me on August 1, 2006 and a partial appeal was noted by People's Counsel on August 2, 2006. This letter is to advise you that the Petitioner has elected to withdraw their petitions, abandon the relief therein, and end these proceedings. Please note your docket accordingly.

Thank you in advance for your attention to this matter.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

cc: Mr. and Mrs. Norman Midwig
People's Counsel for Baltimore County
Mr. Carl Richards

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
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FACSIMILE 410-823-8509
e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

September 26, 2006

Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

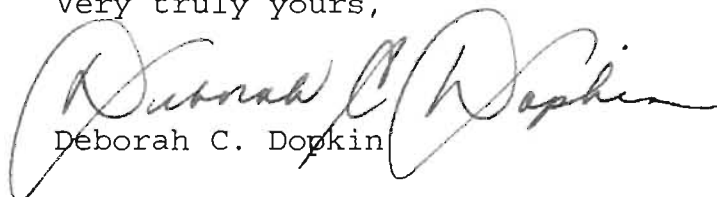
RE: 10928 Red Lion Road
Case No. 06-544-SPH

Dear Ms. Bianco:

This office represents Norman and Lisa Midwig, the Petitioner in the above captioned case, which was decided by the Deputy Zoning Commissioner for Baltimore County on July 6, 2006. An appeal was noted by me on August 1, 2006 and a partial appeal was noted by People's Counsel on August 2, 2006. This letter is to advise you that the Petitioner has elected to withdraw their petitions, abandon the relief therein, and end these proceedings. Please note your docket accordingly.

Thank you in advance for your attention to this matter.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

cc: Mr. and Mrs. Norman Midwig
People's Counsel for Baltimore County
Mr. Carl Richards
Gerhold, Cross & Etzel

Dear Mrs Dopkin,

~~This office would~~

~~accept~~ I have spoken to the
Director - Timothy Kitchens and
this office will accept your
withdrawal of Petition 06-544 SPH
contingent upon your withdrawal
of the appeal and compliance with
the previous zoning case and the
BCZR.

UCN on
25.

Date

Call Deborah

Have her write to retract
relief that was requested by
Murphy - Then they can go
back to Schmidt's decision

Tom K

Carl -

See me I think it is OK to
allow withdrawal of Petition -
go back to the Old Order.

T -

CASE NAME 10928 Rd Leon Rd
CASE NUMBER 06-544
DATE 6-19-06

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

HUGH EDWARDS

10828 PROCTOR AVE. White Marsh, MD 21162

Thomas Myrick

" " " " "

Myrick



IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
 ZONING VARIANCE *
 N/S Red Lion Road at Proctor * ZONING COMMISSIONER
 Avenue *
 10928 Red Lion Road * OF BALTIMORE COUNTY
 11th Election District *
 5th Councilmanic District * Case No. 94-512-SPHA
 Frances Midwig *
 Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 10928 Red Lion Road in the Cowenton/White Marsh section of Baltimore County. Special Hearing relief is requested to approve access to the M.L. zoned portion of the property through a driveway located on the D.R.5.5 part of the site, pursuant to Sections 500.7 of the Baltimore County Zoning Regulations (BCZR) and 102.6.A.3. of the Zoning Commissioner's Policy Manual. As to the variance, relief is requested from Sections 243.1 and 301 of the BCZR to allow a 41 ft. front yard setback in lieu of the required 75 ft. and an open projection setback of 25 ft. in lieu of the required 56.25 ft., also for the front yard. Additionally, a variance from Section 243.2 is requested to allow side yard setbacks of 17 ft. and 40 ft. in lieu of the required 50 ft. Lastly, variance relief from Section 243.4 and 253.4 of the BCZR is sought for a 17 ft. proximity of a structure to a residential zone in lieu of the required 125 ft. and an M.L. use within 100 ft. of a residential zoned line. All of the subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Zoning Variance.

Appearing at the requisite public hearing was the property owner, Frances Midwig. Also present were other members of her family, including Norman Midwig, Lisa Midwig and David R. Midwig. Margaret Horner also ap-

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Date

By

Page #6

peared in support of the Petition. The Petitioner was represented by T. Wray McCurdy, Esquire. Several residents from the surrounding locale also appeared and testified. They included George S. Kellner and Norma Kellner, his wife, who reside immediately across the street, and Sarah E. Paul and Adam E. Paul, Sr. from the White Marsh Community Association. The Protestants were represented by Norman Lauenstein, Esquire.

Lorne Hastings, a Registered Land Surveyor, who prepared the site plan, testified and presented that plan. He indicated that the subject property is split zoned, D.R.5.5 and M.L. The D.R.5.5 portion of the tract contains 29,743 (+/-) sq. ft. and the M.L. portion contains 16,283 sq. ft.(+/-). The total tract is 1.057 acres in area. The property is roughly a rectangularly shaped property which has frontage on Red Lion Road. As noted above, the site is located in White Marsh/Cowenton not far from Ebenezer Road and Pulaski Highway. The D.R.5.5 portion of the property is improved with a two story dwelling. The M.L. portion of the site is improved by a two story 20 ft. x 30 ft. garage. As to the topography, the site has a severe slope, falling away from its frontage on Red Lion Road. Vehicular access to the property is by way of a shared driveway on the site's west side. This driveway leads from the western property line behind the two story dwelling and across the D.R.5.5 part of the property. It extends onto the M.L. section of the site, which comprises the eastern one-third of the lot and ends at the aforementioned two story dwelling.

As to the zoning variances, Mr. Hastings offered several comments. As shown on the plan, the side yard setback distances, which are the subject of the variance request, are measured from the garage. On the west side, there exists a 40 ft. distance from the building envelope to the property line in lieu of the required 50 ft. It is to be noted that the adjoin-

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Date

By

9/15/94
M. H. H. H.

ing property on that side of the subject site is owned by SFM Construction Company and is zoned M.L. It is used as a heavy equipment storage yard. On the other side of the garage, towards the east, the side yard measures 17 ft. However, this is misleading in that the distance is measured from the building envelope to the zoning line which bisects this property. Thus, the variance on that side is clearly interior in nature and is not measured to an adjoining property. Both of these variances are justified in view of the character of the adjoining property and split zoning of the subject site.

As to the front yard setbacks, they are measured from the front of the existing building envelope of the garage to the property's front boundary on Red Lion Road. In this respect, a 41 ft. setback is requested for the enclosed portion of the garage and 25 ft. setback is requested for a porch (open projection) which exists from the front of the property. In this aspect, Mr. Hastings observed the significant slope of the property. He noted that the subject garage was barely visible from the houses across the street on Red Lion Road because of this slope and opined that this site feature justified the variance..

The final series of variances are also somewhat unusual in that they also relate to the 17 ft. distance from the garage to the zoning line which bisects this property. As is the case with the side yard setback, this is the distance from the garage to the zoning line, which is situated between the garage and dwelling. Moreover, the structure which lies within 100 ft. of the residential zone line is the aforementioned garage and the most affected residence is the two story dwelling on the Midwig lot. Clearly, these variances are internal in nature and caused by the split zoning of the property.

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DATE

BY

As to the Petition for Special Hearing, same is requested pursuant to Section 500.7 of the BCZR and Section 102.6.A.3 of the Zoning Commissioner's Policy Manual. That section regulates access to an M.L. zoned parcel through a D.R. zone. In this respect, Mr. Hastings again observed the severe slope of the property from at its frontage on Red Lion Road. He testified that direct access from that road would be difficult because of the slope and the limited site distances. Also, if access were created directly from Red Lion Road to the M.L. portion, same could be detrimental to the residences across the street.

Frances Midwig also testified. She corroborated the testimony as outlined above which was offered by Mr. Hastings. She also described the use of the property. She noted that the house is an old farm house and, although no longer residing there, she and her family have lived there for many years. Presently, the dwelling is occupied by her two brothers. She also noted that there was an old barn on the property at one time in which old cars, tractors and similar heavy equipment was kept. The two story garage was built approximately 10 years ago and replaced the garage which was in a state of disrepair.

Norman Midwig also testified. He indicated that he and his wife own and operate a business known as Midwig's Clean-a-Lot, Inc. The business cleans parking lots and performs janitorial services for hire. In terms of equipment, it utilizes two sweepers, a bobcat and three trucks, which are stored on the M.L. portion of this site. He described the dimensions of the vehicles involved and testified that there would be no storage of any of these vehicles between the front of the garage and Red Lion Road. Moreover, he noted that the garage presently has other equipment and vehicles including motorcycles owned by his brother. On cross examination, he also

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Date

By

9/15/94
Jm. Horz

fully explained the nature of his work and the activity which goes on at the site.

Testifying in opposition was Norma L. Kellner, a long time resident who resides across the street. She acknowledged that a school bus business operated off of the subject site several years ago. She specifically objects to the repair work which is being done on the property and the in and out traffic generated from the site. She also fears the commercialization of the subject area and is concerned that her residential property will be disturbed by commercial activity nearby. Sarah Paul also testified in opposition to the request as President of the White Marsh Community Association. Essentially, her testimony was in opposition of any encroachment on the residential locale.

As to the zoning variances, same must be adjudged in accordance with the standards offered in Section 307.1 of the BCZR. Therein, the Petitioner must address a three pronged test in order for the variances to be granted. First, the Petitioner must demonstrate that a practical difficulty exists if strict adherence to the regulations was required. Secondly, variance relief can be granted only if same is within the spirit and intent of the zoning regulations. Lastly, there can be no detriment to the surrounding locale.

In applying the facts of this case to the standards, I am persuaded that the variances should be granted. As to the front and side yard setbacks, certain of the distances involved are of little practical effect in that they are measured from the internal zoning line and not the property line. As to the other distances, the site constraints, including the property's topography and neighboring uses are significant. There is a significant slope from the front of the property line which certainly lessens the

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Date

By

9/15/90
M. Dvorak

visual effect of the placement of the garage near Red Lion Road. Moreover, the commercial/business use to the east renders the variance from 40 ft. in lieu of 50 ft. variance to the west of little impact. Likewise, the fact that this property is split zoned necessitates the distance of the structure to the residential zone and the use within the 100 ft. residential zone line buffer. As the Petitioner testified, the most affected dwelling is on the subject property and owned by the Midwigs.

As to the special hearing relief, I am, likewise, persuaded to grant same. This in large measure is necessary to legitimize an existing situation. I am also persuaded by the testimony of Mr. Hastings that direct access from Red Lion Road to the M.L. portion of the site would be dangerous in view of the limited site distance.

Notwithstanding my approval of the subject Petitions, I am inclined to incorporate certain restrictions as conditions precedent to the relief granted. These conditions are issued pursuant to Section 26-127(c) of the County Code. First, I shall adopt the Zoning Plans Advisory Committee comment offered by the Office of Planning and Zoning. This comment suggests that landscaping and/or fencing be added to screen the property from adjacent dwellings. In this regard, I will require approval of a landscape plan by the County's Landscape Architect. Also, the driveway shall be improved with a durable and dustless surface to prevent dust and dirt from leaving the site and adversely affecting nearby properties.

Also, some provision should be made to ensure that the operation of the business on the M.L. portion of the site does not adversely affect the neighborhood. In this regard, I will prohibit any repairs to the commercial vehicles from being made on the site earlier than 9:00 A.M. and no later than dusk, and on Monday thru Friday, only. Moreover, commercial,

ORDER RECEIVED FOR FILING

Date

9/11/94

By

Dr. Horak

vehicles kept on site shall be limited to those identified in the testimony and/or the replacements of same, for so long as same are not larger. These vehicles are identified as two sweepers, a bobcat, three trucks and a utility trailer.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 15th day of September 1994, that, pursuant to the Petition for Special Hearing, approval to access the M.L. zoned portion of the property through a driveway located on the D.R.5.5 part of the site under Sections 500.7 of the Baltimore County Zoning Regulations (BCZR) and 102.6.A.3. of the Zoning Commissioner's Policy Manual, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 243.1 and 301 of the BCZR to allow 41 ft. front yard setback, in lieu of the required 75 ft., and an open projection setback of 25 ft., in lieu of the required 56.25 ft., also for the front yard, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED a variance from Section 243.2 to allow side yard setbacks of 17 ft. and 40 ft., in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 243.4 and 253.4 of the BCZR is sought for a 17 ft. proximity of a structure to a residential zone, in lieu of the required 125 ft., and an M.L. use within 100 ft. of a residential zoned line, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at her own risk until

ORDER RECEIVED FOR FILING

Date

By

9/15/94

Mr. Gervais

such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

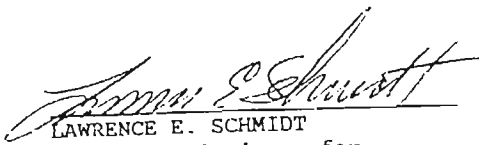
2. The Petitioner shall comply with all requirements of the Zoning Plans Advisory Committee (ZAC) as set forth in their comment submitted by the Office of Planning and Zoning dated July 1, 1994 attached hereto and made a part hereof.

3. The Petitioner shall provide a landscape plan to the Office of Planning and Zoning for approval by the Baltimore County Landscape Architect for approval. The approved landscape plan shall become a permanent part of the record and file in this matter.

4. Repairs made to any commercial vehicles stored on the subject property shall not be performed earlier than 9:00 A.M. nor later than dusk. Also any repair work on commercial vehicles is limited to Monday through Friday, only.

5. Only the commercial vehicles described at the public hearing for this case shall be permitted to be stored on the property. These vehicles are identified as two sweepers, a bobcat, 3 trucks and a utility trailer.

6. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING

Date: 9/17/94

By: Mr. Howard

SECTION

102.6 ACCESS

A. For Heavier Uses Through Lighter Zones:

1. Access for a heavier commercial or industrial use or a heavier commercial or industrial zone through a lighter or more restrictive commercial or industrial zone is permitted. It does not have to be the only possible access that the property has.
2. Access through O-1 and O-2 for commercial and industrial uses is only permitted if it is demonstrated that it is the only possible access. If it is not the only possible access, a special hearing would be required by the Zoning Commissioner. A hearing may also be required if it is the only access.
3. Access through a residential zone (RC, DR, RAE) for a commercial or industrial use may be permitted if it is the sole access to the site. A public hearing may be required based on a determination that:
 - a. it is the only possible access from a public street;
 - b. and/or the residential land in issue is too small;
 - c. and/or the land in issue is subject to other restrictions which prevents a residential use.
4. Access through an RO zone, a public hearing would only be necessary pursuant to Section 1.C above if it is determined that the use of the land in issue at the time the subdivision and/or development plan was submitted was residential - if commercial, no hearing would be required (See M84-6 and 85-302 SPH).
5. Interior driveways that serve commercial or industrial uses through residential zones which are for circulation only with no access to the property from a public street would not require a public hearing.

B. If property is wholly or partially zoned ML-IM, and the proposed use is located wholly or partially in the ML-IM zone with access to the site through a zone other than ML-IM, the requirements of Section 253.1.C with regard to access is not applicable.

C. See County Attorney Opinions, dated 9/20/79; 9/19/79; 1/17/80.

[Click here for a plain text ADA compliant screen.](#)



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)
[Ground Rent](#)

Account Identifier: District - 11 **Account Number -** 1101035325

Owner Information

Owner Name: MIDWIG NORMAN A
MIDWIG LISA R
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 10829 PROCTOR AVE
WHITE MARSH MD 21162-1707
Deed Reference: 1) /14952/ 531
2)

Location & Structure Information

Premises Address
10928 RED LION RD

Legal Description
1 AC NS RED LION RD
10928 RED LION RD NS
800 NE COWENTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
73	13	144						3	

Special Tax Areas
Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1896	1,564 SF	1.00 AC	04
Stories 2	Basement YES	Type STANDARD UNIT	Exterior FRAME

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2005	Phase-in Assessments As Of 07/01/2006
Land:	40,000	95,000		
Improvements:	107,080	129,470		
Total:	147,080	224,470	147,080	172,876
Preferential Land:	0	0	0	0

Transfer Information

Seller: MIDWIG DAVID R	Date: 02/01/2001	Price: \$90,000
Type: NOT ARMS-LENGTH	Deed1: /14952/ 531	Deed2:
Seller: ALEXANDER LOUISE J	Date: 05/26/1993	Price: \$100,000
Type: NOT ARMS-LENGTH	Deed1: / 9783/ 687	Deed2: / 9783/ 683
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

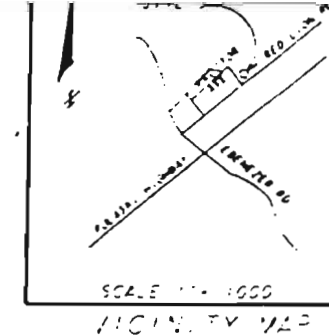
Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Pref #3



NOTES

1. OWNER: FRANK S. MEDA, JR.
10928 RED LICH ROAD
BALTIMORE, MARYLAND 21242
TELEPHONE: 288-5529
2. NEED REFERENCE: 7234/20
3. PROPERTY ZONED DR 5.5 AND ML
4. TOTAL AREA OF TRACT: 1.057 ACRES
5. PROPERTY HAS ACCESS TO PUBLIC WATER AND SEPTIC AREA AS SHOWN
6. F.A.P. OF M.L. SECTION OF PROPERTY: 0.062
7. NO PR. OR ZONING HEARINGS
8. PROPOSED NEW MACADAM PAVING 12' X 12' AROUND PERP AND SIDE OF 2 STY. GARAGE
9. NO EASEMENTS ARE SHOWN ON THE PROPERTY
10. ACCESS TO THE M.L. PARCEL IS ONLY POSSIBLE THROUGH THE DR 5.5 DRIVE WAY. DUE TO THE CONTOUR OF THE PROPERTY, A SPECIAL HEARING IS REQUESTED TO PERMIT THIS CONDITION PER SECTION 102.6.4.3 OF THE ZONING OFFICE POLICY MANUAL.
11. SEEKING VARIANCE OF SECTION 243.1 AND 301.1 OF B.C.Z.R. FOR A 41' FRONT SET BACK IN LIEU OF THE REQUIRED 75' FOR AN EXISTING BUILDING AND FOR AN OPEN PROJECTION (PORCH) SET BACK OF 25' IN LIEU OF THE REQUIRED 56' 25'.
12. SEEKING VARIANCE OF SECTION 243.2 OF B.C.Z.R. FOR A 17' AND A 40' SIDE YARD SET BACK IN LIEU OF THE REQUIRED 50'.
13. SEEKING VARIANCE OF SECTION 243.4 AND 253.4 OF THE B.C.Z.R. FOR A 17' PROXIMITY OF A STRUCTURE TO A RESIDENTIAL ZONE IN LIEU OF THE REQUIRED 125' AND A ML USE WITHIN 100' OF A RESIDENTIAL ZONE LINE.
14. NOT IN C.B.C.A.
15. NO PUBLIC UTILITIES PROPOSED FOR THE ML ZONED USE.
16. NO SIGNS ARE EXISTING OR PROPOSED

498

**ZONING PLAT FOR
VARIANCE AND SPECIAL HEARING
OF
10928 RED LICH ROAD.**

**HASTINGS SURVEYING
41 EASTSHIP ROAD
BALTIMORE, MD. 21222
(410) 288-5663**

COUNCILMANIC DISTRICT SIN ELECTION DISTRICT 111H
SCALE: 1"=40' 6/15/94 JOB # 654

94-512-SRHA

**PETITIONER'S
EXHIBIT NO. 1**

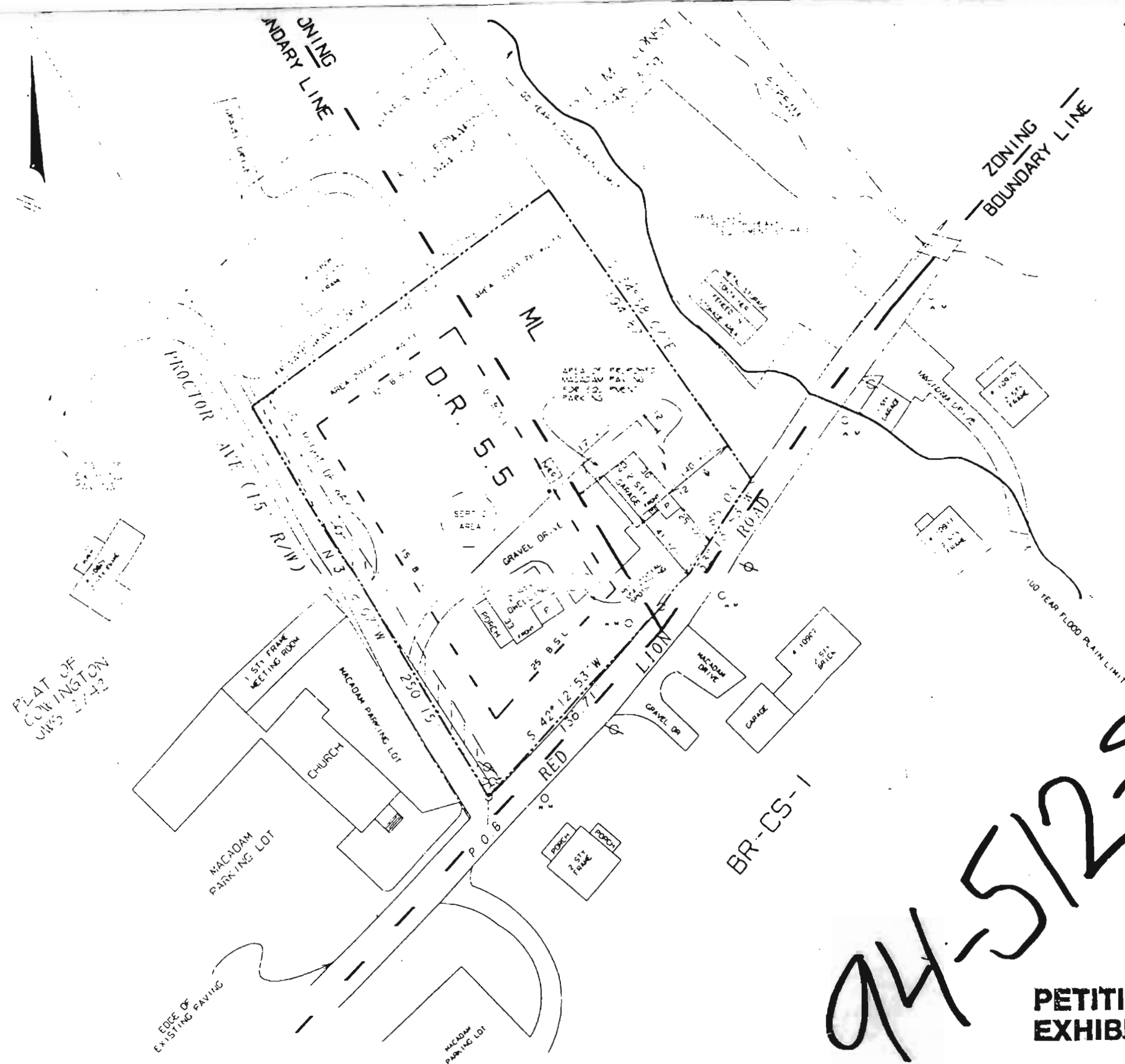
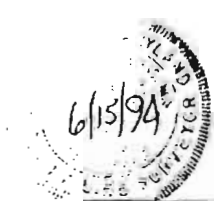
REVISIONS			
NO	DATE	DESCRIPTION	C-K
1	5-6-94	ADD VARIANCE NOTES	
2	5-17-94	SPECIAL HEARING	
3	6-15-94	ADD P28 & 40 B.S.L. VAR	

- LEGEND**
- AREA OF EASEMENT
 - IMPERVIOUS SURFACE
 - UTILITY POLE
 - FIRE HYDRANT

THIS SURVEY AND PLAT WERE PREPARED IN ACCORDANCE WITH THE MINIMUM STANDARDS OF PRACTICE FOR REGISTERED LAND SURVEYORS IN THE STATE OF MARYLAND AS ADOPTED BY THE MARYLAND SOCIETY OF SURVEYORS

Lois Hastings

REG. NO 505

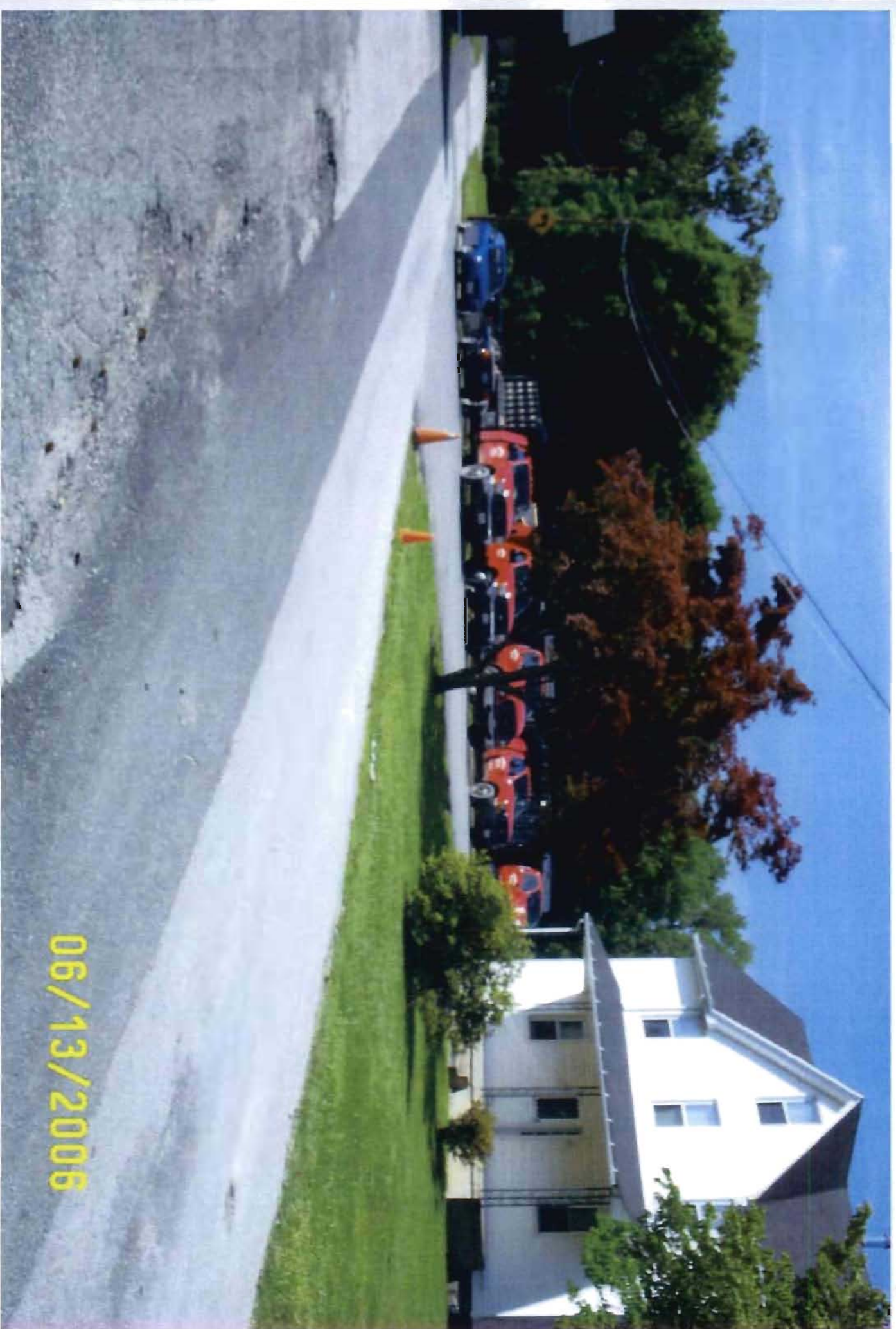




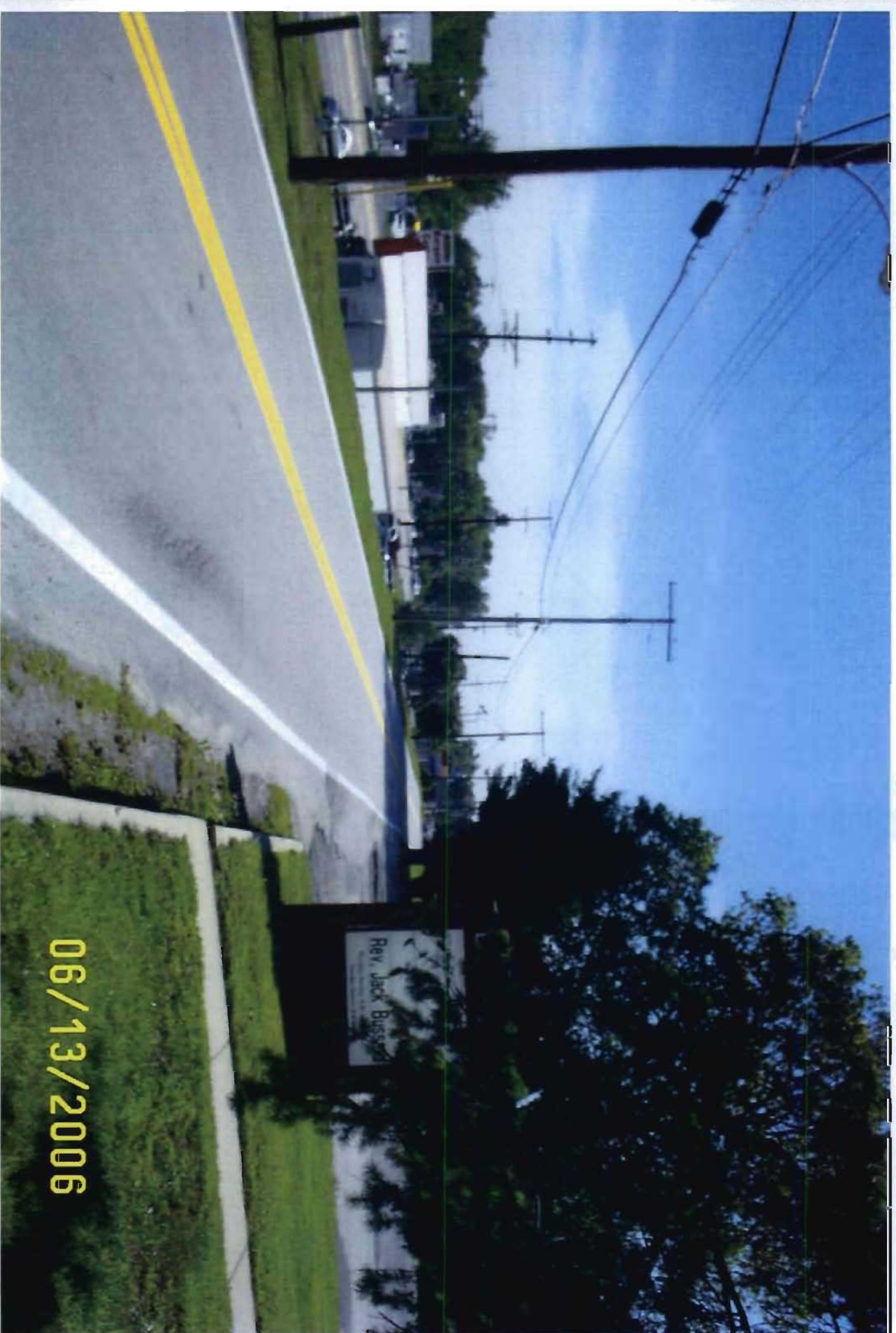
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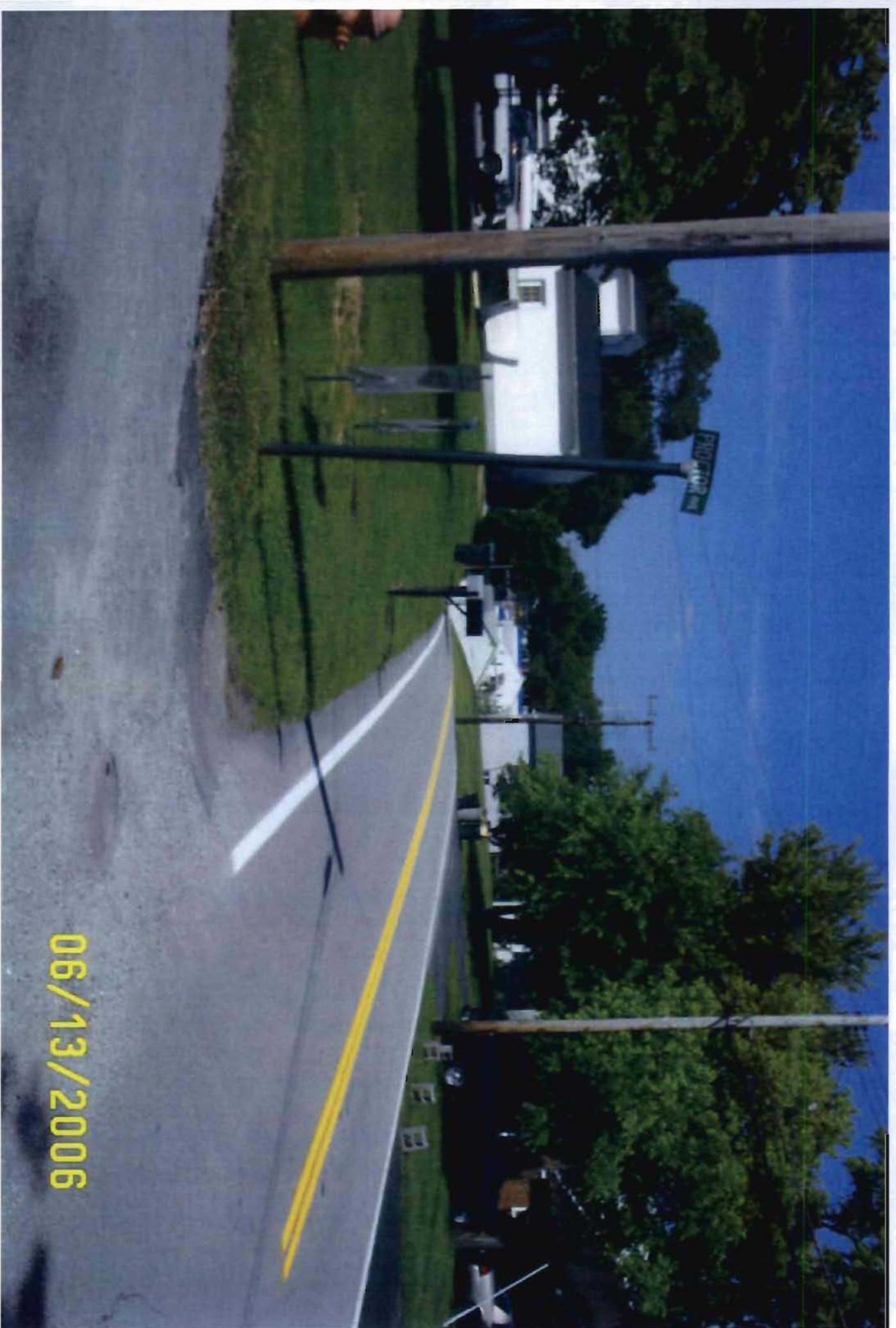
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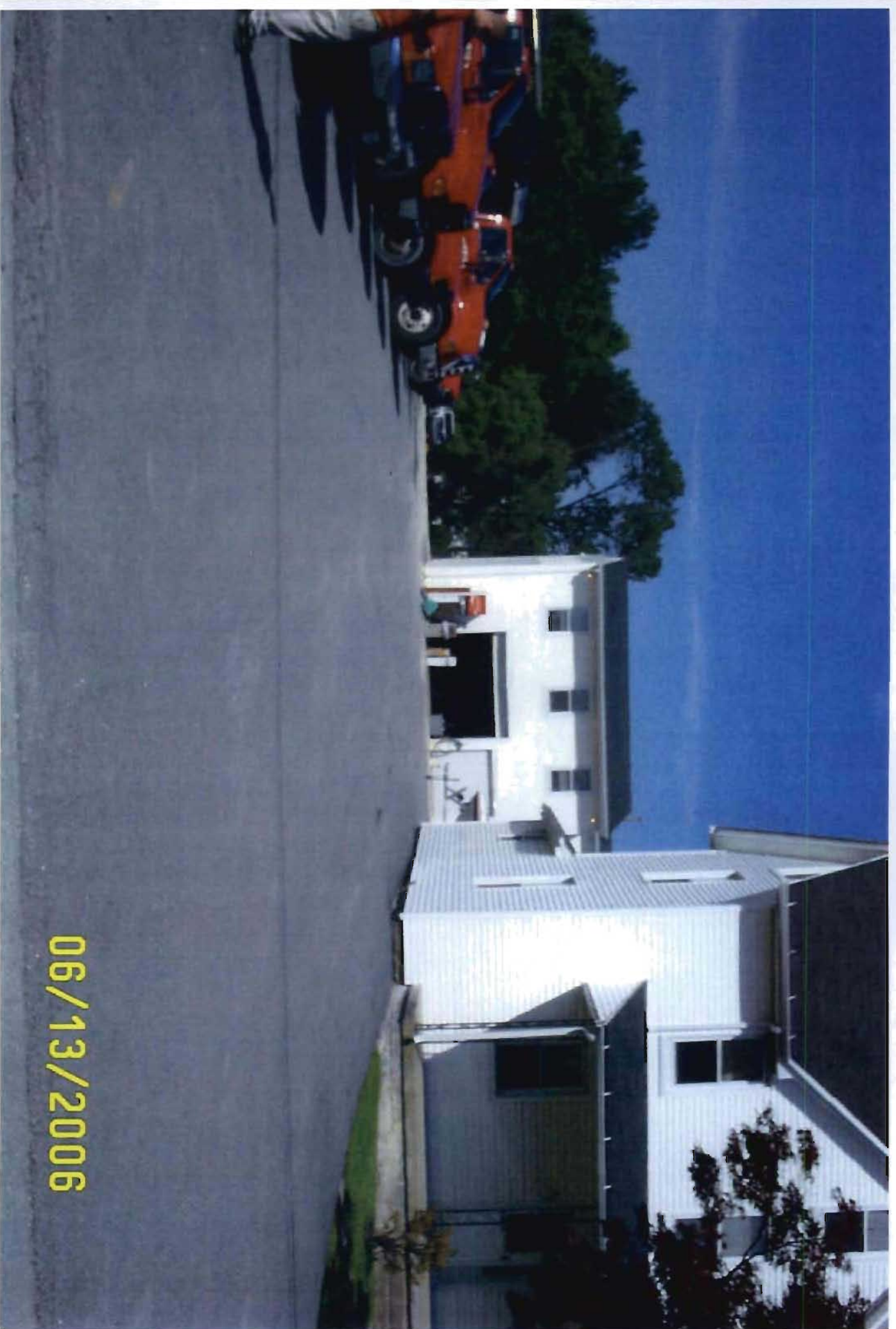
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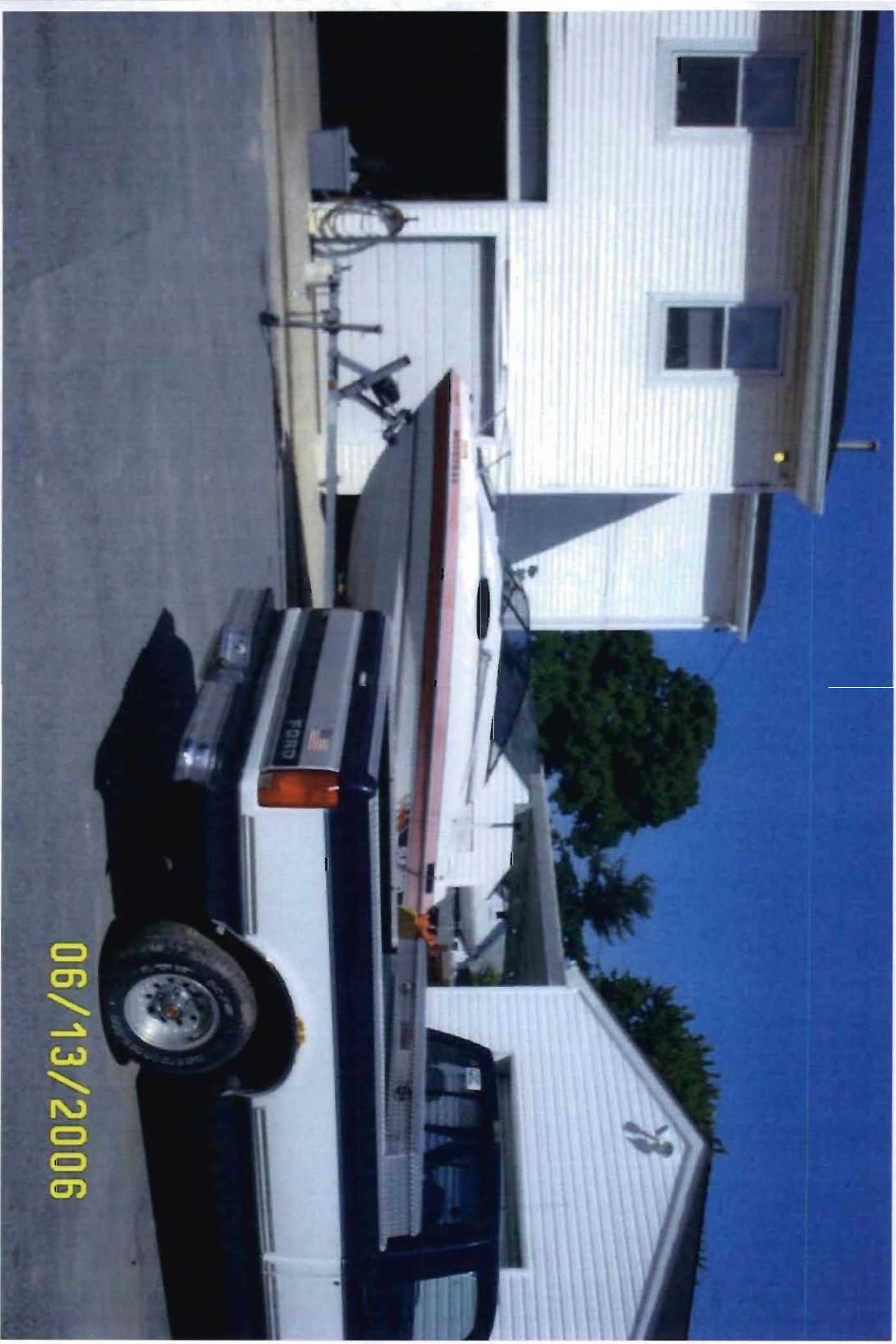


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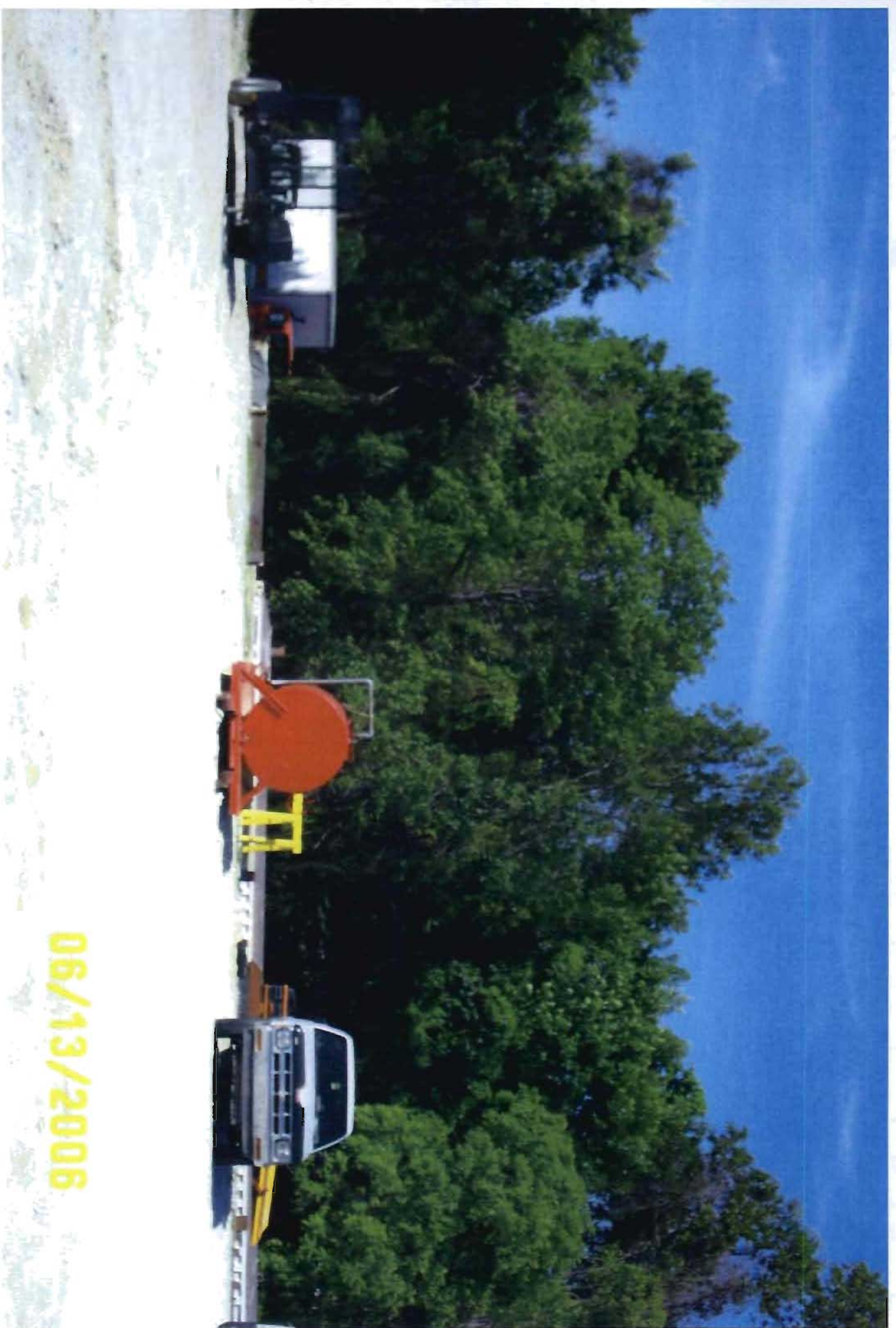
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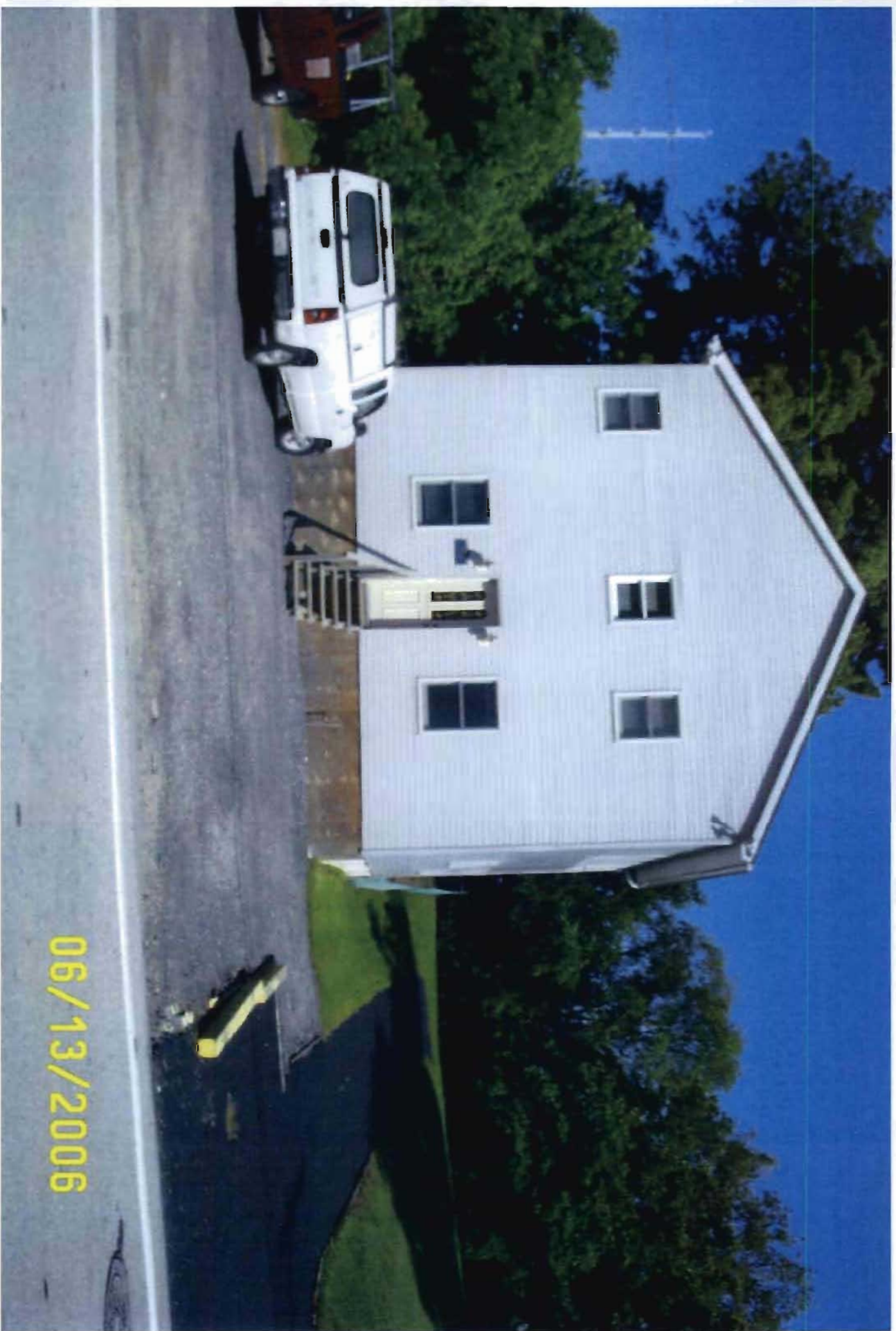
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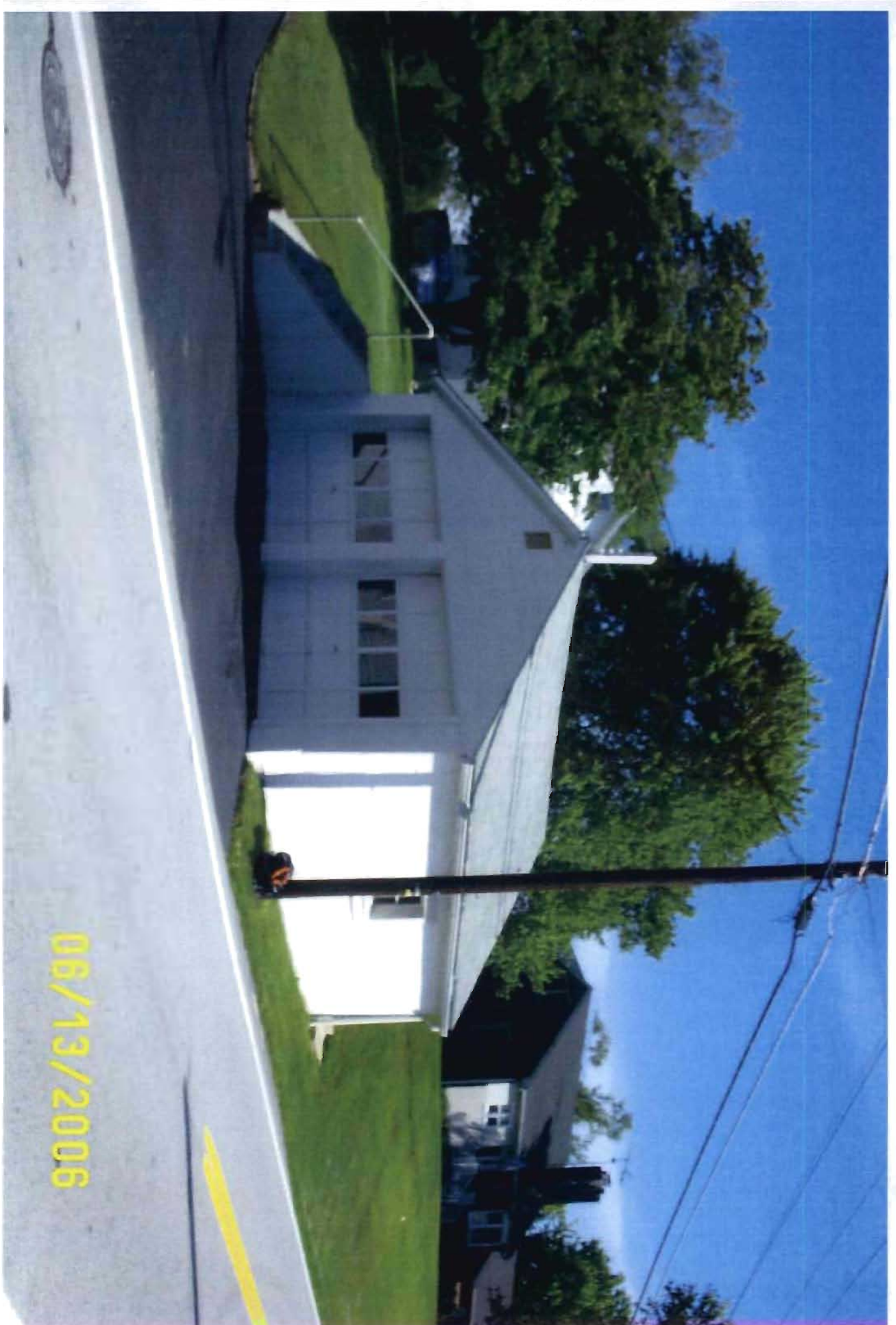
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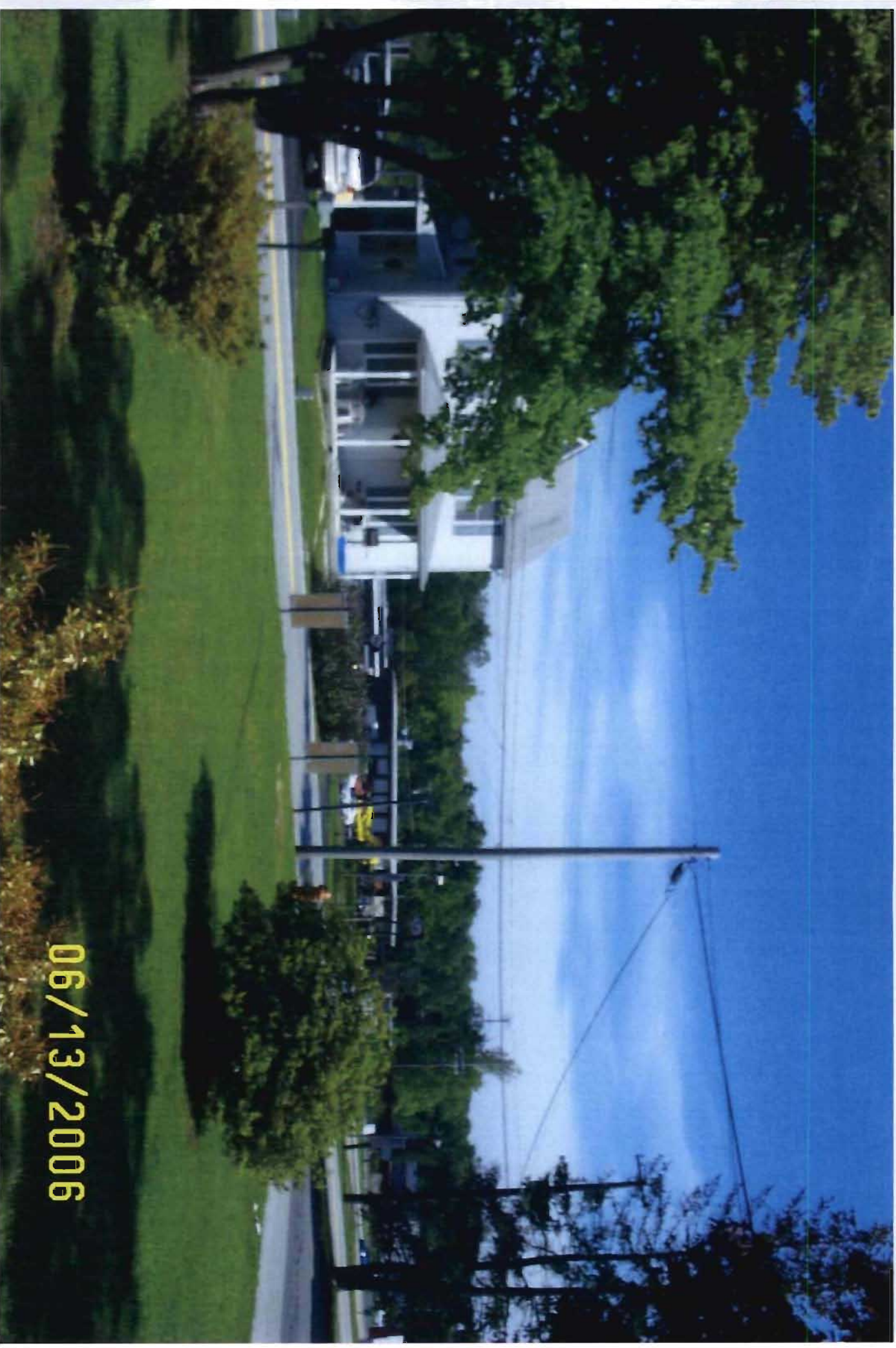


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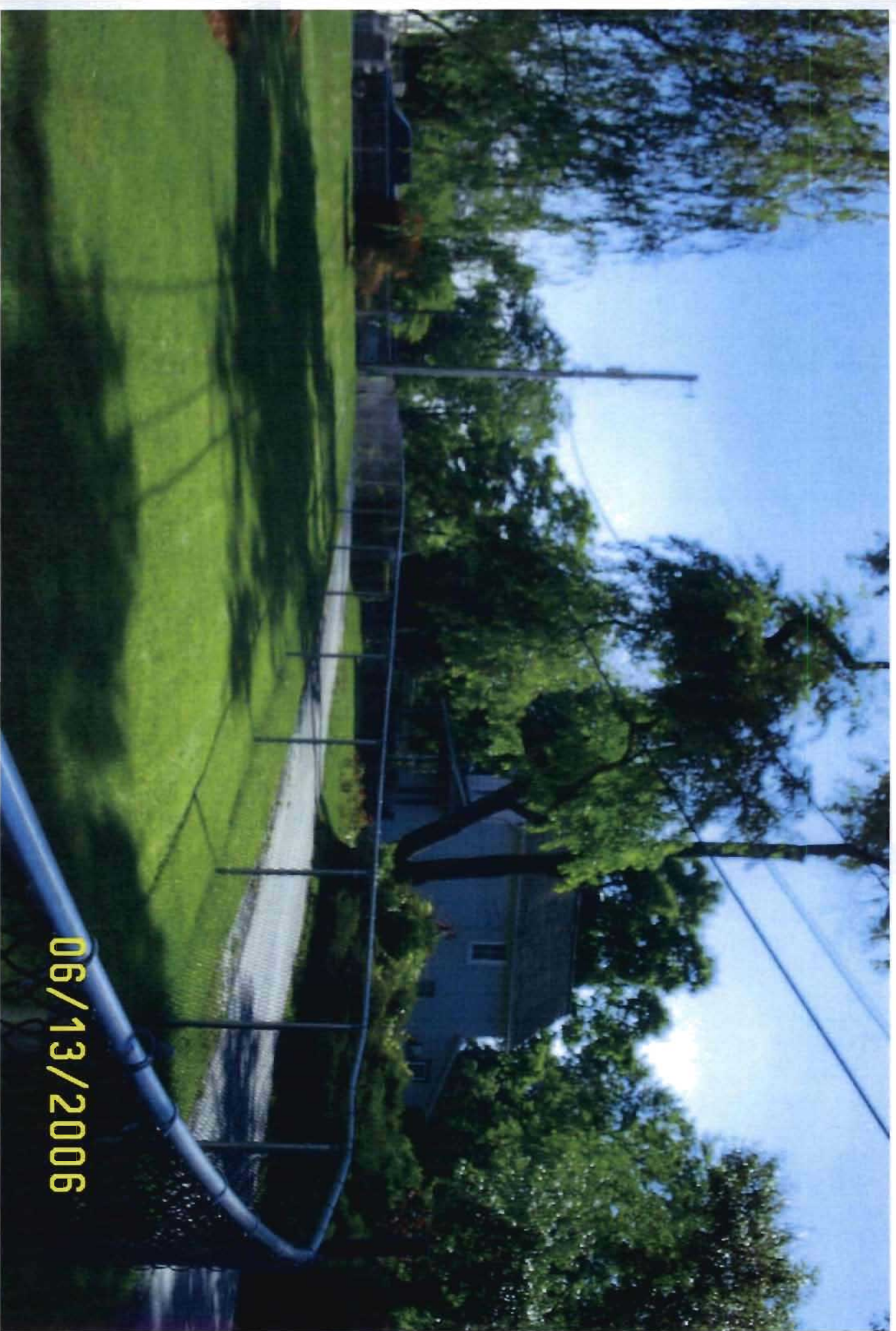






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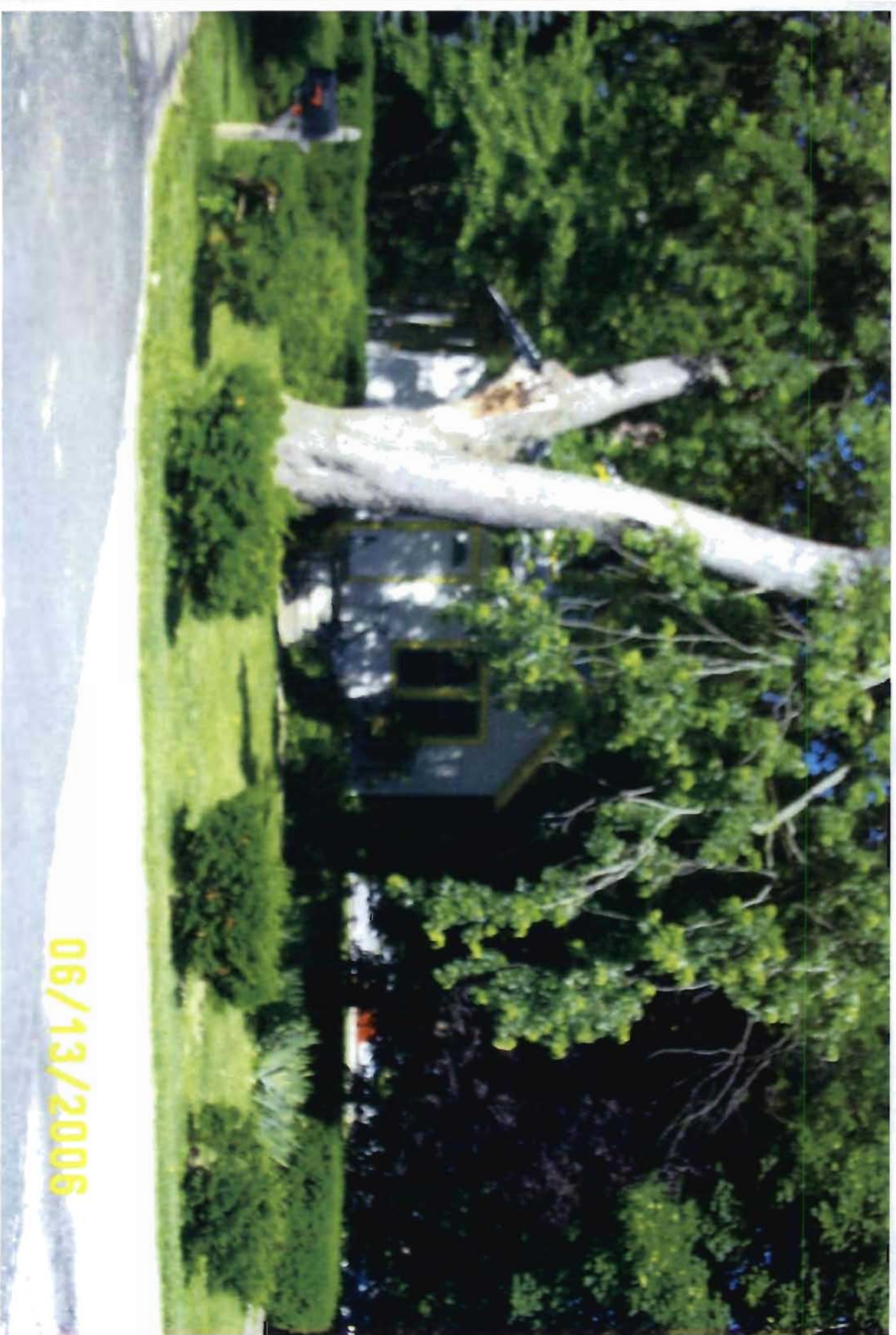




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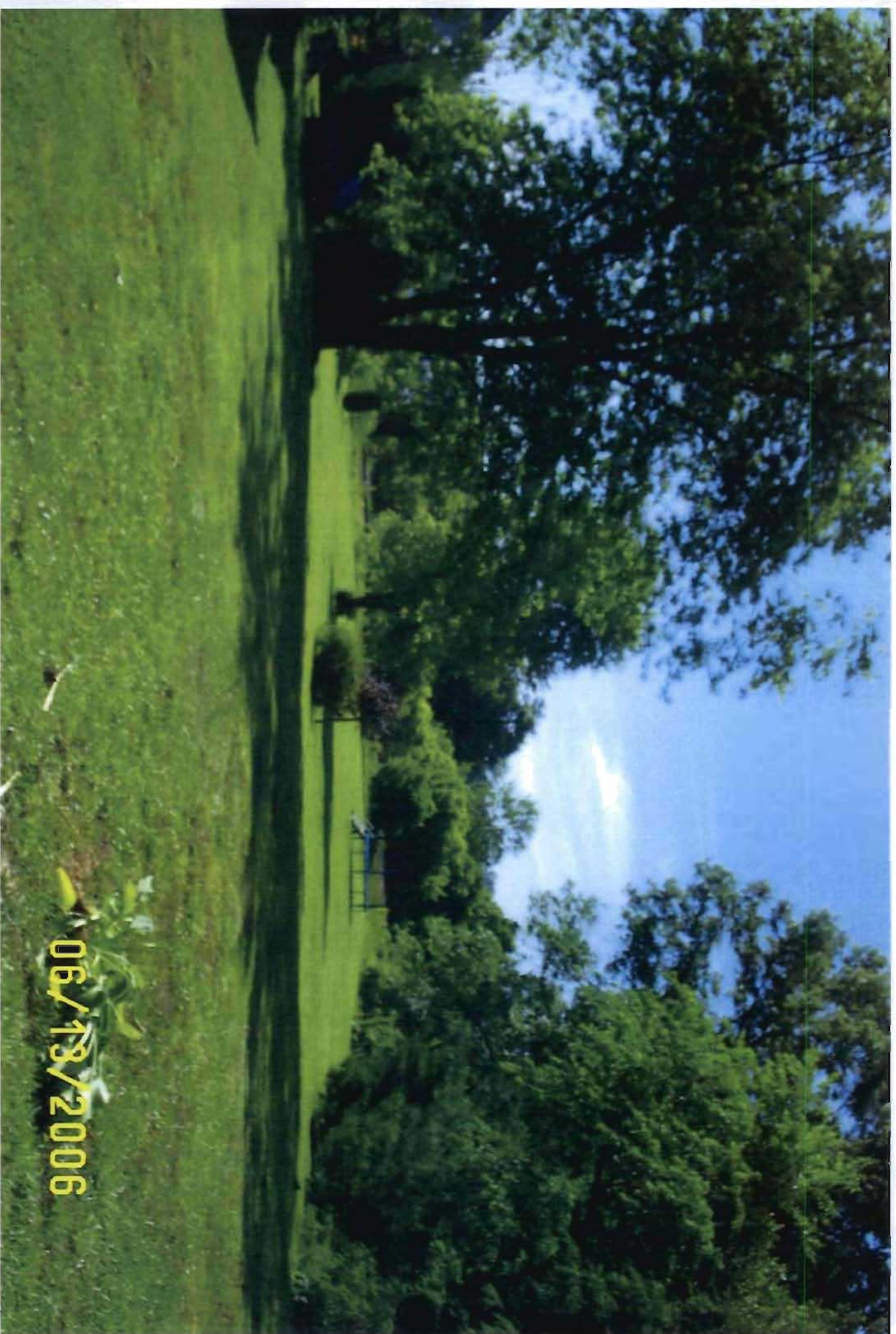


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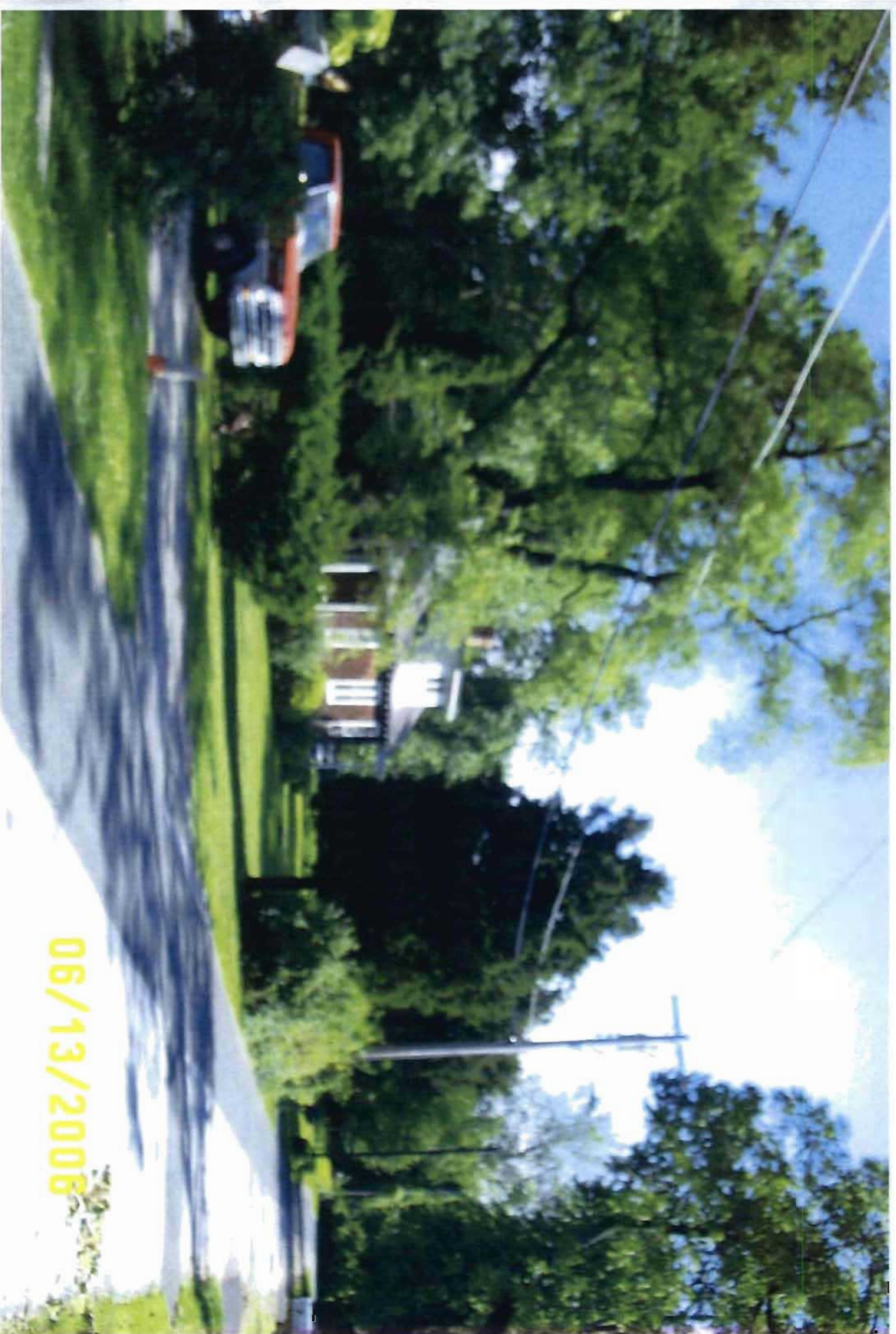
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D.R. 5.5 DEVELOPMENT STANDARDS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	55
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	50

IN D.R. 5.5 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREINAFTER ERECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE, PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITH PRINCIPAL BUILDINGS SITUATE WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. ... PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R. 5.5 ZONES. ...

BALTIMORE COUNTY ZONING POLICY MANUAL

S-14 SIDE STREET SETBACKS

WHEN THE SMALL LOT TABLE APPLIES

SIDE STREET SETBACKS APPLICABLE TO THE SMALL LOT TABLE SHOULD BE THE SAME AS THE FRONT YARD REQUIREMENT. AVERAGING IS NOT PERMITTED ON A SIDE STREET SETBACK AND A FRONT AVERAGE SETBACK CANNOT BE DUPLICATED ON THE SIDE STREET. CENTERLINE SETBACKS ARE NOT REQUIRED.

REFERENCE: B.C.Z.R. 10203.C.1

BALTIMORE COUNTY ZONING REGULATIONS

M.L. ZONE AREA REGULATIONS

- 258.1 THE AREA REGULATIONS IN THE M.L. ZONE SHALL BE THE SAME AS THOSE IN D.R. 5.5 ZONE UNLESS SUCH D.R. ZONE REGULATIONS CONFLICT WITH THE PROVISIONS OF SECTION 258.2
- 258.2 WITHIN 100 FEET OF ANY RESIDENTIAL ZONE BOUNDARY OR THE RIGHT-OF-WAY OF ANY STREET ADJOINING SUCH A BOUNDARY, OR WITHIN 100 FEET OF THE RIGHT-OF-WAY OF AN EXISTING OR PROPOSED INTERSTATE HIGHWAY, OTHER FREEWAY OR EXPRESSWAY, WHICH MOTORWAY IS OFFICIALLY SO DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION, AND/OR THE COUNTY, THE FRONT, SIDE AND REAR YARDS SHALL BE AS REQUIRED IN M.R. ZONE (SEE SECTIONS 248.1, 248.2 AND 248.3).

B.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

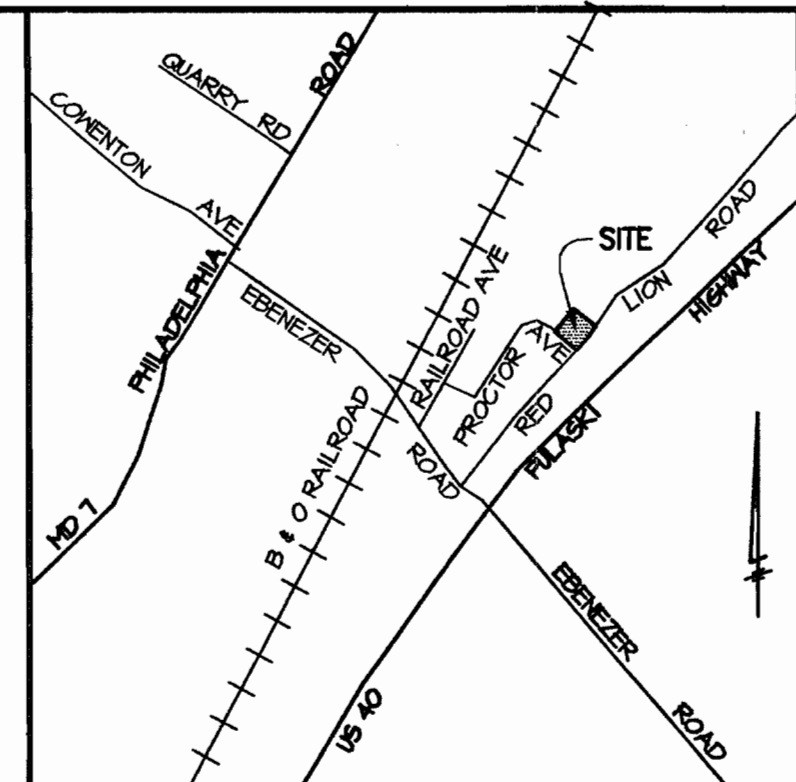
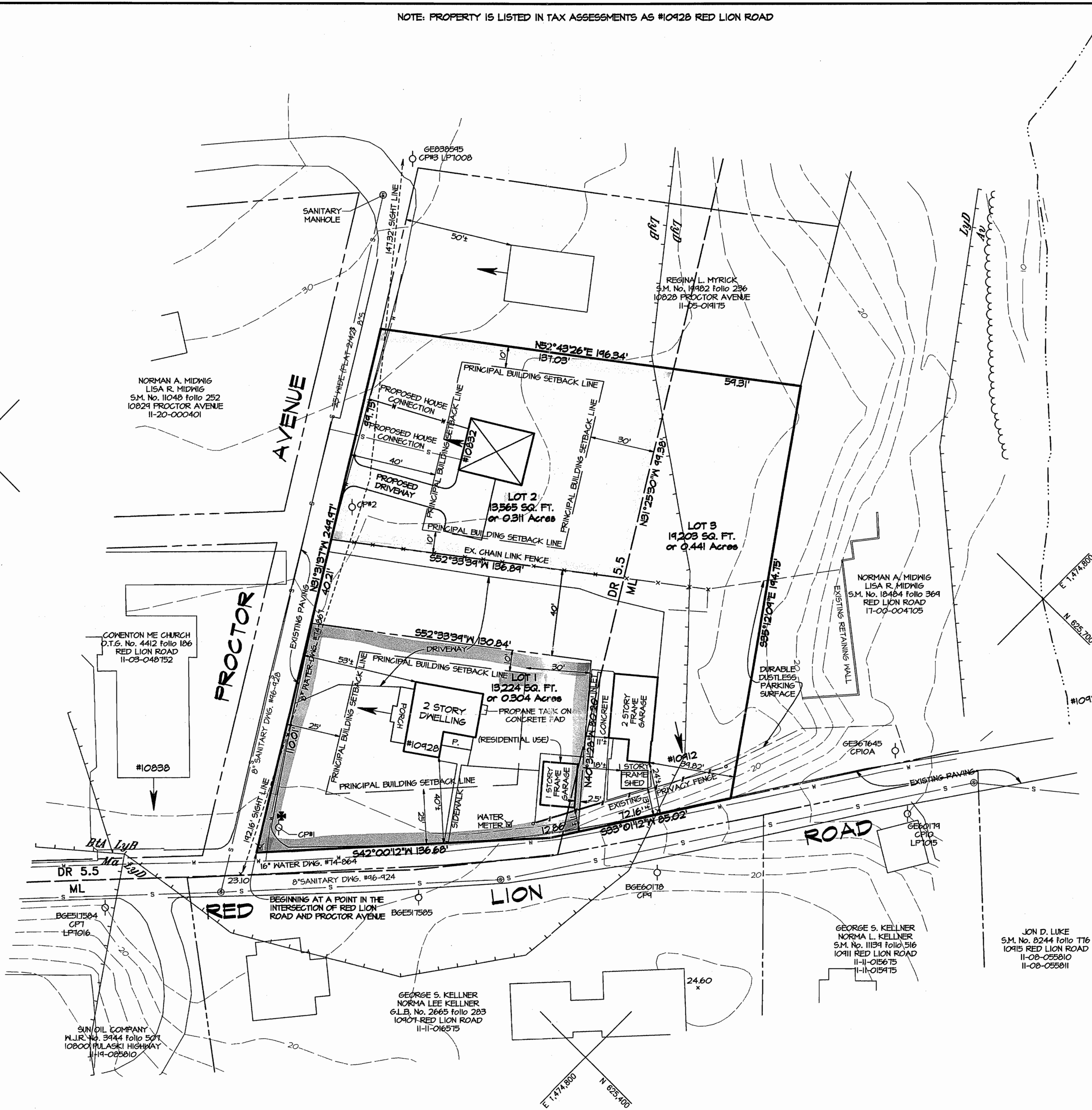
- 258.1 FRONT YARD FOR RESIDENCES, AS IN SECTIONS 302 AND 303.1, FOR COMMERCIAL BUILDINGS THE FRONT BUILDING LINE SHALL NOT BE LESS THAN 50 FEET FROM THE FRONT PROPERTY LINE IF ON A DUAL HIGHWAY, AND NOT LESS THAN 25 FEET FROM THE FRONT PROPERTY LINE AND NOT LESS THAN 50 FEET FROM THE CENTERLINE OF ANY OTHER STREET, EXCEPT AS SPECIFIED IN SECTION 302.2
- 258.2 SIDE AND REAR YARDS FOR RESIDENCES, AS IN SECTION 302, FOR OTHER BUILDINGS, 50 FEET.
- 258.3 PARKING AREAS AND LOADING SPACE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 404.
- 258.4 STORAGE AND DISPLAY OF MATERIALS, VEHICLES AND EQUIPMENT ARE PERMITTED IN THE FRONT YARD, BUT NOT MORE THAN 15 FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE.
- 258.5 FLOOR AREA RATIO, THE MAXIMUM PERMITTED FLOOR AREA RATIO FOR ANY SITE IN A B.R. ZONE, EXCEPT IN C.C.C. AND C.T. DISTRICTS, SHALL BE 2.0.

M.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

- 248.1 FRONT YARD, THE FRONT BUILDING LINE SHALL BE NOT LESS THAN 15 FEET FROM THE FRONT PROPERTY LINE.
- 248.2 SIDE YARD, 50 FEET MEASURED FROM THE SIDE PROPERTY LINE.
- 248.3 REAR YARD, 50 FEET MEASURED FROM THE REAR PROPERTY LINE.
- 248.4 PROXIMITY OF STRUCTURES TO RESIDENTIAL ZONES, NO BUILDING OR OTHER STRUCTURE SHALL BE CLOSER THAN 125 FEET AT ANY POINT TO THE NEAREST BOUNDARY LINE OF A RESIDENTIAL ZONE.
- 248.5 FLOOR AREA RATIO (SEE DEFINITION IN SECTION 101), MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) 0.4, EXCEPT IN THE CASE OF A ONE-STORY BUILDING, NOT MORE THAN 25% OF THE LAND AREA MAY BE COVERED BY ANY SUCH BUILDING(S).
- 248.6 OFF-STREET PARKING AND LOADING AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 404, BUT NO PARKING IS PERMITTED WITHIN 25 FEET OF ANY RESIDENTIAL ZONE BOUNDARY. PARKING AREAS SHALL BE PAVED, AND ANY LIGHTING THEREOF SHALL BE REFLECTED AWAY FROM RESIDENTIAL ZONES, AND IF ON STANDARDS, LIGHTS SHALL NOT EXCEED THE HEIGHT OF THE HIGHEST BUILDING.

NOTE: PROPERTY IS LISTED IN TAX ASSESSMENTS AS #10426 RED LION ROAD



VICINITY MAP
1" = 200'

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
- THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 79A3.
- THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 37.
- CENSUS TRACT 41302 REGIONAL PLANNING DISTRICT 317
- WATERSHED BIRD RIVER SUBWATERSHED
- SCHOOL DISTRICT: ELEMENTARY - CHAPEL HILL E.S.; MIDDLE - PERRY HALL M.S.; HIGH - PERRY HALL H.S. A.D.C. MAP # GRID 24 K9
- THE SUBJECT PROPERTY WAS GRANTED APPROVALS FOR CASE NO. 44-512-581A BY AN ORDER ISSUED SEPTEMBER 15, 1994, BY LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY.
- THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
- THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
- THERE ARE NO APPARENT SEPTIC SYSTEMS OR WELLS ON SITE OR WITHIN 100' OF THE SUBJECT PROPERTY.
- ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER.
- THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
- LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
- ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
- HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED INTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
- BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TV.
- THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE OCTOBER 1, 1993. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
- THE AREA BETWEEN THE SIGHT LINES AND EXISTING PAVING SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
- THE BASIC SERVICE MAPS DO NOT REVEAL ANY EXISTING OR IMPENDING FAILURE.
- EXISTING USE: 1 SINGLE FAMILY DWELLING, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED.
- PROPOSED USE: 2 SINGLE FAMILY DWELLINGS, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED.
- A ZONING FINAL DEVELOPMENT PLAN MAY BE REQUIRED, DEPENDING ON THE NUMBER OF LOTS CREATED, AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE.

DENSITY CALCULATIONS

GROSS AREA	1,056 Ac.±
AREA IN ML	0.316 Ac.±
AREA IN DR 5.5	0.740 Ac.±
LOTS PERMITTED	55 x 0.740 = 4 LOTS
LOTS PROPOSED	2

OWNER

NORMAN A. MIDWIG
LISA R. MIDWIG
10426 RED LION ROAD
WHITE MARSH, MD 2162
(410)-595-6233

REQUESTS

TO APPROVE BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE PURSUANT TO B.C.Z.R. 10404.5, TO AFFIRM IN PART AND AMEND IN PART THE RELIEF GRANTED IN CASE NO. 44-512, TO MODIFY THE PREVIOUSLY APPROVED PLAN TO REFLECT SUBSEQUENTLY IMPOSED ZONING CLASSIFICATION, TO APPROVE A RESIDENTIAL GARAGE LYING IN PART IN AN ML ZONE AND IN PART IN A DR 5.5 ZONE, TO APPROVE THE RE-ORIENTATION OF THE FRONT OF A DWELLING LOCATED AT THE INTERSECTION OF TWO STREETS TO THE SIDE STREET.

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE MIDWIG PROPERTY

RED LION ROAD & PROCTOR AVENUE
Deed Ref: S.M. No. 14952 folio 531
Tax Account No.: 11-01-035325
Zoned D.R.-5.5 & ML; GIS Tile 79A3
Tax Map T3; Grid 19; Parcel 144
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: MARCH 29, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



LEGEND

- EXISTING CLEANOUT
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- LIMIT OF WETLANDS
- LIMIT OF DISTURBANCE
- EXISTING PAVING
- PROPOSED PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
Av	SEVERE, MODERATELY HIGH WATER TABLE; FLOODING HAZARD.	SEVERE, FLOODING HAZARD	SEVERE, FLOODING HAZARD
B/A	SEVERE, HIGH WATER TABLE; MODERATELY SLOW PERMEABILITY.	MODERATE, SEASONALLY PERCHED WATER TABLE.	MODERATE, SEASONALLY PERCHED WATER TABLE.
Lp	SEVERE, SLOW PERMEABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY.	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY.
Lp	SEVERE, SLOW PERMEABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY; SLOPE
Mg	MAN MADE	MAN MADE	MAN MADE

REVISED PER MEETING WITH ATTORNEY	04-20-2006
REVISION	DATE
COMPUTED:	DRAWN: M.E.A.
CHECKED:	FILE: X:\MIDWIG\ZonePlan.pro

D.R. 5.5 DEVELOPMENT STANDARDS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	55
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	30

IN D.R. 5.5 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREFTER ERECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE, PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITH PRINCIPAL BUILDINGS SITUATE WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. ... PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R. 5.5 ZONES. ...

BALTIMORE COUNTY ZONING POLICY MANUAL

S-14 SIDE STREET SETBACKS

WHEN THE SMALL LOT TABLE APPLIES

SIDE STREET SETBACKS APPLICABLE TO THE SMALL LOT TABLE SHOULD BE THE SAME AS THE FRONT YARD REQUIREMENT. AVERAGE IS NOT PERMITTED ON A SIDE STREET SETBACK AND A FRONT AVERAGE SETBACK CANNOT BE DUPLICATED ON THE SIDE STREET. CENTERLINE SETBACKS ARE NOT REQUIRED.

REFERENCE: B.C.Z.R. 18023.6.1

BALTIMORE COUNTY ZONING REGULATIONS

M.L. ZONE AREA REGULATIONS

255.1 THE AREA REGULATIONS IN THE M.L. ZONE SHALL BE THE SAME AS THOSE IN B.R. ZONE UNLESS SUCH B.R. ZONE REGULATIONS CONFLICT WITH THE PROVISIONS OF SECTION 255.2

255.2 WITHIN 100 FEET OF ANY RESIDENTIAL ZONE BOUNDARY OR THE RIGHT-OF-WAY OF ANY STREET ABUTTING SUCH A BOUNDARY, OR WITHIN 100 FEET OF THE RIGHT-OF-WAY OF AN EXISTING OR PROPOSED INTERSTATE HIGHWAY, OTHER FREEWAY OR EXPRESSWAY, WHICH HIGHWAY IS OFFICIALLY SO DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION, MARYLAND DEPARTMENT OF TRANSPORTATION, AND/OR THE COUNTY, THE FRONT, SIDE AND REAR YARDS SHALL BE AS REQUIRED IN M.R. ZONE (SEE SECTIONS 249.1, 249.2 AND 249.3).

B.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

256.1 FRONT YARD FOR RESIDENCES, AS IN SECTIONS 302 AND 303.1 FOR COMMERCIAL BUILDINGS THE FRONT BUILDING LINE SHALL NOT BE LESS THAN 50 FEET FROM THE FRONT PROPERTY LINE IF ON A DUAL HIGHWAY, AND NOT LESS THAN 25 FEET FROM THE FRONT PROPERTY LINE AND NOT LESS THAN 50 FEET FROM THE CENTERLINE OF ANY OTHER STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.

256.2 SIDE AND REAR YARDS FOR RESIDENCES, AS IN SECTION 302; FOR OTHER BUILDINGS, 50 FEET.

256.3 PARKING AREAS AND LOADING SPACE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 404.

256.4 STORAGE AND DISPLAY OF MATERIALS, VEHICLES AND EQUIPMENT ARE PERMITTED IN THE FRONTYARD, BUT NOT MORE THAN 15 FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE.

256.5 FLOOR AREA RATIO, THE MAXIMUM PERMITTED FLOOR AREA RATIO FOR ANY SITE IN A B.R. ZONE, EXCEPT IN C.C.C. AND C.T. DISTRICTS, SHALL BE 2.0.

M.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

249.1 FRONT YARD: THE FRONT BUILDING LINE SHALL BE NOT LESS THAN 15 FEET FROM THE FRONT PROPERTY LINE.

249.2 SIDE YARD: 50 FEET MEASURED FROM THE SIDE PROPERTY LINE.

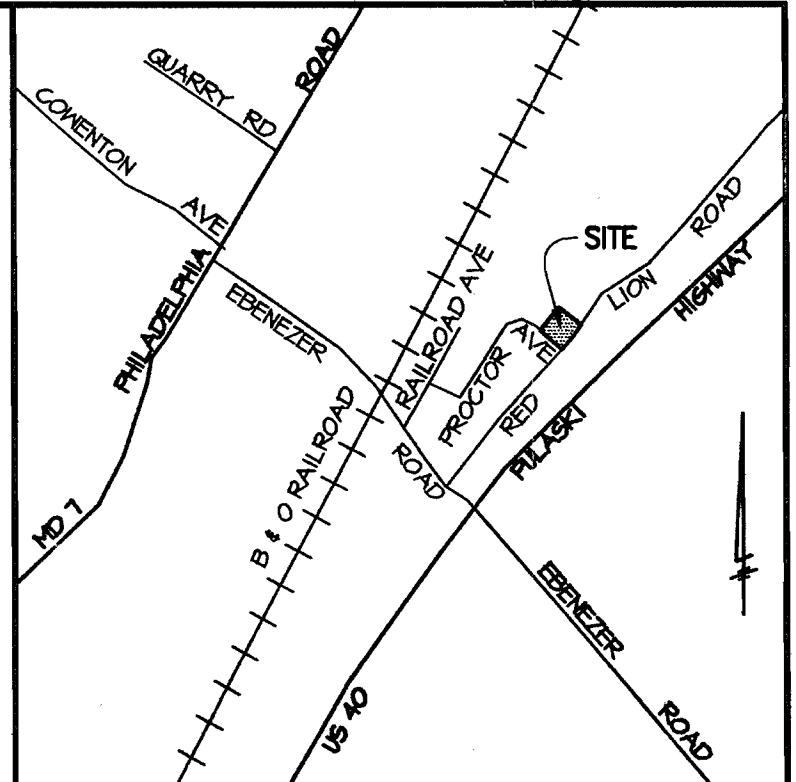
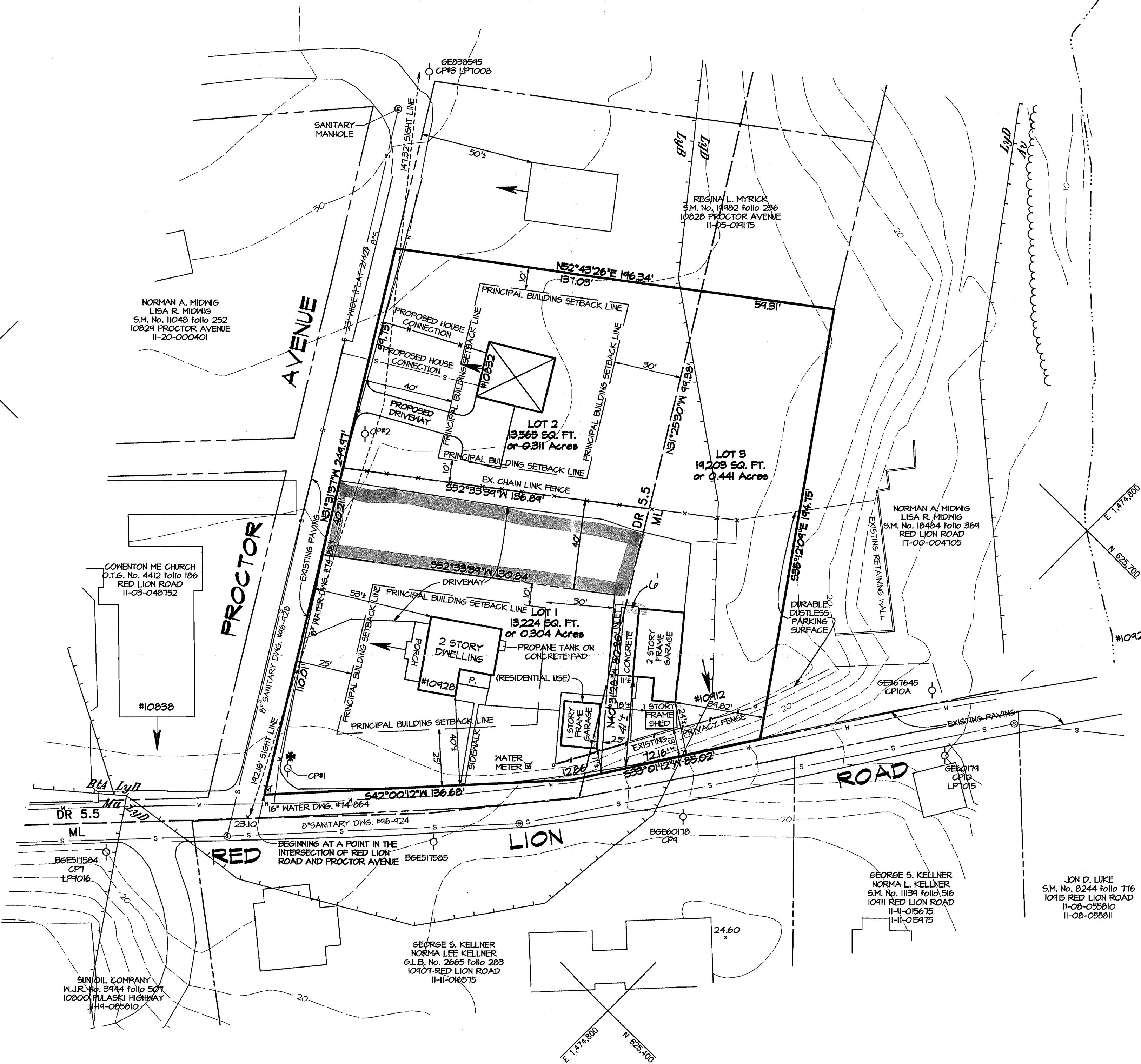
249.3 REAR YARD: 50 FEET MEASURED FROM THE REAR PROPERTY LINE.

249.4 PROXIMITY OF STRUCTURES TO RESIDENTIAL ZONES: NO BUILDING OR OTHER STRUCTURE SHALL BE CLOSER THAN 25 FEET AT ANY POINT TO THE NEAREST BOUNDARY LINE OF A RESIDENTIAL ZONE.

249.5 FLOOR AREA RATIO (SEE DEFINITION IN SECTION 101). MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) 0.4, EXCEPT IN THE CASE OF A ONE-STORY BUILDING, NOT MORE THAN 25% OF THE LAND AREA MAY BE COVERED BY ANY SUCH BUILDING(S).

249.6 OFF-STREET PARKING AND LOADING AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 404, BUT NO PARKING IS PERMITTED WITHIN 25 FEET OF ANY RESIDENTIAL ZONE BOUNDARY. PARKING AREAS SHALL BE PAVED, AND ANY LIGHTING THEREOF SHALL BE REFLECTED AWAY FROM RESIDENTIAL ZONES, AND IF ON STANDARDS, LIGHTS SHALL NOT EXCEED THE HEIGHT OF THE HIGHEST BUILDINGS.

NOTE: PROPERTY IS LISTED IN 'AX ASSESSMENTS AS #10428 RED LION ROAD



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 73A3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 31.
4. GENUS TRACT #1802 REGIONAL PLANNING DISTRICT #11
5. WATERSHED BIRD RIVER SUBSEVERSED
6. SCHOOL DISTRICT: ELEMENTARY - CHAPEL HILL E.S.; MIDDLE - PERRY HALL M.S.; HIGH - PERRY HALL H.S.
7. A.D.C. MAP # GRID 29 K9
8. THE SUBJECT PROPERTY WAS GRANTED APPROVALS FOR CASE No. 44-512-SHA BY AN ORDER ISSUED SEPTEMBER 15, 1994, BY LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY.
9. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
10. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
11. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
12. THERE ARE NO APPARENT SEPTIC SYSTEMS OR HELLS ON SITE OR WITHIN 100' OF THE SUBJECT PROPERTY.
13. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
14. THERE ARE NO APPARENT SEPTIC SYSTEMS OR HELLS ON SITE OR WITHIN 100' OF THE SUBJECT PROPERTY.
15. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER.
16. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
17. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
18. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
19. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED INTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
20. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE TV.
21. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE OCTOBER 7, 1933. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
22. THE AREA BETWEEN THE SIGHT LINES AND EXISTING PAVING SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
23. THE BASIC SERVICE MAPS DO NOT REVEAL ANY EXISTING OR IMPENDING FAILURE.
24. EXISTING USE: 1 SINGLE FAMILY DWELLING, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED.
25. PROPOSED USE: 2 SINGLE FAMILY DWELLINGS, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED.
26. A ZONING FINAL DEVELOPMENT PLAN MAY BE REQUIRED, DEPENDING ON THE NUMBER OF LOTS CREATED, AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE.

DENSITY CALCULATIONS

GROSS AREA	1,056 Ac.±
AREA IN M.L.	0.316 Ac.±
AREA IN D.R. 5.5	0.740 Ac.±
LOTS PERMITTED	5.5 x 0.740 = 4 LOTS
LOTS PROPOSED	2

OWNER

NORMAN A. MIDWIG
LISA R. MIDWIG
10428 RED LION ROAD
WHITE MARSH, MD 21162
(410)-355-6235

REQUESTS

- 1. TO APPROVE BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE PURSUANT TO B.C.Z.R. 1804.05;
- 2. TO AFFIRM IN PART AND AMEND IN PART THE RELIEF GRANTED IN CASE No. 44-512;
- 3. TO MODIFY THE PREVIOUSLY APPROVED PLAN TO REFLECT SUBSEQUENTLY IMPOSED ZONING CLASSIFICATION;
- 4. TO APPROVE A RESIDENTIAL GARAGE LYING IN PART IN AN M.L. ZONE AND IN PART IN A D.R. 5.5 ZONE;
- 5. TO APPROVE THE RE-ORIENTATION OF THE FRONT OF A DWELLING LOCATED AT THE INTERSECTION OF TWO STREETS TO THE SIDE STREET.

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING AND VARIANCE
MIDWIG PROPERTY
RED LION ROAD & PROCTOR AVENUE
Deed Ref: S.M. No. 14952 folio 531
Tax Account No.: 11-01-035325
Zoned D.R.-5.5 & M.L.; GIS Tile 73A3
Tax Map T3; Grid 19; Parcel 144
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: MARCH 29, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



LEGEND

- EXISTING CLEANSUIT
- PROPOSED DWELLING
- EXISTING BUILDING
- SOIL LINE
- WOODS LINE
- LIMIT OF WETLANDS
- LIMIT OF DISTURBANCE
- EXISTING PAVING
- PROPOSED PAVING
- ZONING LINE
- PROPERTY LINE
- CONTOURS

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
Av	SEVERE; MODERATELY HIGH WATER TABLE; FLOODING HAZARD.	SEVERE; FLOODING HAZARD	SEVERE; FLOODING HAZARD
BtA	SEVERE; HIGH WATER TABLE; MODERATELY SLOW PERMEABILITY.	MODERATE; SEASONALLY PERCHED WATER TABLE.	MODERATE; SEASONALLY PERCHED WATER TABLE.
LyB	SEVERE; SLOW PERMEABILITY	SEVERE; SUBSOIL SHRINKAGE AND INSTABILITY.	SEVERE; SUBSOIL SHRINKAGE AND INSTABILITY.
LyD	SEVERE; SLOW PERMEABILITY	SEVERE; SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE; SUBSOIL SHRINKAGE AND INSTABILITY; SLOPE
Md	HAN MADE	HAN MADE	HAN MADE

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE
REVISED PER MEETING WITH ATTORNEY	04-20-2006				
REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE



AERIAL PHOTOGRAPH WITH ZONING LINES

1"=100'

D.R. 5.5 DEVELOPMENT STANDARDS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	35
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	30

IN D.R. 5.5 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREFTER ERECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE, PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITH PRINCIPAL BUILDINGS SITUATE WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. ... PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R. 5.5 ZONES. ...

BALTIMORE COUNTY ZONING POLICY MANUAL

S-14 SIDE STREET SETBACKS

WHEN THE SMALL LOT TABLE APPLIES

SIDE STREET SETBACKS APPLICABLE TO THE SMALL LOT TABLE SHOULD BE THE SAME AS THE FRONT YARD REQUIRED. AVERAGE IS NOT PERMITTED ON A SIDE STREET SETBACK AND A FRONT AVERAGE SETBACK CANNOT BE DUPLICATED ON THE SIDE STREET. CENTERLINE SETBACKS ARE NOT REQUIRED.

REFERENCE: B.C.Z.R. 1802.3.C.1

BALTIMORE COUNTY ZONING REGULATIONS

M.L. ZONE AREA REGULATIONS

- 239.1 THE AREA REGULATIONS IN THE M.L. ZONE SHALL BE THE SAME AS THOSE IN B.R. ZONE UNLESS SUCH B.R. ZONE REGULATIONS CONFLICT WITH THE PROVISIONS OF SECTION 239.2.
- 239.2 WITHIN 100 FEET OF ANY RESIDENTIAL ZONE BOUNDARY OR THE RIGHT-OF-WAY OF ANY STREET ABUTTING SUCH A BOUNDARY, OR WITHIN 100 FEET OF THE RIGHT-OF-WAY OF AN EXISTING OR PROPOSED INTERSTATE HIGHWAY, OTHER FREEWAY OR EXPRESSWAY, WHICH MOTORWAY IS OFFICIALLY SO DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION, MARYLAND DEPARTMENT OF TRANSPORTATION, AND/OR THE COUNTY, THE FRONT, SIDE AND REAR YARDS SHALL BE AS REQUIRED IN M.R. ZONE (SEE SECTIONS 248.1, 248.2 AND 248.3).

B.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

- 239.1 FRONT YARD FOR RESIDENCES, AS IN SECTIONS 302 AND 303.1, FOR COMMERCIAL BUILDINGS THE FRONT BUILDING LINE SHALL NOT BE LESS THAN 50 FEET FROM THE FRONT PROPERTY LINE IF ON A DUAL HIGHWAY, AND NOT LESS THAN 25 FEET FROM THE FRONT PROPERTY LINE AND NOT LESS THAN 50 FEET FROM THE CENTERLINE OF ANY OTHER STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.
- 239.2 SIDE AND REAR YARDS FOR RESIDENCES, AS IN SECTION 302, FOR OTHER BUILDINGS, 30 FEET.
- 239.3 PARKING AREAS AND LOADING SPACE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 404.
- 239.4 STORAGE AND DISPLAY OF MATERIALS, VEHICLES AND EQUIPMENT ARE PERMITTED IN THE FRONTYARD, BUT NOT MORE THAN 15 FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE.
- 239.5 FLOOR AREA RATIO. THE MAXIMUM PERMITTED FLOOR AREA RATIO FOR ANY SITE IN A B.R. ZONE, EXCEPT IN C.C.C. AND C.T. DISTRICTS, SHALL BE 2.0.

M.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

- 248.1 FRONT YARD. THE FRONT BUILDING LINE SHALL BE NOT LESS THAN 75 FEET FROM THE FRONT PROPERTY LINE.
- 248.2 SIDE YARD. 50 FEET MEASURED FROM THE SIDE PROPERTY LINE.
- 248.3 REAR YARD. 50 FEET MEASURED FROM THE REAR PROPERTY LINE.
- 248.4 PROXIMITY OF STRUCTURES TO RESIDENTIAL ZONES. NO BUILDING OR OTHER STRUCTURE SHALL BE CLOSER THAN 125 FEET AT ANY POINT TO THE NEAREST BOUNDARY LINE OF A RESIDENTIAL ZONE.
- 248.5 FLOOR AREA RATIO (SEE DEFINITION IN SECTION 101). MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) 0.4, EXCEPT IN THE CASE OF A ONE-STORY BUILDING, NOT MORE THAN 25% OF THE LAND AREA MAY BE COVERED BY ANY SUCH BUILDING(S).
- 248.6 OFF-STREET PARKING AND LOADING AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 404, BUT NO PARKING IS PERMITTED WITHIN 25 FEET OF ANY RESIDENTIAL ZONE BOUNDARY. PARKING AREAS SHALL BE PAVED, AND ANY LIGHTING THEREOF SHALL BE REFLECTED AWAY FROM RESIDENTIAL ZONES, AND IF ON STANDARDS, LIGHTS SHALL NOT EXCEED THE HEIGHT OF THE HIGHEST BUILDING.

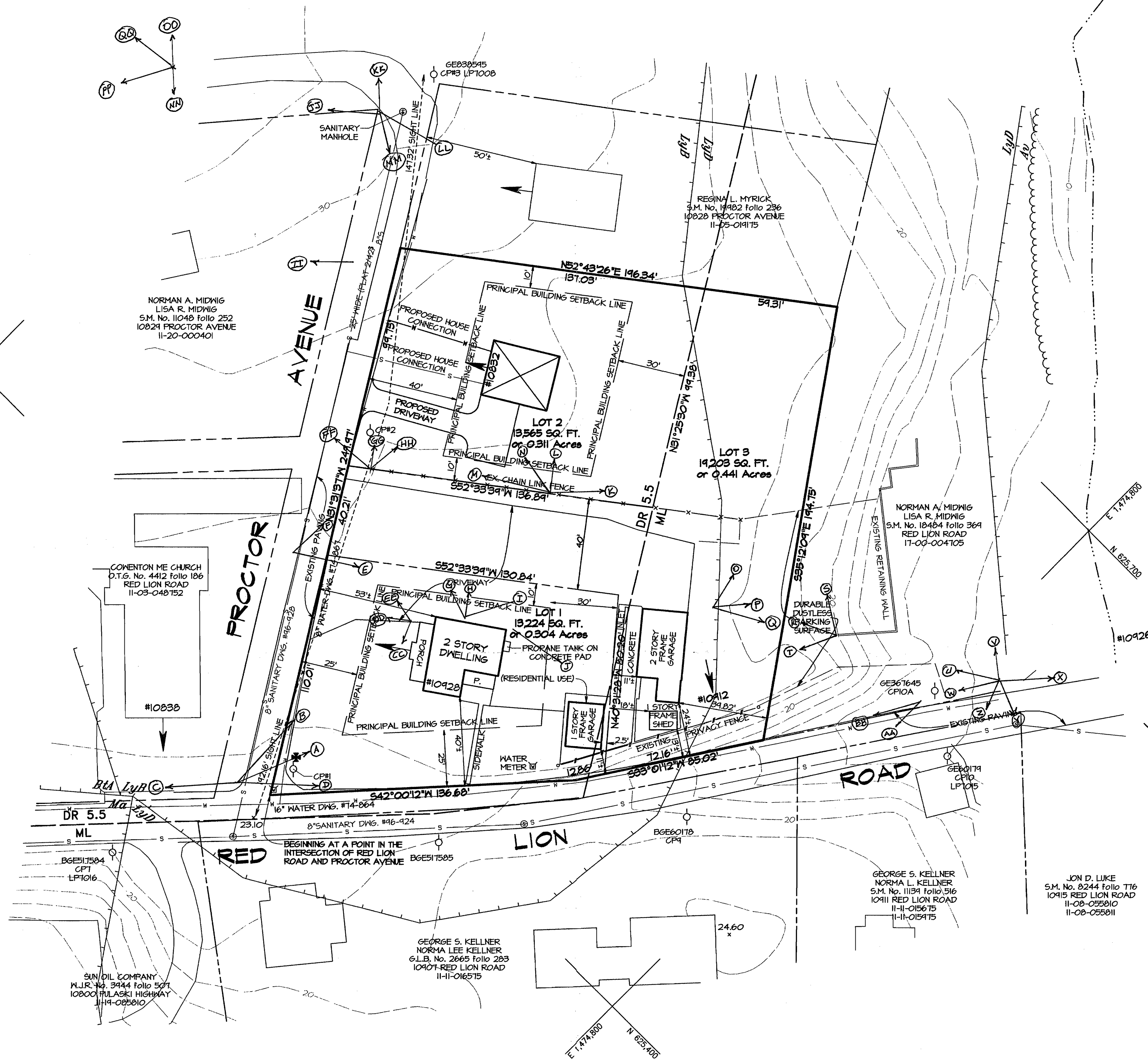
LEGEND

EXISTING CLEANOUT	⊙
PROPOSED DWELLING	⊠
EXISTING BUILDING	□
SOIL LINE	—
MOODS LINE	—
LIMIT OF WETLANDS	—
LIMIT OF DISTURBANCE	—
EXISTING PAVING	—
PROPOSED PAVING	—
ZONING LINE	—
PROPERTY LINE	—
CONTOURS	—

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
Av	SEVERE, MODERATELY HIGH WATER TABLE, FLOODING HAZARD.	SEVERE, FLOODING HAZARD	SEVERE, FLOODING HAZARD
B/A	SEVERE, HIGH WATER TABLE, MODERATELY SLOW PERMEABILITY.	MODERATE, SEASONALLY PERCHED WATER TABLE.	MODERATE, SEASONALLY PERCHED WATER TABLE.
L/B	SEVERE, SLOW PERMEABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY.	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY.
L/D	SEVERE, SLOW PERMEABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY, SLOPE
Hg	MAN MADE	MAN MADE	MAN MADE

NOTE: PROPERTY IS LISTED IN TAX ASSESSMENTS AS #10928 RED LION ROAD



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 79A3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP NO. 37.
4. CENSUS TRACT 418302 REGIONAL PLANNING DISTRICT 317
5. WATERSHED BIRD RIVER SUBWATERSHED 19
6. SCHOOL DISTRICT: ELEMENTARY - CHAPEL HILL E.S.; MIDDLE - PERRY HALL M.S.; HIGH - PERRY HALL H.S. A.D.C. MAP # GRID 24 K9
7. THE SUBJECT PROPERTY WAS GRANTED APPROVALS FOR CASE NO. 44-512-591A BY AN ORDER ISSUED SEPTEMBER 15, 1984, BY LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY.
8. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
9. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
10. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
11. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
12. THERE ARE NO APPARENT SEPTIC SYSTEMS OR WELLS ON SITE OR WITHIN 100' OF THE SUBJECT PROPERTY.
13. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER.
14. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
15. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
16. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
17. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
18. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
19. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE OCTOBER 1, 1933. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
20. THE AREA BETWEEN THE SIGHT LINES AND EXISTING PAVING SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
21. THE BASIC SERVICE MAPS DO NOT REVEAL ANY EXISTING OR IMPENDING FAILURE.
22. EXISTING USE: 1 SINGLE FAMILY DWELLING, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED; PROPOSED USE: 2 SINGLE FAMILY DWELLINGS, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED.
23. A ZONING FINAL DEVELOPMENT PLAN MAY BE REQUIRED, DEPENDING ON THE NUMBER OF LOTS CREATED, AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE.

DENSITY CALCULATIONS

GROSS AREA	1.056 Ac.±
AREA IN ML	0.316 Ac.±
AREA IN DR 5.5	0.740 Ac.±
LOTS PERMITTED	5.5 x 0.740 = 4 LOTS
LOTS PROPOSED	2

OWNER

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LISA R. MIDWIG
10928 RED LION ROAD
WHITE MARSH, MD 21162
(410)-335-6233

REQUESTS

TO APPROVE BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE PURSUANT TO B.C.Z.R. 8401.8.B;
TO AFFIRM IN PART AND AMEND IN PART THE RELIEF GRANTED IN CASE NO. 44-512;
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TO APPROVE THE RE-ORIENTATION OF THE FRONT OF A DWELLING LOCATED AT THE INTERSECTION OF TWO STREETS TO THE SIDE STREET.

PLAT TO ACCOMPANY PHOTOGRAPHS PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE

MIDWIG PROPERTY

RED LION ROAD & PROCTOR AVENUE
Deed Ref: S.M. No. 14952 folio 531
Tax Account No.: 11-01-035325
Zoned D.R.-5.5 & ML; GIS Tile 79A3
Tax Map 73; Grid 19; Parcel 144
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

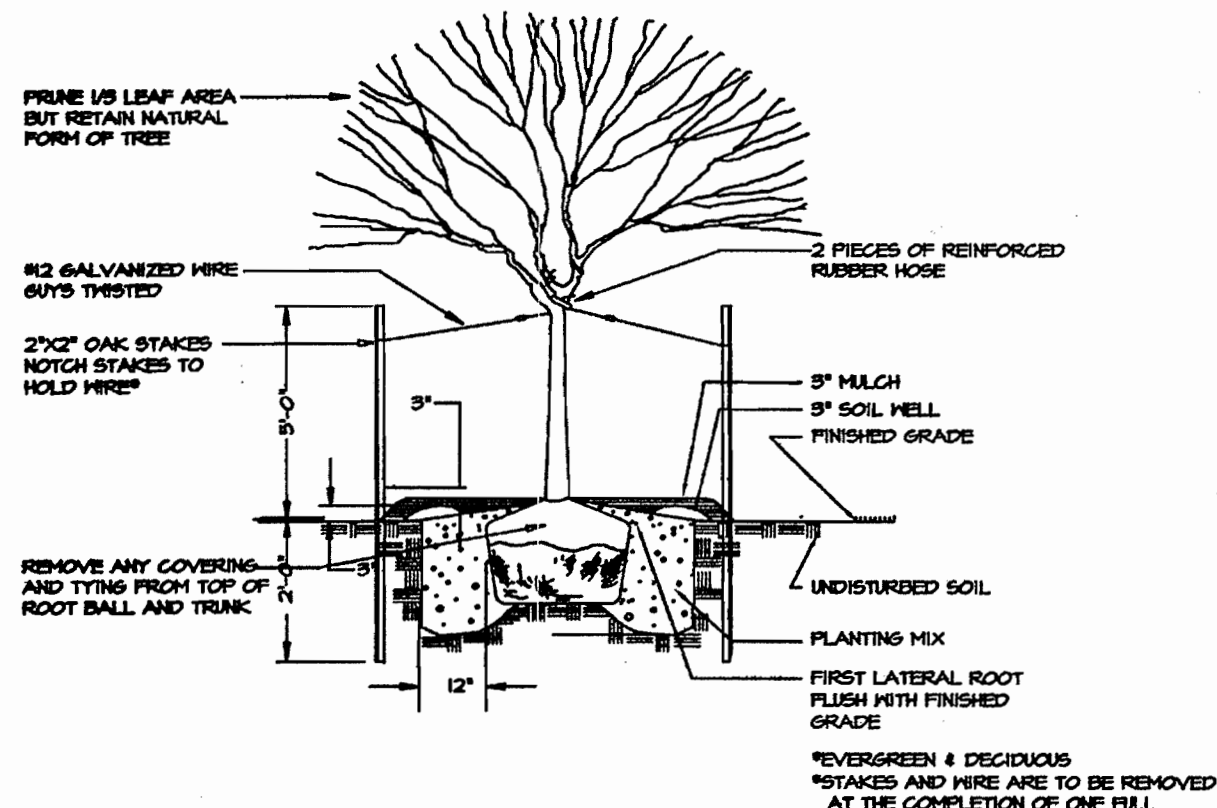
Date: MARCH 29, 2006

GERHOLD, CROSS & ETZEL, LTD. REGISTERED PROFESSIONAL LAND SURVEYORS

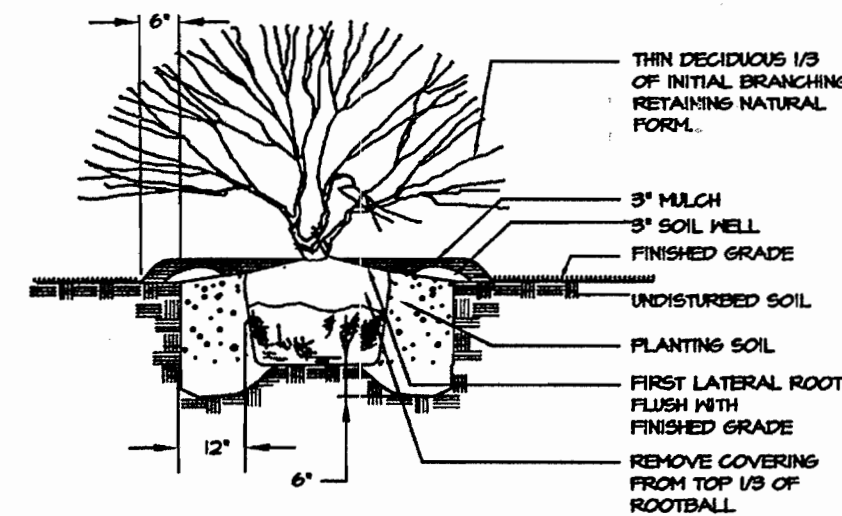
Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470



		320 East Tonsontown Boulevard Towson, Maryland 21286 (410) 823-4470			
REVISED PER MEETINGS WITH ATTORNEY	04-20-2006				
REVISION	DATE	COMPUTED:	DRAWN: M.E.A.	CHECKED:	FILE: X:\MIDWIG\ZonePlan.pro



PLANTING DETAIL FOR
TREES* - 1 - 4" CALIPER
NOT TO SCALE



PLANTING DETAIL FOR
EVERGREEN AND DECIDUOUS SHRUBS
NOT TO SCALE

LEGEND

EXISTING CLEANOUT	⊙
PROPOSED DWELLING	⊗
EXISTING BUILDING	□
SOIL LINE	—
WOODS LINE	—
LIMIT OF WETLANDS	—
LIMIT OF DISTURBANCE	—
EXISTING PAVING	—
PROPOSED PAVING	—
ZONING LINE	—
PROPERTY LINE	—
CONTOURS	—

SPECIFICATIONS FOR PLANTING

Plant Identification: All plants shall be properly marked for identification and checking. List of Plant Materials: The Contractor will verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and plant all plants required to complete the work as shown on the drawings. Substitutions shall not be made without the written approval of the Landscape Architect. This contract will be based on the bidder having verified prior to bidding the availability of the required plant materials as specified on the Plant List.

Plant Quantity: All shrubs shall be dense, heavy to the ground, and well grown, showing evidence of having been sheared regularly, and sound, free of plant disease or insect eggs, and shall have a healthy, normal root system. Plants shall be nursery grown. Plants shall not be pruned prior to delivery. The shape of the plant shall in general conform to its natural growth proportions unless otherwise specified. All plants including container grown shall conform to American Standard for Nursery Stock (ANSI Z60.1, latest edition), and shall have a well-shaped, heavy branch structure for the species. Evergreen trees are to have an internode no greater than 24" and shall be uniformly well-shaped. All plant sizes shall average at least the middle of the range given in the plant list.

Plant Spacing: Plant spacing is to scale on the plan or as shown on the plant list.

Soil Mix: Soil mix will be 2/3 existing soil and 1/3 leaf mold or equal organic material, thoroughly mixed and homogenized.

Ball Size: The ball size shall conform to the American Association of Nurserymen's publication entitled American Standard for Nursery Stock, ANSI Z60.1, latest edition.

Excavation: Holes for all plants shall be 18" larger in diameter than size of ball or container and shall have vertical sides. Hedges shall be planted in a trench 12" wider than ball diameter. Beds for mass planting shall be entirely retolled to a depth of 6" and shall be 18" beyond the average outside edge of plant balls. A 2" layer of organic material (i.e., leaf mold) will be incorporated into plant beds by tilling again.

Planting: Backfilling shall be done with soil mix reasonably free of stones, subsoil, clay, lumps, stumps, roots, weeds, Bermuda grass, litter, toxic substances, or any other material which may be harmful to plant growth or hinder grading, planting, or maintenance operations. Should any unforeseen or unsuitable planting conditions arise, such as faulty soil drainage or chemical residues, they should be called to the attention of the Landscape Architect and Owner for adjustments before planting. The plant shall be set plants and straight and shall be staked at the time of planting. Backfill shall be well worked about the roots and settled by watering. Plants will be planted higher than surrounding grade.

Shrubs will be 1" higher and trees will be 3" higher. Remove rope from around tree trunks and lay back burlap from top of all B&B material. Nylon or vinyl rope and/or burlap will be completely removed from all plant material prior to planting.

Transplanting Trees by Tree Machines: Trees shall be moved by machines that provide a minimum of 4" per 1" of tree caliper. Holes are to be dug by the same size machine as the one transporting the plant. The plant material shall be transported in approximately the same growing condition as it is presently growing in terms of soil type and moisture content. Fertilize and gey as described in these plans and specifications.

Cultivation: All branches and shrub beds shall be cultivated, edged and mulched to a depth of 3" with shredded bark. The area around isolated plants shall be mulched to at least 6" greater diameter than that of the hole. Plant beds adjacent to buildings shall be mulched to the building wall.

Maintenance: The Contractor shall be responsible during the contract and up to the time of acceptance for keeping the planting and work incidental thereto in good condition by replanting, plant replacement, watering, weeding, cultivating, pruning and spraying, retaking and cleaning up and by performing all other necessary operations of care for promotion of good plant growth so that all work is in satisfactory condition at time of acceptance, at no additional cost to the Owner.

Fertilizer: Fertilizer shall be a slow release type contained in polyethylene perforated bags with microspore holes for controlled feeding, such as Easy Grow as manufactured by Specialty Fertilizer, Inc., Box 355, Sullivan, New York 10901, or approved equal. The bags shall contain 1 ounce of soluble fertilizer analysis 16-16-16 per unit to last three (3) years and shall be applied during planting as recommended by the manufacturer. If fertilizer packets are not used, the Contractor shall apply granular fertilizer to the soil mix with 10-6-4 analysis, 50% organic, at the following rates: Trees @ 2-3 lbs. per caliper inch; Shrub Beds @ 3-5 lbs. per 100 sq. ft.; and Groundcover Beds @ 2-5 lbs. per 100 sq. ft.

Groundcover: All areas of groundcover shall be retolled to a depth of 6". Apply 2" of organic material and rototill until thoroughly mixed. Apply fertilizer as stated above.

Guarantee and Replacement: All material shall be unconditionally guaranteed for one (1) year. The Contractor is responsible for watering but not for losses or damage caused by mechanical injury or vandalism.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
Development Plans Review

OWNER'S SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan: that I am aware of the regulations presented in the Baltimore County Landscape Manual and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of the approved Final Landscape Plan upon completion of the landscape installation not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review. County Office Building, Room 211, Towson, MD 21204

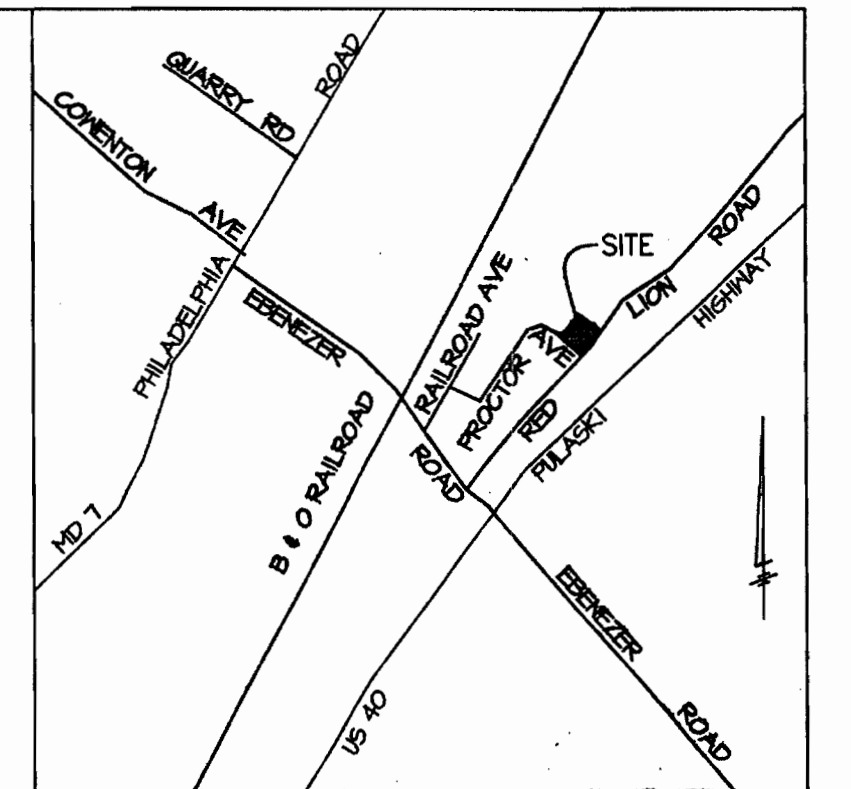
Lisa Midwig 5/18/06
Date

Lisa Midwig 410-335-6233
Owner's printed name

10928 Red Lion Road
White Marsh, MD 21162
(Print Mailing Address - city, state, zip)

PAGE # BUILDING PERMIT #

HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax



VICINITY MAP
1" = 2000'

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD.
- THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 73A5.
- THE SUBJECT PROPERTY WAS GRANTED APPROVALS FOR CASE NO. 44-512-SPH BY AN ORDER ISSUED SEPTEMBER 15, 1994, BY LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY.
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- THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
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PROPOSED USE: 2 SINGLE FAMILY DWELLINGS, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED;
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AREA IN ML	0.316 Ac. %
AREA IN DR 5.5	0.740 Ac. %
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LOTS PROPOSED	2

OWNER

NORMAN A. MIDWIG
LISA R. MIDWIG
10928 RED LION ROAD
WHITE MARSH, MD 21162
(410)-335-6233

LANDSCAPE CALCULATIONS

PLANTING REQUIRED:
137 LF NONRESIDENTIAL
471 LF ADJACENT ROAD

• 1 FU / 15 LF = 9 FUS
• 1 FU / 40 LF = 12 FUS
TOTAL PLANTING UNITS REQUIRED = 21 FUS

PLANTING PROVIDED:

- EX. MAJOR DECIDUOUS TREES
- EX. MINOR DECIDUOUS TREES
- MAJOR DECIDUOUS TREES
- MINOR DECIDUOUS TREES
- EVERGREEN TREES

• 1 H = 7
• 2 H = 1
• 1 H = 6
• 2 H = 15
• 2 H = 55
TOTAL PLANTING UNITS PROVIDED = 21 FUS

PLANT LIST

KEY	QTY	BOTANICAL NAME COMMON NAME	SIZE	COND	REMARKS
1	1	EXISTING MAJOR DECIDUOUS TREE			EXISTING
2	1	EXISTING MINOR DECIDUOUS TREE			EXISTING
6	1	GLEDTISIA TRIACANTHOS 'SHADEMASTER'	2 - 2 1/2" CAL.	B & B	
3	1	'SHADEMASTER' HONEY LOCUS	1 - 1 1/2" CAL.	B & B	
6	1	PRUNUS X INCAMP 'OKAME'	6" HT.	B & B	12' O.C.
5	1	PICEA ABIES NORWAY SPRUCE	6" HT.	B & B	10' O.C.
5	1	CUPRESSUS LEYLANDII 'GREEN GIANT'	6" HT.	B & B	10' O.C.
5	1	'GREEN GIANT' LEYLAND CYPRESS			

BALTIMORE COUNTY
DEPT. OF PERMITS & DEV. MGMT.
LANDSCAPE PLAN APPROVED

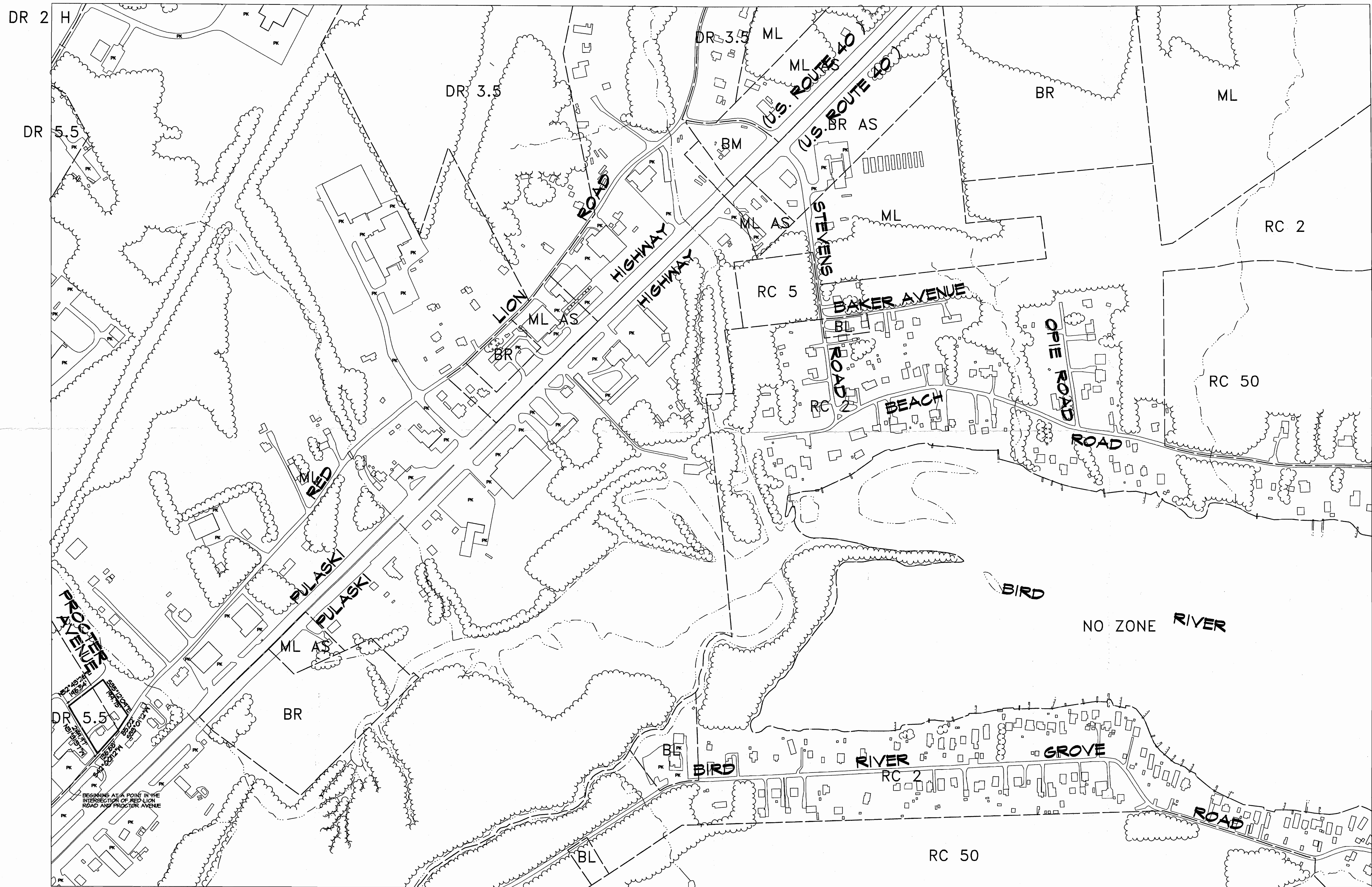
FINAL LANDSCAPE PLAN FOR THE
MIDWIG PROPERTY
RED LION ROAD & PROCTOR AVENUE
Deed Ref: S.M. No. 14952 folio 531
Tax Account No.: 11-01-035325
Zoned D.R.-5.5 & ML; GIS Tile 73A3
Tax Map 73; Grid 19; Parcel 144
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

MAY 10 2006
Scale: 1"=30'

Date: May 9, 2006

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320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	DESIGNED: J.C.R.	DRAWN: J.S.M.	CHECKED: J.C.R.



MARYLAND COORDINATE SYSTEM
NAD83(1991)

D.R. 5.5 DEVELOPMENT STANDARDS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	6,000
MINIMUM LOT WIDTH (feet)	55
MINIMUM FRONT YARD DEPTH (feet)	25
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	10
MINIMUM REAR YARD DEPTH (feet)	30

IN D.R. 5.5 ZONES THE FRONT YARD DEPTH OF ANY BUILDING HEREFTER ERECTED SHALL BE THE AVERAGE OF FRONT YARD DEPTHS OF THE LOTS IMMEDIATELY ADJOINING ON EACH SIDE, PROVIDED SUCH ADJOINING LOTS ARE IMPROVED WITH PRINCIPAL BUILDINGS SITUATE WITHIN 200 FEET OF THE JOINT SIDE PROPERTY LINE. PROVIDED THAT NO DWELLING SHALL BE REQUIRED TO BE SET BACK MORE THAN 40 FEET IN D.R. 5.5 ZONES. ...

BALTIMORE COUNTY ZONING POLICY MANUAL

S-14 SIDE STREET SETBACKS

WHEN THE SMALL LOT TABLE APPLIES

SIDE STREET SETBACKS APPLICABLE TO THE SMALL LOT TABLE SHOULD BE THE SAME AS THE FRONT YARD REQUIREMENT. AVERAGING IS NOT PERMITTED ON A SIDE STREET SETBACK AND A FRONT AVERAGE SETBACK CANNOT BE DUPLICATED ON THE SIDE STREET. CENTERLINE SETBACKS ARE NOT REQUIRED.

REFERENCE: B.C.Z.R. 1802.3.C.1

BALTIMORE COUNTY ZONING REGULATIONS

M.L. ZONE AREA REGULATIONS

230.1 THE AREA REGULATIONS IN THE M.L. ZONE SHALL BE THE SAME AS THOSE IN B.R. ZONE UNLESS SUCH B.R. ZONE REGULATIONS CONFLICT WITH THE PROVISIONS OF SECTION 230.2.

230.2 WITHIN 100 FEET OF ANY RESIDENTIAL ZONE BOUNDARY OR THE RIGHT-OF-WAY OF ANY STREET ABUTTING SUCH A BOUNDARY, OR WITHIN 100 FEET OF THE RIGHT-OF-WAY OF AN EXISTING OR PROPOSED INTERSTATE HIGHWAY, OTHER FREEWAY OR EXPRESSWAY, WHICH MOTORWAY IS OFFICIALLY SO DESIGNATED BY THE STATE HIGHWAY ADMINISTRATION, MARYLAND DEPARTMENT OF TRANSPORTATION, AND/OR THE COUNTY, THE FRONT, SIDE AND REAR YARDS SHALL BE AS REQUIRED IN M.R. ZONE (SEE SECTIONS 243.1, 243.2 AND 243.3).

B.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

230.1 FRONT YARD FOR RESIDENCES, AS IN SECTIONS 302 AND 303.1; FOR COMMERCIAL BUILDINGS THE FRONT BUILDING LINE SHALL NOT BE LESS THAN 50 FEET FROM THE FRONT PROPERTY LINE IF ON A DUAL HIGHWAY, AND NOT LESS THAN 25 FEET FROM THE FRONT PROPERTY LINE AND NOT LESS THAN 50 FEET FROM THE CENTERLINE OF ANY OTHER STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.

230.2 SIDE AND REAR YARDS FOR RESIDENCES, AS IN SECTION 302; FOR OTHER BUILDINGS, 50 FEET.

230.3 PARKING AREAS AND LOADING SPACE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 404.

230.4 STORAGE AND DISPLAY OF MATERIALS, VEHICLES AND EQUIPMENT ARE PERMITTED IN THE FRONTYARD, BUT NOT MORE THAN 15 FEET IN FRONT OF THE REQUIRED FRONT BUILDING LINE.

230.5 FLOOR AREA RATIO. THE MAXIMUM PERMITTED FLOOR AREA RATIO FOR ANY SITE IN A B.R. ZONE, EXCEPT IN C.C.C. AND C.T. DISTRICTS, SHALL BE 2.0.

M.R. ZONE AREA REGULATIONS

MINIMUM REQUIREMENTS, EXCEPT AS PROVIDED IN ARTICLE 3 SHALL BE AS FOLLOWS:

243.1 FRONT YARD. THE FRONT BUILDING LINE SHALL BE NOT LESS THAN 15 FEET FROM THE FRONT PROPERTY LINE.

243.2 SIDE YARD. 50 FEET MEASURED FROM THE SIDE PROPERTY LINE.

243.3 REAR YARD. 50 FEET MEASURED FROM THE REAR PROPERTY LINE.

243.4 PROXIMITY OF STRUCTURES TO RESIDENTIAL ZONES. NO BUILDING OR OTHER STRUCTURE SHALL BE CLOSER THAN 125 FEET AT ANY POINT TO THE NEAREST BOUNDARY LINE OF A RESIDENTIAL ZONE.

243.5 FLOOR AREA RATIO (SEE DEFINITION IN SECTION 101). MAXIMUM PERMITTED FLOOR AREA RATIO (FAR) 0.4, EXCEPT IN THE CASE OF A ONE-STORY BUILDING, NOT MORE THAN 25% OF THE LAND AREA MAY BE COVERED BY ANY SUCH BUILDINGS).

243.6 OFF-STREET PARKING AND LOADING AREAS SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 404, BUT NO PARKING IS PERMITTED WITHIN 25 FEET OF ANY RESIDENTIAL ZONE BOUNDARY. PARKING AREAS SHALL BE PAVED, AND ANY LIGHTING THEREOF SHALL BE REFLECTED AWAY FROM RESIDENTIAL ZONES, AND IF ON STANDARDS, LIGHTS SHALL NOT EXCEED THE HEIGHT OF THE HIGHEST BUILDING.

ZONING ORDER

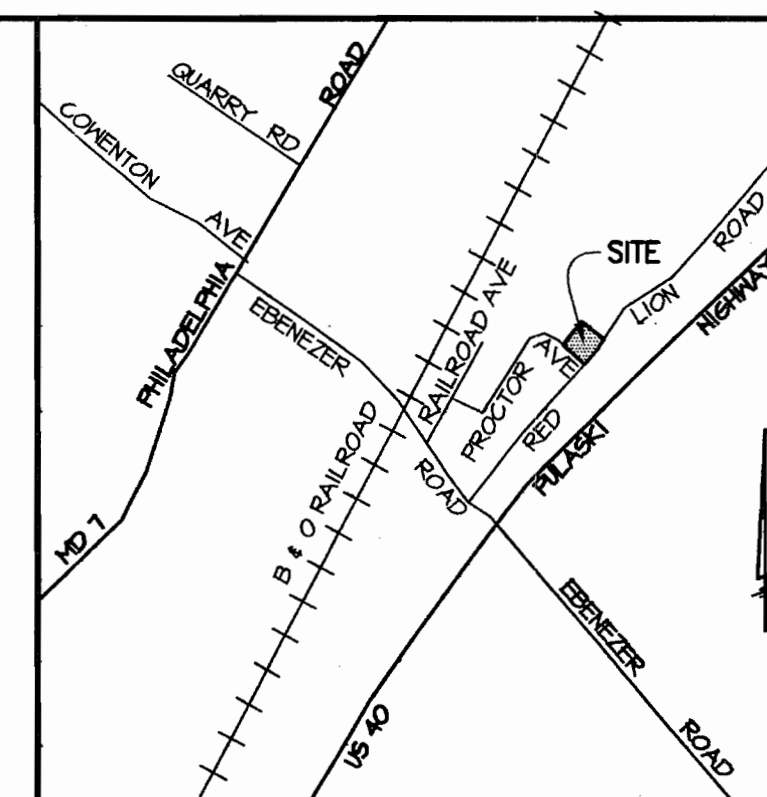
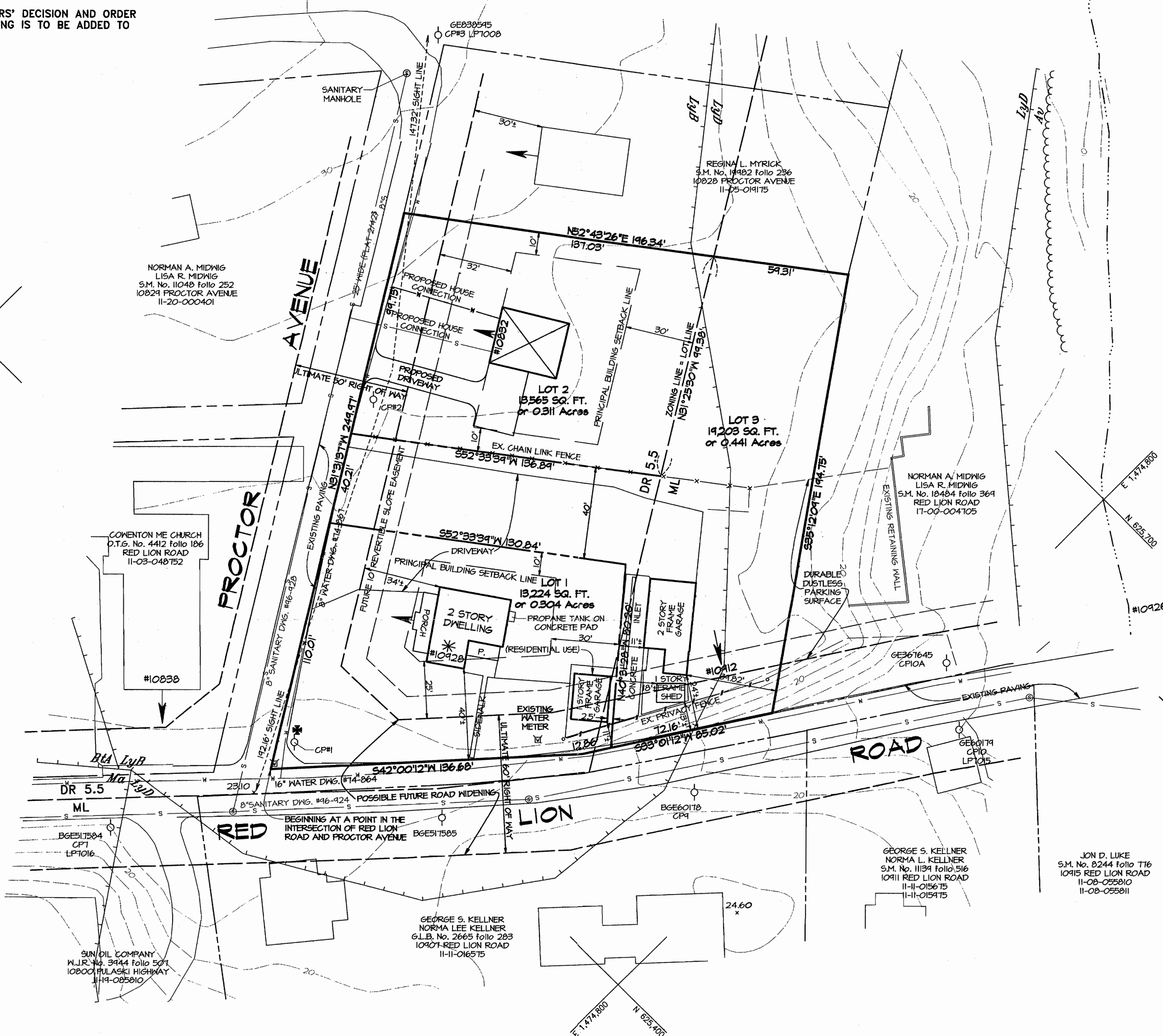
CASE No. 06-544-SPH

A SPECIAL HEARING TO MODIFY THE DECISION AND PLAN IN CASE 94-512-SPHA HAS BEEN REQUESTED AND WILL BE HELD:

MONDAY, JUNE 19, 2006 AT 11:00 AM
IN ROOM 407, COUNTY COURTS BUILDING
401 BOSLEY AVENUE, TOWSON, MARYLAND 21204

THE ZONING COMMISSIONERS' DECISION AND ORDER ISSUED AFTER THAT HEARING IS TO BE ADDED TO THIS PLAN UPON RECEIPT.

* NOTE: PROPERTY IS LISTED IN TAX ASSESSMENTS AS #10426 RED LION ROAD



VICINITY MAP
1" = 2000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS, & ETZEL, LTD. A.D.C. MAP # 810.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY 615 TILE 73A3.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 57.
4. GENUS TRACT 41802 REGIONAL PLANNING DISTRICT 317 WATERSHED BIRD RIVER SUBWATERSHED 14 SCHOOL DISTRICT: ELEMENTARY - CHAPEL HILL E.S.; MIDDLE - PERRY HALL M.S.; HIGH - PERRY HALL H.S.
5. THE SUBJECT PROPERTY WAS GRANTED APPROVALS FOR CASE No. 94-512-SPHA BY AN ORDER ISSUED SEPTEMBER 15, 1994, BY LAWRENCE E. SCHMIDT, ZONING COMMISSIONER FOR BALTIMORE COUNTY.
6. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
7. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
8. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHEESAPEAKE BAY CRITICAL AREA.
9. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
10. THERE ARE NO APPARENT SEPTIC SYSTEMS OR WELLS ON SITE OR WITHIN 100' OF THE SUBJECT PROPERTY.
11. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEWER.
12. THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS).
13. LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
14. ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
15. HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
16. BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAN TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
17. THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE OCTOBER 7, 1933. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.
18. THE AREA BETWEEN THE SIGHT LINES AND EXISTING PAVING SHALL BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
19. THE BASIC SERVICE MAPS DO NOT REVEAL ANY EXISTING OR IMPENDING FAILURE.
20. EXISTING USE: 1 SINGLE FAMILY DWELLING, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED; PROPOSED USE: 2 SINGLE FAMILY DWELLINGS, 1 RESIDENTIAL USE GARAGE, 1 COMMERCIAL USE GARAGE AND 1 COMMERCIAL USE SHED;
21. A ZONING FINAL DEVELOPMENT PLAN MAY BE REQUIRED, DEPENDING ON THE NUMBER OF LOTS CREATED, AS DETERMINED FROM ZONING AND THE EFFECTIVE DATE OF THE ZONING REGULATIONS FOR THAT ZONE.
22. THIS PROJECT WAS ORIGINALLY SUBMITTED AS MINOR SUBDIVISION 06-005-M.

DENSITY CALCULATIONS

GROSS AREA	1.056 Ac.±
AREA IN ML	0.316 Ac.±
AREA IN DR 5.5	0.740 Ac.±
LOTS PERMITTED	5.5 x 0.740 = 4 LOTS
LOTS PROPOSED	2

OWNER

NORMAN A. MIDWIG
LISA R. MIDWIG
10426 RED LION ROAD
WHITE MARSH, MD 21162
(410)-335-6233

DRG NOTE

THE DRG HAS DETERMINED THAT THIS PROJECT MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 92-4-106(b)(2) IN A LETTER DATED MARCH 16, 2006. DRG No. 021306D; DIST 11C5

LEGEND

EXISTING CLEANOUT	⊙
PROPOSED DWELLING	⊠
EXISTING BUILDING	□
SOIL LINE	—
HOODS LINE	—
LIMIT OF WETLANDS	—
LIMIT OF DISTURBANCE	—
EXISTING PAVING	—
PROPOSED PAVING	—
ZONING LINE	—
PROPERTY LINE	—
CONTOURS	—

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
Av	SEVERE, MODERATELY HIGH WATER TABLE; FLOODING HAZARD.	SEVERE, FLOODING HAZARD	SEVERE, FLOODING HAZARD
B/A	SEVERE, HIGH WATER TABLE, MODERATELY SLOW PERMEABILITY.	MODERATE, SEASONALLY PERCHED WATER TABLE.	MODERATE, SEASONALLY PERCHED WATER TABLE.
LjB	SEVERE, SLOW PERMEABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY.	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY.
LjD	SEVERE, SLOW PERMEABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY	SEVERE, SUBSOIL SHRINKAGE AND INSTABILITY; SLOPE
Mg	MAN MADE	MAN MADE	MAN MADE

DELINQUENT ACCOUNTS CERTIFICATION

WE, NORMAN A. MIDWIG AND LISA R. MIDWIG, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANTS, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

THE ABOVE STATED PARAGRAPH ONLY PERTAINS TO ACCOUNTS DUE TO BALTIMORE COUNTY, MARYLAND.

NORMAN A. MIDWIG DATE

LISA R. MIDWIG DATE

MINOR DEVELOPMENT OF THE
MIDWIG PROPERTY
RED LION ROAD & PROCTOR AVENUE
Deed Ref: S.M. No. 14952 folio 531
Tax Account No.: 11-01-035325
Zoned D.R.-5.5 & ML; 615 Tile 73A3
Tax Map 73; Grid 19; Parcel 144
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

Date: MAY 19, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION

DATE

COMPUTED: E.D.-L

DRAWN: M.E.A.

CHECKED: S.A.L.

FILE:X:\MIDWIG\devplan.pro