

IN RE: PETITION FOR VARIANCE
NE/S of Cherry Garden Road, 208 feet
W of centerline of Allen Road
15th Election District
6th Councilmanic District
(1306 Cherry Garden Road)

Dennis M. Taft and Yvonne Taft
Petitioners

PETITION FOR VARIANCE
NE of Cherry Garden Road, 144 feet
Feet west of Allen Road
15th Election District
6th Councilmanic District
(1308 Cherry Garden Road)

Dennis M. and Yvonne Taft
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-585-A

and

* CASE NO. 06-587-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Deputy Zoning Commissioner as Petitions for Variance filed by the legal owners of the subject properties, Dennis M. and Yvonne Taft .

In the first case (#06-585-A), the Petitioners are requesting variance relief for property located at 1306 Cherry Garden Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with a 9 foot side yard on a lot having an area of 8,056 square feet and a lot width of 58 feet at the front building line in lieu of 10 feet, 10,000 square feet and 70 feet respectively.

In the companion case (#06-587-A), the Petitioners are requesting variance relief for an adjoining lot located at 1308 Cherry Garden Road. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single family dwelling with a lot area of 8,093 square feet and a lot width of 59 feet at the front building line in lieu of the minimum required 10,000 square feet and 70 feet respectively.

The properties were posted with Notice of Hearing on June 26, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a

NOT RECORDED FOR FILING

7-13-06

PH

Notices of Zoning hearing were published in "The Jeffersonian" newspaper on June 27, 2006 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Bureau of Development Plans Review dated May 25, 2006. A ZAC comment letter was received from the Department of Environmental Planning and Resource Management dated June 1, 2006 and contains restrictions. A ZAC comment letter was received from the Planning Office dated July 10, 2006. Copies of the comment letters are attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance requests were Bernadette Moskunas, from Site Rite Surveying, Tammy Harris and Yvonne Taft, Petitioner. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

These are companion cases and all testimony and evidence presented is applicable to both cases.

The Petitioners own lots 55 and 56 of the Cherry Garden subdivision which was recorded in the land records in 1938 as shown by the Petitioner's exhibit 4. Lot 56 is improved by the Petitioner's single family dwelling which was built in 1937 as shown on exhibit 3 B, SDAT record for this lot. Lot 56 contains 8056 sq. ft. and is zoned DR 3.5.

The Petitioners would like to build a home for their daughter, Tammy Harris on lot 55. This lot contains 8093 sq. ft. As such it does not meet the area requirements of DR 3.5 zoning which require 10,000 sq. ft. The proposed new home is shown on Petitioners exhibit 1. However the Bureau of Development Plans Review comment indicate that the right of way for Cherry Garden Road should be 40 feet. As a result the Petitioner modified her initial request as shown in the redline plan exhibit 2. The redline plan reflects a shorter proposed home reduced from 46 feet to 41 feet so as not to push the home back on the lot. As Ms. Moskunas points out, this lot and lot 56 are trapezoidal in shape having only 43 feet along the rear property line and 64 feet along the road. To push the house back on the lot would require a variance for the side yard setback which the Petitioner did not want to do. The new house would meet all County regulations except the lot size and lot width at the building line. While the lot width at the building line was 59 feet the redline plan shows the lot width to be 58 feet.

In regard to zoning merger, the Petitioner presented SDAT records that show lots 55 and 56 are separately assessed. See exhibit 3 B and 3 C. The Petitioner indicated that lot 56 has not been improved in any way and that she simply cuts the grass on that lot. Exhibit 3 A shows the lots were transferred in one deed and the Petitioner admitted that there is a fence around both lots.

In regard to zoning density Ms. Moskunas pointed out the there are 17 to 20 lots in this old subdivision which will never be developed because of environmental constraints. In support thereof

she presented the County's topo map for this area as exhibit 5 which shows the environmentally sensitive areas including the wetlands to the north and south of the subject property. She opined that looking at the area, these variances would not result in increased density above what would otherwise be allowed.

She also pointed out that on Cherry Garden Road and along the waterfront, the pattern of development is one house on each undersize lot. She indicated that there are other homes on several lots because of the environmental constraints of the area. The Petitioner also indicated that she spoke to her neighbors who had no objection to the proposed new home.

Findings of Fact and Conclusions of Law

In regard to zoning merger, the Petitioner indicated the lots were separately assessed for tax purposes and lot 56 has never been improved even with a shed. I take no evidence of merger from the fact she cuts the grass on the adjacent lot. The strongest evidence of merger is the fence which encloses both lots. However on balance I find the lots have not been merged.

I also find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This subdivision and the subject lots were created much before the zoning was imposed on the area. The imposition of zoning on this property disproportionably impacts the subject property as compared to others in the zoning district. In addition the lots are trapezoidally shaped and the house on lot 55 is skewed with respect to the property lines. As a result the rear edge of the existing house is 9 feet from the west property line whereas it should be 10 feet according to the DR 3.5 regulations.

In regard to zoning density while the lot itself is undersized, the old subdivision has severe environmental constraints which will keep many lots from ever being used as building lots. Looking at the overall picture I find the addition on this dwelling will not increase the density of the area beyond that which otherwise would have been allowed.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Obviously the Petitioner's daughter can not build her home.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The pattern of development shown by the Petitioner is similar to this plan so there will be no change to the character of the neighborhood. There is one house per undersized lot along Cherry Garden Road and the waterfront.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this th13 day of July, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance in Case No. 06-585-A (1306 Cherry Garden Road), from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single family dwelling with a 9 foot side yard on a lot having an area of 8,056 square feet and a lot width of 58 feet at the front building line in lieu of 10 feet, 10,000 square feet and 70 feet respectively, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that the Petitioners' request for variance in Case No. 06-587-A (1308 Cherry Garden Road), from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed single family dwelling with a lot area of 8,093 square feet and a lot width of 58 feet at the front building line in lieu of the minimum required 10,000 square feet and 70 feet respectively, be and is hereby GRANTED.

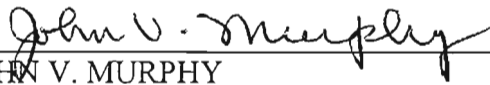
Approval of the above variance requests are subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at

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

2. Development of these properties must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. This property is within the Limited Development Area of the CBCA. The impervious surface limit is 25% of the lot size and 105% tree cover must be maintained.
4. The Petitioner shall comply with the ZAC comments of the Office of Planning dated July 10, 2006 regarding compatibility.

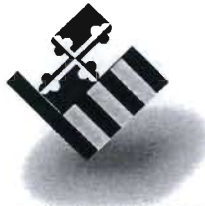
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

7-13-06
JVM



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 14, 2006

DENNIS M. TAFT
YVONNE TAFT
1306 CHERRY GARDEN ROAD
ESSEX MD 21221

Re: Petition for Variance
Case No. 06-585-A
Case No. 06-587-A

Property: 1306 Cherry Garden Road
Property: 1308 Cherry Garden Road

Dear Mr. and Mrs. Taft:

Enclosed please find the decision rendered in the above-captioned case. The petitions for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz
Enclosure

c: Bernadette Moskunas, Site Rite Surveying Inc., 200 East Joppa Road, Room 101, Towson MD 21286
Tammy Harris, 1306 Cherry Garden Road, Baltimore MD 21221



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at #1308 Cherry Garden Road
which is presently zoned D.P.3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 (BC2P), To permit a proposed single family dwelling with a lot area of 8093 sq. ft. and a lot width of 59 feet at the front building line in lieu of the minimum required 10,000 sq. ft. and 70 feet, respectively.

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

see attached

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

DENNIS M. TAFT
Name - Type or Print _____
Dennis M. Taft
Signature _____
YVONNE TAFT
Name - Type or Print _____
Yvonne Taft
Signature _____
1306 CHERRY GARDEN ROAD 410-574-9146
Address _____ Telephone No. _____
ESSEX MARYLAND 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Site Rite Surveying Inc.
Name _____
200 E. Joppa Road 410-828-9060
Address _____ Telephone No. _____
TOWSON, MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JWP Date 5/16/06

Case No. 06-587-A

**VARIANCE REQUEST FOR #1308 CHERRY GARDEN ROAD
REASONS TO ACCOMPANY PETITION**

- **THIS PROPERTY IS VACANT AND DESCRIBED AS AN INDIVIDUAL LOT ON A RECORD PLAT OF "CHERRY GARDEN" THAT IS DATED 1938.**
- **THE LOT CONFIGURATION IS 64.50 FEET WIDE ACROSS THE ROAD FRONTAGE AND TAPERS TO 43.27 FEET IN THE REAR MAKING COMPLIANCE WITH THE B.C.Z.R. DIFFICULT. HOWEVER, THE REQUEST IS IN STRICT HARMONY WITH THE PERMITTED USE OF THE REGULATIONS.**
- **GRANTING RELIEF FROM REQUEST WILL NOT ADVERSELY IMPACT THE HEALTH AND SAFETY OF THIS COMMUNITY AND IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD DEVELOPMENT.**

06-587-A

**ZONING DESCRIPTION
#1308 CHERRY GARDEN ROAD**

BEGINNING at a point on the northeast side of Cherry Garden Road which is 30 feet wide at the distance of 144 feet west of the centerline of Allen Road which is 30 feet wide. Being Lot #55, in the subdivision of "Cherry Garden" as recorded in Baltimore County Plat Book #12, Folio #39, containing 8,093 S.F., more or less. Also known as #1308 Cherry Garden Road and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road, Suite 101
Towson MD 21286
(410) 828-9060

06-587-A

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: # 06-587-A

1308 Cherry Garden Road

Northeast of Cherry Garden Road, 144 feet west of Allen Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Dennis M. & Yvonne Taft

Variance: to permit a proposed single family dwelling with a lot area of 8093 square feet and a lot width of 59 feet at the front building line in lieu of the minimum required 10,000 square feet and 70 feet, respectively.

Hearing: Tuesday, July 11, 2006 at 10:00 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.

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

JT 6/751 June 27

100168

CERTIFICATE OF PUBLICATION

6/29/2006

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 6/27/2006.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No.

6300

DATE

5/16/06

ACCOUNT

R-001-006-6150

AMOUNT

\$ 65.00

RECEIVED
FROM:

Site Rite

FOR:

Variance-1308 Cherry Garden Road

06-587-A (Taft)

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS 5/16/2006 5/16/2006 10:24:36 4

TIME

DATE

REG 0006 WALTON JOHN EDH

>>RECEIPT # 475218 5/16/2006 0704

Dept 5 528 ZONING VERIFICATION

CP NO. 006300

Receipt Tot \$65.00

\$100.00 CR \$1.00 CR

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-587-A

Petitioner/Developer: D&Y TAFT

Date of Hearing/Closing: 7-11-06

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

Attention: **Christen 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 _____

1308 CHERRY GARDEN ROAD

The sign(s) were posted on JUNE 26, 2006

(Month, Day, Year)

Sincerely,

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

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

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

(410) 242-4263
(Telephone Number)



ZONING NOTICE
CASE # 06-587-A

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

Room 407 County Courts Building
401 Bosley Avenue
Towson, Md. 21204

PLACE: _____
DATE AND TIME: TUESDAY, JULY 11, 2006
AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A PROPOSED
SINGLE FAMILY WITH A LOT AREA OF 8993 SQUARE
FEET AND A LOT WIDTH OF 59 FEET AT THE
FRONT BUILDING LINE IN LIEU OF THE MINIMUM
REQUIRED 19,000 SQUARE FEET AND 70 FEET
RESPECTIVELY

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 847-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

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: 06-587-A
Petitioner: Dennis and Yvonne Taft
Address or Location: #1308 Cherry Garden Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Dennis and Yvonne Taft
Address: #1306 Cherry Garden Road
Essex, MD 21221
Telephone Number: 410 574-9146

RE: PETITION FOR VARIANCE * BEFORE THE
1308 Cherry Garden Road; NE/S Cherry *
Garden Road, 144' W c/line Allen Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Dennis & Yvonne Taft * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-587-A

* * * * *

ENTRY OF APPEARANCE

— Please enter the appearance of People's Counsel in the above-captioned matter. Notice —
should be sent of any hearing dates or other proceedings in this matter and the passage of any
preliminary or final Order. All parties should copy People's Counsel on all correspondence sent
and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of May, 2006, a copy of the foregoing Entry
of Appearance was mailed to, Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson,
MD 21286, Representative for Petitioner(s).

RECEIVED

MAY 22 2006

Per *kom*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 27, 2006 Issue - Jeffersonian

Please forward billing to:
Dennis & Yvonne Taft
1306 Cherry Garden Road
Essex, MD 21221

410-574-9146

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: 06-587-A

1308 Cherry Garden Road
Northeast of Cherry Garden Road, 144 feet west of Allen Road
15th Election District – 6th Councilmanic District
Legal Owners: Dennis M. & Yvonne Taft

Variance to permit a proposed single family dwelling with a lot area of 8093 square feet and a lot width of 59 feet at the front building line in lieu of the minimum required 10,000 square feet and 70 feet, respectively.

Hearing: Tuesday, July 11, 2006 at 10:00 a.m. 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 23, 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: 06-587-A

1308 Cherry Garden Road
Northeast of Cherry Garden Road, 144 feet west of Allen Road
15th Election District – 6th Councilmanic District
Legal Owners: Dennis M. & Yvonne Taft

Variance to permit a proposed single family dwelling with a lot area of 8093 square feet and a lot width of 59 feet at the front building line in lieu of the minimum required 10,000 square feet and 70 feet, respectively.

Hearing: Tuesday, July 11, 2006 at 10:00 a.m. Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Dennis & Yvonne Taft, 1306 Cherry Garden Road, Essex 21221
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 26, 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.





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

July 7, 2006

Dennis Taft
Yvonne Taft
1306 Cherry Garden Rd.
Essex, MD 21221

Dear: Mr. Taft,

RE: Case Number: 06-587-A, 1308 Cherry Garden Pond.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 16, 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel
Site Rite Surveying Inc. 200 E Joppa Rd. Room 101 Towson, MD 21286

jm
7/11

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 08 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: June 1, 2006

SUBJECT: Zoning Item # 06-587
Address 1308 Cherry Garden Road
Baltimore, MD 21221

Zoning Advisory Committee Meeting of May 22, 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:

_____ 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).

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

X 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:

This property is within the Limited Development Area of the CBCA. The impervious surface limit is 25% of the lot size, and 15% tree cover must be maintained.

Reviewer: Kevin Brittingham

Date: June 1, 2006

7-13-06
RJ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 25, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2006
Item No. 587

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right-of-way for all public roads in Baltimore County is 40-feet. Show the right-of-way for Cherry Garden Road, centered on existing 30-foot right-of-way. Setbacks shall be adjusted accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 587-05252006.doc

RECEIVED FROM MAILING
7-13-06
KJ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 10, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-587- Variance**

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

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

Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By: *Curtis G. Gurney*

Division Chief: *Jeff Mayhew*

CM/LL



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

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

Maryland Department of Transportation

Date: 5-19-06

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

RE: Baltimore County
Item No. 587 JHP

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

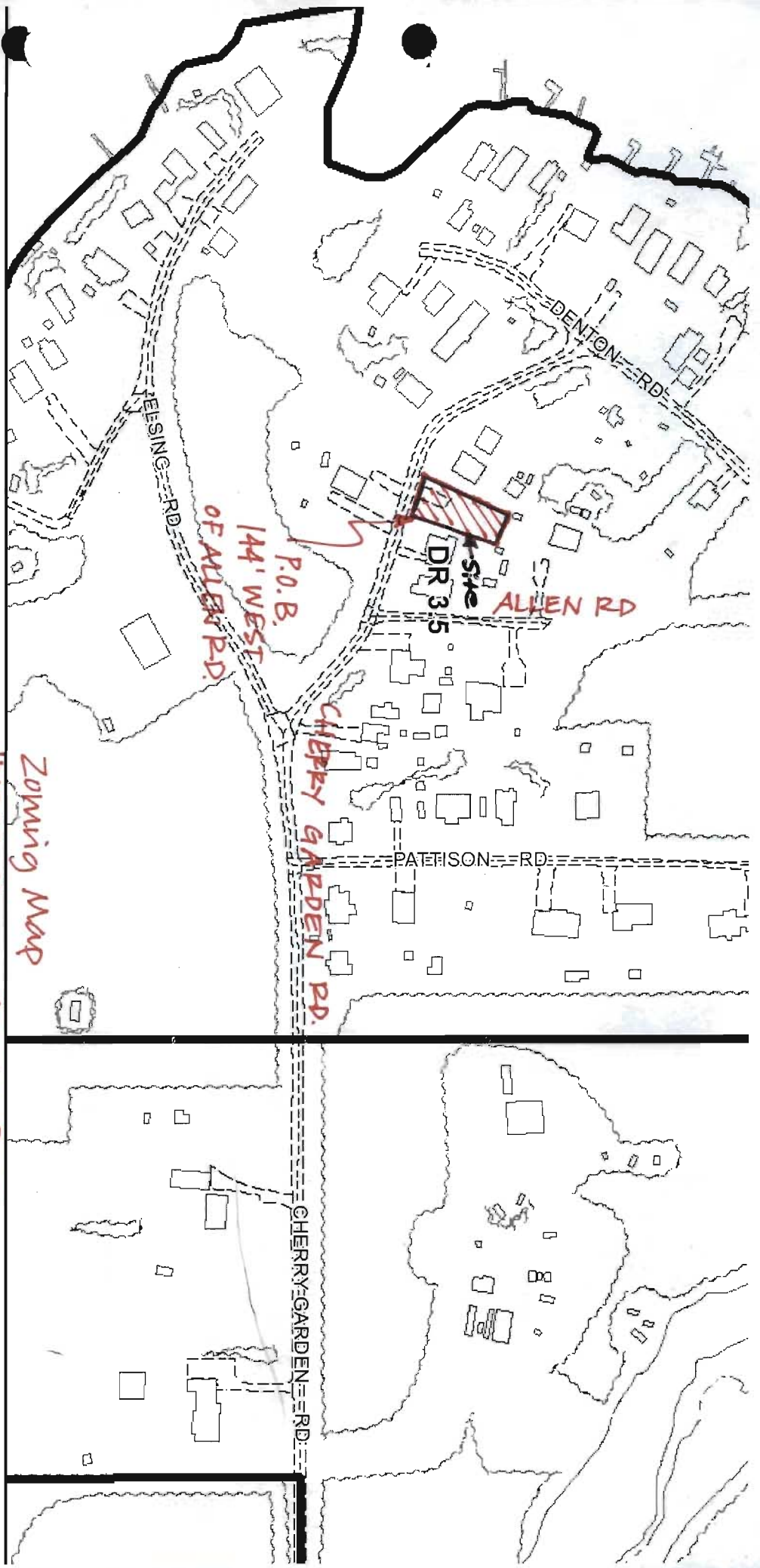
Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

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

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



Zoning Map
#1308 Cherry Garden Road

nty nd Zoning Map

097A2	097B2	097C2	098A2	098B2
097A3	097B3	097C3	098A3	098B3
104A1	104B1	104C1	105A1	105B1

Scale

1" = 200'

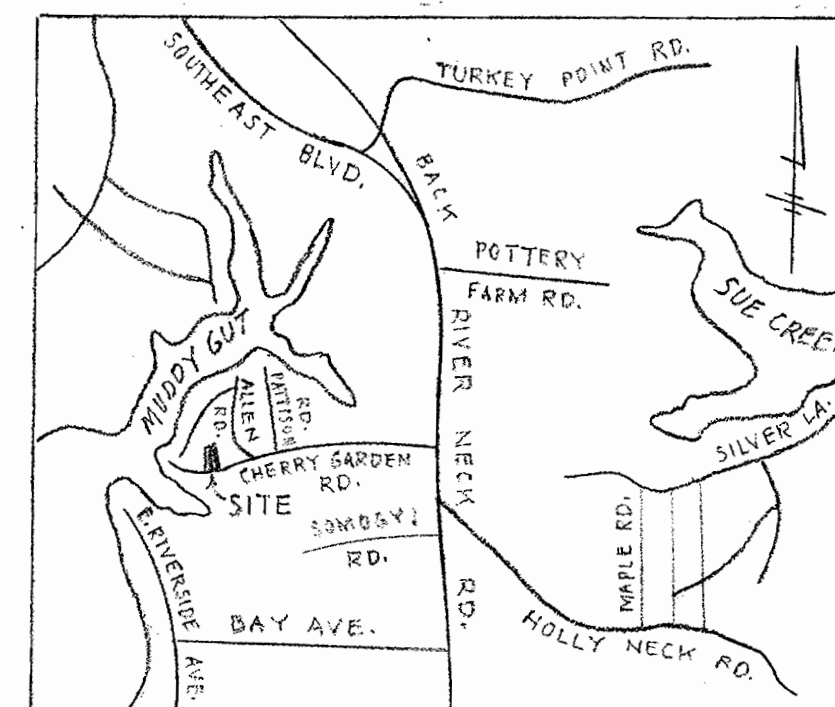


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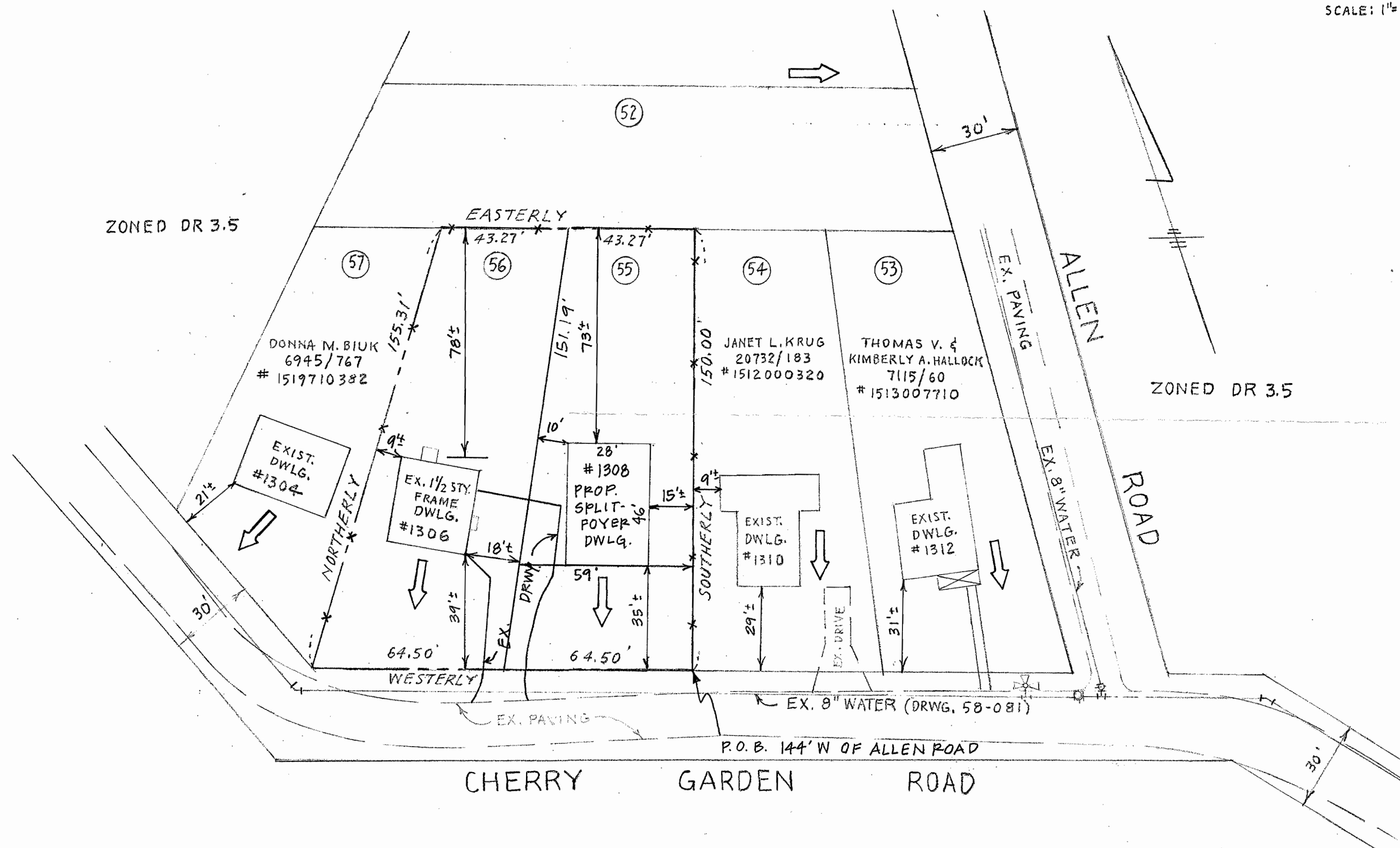
#1308 CHERRY GARDEN ROAD

GENERAL NOTES:

1. EXISTING ZONING: D.R.3.5 (097C3)
2. LOT AREA: 8,093 S.F. or 0.185 Ac±
3. PUBLIC WATER AND SEWER
4. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (LDA)
5. NOT LOCATED IN A 100 YEAR FLOOD PLAIN AEA
COMMUNITY PANEL NO. 240010 0445C ZONE: "C" (14 FT. ELEV.)
6. NOT LOCATED IN A HISTORIC AREA
7. NO PRIOR ZONING HISTORY
8. LOTS OR RECORD ON PLAT OF CHERRY GARDED DATED 1938
9. PROPERTY HAS BEEN HELD UNDER THE SAME OWNERSHIP SINCE 1994
10. EXISTING USE: VACANT
PROPOSED USE: SINGLE FAMILY DWELLING
11. TWO INDIVIDUAL ACCOUNT NOS.



VICINITY MAP
SCALE: 1"=2000'



OWNER: YVONNE TAFT
DENNIS MICHAEL TAFT
1306 CHERRY GARDEN RD.
BALTIMORE, MD. 21221-6301

PLAT TO ACCOMPANY
PETITION FOR VARIANCE
#1308 CHERRY GARDEN ROAD
LOT 55
TAX MAP: 97 GRID: 24 PARCEL: 419
"CHERRY GARDEN" 12/39
TAX ACCOUNT NO. 1520000361
DEED REF.: 10759/363
ELECTION DISTRICT NO. 15 C6
BALTIMORE MD
SCALE: 1" = 30'
MAY 16, 2006
JOB NO. 9335