

Monday, August 14, 2006 @ 10:00 a.m. Rm 407

APPEAL

06-650-650

A

CERTIFICATE OF POSTING

1) Posted _____ Hearing Date _____
2) Posted _____ Hearing Date _____

ADS

1) Paper/Date 7/27/06 Enc _____
Paper/Date 7/29/06 Enc _____

2) Paper/Date _____ Enc _____
Paper/Date _____ Enc _____

P&A FEES

1) _____
2) _____

COMMENTS

Planned ☒ Fire ☒ Traffic ☒
Critical Area ☐ SHA ☐ LPA ☐
Reason: _____

Associate _____

Zoning Violation # _____

Prior Hearing(s) _____

Prior Zon: 05-463-SPH

06-650-A
(20060650) "A"
Supplemental

IN THE MATTER OF
THE APPLICATION OF
CHRISTOPHER DLABICH AND THOMAS
SINDALL - LEGAL OWNERS FOR VARIANCE
ON PROPERTY LOCATED ON THE NW/S
GLEN ARM RD, NW THENCE SW OF C/L
OF SOMERSET AVENUE
(11920 GLEN ARM ROAD)
11TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 06-650-A

* * * * *

ORDER OF DISMISSAL

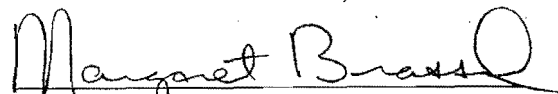
This matter comes to the Board of Appeals on appeal filed by J. Carroll Holzer, Esquire, on behalf of Long Green Valley Association, Inc., et al, from a decision of the Deputy Zoning Commissioner dated August 21, 2006, in which the requested zoning relief was granted subject to restrictions.

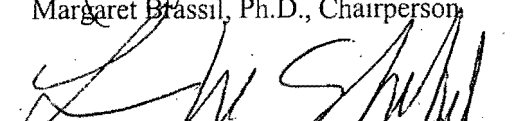
WHEREAS, the Board is in receipt of a Notice of Withdrawal of Appeal filed via facsimile on February 27, 2007, and via USPS on February 28, 2007, by J. Carroll Holzer, Esquire, on behalf of Long Green Valley Association, Inc., et al, Appellants /Protestants (a copy of which is attached hereto and made a part hereof); and

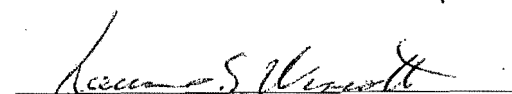
WHEREAS, said Counsel for Appellants requests that the appeal taken in this matter be withdrawn and dismissed as of February 27, 2007,

IT IS ORDERED this 27TH day of March, 2007 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 06-650-A be and the same is hereby **DISMISSED**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Margaret Brassil, Ph.D., Chairperson


Lawrence M. Stahl


Lawrence S. Wescott



County Board of Appeals of Baltimore County

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

March 27, 2007

J. Carroll Holzer, Esquire
508 Fairmount Avenue
Towson, MD 21286

RE: In the Matter of: *Christopher Dlabich and Thomas Sindall*
- Petitioners /Case No. 06-650-A / Order of Dismissal

Dear Mr. Holzer:

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: Long Green Valley Association, Inc.
Carol Trela
John Storck
Lawrence E. Schmidt, Esquire
Jason T. Vettori, Esquire
Christopher Dlabich /Thomas Sindall
Kenneth Wells
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



IN THE MATTER OF:

C. DLABICH & T.SINDALL
Petitioners

NW/S Side of Glen Arm Rd., SW of
Somerset Ave. (11920 Glen Arm Road)
11th Election District
3rd Councilmanic District

BEFORE THE

BALTIMORE COUNTY

BOARD OF APPEALS

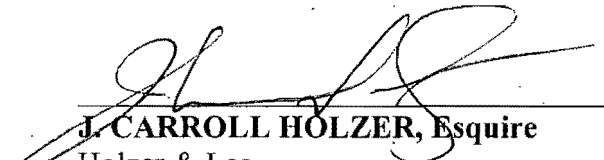
Case No.: 06-650-A

* * * * *

NOTICE OF WITHDRAWAL OF APPEAL

Appellants Long Green Valley Association, et al. hereby withdraw their appeal in the
above captioned matter herewith as to all Appellants.

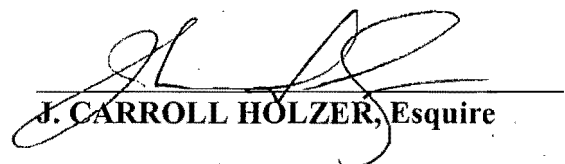
Respectfully submitted,


J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

RECEIVED
FEB 28 2007
BALTIMORE COUNTY
BOARD OF APPEALS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2007, a copy of the
foregoing Notice of Withdrawal of Appeal was sent first class, postage prepaid to the
following: Christopher Dlabich & Thomas Sindall, 11920 Glen Arm Rd., Glen Arm, MD
21057; County Board of Appeals, 400 Washington Ave., Towson, MD 21204; and People's
Counsel for Baltimore County, 400 Washington Ave., Towson, MD 21204.


J. CARROLL HOLZER, Esquire

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

SERASTIAN A. CROSS
CHARLES B. MAREK, III
DAMIAN C. O'DOHERTY
JASON T. VETTORI
JOSEPH R. WOOLMAN, III

600 WASHINGTON AVENUE
SUITE 200
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
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BALTIMORE, MD OFFICE
300 EAST LOMBARD STREET
SUITE 1440
BALTIMORE, MARYLAND 21202
TELEPHONE 410-234-0070

ANNAPOLIS, MD OFFICE
95 CATHEDRAL STREET
SUITE 100
ANNAPOLIS, MARYLAND 21401
TELEPHONE 410-295-0070

February 26, 2007

J. Carroll Holzer, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson MD 21204

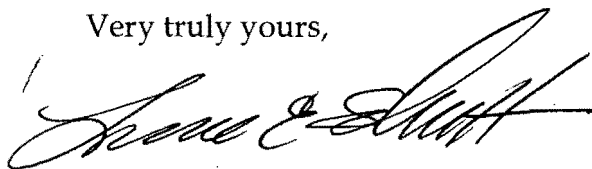
**Re: 11920 Glen Arm Road
Sindall, et al. v. Long Green Valley Association
Case No.: 06-650-A**

Dear Carroll:

I have been advised by my clients, Christopher Dlabich and Thomas Sindall that the Long Green Valley Association voted to dismiss its appeal in the above matter at its general meeting on February 20, 2007. If that is indeed the case, I would appreciate confirmation from you and a copy of your Notice of Dismissal filed with the County Board of Appeals. Obviously, such a dismissal would render Deputy Commissioner Murphy's decision dated August 21, 2006 as the final decision in this case.

Please advise at your earliest convenience.

Very truly yours,



Lawrence E. Schmidt

LES: sf

Cc: Christopher Dlabich
Thomas Sindall
Kenneth J. Wells, kj Wells, Inc.
Baltimore County Board of Appeals
Jason T. Vettori, Esquire

RECEIVED
FEB 27 2007
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Variance
11920 Glen Arm Road

Northwest side of Glen Arm Road, northwest thence southwest of centerline of Somerset Ave.
11th Election District – 3rd Councilmanic District

Legal Owner(s): Christopher Dlabich and Thomas Sindall

Case No.: 06-650-A

- ✓ Petition for Variance (June 11, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (June 27, 2006)
- ✓ Certification of Publication (July 27, 2006)
- ✓ Certificate of Posting (July 29, 2006) by J. Lawrence Pilson
- ✓ Entry of Appearance by People's Counsel (June 27, 2006)
- ✓ Petitioner(s) Sign-In Sheet – 1 Sheet
- Protestant(s) Sign-In Sheet – None
- ✓ Citizen(s) Sign-In Sheet – 1 Sheet
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners' Exhibit
 1. Plat
- ✓ Protestants' Exhibits:
 - ✓ 1. Statement from Long Green Valley Association
 - ✓ 2. "Genetic Effects of Nonionizing Electromagnetic Fields" essay
- Miscellaneous (Not Marked as Exhibit)
 - ✓ 1. "Are EMFs Hazardous to Our Health?" essay
 - ✓ 2. "IEEE-Engineering in Medicine and Biology Society" statement
- ✓ Deputy Zoning Commissioner's (GRANTED in accordance w/order – August 21, 2006)
- ✓ Notice of Appeal received on September 20, 2006 from J. Carroll Holzer
- c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Kenneth Wells 7403 New Cut Road Kingsville 21087
J. Carroll Holzer Holzer and Lee The 508 Building 508 Fairmount Avenue Towson 21286
Carol Trela P.O. Box 88 Baldwin 21013
John Storck P.O. Box 5007 Glen Arm 21057

RECEIVED
NOV 02 2006
BALTIMORE COUNTY
BOARD OF APPEALS

APPEAL

Petition for Variance
11920 Glen Arm Road

Northwest side of Glen Arm Road, northwest thence southwest of centerline of Somerset Ave.

11th Election District – 3rd Councilmanic District

Legal Owner(s): Christopher Dlabich and Thomas Sindall

Case No.: 06-650-A

Petition for Variance (June 11, 2006)

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Entry of Appearance by People's Counsel (June 27, 2006)

Petitioner(s) Sign-In Sheet – 1 Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Plat

Protestants' Exhibits:

1. Statement from Long Green Valley Association
2. "Genetic Effects of Nonionizing Electromagnetic Fields" essay

Miscellaneous (Not Marked as Exhibit)

1. "Are EMFs Hazardous to Our Health?" essay
2. "IEEE-Engineering in Medicine and Biology Society" statement

Deputy Zoning Commissioner's (GRANTED in accordance w/order – August 21, 2006)

Notice of Appeal received on September 20, 2006 from J. Carroll Holzer

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Kenneth Wells 7403 New Cut Road Kingsville 21087
J. Carroll Holzer Holzer and Lee The 508 Building 508 Fairmount Avenue Towson 21286
Carol Trela P.O. Box 88 Baldwin 21013
John Storck P.O. Box 5007 Glen Arm 21057

date sent November 2, 2006, amf

**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*

November 2, 2006

Christopher Dlabich
Thomas Sindall
11920 Glen Arm Road
Glen Arm, MD 21057

Dear Messrs. Dlabich and Sindall:

RE: Case : 06-650-A, 11920 Glen Arm Road

Please be advised that an appeal of the above-referenced case was filed in this office on September 20, 2006 from J. Carroll Holzer, P.A. 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:amf

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Kenneth Wells 7403 New Cut Road Kingsville 21087
J. Carroll Holzer Holzer and Lee The 508 Building 508 Fairmount Avenue Towson
21286
Carol Trela P.O. Box 88 Baldwin 21013
John Storck P.O. Box 5007 Glen Arm 21057



IN RE: PETITION FOR VARIANCE

NW/S Side of Glen Arm Road, SW of
Somerset Avenue
(11920 Glen Arm Road)

11th Election District
3rd Councilmanic District

Christopher Dlabich & Thomas Sindall
Petitioners

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No.: 06-650-A
*

* * * * *

NOTICE OF APPEAL

Long Green Valley Association, Inc., P.O. Box 91, Baldwin, MD 21013; Roger Hayden, President, 13325 Fork Road, Baldwin, MD 21013; and individuals Carol Trela, P.O. Box 88, Baldwin, MD and John Storck, P.O. Box 5007, Glen Arm, MD 21057, Appellants in the above captioned matter, by and through their attorney, J. Carroll Holzer and Holzer and Lee, feeling aggrieved by the decision of the Deputy Zoning Commissioner in Case No. 06-650-A, hereby note an appeal to the County Board of Appeals from the Findings of Fact and Conclusions of Law of the Deputy Zoning Commissioner of Baltimore County dated August 21, 2006 attached hereto, and incorporated herein as **Exhibit #1**.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to Baltimore County to cover the costs of the appeal. Appellants were parties below and fully participated in the proceedings.

RECEIVED

SEP 20 2006

Per *Amf*.....

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

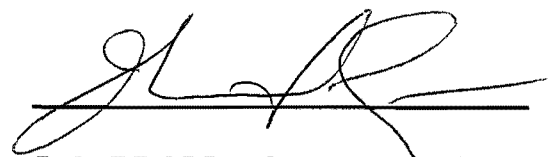
(410) 825-6961
FAX: (410) 825-4923

Respectfully submitted,


J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of September, 2006, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Christopher Dlabich and Thomas Sindall, 11920 Glen Arm Road, MD 21057; County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204; People's Counsel for Baltimore County, Basement, Old Courthouse, 400 Washington Ave., Towson, M, 21204.


J. CARROLL HOLZER, Esquire

IN RE: PETITION FOR VARIANCE
NW/S of Side Glen Arm Road, SW of
Somerset Avenue
11th Election District
3rd Councilmanic District
(11920 Glen Arm Road)

Christopher Dlabich and Thomas Sindall
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-650-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Christopher Dlabich and Thomas Sindall. The Petitioner is requesting variance relief for property located at 11920 Glen Arm Road. Variance relief is requested as follows:

1. to allow the rear of an existing principal structure on proposed Lot 1 that is contiguous to an RC 2 zone to be 62 feet from the zoning line and the left side to be 137 feet from zoning line in lieu of the required 150 feet as stated in Section 1A04.3.2 c of the Baltimore County Zoning Regulations (B.C.Z.R.), but be no less than 20 feet from the rear property line; and
2. to permit an existing principal structure on proposed Lot 1 to be located 20 feet from the rear property line in lieu of the required 50 feet as stated in Section 1A04.3.2b of the B.C.Z.R.; and
3. to permit an existing accessory structure (garage) on proposed Lot 1 to be 0 feet from the side rear property lines in lieu of the required 2.5 feet as stated in Section 400.1 of the B.C.Z.R.; and
4. to permit an existing open covered porch in the rear of the principal structure on proposed Lot 1 to extend into the rear by 94% in lieu of the required maximum of 25% as Stated in Section 301.1.A of the B.C.Z.R. or 3 feet to rear property line in lieu of the required 37.5 feet; and
5. to permit the rear of a proposed principal structure on proposed Lot 2 that is contiguous to an RC 2 zone to be 91 feet from the zoning line in lieu of the required 150 feet as stated in Section 1A04.3.2c of the B.C.Z.R. but no less than 50 feet from the rear property line.

The property was posted with Notice of Hearing on July 29, 2006 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was

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published in "The Jeffersonian" newspaper on July 27, 2006 to notify any interested persons of the scheduled hearing date and relief requested.

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: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were Thomas Sindall and Christopher Dlabich, Petitioners. Kenneth Wells, of KJ Wells, Inc., prepared the site plan. Carol Trela representing the Long Green Valley Association and John Storck appeared at the hearing in opposition to the requests. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

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PZ

Testimony and Evidence

Testimony and evidence indicated that the property contains 4 acres zoned RC 5 and is improved by the Petitioner's home. The Petitioners would like to subdivide the property into two lots, each of which would have more than the 1.5 acre minimum lot size required by the RC 5 regulations. The property is triangular in shape as can be seen by Petitioners' Exhibit 1. The existing home is situated on the far southwestern side of the property so that the proposed second lot and new home would be on the northeastern side. The property is bordered by the BGE power transmission lines and a large substation, which are shown on Petitioner's Exhibit 1.

Access to Glen Arm Road is provided for both lots using 20 foot right-of-way across the BGE transmission lines as approved in Case No. 05-463-SPH. The Petitioner now wants four variances for the existing house and accessory buildings and one for the new house proposed on lot 2.

Regarding the new house on lot 2, Mr. Wells explained that there are extensive wetlands along the BGE right of way. There is also a 35 foot setback from these wetlands which together with the configuration of the right of way itself force the new home to be located in the northwestern portion of the lot. In addition the location of the septic reserve area forces the new home to the west as shown on exhibit 1. Side yard setbacks restrict the home from being pushed too far west. Mr. Wells opined that the proposed location is the only practical location for the new home on the lot given the above restrictions.

However this location is 91 feet from the RC2/RC 5 zoning line as shown. Section 1A04.3.B 2(c) requires that any principal building in an RC 5 zone which is

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contiguous to an RC 2 Zone shall be at least 150 feet away from the zone line. Thus the request for relief # 5.

In regard to problems on lot 1, Petitioner's exhibit 1 shows the shocking news that a large part of the existing garage encroaches onto the adjacent Glen Meadows Retirement Community property. Request # 3. The existing house is too close to the property line and the RC 2/RC 5 zoning line. Requests # 1, 2 and 4.

Ms. Trela, representing the Long Green Valley Association presented a resolution from the Association in opposition to the requests. The Association noted the Petitioner purchased the property knowing its limitations, and thus the Petitioners created their own hardship. In addition the Association wants to keep the area rural, the variance will create greater density than allowed under the zoning regulations, and such a large number of variances should not be granted to preserve the integrity of zoning laws.

Mr. Storck who testified at the prior hearing in opposition to the prior requests, noted once again the dangers to the public from the electromagnetic radiation from the BGE power lines and substation. He presented a collection of articles describing the adverse effects of electromagnetic fields on human health as shown in protestants' exhibit 2 including effects on human DNA and the unborn. He noted that the DR regulations prohibit incompatible building and there is no hardship as the Petitioners have a home on the property which could be enlarged. He put the Petitioners on notice that if harm comes to residents of the house on lot 2, he will be prepared to testify the Petitioners were warned.

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Findings of Fact and Conclusions of Law

I want to acknowledge the Long Green Valley Associations point that the Petitioner purchased the property, knew or should have know the zoning limitations of the property and therefore any hardship is self imposed. This theme is fully supported in Maryland Appellate cases such as the leading case of *Gleason v Keswick Improvement Association*, 197 Md 46, 78 A 2d. 164. The problem is the Court of Appeals specifically overruled *Gleason* in *Richard Roeser Professional Builder Inc. v Anne Arundel County* 368 Md. 294, 793 A 2d 545 (2002). The Roeser Court held that a purchaser of property with notice that the property is subject to area restrictions, is not a self created hardship that precludes the purchaser from receiving an area variance. The Court reasoned that a purchaser of property acquires no greater right to a variance than its predecessor but should not be held to acquire less. Consequently if the prior owner of property could apply and be granted a variance, the next owner can do likewise.

The Association seems to be concerned that the number of variances requested is an attack on the zoning system. In this case however most of the variance requests are essentially documenting the existing house and accessory buildings as their location relates to the zoning regulations. It is evident that some prior owner of the subject property thought that the property line was many feet to the north from where it apparently is. A large part of the existing garage in on the adjacent property. Ouch! It is also possible the existing house was built to different regulations than RC 5.

It is generally true that in creating a new subdivision, a Petitioner can not draw the subdivision lines in such a way that variances are required. This clearly would be self created hardship. However this Commission has often recognized an exception to the

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general rule against self created hardship for existing conditions. For example perhaps there is an old barn on a property which is being subdivided and everyone wants to save the barn. Perhaps the barn is too tall to meet current regulations. We have granted variances to allow the barn to be saved under the banner of "existing conditions" reasoning the Developer did not make the barn too tall and so the request is not self creating a hardship. We also recognize other exceptions.

In this case the Petitioner draws a line creating two lots. The question is does the location of this line create the need for variances? If so, they are self created and must be denied. If not, then we can go on to analyze whether or not the request meets Section 307 of the BCZR. For example if where the Petitioner draws the subdivision line requires a side yard setback variance the hardship is self created and must be denied.

My analysis of the subject case is the location of the subdivision line does not create the need for any variance. All of the variances requested have to do with the location of the existing or proposed house vis a vis the northern property line or the RC 2/RC 5 zoning line which parallels the northern property line. None of the requests have to do with the subdivision line. Even the location of the new home is dictated by wetlands, setback from wetlands, BGE right of way and septic reserve area locations. As such the hardship is not self imposed.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist which make the property unique from a zoning perspective. The existing home and garage are the kind of odd situation envisioned by the regulations making the impact of the RC 5 regulations fall disproportionally on this

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property as compared to others in the RC 5 zone. In addition the overall property is oddly shaped.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The hardship is not self imposed as above.

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. I acknowledge once again Mr. Storck's stern warning that allowing homes near electrical power line is putting people in harm's way. However I can not prevent the Petitioner a reasonable use of his property on the basis on internet articles which may or may not have validity. The problem is the authors of those articles were not at the hearing for the Petitioners to cross examine. It is simply unfair to assume the validity of the articles applied to this property. Said another way, because the author expresses concern in general regarding a subject can not be extrapolated to apply to this case unless the author has done so at the hearing.

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

THEREFORE, IT IS ORDERED, this 21st day of August, 2006, by this Deputy Zoning Commissioner, that the Petitioners' request for variance is as follows:

1. to allow the rear of an existing principal structure on proposed Lot 1 that is contiguous to an RC 2 zone to be 62 feet from the zoning line and the left side to be 137 feet from zoning line in lieu of the required 150 feet as stated in Section 1A04.3.2 c of the Baltimore County Zoning Regulations (B.C.Z.R.), but be no less than 20 feet from the rear property line;

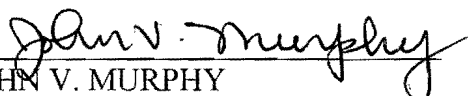
8-21-06
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B3

2. to permit an existing principal structure on proposed Lot 1 to be located 20 feet from the rear property line in lieu of the required 50 feet as stated in Section 1A04.3.2b of the B.C.Z.R.; and
3. to permit an existing accessory structure (garage) on proposed Lot 1 to be 0 feet from the side rear property lines in lieu of the required 2.5 feet as stated in Section 400.1 of the B.C.Z.R.; and
4. to permit an existing open covered porch in the rear of the principal structure on proposed Lot 1 to extend into the rear by 94% in lieu of the required maximum of 25% as Stated in Section 301.1.A of the B.C.Z.R. or 3 feet to rear property line in lieu of the required 37.5 feet; and
5. to permit the rear of a proposed principal structure on proposed Lot 2 that is contiguous to an RC 2 zone to be 91 feet from the zoning line in lieu of the required 150 feet as stated in Section 1A04.3.2c of the B.C.Z.R. but no less than 50 feet from the rear property line.

be and are hereby GRANTED subject to the following condition:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

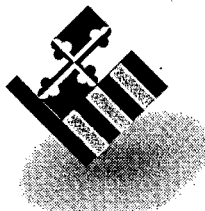
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

RECEIVED FOR FILING
8-21-06
JVM

8/21



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

August 18, 2006

CHRISTOPHER DLABICH
AND THOMAS SINDALL
11920 GLEN ARM ROAD
GLEN ARM MD 21057

Re: Petition for Variance
Case No. 06-650-A
Property: 11920 Glen Arm Road

Dear Messrs. Dlabich and Sindall:

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

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

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Kenneth Wells, 7403 New Cut Road, Kingsville MD 21087
Carol Trela, PO Box 88, Baldwin MD 21013
John Storck, PO Box 5007, Glen Arm MD 21057



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11920 Glen Arm Road
which is presently zoned RC 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)

See attached sheet

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 sheet

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 _____ City _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Christopher Dlabich
Name - Type or Print _____
Signature Christopher D Dlabich
Thomas Sindall
Name - Type or Print _____
Signature Thomas H Sindall
11920 Glen Arm Road 443-324-9529
Address Telephone No.
Glen Arm Md. 21057
State Zip Code

Representative to be Contacted:

Kenneth Wells
Name _____
7403 New Cut Road 410-592-8800
Address Telephone No.
Kingsville Md. 21087
City State Zip Code

OFFICE USE ONLY

Case No. 06-650-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By LT Date 6/11/06

REV 9/15/98

8-21-06
pm

Petition for Variance Continued

Variances Request:

- 1) To allow the rear of an existing principal structure on proposed Lot 1 that is contiguous to an RC 2 zone to be 62 feet from the zoning line and the left side to be 137 feet from the zoning line in lieu of the required 150 feet as stated in Section 1A04.3.2(c) of the BCZR, but be no less than 20 feet from the rear property line.
- 2) To allow an existing principal structure on proposed Lot 1 to be located 20 feet from the rear property line in lieu of the required 50 feet as stated in Section 1a04.3.2(b) of the BCZR.
- 3) To allow an existing accessory structure (garage) on proposed Lot 1 to be 0 feet from the side and rear property lines in lieu of the required 2.5 feet as stated in Section 400.1 of the BCZR.
- 4) To allow an existing open covered porch in the rear of the principal structure on proposed Lot 1 to extend into the rear yard by 94% in lieu of the required maximum of 25% as stated in Section 301.1.A of the BCZR, **OR 3 FEET TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 21.5 FEET.**
- 5) To allow the rear of a proposed principal structure on proposed Lot 2 that is contiguous to an RC 2 zone to be 91 feet from the zoning line in lieu of the required 150 feet as stated in Section 1A04.3.2(c) of the BCZR, but no less than 50 feet from the rear property line.

Reasons for Hardship and Practical Difficulty:

- 1) Due to the location of the existing structures with relationship of the zoning line predate the zoning regulations with respect to changes made to the RC 5 zone.
- 2) Due to the location of the environmental resources and the required buffers and setback requirements from those buffers along with the determining a suitable septic reserve area have placed sever limitations as to where a proposed structure may be situated.

kjWellsInc

*Trading for Kenneth J. Wells, Inc.
Land Surveying and Site Planning*

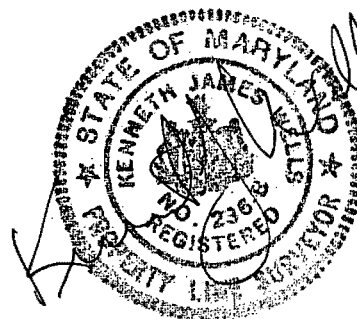
Telephone: (410) 592-8800
Fax: (410) 817-4055
email: kjWellsInc@msn.com

7403 New Cut Road
Kingsville, Md. 21087-1132

May 15, 2006

**Zoning Description
for
11920 Glen Arm Road
Glen Arm, Maryland
11th Election District
3rd Councilmanic District**

Beginning at a point located on the northwest side of Glen Arm Road which has no width which at a distance of 2,852 feet more northwest and southwest of the centerline of Sumerset Avenue the nearest improved street which varies in width, thence the four following bearings and distances: 1) *North 4 degrees 57' 30" West 865.26 feet*, 2) *South 36 degrees 39' 30" West 610.72 feet*, 3) *South 49 degrees 44' 30" East 575.79 feet* to the place of beginning. Containing 4.0284 acres of land more or less.



#650

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: #06-650-A

11920 Glen Arm road

Northwest side of Glen Arm Rd., northwest thence southwest of centerline of Somerset Ave.

11th Election District - 3rd Councilmanic District

Legal Owner(s): Christopher Dlabich & Thomas Sindall

Variance: to allow the rear of principal structure on proposed Lot 1 to be 62 feet from the zoning line and 137 feet from zoning line in lieu of the required 150 feet but be no less than 20 feet from the rear property line. To permit existing principal structure on proposed Lot 1 to be located 20 feet from the rear property line in lieu of the required 50 feet. To permit existing accessory structure (garage) on proposed Lot 1 to be 0 feet from the side rear property lines in lieu of the required 2.5 feet. To permit existing open covered porch in the rear of the principal structure on proposed Lot 1 to extend into the rear by 94% in lieu of the required maximum of 25% of 3 feet to rear property line in lieu of the required 37.5 feet.

Hearing: Monday, August 14, 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.

7/278 July 27

103239

CERTIFICATE OF PUBLICATION

7/27/, 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 7/27/, 2006.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

ZONING NOTICE

CASE # 06-650-A

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

COUNTY COURTS BLDG. TOWSON 21204
PLACE: 401 BOSLEY AVE. ROOM 407

DATE AND TIME: MON. AUGUST 14, 2006 7A

REQUEST: VARIANCE TO ALLOW THE REAR OF PRINCIPAL STRUCTURE
ON PROPOSED LOT 1 TO BE 62' FROM THE ZONING
LINE AND 121' FROM ZONING LINE IN LIEU OF THE REQUIRED 50'
BOUND LESS THAN 20' FROM THE REAR PROPERTY LINE TO REAR

EXISTING PRINCIPAL STRUCTURE ON PROPOSED LOT 1 TO BE LOCATED 40'
FROM THE REAR PROPERTY LINE IN LIEU OF THE REQUIRED 50' TO REAR
EXISTING LIVESHAY ST. KINE CARPORT 100' TO BE 115' FROM
THE 50' REAR PROPERTY LINES IN LIEU OF THE REQUIRED 50'
TO PERMIT EXISTING OPEN UNDER SLAB IN THE REAR OF THE
PRINCIPAL STRUCTURE IN PROPOSED LOT 1 TO EXTEND INTO THE
REAR BY 14'6" IN LIEU OF THE REQUIRED MAXIMUM OF 50'
3 FEET TO REAR PROPERTY LINE IN LIEU OF THE REQUIRED 50'

DOE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
CONFIRM HEARING CALL 857-3391
HEARING UNDER PENALTY OF LAW

CERTIFICATE OF POSTING

Date: 7-29-06

RE: Case Number: 06-650-A

Petitioner/Developer: Christopher Dlabich + Thomas Sindahl

Date of Hearing/Closing: Aug. 14, 2006 10AM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11920 Glen Arm Rd

The sign(s) were posted on 7-29-06
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

1015 Old Barn Rd
(Street Address of Sign Poster)

Parkton, MD 21201
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

**ATTACH PHOTOGRAPH
OF
SIGN POSTED ON
PROPERTY
HERE**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448191

DATE 6/15/06 ACCOUNT PO01 006 650

AMOUNT \$ 65.00

RECEIVED FROM: KJWELLS INC

FOR: OG-650-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	ORH
6/16/2006	6/15/2006	14:47:56	2
REG MSDM	WALKYN	DOOR	NO
RECEIPT # 367097 6/15/2006 OFLH			
Dept 5 529 FUNDING VERIFICATION			
P NO. 448191			

Receipt Tot \$65.00
\$65.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21010

DATE 9.20.06 ACCOUNT 001.006.6150
AMOUNT \$ 400.00

RECEIVED FROM: J. Carroll Holzer, P.A.
FOR: Appeal Case 06.650-A
11920 Glen Arm Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE: 09-20-2006 TIME: 14:11:02
BY: J. CARROLL HOLZER
AMOUNT: \$400.00
RECEIVED BY: J. CARROLL HOLZER
OFFICE: BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

Requested: Jan. 5, 2007

APPEAL SIGN POSTING REQUEST

CASE NO. 06-650-A

11920 GLEN ARM ROAD

11TH ELECTION DISTRICT

APPEALED: 9/20/2006

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-650-A

MAY 20 2007

LEGAL OWNER: CHRISTOPHER BLABICH AND THOMAS SINDALL

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

11920 GLEN ARM ROAD

The sign was posted on 5/21/07, 2007.

By: *Jeff Radcliffe*
(Signature of Sign Poster)

Jeff Radcliffe
(Print Name)



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/neighbor 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 06-650-A
Petitioner C. DLABICH / T. SINDALL
Address or Location 11920 GLEN ARM RD.

PLEASE FORWARD ADVERTISING BILL TO

Name TOM SINDALL
Address 11920 GLEN ARM ROAD
GLEN ARM MD 21057

Telephone Number 443 324 9529

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

June 27, 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: 06-650-A

11920 Glen Arm Road

Northwest side of Glen Arm Rd., northwest thence southwest of centerline of Somerset Ave.

11th Election District – 3rd Councilmanic District

Legal Owners: Christopher Dlabich & Thomas Sindall

Variance to allow the rear of principal structure on proposed Lot 1 to be 62 feet from the zoning line and 137 feet from zoning line in lieu of the required 150 feet but be no less than 20 feet from the rear property line. To permit existing principal structure on proposed Lot 1 to be located 20 feet from the rear property line in lieu of the required 50 feet. To permit existing accessory structure (garage) on proposed Lot 1 to be 0 feet from the side rear property lines in lieu of the required 2.5 feet. To permit existing open covered porch in the rear of the principal structure on proposed Lot 1 to extend into the rear by 94% in lieu of the required maximum of 25% of 3 feet to rear property line in lieu of the required 37.5 feet.

Hearing: Monday, August 14, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Christopher Dlabich, Thomas Sindall, 11920 Glen Arm Road, Glen Arm 21057
Kenneth Wells, 7403 New Cut Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 29, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 27, 2006 Issue - Jeffersonian

Please forward billing to:

Tom Sindall
11920 Glen Arm Road
Glen Arm, MD 21057

443-324-9529

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: 06-650-A

11920 Glen Arm Road

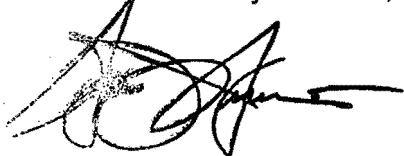
Northwest side of Glen Arm Rd., northwest thence southwest of centerline of Somerset Ave.

11th Election District – 3rd Councilmanic District

Legal Owners: Christopher Dlabich & Thomas Sindall

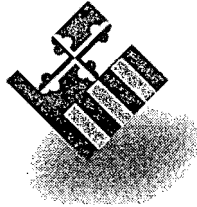
Variance to allow the rear of principal structure on proposed Lot 1 to be 62 feet from the zoning line and 137 feet from zoning line in lieu of the required 150 feet but be no less than 20 feet from the rear property line. To permit existing principal structure on proposed Lot 1 to be located 20 feet from the rear property line in lieu of the required 50 feet. To permit existing accessory structure (garage) on proposed Lot 1 to be 0 feet from the side rear property lines in lieu of the required 2.5 feet. To permit existing open covered porch in the rear of the principal structure on proposed Lot 1 to extend into the rear by 94% in lieu of the required maximum of 25% of 3 feet to rear property line in lieu of the required 37.5 feet.

Hearing: Monday, August 14, 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 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.



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

August 9, 2006

Christopher Dlabich
Thomas Sindall
11920 Glen Arm Road
Glen Arm, MD 21057

Dear Mr. Dlabich and Mr. Thomas Sindall:

RE: Case Number: 06-650-A, 11920 Glen Arm Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 11, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Kenneth Wells 7403 New Cut Road Kingsville 21087

Am 8/14
10:00

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 12, 2006

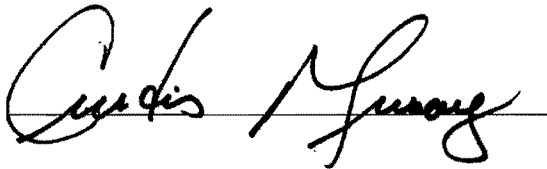
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-650- Variance**

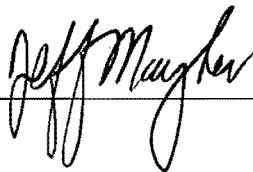
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

JUL 14 2006

ZONING COMMISSIONER



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

June 29, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

650

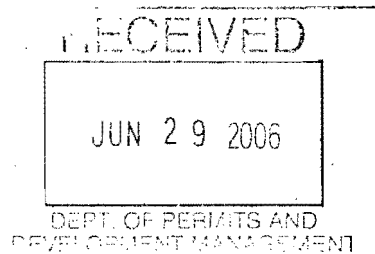
Item Number(s): 644 through 656

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 28, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 3, 2006
Item Nos. 647, 648, 649, 650, 651, 652,
653, 654, 655, and 656

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-06282006.doc

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



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

Maryland Department of Transportation

Date: 6.27.06

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

RE: Baltimore County
Item No. 650 LTM

Dear Ms. Matthews:

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

Should you have any questions regarding this matter, please contact Larry 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

RE: PETITION FOR VARIANCE * BEFORE THE
11920 Glen Arm Road; NW S Glen Arm Road, *
NW, Thence SW c/line Somerset Avenue * ZONING COMMISSIONER
11th Election & 3rd Councilmanic Districts *
Legal Owner(s): Christopher Diabich * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-650-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 27th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087, Representative for Petitioner(s).

RECEIVED

JUN 27 2006

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 06-650-A
DATE 8/14/06

[illegible]

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

LONG GREEN VALLEY ASSOCIATION
P.O. Box 91
Baldwin, Maryland 21013

August 14, 2006

On July 25, 2006 the Board of the Long Green Valley Association voted to oppose zoning issue 6-650-A regarding five separate variances and two exceptions at 11920 Glen Arm Road (C. Diabich; T. Sindall).

The Board noted that the property was purchased with current RC ~~2~~5 zoning in effect and is presently in compliance with current zoning regulations. The request for so many variances and exceptions was unanimously opposed by the association.

Because the current zoning was known to the purchasers when they bought the property, they have created their own hardship in requesting so many changes in the current zoning laws.

Zoning law has a purpose. It defines what can be done in a particular area. This request for so many variances and exceptions makes a mockery of that zoning law. If granted they will change current zoning significantly. For example, they will allow for a greater density that is intended by the current zoning regulations.

Hearing Date: August 14, 2006; 10:00am at the County Courts Building; Rm. 407 before the zoning commissioner.

Pro #1

Paper presented at the "International Workshop on Biological Effects of Ionizing Radiation, Electromagnetic Fields and Chemical Toxic Agents" in Sinaia, Romania, October 2-6, 2001.

Genetic Effects of Nonionizing Electromagnetic Fields

Henry Lai
Bioelectromagnetics Research Laboratory
Department of Bioengineering
University of Washington
Seattle, WA
USA

Nonionizing electromagnetic fields (EMF) have photon energy less than 10eV, a level not sufficient to produce ions by ejection of orbital electrons from atoms. The biological effects of two types of nonionizing electromagnetic fields are being studied intensely: extremely-low-frequency (ELF) electromagnetic field and radiofrequency radiation. Extremely-low-frequency EMF covers the frequency range of 3 Hz to 3 KHz. The most intensely studied frequency is the power frequency of 50/60 Hz. Electric appliances and power lines emit 50/60 Hz EMF. Radiofrequency radiation (RFR) covers a frequency range between 10 KHz to 300 GHz. Different frequencies of RFR are used in different applications. For example, the frequency range of 5.4 to 16 KHz is used in AM radio transmission, while 76 to 108 MHz is used for FM radio. Mobile phone technology uses frequencies between 800 MHz and 3 GHz. And RFR of 2450 MHz is used in microwave cooking.

Genetic effects of ELF-EMF and RFR have been reported in various studies [e.g., Garaj-Vrhovac et al., 1991; Maes et al., 1993; Sarkar et al., 1994; Simko et al., 1998; Zotti-Martelli et al., 2000]. However, since the energy of nonionizing EMF is not sufficient to break chemical bonds directly, the effects have to be caused by indirect mechanisms. In this brief paper, I have described the research we carried out in our laboratory on genetic effects of nonionizing EMF. We studied mainly effects of ELF-EMF and RFR on DNA strand breaks in brain cells of rats exposed in vivo. Details of the exposure systems used in our studies have been described by Guy et al. [1979] and Lai et al. [1993]. In bioelectromagnetics research, it is very important that the exposure system be well characterized particularly with regard to energy absorption and field uniformity.

The microgel electrophoresis assay (comet assay) [cf. Singh, 1996] was used to measure single and double strand DNA breaks in brain cells of the rat. The assay can be used to evaluate DNA strand breaks in a single cell and can detect one break per 2×10^{10} daltons of DNA, which is more sensitive than other available methods of strand break detection. The assay involves making microgel with isolated cells dispersed in low-melting temperature agarose on a microscopic slide. Cells are then lysed with high salt and detergent, and then treated with enzymes to remove RNA and proteins, so that only

Page #2



Dr. Joseph Mercola
Author of the
Total Health Program

Enter your e-mail
address below to
subscribe to my free
newsletter:

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What This Means

Traffic Ranking
mercola.com

3,862

CERTIFIED BY **Alexa**
Aug 13, 2006 [More Info](#)

Health Rankings

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Site](#)

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Are EMFs Hazardous to Our Health?

Can electromagnetic fields (EMF) from power lines, home wiring, airport and military radar, substations, transformers, computers and appliances cause brain tumors, leukemia, birth defects, miscarriages, chronic fatigue, headaches, cataracts, heart problems, stress, nausea, chest pain, forgetfulness, cancer and other health problems?

Numerous studies have produced contradictory results, yet some experts are convinced that the threat is real.

Dr. David Carpenter, Dean at the School of Public Health, State University of New York believes it is likely that up to 30% of all childhood cancers come from exposure to EMFs. The Environmental Protection Agency (EPA) warns "There is reason for concern" and advises prudent avoidance".

Martin Halper, the EPA's Director of Analysis and Support says "I have never seen a set of epidemiological studies that remotely approached the weight of evidence that we're seeing with EMFs. Clearly there is something here."

Concern over EMFs exploded after Paul Brodeur wrote a series of articles in the New Yorker Magazine in June 1989. Because of Paul Brodeur's reputation, his articles had a catalytic effect on scientists, reporters and concerned people throughout the world.

In November 1989, the Department of Energy reported that "It has now become generally accepted that there are, indeed, biological effects due to field exposure."

The EMF issue gained more publicity in 1990 when alarming reports appeared in Time, the Wall Street Journal, Business Week and popular computer publications. ABC's Ted Koppel and CBS's Dan Rather both aired special segments on EMFs.

In addition to the long-term health concerns, buying a house with high fields will be an economic disaster. In a few years, when power line radiation is as well known as asbestos and radon, a house with high fields will be practically impossible to sell. Already there are hundreds of lawsuits regarding EMFs and property devaluation.

EPA Says the Threat Is Real

By 1990, over one hundred studies had been conducted worldwide. Of these, at least two dozen epidemiological studies on humans indicated a link between EMFs and serious health problems. In response to public pressure, the Environmental Protection Agency (EPA) began reviewing and evaluating the available literature.

Charter Approved by COMAR: December 15, 1997
Approved by IEEE EMBS AdCom March 27, 1998

COMMITTEE CHARTER

IEEE-Engineering in Medicine and Biology Society

Committee on Man and Radiation

1.0 General

The Committee on Man and Radiation (COMAR) is a Technical Committee of the Engineering in Medicine and Biology Society (EMBS) of the Institute of Electrical and Electronics Engineers (IEEE). It reports to the EMBS Vice President for Publications and Technical Activities, through the Technical Activities Committee.

2.0 Objectives and Scope

COMAR has as its primary area of interest the biological effects of non-ionizing electromagnetic energy, examining and interpreting the biological effects, and presenting its findings in an authoritative and professional manner.

While COMAR may address all aspects of the biological effects of non-ionizing electromagnetic energy, the principal focus will be on the electromagnetic spectrum from DC to submillimeter wavelengths. The Committee will also include within its purview sonic and ionizing radiations when either, or both of these forms of energy are potential accompaniments of non-ionizing electromagnetic energy.

COMAR is not charged to establish safety standards per se, although it will have an inherent interest in the standards activities within its scope.

3.0 Functions

COMAR will conduct its activities in accordance with IEEE Policies and Procedures - Section 15 - IEEE Position Papers, Technical Information Statements and Testimony before Government Bodies in the development of documents premised on the work of the Committee.

4/29

IN RE: PETITION FOR SPECIAL HEARING
NW/S of Glen Arm Road, 2,852 ft. SW
centerline of Sumerset Avenue
11th Election District
3rd Councilmanic District
(11920 Glen Arm Road)

Christopher Dlabich & Thomas Sindall
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO. 05-463-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, Christopher Dlabich and Thomas Sindall. The Petitioners are requesting special hearing relief for property owned at 11920 Glen Arm Road in the Glen Arm 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 grant a waiver to the Development Regulations to allow two panhandle strips 10 ft. in width in lieu of the required 12 ft. and to allow access of the two panhandle strips to a public road through an existing right-of-way instead of an in-fee simple strip.

The property was posted with Notice of Hearing on April 6, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on April 12, 2005, 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 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.

BALTIMORE COUNTY, MARYLAND
Office of People's Counsel
FAX COVER SHEET

TO: Charlotte Pine

DATE: July 7, 2006

FAX: 410-823-5201

TELEPHONE: 410-823-5200

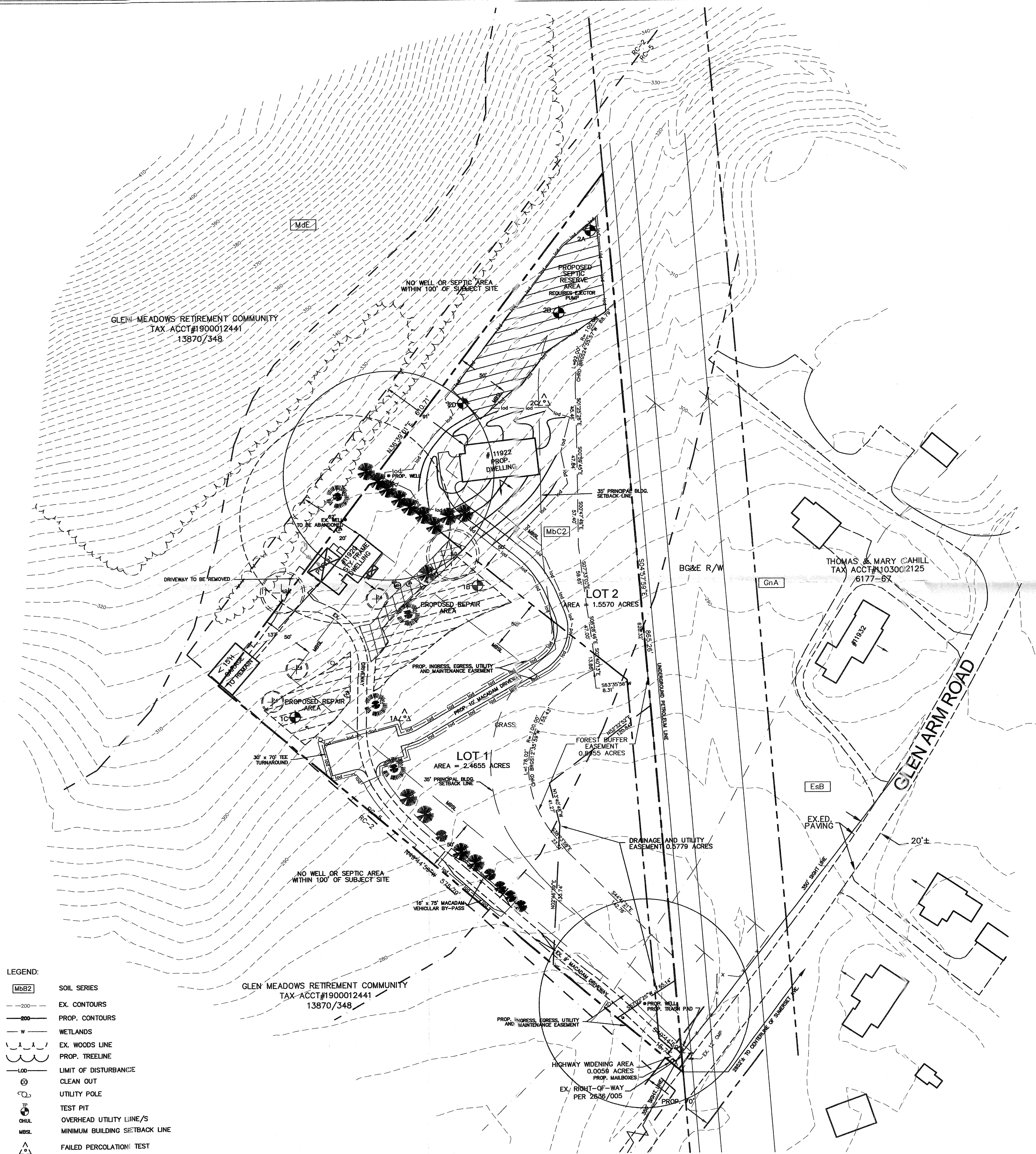
FROM: Peter Max Zimmerman Esquire
Office of People's Counsel
for Baltimore County

FAX: 410-823-4236

TELEPHONE: 410-887-2188

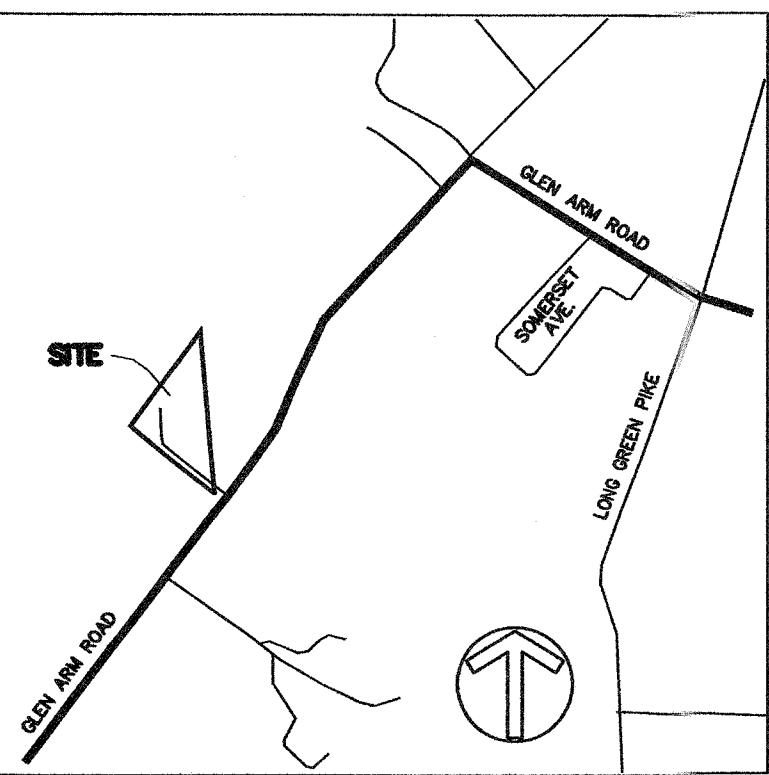
RE: Christopher Dlabich & Thomas Sindall
Case No.: 06-650-A

MESSAGE: Enclosed for your information is
a Petition for Variance for property
located at 11920 Glen Arm Rd.



SITE DATA:

- 1) OWNER: CHRISTOPHER J. DUBICH AND THOMAS H. SINDALL
- 2) OWNER'S ADDRESS: 11920 GLEN ARM ROAD
443-324-9529
- 3) DEED REFERENCE: 18547/200
- 4) TAX ACCOUNT NUMBER: 1110075575
- 5) TAX MAP: 53 GRID 23 PARCEL 16
- 6) ZONING: RC-5
- 7) ZONING MAP: 053C3
- 8) CENSUS TRACT: 4112.02
- 9) COUNCILMANIC DISTRICT: 3rd
- 10) ELECTION DISTRICT: 11th
- 11) WATERSHED: LOWER GUNPOWDER
- 12) SUBWERSHED: NONE
- 13) SCHOOL DISTRICT: PINE GROVE ES
- 14) REGIONAL PLANNING DISTRICT: 310
- 15) AREA OF TRACT: 4.0284 ACRES
- 16) AREA OF HIGHWAY WIDENING: 0.0059 ACRES
- 17) NET AREA: 4.0225 ACRES
- 18) DENSITY CALCULATIONS:
LOTS ALLOWED: $4.0284 \times .667 = 2$
LOTS PROPOSED: 2
- 19) EXISTING AND PROPOSED USE:
SINGLE FAMILY DWELLINGS
- 20) AREA OF DISTURBANCE: 40,250 SF
- 21) PRIOR ZONING HEARINGS: 05-463-SPH
- 22) LIMIT OF DISTURBANCE: 32,925 SF



VICINITY MAP
SCALE: 1"=1000'

REQUESTS:

- 1) TO ALLOW THE REAR OF AN EXISTING PRINCIPAL STRUCTURE ON PROPOSED LOT 1 THAT IS CONTIGUOUS TO AN RC 2 ZONE TO BE 62 FEET FROM THE ZONING LINE AND THE LEFT SIDE TO BE 137 FEET FROM THE ZONING LINE IN LIEU OF THE REQUIRED 150 FEET AS STATED IN SECTION 1404.3.2(C) OF THE BCZR, BUT BE NO LESS THEN 20 FEET FROM THE REAR PROPERTY LINE.
- 2) TO ALLOW AN EXISTING PRINCIPAL STRUCTURE ON PROPOSED LOT 1 TO BE LOCATED 20 FEET FROM THE REAR PROPERTY LINE IN LIEU OF THE REQUIRED 50 FEET AS STATED IN SECTION 1404.3.2(C) OF THE BCZR.
- 3) TO ALLOW AN EXISTING ACCESSORY STRUCTURE (GARAGE) ON PROPOSED LOT 1 TO BE 0 FEET FROM THE SIDE AND REAR PROPERTY LINES IN LIEU OF THE REQUIRED 2.5 FEET AS STATED IN SECTION 400.1 OF THE BCZR.
- 4) TO ALLOW AN EXISTING OPEN COVERED PORCH IN THE REAR OF THE PRINCIPAL STRUCTURE ON PROPOSED LOT 1 TO EXTEND INTO THE REAR YARD BY 945 IN LIEU OF THE REQUIRED MAXIMUM OF 25% AS STATED IN SECTION 301.1.A OF THE BCZR.
- 5) TO ALLOW THE REAR OF A PROPOSED PRINCIPAL STRUCTURE ON PROPOSED LOT 2 THAT IS CONTIGUOUS TO AN RC 2 ZONE TO BE 91 FEET FROM THE ZONING LINE IN LIEU OF THE REQUIRED 150 FEET AS STATED IN SECTION 1404.3.2(C) OF THE BCZR, BUT NO LESS THEN 50 FEET FROM THE REAR PROPERTY LINE.

ZONING COMMISSIONER'S ORDER:

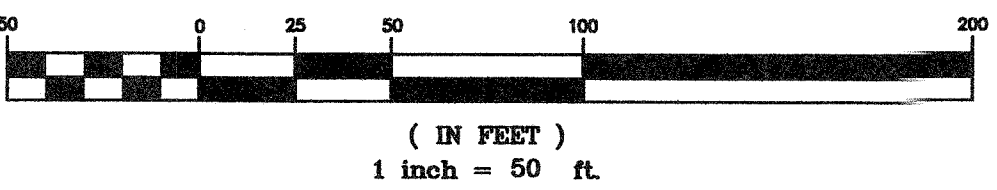
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23 day of April, 2005, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to grant a waiver to the Development Regulations to allow two panhandle strips 10 ft. in width in lieu of the required 12 ft. and to allow access of the two panhandle strips to a public road through an existing right-of-way instead of an in-line simple strip, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for any necessary permits and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded;
2. Compliance with the ZAC comments submitted by the Fire Department dated March 29, 2005, a copy of which is attached hereto and made a part hereof and which states:
"In lieu of having a minimum width of 16 ft. over the entire length, the proposed panhandle driveway shall be widened to a clear width of 16 ft. for a distance of 75 ft. at midpoint to allow the passing of fire department apparatus. The driveway must have a hard surface capable of supporting emergency apparatus weighing 65,000 lbs. on two axles. In addition, the minimum inside radius of the turnaround shall be 35 ft. in allowing the movement of a vehicle with overall length of 49 ft."
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

GRAPHIC SCALE



- LEGEND:
- MB82 SOIL SERIES
 - EX. CONTOURS
 - PROP. CONTOURS
 - WETLANDS
 - EX. WOODS LINE
 - PROP. TREELINE
 - LIMIT OF DISTURBANCE
 - CLEAN OUT
 - UTILITY POLE
 - TEST PIT
 - OVERHEAD UTILITY LINE/S
 - MINIMUM BUILDING SETBACK LINE
 - FAILED PERCOLATION TEST

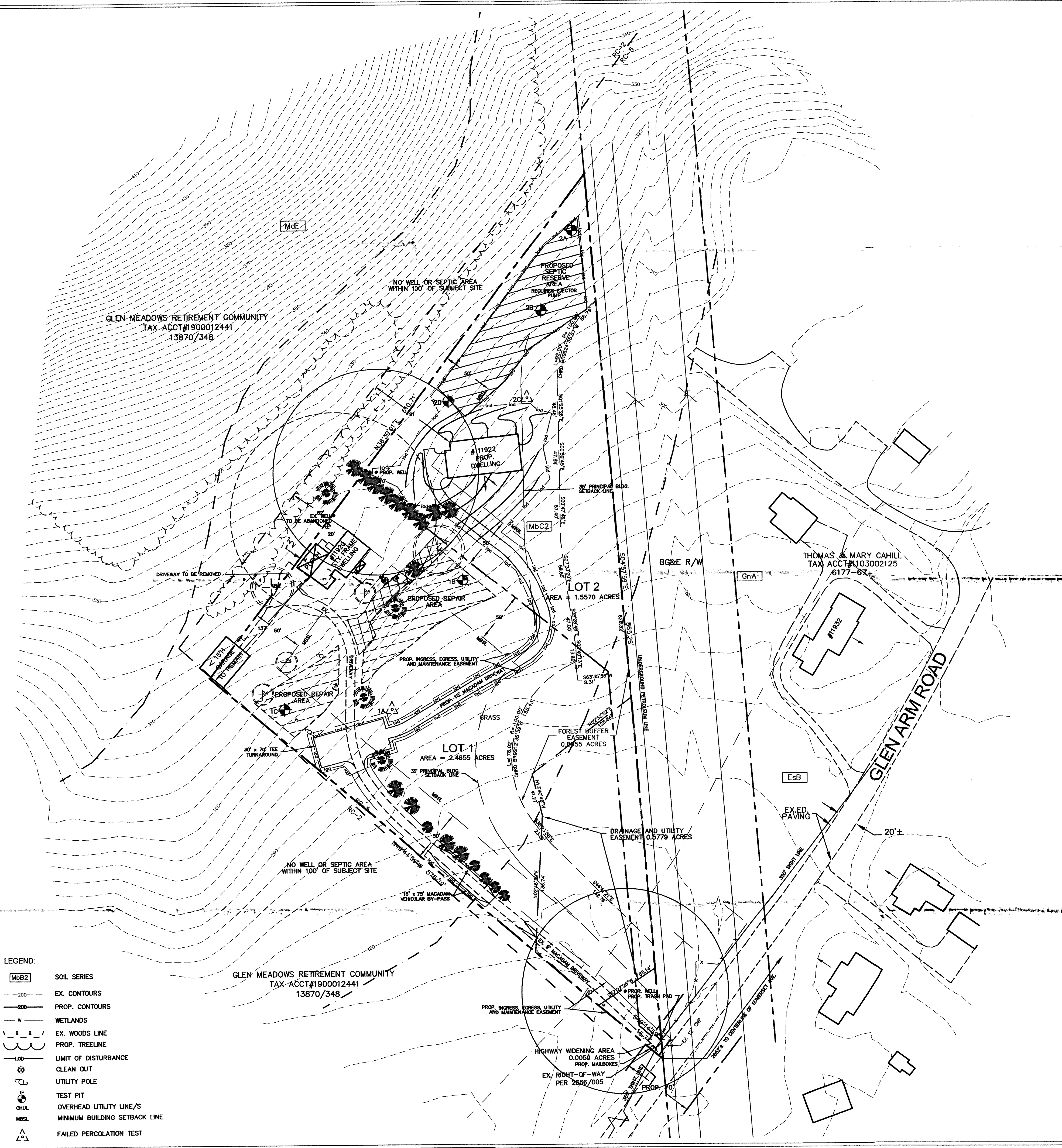
kjwellsinc
7403 NEW CUT ROAD
KINGSTOWN, MARYLAND 21087
(410) 592-6800

Land Surveying & Site Planning

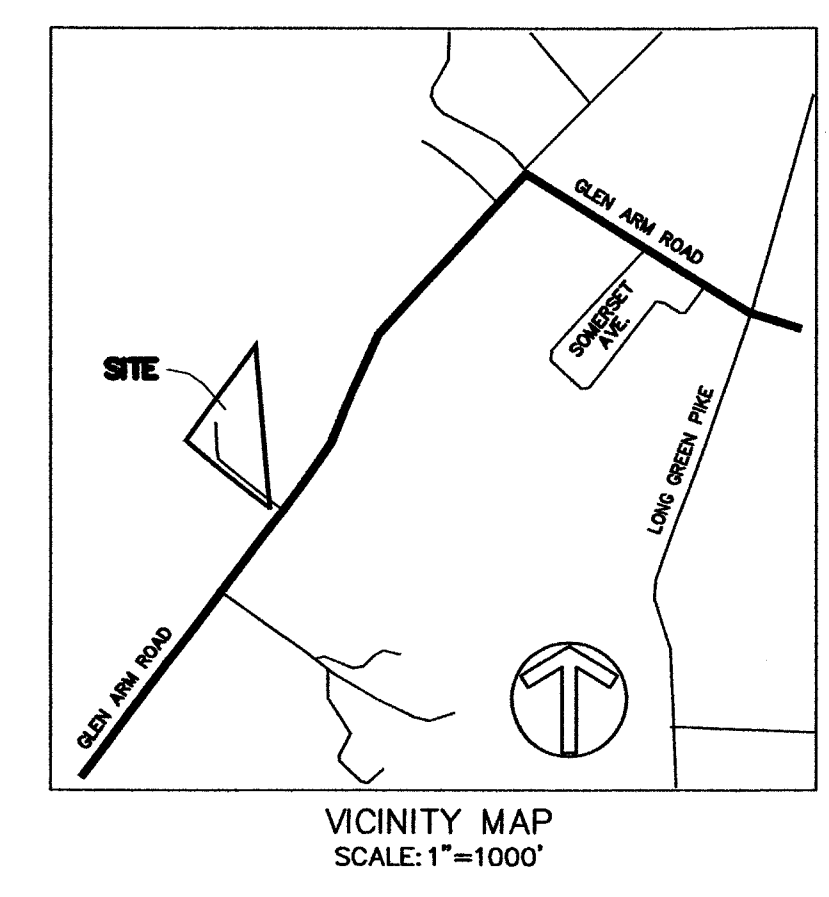
PLAN TO ACCOMPANY A PETITION FOR A
VARIANCE HEARING

11920 GLEN ARM ROAD
BALTIMORE COUNTY MARYLAND
11th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT

DRAWN BY: EPM
CHECKED BY: KJW
DATE: 2/19/2005
PROJECT NO.:
2004-023
SHEET 1 OF 1



- SITE DATA:
- 1) OWNER: CHRISTOPHER J. DLABICH AND THOMAS H. SINDALL
 - 2) OWNER'S ADDRESS: 11920 GLEN ARM ROAD
GLEN ARM, MARYLAND 21057
443-324-9529
 - 3) DEED REFERENCE: 18547/260
 - 4) TAX ACCOUNT NUMBER: 1116075575
 - 5) TAX MAP: 53 GRID 23 PARCEL 16
 - 6) ZONING: RC-5
 - 7) ZONING MAP: 05303
 - 8) CENSUS TRACT: 4112.02
 - 9) COUNCILMANIC DISTRICT: 3rd
 - 10) ELECTION DISTRICT: 11th
 - 11) WATERSHED: LOWER GUNPOWDER
 - 12) SUBWATERSHED: NONE
 - 13) SCHOOL DISTRICT: PINE GROVE ES
 - 14) REGIONAL PLANNING DISTRICT: 310
 - 15) AREA OF TRACT: 4.0284 ACRES
 - 16) AREA OF HIGHWAY WIDENING: 0.0059 ACRES
 - 17) NET AREA: 4.0225 ACRES
 - 18) DENSITY CALCULATIONS:
LOTS ALLOWED: 4.0284 x .667 = 2
 - 19) EXISTING AND PROPOSED USE:
SINGLE FAMILY DWELLINGS
 - 20) AREA OF DISTURBANCE: 40,250 SF±
 - 21) PRIOR ZONING HEARINGS: 05-463-SPH
 - 22) LIMIT OF DISTURBANCE: 32,925 SF



- REQUESTS:
- 1) TO ALLOW THE REAR OF AN EXISTING PRINCIPAL STRUCTURE ON PROPOSED LOT 1 THAT IS CONTIGUOUS TO AN RC-5 ZONE TO BE 60 FEET FROM THE ZONING LINE AND THE LEFT SIDE TO BE 157 FEET FROM THE ZONING LINE IN LIEU OF THE REQUIRED 150 FEET AS STATED IN SECTION 1404.3.2(C) OF THE BCZR, BUT BE NO LESS THAN 50 FEET FROM THE REAR PROPERTY LINE
 - 2) TO ALLOW AN EXISTING PRINCIPAL STRUCTURE ON PROPOSED LOT 1 TO BE LOCATED 30 FEET FROM THE REAR PROPERTY LINE IN LIEU OF THE REQUIRED 50 FEET AS STATED IN SECTION 400.1 OF THE BCZR.
 - 3) TO ALLOW AN EXISTING ACCESSORY STRUCTURE (GARAGE) ON PROPOSED LOT 1 TO BE 0 FEET FROM THE SIDE AND REAR PROPERTY LINES IN LIEU OF THE REQUIRED 2.5 FEET AS STATED IN SECTION 400.1 OF THE BCZR.
 - 4) TO ALLOW AN EXISTING OPEN COVERED PORCH IN THE REAR OF THE PRINCIPAL STRUCTURE ON PROPOSED LOT 1 TO EXTEND INTO THE REAR YARD BY 548 IN LIEU OF THE REQUIRED MAXIMUM OF 228 AS STATED IN SECTION 301.1.A OF THE BCZR.
 - 5) TO ALLOW THE REAR OF A PROPOSED PRINCIPAL STRUCTURE ON PROPOSED LOT 2 THAT IS CONTIGUOUS TO AN RC-5 ZONE TO BE 61 FEET FROM THE ZONING LINE IN LIEU OF THE REQUIRED 150 FEET AS STATED IN SECTION 1404.3.2(C) OF THE BCZR, BUT NO LESS THAN 50 FEET FROM THE REAR PROPERTY LINE.

ZONING COMMISSIONER'S ORDER:

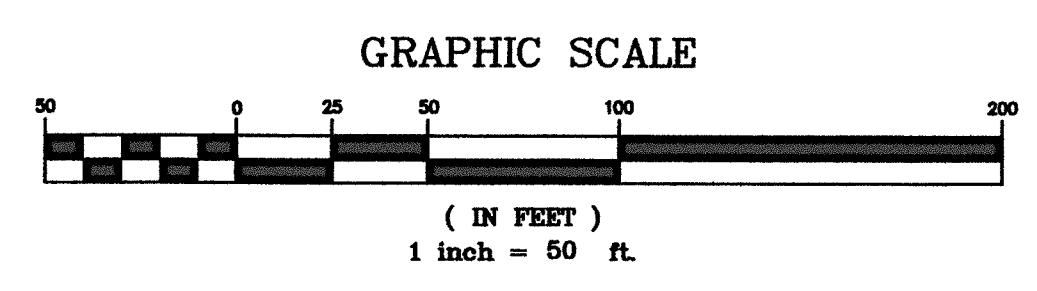
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 29 day of April, 2005, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (H.C.Z.R.), to grant a waiver to the Development Regulations to allow two panhandle strips 10 ft. in width in lieu of the required 12 ft. and to allow access of the two panhandle strips to a public road through an existing right-of-way instead of an in-fee simple strip, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

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2. Compliance with the ZAC comments submitted by the Fire Department dated March 29, 2005, a copy of which is attached hereto and made a part hereof and which states:
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3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

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DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

- LEGEND:
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 - EX. CONTOURS
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 - FAILED PERCOLATION TEST



kjWellsInc
403 NEW CUT ROAD
KINGS CROSS, MARYLAND 21087
(410) 592-6800

Land Surveying & Site Planning

STATE OF MARYLAND
BALTIMORE COUNTY
ZONING COMMISSIONER
SEAL

NAD 83/91

REVISIONS:
NO. DATE

PLAN TO ACCOMPANY A PETITION FOR A
VARIANCE HEARING
11920 GLEN ARM ROAD
BALTIMORE COUNTY, MARYLAND
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