

IN RE: PETITION FOR VARIANCE
S side Upperlanding Road, 378 feet
W of Riverside Road
15th Election District
7th Councilmanic District
(315 Upperlanding Road, Lot 35)

David N. Orr
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-168-A

* * * * *

IN RE: PETITION FOR VARIANCE
S side Upperlanding Road, 328 feet
E of Riverside Road
15th Election District
7th Councilmanic District
(315 Upperlanding Road, Lot 36)

David N. Orr
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 07-169-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as Petitions for Variances filed by the legal owners of the subject property, Gerald H. and Barbara C. Kestner. The Petitioners are requesting the following variance relief:

Case No. 07-168-A: This property is located at 315 Upperlanding Road, Lot 35. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum 55 feet..

Case No. 07-169-A: This property is located at 315 Upperlanding Road, Lot 36. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum 55 feet.

The properties were posted with Notice of Hearing on December 2, 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 published in

12-27-06
9012-07

"The Jeffersonian" newspaper on November 30, 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: ZAC comments were received from the Office of Planning dated October 30, 2006 which contains restrictions, and a copy of which is incorporated herein and made a part hereof the file.

Interested Persons

Appearing at the hearing on behalf of the variance request were David N. Orr, Petitioner and Ernest Rogers, builder. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The subject properties are adjacent lots (lot 35 and lot 36) in the Back River Highlands subdivision as shown in Petitioner's exhibit 2 which the Mr. Roger indicated was recorded prior to 1919. Mr. Orr indicated that his parents bought the two 50 foot wide lots for \$500 and erected

a house on lot 35 that year. He noted that his father always wanted to build another house on lot 36 as did he but that neither could afford this expense until now.

Mr. Orr described the condition of the existing house as poor and noted that the foundation in particular is deteriorating as the cement is turning to sand. The present house does not cross the boundary between lots but comes within 3 feet of this line. Lot 36 has never been improved. The only use the Petitioner has made of it is to cut the grass. He admitted that both lots have the same real estate tax account number and were transferred in a single deed. He testified that since lot 36 had no address, the same tax account number was assigned by the Department to both.

The Petitioner would like to raze the existing home and erect a house centered on lot 35 unlike the existing house which is somewhat offset. He also would like to erect a 28 x 50 house on lot 36 again centered on the lot. Both new homes would meet all setback requirements in this DR 5.5 zone and would meet the area requirement as well. The only variance required is to allow a lot width of 50 feet in lieu of the required 55 feet.

Regarding pattern of development of the neighborhood, Mr. Orr opined that the majority of homes on Upper Landing Road have one house on each 50 foot wide lot. He indicated that there is one house on the following 50 foot wide lots: 305, 317 and 319. 309 is a 100 foot wide lot, and 321 is on a 75 foot lot.

Findings of Fact and Conclusions of Law

In know of no action taken by either Mr. Orr or his parents to indicate that they wanted to merge lots 35 and 36. While there is a common tax assessment account for both it appears from the testimony this was a decision of SDAT and not the owners of the properties. There have been no improvements built on lot 36. While the house on lot 35 encroaches into the setback now specified for homes in DR 5.5 zones, this house was constructed prior to imposition of zoning in the County and therefore could not have required a variance. Consequently there is no

FILED
907-2706
JAN 12 1991
CLERK OF SUPERIOR COURT
COUNTY OF ALBERTA

inference that the lots have merged. It is simply a non conforming use. I find that these lots have not merged from a zoning standpoint.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. DR 5.5 zoning imposed on these lots after they were created disproportionably impacts the subject properties as compared to others in the zoning district.

Both lots are large enough to comply with the area regulations of this DR 5.5 zone. As such density is not an issue.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The exiting lots were created 50 feet wide.

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. These are not waterfront properties. The pattern of development of this neighborhood is compatible with two more homes on 50 foot lots.

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 27th day of December, 2006, by this Deputy Zoning Commissioner, that variance relief for properties set forth as follows:

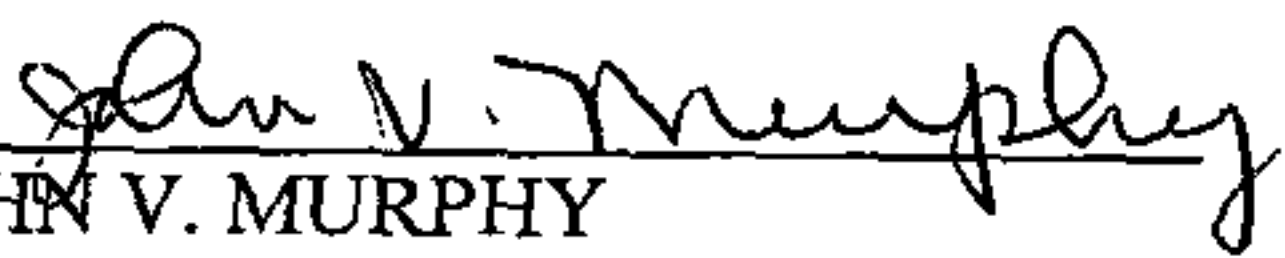
Case No. 07-168-A: This property is located at 315 Upperlanding Road, Lot 35. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the minimum 55 feet is hereby GRANTED; and

Case No. 07-169-A: This property is located at 315 Upperlanding Road, Lot 36. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to

permit a lot width of 50 feet in lieu of the minimum 55 feet is hereby GRANTED; both subject however to the following conditions precedent to the relief granted herein:

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.
2. Submit building elevations to the Office of Planning for review and approval prior to the issuance of 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.
3. Provide landscaping along the public road, if consistent with the existing streetscape.

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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 315 UPPERLANDING ROAD
LOT 36 which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 B02.3.C.1 TO PERMIT A LOT WIDTH
OF 50 FT. IN LIEU OF THE MINIMUM 55 FT

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

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

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

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

Contract Purchaser/Lessee:

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):

DAVID N. ORR

Name - Type or Print

Signature

Name - Type or Print

Signature

315 UPPERLANDING ROAD 410

Address Telephone No.

BALTIMORE MARYLAND 21221

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

Case No. 07-169-A

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Reviewed By SL Date 12/10/06

REV 9/15/98

M. Decard

Hear Consecutive @ 168

ZONING DESCRIPTION FOR: 315 Upperlanding Road, Essex, Maryland 21221

Beginning at a point on the south side of Upperlanding Road which is 36' wide at the distance

of 328' ^{EAST} ~~west~~ of the centerline of the nearest improved intersecting street Riverside Road

which is 20' wide. Being lot # 36 Block _____, Section # B in subdivision of

Back River Highlands as recorded in Baltimore County Plat Book # 4/64, Folio # _____.

containing 10'000 square feet, (0.229 acres). Also known as 315 Upperlanding Road and

located in the 15 Election District, 7 Councilmanic District.

169

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

169 No. 21731

DATE

10/12/06

ACCOUNT

1001 006 6150

AMOUNT

\$ 65.00

RECEIVED

FROM:

OKR

FOR:

RV LOT 36

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Upbeastland Rd

PAID RECEIPT

BUSINESS ACTUAL TIME

10/13/2006 10/12/2006 10:45:59

REQ. NO. 021731

DEPT. 5 SUB ZONING VERIFICATION

RECEIPT # 70532 10/12/2006

CR NO. 021731

Receipt For

\$65.00

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #07-169-A
315 Upperlanding Road
(Lot 36)

S/Side of Upperlanding
Road, 328 feet east of
Riverside Road

15th Election District

7th Councilmanic District

Legal Owner(s): David N. Orr

Variance: to permit a lot
width of 50 feet in lieu of
the minimum 55 feet.

Hearing: Monday, Decem-
ber 18, 2006 at 9:00 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 accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

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

11/30 Nov. 30 117420

CERTIFICATE OF PUBLICATION

11/30/2006

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 11/30/2006.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 07-169-A

Petitioner/Developer: DAVID N.

ORR

Date of Hearing/Closing: 12-18-06

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

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

Ladies and Gentlemen:

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

315 UPPERLANDING RD. (LOT 36)

The sign(s) were posted on 12-2-06
(Month, Day, Year)

Sincerely,

Robert Black 12-5-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

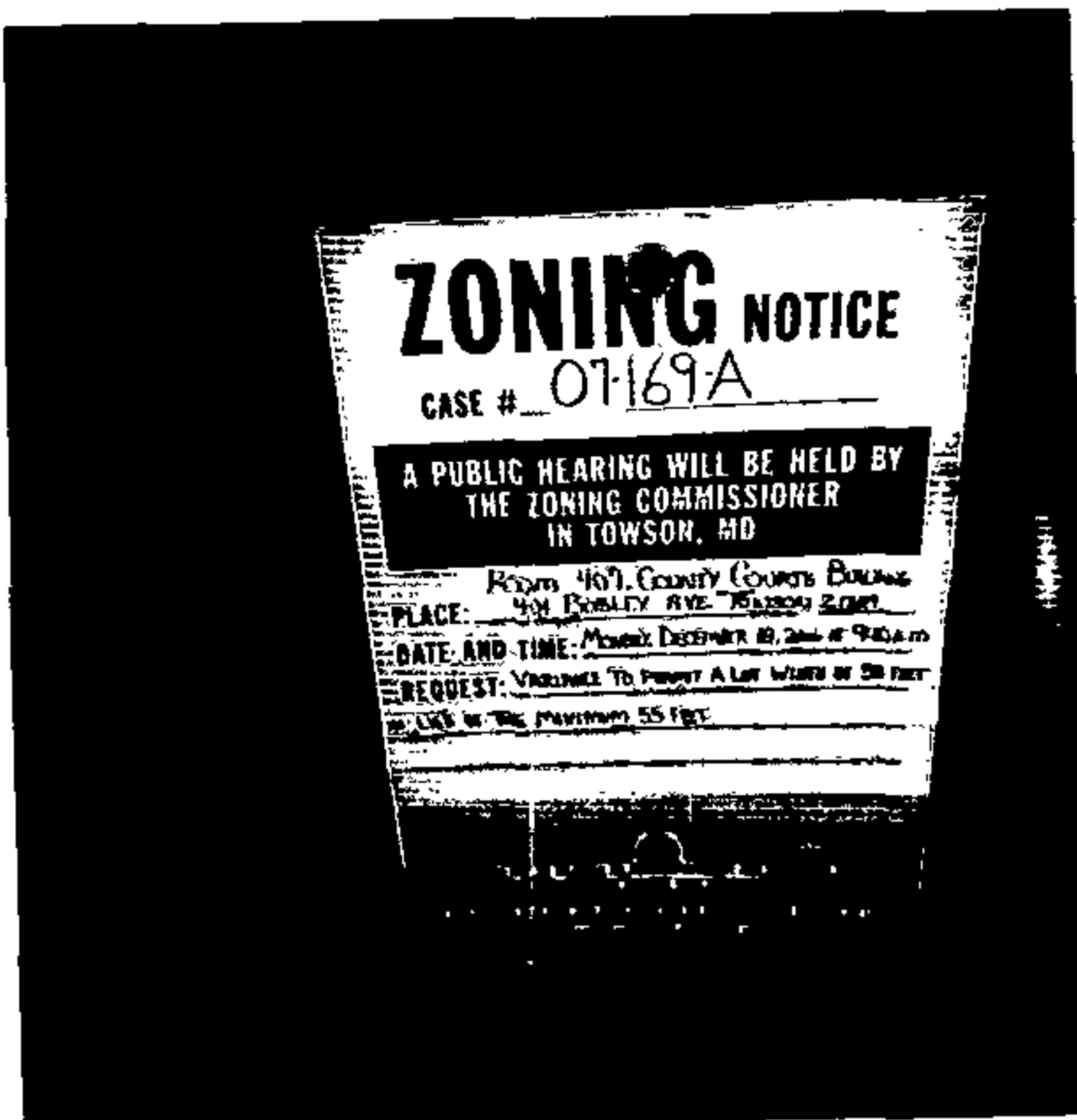
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RE: PETITION FOR VARIANCE * BEFORE THE
315 Upperlanding Road, Lot 36; S/S *
Upperlanding Road, 328' W Riverside Road * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): David N. Orr * FOR
Petitioner(s) * BALTIMORE COUNTY
* 07-169-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/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 17th day of October, 2006, a copy of the foregoing Entry of Appearance was mailed to, David Orr, 315 Upperlanding Road, Baltimore, MD 21221, Petitioner(s).

RECEIVED

OCT 17 2006

Per _____

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**Department of Permits and
Development Management**

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



Baltimore County

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

November 9, 2006

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-169-A

315 Upperlanding Road (Lot 36)
S/side of Upperlanding Road, 328 feet east of Riverside Road
15th Election District – 7th Councilmanic District
Legal Owner: David N. Orr

Variance to permit a lot width of 50 feet in lieu of the minimum 55 feet.

Hearing: Monday, December 18, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: David Orr, 315 Upperlanding Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 2, 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, November 30, 2006 Issue - Jeffersonian

Please forward billing to:

David Orr
315 Upperlanding Road
Baltimore, MD 21221

410-687-7081

NOTICE OF ZONING HEARING

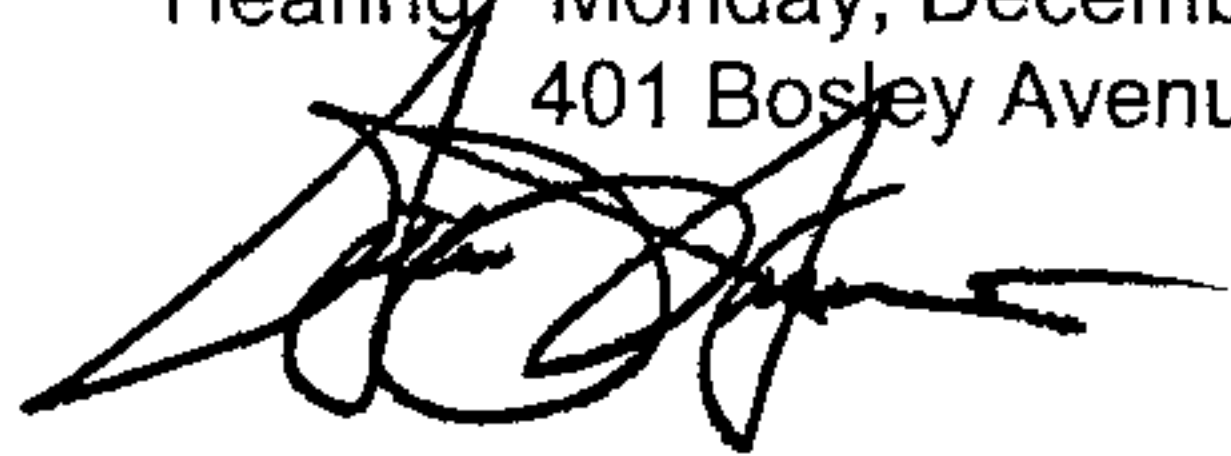
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CASE NUMBER: 07-169-A

315 Upperlanding Road (Lot 36)
S/side of Upperlanding Road, 328 feet east of Riverside Road
15th Election District – 7th Councilmanic District
Legal Owner: David N. Orr

Variance to permit a lot width of 50 feet in lieu of the minimum 55 feet.

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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.

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/neighborhood 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: 07 169 A
Petitioner: DAVID ORR
Address or Location: LOT # 36 UPPERLANDING Rd

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID ORR
Address: 315 UPPERLANDING Rd
BALTO., MD 21221
Telephone Number: 410 687-7081



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

December 14, 2006

David N. Orr
315 Upperlanding Road
Baltimore, MD 21221

Dear Mr. Orr:

RE: Case Number: 07-169-A, 315 Upperlanding Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 10, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Jan
12/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 30, 2006

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-168 and 7-169 Variance

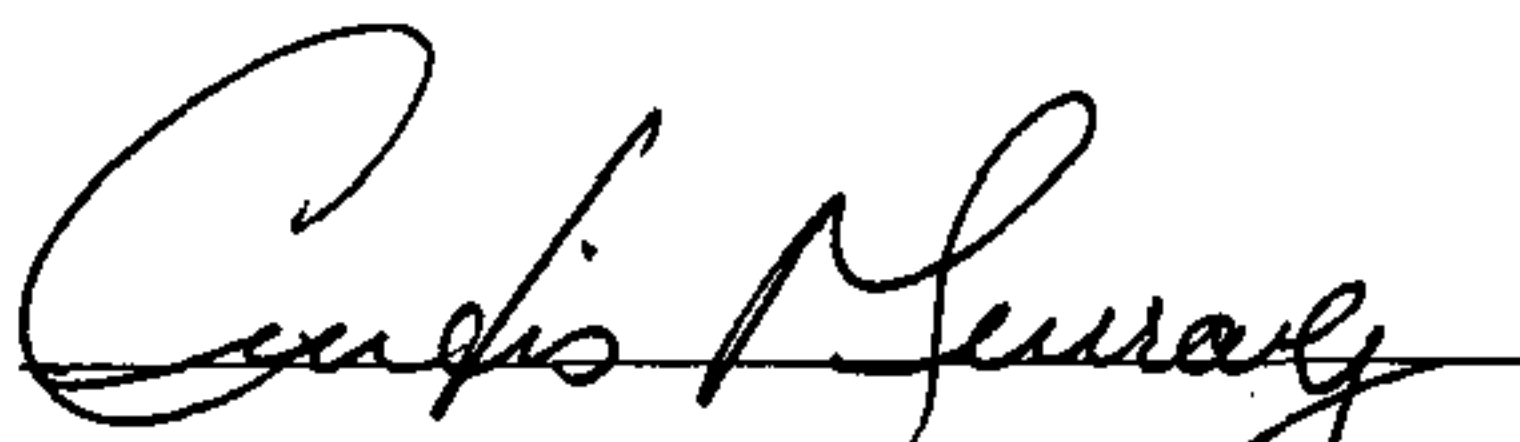
The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing 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:

1. 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.
2. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared By:



Division Chief:



CM/LL

2.7 12/18

Jm
12-18-06

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



11/21/2006

TO: Timothy M. Kotroco

FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*

DATE: November 21, 2006

SUBJECT: Zoning Item # 07-169-A
Address 315 Upperlanding Rd lot 35
Baltimore, MD 21221

Zoning Advisory Committee Meeting of October 16, 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 Intensely Developed Area (IDA) of the CBCA. Any development must comply with the 10% reduction rule as stated in the regulations.

Reviewer: Kevin Brittingham

Date: 11/14/06

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 18, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For October 23, 2006
Item Nos. 07-102, 157, 159, 160, 161, 162,
163, 164, 165, 166, 167, 168, and 169

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-10182006.doc



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

October 20, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 23, 2006

Item Number(s): 157 through 169

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

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: ~~October~~ 20, 2006

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

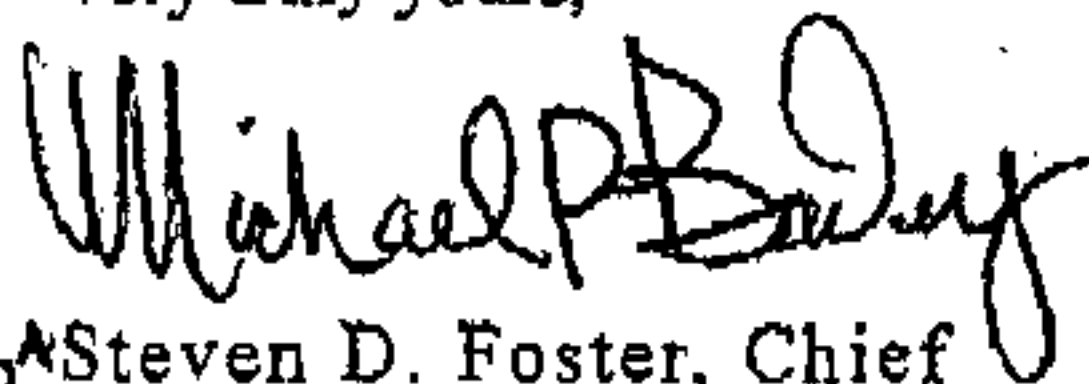
RE: Baltimore County
Item No. 7-169-A
318 UPPERLANDING RD LOT 36
DAVID N. ORR PROPERTY
VARIANCE - TO PERMIT 50' LOT
WIDTH IN LIEU OF MIN. 55'

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-169A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

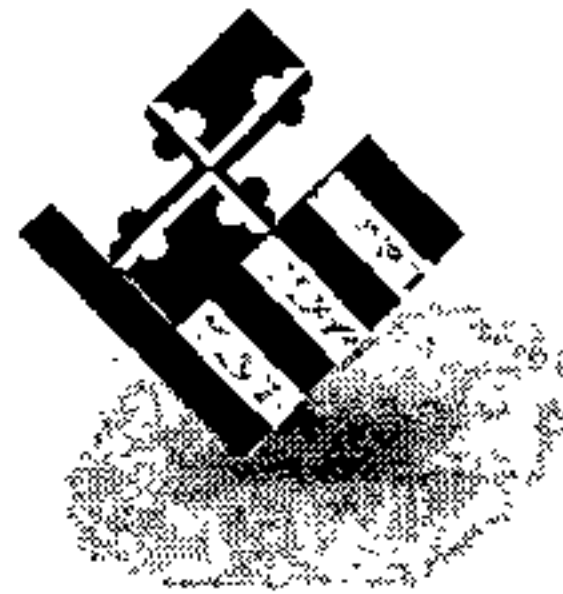

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

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

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 27, 2006

GERALD N. ORR
315 UPPERLANDING ROAD
BALTIMORE MD 21221

Re: Petition for Variance

Case No. 07-168-A located at 315 Upperlanding Road, Lot 35

Case No. 07-169-A located at 315 Upperlanding Road, Lot 36

Dear Mr. Orr:

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: Ernest Rogers, 417 Delaware Avenue, Baltimore MD 21221

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Jeff Livingston, DEPRM - Development Coordination *JWL*
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_____ 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 Intensely Developed Area (IDA) of the CBCA. Any development must comply with the 10% reduction rule as stated in the regulations.

Reviewer: Kevin Brittingham

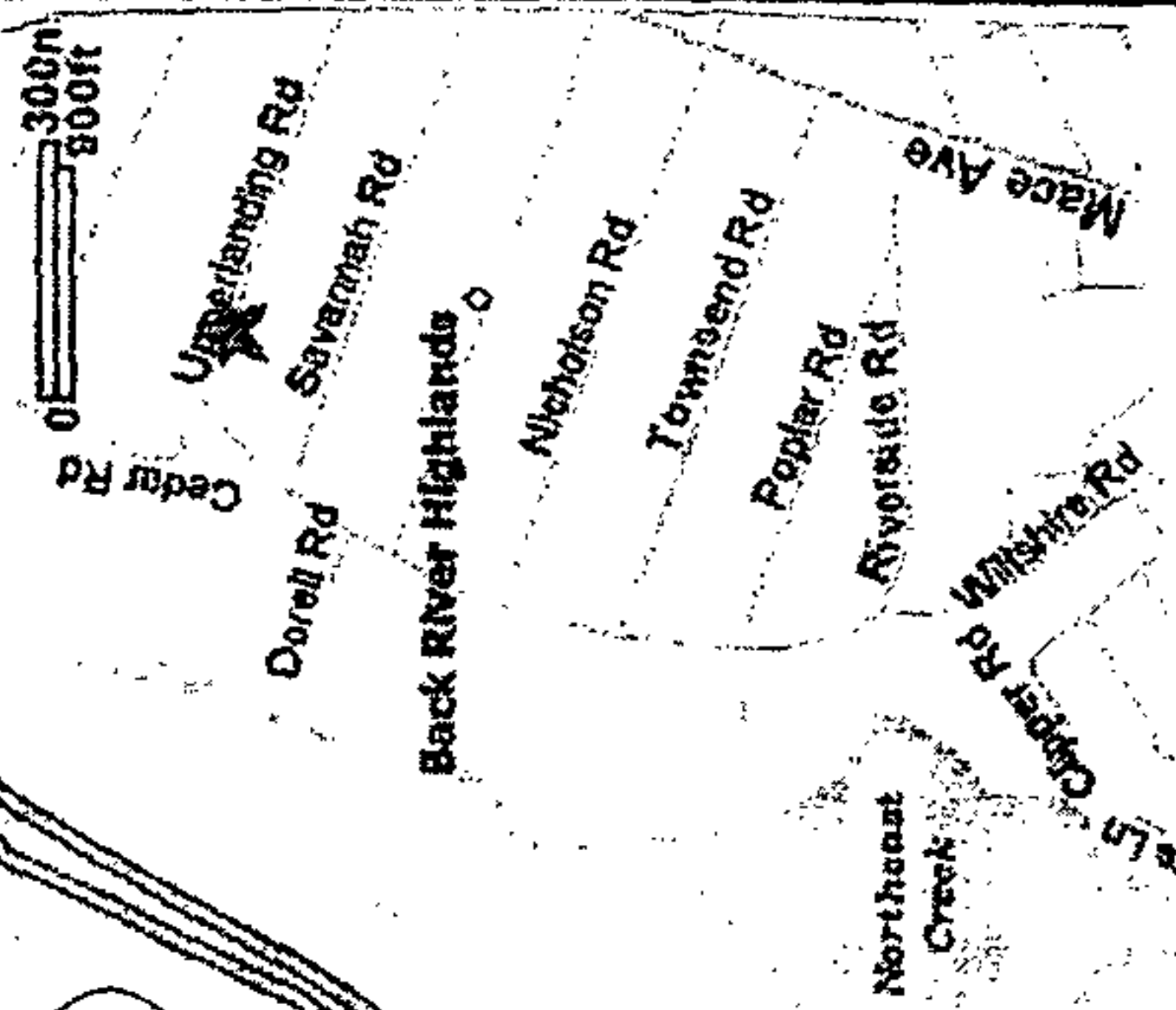
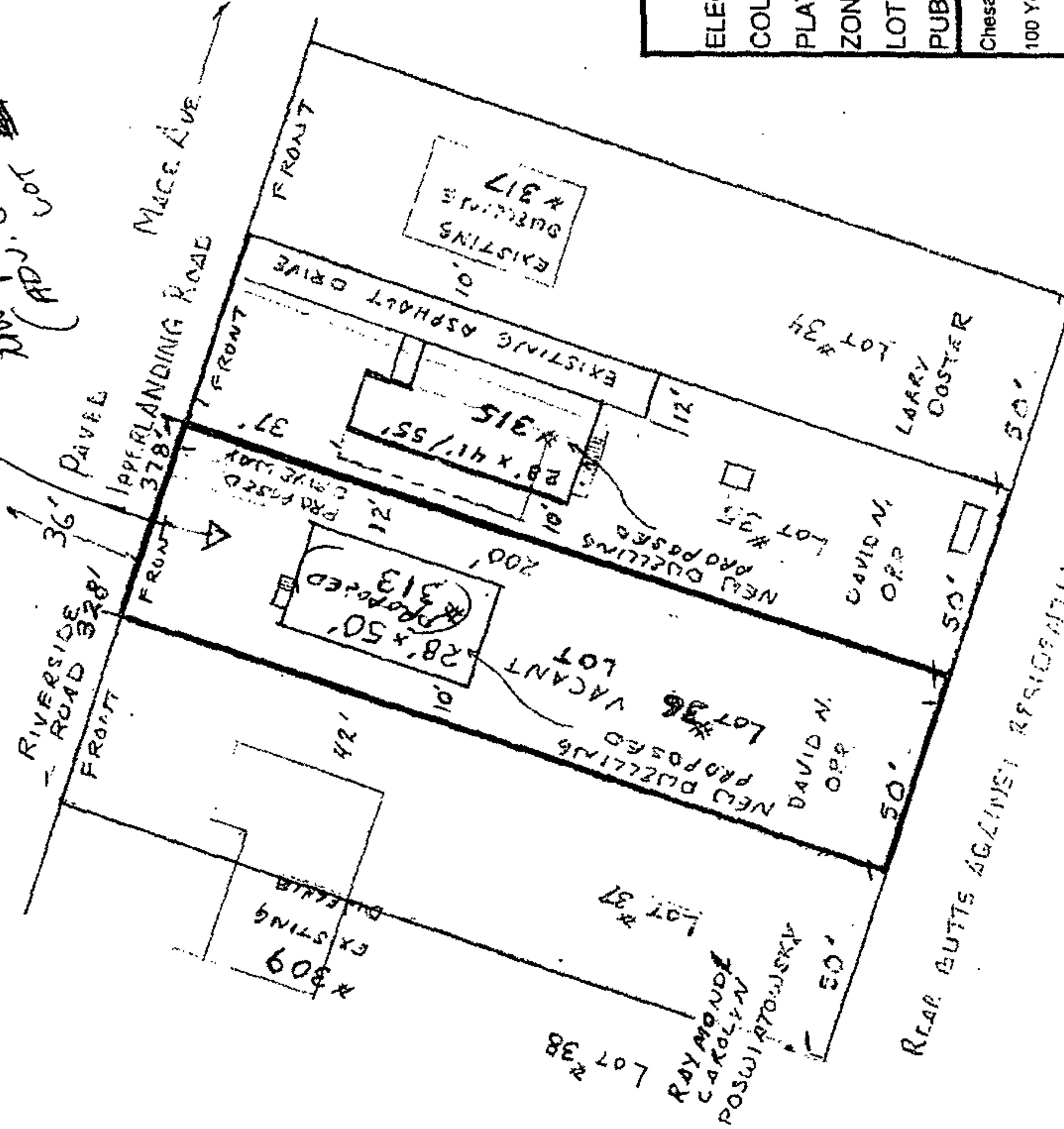
Date: 11/14/06

PLAT TO ACCOMPANY PETITION FOR ZONING

PROPERTY ADDRESS 315 Upperlanding Road
 SUBDIVISION NAME Back River Highlands
 PLAT BOOK # 4/64 FOLIO # LOT # 36 SECTION # B
 OWNER DAVID N. ORR

(X) VARIANCE () SPECIAL HEARING

*Location
 1000' below LOT # 36
 this ownership with
 (ADJ. LOT # 35)*



LOCATION INFORMATION

ELECTION DISTRICT 15
 COUNCILMANIC DISTRICT 7
 PLAT SCALE 1" = 50'
 ZONING DR 5.5
 LOT SIZE 0.229 ACRES / 10,000 Sq Ft
 PUBLIC WATER & SEWER

Chesapeake Bay Critical Area NO
 100 Year Flood Plain NO
 Historic Property/ Building NO
 Prior Zoning Hearing NONE

ZONING OFFICE USE ONLY

REVIEWED BY *JV* ITEM # 107-1691A CASE #

169

10000000-A-3
ZONED DR 5.5
TAP SCALE 1" = 200 FT

