

IN RE: **PETITION FOR VARIANCE**

SW/S Greenbank Road, 61' SE of c/line of
Rivieran Avenue
(7042 Greenbank Road)
15th Election District
6th Council District

Schuman Holdings, III, LLC
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0043-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by William F. Schuman, Jr., and his wife, Rena Vanicek-Schuman, managing members of Schuman Holdings, III, LLC, the owner of the subject property. The Petitioner requests a variance from Sections 1B02.3C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling (Isabel damage) with a rear yard setback of 25'; a side yard setback of 5' on each side in lieu of the required 30' and 10' respectively; and to allow an open projection deck with a rear yard setback of 15' and side yard setbacks of 1' and 5' in lieu of the required 22.5' and 7.5' on each side respectively, and finally to allow a lot width of 40' in lieu of the required 55'. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were William and Rena Schuman, on behalf of the property owner; and Bernadette L. Moskunas of Site Rite Surveying, Inc., the consultant who prepared the site plan for this property. There were no Protestants or other interested persons present.

Testimony and evidence presented disclosed that the subject property is an irregular "flag" shaped waterfront parcel located with frontage on the Gunpowder River and on the south side of Greenbank Road just east of Eastern Avenue in the Chase community. The property is

By 123
Date 9-29-08
RECEIVED FOR FILING

known as Lots 143 and Part of 144 of the Twin River Beach subdivision, an older subdivision which was recorded in the Land Records of Baltimore County in 1922 well prior to the effective date of the zoning regulations pertinent to this case in 1972. The subject property was reconfigured in 1951 as a panhandle lot and is 29.5' wide at Greenbank Road and remains at that width for 139' where it then widens to 40' for an additional 170' to the bulkhead at Gunpowder River and contains a gross area of 0.278 acres (12,138 square feet), more or less, zoned D.R.5.5. Those regulations require a minimum area of 6,000 square feet and a minimum width of 55 feet.

Variance relief is requested as set forth above as when this property was developed and improved with a one-story, single-family dwelling in 1952 (approximately 25' wide x 35' deep) with an 8'x 12' (covered porch), the structure was located 5 feet from the common boundary line between Lots 143 and 144. Mrs. Schuman provided a detailed history, which is supported by the Maryland Department of Assessments and Taxation Real Property Data Search records and aerial views of the community (Petitioner's Exhibit 2). The Schumans have owned and resided at 7046 Greenbank Road since 1985. They purchased the subject property from Dorothy Woodrow in February 2002 and were improving the property when over three quarters of the home was destroyed by Hurricane Isabel in September 2003. The Petitioner(s) are now desirous of constructing a new single-family dwelling in essentially the same footprint. It was indicated that the new house would be 10 feet wider and 25 feet deeper (including decks) than the previous home and provide year-round use. Mr. and Mrs. Schuman testified that they can no longer care for their larger property and home at 7046 Greenbank nor could they comfortably utilize their current home year-round and that the proposed home will become their permanent residence. As shown on the site plan and building elevations (Petitioner's Exhibit 4), the house will be a raised one-story structure, 60' x 30' in dimension and feature front and rear open decks connected by a 4' wide deck on the north side. The house will be located 66 feet from the bulkhead and maintain similar rear and side property line setbacks consistent with neighboring waterfront properties. Relief is necessitated given the narrow width and unusual configuration of the property. This is a classic variance case. It is clear that due to the shape of the lot and the

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Date 9-29-08
By BCB

Chesapeake Bay Critical Area requirements, there is insufficient area in the rear yard to allow construction of a home given the fact that the lot tapers to a width of 29 feet. The second variance request relates to the wooden deck on the rear of the house that connects via a walkway to the front of the home.

It is to be noted that the Zoning Advisory Committee (ZAC) comments submitted do not oppose the relief requested. As evidenced by Petitioner's Exhibits 5 and 6, the site plan and building elevations have been reviewed by the adjacent neighbors to the north and south sides and they have no objection. Testimony offered in support of the request was that without variance relief, Lots 143 and 144 could not be re-developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property (*See Belvoire Farms v. North*, 355 Md. 259 (1999)).¹

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

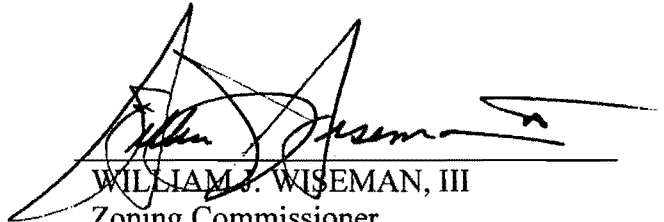
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of September 2008 that the Petition for Variance seeking relief from Sections 1B02.3C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling (Isabel damage) with a rear yard setback of 25'; a side yard setback of 5' on each side in lieu of the required 30' and 10' respectively; and to allow an open projection deck with a rear yard setback of 15' and side yard setbacks of 1' and 5' in lieu of the required 22.5' and 7.5' on each side respectively; and to allow a lot width of 40' in lieu of the required 55', in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

¹ The recent (November 2, 2007) Court of Special Appeals decision in *Mueller v. People's Counsel of Baltimore County*, 177 Md. App. 43, 2007 is in accord with this finding. See also B.C.Z.R. Section 103.5D.1. "Each individual lot or parcel of land that was either a lot of record or a record lot on December 1, 1985, may be developed with a single-family dwelling ...".

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Date 9-29-08
By [signature]

1. The Petitioner may apply for its building permit(s) and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its 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 DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water, quality, streams, wetlands and floodplains. Copies of those comments, dated September 23, 2008, and August 27, 2008, respectively, have been attached hereto and made a part hereof.
3. The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and discussed at the public hearing.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision shall be taken in accordance with Baltimore County Code Section 32-3-401.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

RECEIVED FOR FILING
Date 9-29-08
By [signature]

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
SEP 23 2008

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: September 23, 2008
SUBJECT: Zoning Item # 09-043-A
Address 7042 Greenbank Road
(Suhuman Holdings III, LLC Property)

BY:.....

Zoning Advisory Committee Meeting of August 18, 2008

_____ 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:

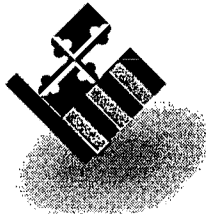
This property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). This lot is also located within a Buffer Management Area (BMA). This permits disturbances within the 100-foot buffer without the need for a variance if the BMA provisions are met and mitigation is provided. The LDA regulations permit a maximum lot coverage of 31.25%. The lot will also be subject to a 15% afforestation requirement.

Reviewer: Shawn L. Krout

Date: 8/25/0

C:\DOCUME~1\dwiley\LOCALS~1\Temp\ZAC 09-043-A 7042 Greenbank Road.doc

By _____
Date 9-29-08
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BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

September 29, 2008

William F. Schuman, Jr.
Rena Schuman
7046 Greenbank Road
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE

SW/S Greenbank Road, 61' SE of c/line of Riveran Avenue
(7042 Greenbank Road)
15th Election District - 6th Council District
Schuman Holdings, III, LLC – Petitioner
Case No. 2009-0043-A

Dear Mr. and Mrs. Schuman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman, III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bernadette L. Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101,
Towson, MD 21286
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; Development Plans Review; File

By Date 9-29-08
1953
RECEIVED FOR FILING



Petition for Variance

to the **Zoning Commissioner of Baltimore County**

for the property located at 7042 Greenbank Road

which is presently zoned D.R. 5.5

CBCA

FLOOD

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) BO2.3.C.1 and 301.1 BCZR

To allow a rear yard setback of 25', a side yard setback of 5' on each side in lieu of the required, 30' and 10' respectively. And to allow an open projection deck with a rear yard setback of 15' and side yard setbacks of 1' and 5' in lieu of the required 22.5' and 7.5' on each side, respectively. And to allow a lot width of 40' in lieu of the required 55'.

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 discussed at time of 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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2009-0043-A

REV 9/15/98

NOT RECEIVED FOR FILING

Reviewed By JF

Date 9-29-08

By [Signature]

UNAVAILABLE FOR HEARING

Date 8/11/08

**ZONING DESCRIPTION
#7042 GREENBANK ROAD**

BEGINNING for a point on the southwest side of Greenbank Road which is 40 feet wide at the distance of 61 feet southeast of the center line at Riveran Avenue which is 30 feet wide. Being all of Lot #143 and part of Lot #144 in the Subdivision of "Twin River Beach" as recorded in Plat Book No. 7, folio 51, containing 12,138 S.F., more or less. Also known as #7042 Greenbank Road and located in the 15th Election District, 6th Councilmanic District.



Michael V. Moskunas
Reg. No. 21175

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

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: #2009-0043-A

7042 Greenbank Road

S/west side of Greenbank Road at the distance of 61 feet s/east of centerline of Riveran Avenue

15th Election District - 6th Councilmanic District

Legal Owner(s): Schuman Holdings III, LLC

Variance: to allow a rear yard setback of 25 feet, a side yard setback of 5 feet on each side in lieu of the required 30 feet and 10 feet respectively. To allow an open projection deck with a rear yard setback of 15 feet and sideyard setbacks of 1 foot and 5 feet in lieu of the required 22.5 feet and 7.5 on each side, respectively, and to allow a lot width of 40 feet of the required 55 feet.

Hearing: Wednesday, September 24, 2008 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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) 887-4386.

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

JT/9/631 Sept-9

182956

CERTIFICATE OF PUBLICATION

9/11/2008

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 9/9/2008.

- ☒ 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: 2009-0043-A

Petitioner/Developer: SITE
RITE SURVEYING INC.

Date Of Hearing/Closing: 9/24/08

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 7042 GREENBANK ROAD

This sign(s) were posted on September 9, 2008
(Month, Day, Year)

Sincerely,

Sincerely,
Martin De 9/9/08
(nature of sign Poster and Date)

Martin Ogle

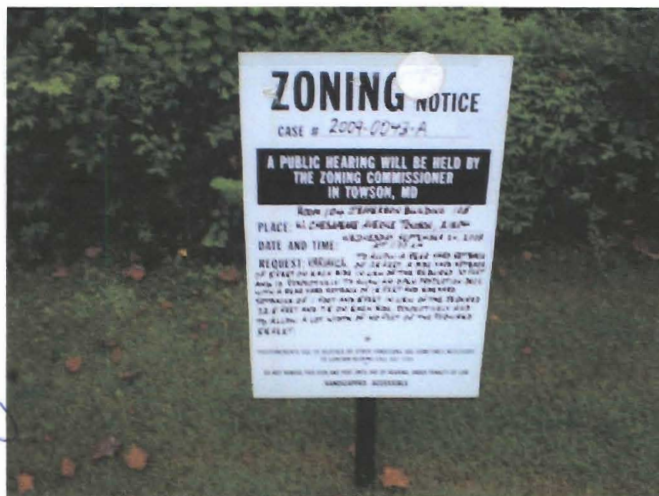
Sign Poster

6 Salix Court

Address

to. Md 21220

3-629 3411)



Matth 9/9/08

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 18573

Date 8-11-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00

Total 65.00

Rec

From

Schuman, LLC

For

Paid for No. 1012

7042 Greenbank Rd.

CASE # 2007-0043 A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S
VALIDATION

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors 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: 2009-0043-A
Petitioner: Schuman Holdings III, LLC
Address or Location: 7042 Greenbank Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Schuman Holdings III LLC
Address: P.O. Box 514
Chase, MD 21027-0484

Telephone Number: 410 335-3476 (Rena Schuman)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 9, 2008 Issue - Jeffersonian

Please forward billing to:

Rena Schuman
Schuman Holdings III, LLC
P.O. Box 514
Chase, MD 21027

410-335-3476

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: 2009-0043-A

704 Greenbank Road

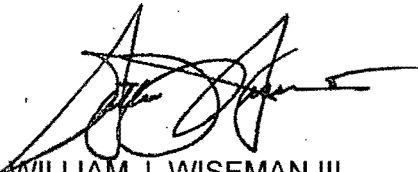
S/west side of Greenbank Road at the distance of 61 feet s/east of centerline of Riveran Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Schuman Holdings III, LLC

Variance to allow a rear yard setback of 25 feet, a side yard setback of 5 feet on each side in lieu of the required 30 feet and 10 feet respectively. To allow an open projection deck with a rear yard setback of 15 feet and sideyard setbacks of 1 foot and 5 feet in lieu of the required 22.5 feet and 7.5 feet on each side, respectively and to allow a lot width of 40 feet of the required 55 feet.

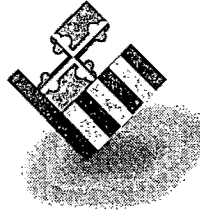
Hearing: Wednesday, September 24, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

August 28, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 2009-0043-A

704 Greenbank Road

S/west side of Greenbank Road at the distance of 61 feet s/east of centerline of Riveran Avenue
15th Election District – 6th Councilmanic District

Legal Owners: Schuman Holdings III, LLC

Variance to allow a rear yard setback of 25 feet, a side yard setback of 5 feet on each side in lieu of the required 30 feet and 10 feet respectively. To allow an open projection deck with a rear yard setback of 15 feet and sideyard setbacks of 1 foot and 5 feet in lieu of the required 22.5 feet and 7.5 on each side, respectively and to allow a lot width of 40 feet of the required 55 feet.

Hearing: Wednesday, September 24, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

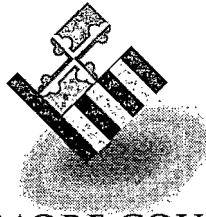
A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. William Schuman, Jr., 7046 Greenbank Road, Baltimore 21027
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 9, 2008.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 18, 2008

Mr. William Schuman Jr.
7046 Greenbank Rd.
Baltimore, MD 21027

Dear: Mr. William Schuman Jr.

RE: Case Number 2009-0043-A, 7046 Greenbank Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

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

BLW 9/24
11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 25, 2008

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

RECEIVED
AUG 27 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-043- 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 Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By: Candis Murray

Division Chief: Laura Terhune
CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
SEP 23 2008

TO: Timothy M. Kotroco

BY:

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: September 23, 2008

SUBJECT: Zoning Item # 09-043-A
Address 7042 Greenbank Road
(Suhuman Holdings III, LLC Property)

Zoning Advisory Committee Meeting of August 18, 2008

_____ 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 located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). This lot is also located within a Buffer Management Area (BMA). This permits disturbances within the 100-foot buffer without the need for a variance if the BMA provisions are met and mitigation is provided. The LDA regulations permit a maximum lot coverage of 31.25%. The lot will also be subject to a 15% afforestation requirement.

Reviewer: Shawn L. Krout

Date: 8/25/0

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 27, 2008

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

RECEIVED
SEP 19 2008

SUBJECT: Zoning Advisory Committee Meeting
For August 25, 2008
Item No. 2009-0043-A

BY: _____

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

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:lrk

cc: File

ZAC-ITEM NO 2009-0043-comments

From: Debra Wiley
To: Kennedy, Dennis; Livingston, Jeffrey
Date: 09/19/08 2:51:40 PM
Subject: Comments Needed

*Missing:
Jeffrey
Dev. Plans Rev.*

Good Afternoon Gentlemen:

Bill was just reviewing a case file that he has scheduled for next Wednesday and unfortunately the file doesn't have any comments in it except the Office of Planning.

Could you please forward your comment before his hearing. I've provided a case description for your convenience as follows:

CASE NUMBER: 2009-0043-A

7042 Greenbank Road (**Zoned D.R.5.5, CBCA & Flood**)

Location: SW side of Greenbank Road, 61 feet SE of c/l of Riveran Avenue
15th Election District, 6th Councilmanic District

Legal Owner: Suhuman Holdings III, LLC Rena Vanick- Schuman Manager

VARIANCE to allow a rear yard setback of 25 feet, a side yard setback of 5 feet on each side in lieu of the required 30 feet and 10 feet respectively. To allow an open projection deck with a rear yard setback of 15 feet and side yard setbacks of 1 foot and 5 feet in lieu of the required 22.5 and 7.5 on each side, respectively and to allow a lot width of 40 feet of the required 55 feet.

Hearing: Wednesday, 9/24/2008 at 11:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104

Thanks and have a wonderful weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

RE: PETITION FOR VARIANCE * BEFORE THE
 7042 Greenbank Road; SW/S Greenbank *
 Road, 61' SE of c/line Riveran Avenue * ZONING COMMISSIONER
 15th Election & 6th Councilmanic Districts *
 Legal Owner(s): Schuman Holdings III, LLC* FOR
 Petitioner(s) * BALTIMORE COUNTY
 * 09-043-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

RECEIVED

AUG 20 2008

[Signature]

CAROLE S. DEMILIO
 Deputy People's Counsel
 Jefferson Building, Room 204
 105 West Chesapeake Avenue
 Towson, MD 21204
 (410) 887-2188

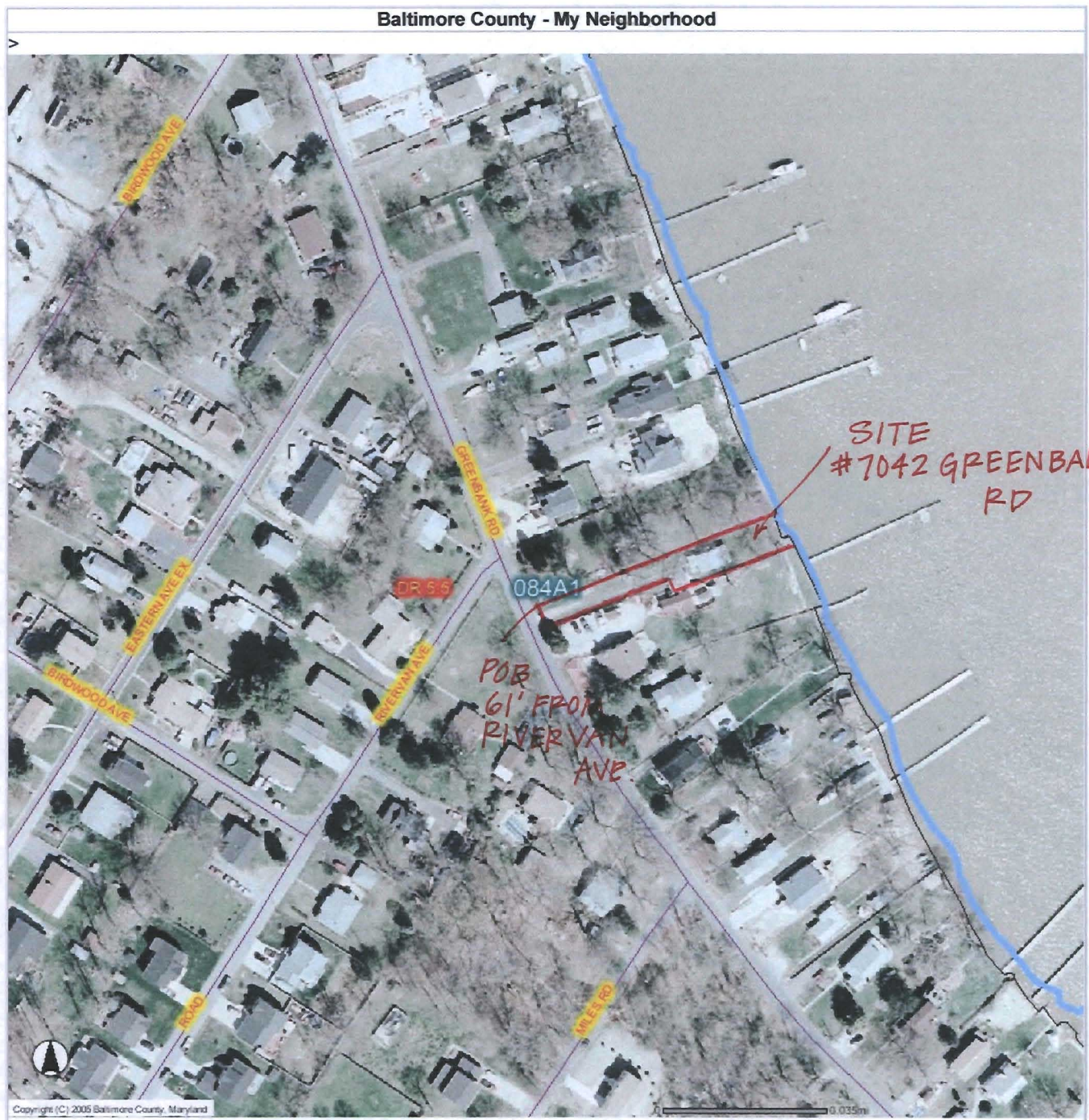
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of August, 2008, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

From: <bschuman3@comcast.net>
To: wwiseman@baltimorecountymd.gov
Date: 09/25/08 8:26:05 AM
Subject: case number2009 -0043A schuman holdings iii llc

hello, just to let you know that we were able to contact Mr. Henry J. Fiscus and obtained a signed letter showing no objection to the proposed variance. I am mailing you the original letter this morning. Thank you for your consideration Bill Schuman Jr.



Baltimore County - My Neighborhood



CASE NAME 7042 Greenbank Road
CASE NUMBER 2009-0043-A
DATE September 24, 2008

CASE NUMBER 2009-0043-A

DATE September 24, 2008

[illegible]

Case No.: 2009-0043-A 7042 Greenbank Road

Exhibit Sheet

Petitioner/Developer

Protestant

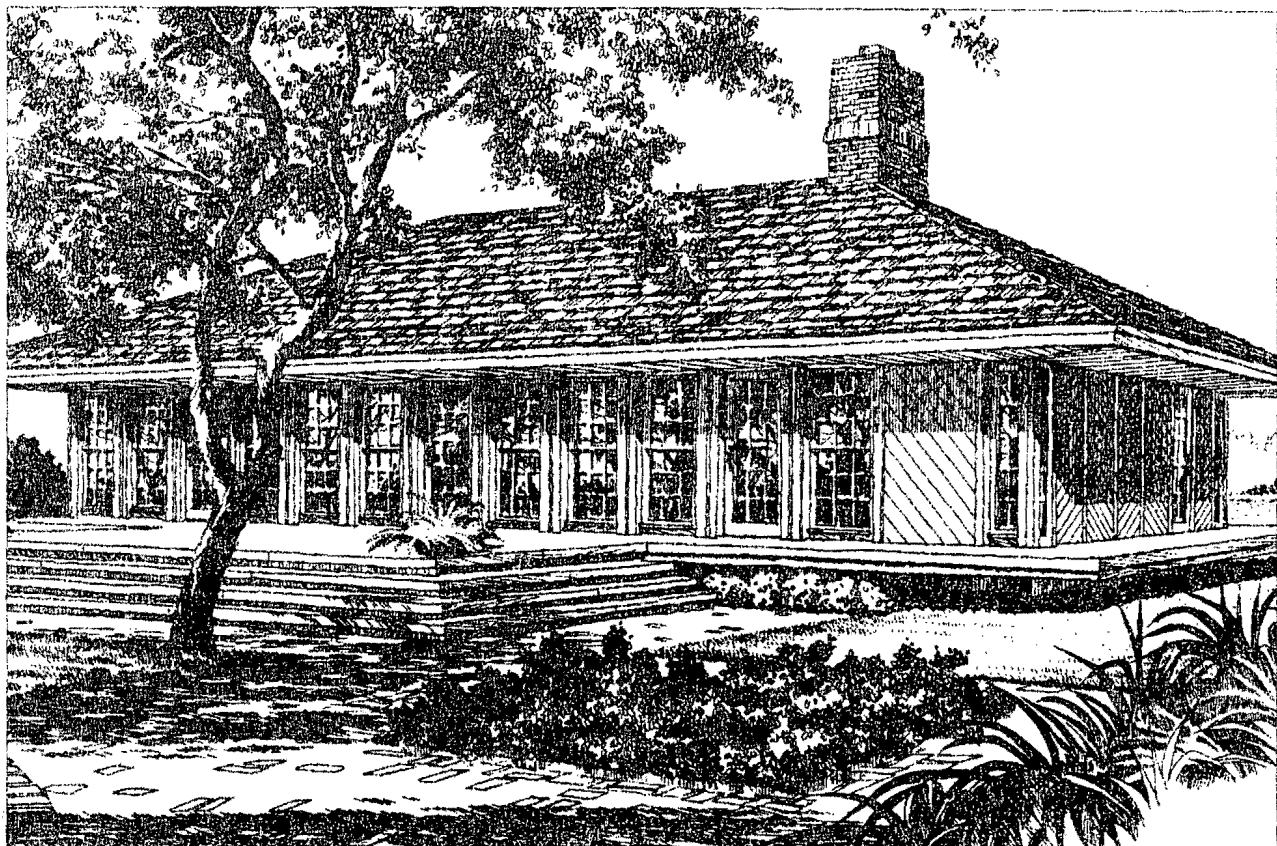
No. 1	SITE PLAN	
No. 2	Subdivision - <u>1922</u> TWIN RIVER BEACH	
No. 3	Aerial View Pattern of Development	
No. 4	BLDG ELEVATIONS	
No. 5	Letter of Support Marguerite RENNIE (Calder)	
No. 6	Letter of Support HENRY FICKUS	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO.

3



1,542 Square Feet
3 Bedrooms
2 Baths

Credit Card Orders
1-800-755-1122

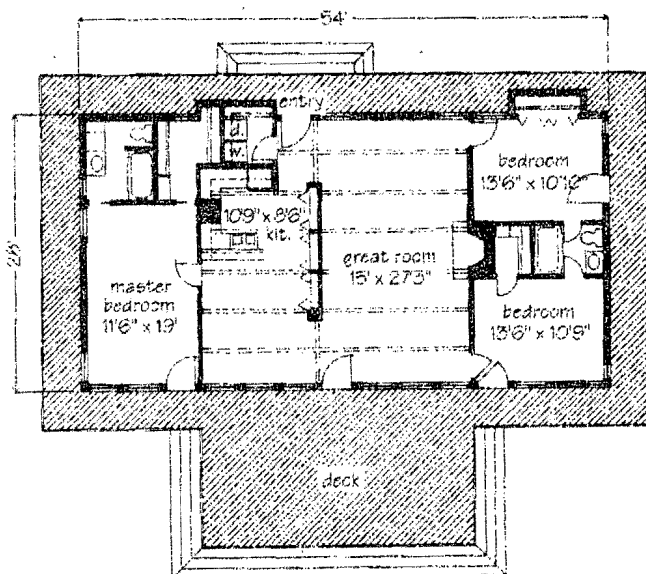
Here's a compact, one-level house with enough style and flexibility to become either a first-time or retirement home, a lake or beach cottage. Designed by architect Dean Winesett, of Hilton Head Island, South Carolina, this simple but elegant little house offers a blend of traditional and contemporary styling.

The house sits atop a deck cantilevered from the foundation to create a floating effect. Its hipped roof and deep overhangs remind you of early French-influenced houses in Louisiana. But subtle detailing and narrow sidelights at the corners of the house give a contemporary effect. Rough-sawn cypress combines with a cedar-shake roof to blend the house into its site. The perimeter gallery accesses all major rooms and extends to form a large projecting deck. A smaller deck greets guests at the entrance.

Glassed doors and windows are continuous on the rear elevation (shown above), allowing unrestricted views.

Inside, a simple and logical arrangement divides the floor plan into four parallel sections. This open planning creates more space in less square footage. Walls serve as dividers between living areas and, in some cases, as storage units. For example, the wall separating living and kitchen areas houses a built-in china cabinet.

The house is especially designed for a Southern climate. Roof overhangs shelter the galleries from rain and cool the air surrounding the house. Operating windows provide good cross-ventilation.



MAIN LEVEL (1,542 sq. ft.)

PETITIONER'S

EXHIBIT NO.

4

To: The Zoning Commissioner of Baltimore County

From: Ms. Rennie (Calder) Marguerite

Owner and Resident at 7048 Greenbank Rd, Baltimore MD 21220

RE: Zoning Hearing Case Number 2009-0043-A September 24, 2008

This is to acknowledge that I have read and been explained by the petitioner the variance associated with the above case number and find no objection to the requested variance.

If you need any additional information, please contact me at the above address.

Sincerely,



Dated: September 15, 2008

PETITIONER'S

EXHIBIT NO.

5

BW 9/24
11 pm

Rena and Bill Schuman Jr.
7046 Greenbank Rd
Baltimore MD 21220

September 25, 2008

RECEIVED
SEP 26 2008

BY:

Mr. William J. Wiseman, III,
Zoning Commissioner
Zoning Commissioner's Office
105 West Chesapeake Avenue Suite 103
Towson MD 21204

RE: Zoning Hearing Case Number 2009-0043A September 24, 2008

Dear Mr. Wiseman,

Enclosed, please find a signed statement from Mr. Henry J. Fickus the legal owner of the adjoining property. My husband met with Mr. Fickus and explained to him the proposed variance and Mr. Fickus found no objection to it.

Mr. Fickus was already aware of the variance since he lives directly across from the property and my husband discussed the variance with him in the past. Unfortunately, we were not able to locate Mr. H. Fiskus soon enough to have a signed letter from him and presented to your at the time of the variance hearing.

Thank you for your consideration.

Sincerely,


Bill and Rena Schuman Jr

PETITIONER' S

EXHIBIT NO. 6

To: The Zoning Commissioner of Baltimore County

From: Henry J. Fickus

Legal Owner of 7038 Greenbank Rd, Baltimore MD 21220 and resident at 13228
Rivervan Avenue Baltimore MD 21290

RE: Zoning Hearing Case Number 2009-0043-A September 24, 2008

This is to acknowledge that I have read and been explained by the petitioner the
variance associated with the above case number and find no objection to the requested
variance.

If you need any additional information, please contact me at the above address.

Sincerely,

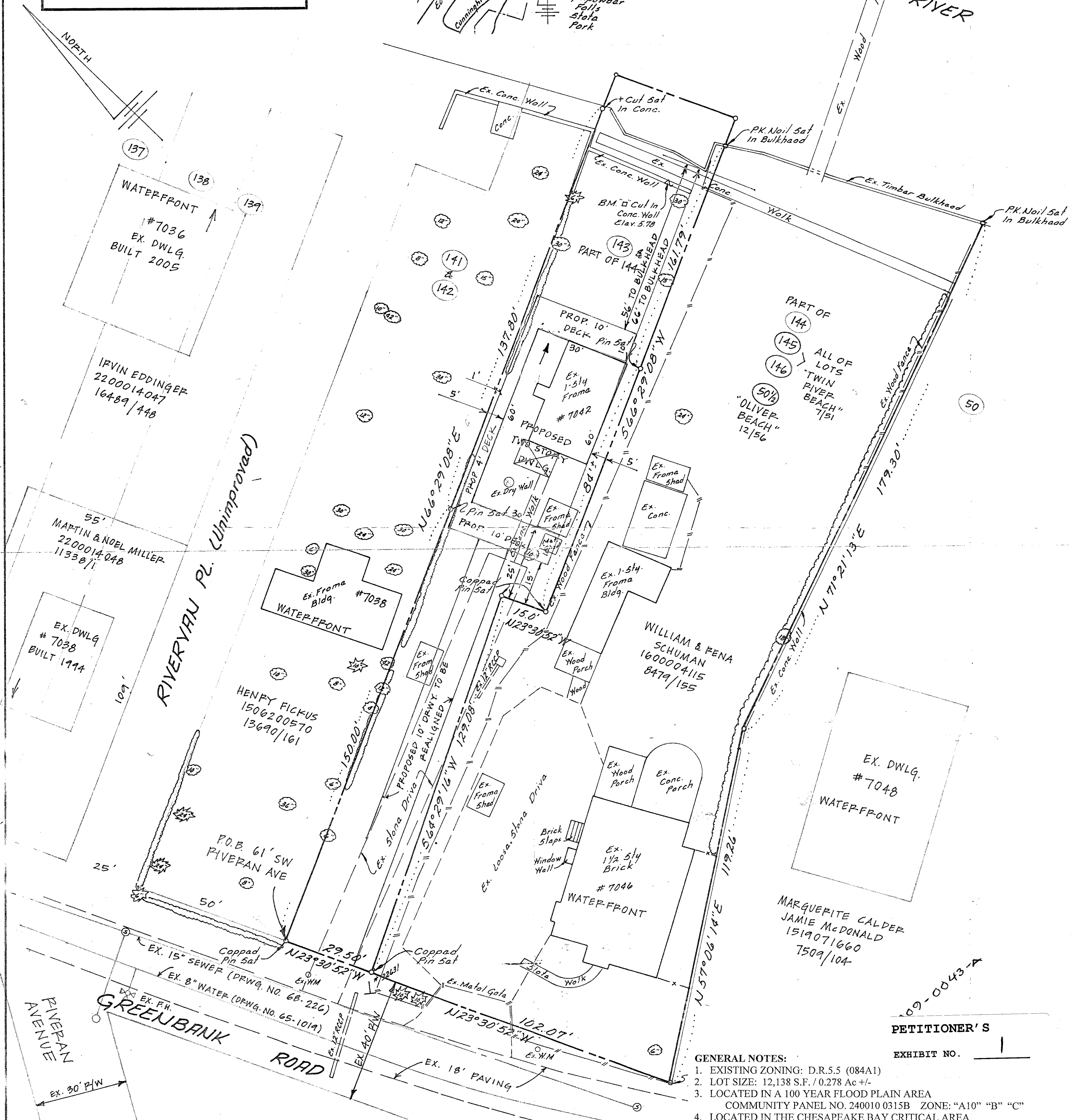
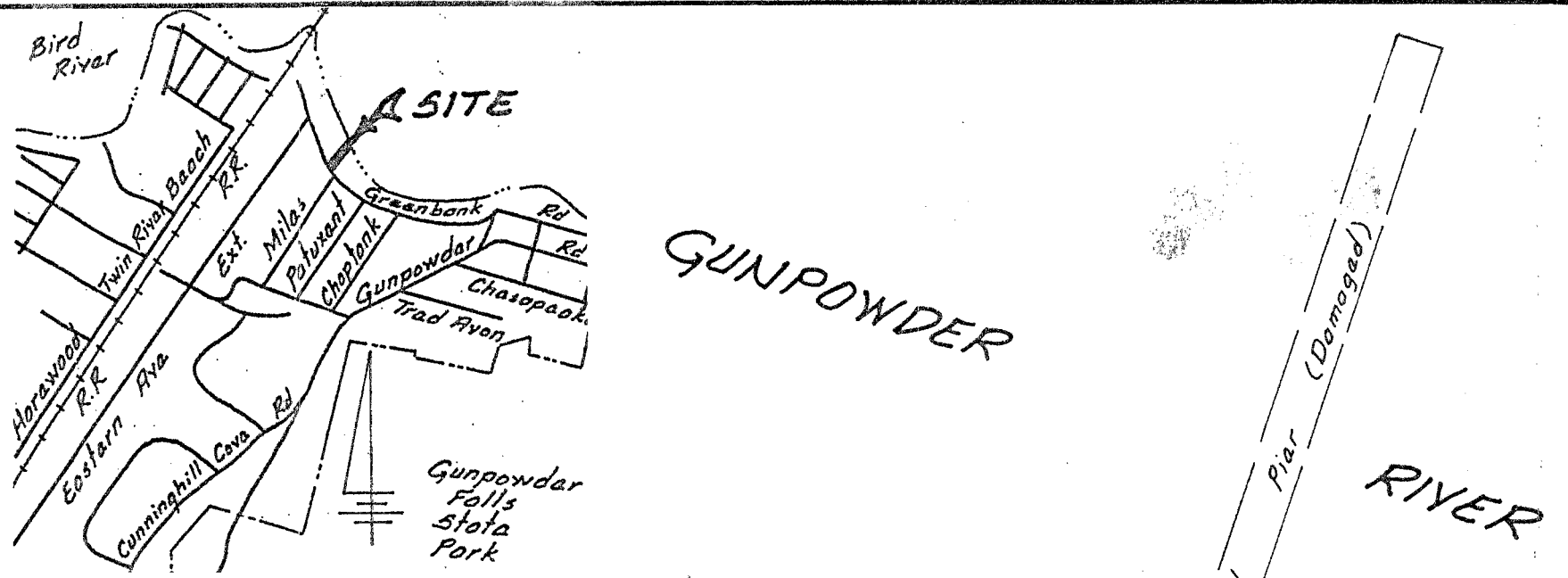
Henry J. Fickus

9/24/08

Dated: September 24, 2008

910-335-4724

PLAN TO ACCOMPANY
PETITION FOR VARIANCE
#7042 GREENBANK ROAD
ALL OF LOT 143, PART OF LOT 144
"TWIN RIVER BEACH" 7/51
ELECTION DISTRICT NO. 15 C6
BALTIMORE COUNTY, MD
SCALE: 1" = 20'
AUGUST 11, 2008
JOB #9726



PETITIONER'S

EXHIBIT NO. 1

GENERAL NOTES:

1. EXISTING ZONING: D.R.5.5 (084A1)
2. LOT SIZE: 12,138 S.F. / 0.278 Ac +/-
3. LOCATED IN A 100 YEAR FLOOD PLAIN AREA
COMMUNITY PANEL NO. 240010 0315B ZONE: "A10" "B" "C"
4. LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
5. LOT LOCATED IN AN HISTORIC DISTRICT
6. ZONING HISTORY: NONE
7. THIS PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
8. THIS PLAN IS BASED ON A BOUNDARY SURVEY DRAWING PREPARED BY LGB SURVEYS LLC DATED MARCH 4, 2004
9. THE LEGAL DESCRIPTION CALLS TO A PLAT OF RECORD DATED 1922
10. EXISTING IMPERVIOUS AREA: 3,293.25 S.F. +/-
PROPOSED IMPERVIOUS AREA: 3,350 S.F. +/-
(EXISTING DRIVEWAY IS TO BE 10 FEET WIDE AND RELOCATED ONTO THE SUBJECT PROPERTY)
11. ALLOWABLE IMPERVIOUS AREA (31%) = 3,762.78 S.F.

OWNER: SCHUMAN HOLDINGS III LLC
P.O. BOX 514
CHASE MD 21027-0484
RENA SCHUMAN (410) 335-3476
TAX MAP: 84 GRID: 1 PARCEL: 43
TAX ACCT. NO. 1523750540
DEED REF.: 16243/320



RIVER

GUNPOWDER

RIVER

BIRD

RAILROAD

PENNSYLVANIA

TWIN RIVER BEACH

SUBDIVIDED BY
CITYCO - REALTY - CO.
2 EAST LEXINGTON ST
SURVEYED & LAYOUT BY
J. SPENCE HOWARD
CIVIL ENGINEER BALTO., MD
SCALE 1"=100' OCT. 1912

Section A
Section B

Center of wheel 5°30'40" W. 2652.4'

Horseshoe Station

Site