

IN RE: PETITION FOR VARIANCE

NW side Holly Neck Road, 330 feet NE
of c/l of Schaffers Road
15th Election District
5th Councilmanic District
(2008 Holly Neck Road)

Shelly Legeer-Heimbach
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* CASE NO. 2009-0134-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Shelly Legeer-Heimbach. Petitioner is requesting variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling to have side yard setbacks of 15 and 16 feet, respectively, in lieu of the required 50 feet each, and a front yard setback of 105 feet. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance requests was Petitioner Shelly Legeer-Heimbach and her husband, John Heimbach, Jr. Also appearing in support of the requested relief were Lee Giroux with Permit Management LLC and Victoria Meyer with Maryland Building Permits, Petitioner's consultants. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is a rectangular-shaped property consisting of approximately 19,500 square feet or 0.447 acre, more or less, zoned R.C.5. It is 100 feet wide by 195 feet deep. The property is located on the north side of Holly Neck Road, east of Back River Neck Road, in the Essex area of Baltimore County. The property is part

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of the Cedar Beach Subdivision No. 2 and is currently improved with an existing single-family one-story dwelling that was constructed in 1930. The dwelling comprises approximately 960 square feet. Photographs of the property and existing dwelling, as well as adjacent properties, were marked and accepted into evidence as Petitioner's Exhibits 2A through 2H. The photographs show the property with a vinyl split rail fence along the front, with fencing delineating access to the driveway. The dwelling is a rather unremarkable, rectangular-shaped structure with light blue siding and a concrete block foundation. The placement of the dwelling is unusual, however, in that rather than facing the road, the dwelling is placed length-wise on the property -- providing the main, front entrance to the home on the side.

Petitioner has lived at the subject property since 1989. At this juncture, Petitioner desires to raze the existing dwelling and replace with a similar, rancher-style dwelling -- one that would be slightly larger than the existing dwelling and with an attached garage -- with the comfort and efficiency of a newer home. In addition, Petitioner desires a more traditional layout and configuration of the home on the property, with the front of the home facing Holly Neck Road. In short, rather than appearing long and thin, as the current dwelling does, the new proposed dwelling would appear wider on the property, but not as deep. As a result, Petitioner is in need of variance relief from the 50 foot side yard setback requirements, as well as the front yard setback requirement of 150 feet from the centerline of a collector road.

In support of the variance requests, Ms. Giroux, Petitioner's consultant, pointed out that Petitioner's property is a double wide lot consisting of 100 feet. The lots in this subdivision were originally laid out as 50 foot wide lots, as evidenced by the subdivision plat that was marked and accepted into evidence as Petitioner's Exhibit 3. Ms. Giroux also indicated that this subdivision was recorded on July 4, 1941, prior to the adoption of the Zoning Regulations and certainly prior

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to the imposition of zoning on the subject property. She also pointed to the unusual configuration of the existing dwelling on the property, as well as the existence of wetlands on the other side of Holly Neck Road. Finally, Petitioner submitted three letters of support from adjacent neighbors which were marked and accepted into evidence as Petitioner's Exhibits 4A through 4C. These letters indicate no objection to Petitioner's plans to raze the existing home and replace it with a new home as depicted on the site plan.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated December 9, 2008 which indicate that it does not oppose Petitioner's request, provided the construction complies with the current R.C.5 requirements. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. Comments were received from the Department of Environmental Protection and Resource Management dated December 23, 2008 which indicate that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is located within a Limited Development Area in the Chesapeake Bay Critical Area and must comply with maximum lot overage limits and a minimum 15% forest cover requirement. The site plan must show all structures, driveways, walkways, decks, etc. Petitioner is to contact the Environmental Impact Review Division at 410-887-3980 for additional details.

Considering of all the testimony and evidence presented, I find am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In particular, I find the odd configuration of the existing structure on the property to be unique. I also find that the imposition of the current Zoning Regulations has a disproportionate impact on the subject property in that it predates the

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adoption of such regulations. In addition, I find that practical difficulty or unreasonable hardship would befall Petitioner if the relief were not granted. It is impossible for Petitioner to comply in any event with the 50 foot side yard setback requirement, given that Petitioner's lot is 100 feet wide.

Finally, I find the variance requests 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. Although Holly Neck Road is deemed a collector road for the purposes of the front yard setback requirement of 150 feet to the centerline of the road, based on the use and character of the road in this area near the waterfront, I believe 105 feet in this particular instance is sufficient to meet the spirit and intent of the Zoning Regulations.

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

THEREFORE, IT IS ORDERED this 9th day of February, 2009 by this Deputy Zoning Commissioner, that Petitioner's Variance request from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling to have side yard setbacks of 15 and 16 feet, respectively, in lieu of the required 50 feet each, and a front yard setback of 105 feet be and are hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2-9-09
PB

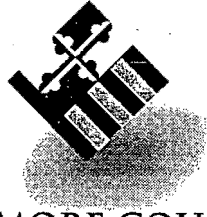
2. Prior to obtaining a building permit, Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the R.C.5 Performance Standards:
 - a. Submit photographs of existing adjacent dwellings to the Office of Planning.
 - b. Submit building elevations (all sides) of the proposed dwelling to the Office of Planning for review and approval. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) use the same finish materials and architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
 - c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.
3. 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).
4. The property is located within a Limited Development Area in the Chesapeake Bay Critical Area and must comply with maximum lot overage limits and a minimum 15% forest cover requirement. The site plan must show all structures, driveways, walkways, decks, etc. Petitioner is to contact the Environmental Impact Review Division at 410-887-3980 for details.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

~~RECEIVED FOR FILE~~
2409
P2



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

February 9, 2009

SHELLY LEGEER-HEIMBACH AND JOHN HEIMBACH, JR.
2008 HOLLY NECK ROAD
BALTIMORE MD 21221

Re: Petition for Variance
Case No. 2009-0134-A
Property: 2008 Holly Neck Road

Dear Mr. and Mrs. Heimbach:

Enclosed please find the decision rendered in the above-captioned case.

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 black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Lee Giroux, Permit Management LLC, 573 McManus Way, Towson MD 21286
Victoria Meyer, Maryland Building Permits, 1602 Pinnacle Road, Towson MD 21286



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 2008 Holly Neck Rd
which is presently zoned RC5

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) 1A04.3.B.2.6 ~ to permit a proposed

replacement dwelling to have side yard setbacks of 15 and 16 feet in lieu of the required 50 each, and a front yard setback of 105 feet from the center line of a collector road in lieu of the required 150.

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 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 N/A
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

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

Legal Owner(s):

Shelly Legeer - HEIMBACH
Name - Type or Print _____
Signature Shelly Heimbach

Name - Type or Print _____
Signature _____
2008 Holly Neck Rd.
Address _____ Telephone No. _____
Balto. MD 21221
City _____ State _____ Zip Code _____

Representative to be Contacted:

Victoria Meyer
Name _____
1602 Pinnacle Rd. 410-296-6900
Address _____ Telephone No. _____
Towson, MD 21286
City _____ State _____ Zip Code _____

OFFICE USE ONLY

Case No. 2009-0134-A

ESTIMATED LENGTH OF HEARING _____

Zoning Description

Zoning Description for 2008 HOLLY NECK RD. BALTIMORE, MD 21221
(Address)

Beginning at a point on the NORTH WEST side of

Holly Neck Rd. which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 330 NORTH EAST
(number of feet) (north, south, east or west)

of the centerline of the nearest improved intersecting street SHAFFERS ROAD
(name of street)

which is 50' wide.
(number of feet of right-of-way width)

* Being Lots #606 and 607.

Block n/a, Section # n/a in the subdivision of Cedar Beach

as recorded in Baltimore County Plat Book #13 Folio 46.

Containing .0447. Also known as 2008 Holly Neck Rd.
(Square feet or acres) (property address)

And located in the 15th Election District, 6th Councilmanic District.

Item #0134

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 22889
 Date 11/15/08

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	806	0000				6150				665.00

Total 665.00

Rec
From:

For:

zoning hearing - case # 2009-0134-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME PER
 11/13/2008 11/13/2008 15:20:14 2
 REC 49021 MAIL JENA JEE
 RECEIPT # 612497 11/13/2008 (CLD)
 \$ 665.00 ZONING VERIFICATION
 \$ 665.00
 Paid Tot 665.00
 \$665.00 CA \$665.00 CA
 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 NUMBER: 2009-0134-A

2008 Holly Neck Road

N/west side of Holly Neck Road, 330 feet n/east of centerline of Schaffers Road.

15th Election District 5th Councilmanic District

Legal Owner: Shelly Legeer-Heimbach.

Variance: to permit a proposed replacement dwelling to have side yard setbacks of 15 and 16 feet in lieu of the required 50 each, and a front yard setback of 105 feet from the centerline of a collector road in lieu of the required 150.

Hearing: Thursday, January 15, 2009 at 10:00 a.m. in Room 106, County Office Building, 111 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 12/829 Dec, 30

191409

CERTIFICATE OF PUBLICATION

1/2/, 2009

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 12/30/, 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: 2009-0134-A

Petitioner/Developer: SHELLY
LEGEER - HEIMBACH

Date Of Hearing/Closing: 1/15/09

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

Attention:

Ladies and Gentlemen:



12/31/2008

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 2008 HOLLY NECK ROAD

This sign(s) were posted on December 31, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 12/31/08
(Signature of sign Poster and Date)

Martin Ogle

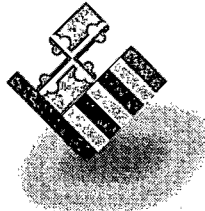
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 12, 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: 2009-0134-A

2008 Holly Neck Road

N/west side of Holly Neck Road, 330 feet n/east of centerline of Schaffers Road

15th Election District – 5th Councilmanic District

Legal Owners: Shelly Legeer-Heimbach

Variance to permit a proposed replacement dwelling to have side yard setbacks of 15 and 16 feet in lieu of the required 50 each, and a front yard setback of 105 feet from the centerline of a collector road in lieu of the required 150.

Hearing: Thursday, January 15, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Shelly Legeer-Heimbach, 2008 Holly Neck Road, Baltimore 21221
Victoria Meyer, 1602 Pinnacle Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., DECEMBER 31, 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, December 30, 2008 Issue - Jeffersonian

Please forward billing to:
Mr. & Mrs. Heimbach
2008 Holly Neck Road
Baltimore, MD 21221

410-574-0175

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: 2009-0134-A

2008 Holly Neck Road

N/west side of Holly Neck Road, 330 feet n/east of centerline of Schaffers Road

15th Election District – 5th Councilmanic District

Legal Owners: Shelly Legeer-Heimbach

Variance to permit a proposed replacement dwelling to have side yard setbacks of 15 and 16 feet in lieu of the required 50 each, and a front yard setback of 105 feet from the centerline of a collector road in lieu of the required 150.

Hearing: Thursday, January 15, 2009 at 10:00 a.m. in Room 106, County Office Building,
111 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0134-A

Petitioner: Lee Giroux

Address or Location: 2008 Holly Neck Rd.

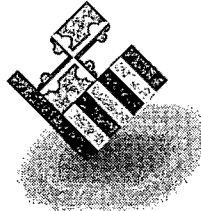
PLEASE FORWARD ADVERTISING BILL TO:

Name: Mr. & Mrs. John Heimback

Address: 2008 Holly Neck Rd.

Baltimore, Md. 21221-16209

Telephone Number: 410-574-0175



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
January 7, 2009

Shelly Legeer- Heimbach
2008 Holly Neck Rd.
Baltimore, MD 21221

Dear: Shelly Legeer- Heimbach

RE: Case Number 2009-0134-A, 2008 Holly Neck Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 03, 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
Victoria Meyer; 1602 Pinnacle Rd.; Towson, MD 21286

TB 1/15
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 9, 2008

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

SUBJECT: 2008 Holly Neck Road

INFORMATION:

RECEIVED
DEC 10 2008

BY:.....

Item Number: 9-134

Petitioner: Shelly Legeer-Heimbach

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

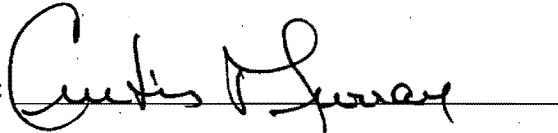
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. 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 Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

TB
1-15-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
DEC 7 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 23, 2008

SUBJECT: Zoning Item # 09-134-A
Address 2008 Holly Neck Road
(Legeer-Heimbach Property)

Zoning Advisory Committee Meeting of November 24, 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 in the Chesapeake Bay Critical Area, and must comply with maximum lot coverage limits, and a minimum 15% forest cover requirement. The site plan must show all structures, driveways, walkways, decks, etc. Please contact Environmental Impact Review at 410-887-3980 for details.

Reviewer: Paul Dennis

Date: December 1, 2008

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For December 1, 2008
Item No.: 2009-134, 136, 139, 141,
143, 144 and 145

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

DAK:CEN:cab
cc: File

ZAC-12012008-NO COMMENTS



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: Dec. 4, 2008

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

RE: Baltimore County
Item No 2009-0134-L
2008 HOLLY NECK RD
LEGER-HEIMBACH PROPERTY
VARIANCE

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. 2009-0134-L.

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,

Foster
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR VARIANCE * BEFORE THE
2008 Holly Neck Road; NW/S 330' NE of * ZONING COMMISSIONER
c/line of Schaffers Road *
15th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Shelley Leeger-Heimbach *
Petitioner(s) * BALTIMORE COUNTY
* 09-134-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.

RECEIVED

DEC 09 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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 9th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Victoria Meyer, 1602 Pinnacle Road, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3)

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

Account Identifier: District - 15 Account Number - 1515370290

Owner Information

Owner Name:	HEIMBACH SHELLY HEIMBACH JOHN, JR	Use:	RESIDENTIAL
Mailing Address:	2008 HOLLY NECK RD BALTIMORE MD 21221-6209	Principal Residence:	YES
		Deed Reference:	1) /27335/ 263 2)

Location & Structure Information

Premises Address	Legal Description
2008 HOLLY NECK RD	LT 606,607 2008 HOLLY NECK RD CEDAR BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
105	2	178					606	3		13/ 46

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1934	960 SF	19,500.00 SF	04
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
Land	65,120	80,120		
Improvements:	57,820	55,380		
Total:	122,940	135,500	122,940	127,126
Preferential Land:	0	0	0	0

Transfer Information

Seller: LEGER SHELLY	Date: 09/18/2008	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /27335/ 263	Deed2:
Seller: LEGER BRIAN L	Date: 04/17/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14413/ 523	Deed2:
Seller: ARTIP CHRISTOBEL D	Date: 01/27/1989	Price: \$61,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8088/ 230	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

MARYLAND AVIATION ADMINISTRATION APPLICATION FOR AIRPORT ZONING PERMIT

Approval of this application is not a substitute for any other permits or approvals required by the State or local jurisdiction.

SECTION I: ADMINISTRATIVE USE ONLY

Application No.: _____ Date Received: _____ Date Issued: _____
Airport: ☐ BWI ☐ Martin State ☐ Other _____
County: ☐ Anne Arundel ☐ Howard ☐ Baltimore ☐ Other _____
Approval Required: ☐ Noise Zone ☐ Obstructions

SECTION II: APPLICANT INFORMATION

1. Application for: (Check One)
(For the purposes of this form, antenna, satellite dish, HVAC equipment, etc. should be considered "structures.")

☐ New Subdivision (Plat Approval) Subdivision No. _____
☒ Structure Only ☐ Structure + Crane County Permit No. _____
☐ Crane Only, for construction or installation that will not add height to an existing structure

2. Location: Required: ADC Map Reference _____

In addition, please complete at least one of the following:

a. Tax Map _____ Grid 2 Parcel 1780 Lot/block (if any) 606+607
b. Street Address 2008 HOLLY NECK ROAD BART. Md. 21221-6209
c. N ☐ S ☐ E ☐ W ☐ side of _____, @ _____ ft. from intersection with _____

For Structures

3. Type of improvement: ☒ New Building ☐ Addition ☐ Alteration ☐ Repair ☒ Other RAZING
4. Contract price or estimated value of improvement: _____
5. Proposed Use(s): RAZE EXISTING HOME, + CONSTRUCT 26'x54' 1 STORY HOME WITH ATTACHED GARAGE + DECK.
a. Residential: ☒ One family ☐ Two family ☐ Multi-family (No. units _____) ☐ Other _____
b. Non-residential:
☐ Hospital, Nursing Home, Institution ☐ Office, Store, Theater, Restaurant
☐ School, Library, Church, Place of Assembly ☐ Agriculture, Industry: type _____
☐ Hotel, Motel, Transient Lodging ☐ Tower, Tank: type _____
☐ Outdoor Spectator Sports, Park, Playground ☐ Other _____
6. Describe proposed structures: House, GARAGE + DECK.
7. Present use if different from proposed: House, Single family.
8. Size of Structure: Height 35' Length 54' Width 26'

Item #0134

A site plan showing the property boundaries and the location of any existing proposed structures is required with application.

Elevations

* MSL = Mean Sea Level. All height restrictions in the vicinity of the airport use MSL as a reference point. If you do not know the elevation of your site, you can obtain this information from the County Office of Planning and Code Enforcement Map Room.

9. Ground elevation of site: _____ MSL*
10. Maximum elevation: (Height of structure + elevation of site): _____ MSL*

For Cranes

11. Ground elevation at crane location: _____ MSL*
12. Height of crane(s): _____
13. Maximum elevation: (Ground elevation + height of crane): _____ MSL*

The applicant hereby certifies and agrees as follows: (1) that he/she is authorized to make this application; (2) that the information is correct; (3) that he/she will comply with all regulations that are applicable hereto; and (4) that he/she will perform no work on the subject property not specifically described in this application.

APPLICANT (Please Print)

Lee Giroux

PROPERTY OWNER (Please Print)

Shelly Heimback

Address:

573 McOmans Way
Towson, Md. 21286
____ (City, State, Zip)

Address:

2008 Holly Neck Rd.
Essex, Md. 21221
____ (City, State, Zip)

Phone No. 443-564-8875

Signature: _____

Connection to Property: Consultant

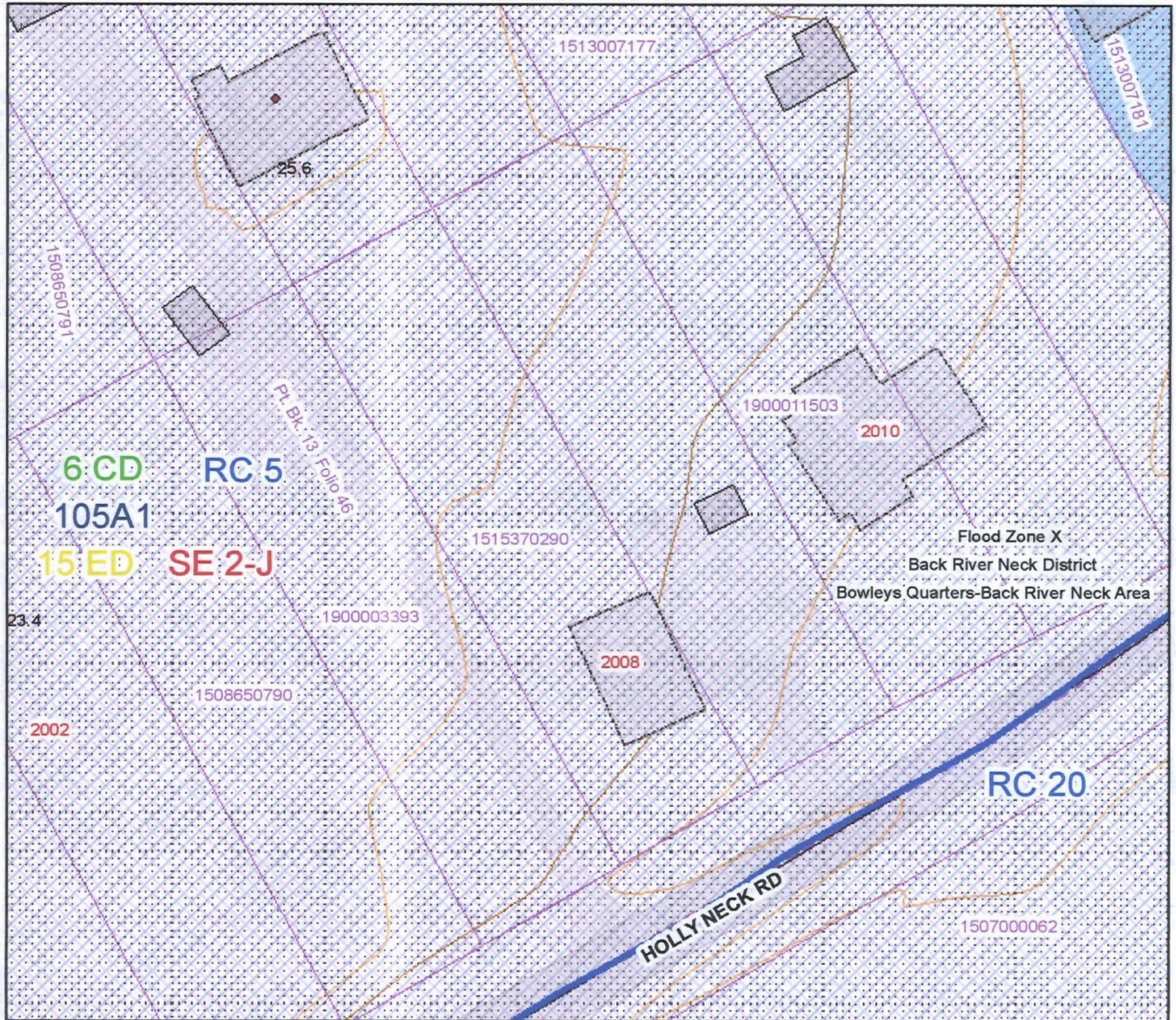
SECTION III: APPROVALS

Obstruction: ☐ Approved for maximum height of _____ MSL ☐ Denied ☐ N/A
By: _____ Date: _____

Noise: ☐ Approved ☐ Denied ☐ N/A By: _____ Date: _____

Approval of this application, if granted, will terminate if construction does not begin within one year of approval date. Approval of this permit does not preclude disturbance of applicant or occupants from aircraft operations. Please return application to: Maryland Aviation Administration, Noise Abatement Division, P.O. Box 8766, BWI Airport, MD 21240-0766. Please direct inquiries or questions to 410-859-7070.

2008 Holly Neck Road



DQ Map Notes



Publication Date: November 03, 2008
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



50 0 50
 Feet
 1 inch equals 50 feet

Item #0134

CASE NAME _____
CASE NUMBER 209-0134-A
DATE 1-15-09

[illegible]

Case No.:

2009-0134-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Photographs	
No. 3	Record Plat	
No. 4	Letter of Support From Neighbors	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

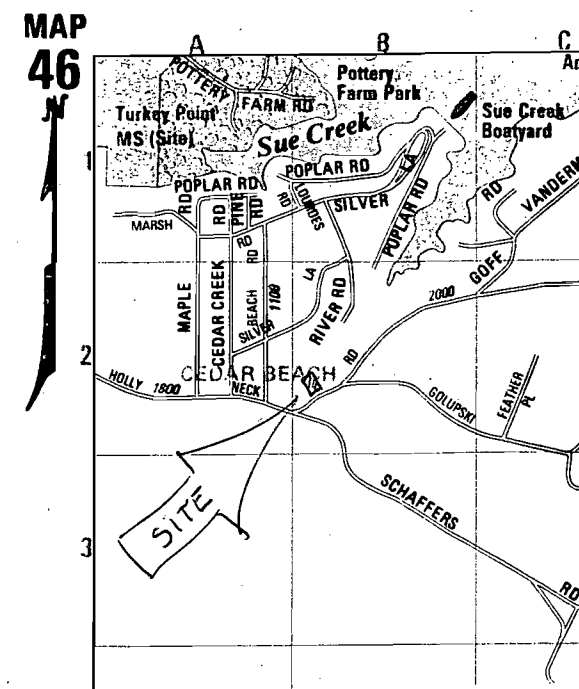
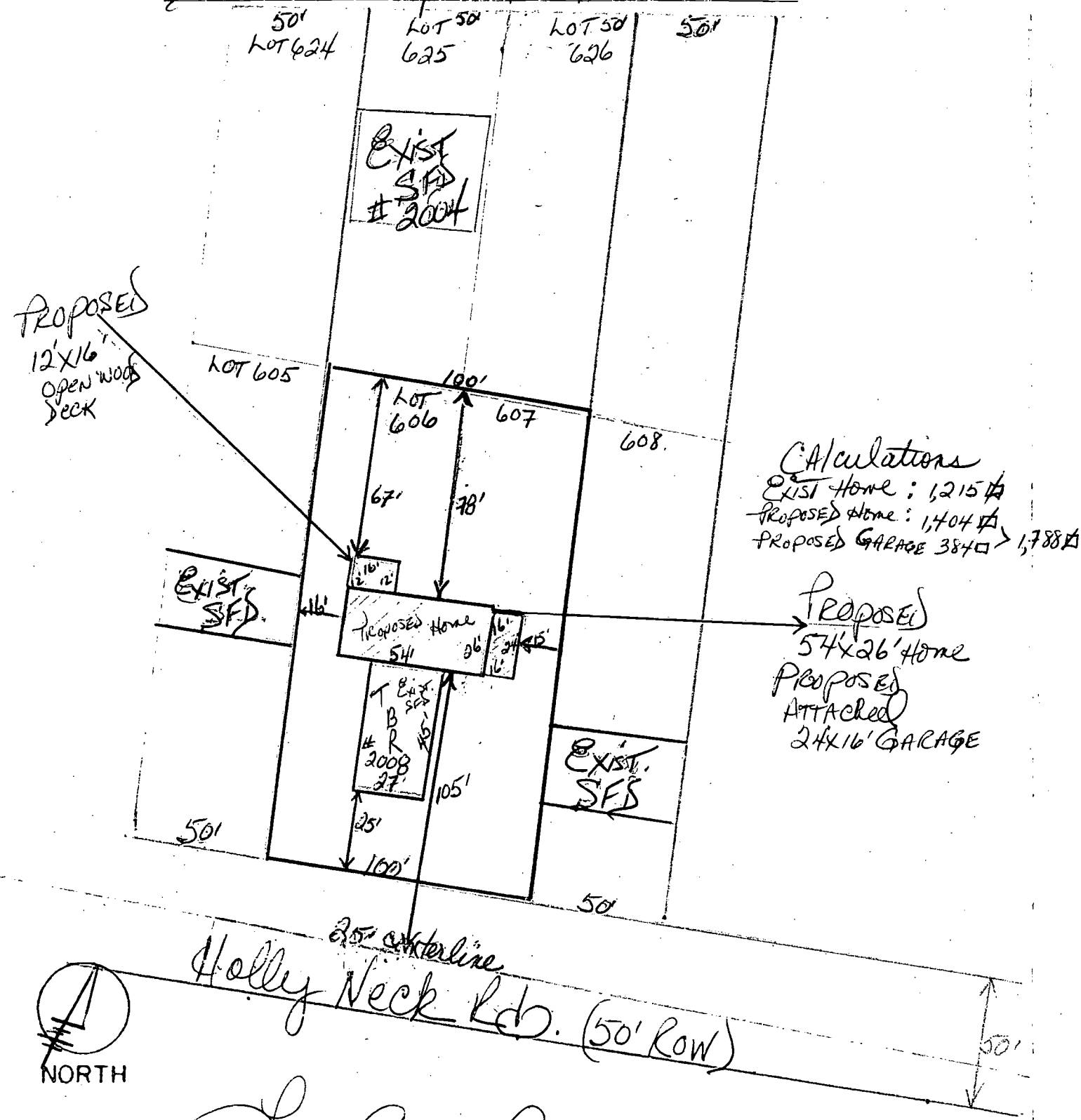
PROPERTY ADDRESS 2008 Holly Neck Rd

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME CEDAR BEACH #2

PLAT BOOK # 13 FOLIO # 46 LOT # 100663 SECTION #

OWNER JOHN & SHELLY HEIMBACH



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 105A2

ZONING RC-5

* LOT SIZE. .0447 19,500
ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE
☐ ☐

WATER. ☐ ☐

CHESAPEAKE BAY

CRITICAL AREA

YES ☐

NO ☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

2009 -
0134-A

PETITIONER' S

EXHIBIT NO.

PREPARED BY

SCALE OF DRAWING: 1" = 50'



PETITIONER' S

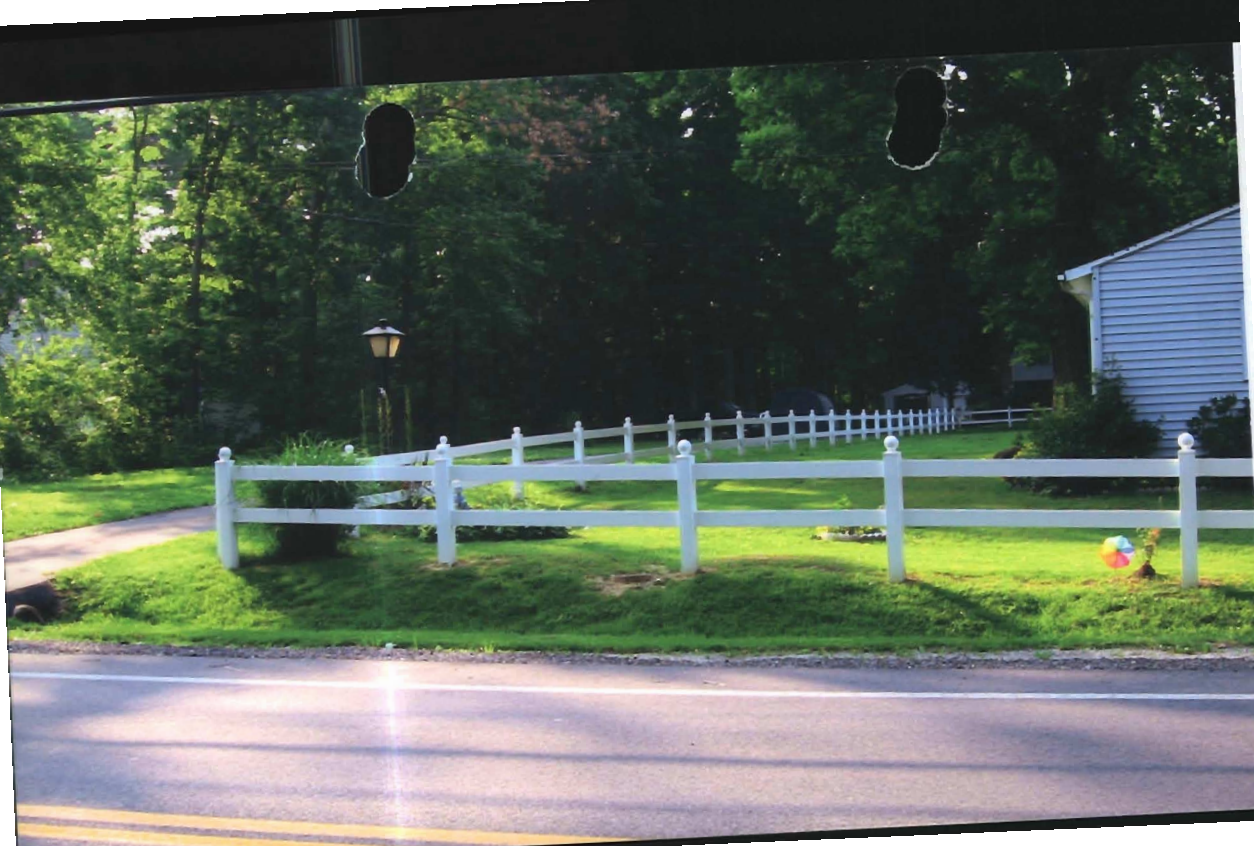
EXHIBIT NO. 2A-H







LOT #
625 #2004 Holly Neck Rd.



not 60





Lot 608



L50605

June 9, 2008

Baltimore County Zoning Dept.
111 W. Chesapeake Ave.
Towson, MD 21286

Subject: 2008 Holly Neck Rd., Cedar Beach

As a neighbor of Shelly Legeer-Heimbach and John Heimbach, I am writing to let you know that I have no objection of them razing their existing home and building a new similar size home with garage and rear deck.

This will be a improvement to our community.


Signature

Gerardette M. Mattson
Print Name

2002 Holly Neck Rd., Essex, MD 21221
Address

Contact telephone number: 410-391-5881

PETITIONER'S

EXHIBIT NO.

4A-C

Item #0134

