

IN RE: **PETITION FOR VARIANCE**

N/Side Greenbank Road, 125' E c/line of
Susquehanna Road

(7404 Greenbank Road)

15th Election District

6th Council District

Douglas A. Will, et ux

Petitioners

*

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*

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BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2009-0174-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Douglas A. Will, and his wife, Laura K. Will. The Petitioners request a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 8 feet and a lot width of 44 feet in lieu of the required 10 feet and 55 feet, respectively.¹ The subject property and requested relief are more particularly described on the redlined site plan submitted, which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Laura and Douglas Will, property owners, and Buck Jones, with Freestate General Contractors, who is assisting the Petitioners through the permitting process. Appearing as an interested neighbor was Paul Kozloski, and his attorney, John B. Bartkowiak, Jr., Esquire. As evidenced by Petitioners' Exhibits 2A and 2B, the adjacent neighbors, Skip Znamrowski (7406 Greenbank), and Gail Huber & Paul Kozloski (7402 Greenbank), have no objections to the relief requested nor were there any adverse Zoning Advisory Committee (ZAC) comments received from any County

¹ It is worthy to mention that the subject property is irregularly shaped with 44 feet of frontage on the Gunpowder River and *widens to 55 feet* at its border along Greenbank Road. The 1945-1955 Zoning Regulations required that "each dwelling hereafter erected shall . . . have a width of not less than *fifty feet at the front building line*. The Zoning Commissioner's Policy Manual (ZCPM), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses. In most cases, as is the situation here, waterfront lots refer to the front of the structure facing the water. The width of the lot in feet at the front of the building is 44.06 feet.

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Date 2-25-09
BY [signature]

reviewing agency.

By way of background, the property known as 7404 Greenbank Road located in the Oliver Beach area of eastern Baltimore County was the subject of prior Case No. 06-520-A. In that case, the then owners, Paul Kozloski and Gail Huber, were denied approval to allow a lot width of 50 feet in lieu of the required 55 feet as this would have resulted in a 2 foot side yard setback variance for the adjacent property (7402 Greenbank). Notwithstanding the comments of Deputy Zoning Commissioner John V. Murphy with regard to zoning merger, I shall to the extent applicable here, adopt the findings and conclusions set forth in his Order, dated June 26, 2006, and incorporate them herein. Important to the case before me was the filing of an application by the prior Petitioners with the Development Review Committee (DRC). This resulted in approval of a lot line adjustment on March 5, 2007 (DRC No. 030507H). This approval removed the prior need for a 2-foot side yard setback on the adjacent lot (7402 Greenbank) and assured that the proposed house location (7404 Greenbank) would be compatible with the neighborhood and with the front to rear orientations of other homes in this waterfront community. I find the Office of Planning's February 20, 2009 ZAC comment instructive in this regard. It states in pertinent part:

"The Office of Planning has reviewed the above referenced case(s) and recommends approval of the requested relief. The Development Review Committee (DRC) granted a lot line adjustment as shown on petitioner's exhibit on March 5, 2007 (DRC #030507H). The plan and house location are consistent with the DRC request. The DRC action was tantamount to resubdivision of the property."

The Petitioners now come before me as the new owners of the subject property seeking relief as set forth above to allow them to build a one-story single-family waterfront home that will be 28' wide x 48' deep in dimension. See Petitioners' Exhibits 4A and 4B showing front and rear elevation drawings. Their lot is identified as Lot 17 of Oliver Beach, an older subdivision that was platted and recorded in the Land Records in 1940, prior to the first set of zoning regulations

ORDER PREPARED FOR PLANNING
Date 2-25-09
By [Signature]

in Baltimore County. As is often the case with older subdivisions, many of the lots are undersized and do not meet current area and width requirements. In this regard, the subject lot contains a gross area of 8,516 square feet, or 0.196 acres, more or less, zoned D.R.5.5, and is 55 feet wide at its southern boundary and 181 feet deep. In order to proceed with the proposed development, the requested variance relief is necessary. In support of the proposal, photographs of the subject property and adjacent lots were submitted show that most of the houses in this community were built on 50-foot wide lots. Moreover, the requested variance involving side yard setback requirements is from the common lot line with adjacent neighbors. These neighbors do not oppose a 6-foot side yard setback as the new home will be at a distance of 16 feet from their homes, thereby providing sufficient room on both sides of the proposed new and existing homes for emergency personnel to go to the water from the road, if necessary.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. The lot meets the minimum area requirements of 6,000 square feet under the D.R.5.5 zoning regulations. The only deficiency is the lot width at the front building line, which in my opinion, was abrogated, when the old "A" Residence Zone was replaced by the Density Residential Zones which effectively deleted any reference to this dated regulation. The requested side yard setbacks for the proposed dwelling are similar to most of the houses in this community that were built on 50-foot wide lots.² In my view, the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding locale and meets the spirit and intent of Section 307 for relief to be granted. However, given the property's close proximity to the Gunpowder River, the proposed development must comply with the Chesapeake Bay Critical Area (CBCA) regulations. Mr. Jones, who is intimately familiar with waterfront

² See prior Orders involving variance relief on Greenbank Road: 05-438-A - (7335); 05-439-A - (7337); 05-603-A - (7416 Chesapeake Road), and 05-604-A (7418 Chesapeake Road), which are just west of Greenbank Road.

ORDER RECEIVED FOR PLANNING
Date 8-25-09
By [Signature]

construction, indicated that the flood protection elevation for this site is above 11.2 feet and indicated that he will be able to satisfy the ZAC comment received from the Bureau of Development Plans Review by submitting an elevation certificate. Approval is also conditioned on compliance with the regulations for protection of water quality, streams, wetlands and floodplains as set forth in the ZAC comment received from the Department of Environmental Protection and Resource Management (DEPRM).

The new evidence presented at the hearing demonstrated that a denial of the variance would render this lot unbuildable and have no real use. I find that the Petitioners should not be caused the practical difficulty of being denied the right to develop this lot under the circumstances. The case of *Belvoir Farms v. North*, 355 Md. 259 (1999) stands for the proposition that a variance may be granted in cases in which the hardship is less severe than the unconstitutional taking standard, that is, the zoning regulations result in a denial of all viable economic use of the property. The new standard given by the *Belvoir Farms Court* is "denial of reasonable and significant use of the property". Based on the evidence presented at the hearing and considering the judicial standards established by the Courts, I find that the variance request meets the spirit and intent of the regulations and will not adversely affect the neighborhood. The proposed improvements on this site constitute a reasonable use of the property.

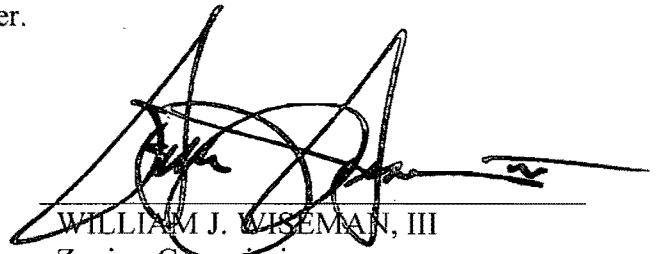
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of February 2009 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 8 feet and a lot width of 44 feet (at the front building line) in lieu of the required 10

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Date 2-25-09
By [signature]

and 55 feet, respectively, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED,
subject to the following restrictions:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (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 made by the Bureau of Development Plans Review, dated January 6, 2009, a copy of which has been attached hereto and made a part hereof.
3. Compliance with the Chesapeake Bay Critical Area (CBCA) regulations as set forth in the ZAC comments submitted by DEPRM, dated January 30, 2009, a copy of which has been attached hereto and made a part hereof.
4. When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

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Date 2-25-09
By [signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 6, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item No. 2009-0174-A

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 Comments-2009-0174-A-122908

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Date 2-25-09
BY [signature]

BW
2-23-09
2 pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: January 30, 2009
SUBJECT: Zoning Item # 09-174-A
Address 7404 Green Bank Road
(Will Property)

Zoning Advisory Committee Meeting of December 22, 2008

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

☒ 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).

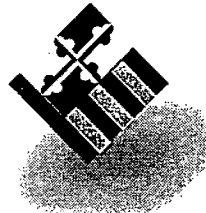
☒ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is within the Chesapeake Bay Critical Area and is designated a Limited Development Area (LDA) and a Buffer Management Area (BMA). Lot coverage is limited to 31.25% with mitigation (2,661.25 square feet) and the 15% afforestation requirement must be met. In addition, all development within the 100-foot buffer must meet all BMA provisions.

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-174-A 7404 Greenbank Road.doc

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Date 2-25-09
By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 25, 2009

Douglas A. Will
Laura K. Will
4 Spring Knoll Court
Timonium, Maryland 21093

IN RE: PETITION FOR VARIANCE

N/Side Greenbank Road, 125' E c/line of Susquehanna Road
(7404 Greenbank Road)
15th Election District - 6th Council District
Douglas H. Will, et ux – Petitioners
Case No. 2009-0174-A

Dear Mr. and Mrs. Will:

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', with a long horizontal line extending to the right.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Buck Jones, Freestate General Contractors, 500 Vogts Lane, Baltimore, MD 21221
Paul Kozloski, 7402 Greenbank, Baltimore, MD 21220
John B. Bartkowiak, Jr., Esquire, Suite 205, 29 West Susquehanna Avenue,
Towson, MD 21204
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; Development Plans Review; DEPRM; File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 7404 Greenbank Road
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)

1B02.3.C.1 to permit side yard setbacks
of 8 ft. and a lot width of 44 ft. in lieu of the required 10 ft.
and 55 ft., respectively.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The property owners wish to build there new home in line with
the other homes in there water front community. By doing so the rear
section would be located in the 4.4" width area. In order to have room
sizes that are practical in size the house would need to be 28' wide. This
causes a 8' side yard set back opposed to the 10' that is required.

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

Case No. 2009-0174-A

Legal Owner(s):

Douglas Will

Name - Type or Print

Signature

Laura Will

Name - Type or Print

Signature

4 Spring Knoll Ct. 410-252-4027

Address

Telephone No.

Lutherville

MD

21093

City

State

Zip Code

Representative to be Contacted:

Buck Jones

Name

500 Uogts Lane 410-574-9337

Address

Telephone No.

Baltimore

MD

21221

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BH Date 12/17/08

Zoning Description

ZONING DESCRIPTION FOR 7404 Greenbank Road

Election District 15

Councilmanic Dsitric 6

Beginning at a point on the North side of Greenbank Road which is 30 feet wide

at a distance of 125 feet east of the centerline of the nearest improved intersecting street

Susquehanna Road which is 30 feet wide. *Being Lot # 16 and 17pt, in the

Subdivision of Oliver Beach as recorded in Baltimore County Plat Book # 9,

Folio # 97, containing 8,516 square feet or .196 acres.

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Total:

Rec: [REDACTED]
From: [REDACTED]

50

DISTRIBUTION:

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

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

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: #2009-0174-A

7404 Greenbank Road
N/side of Greenbank Road, 125
feet e/of. centerline of
Susquehanna Road
15th Election District
6th Councilmanic District
Legal Owner(s): Douglas &
Laura Will

Variance: to permit side yard setbacks of 8 feet and a lot width of 44 feet in lieu of the required 10 feet and 55 feet, respectively.

Hearing: Monday, February 23, 2009 at 2:00 p.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.
2/010 Feb. 5 193686

CERTIFICATE OF PUBLICATION

2/5/, 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 2/5/, 2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 02/10/09

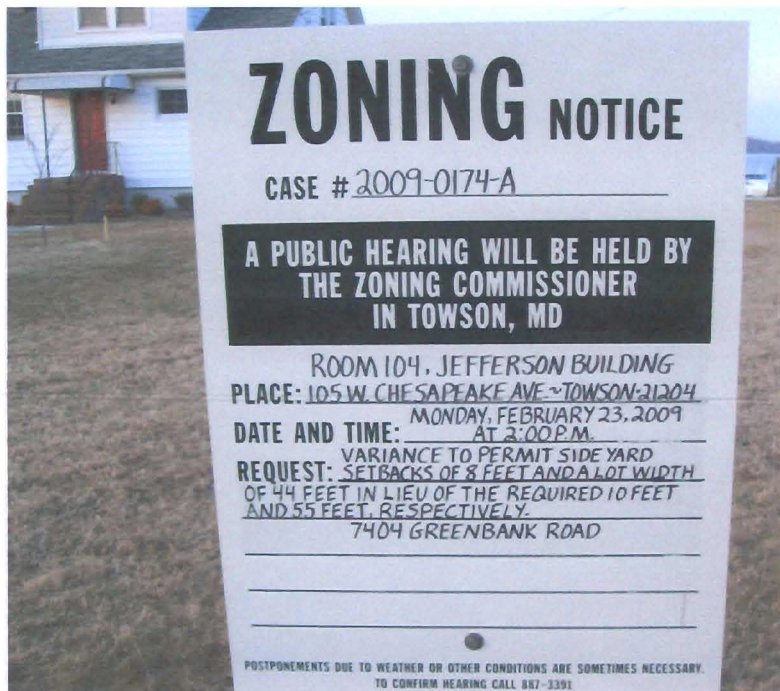
Case Number: 2008-0174-A

Petitioner / Developer: MR. & MRS. WILL ~BUCK JONES

Date of Hearing (Closing): FEBRUARY 23, 2009

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
7404 GREENBANK ROAD

The sign(s) were posted on: FEBRUARY 7, 2009



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2009-0174-A

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

JEFFERSON BUILDING
105 W. CHESAPEAKE AVE. ROOM 104
PLACE: TOWSON, MD 21204

DATE AND TIME: MONDAY FEB. 23, 2009 @ 2:00 PM

REQUEST: VARIANCE TO PERMIT

SIDE YARD SETBACKS OF 8 FEET AND A

LOT WIDTH OF 44 FEET IN LIEU OF THE

REQUIRED 10 FEET AND 55 FEET

RESPECTIVELY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 857-3391

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

GREENBANK ROAD



CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

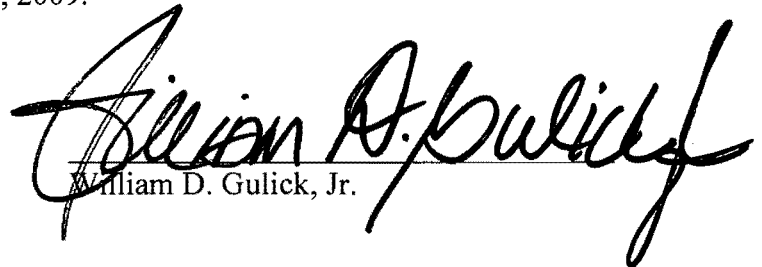
Date: February 10, 2009

Attention: Zoning Office
Ms. Kristen Matthews

Re: Case Number: 2009-0174-A
Petitioner/Developer: Douglas & Laura Will
Date of Hearing/Closing: Monday, February 23, 2009

This is to certify under the penalties of perjury that the necessary sign (s) required by law were posted conspicuously on the property located at: 7404 Greenbank Road.

The sign (s) were posted on: February 7, 2009.



William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

SEE ATTACHED SITE PHOTOS

BW 2/23
2PM

WILLIAM D. GULICK, JR
Baltimore County Approved Sign Poster

410-530-6293

2944 Edgewood Avenue
Baltimore, MD 21234

DATE: FEB 12, 2009

TO: BALTO. COUNTY
PDM/ZONING OFFICE

Re: 2009-0174-A
7404 GREENBANK ROAD

ATTENTION: MS. KRISTEN MATTHEWS

☐ We are submitting☐ We are returning☒ We are forwarding☐ Herewith☐ Under separate cover

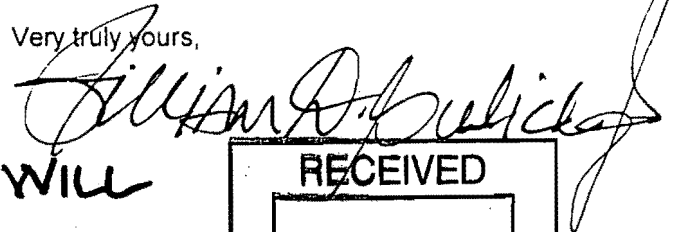
No.	Description
1	CERT OF POSTING
2	SITE PHOTOS
	RECEIVED
	FEB 23 2009
	ZONING COMMISSIONER

☒ For processing☒ For your use☐ For your review☐ Please call when ready☐ Please return to this office☐ In accordance with your request

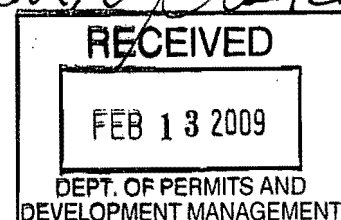
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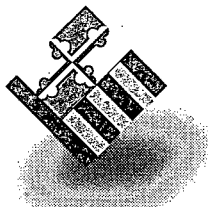
For further information, please contact the writer at this office.

Very truly yours,



C.C. DOUGLAS & LAURA WILL





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 22, 2009
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: 2009-0174-A

7404 Greenbank Road

N/side of Greenbank Road, 125 feet e/of centerline of Susquehanna Road

15th Election District – 6th Councilmanic District

Legal Owners: Douglas & Laura Will

Variance to permit side yard setbacks of 8 feet and a lot width of 44 feet in lieu of the required 10 feet and 55 feet, respectively.

Hearing: Monday, February 23, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Will, 4 Spring Knoll Ct., Lutherville 21093
Buck Jones, 500 Vogts Lane, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 7, 2009.**
- (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, February 5, 2009 Issue - Jeffersonian

Please forward billing to:
Buck Jones
500 Vogts Lane
Baltimore, MD 21221

410-574-9337

NOTICE OF ZONING HEARING

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N/side of Greenbank Road, 125 feet e/of centerline of Susquehanna Road
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Hearing: Monday, February 23, 2009 at 2:00 p.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.

**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.

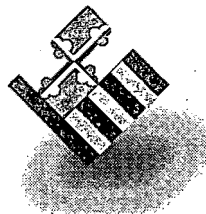
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0174-A
Petitioner: BUCK JONES
Address or Location: 7404 GREENBANK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BUCK JONES
Address: 500 VOGTS LANE
BALD. MD 21221
Telephone Number: 410-574-9337



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 18, 2009

Douglas & Laura Will
4 Spring Knoll Ct.
Lutherville, MD 21093

Dear: Douglas & Laura Will

RE: Case Number 2009-0174-A, 7404 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 December 17, 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 that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Buck Jones; 500 Vogts Ln.; Baltimore, MD 21221

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2008

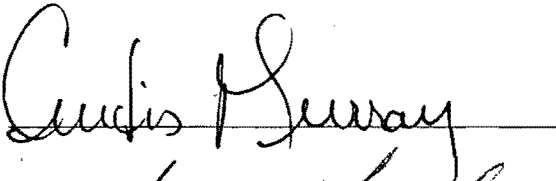
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-174- Variance**

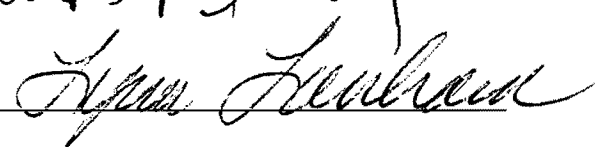
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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:



Division Chief:


CM/LL

BW
2-23-09
2 pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 30, 2009

SUBJECT: Zoning Item # 09-174-A
Address 7404 Green Bank Road
(Will Property)

Zoning Advisory Committee Meeting of December 22, 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:

The property is within the Chesapeake Bay Critical Area and is designated a Limited Development Area (LDA) and a Buffer Management Area (BMA). Lot coverage is limited to 31.25% with mitigation (2,661.25 square feet) and the 15% afforestation requirement must be met. In addition, all development within the 100-foot buffer must meet all BMA provisions.

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-174-A 7404 Greenbank Road.doc

Reviewer: Regina Esslinger

Date: January 20, 2009

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 6, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item No. 2009-0174-A

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 Comments-2009-0174-A-122908



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 12/23/2008

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

RE: Baltimore County
Item No 2009-0174-A
7404 GREENBANK RD
WILL 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. 2009-0174-A

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



jm
6/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 22, 2006

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

RECEIVED

SUBJECT: 7402 - 7404 Greenbank Road

MAY 22 2006

INFORMATION:

Item Numbers: 6-520 and 6-521

PLANNING DEPT

Petitioner: Paul Kozloski and Gail Huber

Zoning: DR 5.5

Requested Action:

ZAC 06-520: 7404 Greenbank Road, variance from Section 1B02.3.C.1 of the BCZR to permit a lot width of 50 feet in lieu of the required 55 feet.

ZAC 06-521: 7402 Greenbank Road, variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a lot width of 50 feet and a side yard of 2 feet in lieu of the required 55 feet and 10 feet respectively.

SUMMARY OF RECOMMENDATIONS:

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 condition shall apply to the proposed dwelling at 7404 Greenbank Road:

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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2009

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-174- Variance**

The Office of Planning has reviewed the above referenced case(s) and recommends approval of the requested relief. The Development Review Committee (DRC) granted a lot line adjustment as shown on the petitioner's exhibit on March 5, 2007 (DRC # 030507H). The plan and house location are consistent with the DRC request. The DRC action was tantamount to resubdivision of the property.

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

Division Chief:

LL



DRC

INDIVIDUAL RECORD

23-Feb-09

COUNTY COUNCIL DISTRICT**6**

COUNCIL: 6 **PDM_NO:** **PROJECT:** Oliver Beach Lots 16 & 17 Section A**DRC #** 030507H **DATE:** 03/05/07 **LOCATION:** 7402-7404 Greenbank Road**PRO_ACTION:** The request is for a lot line adjustment.**DRC_ACTION:** A-1 (viii)**Date action granted:** 11/13/07**Hold for Zoning Hearing:** No **Item #:** **Follow up required:** No **Follow up completed:** No**Hearing Date:****LPC:****Planning Board:****Planning's Conditions:** okay with planning previously given A-1 (viii) Houses are staggered.**Meeting notes:****Redline Changes per OP:****Conditions for CRG signature:****Signature Date:****Signed by:****Applicant:** Paul Kozloski**Address:** 1628 Alsoton Road, Towson, MD 21204**Applicant Telephone #:** (410) 828-6316**Engineer:** Dietz Surveying, Inc.**Engineer Telephone #:** (410) 661-3160

RE: PETITION FOR VARIANCE
7404 Greenbank Road; N/S Greenbank
Road, 125' E c/line Susquehanna Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Douglas & Laura Will
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-174-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

JAN 07 2009

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 7th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to, Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**BALTIMORE COUNTY
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT**

DEVELOPMENT REVIEW COMMITTEE (DRC) APPLICATION

DRC# 071006J
County Use Only

Filing Date: JUN 13 2006
Stamp in w/PDM date stamp here

This application must be accompanied by the following:

1. One copy of the completed DRC application form checklist.
2. Three copies of this DRC application, completed in full.
3. Three copies of a letter of request (attach one to each DRC application).
4. Nine copies of the plan folded to 8 1/2 x 11 inches.
5. \$50 fee (check made payable to Baltimore County and non-refundable; do not staple check to request form)

Project Name: LOTS 16 & 17 SECT. A OLIVER BEACH PDM File #: _____

Project Address: 7402-7404 GREENBANK ROAD Zip Code: 21220 ADC Map #: 3982

Councilmanic District: 6 Election District: 15 Project Acreage: 17,840 SF = 0.412 AC.

Tax Account No(s): 1511670460 Zoning: DR 5.5

Engineer: CENTRAL DRAFTING & DESIGN, INC Engineer's Phone No.: (410) 679-8719

Applicant: PAUL KOZLOSKI & GAIL HUBER Applicant's Phone No.: (410) 828-6516

Address: 1628 ALSTON RD.

TOWSON, MD

Zip 21204

Email: _____

Is this an antenna? Yes ☒ No ☐ If "Yes" check one of the following: Cellular _____ Water Tower _____ MonoPole _____
(CAC) (WTC) (CFC)

REQUESTED ACTION (TO BE COMPLETED BY THE APPLICANT)

- ☒ Limited Exemption under Section 32-4-106 (a) (VIII)
() Material Amendment to the plan
() Plan Refinement
() Waiver of public works standards
() Requires a Zoning () Special Hearing; () Special Exception; () Variance
() Other _____

This application must be accompanied by a written request. That request must be in the form of a letter, legibly printed or typed, and signed by the applicant. The letter must contain the name, address and telephone number of the applicant and must provide details of the request.

Please note that a DRC application form checklist is available in room 123 of the Baltimore County Office Building and on the Baltimore County web site at www.co.ba.md.us. A copy of that checklist must be completed and included along with this DRC application.

Please see the DRC application form checklist for complete submittal requirements.

From: Lynn Lanham
To: Rascoe, Donald
Date: 08/29/06 4:44:21 PM
Subject: DRC # 071006J Greenbank

In looking at this particular case, the proposed lot line adjustment does not create a land use pattern in the neighborhood that is different from what exists today. The proposed house locations are compatible with the neighborhood and do not establish poor front to rear orientation conditions that are typical of many of the zig-zag lot line adjustments that are brought to the DRC. This office will continue to evaluate each proposal on its own merits and may therefore oppose those that do not meet the general lot size, setbacks, and pattern of the neighborhood, especially those house locations that deviate significantly from the front building wall setback.

We do not oppose the lot line adjustment in this particular case and will continue to look at each one based on land use issues.

If you have any other thoughts or suggestions on this one please give me call tomorrow.

Lynn Lanham
Chief, Development Review
mlanham@co.ba.md.us
Phone: 410-887-3480
Fax: 410-887-5862
Baltimore County Office of Planning
410 Bosley Ave, Suite 406
Towson, MD 21204

CC: Jeff Long

CENTRAL DRAFTING AND DESIGN, INC.

601 CHARWOOD COURT
EDGEWOOD, MARYLAND 21040
(410) 679-8719 FAX (410) 679-1298

June 13, 2006

Development Review Committee
Baltimore County Office Building
Towson, Maryland 21204

RE: LOTS 16 AND 17, SECTION A, OLIVER BEACH
7402 AND 7404 GREENBANK ROAD

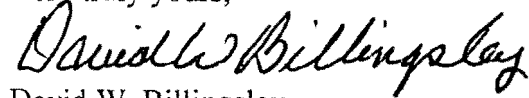
Gentlemen:

On behalf of the owners of the referenced property, we are requesting a Limited Exemption under Section 32-4-106 (a)(viii) of the Baltimore County Development Regulations to permit a lot line adjustment. The lot line adjustment is requested so that each lot will conform to the minimum standards set forth in the Baltimore County Zoning Regulations.

Please note that variances were requested in an attempt to permit a dwelling to be constructed on lot 17 (7404 Greenbank Road) while maintaining the existing dwelling on lot 16 (7402 Greenbank Road). The hearings took place on June 12, 2006. No order has been received.

Thank you for your consideration in this matter. Should you need any additional information, please do not hesitate to contact me.

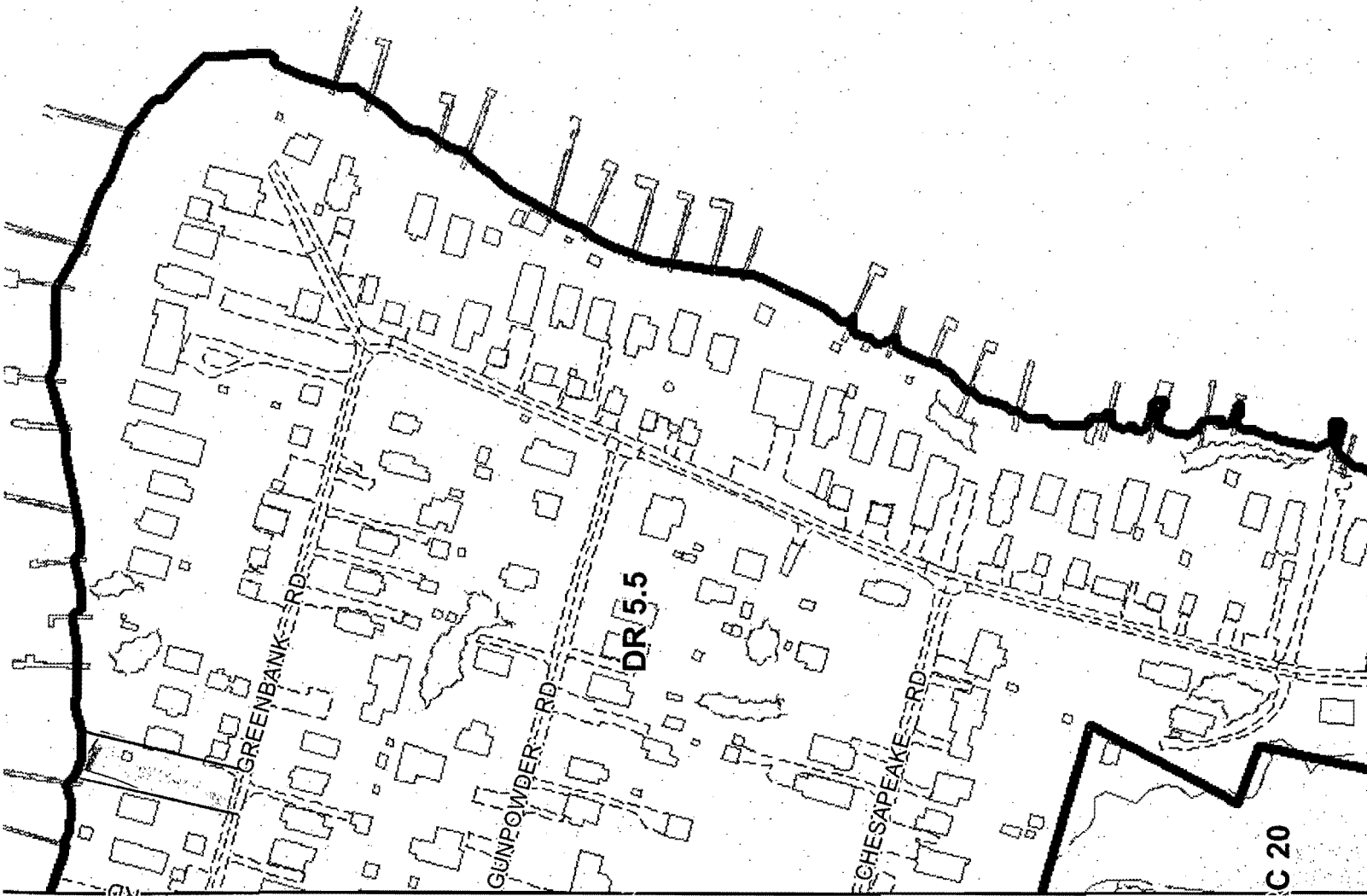
Very truly yours,


David W. Billingsley

enclosures

cc: Paul Kozloski and Gail Huber

JUN 13 2006



N ←

ZONING MAP
084 B1

#0174

CASE NAME Douglas A. Wee
CASE NUMBER 2009-0174-A
DATE 2-23-09

CASE NAME Douglas A. Wee
CASE NUMBER 2009-0174-A
DATE 2-23-09

[illegible]

CASE NAME Douglas A. Well
CASE NUMBER 2009-0174-A
DATE 2-23-09

[illegible]

Case No.: 2009-0174-A 7404 GREEN BANK RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	AMENDED SITE PLAN	
No. 2	2A - SKIP ZNAAMIROWSKI 2B - GAIL HUBER PAUL KOZLOSKI } NO OBJECTION TO 8' SIDE YARD SETBACK(S)	
No. 3 ATTACH F	EXISTING CONDITION PHOTO'S SHOWING SUBJECT PROPERTY AND PATTERN OF DEVELOPMENT	
No. 4	A - PROPOSED SFD - FRONT B " SFD - REAR	
No. 5	AERIAL SHOWING LOT SIZES	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

DECEMBER 1, 2008

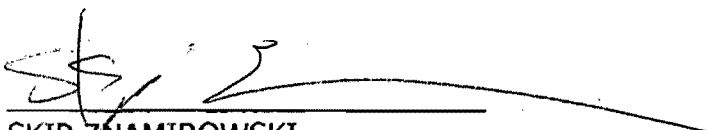
SKIP ZNAMIROWSKI
7406 GREENBANK ROAD
BALTIMORE MD 21220

RE: LOT #17 GREENBANK ROAD

TO WHOM IT MAY CONCERN:

WE HAVE NO OBJECTIONS TO AN EIGHT (8') FOOT SIDE YARD SET BACK
FOR A NEW ONE STORY HOME ON THE LOT ABUTTING OUR PROPERTY.

SINCERELY,



SKIP ZNAMIROWSKI

PETITIONER'S

EXHIBIT NO. 2A

10/01/2008 19:37 FAX 410 391 4161

LINDA HARTMAN

015

Property: 7404 GREENBANK ROAD, MIDDLE RIVER, Baltimore County, MD 21220

Buyer(s): Douglas A. Will & Laura K. Will

Seller(s): Gail F. Huber & Paul H. Kosloski

ADDENDUM TO CONTRACT

Date: October 1st 2008

Contract dated: October 1st 2008

Buyer(s): Douglas A. Will & Laura K. Will

Seller(s): Gail F. Huber & Paul H. Kosloski

Property: 7404 GREENBANK ROAD

MIDDLE RIVER

MD

21220

ADDENDUM REGARDING: Variance & Tree Removal

In consideration of their mutual desires to consummate the aforementioned Contract, the undersigned parties hereby agree as follows:

1 - Sellers will have no objections to an eight (8) foot side yard set-back for a new one-story home to be built on 7404 Greenbank Road.

2 - Sellers give permission, with Baltimore County approval, to Buyers to remove large holly tree located on the northeast corner of 7402 Greenbank Road. Said tree to be removed within 90 days of purchase of 7404 Greenbank Road.

3

All other terms and conditions of the contract shall remain in full force and effect.

Douglas A. Will 10/1/08
Buyer Date

Gail F. Huber 10-6-08
Seller Date

Laura K. Will 10/1/08
Buyer Date

Paul H. Kosloski 10-6-08
Seller Date

CBRB BF340 (07/06)

PETITIONER'S
EXHIBIT NO. 213



FRONT OF LOT looking NORTH WEST

PETITIONER'S

EXHIBIT NO.

A three

3A



FRONT OF LOT LOOKING NORTH EAST

3B



FRONT OF LOT looking east DOWN GreenBank Rd



FRONT OF lot looking south



FRONT OF LOT looking west Down Greenbank Rd



FRONT OF LOT looking NORTH



Home FRONT

PETITIONER'S
EXHIBIT NO. 4A

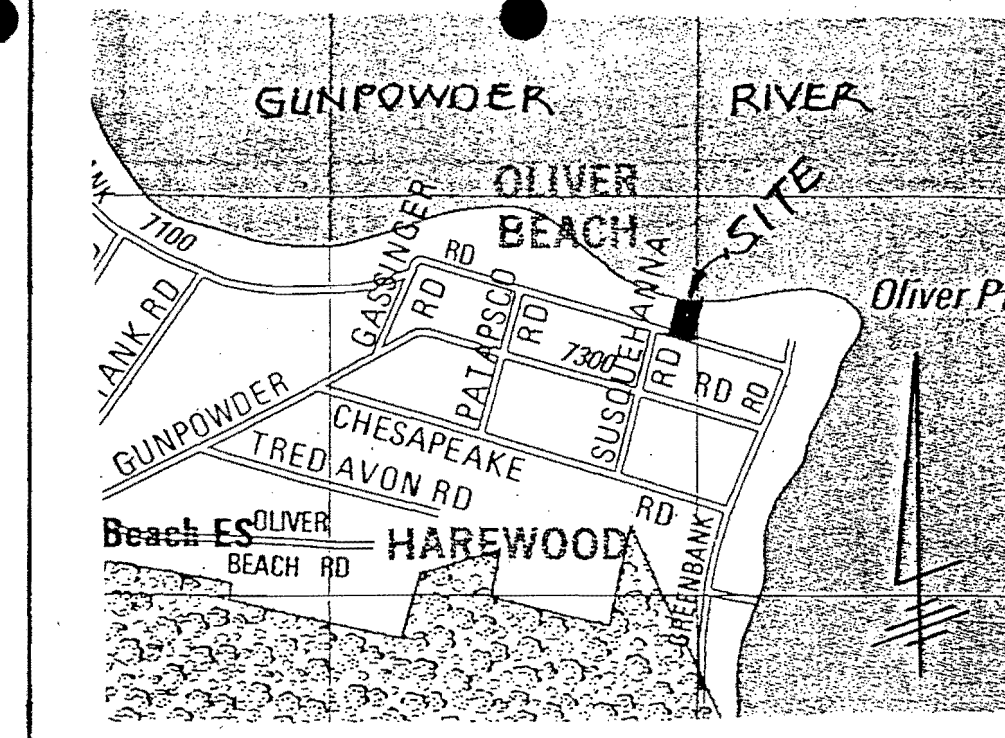
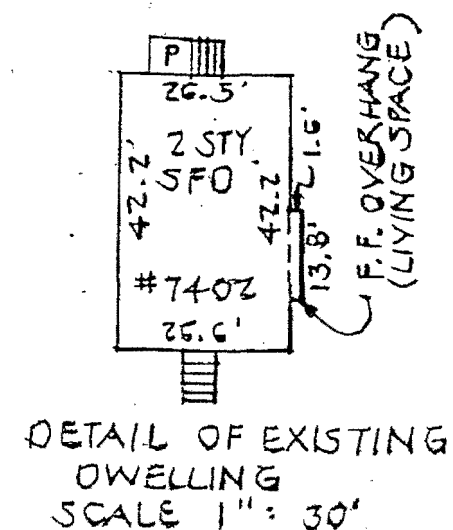
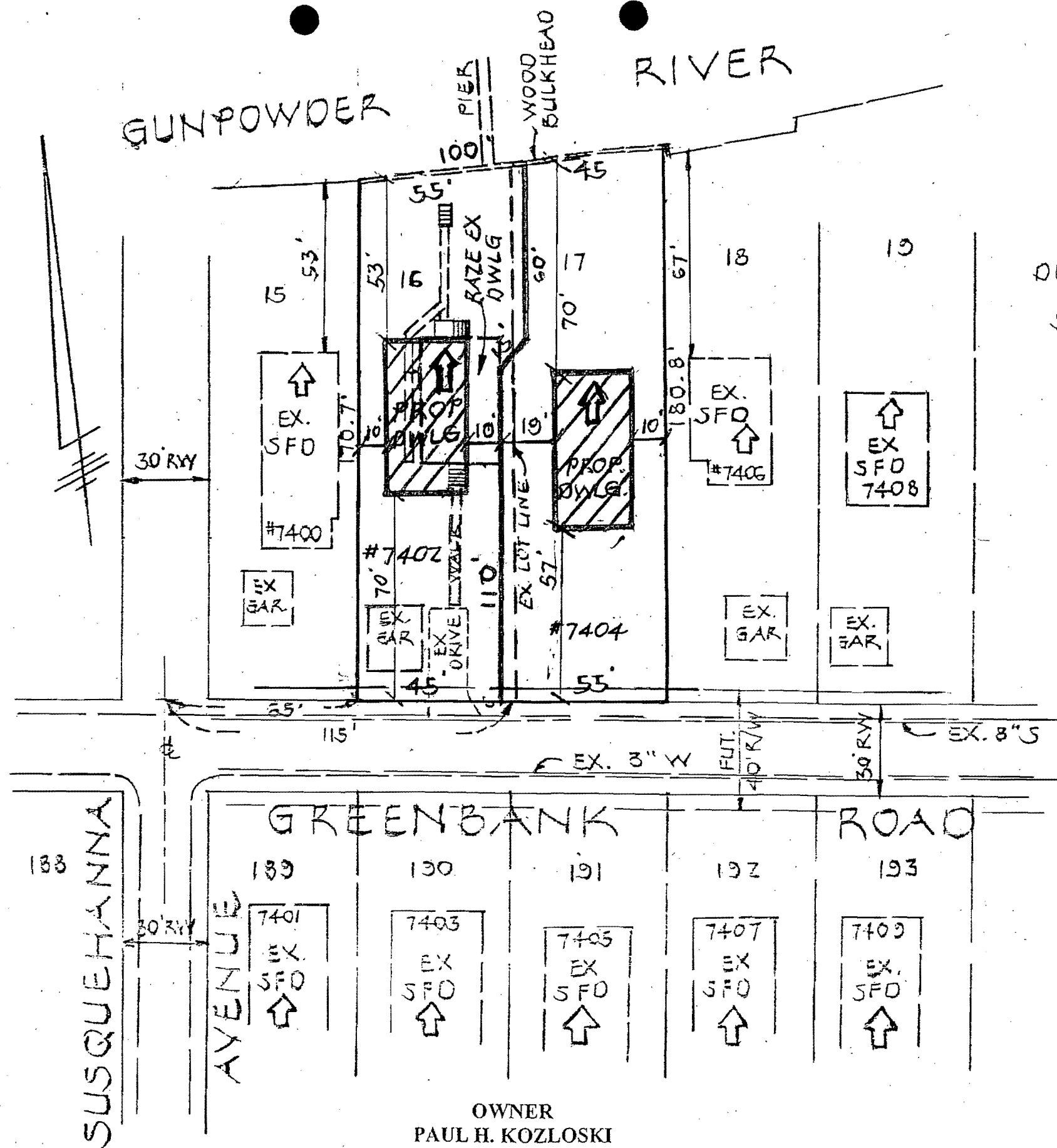


Rear 4B



PETITIONER' S

EXHIBIT NO. 5



NOTES

1. ZONING.....DR 5.5 (MAP 084B1)
2. LOT AREAS
7402.....8640 SF = 0.198 ACRE
7404.....9340 SF = 0.214 ACRE
3. SITE IS LOCATED IN CBCA
4. SITE IS LOCATED IN FLOOD ZONE B
5. NO PREVIOUS ZONING HISTORY
6. PUBLIC WATER AND SEWER IS EXISTING
7. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST

JUN 13 2006

PLAT TO ACCOMPANY DRG REQUEST
7402 - 7404 GREENBANK ROAD
LOTS 16 & 17 SECTION A
OLIVER BEACH P.B. 12 F. 56
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET JUNE 13, 2006

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

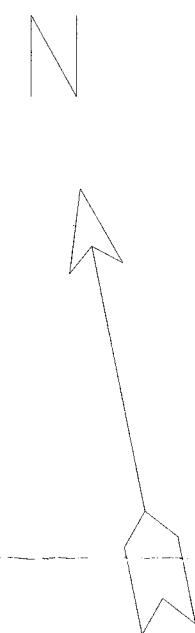
OWNER
PAUL H. KOZLOSKI
GAIL F. HUBER
1628 ALSTON ROAD
TOWSON, MD. 21204
DEED REF. L.11597 F.266
ACCT. NO. 1511670460

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

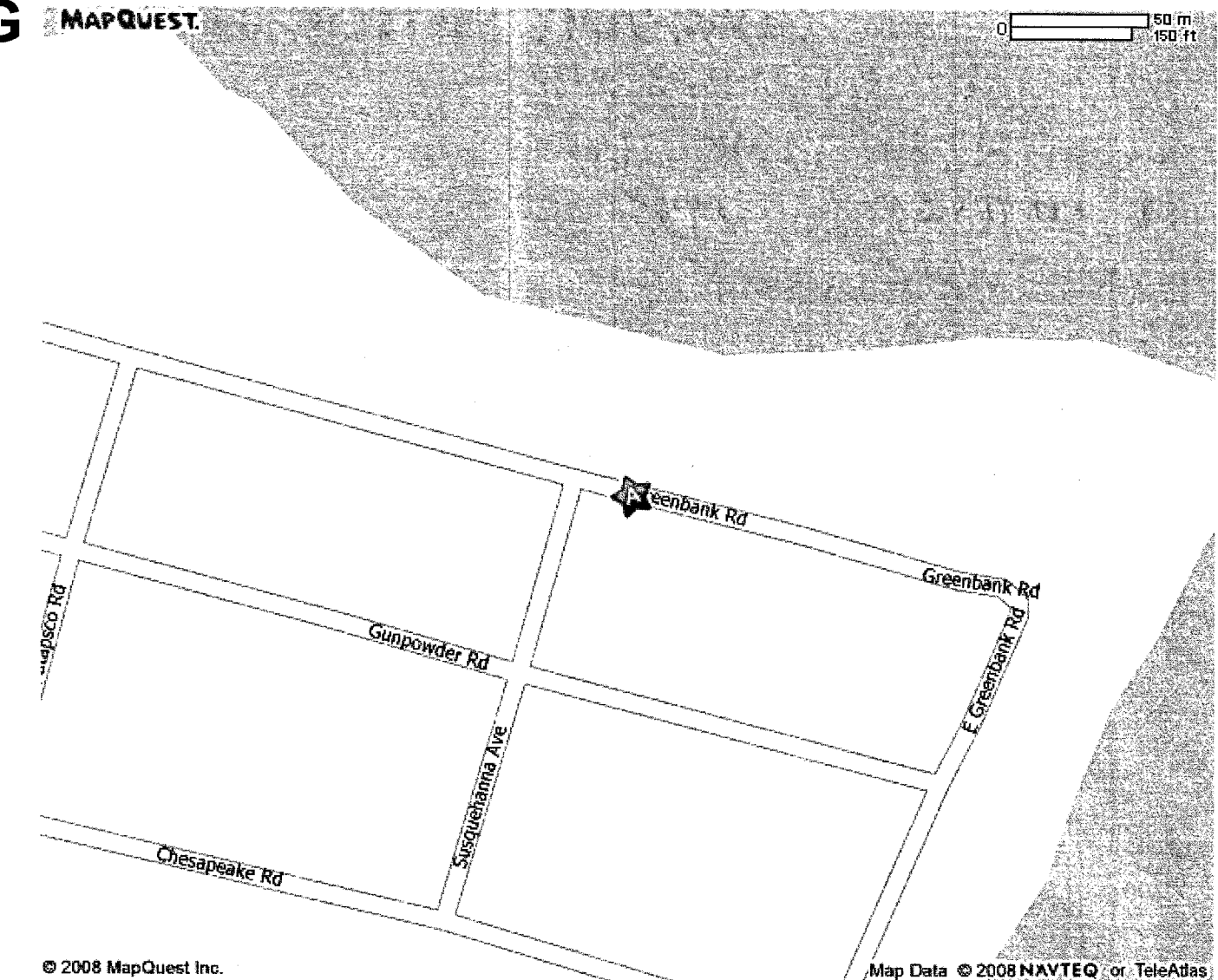
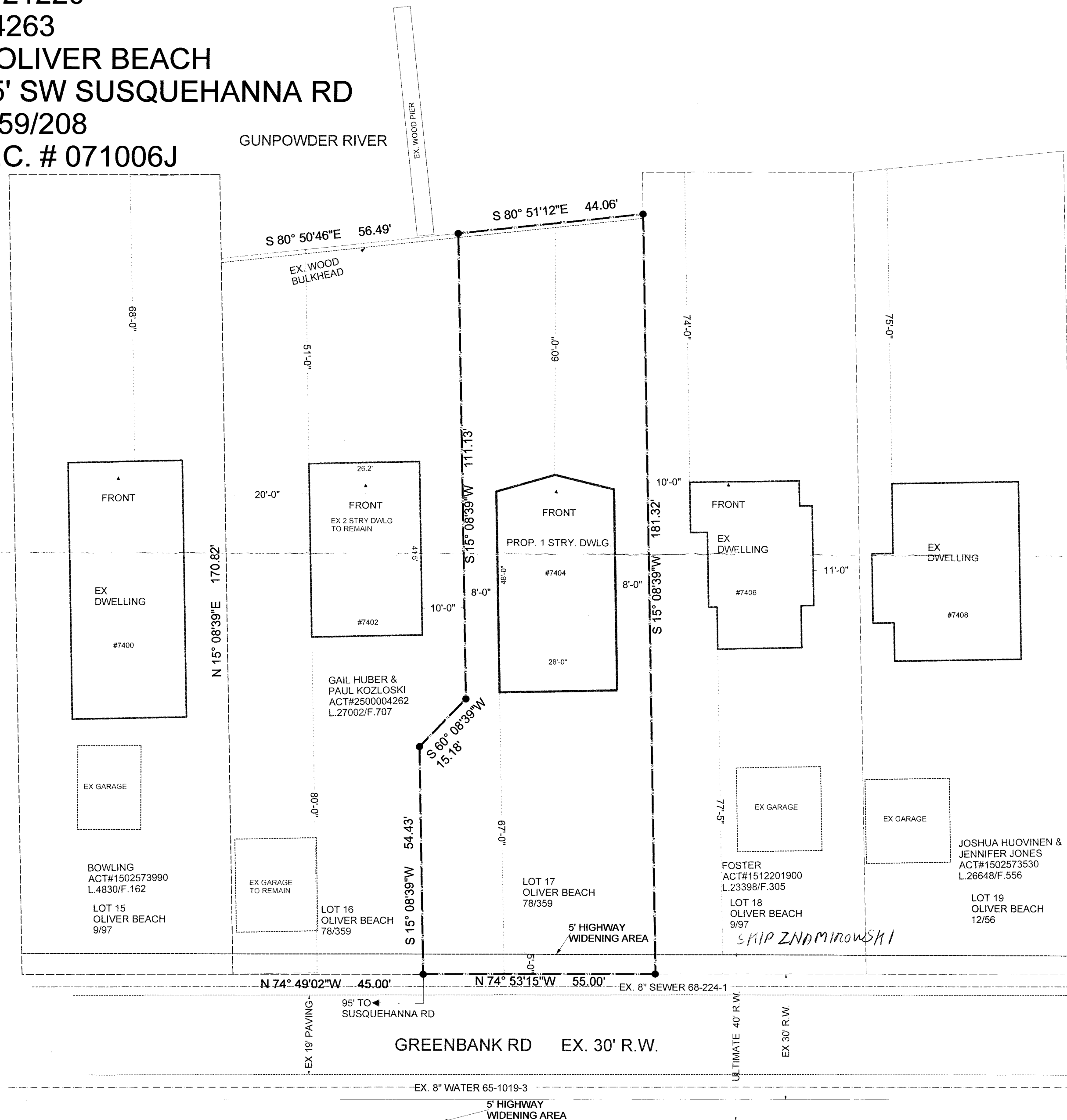
☐ SPECIAL HEARING

MAPQUEST

DOUGLAS & LAURA WILL
7404 GREENBANK RD.
BALTIMORE MD 21220
TAX ID #2500004263
RE SUB DIV OF OLIVER BEACH
NEAREST INT.95' SW SUSQUEHANNA RD
DEED REFR:27459/208
APPROVED D.R.C. # 071006J



SUSQUEHANNA RD



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1"=200' SCALE MAP # 084B1

ZONING DR 5.5

LOT SIZE 0.196 ACREAGE 8,516 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

CHESAPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN
HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	☒	☒

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE#
Am	0174	209-0174-A

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1"=20'
DATE 12-06-08

WILL SITE PLAN
SITE PLAN

DRAWN BY
JESSE NANTZ
PAGE # 1

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