IN RE: **PETITIONS FOR VARIANCE** S/S Greenbank Road, 315' & 265' W c/line Susquehanna Road **(7335 & 7337 Greenbank Road)** 15th Election District 6th Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
4306 Stanwood Avenue , LLC, *Legal Owner* Petitioner	*	**Case Nos. 2010-0185-A &** **2010-0186-A**

* * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Variance filed by the owner of the property, 4306 Stanwood Avenue, LLC, through its managing member, Michael Dackman, and their attorney, Daniel A. Staeven, Esquire of Dackman and Heyman, LLC, for two (2) adjacent properties known as 7335 Greenbank Road (Lot 182) and 7337 Greenbank Road (Lot 183). Since the properties are owned by the entity and are located adjacent to one another, the two cases were heard contemporaneously. In Case No. 2010-0185-A (Lot 182), the Petitioner requests variance relief from Sections 1B02.3.A.5 and 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a minimum lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling. In Case No. 2010-0186-A (Lot 183), Petitioner requests similar relief. Specifically, relief is requested from B.C.Z.R. Sections 1B02.3.A.5 and 1B02.3C.1 to allow a lot width of 50 feet in lieu of the minimum required lot width of 55 feet for a replacement dwelling. The subject properties and requested relief are more particularly described on the site plan submitted in each case, which were accepted into evidence and respectively marked as Petitioner's Exhibit 1.

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Date 2-24-10
By

Appearing at the requisite public hearing in support of the requests were Michael Dackman, on behalf of the property owner, Richard E. Matz, P.E., with Colbert Matz Rosenfelt, Inc., the consultant who prepared the site plan for this property, and Gordon Heyman, Esquire, council for Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject adjacent water oriented/water view lots are located on the south side of Greenbank Road between Patapsco Road and Susquehanna Road in Middle River. The rectangular lots are identified as Lots 182 and 183 on the plat of subdivision of Oliver Beach, which is an older subdivision that was platted and recorded in the Land Records in 1940, prior to the first set of zoning regulations 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, both lots are 50' wide x 150' deep, contain a gross area of 7,500 square feet (0.172 acres), zoned D.R.5.5 and in both cases must comply with the Chesapeake Bay Critical Area Regulations. Petitioner obtained the lots through foreclosure proceedings in May, 2009, and an investment of approximately $150,000 needs to be recouped but difficult since the current improvements have been abandoned and are in bad condition.

Petitioner desires to redevelop the lots with new single-family dwellings. The existing garage and one-story home on Lot 183 (7337 Greenbank Road) built in 1939 will be removed and rebuilt. The new dwellings will be 30' wide x 40' deep and will meet all front, side and rear setback requirements. Public water and sewer will serve both lots. Relief is requested to approve lot widths of 50 feet respectively and to approve the properties as undersized lots (width at building line less than that required by the area regulations) to permit the proposed development. Both are lots of record and have their own tax identification numbers. There is no

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physical evidence that the subject properties were used or consolidated with any other lot to invoke the doctrine of merger as described in *Friends of the Ridge v. Baltimore Gas & Electric Company* 352 Md. 645 (1999) and *Remes v. Montgomery County* 387 Md. 52 (2005). Moreover, the uncontradicted evidence clearly establishes that there has never been a desire to combine or merge the parcels, Lot 182 with Lot 183.

Testimony offered in support of the requests was that without variance relief, Lots 182 & 183 could not be 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 Belvoir Farms v. North* 355 Md. 259 [1999]). Moreover, based on the testimony and evidence presented, the Petitioner is entitled to their variances as they have met the requirements of Section 304 of the B.C.Z.R. (*See Mueller v. People's Counsel for Baltimore County* 177 Md. App. 43 [2007]). In my view, the relief requested will not result in any detriment to the health, safety and general welfare of the surrounding locale and, therefore, would meet the spirit and intent of Section 307 for relief to be granted. The proposed dwellings will meet all front, side and rear setback requirements and will be situated on the lots consistent with other houses in the community. The only deficiency in both of these instances is the lot width, which is 5 feet shy of the required 55 feet.

Pursuant to the advertisement, posting of the properties and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of February 2010, that the Petition for Variance filed in Case No. 2010-0185-A (7335 Greenbank Road), seeking relief from Sections 1B02.3.A.5 and 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed buildable lot with a

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Date 2-24-10
By

width of 50 feet in lieu of the required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 2010-0186-A (7337 Greenbank Road), seeking relief from Sections 1B02.3.A.5 and 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement dwelling on a lot with a width of 50 feet in lieu of the minimum required 55 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED subject to the following conditions:

1. The Petitioner(s) may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner(s) is hereby made aware that proceeding at this time is at his 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. The Petitioner shall comply with the recommendations made within the Zoning Advisory Committee (ZAC) comments submitted by the Bureau of Development Plans Review (DPR), the Department of Environmental Protection and Resource Management (DEPRM) and the Office of Planning, dated January 13, 2010, February 18, 2010, and February 22, 2010, respectively, a copy of which is attached hereto and made a part hereof.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 2-24-10
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 24, 2010

Daniel A. Staeven, Esquire
Gordon Heyman, Esquire
Dackman and Heyman, LLC
2221 Maryland Avenue
Baltimore, Maryland 21218

RE: **PETITIONS FOR VARIANCE**
S/S Greenbank Road, 315' & 265' W c/line Susquehanna Road
(7335 & 7337 Greenbank Road)
15th Election District - 6th Council District
4306 Stanwood Avenue , LLC, *Legal Owner* - Petitioner
Case Nos. 2010-0185-A & 2010-0186-A

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Michael Dackman, 4306 Stanwood Avenue, LLC, 2221 Maryland Avenue, Baltimore, MD 21218
Richard E. Matz, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, MD 21209
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, MD 21401
People's Counsel; Office of Planning; DEPRM; DRF; File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7335 Greenbank Road
which is presently zoned DR-5.5
Deed Reference 28127 / 153 **Tax Account #** 1503200001

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 of thereof, hereby petition for a Variance from Section(s)

See Attached.

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

Reasons to be presented at the hearing.

Property 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:

Daniel Staeven, Esq.
Name – Type or Print

Signature

Dackman and Heyman, LLC
Company

2221 Maryland Avenue 410-366-1710
Address Telephone No.

Baltimore MD 21218
City State Zip Code

Legal Owner(s):

Michael Dackman, Authorized Agent
4306 Stanwood Avenue, LLC
Name – Type or Print

Signature

Name – Type or Print

Signature

2221 Maryland Avenue 410-366-1710
Address. Telephone No.

Baltimore MD 21218
City State Zip Code

Representative to be Contacted:

Richard E. Matz, P.E.
COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838
Address Telephone No.

Baltimore MD 21209
City State Zip Code

Case No. 2010-0185-A

ORDER RECEIVED FOR FILING

Date 2-24-10

By DW

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By A. Tsui Date 12/23/2009

Attachment to Variance Petition – 7335 Greenbank Road

Variance from Section 1B02.3.A.5 and 1B02.3.C.1, BCZR, to permit a minimum lot width of 50 feet in lieu of 55 feet required.

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION – 7335 GREENBANK ROAD

Beginning at a point on the south side of Greenbank Road, which is 30 feet wide at a distance of 315 feet, more or less, from the centerline of Susquehanna Road, which is 30 feet wide.

West of #

Being Lot 182 in Section A of the Oliver Beach subdivision, as recorded in the Baltimore County Land Records in Plat Book 12, page 56. Also known as 7335 Greenbank Road and containing 7,500 square feet, and located in the 15th Election District, 6th Councilmanic District.

STATE OF MARYLAND
RICHARD EARL MATZ
No. 13203
PROFESSIONAL ENGINEER

Dec 22, 2009

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.

License No. 13203, Expiration Date: 11-2-10

2010-0185-A

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

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: 2010-0185-A

Petitioner: 4306 Stanwood Ave, LLC

Address or Location: 7335 Greenbank Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Michael Dackman, Dackman & Heyman

Address: 2221 Maryland Ave
Baltimore, Md-21218

Telephone Number: 410-366-1710

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

No. 47302

Date: 12/23/07

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65 —
						Total:		65 —

Rec From: 4306 S. TANEYTOWN AVE, LLC

For: 7335 GREENBANK RD

2016 - 0185 - A

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

CASHIER'S VALIDATION

THE DAILY RECORD

Baltimore, February 17,2010

Case #2010-0185-A - 7335 Greenbank Road

Inv:# 30439135

We hereby certify that the annexed advertisement of Case #2010-0185-A - 7335 Greenbank Road was published in THE DAILY RECORD, a daily newspaper published in the City and County of Baltimore on 02/17/2010.

First insertion February 17,2010

THE DAILY RECORD COMPANY

Per _____

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: 2010-0185-A

7335 Greenbank Road

S/side of Greenbank Road, 315 feet west of centerline of Susquehanna Road

15th Election District - 6th Councilmanic District

Legal Owners: Michael Dackman, 4306 Stanwood Avenue, LLC

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

Hearing: Monday, February 22, 2010 at 10:00 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.

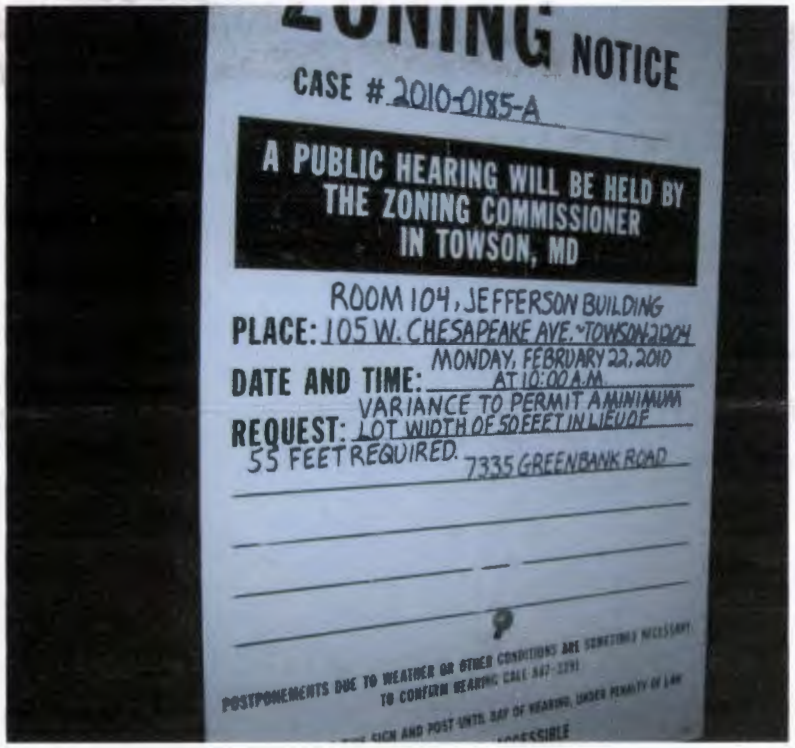
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391. f17

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS
DATE: 2/08/2010
Case Number: 2010-0185-A
Petitioner / Developer: DANIEL STAEVEN, ESQ.~ MICHAEL DACKMAN~ RICHARD MATZ , COLBERT, MATZ & ROSENFELT, INC.
Date of Hearing (Closing): FEBRUARY 22, 2010

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:
7335 GREENBANK ROAD

The sign(s) were posted on: FEBRUARY 4, 2010



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)

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 26, 2010

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: 2010-0185-A
7335 Greenbank Road
S/side of Greenbank Road, 315 feet west of centerline of Susquehanna Road
15th Election District – 6th Councilmanic District
Legal Owners: Michael Dackman, 4306 Stanwood Avenue, LLC

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

Hearing: Monday, February 22, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Daniel Staeven, Esq., 2221 Maryland Avenue, Baltimore 21218
Michael Dackman, 2221 Maryland Avenue, Baltimore 21218
Richard Matz, Colbert, Matz & Rosenfelt, 2835 Smith Ave., Ste. G, Baltimore 21209

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 6, 2010.**
(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 4, 2010 Issue - Jeffersonian

Please forward billing to:
Michael Dackman 410-366-1710
Dackman & Heyman
2221 Maryland Avenue
Baltimore, MD 21218

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: 2010-0185-A
7335 Greenbank Road
S/side of Greenbank Road, 315 feet west of centerline of Susquehanna Road
15th Election District – 6th Councilmanic District
Legal Owners: Michael Dackman, 4306 Stanwood Avenue, LLC

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

Hearing: Monday, February 22, 2010 at 10:00 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

February 17, 2010

Daniel Staeven, Esq.
Dackman and Heyman, LLC
2221 Maryland Ave.
Baltimore, MD 21218

Dear: Daniel Staeven, Esq.

RE: Case Number 2010-0185-A, 7335 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 23, 2009. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Michael Dackman; 4306 Stanwood Avenue, LLC; 2221 Maryland Ave.; Baltimore, MD 21218
Richard Matz; Colbert Matz Rosenfelt, Inc; 2835 Smith Ave. Ste. G; Baltimore, MD 21209

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 13, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For January 25, 2010
Item No.: 2010-185

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:cab
cc: File
G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0185-01252010.doc

ORDER RECEIVED FOR FILING
Date 2-24-10
By

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

FEB 18 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: February 18, 2010

SUBJECT: Zoning Item # 10-185-A
Address 7335 Greenbank Road
(Dackman Property)

Zoning Advisory Committee Meeting of January 11, 2010

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

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

Additional Comments:

This property is within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% without mitigation; an additional 500 square feet of lot coverage may be added with mitigation for the amount above 25%. 15% afforestation will also apply.

Reviewer: Regina Esslinger Date: February 2, 2010

ORDER RECEIVED FOR FILING

Date 2-24-10

By

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 22, 2010

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-185 and 10-186-Variance**

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if applicable.

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: Curtis Murray

Division Chief: Lynn Lanham

CM/LL

ORDER RECEIVED FOR FILING
Date 2-24-10
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 20, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 11 2010

Item Numbers: 0179,0183,0185,0186,0187 and 0188

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

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

State Highway Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: JAN 15 2010

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

RE: Baltimore County
Item No. 2010-0185-A
7335 GREENBANK RD
DACKMAN 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. 2010 -0185A.

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

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE:	PETITION FOR VARIANCE 7335 Greenbank Road; S/S of Greenbank Road, 315' W c/line of Susquehanna Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Michael Dackman Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 10-185-A

* * * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED
JAN 15 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2010, a copy of the foregoing Entry of Appearance was mailed to Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209 and Daniel Staeven, Esquire, Dackman & Heyman, LLC, 2221 Maryland Avenue, Baltimore, MD 21218, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: Debra Wiley
To: Livingston, Jeffrey; Murray, Curtis
Date: 2/18/2010 12:28 PM
Subject: Comments Needed

Hi there,

In reviewing next week's case files, it appears Bill needs comments from your respective agencies for the following:

2010-0185-A & (scheduled 2/22 @ 10 AM)
2010-0186-A (scheduled 2/22 @ 11 AM)
7335 & 7337 Greenbank Road
15th Election District, 6th Council District
Michael Dackman (4306 Stanwood, LLC), Legal Owner

2010-0193-SPH (scheduled 2/25 @ 9 AM)
North and West of Ivy Reach Court, North of Padonia Road
David D. Smith, Legal Owner
8th Election District, 2nd Council District

Thanks for your cooperation.

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

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3d)

Go Back
View Map
New Search

Account Identifier: District - 15 Account Number - 1503200000

Owner Information

Owner Name:	4306 STANWOOD AVENUE LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	2221 MARYLAND AVE BALTIMORE MD 21218-5627	**Deed Reference:**	1) /28127/ 153 2)

Location & Structure Information

Premises Address
GREENBANK RD

Legal Description
OLIVER BEACH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
84	2	40			A		182	3	Plat Ref: 12/ 56

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		7,500.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	55,500	64,500		
Improvements:	0	0		
Total:	55,500	64,500	58,500	61,500
Preferential Land:	0	0	0	0

Transfer Information

Seller:	CELLUZZI MARK	**Date:**	05/22/2009	**Price:**	$135,000
Type:	MULT ACCTS ARMS-LENGTH	**Deed1:**	/28127/ 153	**Deed2:**	
Seller:	CELLUZZI ANTHONY F	**Date:**	04/03/2000	**Price:**	$115,000
Type:	NOT ARMS-LENGTH	**Deed1:**	/14388/ 681	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *

PLEASE PRINT CLEARLY

CASE NAME 2010-0185 & 0186 A
CASE NUMBER Greenbank Rd.
DATE 2-22-10

PETITIONER'S SIGN-IN SHEET

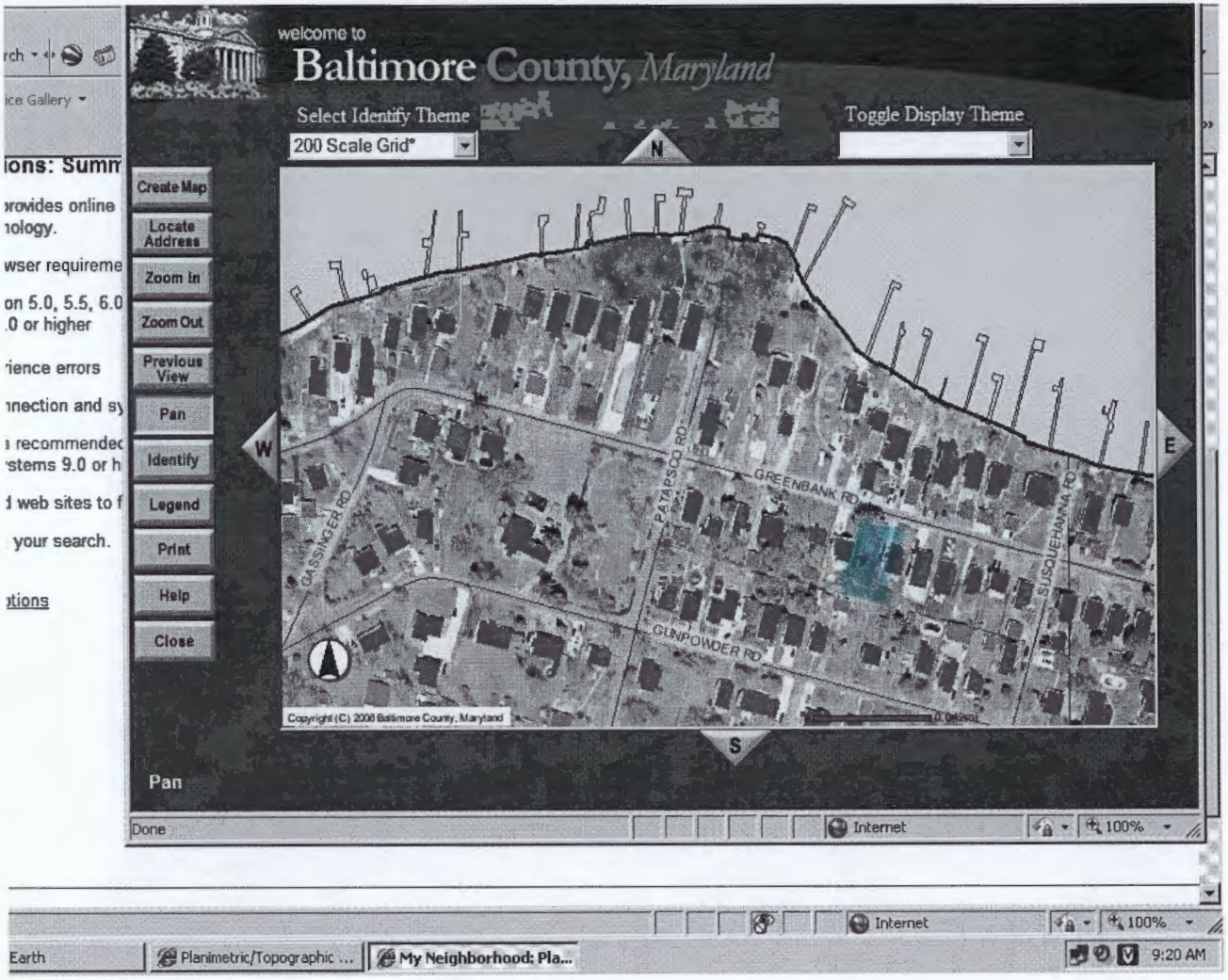
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Gordon Heyman	2221 Maryland Ave	Baltimore MD	gheyman@dackmanlaw.com
Michael Dackman	2221 Maryland Ave	Baltimore MD	Mtdackman@yahoo.com
RICHARD E. MATZ	2835 SMITH AVE, SUITE G.	BALTIMORE, MD.	rmatz@cmsengineers.com

Case No.: 2010-0185-A 7335 GREEN BANK RD

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	
No. 2	Aerial - Pattern of Dev.	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

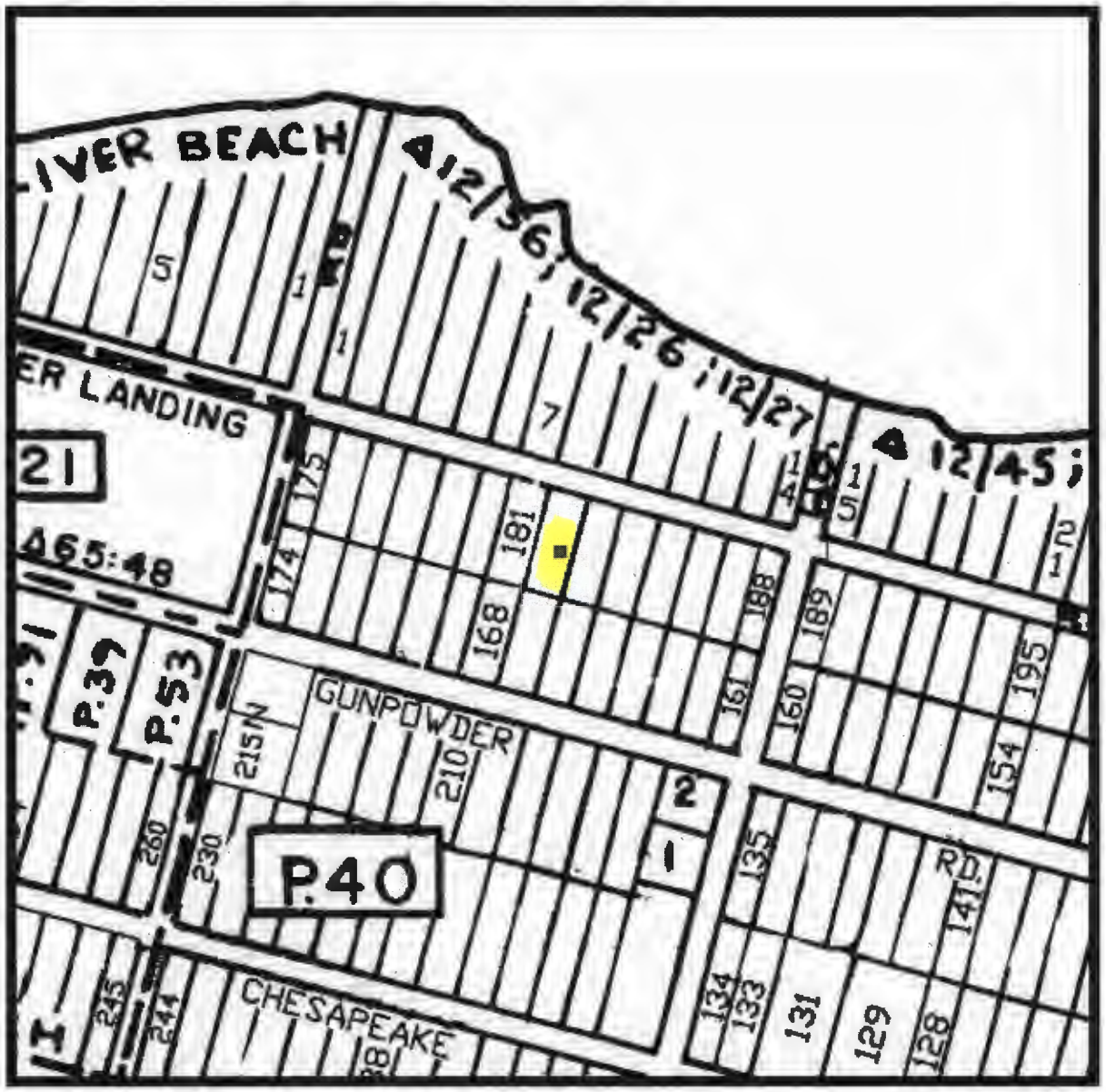
Exhibit 2


welcome to
Baltimore County, Maryland
Select Identify Theme
200 Scale Grid*
Toggle Display Theme
Create Map
Locate Address
Zoom In
Zoom Out
Previous View
Pan
Identify
Legend
Print
Help
Close
N
W
E
S
GREENBANK RD
PATAPSCO RD
CASSINGER RD
GUNPOWDER RD
SUSQUEHANNA RD
Copyright (C) 2008 Baltimore County, Maryland
Pan
Done
Internet
100%
Earth
Planimetric/Topographic ...
My Neighborhood: Pla...
9:20 AM

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 15**Account Number** - 1503200000



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

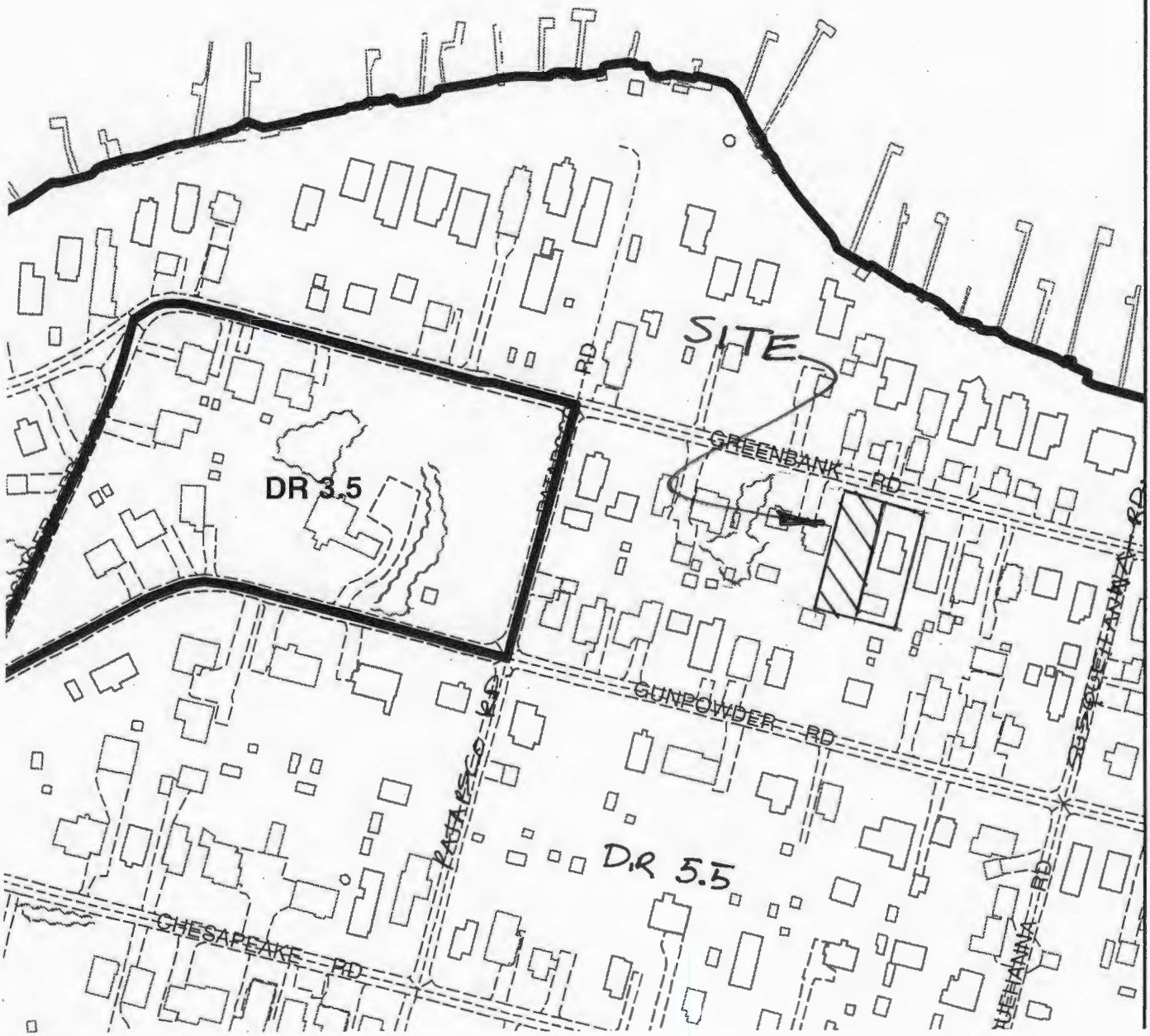
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2008.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

MAP NO 84A1

7335 GREENBANK RD.

2010-0185-A



GREENBANK ROAD
30' WIDE
PLAT 12 / 56

ZONE X

ZONE AE

EX. 8" W (65-1021)

EX. 8" S (68-943)

EX. PAVING

EX. 15" S.D. (70-0802)

EX. 18" S.D. (70-0802)

EX. F.H.

P.O.B.
315'± TO C.L. OF SUSQUEHANNA ROAD

SE'RLY 50'

315'±

15.4

10.7

132

111

LOT 178

LOT 180

LOT 179

20' DRIVEWAY

52'±

40'

NE'RLY 150'±

SW'ERLY 150'±

10'

FRONT
#7335

PROPOSED DWELLING

30'

EXISTING DWELLING

CLAMPET MANAGEMENT LLC
PARCEL 40 - LOT 181
25248 / 528
TAX. NO. 2200017033
7331 GREENBANK ROAD

20' DRIVEWAY

34'±

FRONT
#7337

PROPOSED DWELLING

EXISTING DWELLING

TO BE REMOVED

4306 STANWOOD AVENUE LLC
PARCEL 40 - LOT 183
28127 / 153
TAX. NO. 1503200001
7337 GREENBANK ROAD

EXISTING GARAGE

TO BE REMOVED

182

183

NW'ERLY 50'

70'±

GEORGE F., 3RD & JEANNE M. GUTERMUTH
PARCEL 40 - LOT 184
16845 / 66
TAX. NO. 1506200061
7339 GREENBANK ROAD

EXISTING DWELLING

LOT 185

LOT 186

LOT 187

LOT 188

SUSQUEHANNA ROAD
30' WIDE
PLAT 12/56

LOT 170

LOT 169

ALFRED T, JR. & MARJORIE R. MARTINS
PARCEL 40 - LOT 168
4901 / 97
TAX. NO. 1513208261
7330 GUNPOWDER ROAD

EXISTING DWELLING

ALFRED & MARJORIE MARTINS
PARCEL 40 - LOT 167
4901 / 93
TAX. NO. 1513208260

THOMAS C. & IRMA L. PHILLIPS
PARCEL 40 - LOT 166
3690 / 396
TAX. NO. 1516350460
7334 GUNPOWDER ROAD

EXISTING DWELLING

BRIAN & VICKI MILLER
PARCEL 40 - LOT 165
20528 / 325
TAX. NO. 1507583211

LOT 164
#7338

LOT 163

LOT 162

LOT 161

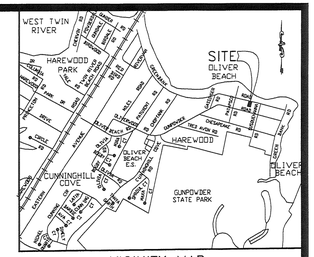
11.2

11.6

14.1

13.2

GUNPOWDER ROAD
30' WIDE
PLAT 12/56



VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES

1. OWNER:
   4306 STANWOOD AVENUE LLC
   2221 MARYLAND AVENUE
   BALTIMORE, MARYLAND 21218-5627

2. SITE DATA:
   7335 GREENBANK ROAD
   TAX ACCOUNT NO.: 1503200000
   TAX MAP: 84 GRID: 2 PARCEL: 40 LOT: 182
   DEED REFERENCE: 28127/ 153
   PLAT REFERENCE: PLAT OF SECTIONS A & B - OLIVER BEACH (12 / 56)
   LOT AREA: 7,500 SQUARE FEET OR 0.172 ACRES

4. EXISTING USE: VACANT
   PROPOSED USE: SINGLE FAMILY DWELLING

5. ZONING: DR-5.5 (ZONING MAP NO.: 84 A1)

6. A PORTION OF THE SUBJECT SITE LIES IN "ZONE X" AS DETERMINED BY FEMA, FLOODPLAIN MAP NUMBER 24001004455F, DATED SEPTEMBER 26, 2008.

7. THIS PROPERTY IS NOT ON ANY HISTORIC INVENTORY OR IN ANY HISTORIC DISTRICT.

8. THIS PROPERTY LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA (LDA).

   MAXIMUM IMPERVIOUS AREA / LOT:
   25% WITHOUT MITIGATION OR 1875 SQ.FT.
   31.25% WITH MITIGATION OR 2343 SQ.FT.
   IMPERVIOUS AREA PROPOSED: 2000 SQ.FT.

9. THERE IS NO ZONING HISTORY FOR THIS SITE.

10. PUBLIC WATER AND SEWER ARE AVAILABLE TO THIS SITE.

11. BUILDING SETBACKS:

	REQUIRED	PROPOSED
FRONT	*	40'
SIDE	10'	10'
REAR	30'	70'±

* FRONT SETBACK OF 40' (MAX. AVG.) PER SECTION 303.1 OF THE B.C.Z.R.
SETBACK LOT 184 IS 34'±
SETBACK LOT 181 IS 52'±
TOTAL SETBACKS IS 86'± / 2 = 43'±, USE 40' MAX.

2010-0185-A

PLAN TO ACCOMPANY VARIANCE PETITION

7335 GREENBANK ROAD

PLAT OF SECTIONS A & B
OLIVER BEACH (12/56)
TAX MAP: 84 PARCEL: 40 LOT: 182
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

STATE OF MARYLAND
CHRISTOPHER M. RUSSELL
No. 13203
PROFESSIONAL ENGINEER
Dec 22, 2009

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

COMAR 09.23.03.10
Professional Certification
I hereby certify that these documents were prepared or approved by me, and that I am a duly-licensed professional engineer under the laws of the State of Maryland.
License No. 13203
Expiration Date: 11-02-10

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 20'
DATE: 12/22/09
JOB NO.: 2009-210
DESIGNED: CMR
DRAWN: AKC/SLD
CHECKED: SLD
FILE: 2009210 LOT182VAR.dwg
DRAWING NUMBER: VAR-1
SHEET 1 OF 1

N:\d2\Project\2009\2009210\Project Directories\CMR\Concept-Prelim\2009210 LOT182VAR.dwg, BASE, 12/22/2009 10:48:05 AM