

IN RE: PETITION FOR VARIANCE

NW side of Chestnut Road, 170 feet
E of Seneca Road
15th Election District
6th Councilmanic District
(3910 Chestnut Road)

Jerry William Wisner
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2011-0172-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

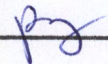
This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the subject waterfront property, Jerry William Wisner. Petitioner is requesting Variance relief from Sections 1A04.3.B.2.b, 1A04.3.B.3 and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a new dwelling and open projection (deck) with side lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet, respectively, and to allow 16.02% building coverage in lieu of the maximum allowed 15%. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Jerry William Wisner and Jeff Geddes with Paragon Custom Homes LLC, builder.

Testimony and evidence offered revealed that the subject property is rectangular in shape, contains approximately 13,050 square feet or 0.3 acre, more or less, zoned RC 5. The property is approximately 50 feet wide by 279.40 feet deep and is located on the northwest side of Chestnut Road, 170 feet east of Seneca Road. The property has water frontage on Seneca Creek in the Bowleys Quarters area of Baltimore County. The subject property is improved with an existing

ORDER RECEIVED FOR FILING

Date 1-24-11

By 

one story dwelling of 480 square feet and an existing wood shed and is served by public water and sewer.

Further evidence revealed that the existing structure which is to be removed, was built in 1922 and that the family has utilized the property as a vacation home for almost 90 years. Additionally, testimony established that the subject lot occupies high topographical land in the area relative to the other lots in the immediate area and is adjacent to an exceedingly larger triangular piece of undeveloped property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated November 29, 2010. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should be designed and adequately anchored to prevent flotation or collapse and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated December 22, 2010 which states that DEPRM reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14 and offered the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed dwelling will be farther from the water than the existing dwelling. Lot coverage is limited to 25%, with a maximum of 31.25% with mitigation for amount over 25%. The CBCA lot coverage limit and the BMA requirements will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building

ORDER RECEIVED FOR FILING

Date 1-24-11

2

By pm

permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.

3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

The comment received from the Office of Planning dated December 10, 2010 likewise 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 sufficient to establish the applicable performance standards for a building permit in an R.C. 5 zone.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested 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. The subject site is, to my mind, unique by virtue of its topography in relation to the other properties in the area, its drainage as the high property in the immediate vicinity, and its location relative to the undeveloped triangular shaped property. I further find that, having established the unique nature of the subject site in relation to its immediate neighbors, there is certainly practical difficulty required under the law by virtue of the fact that the 50 foot width disproportionately impacts the property from being utilized for an approved residential purpose, and therefore, the granting of the variance is clearly consistent with the purpose of the R.C. 5 zoning classification, and therefore meets the spirit and intent of the Zoning Regulations. I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. Therefore, in all manner and form, I find that the variance requested can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R. as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

ORDER RECEIVED FOR FILING

Date 1-24-11

3

By [Signature]

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 request should be granted.

THEREFORE, IT IS ORDERED this 24th day of January, 2011 by this Administrative Law Judge that Petitioner's Variance requests from Sections 1A04.3.B.2.b, 1A04.3.B.3 and 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a new dwelling and open projection (deck) with side lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet, respectively, and to allow 16.02% building coverage in lieu of the maximum allowed 15% be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Prior to obtaining a building permit, the Petitioner shall submit the following information to the Office of Planning for their determination that the proposed structure meets the RC 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.

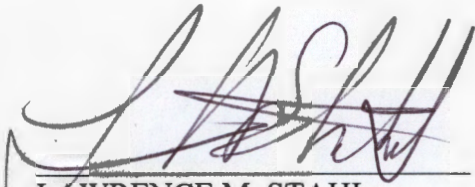
ORDER RECEIVED FOR FILING

Date 1-24-11

By 

3. The proposed development must comply with all Limited Development Area (LDA) and Buffer Management Area (BMA) requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval.
4. The base flood elevation for this site is 8.5 feet [NAVD 88].
5. The flood protection elevation for this site is 9.5 feet.
6. 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.
7. 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.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
10. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
11. When applying for a building permit, the site plan filed must reference this case and set forth and address the conditions and restrictions of this Order.

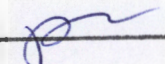
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

Date 1-24-11

By 

0172

ZONING DESCRIPTION FOR:

3910 CHESTNUT ROAD, BALTIMORE MD 21220

Beginning at a point on the north ^{west} side of Chestnut Road which is 30' wide at the distance of 170' east of the centerline of the nearest improved intersecting street Seneca Road, which is 30' wide. Being Lot # 122 as recorded in Baltimore County Plat Book # 2, Liber # 7, Folio # 13, containing 13,050 square feet. Also known as 3910 Chestnut Road and located in the 15th Election District, 6th Councilmanic District.



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 24, 2011

JERRY WILLIAM WISNER
8223 BERRYFIELD DRIVE
BALTIMORE MD 21236

Re: Petition for Special Hearing and Variance
Case No. 2011-0172-A
Property: 3910 Chestnut Road

Dear Mr. Wisner:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over a horizontal line.

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/pz

Enclosure

c: Jeff Geddes, Parragon Custom Homes LLC, PO Box 409, Jarrettsville MD 21084



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

January 25, 2011

JERRY WILLIAM WISNER
8223 BERRYFIELD DRIVE
BALTIMORE MD 21236

Re: Petition for Special Hearing and Variance
Case No. 2011-0172-A
Property: 3910 Chestnut Road

Dear Mr. Wisner:

It has come to our attention that page 4 of the Order was missing the day of the month that the Order was signed. Therefore, this letter will serve as a CORRECTIVE ORDER regarding the decision rendered in the above-captioned case. This correction does not materially alter the effect of the Order.

The Order was signed on the 24th day of January, 2011. We apologize for any inconvenience this may have caused.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Zook".

Patricia Zook, Legal Secretary for
Lawrence M. Stahl
Managing Administrative Law Judge
for Baltimore County

c: Jeff Geddes, Parragon Custom Homes LLC, PO Box 409, Jarrettsville MD 21084

ORIGINAL KEEP IN FILE

TAX. ACCOUNT # 1504350870



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3910 CHESTNUT ROAD

which is presently zoned RCS

CBCA &
FLOOD PLAIN

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.b, 1A04.3.B.3 AND 303.1 (BCZC)

TO PERMIT A NEW DWELLING AND OPEN PROJECTION (DECK) WITH (SIDE) LOT LINE SETBACKS OF 10 FT. EACH IN LIEU OF THE REQUIRED 50 FT. AND 37.5 FT EACH RESPECTIVELY AND TO ALLOW 16.02% BUILDING COVERAGE IN LIEU OF THE MAXIMUM ALLOWED 15%.

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

SEE ATTACHED & TO BE FURTHER DETERMINED
AT HEARING.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING NA

Reviewed By JK

Date 11/09/10

0172

3910 CHESTNUT ROAD VARIANCE REQUEST:

Petitioner's grandfather had built the existing home in 1922 and the subject property has been used as a family vacation home over the last 88 years. At this juncture, Petitioner desires to raze the existing dwelling and replace with a similar, rancher-style dwelling. The new dwelling would be slightly larger than the existing dwelling, with the comfort and efficiency of a newer home. As a result, Petitioner is requesting Variance relief as follows:

- Allow side setbacks of 10 feet in lieu of the required 50 feet for a new dwelling; and
- Allow building coverage of 16.02% in lieu of the permitted 15%.

The lots in this subdivision were originally laid out as approximately 50 foot wide lots, as evidenced by the attached subdivision plat. Also, the subdivision was recorded prior to the adoption of the Zoning Regulations and certainly prior to the imposition of zoning on the subject property.

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

No. 71013

Date: 11/2/12

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
70	400	200		650				65.00
								65.00

Total: 65.00 ~~65.00~~

Rec From:

For:

RV July 3910 Contract 2d
#2011 0172-1

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER 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: # 2011-0172-A
3910 Chestnut Road
NW side of Chestnut Road,
170' east of Seneca Road
15th Election District
6th Councilmanic District
Legal Owner(s): Jenny Wisner
Variance: to permit a new dwelling and open projection (deck) with (side) lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet respectively and to allow 16.02% building coverage in lieu of the maximum allowed 15%.

Hearing: Tuesday, January 11, 2011 at 9:00 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) 887-4384.

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

JT/12/682 Dec. 28 263960

CERTIFICATE OF PUBLICATION

12/30/ 2010

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 12/28/ 2010.

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

J. Wilkinson

LEGAL ADVERTISING

**NOTICE OF ZONING
HEARING**

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Variance: to permit a new dwelling and open projection (deck) with (side) lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet respectively and to allow 16.02% building coverage in lieu of the maximum allowed 15%.

Hearing: Friday, January 21, 2011 at 9:00 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.

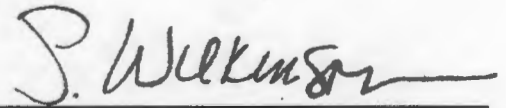
01/045 January 6 264326

CERTIFICATE OF PUBLICATION

1/6/, 2011

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 1/6/, 2011.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 1/6/11

Case Number: 2011-0172-A

Petitioner / Developer: JERRY WISNER~JEFF GEDDES, PARAGON
CUSTOM HOMES

Date of Hearing (Closing): JANUARY 21, 2011

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:
3910 CHESTNUT ROAD

The sign(s) were posted on: JANUARY 4, 2011



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)

**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/neighbor 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: 2011-0172-A
Petitioner: WISNER
Address or Location: 3910 CHESTNUT RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: PARAGON Custom Homes, LLC
Address: 383 WATERS RD
NEW PARK, PA 17352

Telephone Number: 410-808-9628



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 29, 2010

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

NEW 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: 2011-0172-A

3910 Chestnut Road

NW side of Chestnut Road, 170' east of Seneca Road

15th Election District – 6th Councilmanic District

Legal Owners: Jerry Wisner

Variance to permit a new dwelling and open projection (deck) with (side) lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet respectively and to allow 16.02% building coverage in lieu of the maximum allowed 15%.

Hearing: Friday, January 21, 2011 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

C: Jenny Wisner, 8223 Berryfield Drive, Baltimore 21236
Jeff Geddes, Paragon Custom Homes, P.O. Box 409, Jarrettsville 21084

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 28, 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, January 6, 2010 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-882-3353

NOTICE OF ZONING HEARING

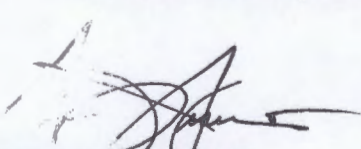
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CASE NUMBER: 2011-0172-A

3910 Chestnut Road
NW side of Chestnut Road, 170' east of Seneca Road
15th Election District – 6th Councilmanic District
Legal Owners: Jenny Wisner

Variance to permit a new dwelling and open projection (deck) with (side) lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet respectively and to allow 16.02% building coverage in lieu of the maximum allowed 15%.

Hearing: Friday, January 21, 2011 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development
December 22, 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: 2011-0172-A

3910 Chestnut Road

NW side of Chestnut Road, 170' east of Seneca Road

15th Election District – 6th Councilmanic District

Legal Owners: ~~Jenny~~ Wisner
Serry

Variance to permit a new dwelling and open projection (deck) with (side) lot line setbacks of 10 feet each in lieu of the required 50 feet and 37.5 feet respectively and to allow 16.02% building coverage in lieu of the maximum allowed 15%.

Hearing: Tuesday, January 11, 2011 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kl

Serry
C. ~~Jenny~~ Wisner, 8223 Berryfield Drive, Baltimore 21236

Jeff Geddes, Paragon Custom Homes, P.O. Box 409, Jarrettsville 21084

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 28, 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.

4/11 9AM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: December 10, 2010

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

RECEIVED

DEC 13 2010

SUBJECT: 3910 Chestnut Road

Item Number: 11-172

Petitioner: Jenny Wisner

Zoning: RC 5

Requested Action: Variance

ZONING COMMISSIONER

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:

MJM: CM/LL

1/11 9AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 23 2010

ZONING COMMISSIONER

TO: Zoning Commissioner's Office

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 22, 2010

SUBJECT: Zoning Item # 11-172-A
Address 3910 Chestnut Road
(Wisner Property)

Zoning Advisory Committee Meeting of November 15, 2010.

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). The proposed dwelling will be farther from the water than the existing dwelling. Lot coverage is limited to 25%, with a maximum of 31.25% with mitigation for amount over 25%. The CBCA lot coverage limit and the BMA requirements will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the 15% afforestation requirement and CBCA lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Regina Esslinger

Date: December 15, 2010

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2010
Item No. 2011-172

DATE: November 29, 2010

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 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
ZAC-ITEM NO 11-172-11292010.doc



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 6, 2011

Jerry Wisner
8223 Berryfield Dr.
Baltimore, Maryland 21236

Dear Mr. Wisner:

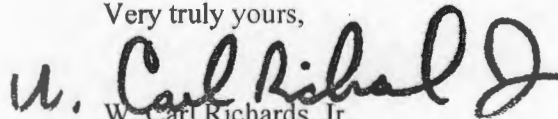
RE: 2011-0172- A Case Number, 3910 Chestnut Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 2010. 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:rjc
Enclosures

c: People's Counsel
Jeff Geddes Paragon Custom Homes, P.O. Box 409 Jarrettsville MD 21084

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: George Klunk, Interim Director
Department of Permits and
Development Management

DATE: December 10, 2010

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

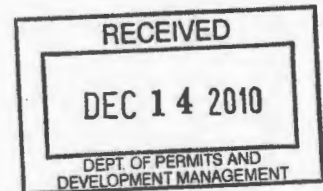
SUBJECT: 3910 Chestnut Road

Item Number: 11-172

Petitioner: Jenny Wisner

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:
MJM: CM/LL

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



James T. Smith, Jr., County Executive
John J. Hohman, Chief

November 24, 2010

Dept of PDM
Room 111, County Office Building
111 West Chesapeake Ave.
Towson, MD 21204
MS #1105

Attention Kristen Matthews

The Fire Marshal's office has no comment on the following zoning cases:

2011-0159-A, 2011-0160-A, 2011-0161-A, 2011-0162-A, 2011-0163-A, 2011-0163-A,
2011-0165-A, 2011-0166-A, 2011-0167-A, 2011-0168-SPH, 2011-0169-A, 2011-0170-A
2011-0171-XA, 2011-0172-A, 2011-0173-SPH, 2011-0174-A, 2011-0175-A,
2011-0176-SPH, 2011-0177-A, 2011-0178-A, 2011-0179-A.

Thank you,

Steven Judlick, Fire Marshal
Baltimore County Fire Department
Office of the Fire Marshal
410-887-4880

Visit the County's Website at www.baltimorecountyonline.info





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

State Highway
Administration

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

Maryland Department of Transportation

Date: Nov. 24, 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 2011-0172-A
3910 CHESTNUT RD
JENNY WAGNER 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. 2011-0172-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
Access Management Division

SDF/mb

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410-545-0300 • www.marylandroads.com

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

RE: PETITION FOR VARIANCE * BEFORE THE
3910 Chestnut Road; NW/S Chestnut Road, * ZONING COMMISSIONER
170' E of Seneca Road *
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Jenny Wisner * FOR
Petitioner(s) *
BALTIMORE COUNTY
*
2011-172-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

DEC 08 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2010, a copy of the foregoing Entry of Appearance was mailed to Jeff Geddes, P.O. Box 409, Jarrettsville, MD 21084, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

NE-2-L



PETITIONER' S

EXHIBIT NO. 3



PETITIONER' S

EXHIBIT NO. _____

PETITIONER' S

EXHIBIT NO. 4



Address **3845 Chestnut Road**

Address is approximate

Save trees. Go green!

Download Google Maps on your phone at google.com/gmm



PETITIONER' S

EXHIBIT NO.

5



PETITIONER'S

EXHIBIT NO.

6





Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1504350870

Owner Information

Owner Name: WISNER JERRY WILLIAM/PAUL WILLIAM
WISNER MARC EDWARD Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 3910 CHESTNUT RD Deed Reference: 1) /28573/ 255
BALTIMORE MD 21220-4024 2)

Location & Structure Information

Premises Address Legal Description
3910 CHESTNUT RD

3910 CHESTNUT RD
WATERFRONT BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
91	22	150					122	3	Plat Ref:	7/ 13

Special Tax Town
Areas Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1922	480 SF	13,050.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	ASBESTOS SHINGLE

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2010	07/01/2011
Land	322,260	322,260		
Improvements:	33,640	38,320		
Total:	355,900	360,580	359,020	360,580
Preferential Land:	0	0	0	0

Transfer Information

Seller:	WISNER JERRY	Date:	08/26/2009	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/28573/ 255	Deed2:	

SDAT - 3 properties owned

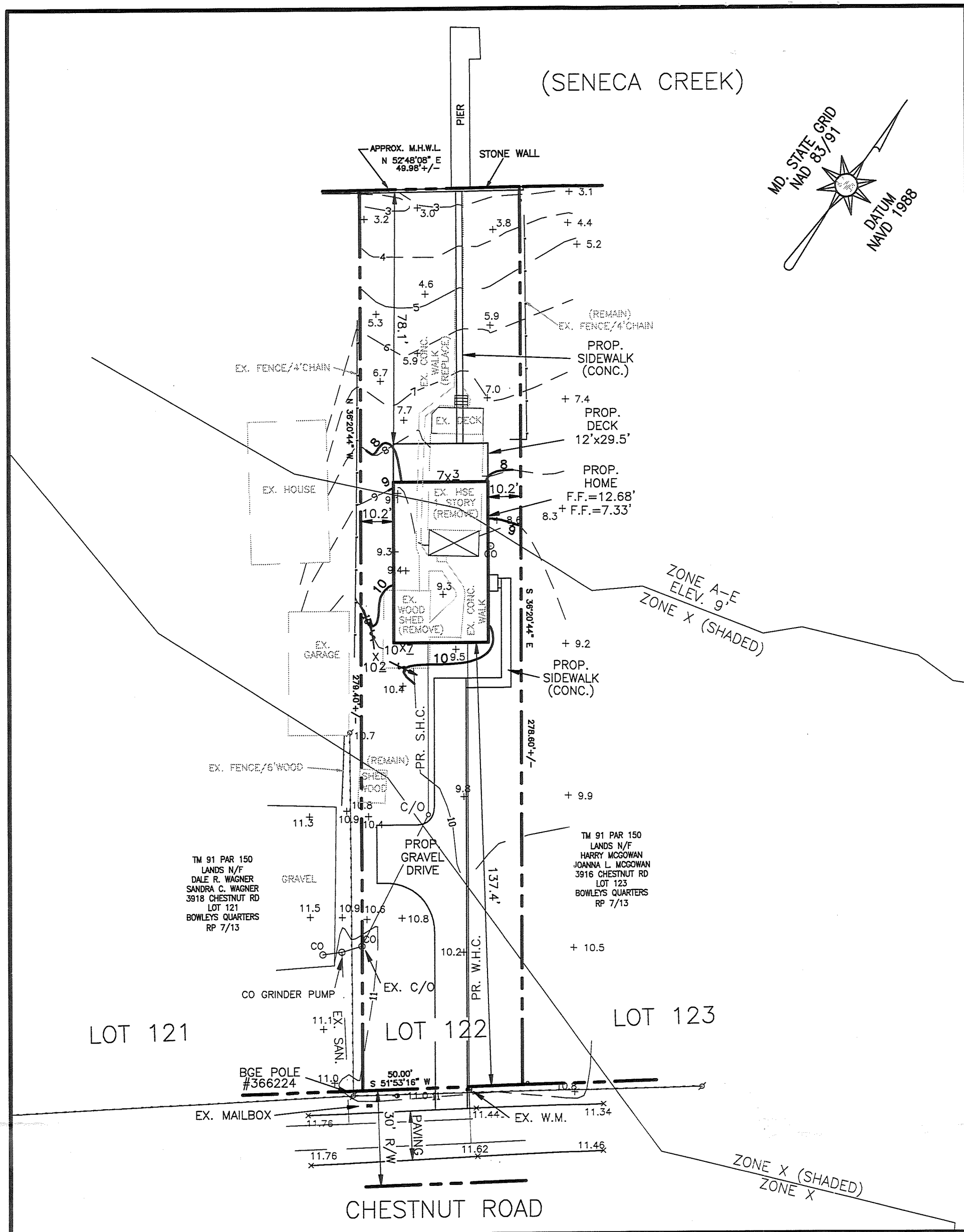
Seller:	WISNER JERRY	Date:	12/08/2006	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/24892/ 349	Deed2:	
Seller:	WISNER MARGARET V	Date:	12/15/1997	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/12552/ 268	Deed2:	/12552/ 265

Exemption Information

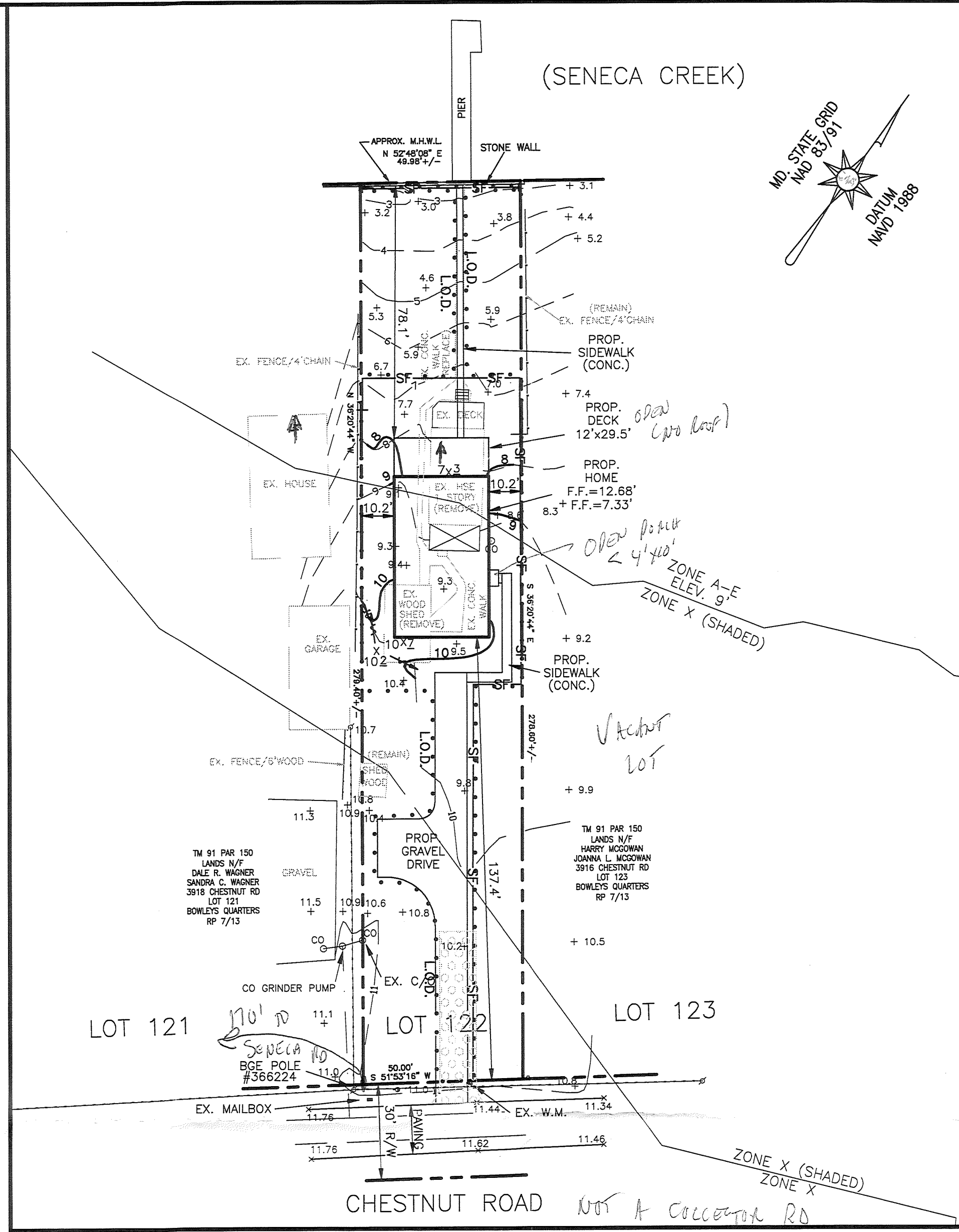
Partial Exempt Assessments	Class	07/01/2010	07/01/2011
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO**Special Tax Recapture:****Exempt Class:**

* NONE *

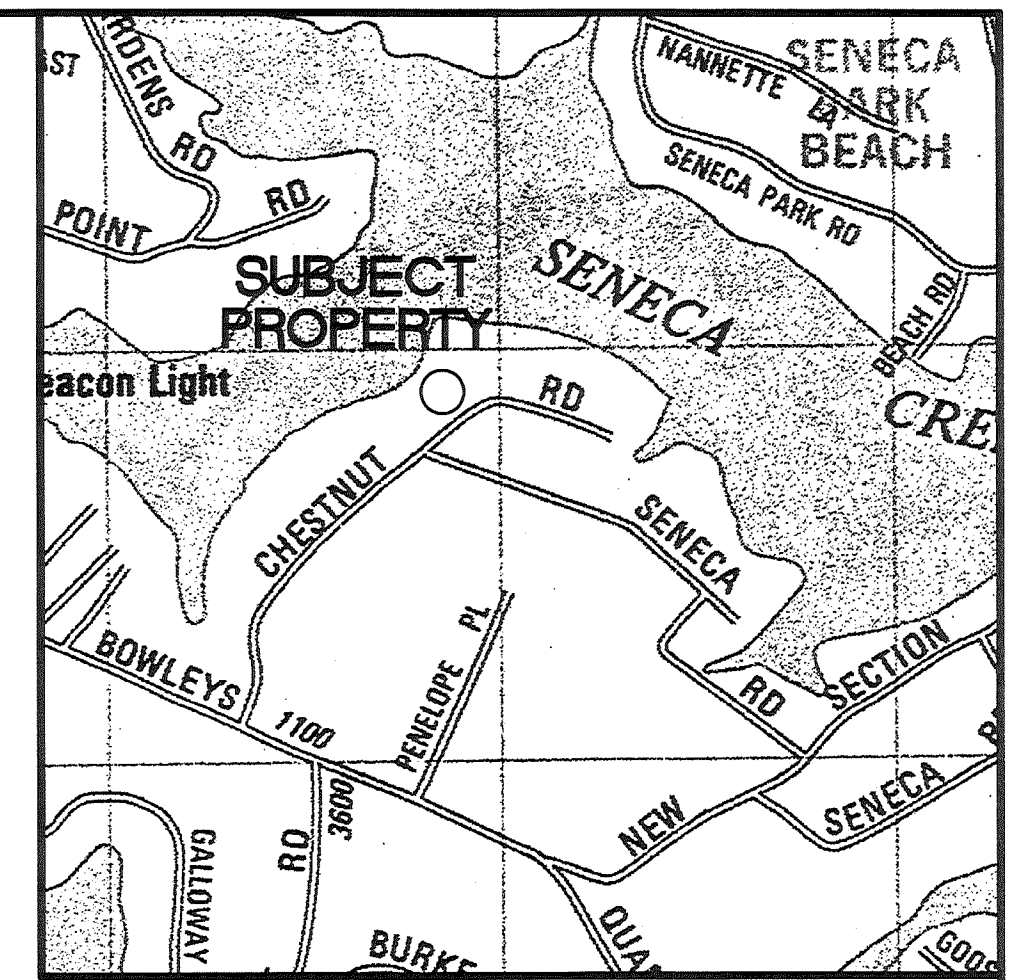


SITE AND GRADING PLAN



SEDIMENT AND EROSION CONTROL

S.E.C. DATA
 DISTURBED AREA: 7,070 S.F.
 CUT/FILL: 140 CU. YDS.
 SILT FENCE: 340 L.F.
 STABILIZED CONSTRUCTION ENTRANCE 1



LOCATION INFORMATION

ELECTION DISTRICT: 15th
 COUNCILMANIC DISTRICT: 6
 MAP: 91
 GRID: 22
 PARCEL: 150
 LOT NUMBER: 122
 ZONING: R.C.5
 LOT SIZE: 13,050 S.F. OR 0.3 AC.±
 CHESAPEAKE BAY CRITICAL AREA: YES (LDA)
 100 YEAR FLOOD PLAIN: YES FEMA PANEL NUMBER 2400100435F
 DATED: 9/26/2008

HISTORIC PROPERTY/BUILDING: NO
 PRIOR ZONING HEARING: NO

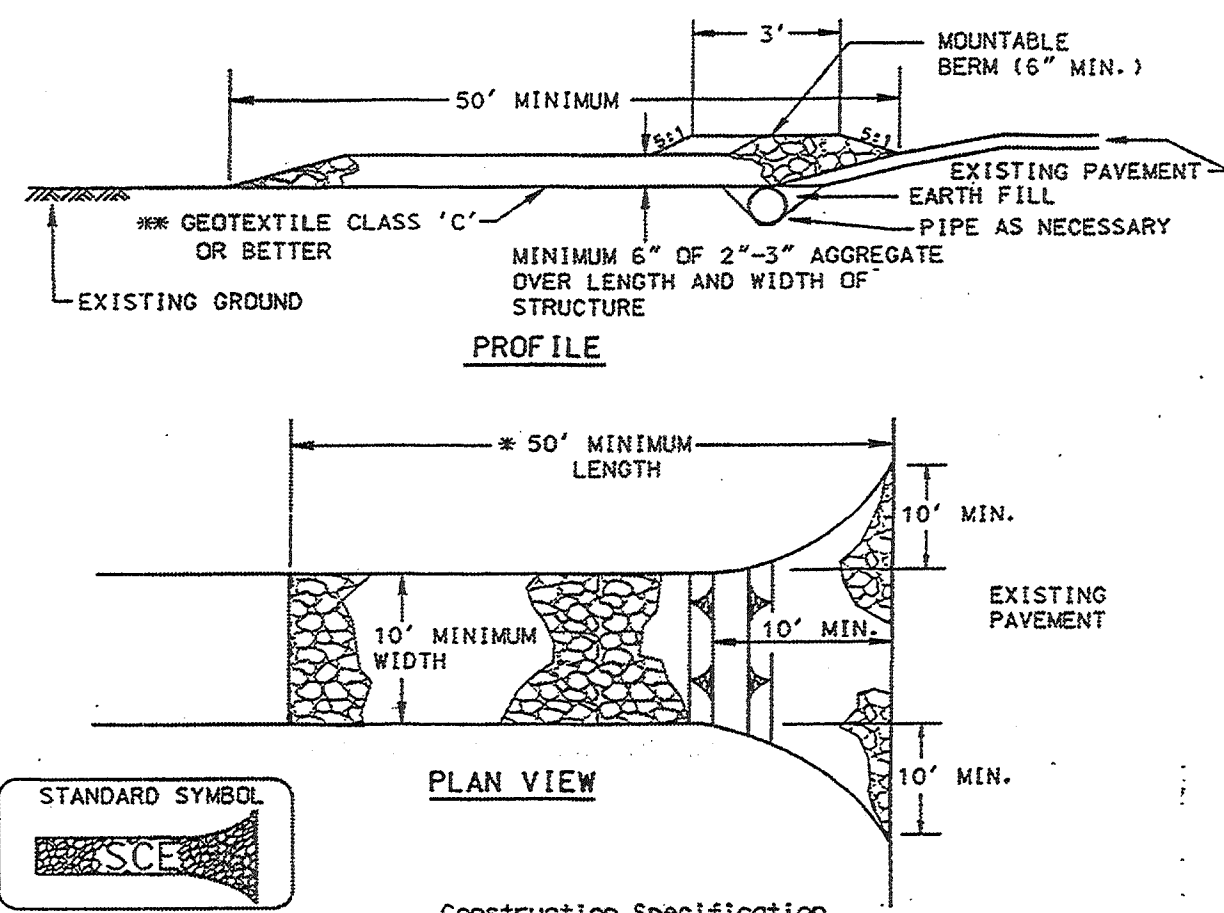
Public water & sewer in RO YES

CHESAPEAKE BAY CRITICAL ARE CALCULATIONS

EXIST. IMPERVIOUS AREA: 1,632 S.F.
 EXIST. IMPERVIOUS AREA TO REMAIN: 132 S.F. (SHED)
 PROPOSED IMPERVIOUS AREA: 1,958 S.F.

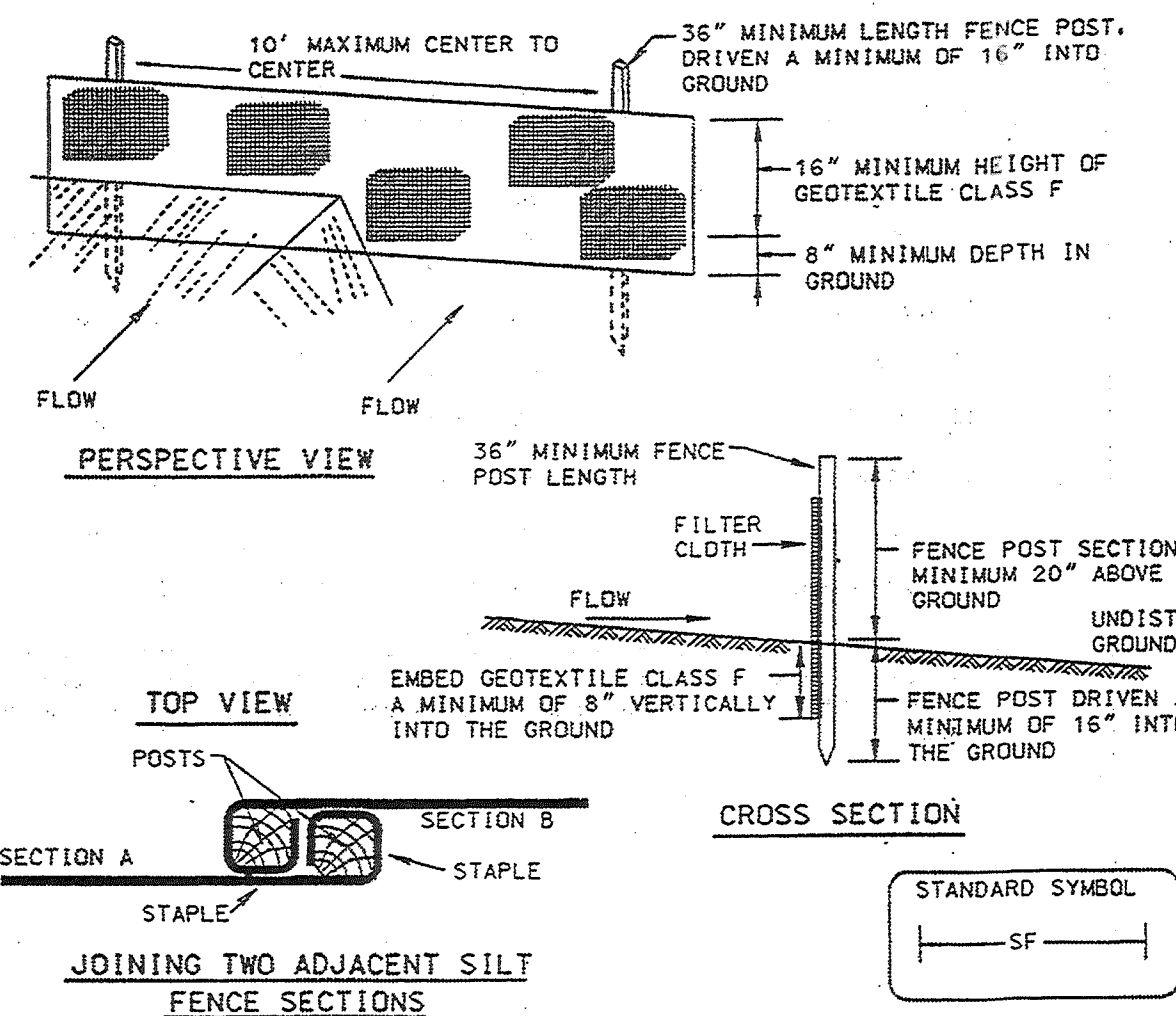
STRUCTURE TYPE	MATERIAL	% IMPERVIOUS	SQUARE FOOTAGE	IMPERVIOUS AREA
PROP. HOUSE	TYPICAL	100	1,475 S.F.	1,475 S.F.
PROP. DECK	WOOD W/GAPS	50	354 S.F.	177 S.F.
PROP. SIDEWALK	CONCRETE	100	306 S.F.	306 S.F.
PROP. DRIVEWAY	GRAVEL	0	1,714 S.F.	0 S.F.
EXIST. SHED	TYPICAL	100	86 S.F.	86 S.F.
EXIST. WALL	CONCRETE	100	46 S.F.	46 S.F.
TOTAL IMPERVIOUS LOT COVERAGE				2,090 S.F.
LOT AREA				13,050 S.F.
PERCENTAGE OF IMPERVIOUS LOT COVERED				16.02%

DETAIL 24 - STABILIZED CONSTRUCTION ENTRANCE



- Length - minimum of 50' (#30' for single residence lot).
- Width - 10' minimum. should be flared at the existing road to provide a turning radius.
- Geotextile fabric (filter cloth) shall be placed over the existing ground prior to placing stone. The plan approval authority may not require single family residences to use geotextile.
- Stone - crushed aggregate (2" to 3") or reclaimed or recycled concrete equivalent shall be placed at least 6" deep over the length and width of the entrance.
- Surface Water - all surface water flowing to or diverted toward construction entrances shall be piped through the entrance, maintaining positive drainage. Pipe installed through the stabilized construction entrance shall be protected with a mountable berm with 5:1 slopes and a minimum of 6" of stone over the pipe. Pipe has to be sized according to the drainage. When the SCE is located at a high spot and has no drainage to convey a pipe will not be necessary. Pipe should be sized according to the amount of runoff to be conveyed. A 6" minimum will be required.
- Location - A stabilized construction entrance shall be located at every point where construction traffic enters or leaves a construction site. Vehicles leaving the site must travel over the entire length of the stabilized construction entrance.

DETAIL 22 - SILT FENCE



- Fence posts shall be a minimum of 36" long driven 16" minimum into the ground. Wood posts shall be 1 1/2" x 1 1/2" square (minimum) cut, or 1 1/4" diameter (minimum) round and shall be of sound quality hardwood. Steel posts will be standard T or U section weighting not less than 1.00 pound per linear foot.
- Geotextile shall be fastened securely to each fence post with wire ties or staples at top and mid-section and shall meet the following requirements for Geotextile Class F:
 Tensile Strength 50 lbs/in (min.) Test: MSMT 509
 Tensile Modulus 20 lbs/in (min.) Test: MSMT 509
 Flow Rate 0.3 gal +/- minute (max.) Test: MSMT 322
 Filtering Efficiency 75% (min.) Test: MSMT 322
- Where ends of geotextile fabric come together, they shall be overlapped, folded and stapled to prevent sediment bypass.
- Silt Fence shall be inspected after each rainfall event and maintained when bulges occur or when sediment accumulation reached 50% of the fabric height.

LEGEND

F.F.=00.00 DENOTES TOP OF FIRST FLOOR ELEVATION
 BSMT.=00.00 DENOTES TOP OF FOOTING ELEVATION
 000.0 PROPOSED GROUND SPOT ELEVATION
 100 EXISTING GROUND CONTOURS
 100 PROPOSED GROUND CONTOURS
 DRAINAGE FLOW IN YARD SWALE
 PROPERTY LINES
 RIGHT-OF-WAY LINES
 PROPOSED SILT FENCE
 PROPOSED LIMIT-OF-DISTURBANCE
 PROPOSED STABILIZED CONSTRUCTION ENTRANCE

GENERAL NOTES (FOR EROSION AND SEDIMENT CONTROL)

- REFER TO '99 MARYLAND STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL FOR STANDARD DETAILS AND DETAILED SPECIFICATIONS OF EACH PRACTICE SPECIFIED HEREIN.
- WITH THE APPROVAL OF THE SEDIMENT CONTROL INSPECTOR, MINOR FIELD ADJUSTMENTS CAN AND WILL BE MADE TO INSURE THE CONTROL OF ANY SEDIMENT. CHANGES IN THE SEDIMENT PRACTICES REQUIRE PRIOR APPROVAL OF THE SEDIMENT CONTROL INSPECTOR AND THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT.
- AT THE END OF EACH WORKING DAY, ALL SEDIMENT CONTROL MEASURES WILL BE INSPECTED AND LEFT IN OPERATIONAL CONDITION.

GENERAL NOTES

- THIS PROPERTY IS LOCATED WITH FLOOD ZONE(S) AE (EL9) AND X AS SHOWN ON N.F.I.P. FIRM MAP, COMMUNITY-PANEL NUMBER 240010 0435 F. EFFECTIVE DATE: SEPT. 26, 2008.
- EXISTING CONTOURS ARE BASED ON A FIELD RUN TOPOGRAPHIC SURVEY PERFORMED BY CNA, INC. ON 10-25-10.

CNA
 engineers, surveyors & landscape architects

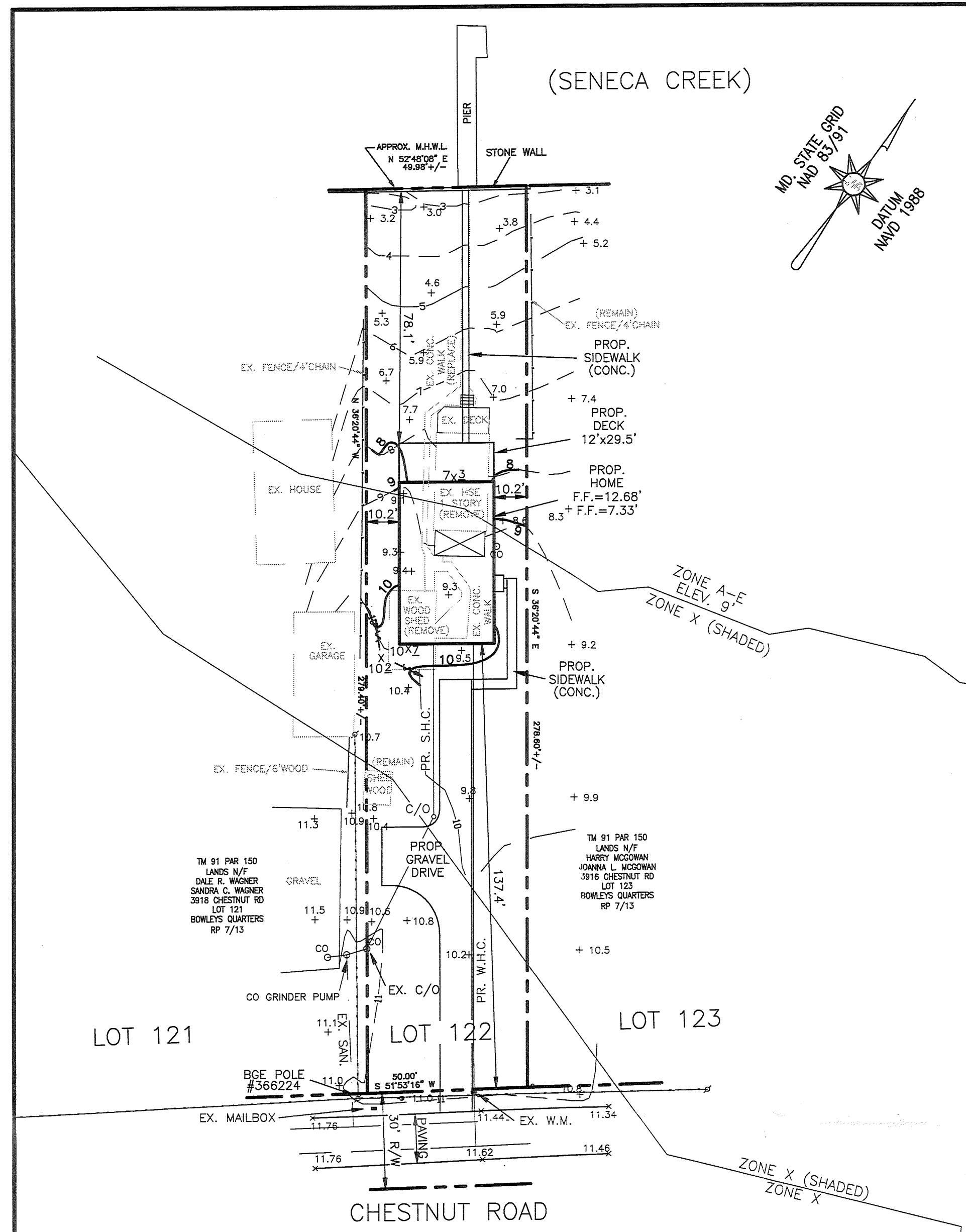
Civil Engineers • Land Surveyors • Landscape Architects
 Planners • Geotechnical Engineers • Environmental Engineers
 215 Bynum Road
 Forest Hill, Maryland 21050
 Phone (410) 879-7200 • Fax (410) 838-1811
 E-mail: cna@mail@cna-engineers.com

SITE AND GRADING PLAN

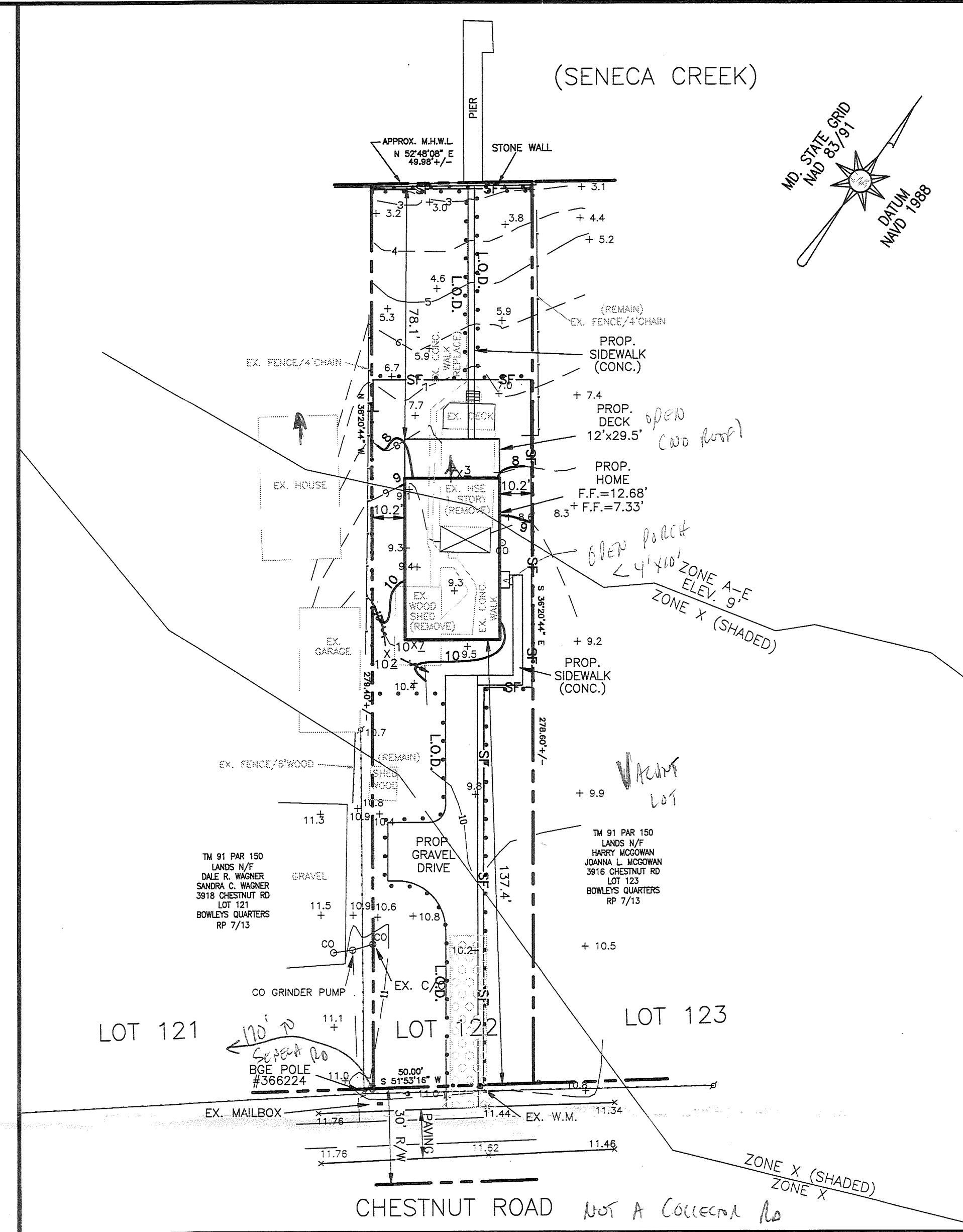
LOT 122
BOWLEYS QUARTERS
PLAT NO. 2
#3910 CHESTNUT ROAD BALT., MD. 21220
LIBER: 7 FOLIO: 13

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	Date:	Scale:
		11/5/10	1"=30'
		Drawn By: JB	Job No:
		Design By: JB	10,071
		Review By: JB	Sheet:
			1 of 1



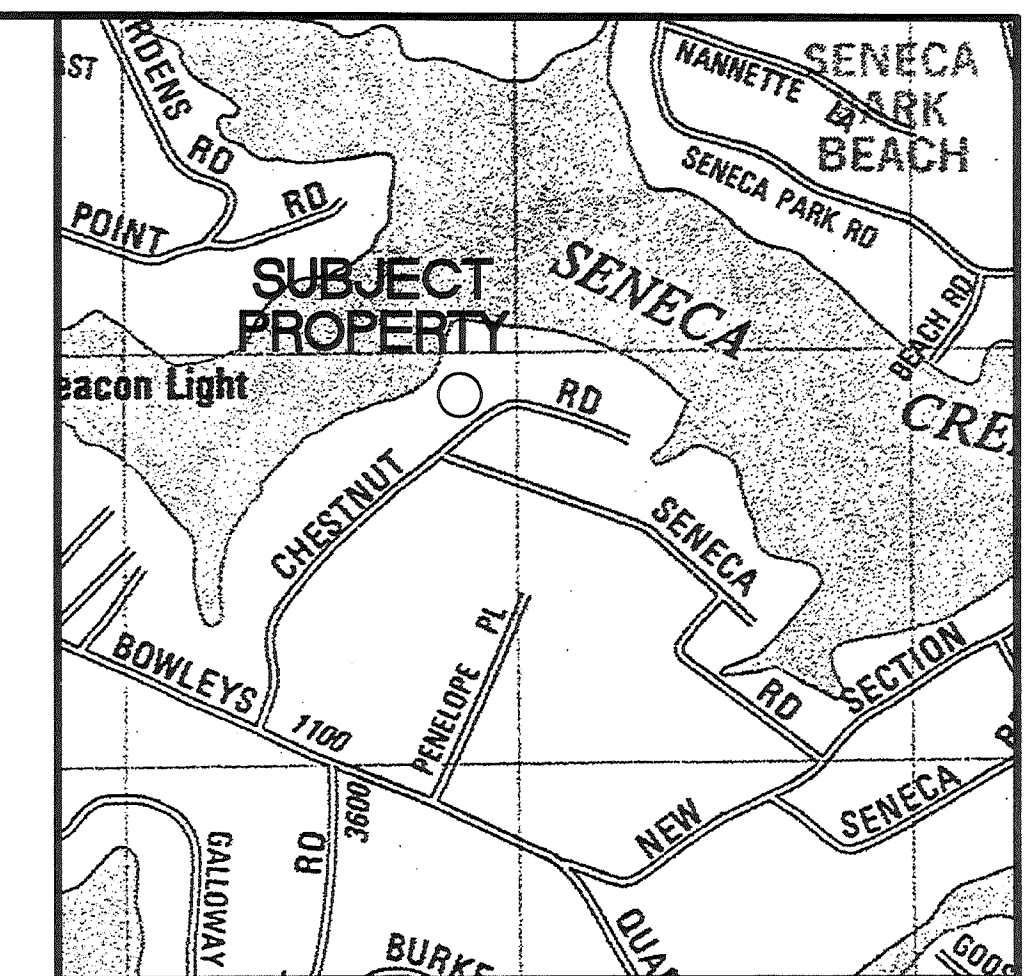
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STABILIZED CONSTRUCTION ENTRANCE

7,070 S.F.
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340 L.F.
1



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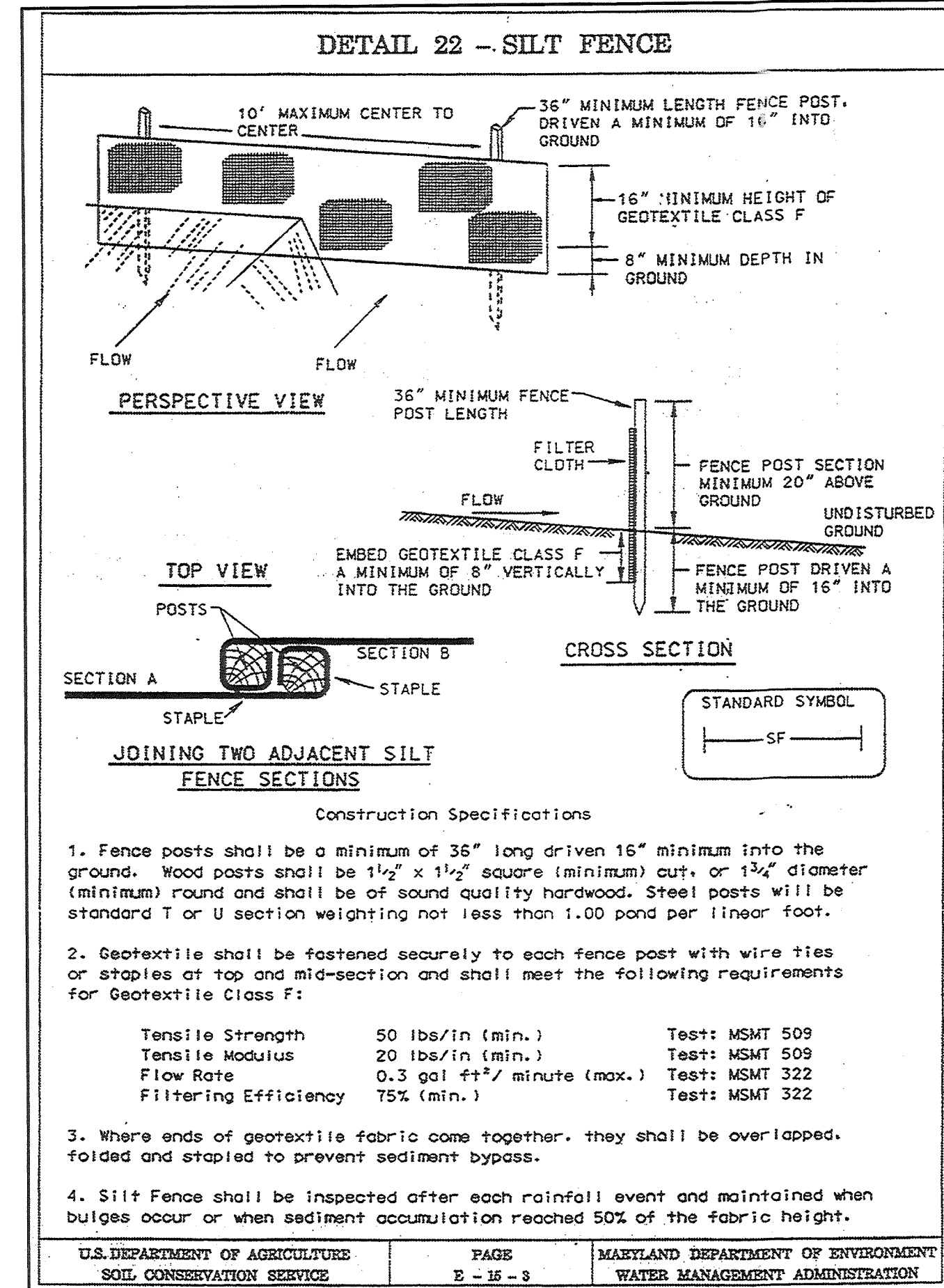
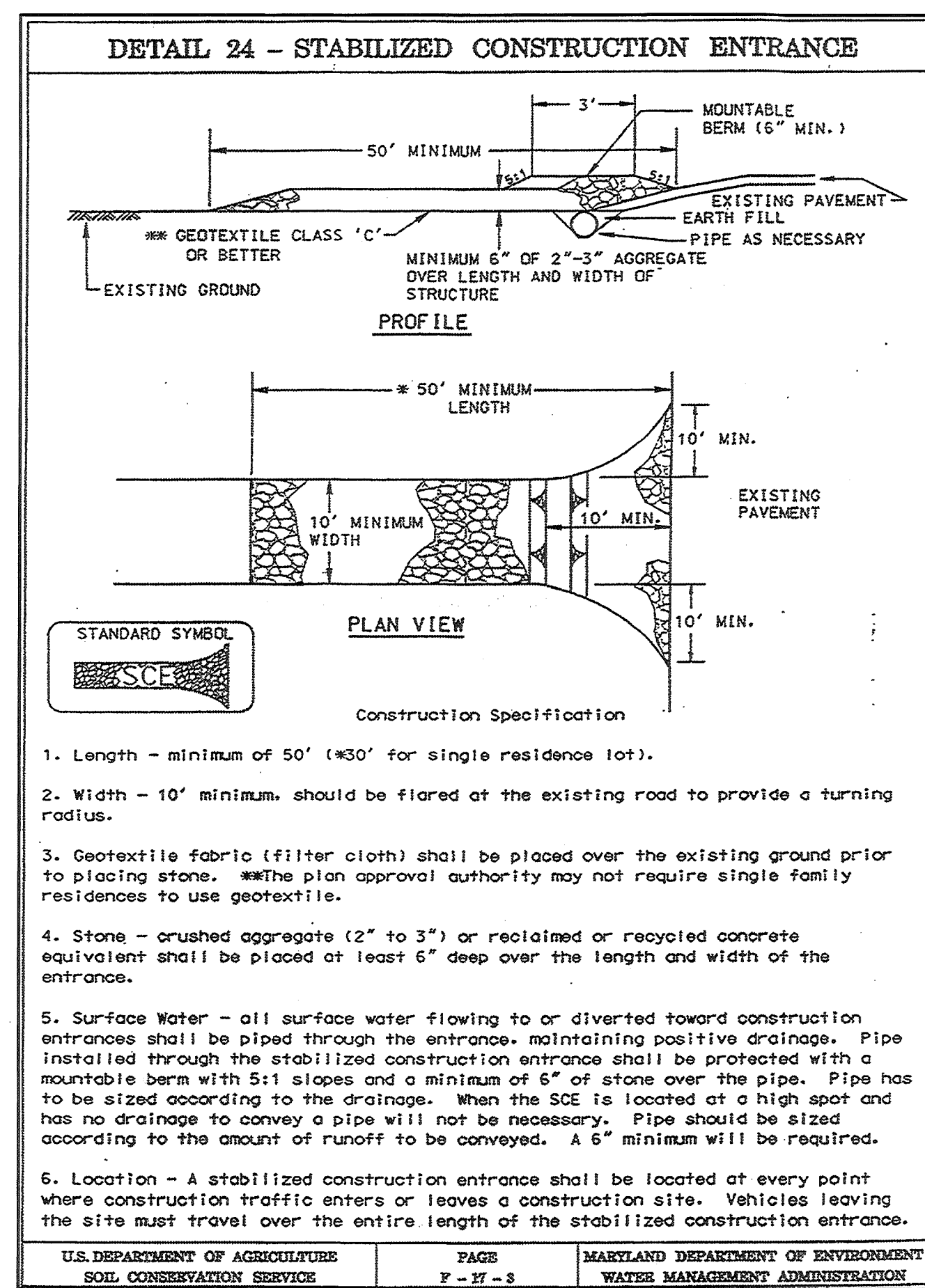
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PERCENTAGE OF IMPERVIOUS LOT COVERED				16.02%



Proposed Plan

LEGEND

F.F.=00.00
BSMT.=00.00
000.0
100
100
PROPOSED GROUND SPOT ELEVATION
EXISTING GROUND CONTOURS
PROPOSED GROUND CONTOURS
DRAINAGE FLOW IN YARD SWALE
PROPERTY LINES
RIGHT-OF-WAY LINES
PROPOSED SILT FENCE
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PROPOSED STABILIZED CONSTRUCTION ENTRANCE

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CNA
engineers, surveyors & landscape architects

Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers
215 Bynum Road
Forest Hill, Maryland 21050
Phone (410) 879-7200 • Fax (410) 838-1811
E-mail: cna@mail@cna-engineers.com

SITE AND GRADING PLAN

LOT 122

BOWLEYS QUARTERS

PLAT NO. 2

43910 CHESTNUT ROAD BALT, MD. 21220

LIBER 7 FOLIO 13

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

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