

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 SE/S Bay Drive, 185 ft. SW
 of c/l Wye Road * ZONING COMMISSIONER
 3729 Bay Drive
 15th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District
 William P. Jordan, Jr., et ux * Case No. 95-94-A
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 3729 Bay Drive in the Bowleys Quarters section of Baltimore County. The Petition is filed by William P. Jordan, Jr., and Marie Jordan, his wife, property owners. The Petitioners seek relief from the strict application of Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 ft. in lieu of the required 50 ft. The subject property and relief requested is more particularly shown on the site plan marked as Petitioners' Exhibit No. 2.

Appearing at the hearing held for this case were the property owners, William P. Jordan, Jr., and Marie Jordan, his wife. The Petitioners were represented by John B. Gontrum, Esquire. Several residents from the surrounding locale appeared as Protestants/interested persons. They included Maria Fraley, Iris and Jack Rosier, Betty Johnson, and Billie Kozyski.

The subject property and issues presented are well familiar to this Zoning Commissioner. I recently heard testimony and evidence on the property while considering a Petition for Special Hearing in case No. 93-393-SPH. In that case, the Petitioner asked for a determination that an existing residential structure with accessory structures or, in the alternate, accessory structures on a shore property incidental to a waterfront use were permitted. For reasons fully set forth in that opinion, the

ORDER RECEIVED FOR FILING

Date

By

10/19/98
 M. D. Hark

MICROFILMED

Petition was denied. Testimony and evidence presented, in considering the instant case, was that an appeal to my decision was taken to the Board of Appeals. The Board, upon a rehearing and reconsideration, also denied the Petition for Special Hearing on July 22, 1994. An appeal of that decision is pending in the Circuit Court for Baltimore County. That appeal will be moot if relief in the instant case is granted.

As to the subject site, it is known as 3729 Bay Drive and is located in the Bowleys Quarters subdivision of Baltimore County. This is a waterfront property and located within an older subdivision which was developed years ago. As is the case with many such subdivisions, the lots were laid out in 50 ft. widths. The subject lot, known as lot No. 235, is 50 ft. wide and ranges in depth from 251 ft. to 300 ft. The property fronts the Chesapeake Bay. The lots to either side of the property, Nos. 234 and 236, are improved with existing dwellings. In fact, those dwellings are located closer to the property line with the subject site than the proposed structure in this case. On the Johnson lot, known as lot No. 234, the dwelling maintains an 18 ft. setback, however, a shed is but 6 ft. from the property line. On the Rosier lot, No. 236, the distance of the dwelling from the property line ranges from 2 ft. to 5 ft. Moreover, a shed immediately abuts the property line.

As recounted in the testimony offered at the previous case, the subject lot owned by Mr. and Mrs. Jordan is unimproved but for two small sheds near Bay Drive and a structure on the south side of the lot near the waterfront. The history, use, and an identification of this structure under the BCZR was the subject of the prior case. For reasons set forth therein, I determined that the structure was not allowed where located. My decision, as noted above, was affirmed by the County Board of Appeals, which also ordered that the structure be razed within 60 days.

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Date 10/19/94
By M. J. Jordan

In the instant case, Mr. Jordan proposes an alternate method under which his property may be utilized and enjoyed. Specifically, he proposes either relocating the existing structure or razing same and building a replacement within a 30 ft. by 85 ft. building envelope as shown on the site plan. The building envelope will provide a 10 ft. side yard setback on both sides, hence the need for the variance from Section 1A04.3.B.3 which requires 50 ft. Moreover, there will be a minimum of 75 ft. setback from the road in compliance with the regulations. Also, the building envelope is set back a minimum of 100 ft. from the waterfront. All other zoning area requirements and other regulations will be met.

Mr. Jordan noted that the zoning regulations governing development in the R.C.5 zone mandate that not more than 15% of the property may be developed. Thus, although the building envelope would allow a structure up to 30 ft. in width by 85 ft. in depth, any structure actually constructed therein must be smaller. Moreover, compliance with the Chesapeake Bay Critical Area Act is necessary.

The issue as it comes before me is very narrow in scope. The sole relief requested is from the setback requirements which require a side yard of at least 50 ft. In this case, adherence to those regulations is clearly impossible. The lot is only 50 ft. wide, thus strict adherence would prohibit the construction of any dwelling on the site.

After due consideration of the testimony and evidence presented, I am persuaded that the variance should be granted. It is apparent that the Petitions would suffer a practical difficulty if the relief requested were denied. Specifically, the Petitioners would not be able to utilize the property for a permitted purpose, (i.e., residential) if strict adherence to the setback regulations was required. Moreover, I see no detriment to the surrounding locale if a building is constructed within the envelope as

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Date 10/19/94
By M. Jordan

RECORDED

shown. Indeed, the neighbors who protested in the special hearing case do not object to a relocation of the building where proposed. Lastly, the relief requested is clearly within the spirit and intent of the zoning regulations. For these reasons, I believe that the Petition for Zoning Variance should be granted and will so order.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations (attached herewith) which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

ORDER RECEIVED FOR FILING

Date

10/9/98

By

M. G. G. G.

1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) 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.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of October, 1994 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft. in lieu of the required 50 ft be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

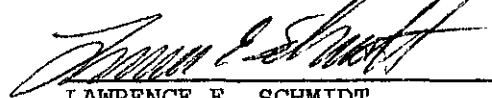
2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth

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ORDER RECEIVED FOR FILING
Date 10/19/94
By [Signature]

in their comments dated September 19, 1994, attached hereto and made a part thereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LIES/mmn

ORDER RECEIVED FOR FILING

Date

10/19/94

By

[Handwritten signature]

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 18, 1994

John B. Gontrum, Esquire
Romadka, Gontrum and McLaughlin
814 Eastern Boulevard
Essex, Maryland 21221

RE: Case No. 95-94-A
Petition for Variance
Property: 3729 Bay Drive
William P. Jordan, et ux, Petitioners

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mrs. Maria Fraley
Mr. and Mrs. J. Rosier
Mrs. Betty Johnson
Mr. Billie Kozyski

RECORDED



94



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3729 Bay Drive, Baltimore, Maryland 21220

which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & 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)

1A04.3B.3 to permit sideyard setbacks of 10' in lieu of permitted 50'.

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

Without variances no structure can be placed on lot. Variances are compatible with setbacks of structures on adjacent properties.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

John B. Contrum, Esquire

(Type or Print Name)

ROMADKA, CONTRUM & McLAUGHLIN, P.A.
814 Eastern Blvd.

Address

Essex, MD 21221

Phone No.

686-8274

City

State

Zipcode

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.

Legal Owner(s):

William P. Jordan, Jr.

(Type or Print Name)

Signature

Marie Jordan

(Type or Print Name)

Signature

3800 Bay Drive

(410) 335-4363

Address

Phone No.

Baltimore, MD 21220

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP-OFF
No REVIEW
9-8-94
WCR



94

95-94-A

ZONING DESCRIPTION FOR 3729 BAY DRIVE, BALT., MD. 21220

Election District 15

Councilmanic District 5

Beginning at a point on the southeast side of Bay Drive, which is 30' wide at a distance of 165' southwest of the centerline of Wye Road, which is 30' wide. Being Lot No. 235, Second Addition to Plat 1 of Bowleys Quarters, as recorded in Baltimore County Plat Book #8, folio 73, containing .32 acres or 13,800 square feet, more or less.

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

93-94-17

District: 15th Date of Posting: 9/23/94

Posted for: Variances

Petitioner: Wm. P. & Marie Jordan

Location of property: 3729 Bay Drive, SE/5-50/5 Wyo Rd

Location of Signs: Facing road way on property being zoned

Remarks: _____

Posted by: M. H. H. H. Date of return: 9/30/94
Signature

Number of Signs: 1

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-94-A
(Item 94)
3729 Bay Drive
SE/8 Bay Drive, 185' SW of
c/1 Wye Road
15th Election District
5th Councilmanic
Petitioner(s):
William P. Jordan, Jr.
and Marie Jordan
Hearing: Thursday,
October 13, 1994 at 9:00
a.m. in Rm. 118, Old
Courthouse

Variance to permit side yard setbacks of 10 feet in lieu of the permitted 50 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible for special ac-
commodations. Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3301.
9/28/94 Sept. 22,

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/22, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/22, 1994.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

~~Not a Notar~~

9/22/94



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

CRITICAL
AREA

receipt

Date 9/8/94

Account: R-001-6150

Number 94 (WCR)

DROP-OFF ——— NO REVIEW

#010 - VARIANCE ————— \$50.00
#080 - SIGN POSTING ————— 35.00
TOTAL ————— \$85.00

Legal Owner: William P. Jordan, Jr. & Marie Jordan
3729 Bay Drive
District: 15c5
Zoning: R.C.-5
Area: 13,800 square feet
CRITICAL AREA
Attorney: John Gontrum

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Check from Marie & William
Jordan, Jr.

03AD3#0304MICHR

\$85.00

BA 0011:21AM09-08-94

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-94-A

Account: R-001-6150

Number 94 (WCR)

Date 9/8/94

DROP-OFF ——— NO REVIEW

#010 - VARIANCE ————— \$50.00

#080 - SIGN POSTING ————— 35.00

TOTAL ————— \$85.00

Legal Owner: William P. Jordan, Jr. & Marie Jordan
3729 Bay Drive
District: 15c5
Zoning: R.C.-5
Area: 13,800 square feet
CRITICAL AREA
Attorney: John Gontrum

Check from Marie & William
Jordan, Jr.

03A0380304MIL-RC

\$85.00

BA COLL:21AM07-09 94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEPTEMBER 16, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-94-A (Item 94)

3729 Bay Drive

SE/S Bay Drive, 185' SW of c/l Wye Road

15th Election District - 5th Councilmanic

Petitioner(s): William P. Jordan, Jr. and Marie Jordan

HEARING: THURSDAY, OCTOBER 13, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance to permit side yard setbacks of 10 feet in lieu of the permitted 50 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: William and Marie Jordan
John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCT. 05 1994

John B. Gontrum, Esq.
814 Eastern Ave.
Essex, Maryland 21221

RE: Item No. 94 Case No.95-94-

Petitioner: William P Jordan, Jr.

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 08, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

9-14-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *94 (WCR)*

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

WCR

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: September 26, 1994
Zoning Administration and Development Management

FROM: *PWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for September 26, 1994
Items 90, 91, 93, 94, 95, 97, 98 and 99

The Developers Engineering Section has reviewed the zoning items for the subject meeting and we have no comments.

RWB:sw

SEP. 27 1994

RECEIVED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 19, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #94 - Jordan Property
3729 Bay Drive
Zoning Advisory Committee Meeting of September 19, 1994

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 Chesapeake Bay Critical Area Regulations for Limited Development Areas. There can be no construction within 100 feet of tidal waters. A Critical Area Administrative Variance is required for construction within the 100 foot tidal buffer.

A grading study will also be required.

Ground Water Management

Existing or future structures on this lot cannot be served with any plumbing fixtures until public sewerage is provided. Lot fails to meet requirements for on-site sewage disposal.

JLP:SA:TE:sp

JORDAN/DEPRM/TXTSBP

SEP. 28 1994

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 09/22/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RECEIVED
SEP 26 1994

ZADM

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 88, 90, 94, 95, 97,
98 AND 99.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, N5-1102F

cc: File

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Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: September 15, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 90, 93, 94, 95, 96, 97, 98 and 99.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL:lw

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 1, 1992

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Boulevard
Essex, Maryland 21221

RE: CASE NO. C-93-493
3729 BAY DRIVE
15TH ELECTION DISTRICT

Dear Mr. Gontrum:

Having had the opportunity to finally review the referenced case with Director Arnold Jablon, it has been determined that even though a permit was approved by the zoning office and issued on December 11, 1987, this action was conducted in error.

This document relates to enclosing a veranda which does not apply in this instance. Therefore, within the next 15 working days, either obtain an appointment review date to file for a public hearing to permit this use or a valid contract for the removal of both accessory structures from the property.

If additional questions exist regarding this matter, please contact this office at 887-3351.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. H. Thompson", is written over a large, stylized flourish or underline.

James H. Thompson
Zoning Enforcement Coordinator

JHT:cer

RECEIVED



RE: PETITION FOR VARIANCE * BEFORE THE
3729 Bay Drive, SE/S Bay Drive, 185' *
SW of c/l Wye Road, 15th Election * ZONING COMMISSIONER
District, 5th Councilmanic * OF BALTIMORE COUNTY
William P. Jordan, Jr. and Marie Jordan *
Petitioners * CASE NO. 95-94-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of September, 1994, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Blvd., Baltimore, MD 21121, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Maria Haley
Mrs. Hoyer
Betty Hansen
Billie Kogutski
Jack Posner

3725 Bay Dr 21220
3731 Bay Dr 21220
3731 Bay Dr 21220
3724 Bay Dr 21220
3731 Bay Dr 21220

4/10/2020

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Wm P Jordan Jr.
Marie Jordan

3800 Bay Dr.
3800 Bay Dr.



Printed with Soybean Ink
on Recycled Paper

UNOFFICIAL

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3729 Bay Drive, Baltimore, Md. 21220

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Bowley's Quarters

plat book# 8, folio# 73, lot# 235, section#

OWNER: William & Marie Jordan

95-94-A

ZONING NOTES:

1. ZONING HISTORY: CASE NO. 93-393 SPH required taking down of dwelling 14'x24' as noted on site plan.
2. Plan indicates building envelope. Actual building to be within envelope.
3. Total area covered by buildings not to exceed 15% or 2070 square feet.
4. Plat is attached hereto and made a part hereof.

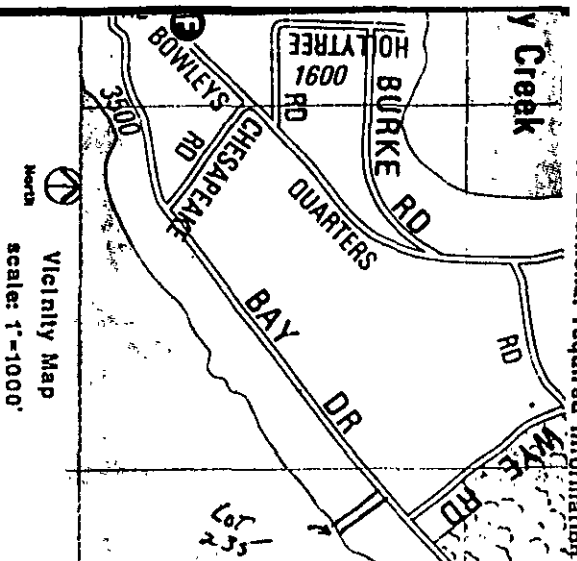


North

date: _____

prepared by: W. J. Jordan

Scale of Drawing: 1" = 50'



LOCATION INFORMATION

Councilmanic District: 5th

Election District: 15th

1"=200' scale map#:

Zoning: R.C. 5

Lot size: .32 13,800

acreage square feet

SEWER: ☐ public ☒ private

WATER: ☒ yes ☐ no

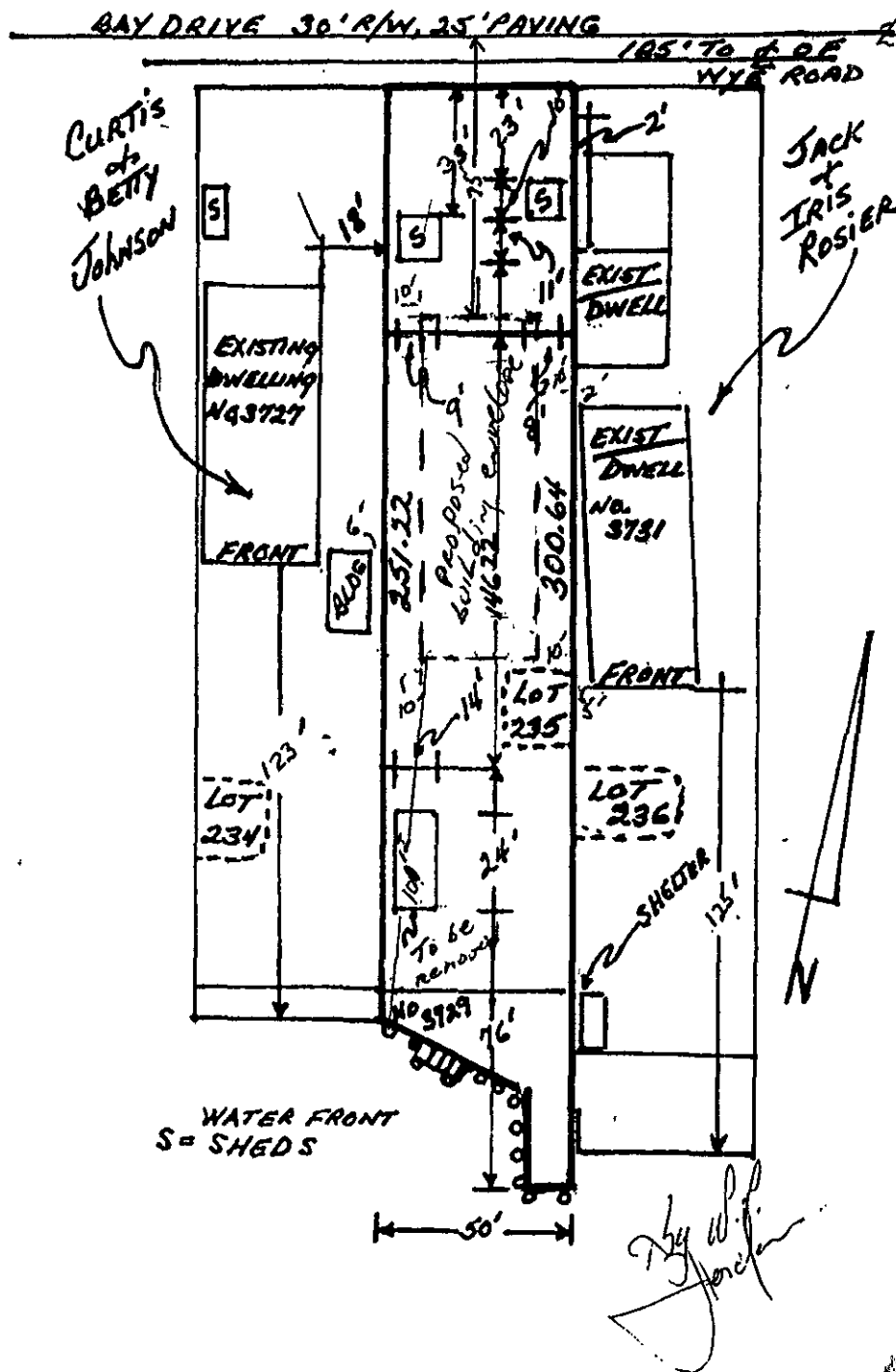
Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE



PETITIONER'S
EXHIBIT No 2

95-94-A

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AERIAL DATA REDUCTION ASSOCIATES, INC.
SUNNYSIDE, N.Y. HEBRON, CT
RICHMOND, VA. EAST PROVIDENCE, RI 30-1

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SE/8 Bay Drive, 185 ft. SW * ZONING COMMISSIONER
of c/l Wye Road *
3729 Bay Drive * OF BALTIMORE COUNTY
15th Election District *
5th Councilmanic District * Case No. 95-94-A
William P. Jordan, Jr., et ux *
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 3729 Bay Drive in the Bowleys Quarters section of Baltimore County. The Petition is filed by William P. Jordan, Jr., and Marie Jordan, his wife, property owners. The Petitioners seek relief from the strict application of Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 ft. in lieu of the required 50 ft. The subject property and relief requested is more particularly shown on the site plan marked as Petitioners' Exhibit No. 2.

Appearing at the hearing held for this case were the property owners, William P. Jordan, Jr., and Marie Jordan, his wife. The Petitioners were represented by John B. Gontrum, Esquire. Several residents from the surrounding locale appeared as Protestants/interested persons. They included Maria Fraley, Iris and Jack Rosier, Betty Johnson, and Billie Kozyski.

The subject property and issues presented are well familiar to this Zoning Commissioner. I recently heard testimony and evidence on the property while considering a Petition for Special Hearing in case No. 93-393-SPH. In that case, the Petitioner asked for a determination that an existing residential structure with accessory structures or, in the alternative, accessory structures on a shore property incidental to a waterfront use were permitted. For reasons fully set forth in that opinion, the

Petition was denied. Testimony and evidence presented, in considering the instant case, was that an appeal to my decision was taken to the Board of Appeals. The Board, upon a rehearing and reconsideration, also denied the Petition for Special Hearing on July 22, 1994. An appeal of that decision is pending in the Circuit Court for Baltimore County. That appeal will be moot if relief in the instant case is granted.

As to the subject site, it is known as 3729 Bay Drive and is located in the Bowleys Quarters subdivision of Baltimore County. This is a waterfront property and located within an older subdivision which was developed years ago. As is the case with many such subdivisions, the lots were laid out in 50 ft. widths. The subject lot, known as lot No. 235, is 50 ft. wide and ranges in depth from 251 ft. to 300 ft. The property fronts the Chesapeake Bay. The lots to either side of the property, Nos. 234 and 236, are improved with existing dwellings. In fact, those dwellings are located closer to the property line with the subject site than the proposed structure in this case. On the Johnson lot, known as lot No. 234, the dwelling maintains an 18 ft. setback, however, a shed is but 6 ft. from the property line. On the Rosier lot, No. 236, the distance of the dwelling from the property line ranges from 2 ft. to 5 ft. Moreover, a shed immediately abuts the property line.

As recounted in the testimony offered at the previous case, the subject lot owned by Mr. and Mrs. Jordan is unimproved but for two small sheds near Bay Drive and a structure on the south side of the lot near the waterfront. The history, use, and an identification of this structure under the BCZR was the subject of the prior case. For reasons set forth therein, I determined that the structure was not allowed where located. My decision, as noted above, was affirmed by the County Board of Appeals, which also ordered that the structure be razed within 60 days.

-2-

In the instant case, Mr. Jordan proposes an alternate method under which his property may be utilized and enjoyed. Specifically, he proposes either relocating the existing structure or razing same and building a replacement within a 30 ft. by 85 ft. building envelope as shown on the site plan. The building envelope will provide a 10 ft. side yard setback on both sides, hence the need for the variance from Section 1A04.3.B.3 which requires 50 ft. Moreover, there will be a minimum of 75 ft. setback from the road in compliance with the regulations. Also, the building envelope is set back a minimum of 100 ft. from the waterfront. All other zoning area requirements and other regulations will be met.

Mr. Jordan noted that the zoning regulations governing development in the R.C.5 zone mandate that not more than 15% of the property may be developed. Thus, although the building envelope would allow a structure up to 30 ft. in width by 85 ft. in depth, any structure actually constructed therein must be smaller. Moreover, compliance with the Chesapeake Bay Critical Area Act is necessary.

The issue as it comes before me is very narrow in scope. The sole relief requested is from the setback requirements which require a side yard of at least 50 ft. In this case, adherence to those regulations is clearly impossible. The lot is only 50 ft. wide, thus strict adherence would prohibit the construction of any dwelling on the site.

After due consideration of the testimony and evidence presented, I am persuaded that the variance should be granted. It is apparent that the Petitioners would suffer a practical difficulty if the relief requested were denied. Specifically, the Petitioners would not be able to utilize the property for a permitted purpose, (i.e., residential) if strict adherence to the setback regulations was required. Moreover, I see no detriment to the surrounding locale if a building is constructed within the envelope as

-3-

shown. Indeed, the neighbors who protested in the special hearing case do not object to a relocation of the building where proposed. Lastly, the relief requested is clearly within the spirit and intent of the zoning regulations. For these reasons, I believe that the Petition for Zoning Variance should be granted and will so order.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or nonconforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations (attached herewith) which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

-4-

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) 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.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of October, 1994 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit side yard setbacks of 10 ft. in lieu of the required 50 ft be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth

-5-

in their comments dated September 19, 1994, attached hereto and made a part thereof.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 18, 1994

John B. Gontrum, Esquire
RomaDKa, Gontrum and McLaughlin
814 Eastern Boulevard
Essex, Maryland 21221

RE: Case No. 95-94-A
Petition for Variance
Property: 3729 Bay Drive
William P. Jordan, et ux, Petitioners

Dear Mr. Gontrum:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mnn

att.
cc: Mrs. Maria Fraley
Mr. and Mrs. J. Rosier
Mrs. Betty Johnson
Mr. Billie Kozyski

Printed with Gypheen Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3729 Bay Drive, Baltimore, Maryland 21220

which is presently zoned R.C. 5

This Petition shall be filed with the Office of Zoning Administration & 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)

1A04.3B.3 to permit sideyard setbacks of 10' in lieu of permitted 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Without variances no structure can be placed on lot. Variances are compatible with setbacks of structures on adjacent properties.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

John B. Gontrum, Esquire

(Type or Print Name)

Signature

Address

City

State

Zipcode

Essex, MD 21221

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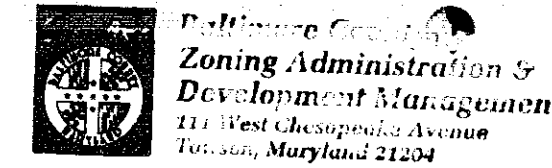
Page No.

94
95-94-A
ZONING DESCRIPTION FOR 3729 BAY DRIVE, BALT., MD. 21220
Election District 15 Councilmanic District 5

Beginning at a point on the southeast side of Bay Drive, which is 30' wide at a distance of 165' southwest of the centerline of Wye Road, which is 30' wide. Being Lot No. 235, Second Addition to Plat 1 of Bowleys Quarters, as recorded in Baltimore County Plat Book #8, folio 73, containing .32 acres or 13,800 square feet, more or less.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9/2/94
Posted for: Variance
Petitioner: Wm. P. & Marie Jordan
Location of property: 3729 Bay Drive, SE/5-446 Wye Rd.
Location of Signs: Facing roadway on property being zoned
Remarks:
Posted by: [Signature] Date of return: 9/2/94
Number of Signs: 1



CRITICAL AREA

receipt

Date 9/8/94

Account: R-01-6150
Number 94 (WCR)
DROP-OFF NO REVIEW

#010 - VARIANCE \$50.00
#080 - SIGN POSTING 35.00
TOTAL \$85.00

Legal Owner: William P. Jordan, Jr. & Marie Jordan
3729 Bay Drive
District: 15c5
Zoning: R.C.-5
Area: 13,800 square feet
CRITICAL AREA
Attorney: John Gontum

Check from Marie & William Jordan, Jr.

03A03H304M1C4RC
88-03141214M09-08-94 \$85.00
Please Make Checks Payable To: Baltimore County

Cashier Validation

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:

Case #95-94-A (Item 94)
3729 Bay Drive
SE/5 Bay Drive, 185' SW of
of Wye Road
15th Election District
8th Councilmanic District
Petitioner:
William P. Jordan, Jr.
and Marie Jordan
Hearing Thursday,
October 13, 1994 at 9:00
a.m. in Rm. 118, Old
Courthouse.

Variance to permit side yard setbacks of 10 feet in lieu of the permitted 50 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations please call 887-3353.
(2) For information concerning the filing of petitions, please call 887-3353.
SEP 22 1994

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/22, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/22, 1994.

THE JEFFERSONIAN,

A. H. Henrichson
LEGAL AD. - TOWSON

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCT. 05 1994

John B. Gontum, Esq.
814 Eastern Ave.
Baltimore, Maryland 21221

RE: Item No. 94 Case No. 95-94-

Petitioner: William P. Jordan, Jr.

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 08, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

W. Carl Richards, Jr.

W. Carl Richards, Jr.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 94 (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2288 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: September 28, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for September 26, 1994
Items 90, 91, 93, 94, 95, 97, 98 and 99

The Developers Engineering Section has reviewed the zoning items for the subject meeting and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

September 19, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson, Jr.
Development Coordinator, DEPRM

SUBJECT: Zoning Item #94 - Jordan Property
3729 Bay Drive
Zoning Advisory Committee Meeting of September 19, 1994

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 Chesapeake Bay Critical Area Regulations for Limited Development Areas. There can be no construction within 100 feet of tidal waters. A Critical Area Administrative Variance is required for construction within the 100 foot tidal buffer.

A grading study will also be required.

Ground Water Management

Existing or future structures on this lot cannot be served with any plumbing fixtures until public sewerage is provided. Lot fails to meet requirements for on-site sewage disposal.

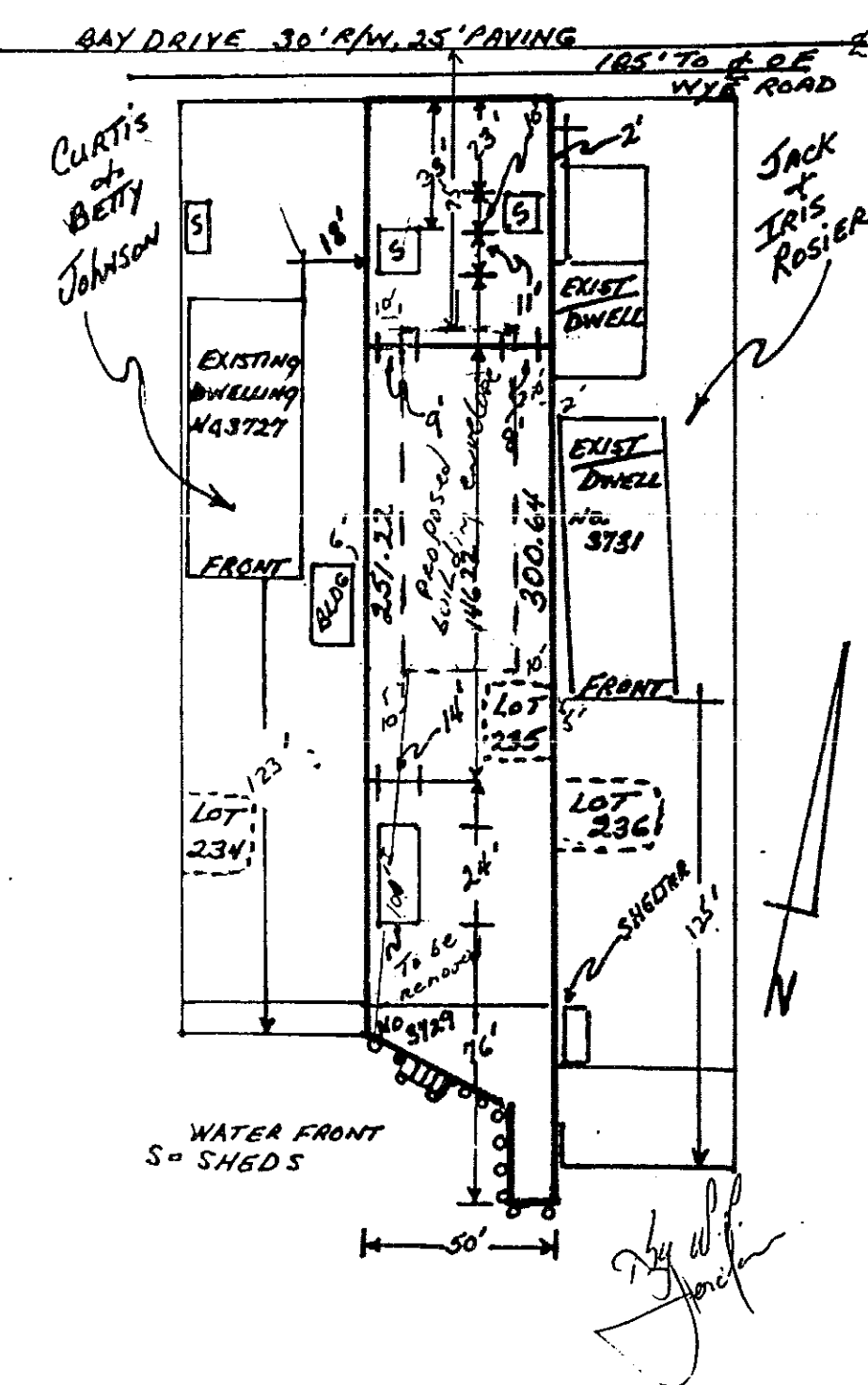
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JORDAN/DEPRM/TXTSBP

SEP 28 1994

94

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE



PETITIONER'S
EXHIBIT 162

95-94-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3729 Bay Drive, Baltimore, Md. 21220 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Bowley's Quarters

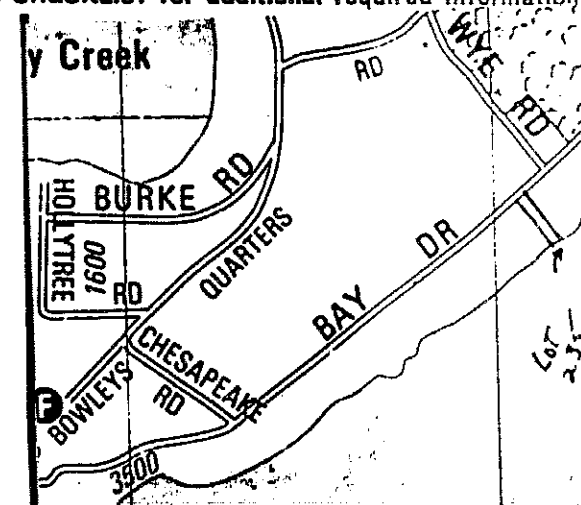
plat book # 8, folio # 73, lot # 235, section # 1

OWNER: William & Marie Jordan

95-94-A

ZONING NOTES:

1. ZONING HISTORY: CASE NO. 93-393 SPH required taking down of dwelling 14'x24' as noted on site plan.
2. Plan indicates building envelope. Actual building to be within envelope.
3. Total area covered by buildings not to exceed 15% or 2070 square feet.
4. Plat is attached hereto and made a part hereof.



LOCATION INFORMATION

Councilmanic District: 5th

Election District: 15th

1"=200' scale map#:

Zoning: R.C. 5

Lot size: .32 13,800

acres square feet

SEWER: ☐ public ☒ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☒ YES ☐ NO

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

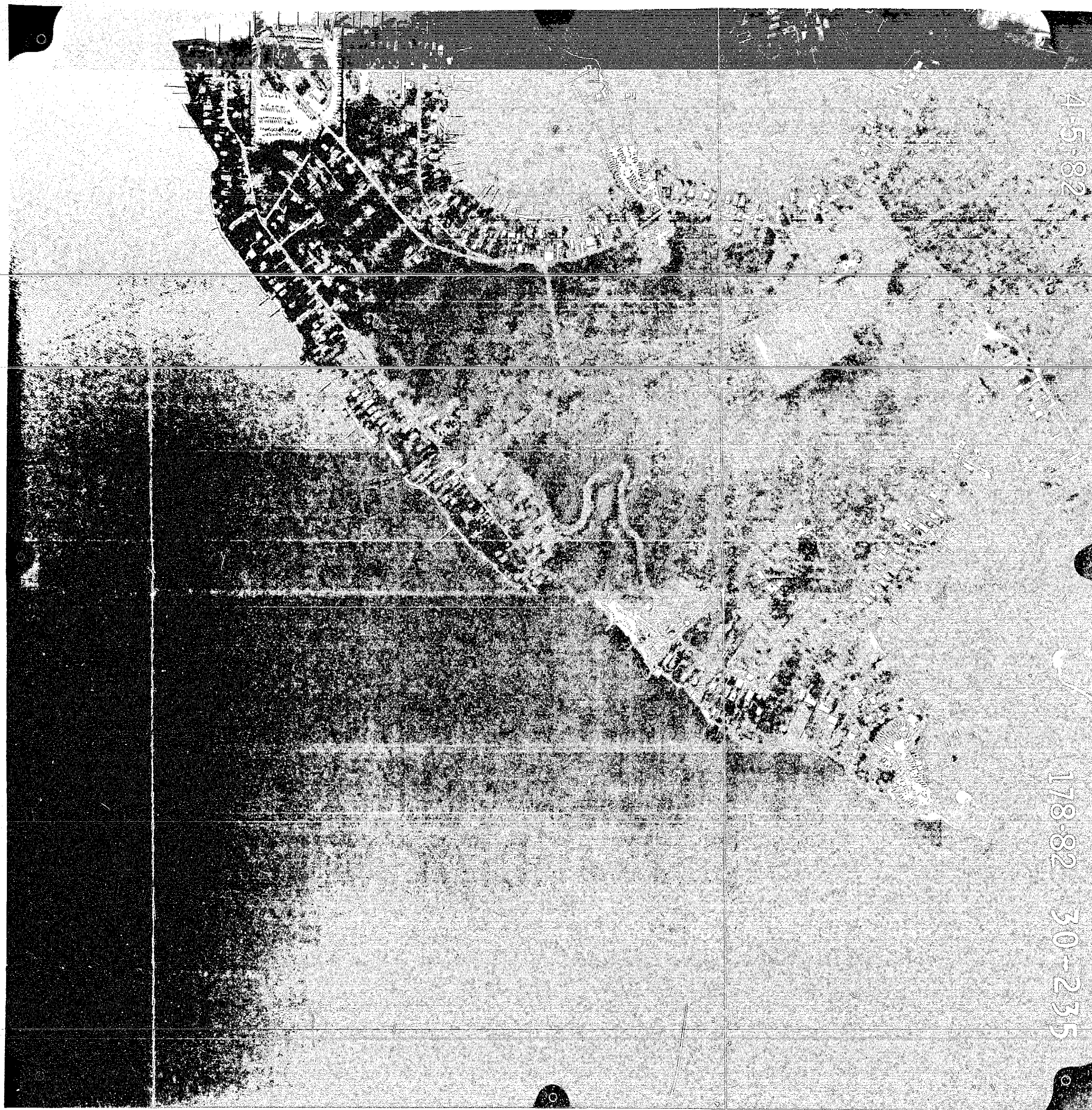


North

date: W. P. Jordan

prepared by: W. P. Jordan Scale of Drawing: 1"=50'

AERIAL DATA REGION ASSOCIATES, INC.
30-1



PETITIONER'S
EXHIBIT No 3