

IN RE: PETITION FOR VARIANCE
E/S Bayside Drive, 272' S of the c/l
Riverside Drive
(Lot 60, Bauernschmidt Manor, Sec. C)
15th Election District
5th Council District

Steve W. Wilson
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 01-282-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Steve W. Wilson. The Petitioner requests variance relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 59 feet in lieu of the required 70 feet, and to approve the subject property as an undersized lot for development with a single family dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Vincent Moskunus, a representative of Site Rite, Inc., a consultant retained by the Petitioner, who prepared the site plan for this property. There were no Protestants or other interested persons present.

The subject property is an unimproved, rectangular shaped parcel located on the east side of Bayside Drive, just north of that road's intersection with Bauernschmidt Drive in Essex. The property is known as Lot 60 of the Bauernschmidt Manor subdivision, which was recorded in the Land Records of Baltimore County in approximately 1940, prior to the adoption of the B.C.Z.R. The property consists of approximately 13,000 sq.ft. in area, zoned D.R.3.5. Although the property meets the minimum area requirements for a D.R.3.5-zoned lot, it lacks sufficient width at the building line. As more particularly shown on the site plan, the property is approximately 47 feet wide at its frontage adjacent to Bayside Drive, but tapers to an increased

ORDER RECEIVED FOR FILING

Date

By

width of 75 feet at the rear property line. The Petitioner proposes developing the property with a split-level dwelling, approximately 30 feet wide and 52 feet deep. At the front building wall of the proposed dwelling, the property is 59 feet wide. Thus, the requested variance is necessary. Additionally, although not waterfront, the property is located near Middle River and as such, is subject to the Chesapeake Bay Critical Areas regulations.

Additional testimony and evidence offered revealed that the Wilson family has owned the subject property for a number of years. In fact, the Petitioner owns the adjacent property, Lot 61, which is similarly shaped, in terms of a narrow frontage and greater width along the rear property line. That lot is, however, slightly larger in area and not identical to the subject property. Lot 61 is improved with a one-story frame dwelling which has existed on that property for many years. Both lots are separate lots of record as defined by the B.C.Z.R., and are separately taxed by Baltimore County. Although Lot 60 has been used as a large side yard for the existing dwelling on Lot 61, it is indeed a separate parcel. It is also to be noted that administrative variance relief was granted under Case No. 01-281-A to permit the existing one-story dwelling to remain on Lot 61. That is, relief was recently approved under that case number to permit the utilization of these two properties as separate building lots.

There were no Protestants at the hearing and no adverse Zoning Advisory Committee (ZAC) comments. Indeed, the Office of Planning supports the request to allow a lot width of 59 feet in lieu of the required 70 feet. As Mr. Moskunas noted at the hearing, there are similarly sized and shaped lots throughout Bauernschmidt Manor which have been improved with single family dwellings. This subdivision has been built out over the years on the lots as they were originally platted before the adoption of the B.C.Z.R.

Based upon the testimony and evidence offered, I am persuaded to grant the relief requested. Although similar to other lots in the neighborhood, the property is unique in terms of its configuration, size and the fact that same was platted before the adoption of the B.C.Z.R. I also find that the Petitioner would suffer a practical difficulty if relief were denied and that development of the subject lot would not be detrimental to adjacent properties. It is to be noted

that the site is served by public water and sewer. It is also to be noted that development of the parcel will require compliance with the Chesapeake Bay Critical Area regulations, as administered by the Department of Environmental Protection and Resource Management (DEPRM) and set out in their ZAC comment dated February 1, 2001.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of March, 2001 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 59 feet in lieu of the required 70 feet, and to approve the subject property as an undersized lot for development with a single family dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Construction of the proposed dwelling shall be in accordance with the building elevation drawings submitted to and approved by the Office of Planning on January 17, 2001.
- 3) The Petitioner shall comply with the requirements of the Chesapeake Bay Critical Area regulations as set forth in the ZAC comment submitted by DEPRM, dated February 1, 2001, a copy of which is attached hereto and made a part hereof.
- 4) 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

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/13/01
By [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

March 13, 2001

Mr. Steve W. Wilson
467 Streaker Road
Sykesville, Maryland 21784

RE: PETITION FOR VARIANCE
E/S Bayside Drive, 272' S of the c/l Bauernschmidt Drive
(467 Streaker Road)
15th Election District – 5th Council District
Steve W. Wilson - Petitioner
Case No. 01-282-A

Dear Mr. Wilson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Vincent Moskunus, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at lot 60 Bayside Drive

which is presently zoned RR 3.5

CRITICAL

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) 1802.3.C.1 { 304 B.C.R. }

TO PERMIT A LOT WIDTH OF 59ft. IN LIEU OF THE REQUIRED 70ft AND TO APPROVE THE SUBJECT ~~LOT~~ ~~AS A~~ UNDERSIZED LOT FOR IMPROVEMENT WITH A SINGLE FAMILY RESIDENTIAL DWELLING.

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

1. The adjacent property is also owned by this property owner, with both lots combined there is not sufficient width to allow 70' for each lot.
2. The lots were recorded by record plat in 1940 and have not changed configuration and have separate property account numbers. Both lots are narrow and long.
3. The house proposed will be compatible to the existing area without changing the width of the lots

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Bernadette Moskunas
Site Rite Surveying, Inc.

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

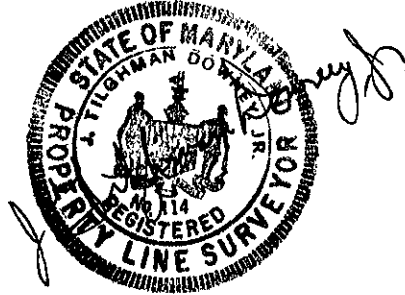
Reviewed By JWS Date 1.17.06

Case No. 01-282A

ORDER RECEIVED FOR FILING
Date 3/13/06
229 9/15/98

*ZONING DESCRIPTION FOR LOT #60 BAUERNSCHMIDT MANOR 12/81
BAYSIDE DRIVE*

Beginning at a point on the east side of Bayside Drive which is 40 feet wide at a distance of 272 feet south of the centerline of Riverside Drive which is 40 feet wide. Being lot #60, section "C" of the subdivision of "Bauernschmidt Manor" recorded in plat book no. 12, folio 81, containing 13,115 square feet. Also known as Bayside Drive and located in the 15th. Election District, 5th. Councilmanic District.



J. Tilghman Downey, Jr.

*Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286
(410)828-9060*

282

BALTIMORE COUNTY, MARY. ND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

282

No. 90623

DATE 1-17-01 ACCOUNT Rec-1-2150

AMOUNT \$ 50.00

RECEIVED FROM: S. Wilson - 601 E. Gwynne Dr.

FOR: (see) VPI

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

JCM

PAID RECEIPT

PAYMENT ACTUAL TIME
01/17/2001 01/17/2001 10:30:06

REG 0503 CASHIER UNIT LOG NUMBER
DATE 01/17/2001 520 ZONING DEPARTMENT

RECEIPT # 169735 DTN
OR # 040625

Receipt Tot 50.00
DOL.00 CR 5.00 TP
1.00-00

BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #01-282-A
Lot 60, Bayside Drive
E/S Bayside Drive, 272' S of
centerline Riverside Drive
15th Election District
5th Councilmanic District

Legal Owner(s):

Steve W. Wilson

Variance: to permit a lot width of 59 feet in lieu of the required 70 feet and to approve the subject undersized lot for improvement with a single family residential dwelling.

Hearing: Thursday, March 8, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT/2689 Feb. 20

C451672

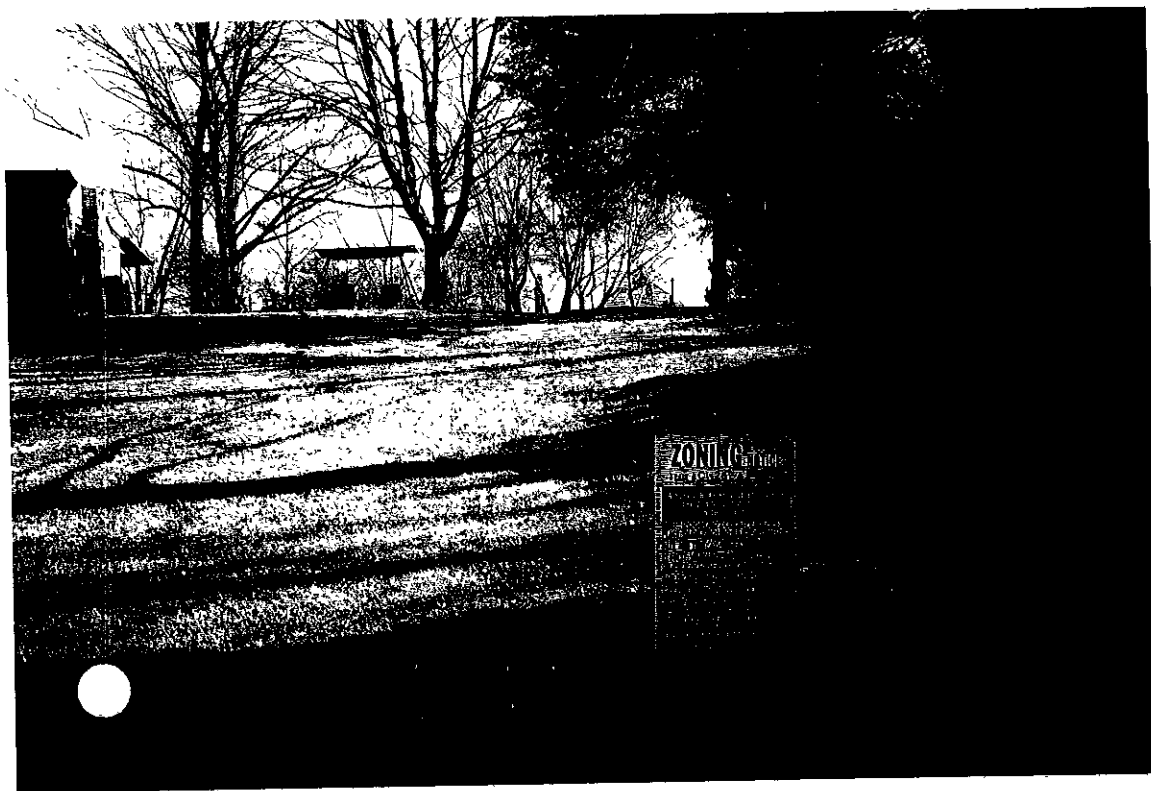
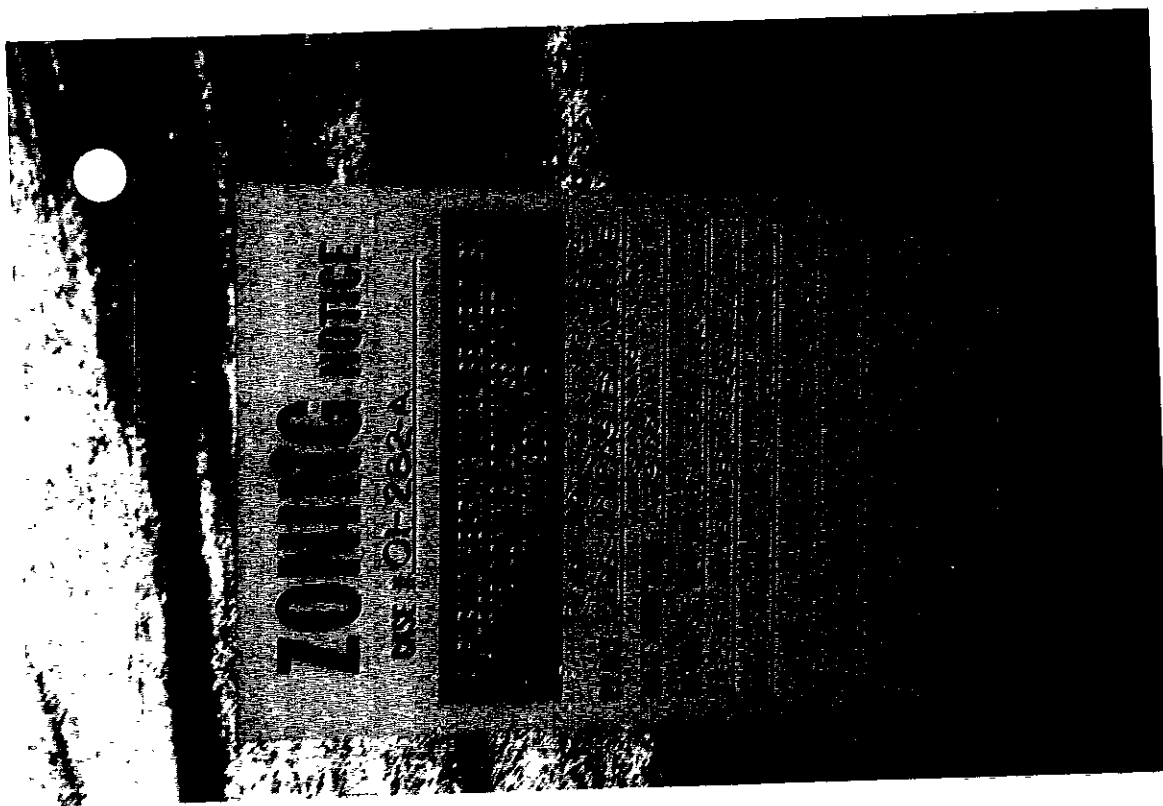
CERTIFICATE OF PUBLICATION

TOWSON, MD, 2/22/, 2001

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 2/20/, 2001.

J. Wilkinson
THE JEFFERSONIAN,

LEGAL ADVERTISING



CERTIFICATE OF POSTING

RE: Case No.: 01-282-A

Petitioner/Developer: _____
(HOLT CONSTRUCTION)
STEVE WILSON

Date of Hearing/Closing: MAR. 8, 2001

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

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

LOT 60 BAYSIDE DRIVE, EAST OF
2607 BAYSIDE DRIVE

The sign(s) were posted on FEBRUARY 20, 2001
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

RECEIVED

FEB 21 2001

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

RE: PETITION FOR VARIANCE
Lot 60 Bayside Drive, E/S Bayside Dr, 272' S of c/l
Riverside Dr
15th Election District, 5th Councilmanic

Legal Owner: Steven W. Wilson
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-282-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.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of January, 2001 a copy of the foregoing Entry of Appearance was mailed to Bernadette L. Moskunus, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286, representative for Petitioners.



PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

January 31, 2001

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: 01-282-A

Lot 60, Bayside Drive

E/S Bayside Drive, 272' S of centerline Riverside Drive

15th Election District – 5th Councilmanic District

Legal Owner: Steve W Wilson

Variance to permit a lot width of 59 feet in lieu of the required 70 feet and to approve the subject undersized lot for improvement with a single family residential dwelling.

HEARING: Thursday, March 8, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



GDZ

Arnold Jablon
Director

C: Steve W Wilson, 467 Streaker Road, Sykesville 21784
Bernadette Moskunus, Site Rite Surveying Inc, 200 E Joppa Road Room 101,
Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 21, 2001.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 20, 2001 Issue – Jeffersonian

Please forward billing to:
Steve W Wilson
467 Streaker Road
Sykesville MD 21784

410 781-3462

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: 01-282-A

Lot 60, Bayside Drive

E/S Bayside Drive, 272' S of centerline Riverside Drive

15th Election District – 5th Councilmanic District

Legal Owner: Steve W Wilson

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HEARING: Thursday, March 8, 2001 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

G 02

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 282
Petitioner: Steve W. Wilson
Address or Location: Bayside Drive lot 60

PLEASE FORWARD ADVERTISING BILL TO:

Name: Steve W. Wilson
Address: 467 Streaker Road
Sykesville, MD 21784
Telephone Number: (410) 781-3462

Revised 2/20/98 - SCJ

01-282-A



Baltimore County
Zoning Commissioner

March 19, 2001

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Mr. Steve W. Wilson
467 Streaker Road
Sykesville, Maryland 21784

RE: PETITION FOR VARIANCE
E/S Bayside Drive, 272' S of the c/l Bauernschmidt Drive
(Lot 60, Bauernschmidt Manor, Sec. C)
15th Election District – 5th Council District
Steve W. Wilson - Petitioner
Case No. 01-282-A

Dear Mr. Wilson:

In the course of closing your case file in the above-captioned matter, it was discovered that we inadvertently attached the wrong Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM) to the Order issued in this case on March 13, 2001. The comment attached to your Order was submitted as an exhibit in the instant case, but was for the adjacent property, known as 2607 Bayside Drive, which is also owned by you and was the subject of prior Case No. 01-281-A. Although the requirements are the same for both properties, enclosed please find a copy of the comment that should have been attached to your Order. In addition, the cover letter sent along with your Order inadvertently listed your mailing address as the location for the property which was the subject of the instant case. This letter shall also serve to correct that error.

Please accept my apologies for any confusion this may have caused you and should you have any questions on the subject, please do not hesitate to call my office.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Vincent Moskun, Site Rite Surveying, Inc.
200 E. Joppa Road, Towson, Md. 21286
Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
Office of Planning; DEPRM; People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 2, 2001

Steve W Wilson
467 Streaker Road
Sykesville MD 21784

Dear Mr. Wilson:

RE: Case Number: 01-282-A, Lot 60, Bayside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 17, 2001.

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.

W. Carl Richards, Jr. 672
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Bernadette Moskunus, Site Rite Surveying Inc, 200 E Joppa Road Room 101,
Towson 21286
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 7, 2001

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 5, 2001
Item No. 282

The Bureau of Development Plans Review has reviewed the subject zoning item.

If the variance is granted for this site, the proposed dwelling must have its own water and sewer house connections; and the owner is required to pay a systems connection charge at the current rate.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 31, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 29, 2001

Item No.: See Below

Dear Ms. Stephens:

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.

FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

281, 282, 285, 286, AND 287

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *m/rbs*
DATE: February 1, 2001
SUBJECT: Zoning Item #282
Bayside Drive Lot 60

Zoning Advisory Committee Meeting of January 29, 2001

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: January 30, 2001

Ho
3/8

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 5, 2001

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

SUBJECT: Lot 60, Bayside Drive

INFORMATION:

Item Number: 01-282

Petitioner: Steve W. Wilson

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a lot width of 59 feet in lieu of the required 70 feet, and to approve the subject undersize lot for improvement with a single-family dwelling. This recommendation is contingent upon the petitioner ridding the subject property of the unsightly refuse and debris that presently mar the appearance of the site.

Prepared by: Mark Cunniff

Section Chief: Jeffrey W. Gray
AFK:MAC:



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.31.01

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

RE: Baltimore County
Item No. 282

JCM

Dear Ms. Jackson:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

per Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

TO: Director, Office of Planning & Community Conservation
Attention: Jeffrey Long
County Courts Building, Room 406
401 Bosley Avenue
Towson, MD 21204

Permit or Case No. _____

FROM: Arnold Jablon, Director
Department of Permits & Development Management

Residential Processing Fee Paid
(\$50.00)

Accepted by JCM
Date 1-17-01

RE: Undersized Lots

Pursuant to Section 304.2 (Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning and Community Conservation prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

Site Rite Surveying, Inc. 200 E. Joppa Road Rm 101 Towson, MD 21286 (410) 828-9060
Print Name of Applicant Address Telephone Number
Lot Address Lot 66 Bayside Drive Election District 15 Councilmanic District 5 Square Feet 13,115
Lot Location: N E S W side/corner of Bayside Drive 272 feet from N E S W corner of Riverside Drive
(street) (street)
Land Owner: Steve Wilson Tax Account Number 1503003560
Address: 2607 Bayside Drive Baltimore, MD 21221 Telephone Number (410) 781-3462

CHECKLIST OF MATERIALS- (to be submitted for design review by the Office of Planning and Community Conservation)

TO BE FILLED IN BY ZONING REVIEW, DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ONLY!
PROVIDED?

	YES	NO
1. This Recommendation Form (3 copies)	☒	☐
2. Permit Application	☐	☒
3. Site Plan	☒	☐
Property (3 copies)	☒	☐
Topo Map (2 copies): available in Room 206, County Office Building - (please label site clearly)	☒	☐
4. Building Elevation Drawings	☒	☐
5. Photographs (please label all photos clearly)	☒	☐
Adjoining Buildings	☒	☐
Surrounding Neighborhood	☒	☐
6. Current Zoning Classification: <u>D.R. 3.5</u>		

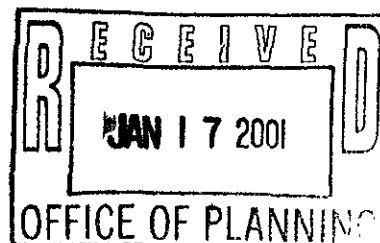
TO BE FILLED IN BY THE OFFICE OF PLANNING ONLY!

RECOMMENDATIONS / COMMENTS:

☒ Approval ☐ Disapproval ☐ Approval conditioned on required modifications of the application to conform with the following recommendations:

Signed by Jeffrey M. Long
for the Director, Office of Planning and Community Conservation

01-282-A



Date: 1/24/01

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2

Department of Permits and Development Management (PDM)
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit application has been reviewed and is accepted for filing by _____ on _____
(name of planner) Date (A)

A sign indicating the proposed building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00. This fee is subject to change. Confirm all current fees prior to filing the application.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE _____ D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED? YES _____ NO _____ - DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) _____ C (B-3 Work Days)

TENTATIVE DECISION DATE _____ B (A + 30 Days)

*Usually within 15 days of filing

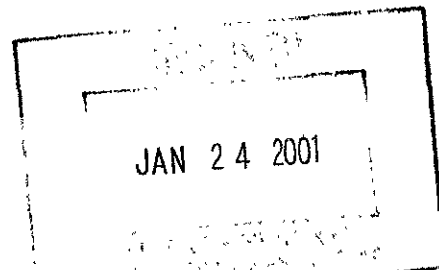
CERTIFICATE OF POSTING

District: _____

Location of Property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____



Note to file:

I advised applicant of the procedural complications created by filing administratively for the variance relief on 2607 Bayside Drive and non-admin. for the companion issues arising on the adjoining lot. The applicant requested to file as currently docketed.

JCM

~~VOID~~
WCR

#282

re (01-281A)

ml

01-282-A

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

SITE-RITE SURVEYING, INC.
VANCE LUTY MOSKUNAS

ADDRESS

200 E. JOPPA Rd. 21286



1B02.3 Special regulations for certain existing developments or subdivisions and for small lots or tracts in D.R. Zones.

A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

1. Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
2. Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
3. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
4. Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than one-half acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
5. Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

Zoning Classification	Minimum Net Lot Area per Dwlling Unit (sq. ft.)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	--	30
D.R.10.5	3,000	20	10	10	--	50
D.R.16	2,500	20	10	25	--	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.
- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.

EXHIBIT #3

This Deed, Made this twentieth day of July

in the year one thousand nine hundred and seventy-two, by and between

✓ ANTHONY P. CATALFAMO

, of the first part, and

✓ THORNTON W. WILSON and ✓ SHIRLEY L. WILSON, his wife

of the second part.

Witnesseth, that in consideration of the sum of five dollars and other good and valuable consideration, the receipt of which is hereby acknowledged

the said ANTHONY P. CATALFAMO

does hereby grant and convey unto the said THORNTON W. WILSON and SHIRLEY L. WILSON, his wife, as Tenants by the Entireties, their assigns, unto the survivor of them, his or her

heirs and assigns,

in fee simple, all those lot(s) of ground, situate, lying and being in

Baltimore County, State of Maryland, and described as follows, that is to say:—

~~BEGINNING FOR THE~~

BEGINNING for the same and being known and designated as Lots Nos. 60 and 61 Section "C" of Bauernschmidt Manor as shown on the Plat of Bauernschmidt Manor which Plat is recorded among the Land Records of Baltimore County in Plat Book R.J.S. No. 12 folio 81.

BEING the same lots of ground which by a Deed dated August 5, 1964 and recorded among the Land Records of Baltimore County in Liber R.R.G. No. 4339 folio 430 were granted and conveyed by Walter E. Heinecke and Rosalie Heinecke, his wife to Anthony P. Catalfamo, the grantor herein.

JUL 25-72 2749700# 008****
JUL 25-72 2749710# 000****
JUL 25-72 2749720# 002****
JUL 25-72 274972# 004****

MAR 10 1975

420.00 MSC

EXHIBIT # 4

Real Property
InformationMaryland Department of Assessments and Taxation
Real Property System[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 15 ACCT NO: 1503003561

Owner Information

Owner Name: WILSON THORNTON W Use: RESIDENTIAL
 WILSON SHIRLEY L
 Mailing Address: 2607 BAYSIDE DR
 BALTIMORE MD 21221-1722 Principal Residence: YES

Transferred

From: CATALFAMO ANTHONY P

Date: 07/25/1972 Price: \$0

Deed Reference: 1) / 5285/ 968
 2)

Special Tax Recapture:

* NONE *

Tax Exempt: NO

Location Information [View Map]

Premises Address:

Zoning: Legal Description:

2607 BAUERNSCHMIDT DR

200 SE RIVERSIDE DR
 BAUERNSCHMIDT MANOR

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
98	8	35		C		61 -	82	Plat Ref: 12/ 81

Special Tax Areas

Town:

Ad Valorem:

Tax Class:

Primary Structure Data

Year Built:

Enclosed Area:

Property Land Area: County Use:

1957

970 SF

13,860.00 SF

04

Value Information

Base Value Current Value Phase-In Value Phase-in Assessments

		As Of 01/01/2000	As Of 07/01/2001	As Of 07/01/2000	As Of 07/01/2001
Land:	33,710	33,710			
Impts:	57,600	57,630			
Total:	91,310	91,340	91,330	36,520	91,330
Pref Land:	0	0	0	0	0

EXHIBIT #5

 Real Property Information	Maryland Department of Assessments and Taxation Real Property System
--	---

[\[Go Back\]](#)

BALTIMORE COUNTY

[\[Start Over\]](#)

DISTRICT: 15 ACCT NO: 1503003560

Owner Information

1 - lot 61

Owner Name:WILSON THORNTON W
WILSON SHIRLEY L**Use:** RESIDENTIAL**Mailing Address:**2607 BAYSIDE DR
BALTIMORE MD 21221-1722**Principal Residence:** NO**Transferred****From:** CATALFAMO ANTHONY P**Date:** 07/25/1972 **Price:** \$0**Deed Reference:** 1) / 5285/ 968**Special Tax Recapture:**

2)

* NONE *

Tax Exempt: NO**Location Information [\[View Map\]](#)****Premises Address:**

BAYSIDE DR

Zoning: Legal Description:253 SE RIVERSIDE DR
BAUERNSCHMIDT MANOR

Map	Grid	Parcel	Subdiv	Sect	Block	Lot	Group	Plat No:
98	8	35		C		60	82	Plat Ref: 12/ 81

Special Tax Areas**Town:****Ad Valorem:****Tax Class:****Primary Structure Data****Year Built:**

0000

Enclosed Area: **Property Land Area:** **County Use:**

13,115.00 SF

04

Value Information**Base Value Current Value Phase-In Value Phase-in Assessments**

		As Of 01/01/2000	As Of 07/01/2001	As Of 07/01/2000	As Of 07/01/2001
Land:	26,020	26,020			
Impts:	0	0			
Total:	26,020	26,020	26,020	10,400	26,020
Pref Land:	0	0	0	0	0



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 12, 2001

Steve W Wilson
2607 Bayside Drive
Essex MD 21221

Dear Mr. Wilson:

RE: Case Number: 01-281-A, 2607 Bayside Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 17, 2001.

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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

C: Bernadette L Moskunus, Site Rite Surveying Inc, 200 E Joppa Road Room 101,
Towson 21286
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: February 5, 2001

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

SUBJECT: 2607 Bayside Drive

INFORMATION:

Item Number: 01-281

Petitioner: Steve William Wilson

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to allow a side yard setback of 8 feet in lieu of the required 10 feet, and a sum of side yards of 21.5 feet in lieu of the required 25 feet. This office also supports the request to permit a lot width of 61 feet in lieu of the required 70 feet.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Ziegler

AFK:MAC:



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

January 31, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF January 29, 2001

Item No.: See Below

Dear Ms. Stephens:

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.

FIRE MARSHAL'S OFFICE HAS NO COMMENTS AT THIS TIME.

281, 282, 285, 286, AND 287

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley *RB*
DATE: February 1, 2001
SUBJECT: Zoning Item #281
2607 Bayside Drive

Zoning Advisory Committee Meeting of January 29, 2001

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- _____ The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: Keith Kelley

Date: January 30, 2001



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 1.31.01

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

RE: Baltimore County
Item No. 281 JCM

Dear Ms. Jackson:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

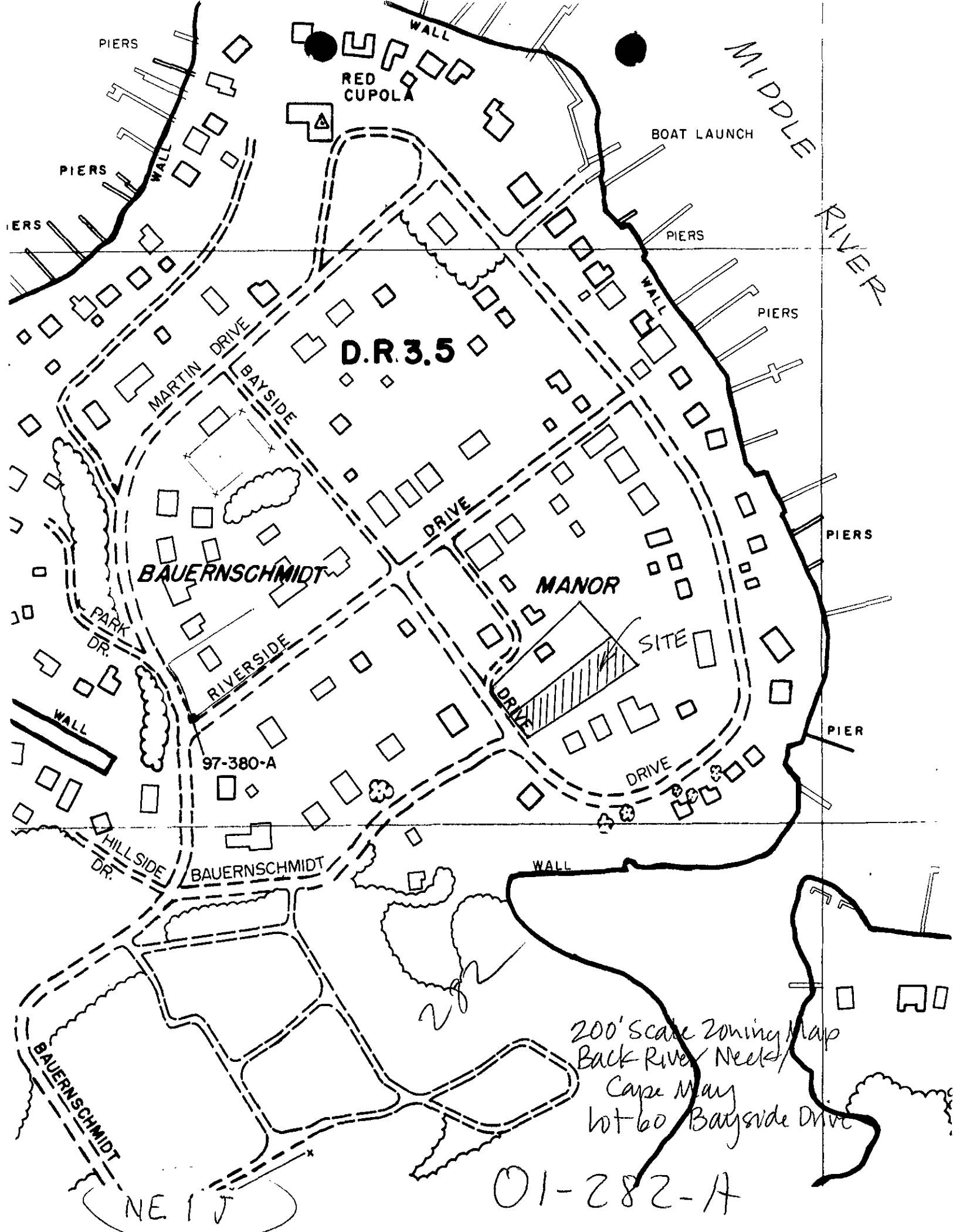
Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

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

Mailing Address: P.O. Box 747 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202





PIERS

WALL

RED CUPOLA

BOAT LAUNCH

MIDDLE RIVER

PIERS

WALL

PIERS

WALL

PIERS

D.R. 3.5

MARTIN DRIVE

BAYSIDE DRIVE

DRIVE

BAUERNSCHMIDT

MANOR

SITE

PIERS

PIER

97-380-A

RIVERSIDE DRIVE

WALL

PARK DR.

HILLSIDE DR.

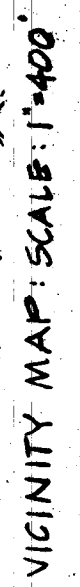
BAUERNSCHMIDT

WALL

200' scale Zoning Map
Back River Neck,
Cape May
lot 60 Bayside Drive

01-282-A

NE 1 J



GENERAL NOTES

- GENERAL NOTES
1. LOT SIZE: 13181 S.F. OR 0.301 ACRES--
 2. EXISTING ZONING: RES-36-35
 3. 2007 SCALE MAP: N.E. 1/4
 4. NOT LOCATED IN A FLOODPLAIN AREA
 5. LOCATED IN THE CRESAPENUE RAY CRITICAL AREA
 6. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL NO. 24002C 0446C
- ZONE: C
7. EXISTING USE: SINGLE FAMILY DWELLING
 8. PROPOSED USE: SINGLE FAMILY DWELLING
 9. NO PRIOR ZONING VIOLATION(S)
- NO PLUMB WATER AND SEWER ARE AVAILABLE TO THIS SITE

REASON FOR PETITION: * CONTIGUOUS OWNERSHIP (LOT 60 & 61)
* UNDERPAID LOT: LOT WIDTH OF 47' ±
IN LIEU OF 70'

**PLAT TO ACCOMPANY PETITION FOR A
VARIANCE AND UNDERSIZED LOT**

Red No. 1
APPLICATION
BAYSIDE DRIVE
LOT 60
"BAUERNACHMIDT MANOR" 12/81
ELECTION DISTRICT NO. 19, C 5
BALTIMORE COUNTY, MD
OCTOBER 17, 2009
CO. 0472

SCALE: 1" = 20'

01-282-A

LOT NO. 80
OWNER: STEVE WILSON
3607 DAYSIDE DRIVE
BALTIMORE, MD 21221-1728
TAX MAP: 96 GRID 8 PARCEL 38
TAX ACCT. NO.: 1503000960
DEED REF.: M029 (4-1)

PREPARED BY PLAN
SITE RITE SURVEYING, INC.
200 E. JOYNA ROAD
SUITE 101
TOWSON, MD 21286
(410) 228-5000