

IN RE: PETITION FOR VARIANCE  
SW/S Wye Road, 520' NW  
centerline of St. Georges Road  
15th Election District  
5th Councilmanic District  
(338 Wye Road)

Beverly & Melvin Mattheu  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 01-533-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Beverly and Melvin Mattheu. The Petitioners are requesting a variance for property they own at 338 Wye Road. The subject property is zoned DR.3.5. The Petitioners are requesting a variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.): (1) to rebuild a home on the property with a minimum lot width at the building line of 64 ft. in lieu of the required 70 ft; (2) to permit a minimum left (north) side yard setback of 5.5 ft. in lieu of the required 10 ft.; and (3) to permit a minimum combined 15.1 ft. side yard setback in lieu of the required 25 ft. minimum. The Petitioners are also requesting a variance from Section 301.1 of the B.C.Z.R.: (1) to permit a wooden deck to extend 40% (4 ft.) into the right (east) side yard in lieu of the maximum permitted 2.5 ft.; and (2) to permit a combined extension of 36% (16 ft.) in lieu of the maximum permitted 18.75 ft.

Appearing at the hearing on behalf of the variance request were Beverly and Melvin Mattheu, owners of the property. Appearing in opposition to the Petitioners' request were the adjacent property owners, Ronald and Nancy Helewicz.

ORDER RECEIVED FOR FILING

Date

8/21/01

By

J.R. Spindler

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.23 acres, more or less, zoned DR.3.5. The subject property was formerly improved with a single-family dwelling which was destroyed by fire. The remains of that dwelling have been demolished. However, a new home has not yet been constructed. In order to build a new home on the property the variance requests are necessary. The owners of the property have chosen to reconstruct a new home that is situated somewhat different than the house which was destroyed by fire. They have chosen to angle the new home so that it is parallel to the southern property line. This causes the house to be angled away from the property owned by the adjacent property owners, Ronald and Nancy Helewicz.

As stated previously, the adjacent property owners appeared in opposition to this variance. Initially, the Helewicz's, who reside at 336 Wye road were concerned that the new home to be constructed on the lot would impede with their view of Norman Creek. These properties are waterfront lots located in the Middleborough area of Baltimore County. The Helewicz's wanted assurances that the new home to be constructed would still afford them an appropriate view of the water. They indicated that they would like a new home constructed on this property. They believe the property to be an eyesore at this time and are looking forward to this new construction. However, they ask that their view be protected.

Further discussions between these property owners revealed that there currently exists 2 trees located on the front of the Petitioners' property which interfere with the view of the water from the Helewicz's property. One tree is a weeping willow and the other a wild cherry tree. Both trees have become overgrown and according to the Helewicz's, are slowly dying. They, therefore, request, as well as the property owners, that both trees be cut down at this time and replaced with new trees elsewhere on the property. By taking down these damaged trees, the

view enjoyed by the Helewicz property will be greatly increased and will offset any loss of view attributable to the new house being constructed on the Petitioners' property. Therefore, as a condition of approval, I shall require the property owners herein to cut down the damaged and overgrown wild cherry and weeping willow trees located along the front of their property. These 2 trees shall be replaced with new trees to be planted elsewhere on the property, which will not interfere with the water view currently enjoyed by Mr. and Mrs. Helewicz. In addition, the Petitioners shall be required to plant any other trees as required by DEPRM. As to the variance requests, they shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will

unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 27<sup>th</sup> day of August, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.): (1) to rebuild a home on the property with a minimum lot width at the building line of 64 ft. in lieu of the required 70 ft; (2) to permit a minimum left (north) side yard setback of 5.5 ft. in lieu of the required 10 ft.; and (3) to permit a minimum combined 15.1 ft. side yard setback in lieu of the required 25 ft. minimum and from Section 301.1 of the B.C..Z.R.: (1) to permit a wooden deck to extend 40% (4 ft.) into the right (east) side yard in lieu of the maximum permitted 2.5 ft.; and (2) to permit a combined extension of 36% (16 ft.) in lieu of the maximum permitted 18.75 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 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 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 be required to cut down the wild cherry tree and weeping willow tree located along the front of their property near Norman Creek. These 2 trees will open the view of the water to the adjacent property owners, Ronald and Nancy Helewicz. The Petitioners shall be required to replant 2 trees to replace those being cut down, which trees shall be planted elsewhere on the property. The new trees shall

not interfere with the view of the water as enjoyed by the adjacent property owners,  
Ronald and Nancy Helewicz.

  
\_\_\_\_\_  
TIMOTHY M. KOTROCO  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECORDED & INDEXED  
DATE 8/21/01  
BY J. J. Gresson



Baltimore County  
Zoning Commissioner

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

August 21, 2001

Mr. & Mrs. Melvin W. Mattheu  
1723 Hilltop Avenue  
Baltimore, Maryland 21221-3038

Re: Petition for Variance  
Case No. 01-533-A  
Property: 338 Wye Road

Dear Mr. & Mrs. Mattheu:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:raj  
Enclosure

c: Mr. & Mrs. Ronald Helewicz  
336 Wye Road  
Baltimore, MD 21221





# CBCA Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 338 Wye Road

which is presently zoned DR-3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

\*See Attached

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

\*See Attached

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

## Legal Owner(s):

Melvin W. Mattheu

Name - Type or Print

Signature

Beverly E. Mattheu

Name - Type or Print

Signature

1723 Hilltop Avenue (410) 686-0869

Address

Telephone No.

Baltimore, MD 21221-3038

State

Zip Code

## Representative to be Contacted:

McKee & Associates, Inc.

Name

5 Shawan Road, Suite 1 (410) 527-1555

Address

Telephone No.

Cockeysville, MD 21030

City

State

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date 6-19-01

Case No. 01-533-A

REV 1/15/98

ORDER RECEIVED FOR FILING

Date 8/21/01

By R. J. [Signature]

**ATTACHMENT  
PETITION FOR VARIANCE  
338 WYE ROAD  
DR-3.5**

**Variances:**

1B02.3C.1 to permit a minimum lot width at the building line of 64 feet in lieu of the required 70 feet; a minimum left (north) sideyard setback of 5.5 feet in lieu of the required 10 feet; a minimum combined 15.5 feet sideyard setback in lieu of the required 25-foot minimum; and a variance from Section 301.1 to permit a wooden deck to extend 40% (4 feet) into the right (east) sideyard in lieu of the maximum permitted 2.5 feet; to permit a combined extension of 36% (16 feet) in lieu of the maximum permitted 18.75 feet; and any other relief deemed necessary by the Zoning Commissioner.

**Reasons:**

The existing owners wish to construct a new dwelling on the property, due to the loss of the prior dwelling by fire. The existing lot created in 1939 is too narrow to meet the minimum lot width; the setback variances are necessary to permit a dwelling compatible with the neighboring houses; other good and sufficient testimony to be provided at the hearing.

533

# **McKEE & ASSOCIATES, INC.**

*Engineering • Surveying • Environmental Planning  
Real Estate Development*

June 19, 2001

## **ZONING DESCRIPTION**

**338 WYE ROAD**

**15<sup>TH</sup> ELECTION DISTRICT**

**BALTIMORE COUNTY, MARYLAND**

**BEGINNING** at a point on the southwest side of Wye Road, which is 30 feet wide at a distance of 520 feet northwest of the centerline of St. Georges Road, which is 30 feet wide. Being Lot 158 B (also known as 157 B) Middleborough as recorded in Baltimore County Plat Book 12, folio 26. Containing 10,004 square feet or 0.23 acres, more or less. Also known as 338 Wye Road and located in the 15<sup>th</sup> Election District, 5<sup>th</sup> Councilmanic District.

533

Copy of yellow receipt  
to

John Sullivan @ Zoning  
Room III

Hand it to John!

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

Case No.

01-533-A

3313

DATE 6-19-01 ACCOUNT R-201-06-6150

AMOUNT \$ 50.00

RECEIVED FROM: McKee & Associates

FOR: Residential Variance filing fee  
2338 Wyer Rd

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAID TO: ACTUAL - 13A  
2001 06 19 2001 142,443.4

NO. WORK CENTER DIAL AND DRAWER 2

RECEIPT # 144360

DEPT 5 500 ZONING VERIFICATION

CR. NO. 002413

RECEIPT TOTAL 50.00

50.00 X .00 ON

Baltimore County, Maryland

CASHIER'S VALIDATION

RECEIVED

JUN 22 2001

CLERK OF DISTRICTS AND  
RECORDS MANAGEMENT

#### NOTICE OF ZONING HEARING

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

Case: #01-533-A

338 Wye Road

SW/S Wye Road, 520' NW centerline St. Georges Road

15th Election District - 5th Councilmanic District

Legal Owner(s): Beverly E. & Melvin W. Matthew

Variance: to permit a minimum lot width at building line of 64 feet in lieu of the required 70 feet; a minimum left (north) side yard setback of 5.5 feet in lieu of the required 10 feet; a minimum combined 15.5 feet side yard setback in lieu of the required 20 foot minimum; and a variance to permit a wooden deck to extend 40% (4 feet) into the right (east) side yard in lieu of the maximum permitted 2.5 feet; to permit a combined extension of 36% (16 feet) in lieu of the maximum permitted 18.75 feet; and any other relief deemed necessary by the Zoning Commissioner.

Hearing: Monday, August 20, 2001 at 11:00 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.

8/22 Aug. 2

C484617

## CERTIFICATE OF PUBLICATION

8/2/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/2/2001.

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

*J. Wilkinson*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No.: 01-533-A

Petitioner/Developer: \_\_\_\_\_

BEVERLY & MELVIN MATTHEY

Date of Hearing/Closing: 8/20/01

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

Attention: Ms. Gwendolyn Stephens

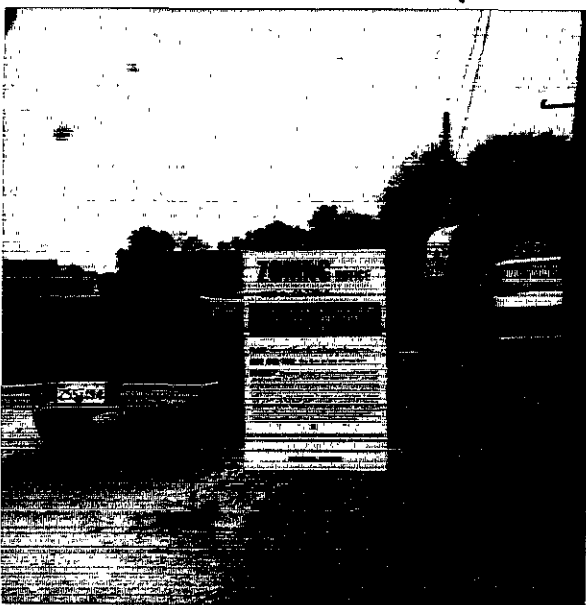
Ladies and Gentlemen:

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 \_\_\_\_\_

338 WYE RD

The sign(s) were posted on 8/4/01  
(Month, Day, Year)

CASE # 01-533-A



338 WYE RD  
POSTED 8/4/01  
Richard E. Hoffman 8/4/01

Sincerely,

*Richard E. Hoffman* 8/4/01  
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN  
(Printed Name)

904 DELLWOOD DR.  
(Address)

FALLSTON, MD 21047  
(City, State, Zip Code)

(410) 879-3122  
(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

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

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**For Newspaper Advertising:**

Item Number or Case Number: 01-533-A

Petitioner: Mr & Mrs Melvin Mattheu

Address or Location: 338 Wye Road

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Beverly Mattheu

Address: 1723 Hilltop Avenue

Baltimore, MD 21221-3038

Telephone Number: 410 686-0869

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY  
Thursday, August 2, 2001 Issue – Jeffersonian

Please forward billing to:  
Beverly Mattheu  
1723 Hilltop Avenue  
Baltimore MD 21221

410 686-0869

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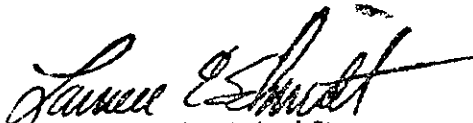
## NOTICE OF ZONING HEARING

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: 01-533-A  
338 Wye Road  
SW/S Wye Road, 520 NW centerline St. Georges Road  
15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owners: Beverly E & Melvin W Mattheu

Variance to permit a minimum lot width at building line of 64 feet in lieu of the required 70 feet; a minimum left (north) side yard setback of 5.5 feet in lieu of the required 10 feet; a minimum combined 15.5 feet side yard setback in lieu of the required 20 foot minimum; and a variance to permit a wooden deck to extend 40% (4 feet) into the right (east) side yard in lieu of the maximum permitted 2.5 feet; to permit a combined extension of 36% (16 feet) in lieu of the maximum permitted 18.75 feet; and any other relief deemed necessary by the Zoning Commissioner.

HEARING: Monday, August 20, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G72  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



Baltimore County  
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

July 19, 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: 01-533-A

338 Wye Road

SW/S Wye Road, 520 NW centerline St. Georges Road

15<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Beverly E & Melvin W Mattheu

Variance to permit a minimum lot width at building line of 64 feet in lieu of the required 70 feet; a minimum left (north) side yard setback of 5.5 feet in lieu of the required 10 feet; a minimum combined 15.5 feet side yard setback in lieu of the required 20 foot minimum; and a variance to permit a wooden deck to extend 40% (4 feet) into the right (east) side yard in lieu of the maximum permitted 2.5 feet; to permit a combined extension of 36% (16 feet) in lieu of the maximum permitted 18.75 feet; and any other relief deemed necessary by the Zoning Commissioner.

HEARING: Monday, August 20, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon 602  
Director

C: Beverly & Melvin Mattheu, 1723 Hilltop Avenue, Baltimore 21221  
McKee & Associates Inc, 5 Shawan Rd, Ste 1, Cockeysville 21030

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





Baltimore County  
Department of Permits and  
Development Management

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

August 17, 2001

Beverly E & Melvin W Mattheu  
1723 Hilltop Avenue  
Baltimore MD 21221

Dear Mr. & Mrs. Mattheu:

RE: Case Number: 01-533-A, 338 Wye Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

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

WCR: gdz

Enclosures

c: McKee & Associates Inc, 5 Shawan Road, Suite 1, Cockeysville 21030  
People's Counsel



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** August 3, 2001

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For July 23, 2001  
Item No. 533

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

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

In accordance with *Bill No. 18-90, Section 26-276*, filling within a flood plain is prohibited.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building's engineer shall require a permit for all developments in the 100-year tidal flood plain area, and the permit shall be granted only after necessary permits from the state and the federal agencies have been obtained.

Building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Basements are not permitted in the flood plain area.

RWB:HJO:jrb

cc: File



**Baltimore County  
Fire Department**

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

July 24, 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 July 16, 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.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

527, 528, 529, 531, 533, 534, 535, 536, 539, 540, 541, 542, 543,  
545, 548, 550, and 551

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

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

DATE: September 5, 2001

SUBJECT: Zoning Item 533  
Address 338 Wye Road

Zoning Advisory Committee Meeting of July 16, 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).
- \_\_\_\_\_ Additional Comments:

Reviewer: Kieth Kelley

Date: July 27, 2001

Jim  
8/20

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** July 25, 2001

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

JUL 26 2001

**SUBJECT:** 338 Wye Road

**INFORMATION:**

**Item Number:** 01-533

**Petitioner:** Melvin W. Mattheu

**Zoning:** DR 3 5

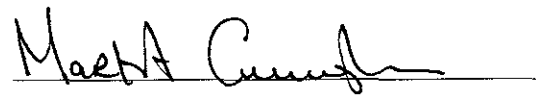
**Requested Action:** Variance

**SUMMARY OF RECOMMENDATIONS:**

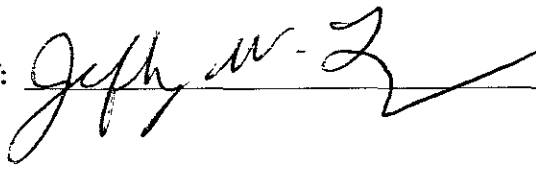
The Office of Planning does not support the request to permit a minimum lot width of 64 feet at the building line in lieu of the required 70 feet; or a minimum left side yard setback of 5.5 feet in lieu of the required 10 feet; or a minimum combined side yard setback of 15.5 feet in lieu of the required 20 feet; or a variance to permit a wooden deck to extend 40% (4 feet) into the right side yard in lieu of the maximum permitted 2.5 feet; or to permit a combined extension of 36% (16 feet) in lieu of the maximum permitted 18 75 feet; or any other relief requested by the petitioner.

This office has determined that lots 158 A and B are in common ownership and would be more appropriately combined into one. The act of combining both lots will be in keeping with the scope, purpose and intent of Section 304.1 of the BCZR.

Prepared by:



Section Chief:  
AFK MAC





**Maryland Department of Transportation  
State Highway Administration**

Parris N. Glendening  
Governor

John D. Porcari  
Secretary

Parker F. Williams  
Administrator

Date: 7.23.01

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

RE: Baltimore County  
Item No. 533

JJL

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 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

gve  
8/20

RE: PETITION FOR VARIANCE  
338 Wye Road, SW/S Wye Rd,  
520' NW of c/I St. George's Rd  
15th Election District, 5th Councilmanic

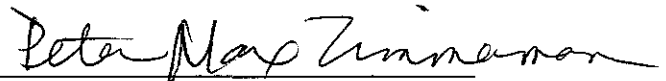
Legal Owner: Melvin W. & Beverly E. Mattheu  
Petitioner(s)

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* FOR  
\* BALTIMORE COUNTY  
\* Case No. 01-533-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 15th day of August, 2001 a copy of the foregoing Entry of Appearance was mailed to McKee & Assoc., Inc., 5 Shawan Road, Suite 1, Hunt Valley, MD 21030, representative for Petitioners.

  
PETER MAX ZIMMERMAN

### Case Number

#01-533-A

**PLEASE PRINT LEGIBLY**

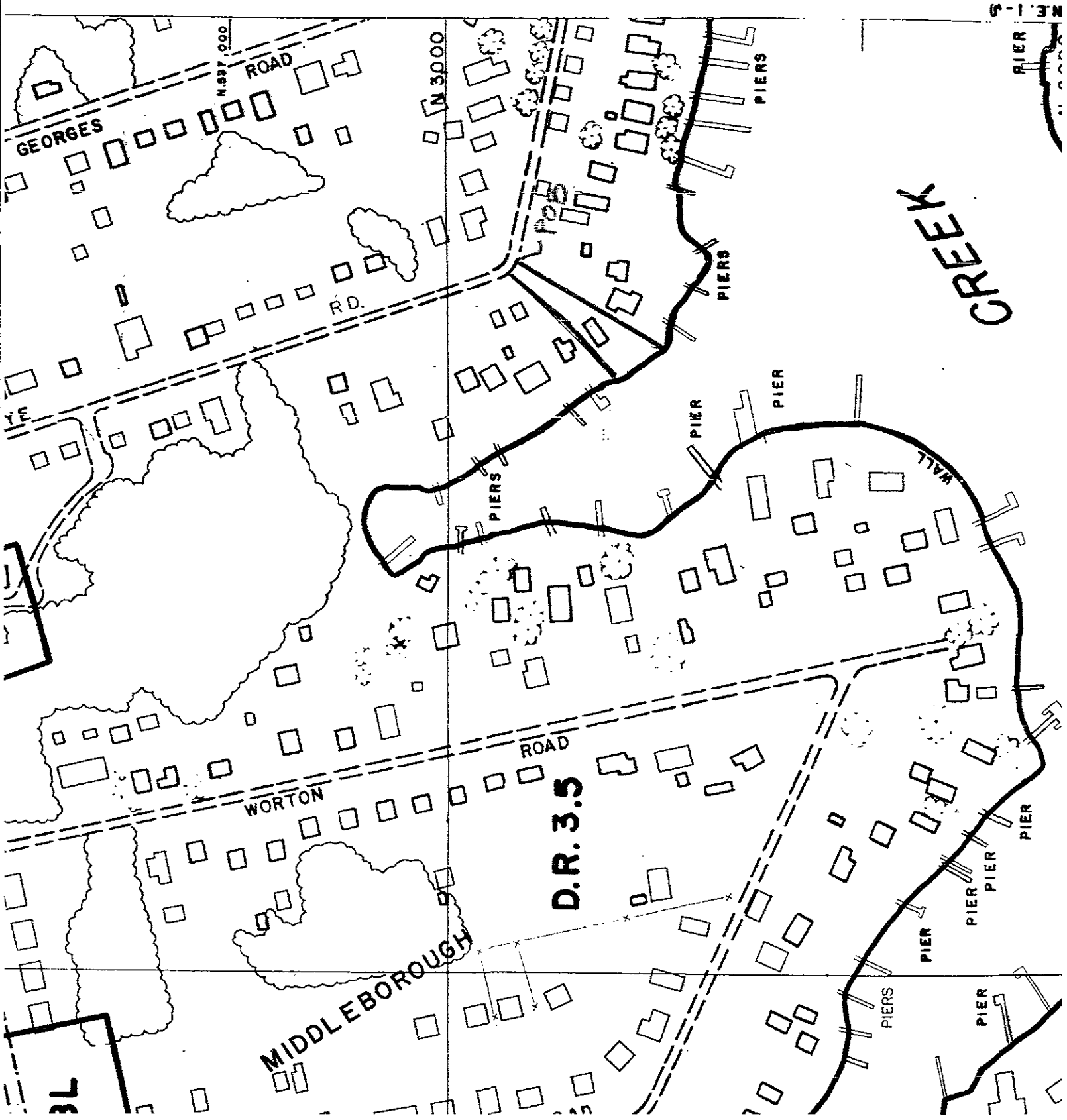
## PROTESTANT'S SIGN-IN SHEET

[illegible]

#533

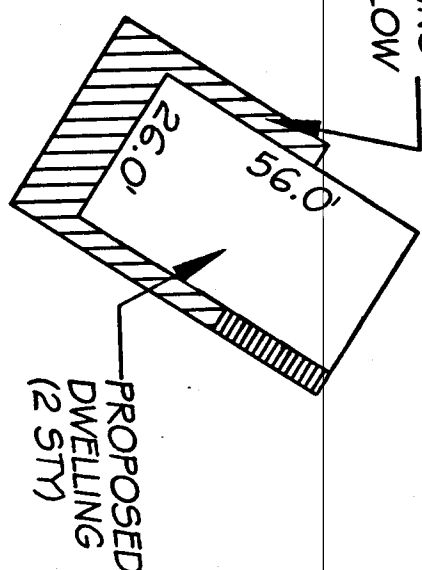
#338 WVE ROAD

PORTION OF  
ZONING MAP  
NE 1I





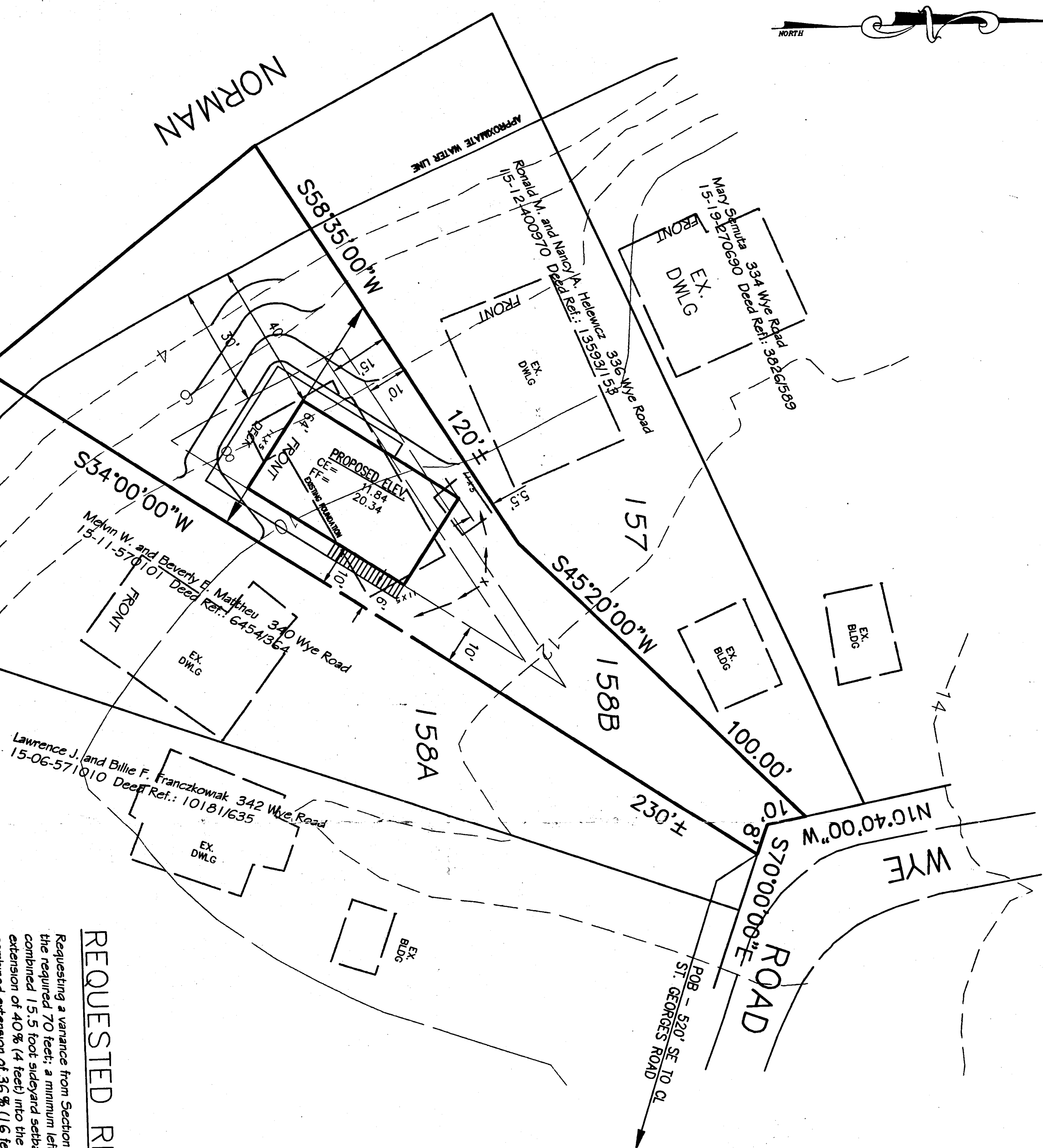
1" = 30'



CREEK

APPROXIMATE WATER LINE

WOOD DECKING  
OPEN TO BELOW



**REQUESTED RELIEF**

Requesting a variance from Section 1B02.3C.1 to permit a minimum lot width at the building line of 64 feet, in lieu of the required 70 feet; a minimum left (north) side yard setback of 5.5 feet, in lieu of the required 10 feet; a minimum combined 15.5 foot side yard setback, in lieu of the required 25 foot minimum; and from Section 301.1 to permit an extension of 40% (4 feet) into the right (east) side yard, in lieu of the maximum permitted 2.5 feet; to permit a combined extension of 36% (16 feet) in lieu of the maximum permitted 18.75 feet; and any other relief deemed necessary by the Zoning Commissioner.

Relief #1  
53M

**PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES**

338 WYE ROAD - BALTIMORE COUNTY

**McKEE & ASSOCIATES, INC.**

Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development

5 SHAWAN ROAD, Suite 1  
TELEPHONE: (410) 527-1555  
FACSIMILE: (410) 527-1563

DRAWN BY: BCW

CHECKED BY:

JOB NO. 01-073

DATE: 06-17-2001

SCALE: 1" = 20'

**ZONING NOTES**

1. EXISTING ZONING: DR 3.5
2. SITE AREA: 10,004 SF / 0.23 AC ±
3. THERE HAVE BEEN NO PRIOR ZONING HEARINGS FOR THIS SITE
4. OWNER INFORMATION:  
Melvin W. Mattheu  
Beverly E. Mattheu  
1723 Hilltop Avenue  
Baltimore, MD 21221-3038  
Phone: (410) 686 - 0869  
Deed Reference: 6454 / 364  
Tax Acct. NO.: 15-11-570100
5. THIS SITE IS SERVED BY PUBLIC WATER AND SEWER.
6. THIS SITE IS IN THE CBCA

15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

VICINITY MAP  
1" = 1000'

