

IN RE: PETITION FOR VARIANCE
N/S Bay Drive, 135' E of the c/l
Wye Road
(3806 Bay Drive)
15th Election District
6th Council District

Alfred W. Garner, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 03-413-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 owners of the subject property, Alfred W. Garner, III, and his wife, Cecilia B. Garner. The Petitioners seek relief from Sections 1A04.3.B.2&5 of the Baltimore County Zoning Regulations to permit side setbacks of 13 feet and 5 feet in lieu of the required 50 feet each, and an impervious surface of 25% in lieu of the maximum allowed 15% in an R.C.5 zone. 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 were Alfred and Cecilia Garner, property owners, and Thomas V. Stem, Jr., who resides nearby at 3735 Bay Drive. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the north side of Bay Drive, just east of its intersection with Wye Road in Bowleys Quarters. Although not waterfront, the site is located across the street from properties that do abut the Chesapeake Bay. The property is approximately 50 feet wide and 300 feet deep, and contains a gross area of 15,000 sq.ft., zoned R.C.5. Presently, the site is unimproved; however, the Petitioners are desirous of developing the property with a single-family dwelling. Mr. & Mrs. Garner testified that they reside across the street from the subject property on a waterfront lot. They purchased the subject lot approximately 12 years ago and now wish to

ORDER RECEIVED FOR FILING

Date

By

6/10/03
[Signature]

develop the property with a home for their daughter. The proposed dwelling will have a building footprint of 28' x 32' and will be situated on the lot so as to provide a 13' setback on the southwest side and a 5' setback on the northeast side. Apparently, the houses on the adjacent lots on both sides of the subject property are located a significant distance away from the common property line and those neighbors have no objections to the proposal.

As noted above, Mr. Stem is a nearby resident of Bay Drive, and he appeared in support of the request. Mr. Stem believes that the proposal will not be detrimental to the surrounding locale. Moreover, he stated that he had spoken with Mike Vivirito, who resides down the street from the subject property and is a representative of the Bowleys Quarters Community Association, and that Mr. Vivirito expressed no opposition to the request. Surprisingly, no one appeared at the hearing on behalf of that organization.

Section 1A04.3.B.2 of the B.C.Z.R. requires that a minimum 50-foot setback be maintained from any lot line. Given that the subject lot is only 50 feet wide, compliance with this requirement is impossible. As noted above, the proposed house will be located to provide as great a setback from adjacent dwellings as is reasonably practical. The uniqueness of this lot is its narrow width, particularly when compared with its significant depth. Based upon the undisputed testimony and evidence offered, I am persuaded that relief should be granted.

The second variance is requested from Section 1A04.3.B.5 of the B.C.Z.R. That Section limits building development on a lot zoned R.C.5 to 15% of the total square footage of the property. The justification in support of this request is more difficult. As shown on the site plan, the proposed dwelling will be 28' x 32' in dimension, for a total footprint area of 896 sq.ft. The lot is 15,000 sq.ft. in area and 15% of the lot area would be 2250 sq.ft. Thus, a larger building than proposed could be constructed on the property. Section 1A04.3.B.3 does not limit impervious surface, rather the 15% limitation relates to buildings. Unless multiple large sheds were proposed in addition to the dwelling, relief would not be required. Based upon the testimony and evidence offered, I do not believe that variance relief from that requirement is necessary, and thus, that request will be dismissed as moot.

ORDER RECEIVED FOR FILING
Date 6/9/03
BY [Signature]

Finally, the Petitioner was advised in open hearing of the requirements that will regulate the development of this lot. Specifically, a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning requiring that elevation drawings for the proposed dwelling be submitted to that agency for review and approval prior to the issuance of any building permits. This requirement is to insure that the proposed dwelling will be compatible with the neighborhood. Additionally, a comment was received from the Department of Environmental Protection and Resource Management (DEPRM) indicating that the proposed development must comply with the Chesapeake Bay Critical Areas regulations, and all other appropriate environmental regulations relating to the protection of water quality, streams, wetlands and floodplains. Lastly, a ZAC comment was received from the Development Plans Review division of the Department of Permits and Development Management (DPDM) advising that the proposed development is subject to compliance with the floodplain regulations and the B.O.C.A. Code.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of June 2003 that the Petition for Variance seeking relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side setbacks of 13 feet and 5 feet in lieu of the required 50 feet each for a proposed 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, the 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) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.

ORDER RECEIVED FOR FILING

Date

By

6/9/03

[Signature]

- 3) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling for review and approval by the Office of Planning.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A04.3.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an impervious surface of 25% in lieu of the maximum allowed 15% in an R.C.5 zone, be and is hereby DISMISSED AS MOOT.

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 6/9/03
By [Signature]



Baltimore County
Zoning Commissioner

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

June 9, 2003

Mr. & Mrs. Alfred W. Garner, III
3809 Bay Drive
Baltimore, Maryland 21220

RE: PETITION FOR VARIANCE
N/S Bay Drive, 135' E of the c/l Wye Road
(3806 Bay Drive)
15th Election District – 6th Council District
Alfred W. Garner, III, et ux - Petitioners
Case No. 03-413-A

Dear Mr. Garner:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission,
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review, DPDM; Office of Planning
People's Counsel; Case File





Flood CBA

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3806 BAY DR.
which is presently zoned RC-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) 1.A.04.3.2.3, to permit side setbacks

OF 13 FT. & 5 FT IN LIEU OF THE REQUIRED 50 FT. AND AN IMPERVIOUS SURFACE OF 25% IN LIEU OF THE REQUIRED 15% IN A RC-5 ZONE

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

TO BE DISCUSSED AT MEETING

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.

State

Zip Code

Case No. 03-413-A

Date 9/15/98

By [Signature]

Legal Owner(s):

ALFRED W. GARNER, III

Name - Type or Print

Signature

CECILIA B GARNER

Name - Type or Print

Signature

3809 BAY DR.

410-335-0035

Address

Telephone No.

BALTIMORE, MD

21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By [Signature]

Date 03-07-03

ORDER RECEIVED FOR BILLING
6/19/03

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 3806 BAY DR.

Beginning at a point on the **NORTH** side of **Bay Dr.** which is 25 feet wide at a distance of 135 feet East of the centerline of the nearest intersecting street **Wye Rd.** which is 25 feet wide. Being Lot # **242A, Book 8, Page 73**, Second Edition to **Plat No. 1, Bowleys Quarters**. Metes and bounds for **Parcel #2: S60 54'W 50ft. / N29 06'E 300ft. / S60 54'E 50ft. / N29 06'W 300ft.** to the place of beginning. Property lies in "Food Zone A-10". Lot occupies **15,000 Sq. Ft.** Parcel 3806 Bay Dr. is located in *Dist.: 15, Prec.: 8, Leg.: 07, Cong.: 2, Coun.: 6.*

03-403 -A

**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: #03-413-A
3806 Bay Drive
N/side of Bay Drive 135 feet
east of centerline of Wye Road
15th Election District
6th Councilmanic District
Legal Owner(s): Alfred W.
Garner, III

Variance: to permit side setbacks of 13 feet and 5 feet in lieu of the required 50 feet. To permit impervious surface of 25% in lieu of the required 15% in an R C. 5 zone.

Hearing: Thursday, May 22, 2003 at 10:00 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/5/621 May 6 C602258

CERTIFICATE OF PUBLICATION

5/8/, 2003

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 5/6/, 2003.

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

J. Wilkinson

LEGAL ADVERTISING

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **22338**

DATE 03-07-03 ACCOUNT R001-006-6130

AMOUNT \$ 130.00

RECEIVED FROM: 116-116 GAINES

FOR: UNL. & UNDESIGNED 130.00

FILE Bldg. Dir

THANK YOU

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

03413 A

**DATA DEPT TOT
FILED RECEIPT**

BUSINESS ACTUAL TIME DES
3/07/2003 3/07/2003 11:15:08 2

REC W304 WALKIN DDOL DHD
RECEIPT # 218384 3/07/2003 OFLH

Dep. 5 528 ZONING VERIFICATION
CR NO. 022338

Recpt Tot \$130.00

130.00 CR .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-413-A

Petitioner/Developer: ALFRED W. GARNER, III

Date of Hearing/Closing: 5/22/03

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

ATTN: Becky Hart {(410) 887-3394}

Ladies and Gentlemen:

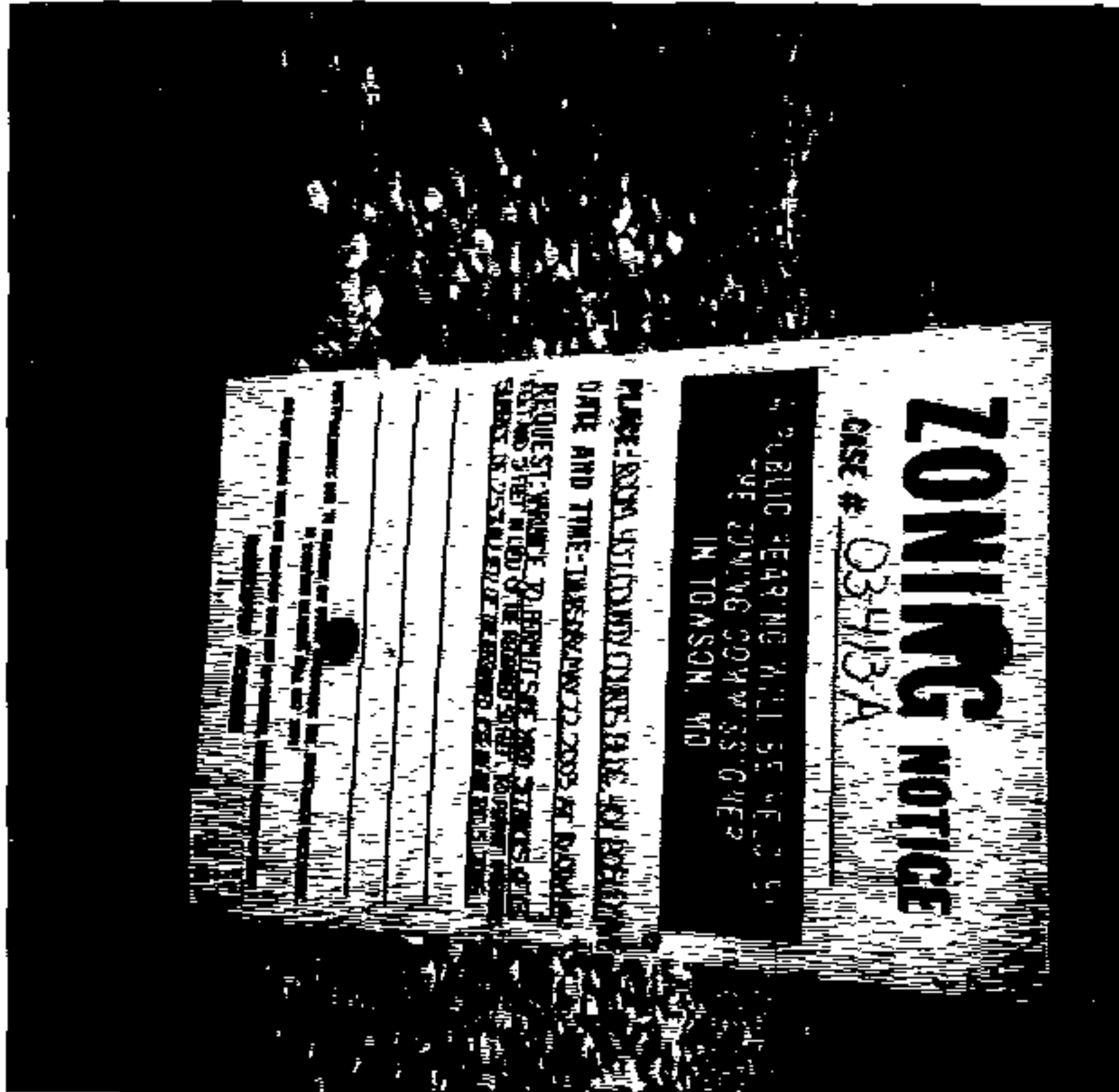
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

3806 BAY DRIVE

The sign(s) were posted on _____

5/3/03
(Month, Day, Year)

erely,



[Signature]
(Signature of Sign Poster)

5/3/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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

March 25, 2003

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: 03-413-A

3806 Bay Drive
N/side of Bay Drive 135 feet east of centerline of Wye Road
15th Election District – 6th Councilmanic District
Legal Owner: Alfred W. Garner, III

Variance to permit side setbacks of 13 feet and 5 feet in lieu of the required 50 feet. To permit impervious surface of 25% in lieu of the required 15% in an R.C. 5 zone

Hearings: Thursday, May 22, 2003 at 10:00 a.m. in Room 407, County Courts Bldg.,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:klm

C: Alfred and Cecilia Garner, III, 3809 Bay Drive, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 6, 2003.**
- (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, May 6, 2003 Issue - Jeffersonian

Please forward billing to:

Alfred and Cecilia Garner
3809 Bay Drive
Baltimore, MD 21220

410-335-0035

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: 03-413-A

3806 Bay Drive

N/side of Bay Drive 135 feet east of centerline of Wye Road

15th Election District – 6th Councilmanic District

Legal Owner: Alfred W. Garner, III

Variance to permit side setbacks of 13 feet and 5 feet in lieu of the required 50 feet. To permit impervious surface of 25% in lieu of the required 15% in an R.C. 5 zone

Hearings: Thursday, May 22, 2003 at 10:00 a.m. in Room 407, County Courts Bldg.,
401 Bosley Avenue



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

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

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

For Newspaper Advertising:

Item Number or Case Number: 03-413-A
Petitioner: ALFRED & CECILIA GARNER
Address or Location: 3809 BAY DR.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ALFRED & CECILIA GARNER
Address: 3809 BAY DR.
BALTIMORE MD 21220
Telephone Number: 410-335-0035

Revised 2/20/98 - SCJ

03-413-A



Baltimore County
Department of Permits and
Development Management

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

May 16, 2003

Alfred W. Garner, III
Cecilia B. Garner
3809 Bay Drive
Baltimore, MD 21220

Dear Mr. and Mrs. Garner:

RE: Case Number: 03-413-A, 3806 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 7, 2003.

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, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel





Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*

Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3.25.03

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 413 JZA

Dear Mr. Zahner:

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,

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

My telephone number/toll-free number is _____

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

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • *Phone* 410.545.0300 • www.marylandroads.com



**Baltimore County
Fire Department**

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

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

March 26, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: March 24, 2003

Item No.: ⁴⁴³407-418, 420-430

Dear Ms. Hart:

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.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS /TGT*

DATE: May 5, 2003

SUBJECT: Zoning Item 413
Address 3806 Bay Drive (Garner Property)

Zoning Advisory Committee Meeting of March 24, 2003

☐ 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.

☒ 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).

☒ 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: Brian Lindley

Date: 4/21/03

ORDER RECEIVED FOR FILING
Date 6/19/03
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For March 31, 2003
Item No. 413

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

The flood protection elevation for this site is 11.2 feet.

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by Baltimore County.

RWB:CEN:jrb

cc: File

ZAC-3-31-2003-ITEM 413-04152003

ORDER RECEIVED FOR FILING
Date 6/19/03
By JPP

hp
5/22

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

10

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

DATE: April 9, 2003

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

RECEIVED

APR 11 2003

ZONING COMMISSIONER

SUBJECT: 3806 Bay Drive

INFORMATION:

Item Number: 03-413

Petitioner: Alfred W. Garner, III

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided elevation drawings (all sides) of the proposed structure are submitted to this office for review and approval prior to the issuance of any building permits. In addition, the plan should show the location and extent of all impervious surfaces with dimensions. Indicate the square footage of the total impervious area as well as the percentage relative to the total site.

Prepared by: Mark A. Cunniff

Section Chief: Arnold F. Keller, III
AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 15, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
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Flood-resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by Baltimore County.

RWB:CEN:jrb

cc: File

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. 03-413-A

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

Residential Processing Fee Paid
 (\$50.00)

Accepted by [Signature]
 Date 03-07-03

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:

ALFRED W. GARNER III 410 335-0035
 Print Name of Applicant Address Telephone Number

Lot Address 3806 BAY DRIVE Election District 15 Councilmanic District 5 Square Feet 15000sqft

Lot Location: NE S W side/corner of BAY DRIVE 120 feet from NE S W corner of WYE RD
 (street) (street)

Land Owner: ALFRED W. GARNER, III Tax Account Number 15.10.453231

Address: 3809 BAY DR Telephone Number (410) 335-0035

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)	<u>/</u>	
2. Permit Application	<u>PENDING OUTCOME OF JUDG</u>	
3. Site Plan		
Property (3 copies)	<u>/</u>	
Topo Map (2 copies) available in Room 206, County Office Building - (please label site clearly)	<u>N/A</u>	
4. Building Elevation Drawings	<u>/</u>	
5. Photographs (please label all photos clearly)		
Adjoining Buildings	<u>/</u>	
Surrounding Neighborhood	<u>/</u>	
6. Current Zoning Classification: <u>KC.S</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 _____
 for the Director, Office of Planning and Community Conservation

Date _____

RE: PETITION FOR VARIANCE
3806 Bay Drive; N/side Bay Drive, 135' E
c/line Wye Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Alfred & Cecilia Garner
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 03-413-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 2003, a copy of the foregoing Entry of Appearance was mailed to, Alfred & Cecilia Garner, 3809 Bay Drive, Baltimore, MD 21220, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

MDP
Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burtan
Deputy Secretary

March 25, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

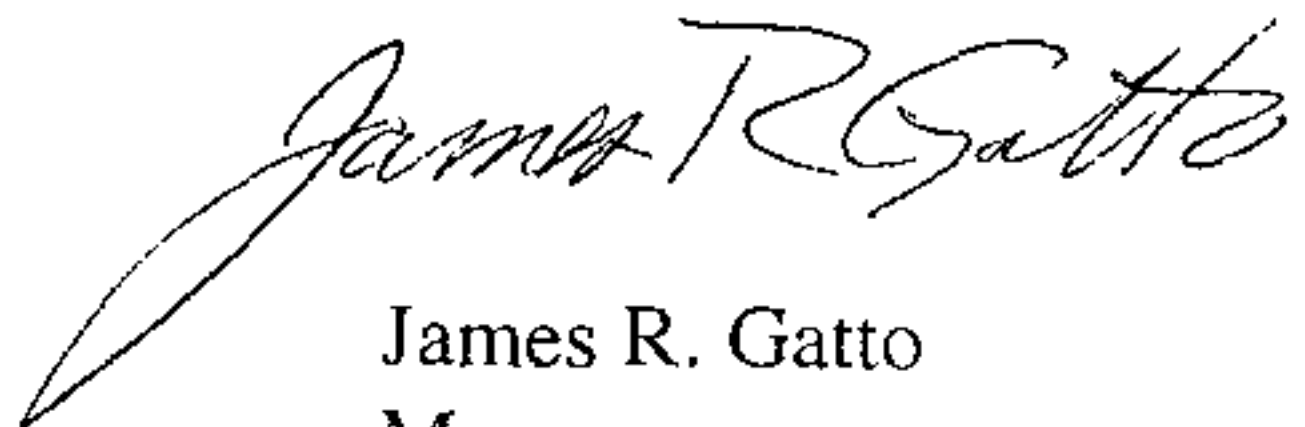
Re: Zoning Advisory Committee Agenda, 03/31/03 re: case numbers 03-407-SPH, 03-408-SPH, 03-409-A, 03-410-A, 03-411-A, 03-412-A, 03-413-A, 03-414-SPH, 03-415-A, 03-416-SPH, 03-417-SPH, 03-418-SPH, 03-419-SPHX, 03-420-A, 03-421-A, 03-422-A, 03-423-A, 03-424-SPH, 03-425-SPH, 03-426-SPH, 03-427-A, 03-428-SPHAHSA, 03-429-A, 03-430-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 03/25/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,



James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

R.C. 20

QUARTERS

3806 BAY DRIVE
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15TH DIST

R.C. 5

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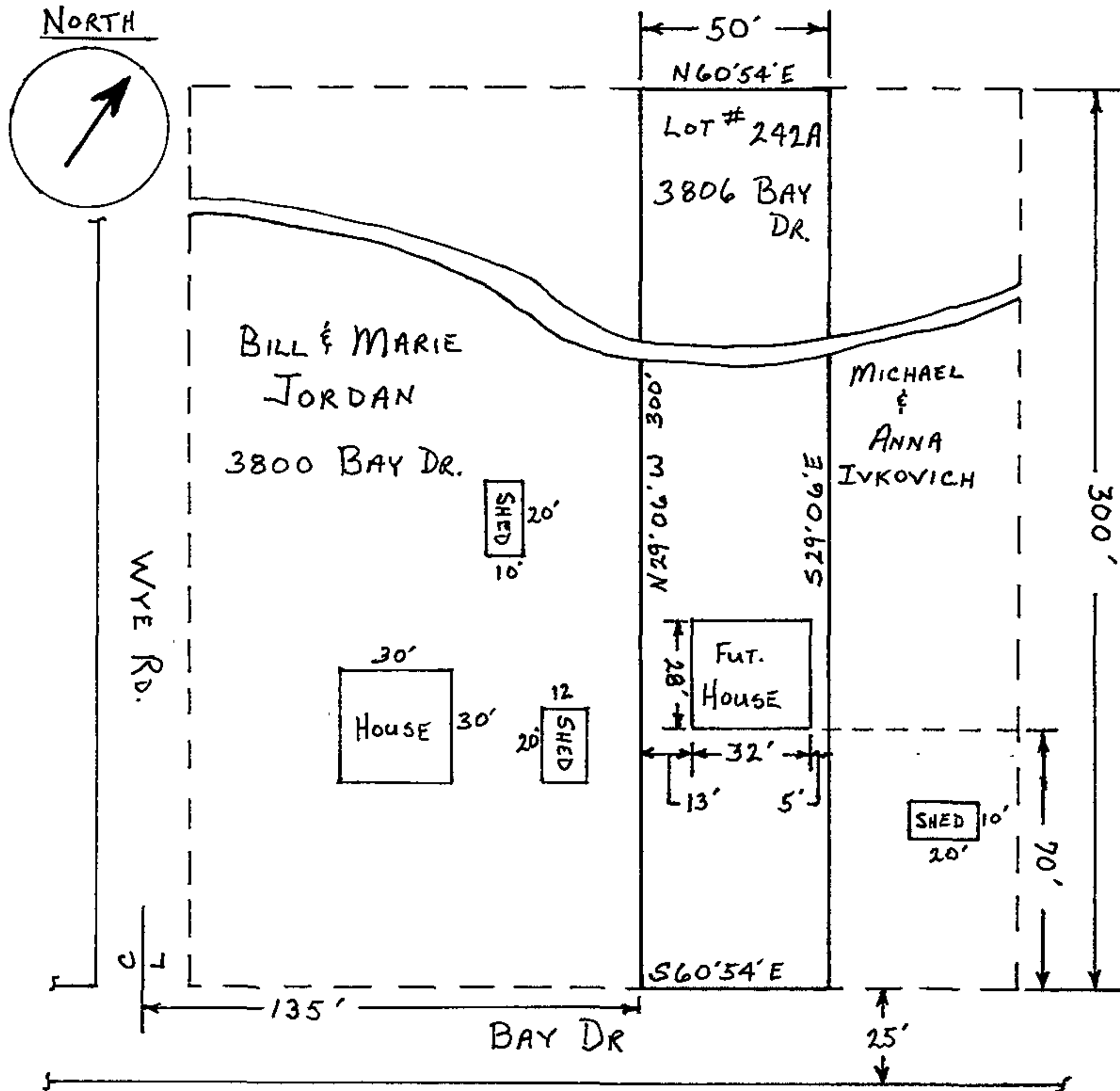
WALL
WALLS
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Item #413

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 3806 BAY DR.
 SUBDIVISION NAME BOWLEYS QUARTERS
 PLAT BOOK # 8 FOLIO # 73 LOT 242A SECT. —

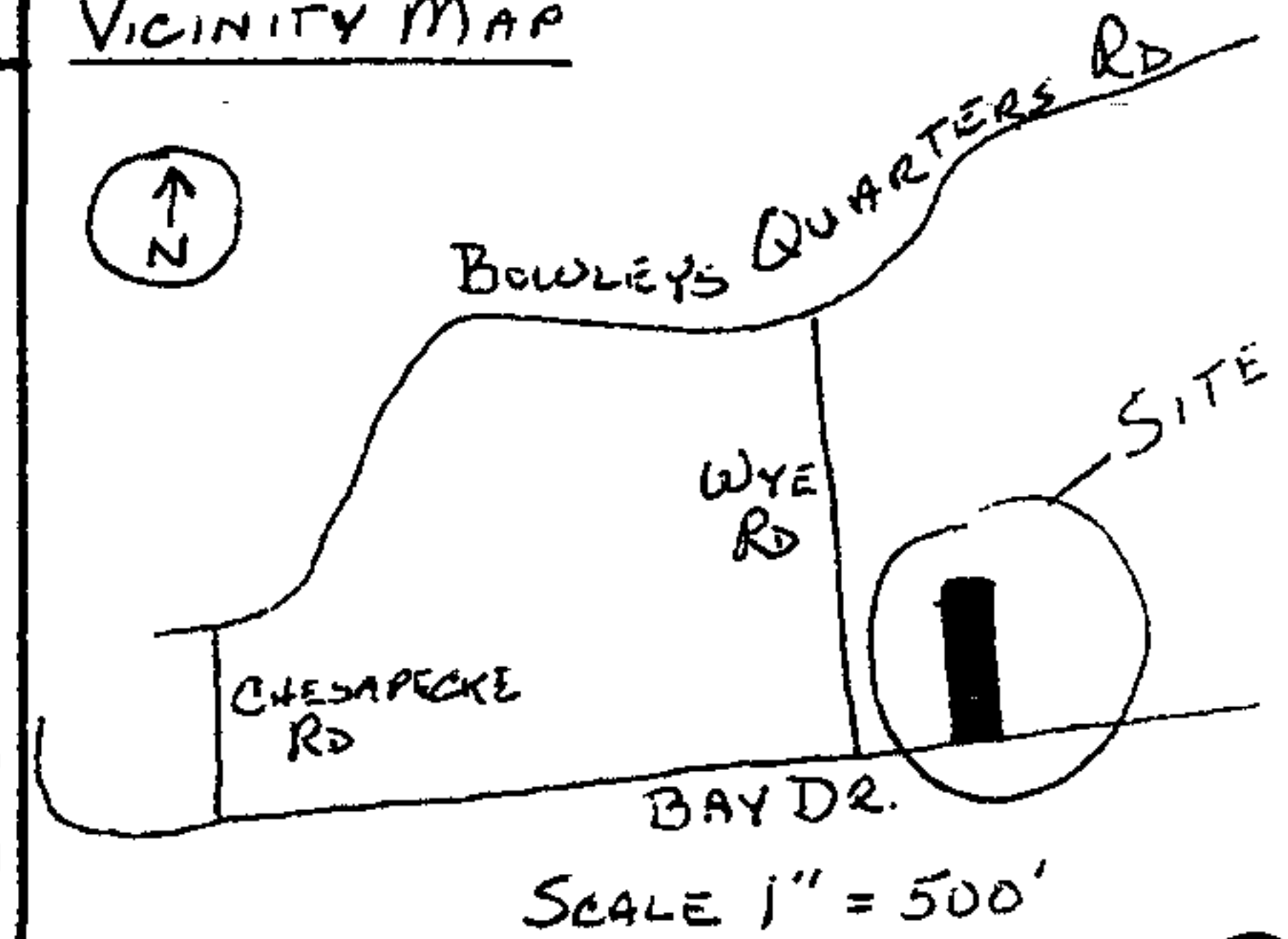


SCALE: 1" = 50 FT
 PREPARED BY: A.W. GARNER

NO ADJACENT OWNERSHIP
 WITH OTHER LOTS SINCE
 PRIOR TO 1991.

SITE IS IN THE 100 YEAR TIDAL FLOOD PLAIN. ALL CONSTRUCTION
 WILL COMPLY WITH FLOOD PLAIN REGS. SITE WILL COMPLY
 WITH SEWER MORATORIUM REQUIREMENTS.

VICINITY MAP



LOCATION INFO

ELECTION DISTRICT 15
 COUNCILMANIC DIST. 6TH
 ZONE MAP NE 1-L
 ZONING RC-5
 LOT SIZE 50' X 300' - 15,000 SQ FT
 CHESAPEAKE BAY CRITICAL AREA YES
 OLD SUB-RES. 1/2 ACRE - 25%
 MAX IMPERV = 3750 SQ FT.
 FLOOD ZONE A-10
 HISTORIC PROPERTY NO
 PRIOR ZONING HEARINGS NONE

OWNERS:

ALFRED W. GARNER, III
 &
 CECILIA GARNER (PARNER)

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM #	CASE #
STLA		03-413-A