



IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Bay Drive, 500 ft. N
centerline of Wye Road
15th Election District
6th Councilmanic District
(3701 Ray Drive)

(3701 Bay Drive)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-318-A

Catherine J. & Ronald G. Wriston Petitioners

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Catherine J. and Ronald G. Wriston. The variance request is for property located at 3701 Bay Drive in the eastern area of Baltimore County. The variance request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 5 ft. and 11 ft. in lieu of the required 50 ft. in an R.C.5 zone. The Petitioners wish to rebuild their home which was more than 50% destroyed as a result of Hurricane Isabel that occurred on September 19, 2003. The Petitioners plan to repair and rebuild their home according to the Federal Floodplain Regulations. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

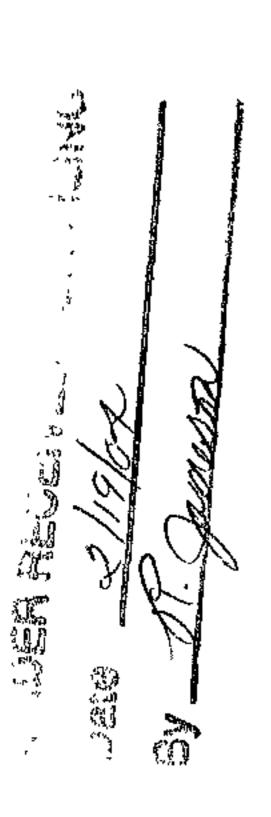
In addition, the Petitioners must be in compliance with the requirements set forth in the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection & Resource Management (DEPRM) dated February 3, 2004, a copy of which is attached hereto and made a part hereof.

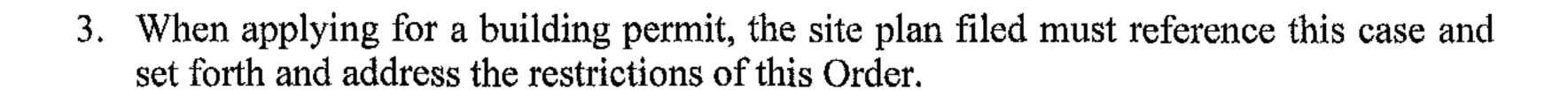
 The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19 day of February, 2004, that a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks of 5 ft. and 11 ft. in lieu of the required 50 ft. in an R.C.5 zone, 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. Compliance with the ZAC recommendations submitted by DEPRM on February 3, 2004, a copy of which is attached hereto and made a part hereof;





JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj

DATE OF THE PROPERTY OF THE PARTY OF THE PAR

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

February 19, 2004

Mr. & Mrs. Ronald G. Wriston 3701 Bay Drive Baltimore, Maryland 21220

Re: Petition for Administrative Variance

Case No. 04-318-A Property: 3701 Bay Drive

Dear Mr. & Mrs. Wriston:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative 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,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure





RE 1025/01

Petition for Administrative Variance



	ocated at 3701 BAY DRIVE 21220 which is presently zoned RC 5
	which is presently zoned 1000
This Petition shall be filed with the Department of Permit owner(s) of the property situate in Baltimore County and which nade a part hereof, hereby petition for a Variance from Section 5	ts and Development Management. The undersigned, legal ch is described in the description and plat attached hereto and on(s)
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of the zoning regulations of Baltimore County, to the zoning la of this petition form.	aw of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the a or we, agree to pay expenses of above Variance, advertising, pos agulations and restrictions of Baltimore County adopted pursuant to	sting, etc. and further agree to and are to be bounded by the zoning
	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:	<u>Legal Owner(s):</u>
ame - Type or Print	RONALD G. WRISTON Name - Type or Print
ignature	Signature Signature
ddress Telephone No.	Name - Type or Print
ity State Zip Code	Signature 1. W Malon 410-335-9562
ttorney For Petitioner:	3701 BAY DRIVE 410-291-4515 Address Telephone No.
arne - Type or Print	BALTIMOTE MD. 21220 City State Zip Code
	Representative to be Contacted:
ignature	
on pany	Name
ddiess Telephone No.	Address Telephone No.
State Zip Code	City State Zip Code
Public learing having been formally demanded and/or found to be is	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
is that the subject matter of the property be reposted.	

Estimated Posting Date ____

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Address

That the Affiant(s) does/do presently reside at

3701 BAY DRIVE

	City 3A	LTIMORE	State	21220 Zip Code
That based upon personal knowledge, Variance at the above address (indicate	the following are the fa	acts upon which lifficulty):	l/we base the request for	an Administrative
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That the Affiant(s) acknowledge(s) the advertising fee and may be required to proceed to the control of the con	rovide additional infor	nation.	s) will be required to pay	r a reposung and
12 and 21. Wind		Carter	me Quinston	<u> </u>
RONALD G. W	RISTON	Signature C	ATHERINE J. L	NRISTON
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	Name - Type or I	Print	
STATE OF MARYLAND, COUNTY OF	BALTIMORE, to wit:			
HEREBY CERTIFY, this $\frac{S^{4h}}{S^{4h}}$ day of Maryland, in and for the County afore	of January said personally appea	, <u> </u>	<u>√</u> , before me, a Notary F	of the State
Ronald & Catherine the Affiant(s) herein, personally known of			Affiant(s)	
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AS WITNESS my hand and Notarial Se		11	Sporler	
REV 10/25/01	My C	ommission Expir	es July 200	5
1 TO FOOT			-	

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3701 BAY Drive	
City BALTIMORE MARYLAND 2122	•
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):	tive
OUR RESIDENCE WAS DESTROYED MORE THAN 50% OF ITS	
ASSESSED VALUE AND MUST BE REBUILT TO FEDERAL FLOOD	
PLAIN REGULATIONS, OUR CURRENT NEEDS RECOURE A	
SLIGHTLY LARGER HOME. THE DAMAGE OCCURED	
DURING HURRICANE ISABEL SEPTEMBER 19, 2003.	i
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting advertising fee and may be required to provide additional information. Signature RONALD G. WRISTON Name - Type or Print Name - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this Standard day of Amay of Maryland, in and for the County aforesaid, personally appeared The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).	 at∈
AS WITNESS my hand and Notarial Seal	
Notary Public My Commission Expires July 2005	
V NOTAN PUDIC	

REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3701 BAY DRIVE 21220

	 	which is presently zoned	
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of the zoning regulations of Baltimore of this petition form.	County, to the zoning	law of Baltimore County, for the reaso	ons indicated on the back
Property is to be posted and advertise I, or we, agree to pay expenses of above regulations and restrictions of Baltimore C	Williaman adiamieles -		be bounded by the zoning
	! :	I/We do solemnly declare and affirm perjury, that I/we are the legal owner is the subject of this Petition.	n, under the penalties of r(s) of the property which
Contract Purchaser/Lessee:	:	Legal Owner(s):	
Name - Type or Print	 	RONALD G. WRI Name - Type or Print	STON
Signature	\	Signature Signature	Kall Jahan
Address	Telephone No.	Name - Type or Print	TON A DINE
State Attorney For Petitioner:	Zip Code	Signature Signature 3701 BAY DRIVE Address	410-335-9562 410-271-4515 Telephone No.
Varne - Type or Print		City BALTIMORE MS	0 · Z12Z0 State Zip Code
Signature	 	Representative to be Contac	ted:
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ddress	Telephone No.	Address	Telephone No
ity State	Zip Code		tate Zip Code
Public Hearing having been formally demands is day of equilations of Baltimore County and that the prop	nded and/or found to be that the subject matter of the erty be reposted.	required, it is ordered by the Zoning Commissis petition be set for a public hearing, advertise	ssioner of Baltimore County, ed, as required by the zoning
14 CTC NTO (*** CTC)		Zoning Commissioner of Baltimo	ore County
CASE NO. <u>OU. 318</u> . EV 10/25/01		ewed By SR Date	01.09.04
L V 10/20/01	Esti	nated Posting Date	1X.04

Zoning Description

ZONING DESCRIPTION FOR 3701 BAY DRIVE BBALTIMORE MD. 21220

Beginning at a point on the South side Bay Drive which is 30 feet wide at a distance 500 North of the centerline of the nearest improved intersecting street Wye Road which is 30 feet wide. "As recorded in deed Liber 6618, Folio 745" N. 52 46' 30" E. 50ft. S. 37 13' 30" E. 300ft. S. 52 46' 30" W. 50ft. and N. 36 13' 30" W. 300ft. to the place of beginning.

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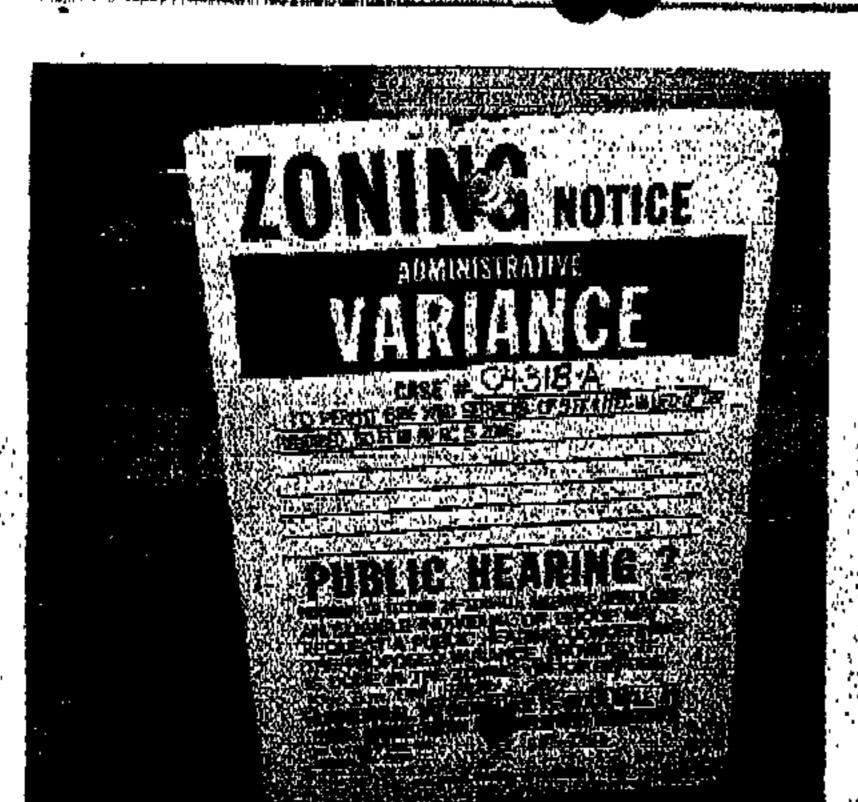


CERTIFICATE OF POSTING

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	RE: Case No.: 04-3/8-
,	Petitioner/Developer:
	WRISTON
itimore County Department of mits and Development Manager unty Office Building, Room 111 West Chesapteaks Avenue Wson, Maryland 21204	- · · · · · · · · · · · · · · · · · · ·
TN: Becky Hart ((410) 887-339. Ses and Gentlemen:	4}

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•	(Signature of Sign Poster) (Date) SSG Robert Hlack (Print Name) 1508 Leslie Road (Address) Dondalk, Maryland 21222

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Petitioner: ROWALD G. WRISTOW. Address or Location: 3701 BAY DTUDE. PLEASE FORWARD ADVERTISING BILL TO: Name: ROWALD G. WRISTON Address: 3701 BAY DRIVE BALTIMORE MD. 21220	<u> </u>
PLEASE FORWARD ADVERTISING BILL TO: Name: Ronald G. Wriston Address:370) Bay Drive	
Name: RONALD G. WRISTON Address: 3701 BAY DRIVE	
Name: RONALD G. WRISTON Address: 3701 BAY DRIVE	
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Revised 2/20/98 - SCJ

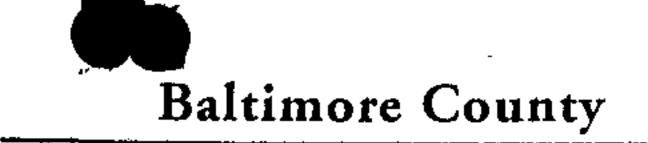
<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

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Department of Permits an Development Management

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





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

February 3, 2004

Ronald Wriston
Cathrine Wriston
3701 Bay Drive
Baltimore, MD 21220

Dear Mr. and Mrs. Wriston:

RE: Case Number: 04-318-A, 3201 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 18, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

Carl Robal

WCR:klm

Enclosures

c: People's Counsel



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

January 20, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: January 20, 2004

Item No.: 311-320

Dear Ms. Hart:

6. 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

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 10, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 26, 2004

Item No. 318

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 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 the county.

RWB:CEN:jrb

cc: File

ZAC-01-26-2004-ITEM NO 318-02022004

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco								
FROM:	R. Bruce Seeley MB								
DATE:	February 3, 2004								
SUBJECT:	Zoning Item # 04-318 Address 3701 Bay Drive Wriston Property								
Zonin	g Advisory Committee Meeting of January 20, 2004								
	Department of Environmental Protection and Resource Management has no ments on the above-referenced zoning item.								
	epartment of Environmental Protection and Resource Management offers llowing 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 (Section 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).								
<u>X</u>	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).								
Addit	ional Comments:								

Reviewer:

Keith Kelley

Date: January 28, 2004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 04-318 – Administration Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Section Chief:

CEIVED

DATE: January 22, 2004

JAN 2 3 2004

AFK/LL

ZONING COMMISSIONER



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

MARYLAND DEPARTMENT OF FRANSPORTATION

1.20.04 Date:

Item No.

Baltimore County

318

JRA

RE:

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

Dear. Ms. Hart:

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,

1. 1. Soull Kenneth A. McDonald Jr., Chief

Engineering Access Permits Division

Bridgett Pitt 622 Hillcrest Court Media PA., 19063

To: Baltimore County Zoning Commission

I have no objections to an elevated, one story, single family residence (34'x60') to be constructed by the property owners, Ronald G. & Catherine J. Wriston on the adjacent lot at 3701 Bay Drive.

I have power of attorney for the owner Christopher LaMartina of 3703 Bay Drive 21220.

Signed Budgett State Date Dec. 29,2003

04-318-6

04-318-()

我也是我们的一个人,我们也不是这个人,我们就是我们的,我们就是我们的,我们就是我们的,我们就是我们的人,我们就是我们的人,我们就是我们的人,我们就会会的人,我们



LOOKING From WATER SIDE TO

Same, S6658, M1/08/04

CX4318 F



LOOKING FROM WATER SIDE TO VLOAD

i i i 2000年

J-4-318- (-)-



LOOKING FROM ROAD SIDE TO UMENLEY PROPERTY

CC5249, cC5249_07 Sams, S6650, 01/08/04

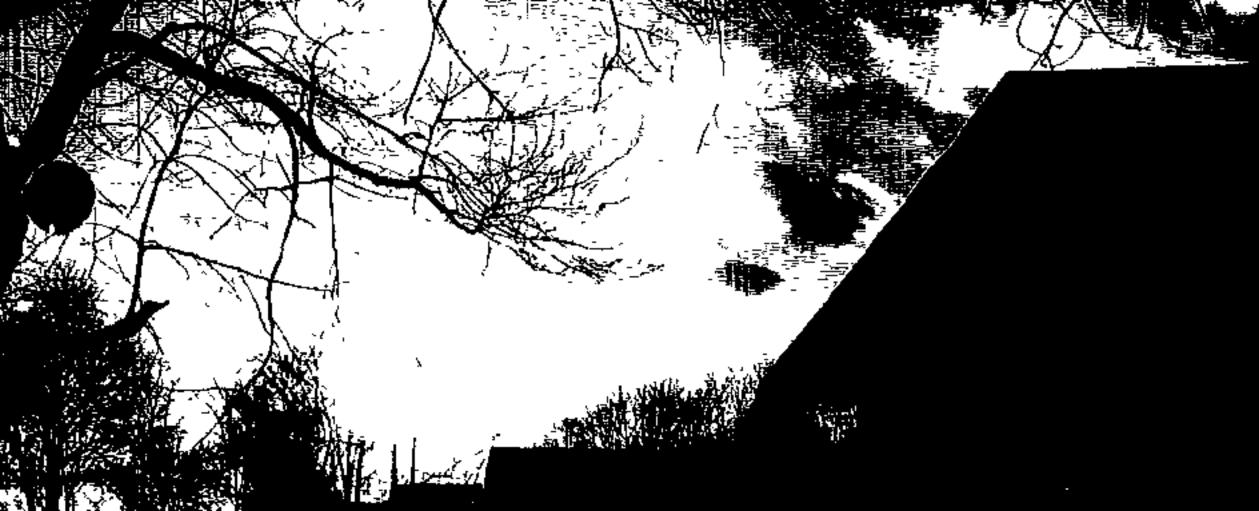
05-318-1



LOOKING FROM DMENLEY PROF. 1777 TOWARD ROAD SIDE OF HOUSES

ccc249, cc6249_00 Sams, S6650, 01/08/04

34.318.0



LOOKING FROM WATER SIDE TO UMERLEY PROPERTY

200740, cc6749,66 200740, cc6749,66

04518-6



LOOKING FROM UMERLEY PROPERTY ALONG WATER FRONT

O4.318.6



LOOKING FROM VMERLEY PROPERTY

(e) Si M

04318.F



LEFT VIEW FROM ROAD BAY DRIVE

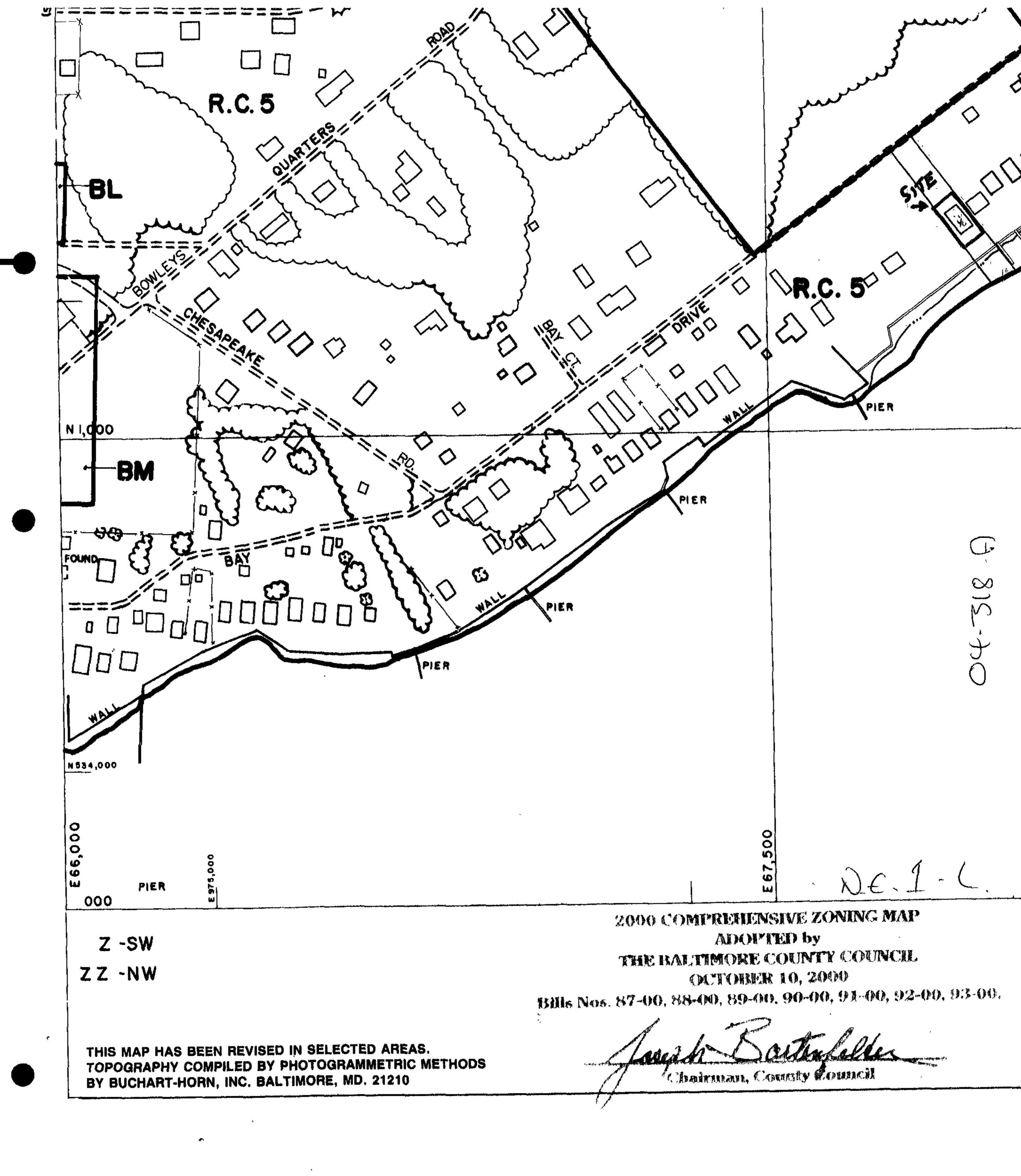
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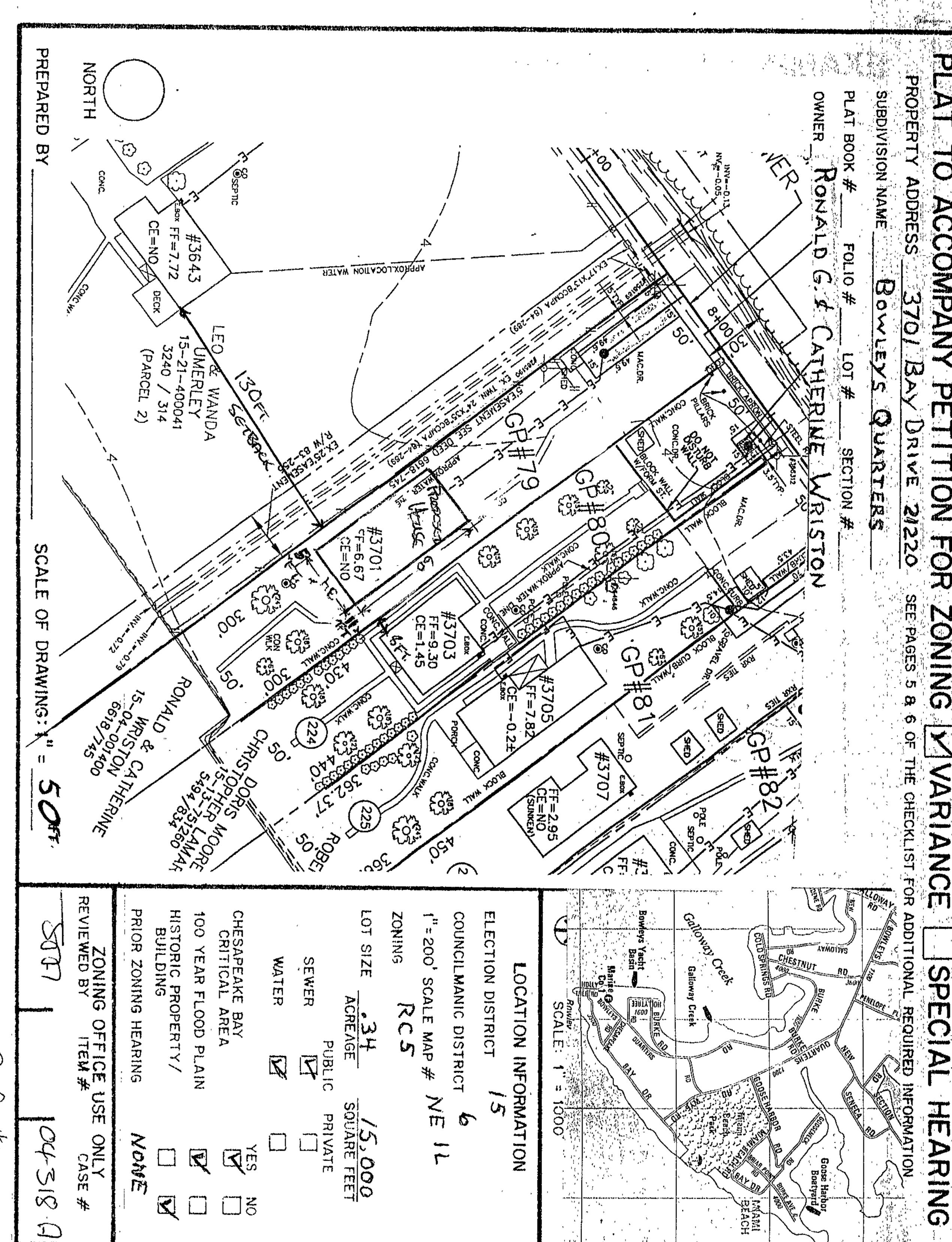


RICHT SIDE VIEW ROAD BAY DRIVE

Same, Section, ellynous

04.318.





Stig #