MAN HE

IN RE: PETITION FOR VARIANCE

SE/S of Bay Drive, 213 ft. E of Wye Road 15th Election District 6th Councilmanic District (3815 Bay Drive)

Eva M. & Rudolf W. Nechay **Petitioners**

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-574-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, Eva M. and Rudolf W. Nechay. The Petitioners are requesting variance relief for property located at 3815 Bay Drive in the eastern area of Baltimore County. The variances are requested from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 1A04.3.B.2, to permit a side yard setback of 14 ft. and 21 ft. in lieu of the required 50 ft.;
- 2. from Section 400.1, to permit an existing accessory structure with a setback of 0.4 ft. in lieu of the required 2.5 ft. to remain;
- 3. from Section 400.1, to permit an accessory structure in front yard of residence in lieu of the rear yard as required; and
- 4. from Section 1A04.3.B.3, to permit an impervious area lot coverage of 25.8% in lieu of maximum permitted 15%.

The property was posted with Notice of Hearing on July 31, 2004, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on August 3, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

THE STOREST OF THE ST

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 16 and 21, 2004, stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations and that the water well must be properly abandoned and sealed prior to building permit approval, copies of which are attached hereto and made a part hereof. ZAC comments were also received from the Bureau of Development Plans Review dated June 23, 2004, stating that the Petitioners must comply with federal flood insurance requirements and county code requirements for this project, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Office of Planning dated July 26, 2004 stating that they did not oppose the Petitioners' request provided that 1) they submit architectural elevations of the proposed home and existing garage to their office for review and approval prior to the issuance of any building permits and 2) that DEPRM must review and verify that the proposed development is in conformance with the Critical Area Impervious standards. A copy of this ZAC comment is also attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Rudy and Eva Nechay, the Petitioners, and Kevin Shea, an architect from the firm of Richardson Engineering who prepared the plan. John B. Gontrum, Esquire represented the Petitioners. No Protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.094 acres of land, more or less, and is zoned RC 5. Mr. Gontrum proffered that the subject property is composed of Lots 244, through 247 of the Second Addition to Plat No. 1, "Bowley's Quarters" subdivision which was recorded in the Land Records of Baltimore County in 1915. These 50 ft. lots are now improved by 2 homes, a number of garages, macadam driveways and accessory structures. The Petitioners propose to raze the homes along with many of the accessory structures and erect one new home of striking design. See Petitioner's Exhibit No. 1 for the lot layout, Exhibit No. 2 for the floor plan of the new home, and Exhibit No. 3 for the elevation of the new home.

Mr. Gontrum proffered that this plan would slightly decrease the overall impervious area of the four lots to approximately 25%. He pointed out that the four lots presently contain two homes, a one-story building, four garages and macadam driveways to these structures. These structures do not meet the impervious surface area of the RC regulations. The proposal would have one large home, a garage and pavilion and a circular drive.

He noted that currently the present home on Lot 247 is within 8 ft. of the property line and the existing house on Lot 244 is within 23 ft. of the property line. None of the existing dwellings meet the 50 ft. setback required in the RC 5 zone. In contrast, the new home would

WENED FOR THE STATE OF THE STAT

be centrally located and would be 14 ft. from the new lot line with Lot 243 and 21 ft. from the lot line of Lot 248. He noted that the existing homes on Lots 243 and 248 are within 8 ft. of the subject property so that the request for variance is consistent with the existing pattern of development.

The Petitioner would like to keep the garage on Lot 244 that is presently setback from the lot boundary 0.4 ft. He indicated that it would be a hardship and practical difficulty to move this existing structure to meet the 2.5 ft. required by Section 400.1.

Mr. Gontrum also noted that waterfront properties for the most part have their front yard toward the water and rear yard toward the road. The Petitioners propose to build an in-ground pool as shown on Petitioners' Exhibit No. 1. The pool would then be located in the front yard of the home and require a variance to Section 400.1 of the B.C.Z.R.

Finally, Mr. Gontrum noted that although the proposed area of impervious surface is improved in the new plan as compared to the existing structures and driveway, the new plan does not meet the 15% maximum lot area coverage required by the RC 5 regulations.

He also reviewed the ZAC comments and noted that his client had agreed to all recommendations submitted, including the 40 ft. right-of-way along Bay Drive. He would also like to refurbish the existing pavilion.

Mr. Gontrum proffered that his client has shown the plans for the new home to the adjacent property owners and they view the proposal as an upgrade to the community. He explained that as a redevelopment project the property contained peculiar structures that need to be razed or refurbished, and so the property qualifies as unique in a zoning sense. Finally, he noted that having to tear down or move any of those existing structures, which are to be saved, would pose a practical difficulty for the owner. Overall, he believed the proposal will be a marked improvement in the neighborhood.



The Petitioners propose to refurbish the existing pavilion. I approve this part of the plan. I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Redeveloping existing structures as proposed here poses a peculiar condition that makes the property unique. I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. For example, it would be a hardship to move the existing garage 2.5 ft. simply to meet the regulations. Similarly, the pool on a waterfront property should be located on the water front side of the house even if, unlike most other houses, the face of the home towards the street is the rear yard. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of any such granting of these variances. In fact, where there were two dwellings there will now be only one. Finally, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. I agree with Mr. Gontrum that this new home will make a striking contribution to the neighborhood.

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 _____ day of September, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows:

- 1. from Section 1A04.3.B.2, to permit a side yard setback of 14 ft. and 21 ft. in lieu of the required 50 ft.;
- 2. from Section 400.1, to permit an existing accessory structure with a setback of 0.4 ft. in lieu of the required 2.5 ft. to remain;

- 3. from Section 400.1, to permit an accessory structure in front yard of residence in lieu of the rear yard as required; and
- 4. from Section 1A04.3.B.3, to permit an impervious area lot coverage of 25.8% in lieu of maximum permitted 15%.

be and they are 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 comments made by DEPRM dated June 16 and 21, 2004, a copy of which is attached hereto and made a part hereof.
- 3. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated July 23, 2004, a copy of which is attached hereto and made a part hereof.
- 4. Compliance with the ZAC comments made by the Office of Planning dated July 26, 2004, a copy of which is attached hereto and made a part hereof; and
- 5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

JOHN'V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:rai

Zoning Commissioner

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





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

September 2, 2004

John B. Gontrum, Esquire Whiteford, Taylor & Preston, L.L.P. 210 W. Pennsylvania Avenue Towson, Maryland 21204

> Re: Petition for Variance Case No. 04-574-A Property: 3815 Bay Drive

Dear Mr. Gontrum:

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,

John V. Murphy

Deputy Zoning Commissioner

Joan J. Murpay

JVM:raj Enclosure

c: Mr. & Mrs. Rudy Nechay 200 Bridgeview Lane Stevensville, MD 21666

> Kevin M. Shea 811 Cromwell Park Drive, Suite 113 Glen Burnie, MD 21061



Visit the County's Website at www.baltimorecountyonline.info





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3815 Bay Drive

which is presently zoned R.C. 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) Variances to permit existing structure to remain and other structures on four (4) building lots to be removed and replaced by one single family dwelling and for such other requests to be provided at hearing.

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:

<u>Legal Owner(s):</u>

			 	
		·	Rudolf W. & Eva M. Nechay	
Name - Type or Print		Name -	Type or Print	
Signature	······· <u>·····</u> ······	· 	Signature	
Address	Tel	ephone No.	Rudolf W Nechadon	
City	State	Zip Code	Signature M. Meckey	<u>/</u>
-		Zip Code		
<u>Attorney For Peti</u>	tioner:		8917 Philadelphia Road V Address	elephone No.
John B. Gont Name Type of Print	rum, Esquire	City	Baltimore, MD 21237 State Zip Co	ode
Signature			Representative to be Contacted:	
Whiteford, Topmpany	aylor & Preston	LLP	John B. Gontrum, Esquire Name	
210 W. Penns Address (410) 83		<u>uite 4</u> 00 phone No.		Suite 400 Delephone No.
Towson, MD	2.1.2.0.4 State	Zip Code	Towson, MD 21204 City State	Zlp Code
			OFFICE USE ONLY	
Case No. 04	-574-A		ESTIMATED LENGTH OF HEARING	
1		Reviewed By	UNAVAILABLE FOR HEARING Q 04	
REV 9/15/98				

ATTACHMENT TO PETITION FOR VARIANCE REQUESTED VARIANCES

Section 1A-4.3.B.2 - To permit a side yard setback of 14' and 21' in lieu of

the required 50'.

Section 400.1 - To permit an existing accessory structure with a

setback of .4' in lieu of required 2.5' to remain.

Section 400.1 - To permit an accessory structure in front yard of

residence in lieu of the rear yard as required.

Section 1A04.3.B.3 - To permit an impervious area lot coverage of 25.8% in

lieu of maximum permitted 15%.

308477

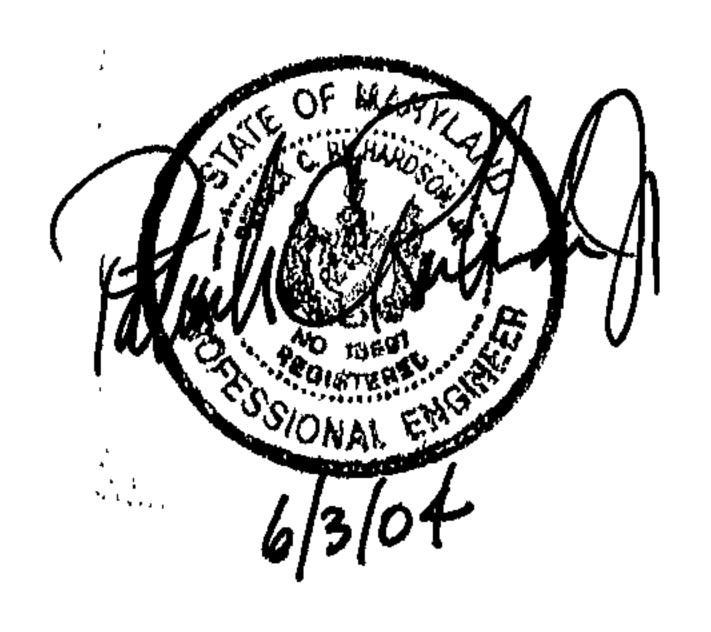
730 W. Padonia Road, Suite 101 Cockeysville, Maryland 21030

410-560-1502, fax 410-560-0827

ZONING DESCRIPTION
Rudolf W. & Eva M. Nechay
3815 BAY DRIVE
15TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at a point on the southeast side of Bay Drive; at a distance of 213'+/- from Wye Road, binding on Bay Drive for the following course and distance: (1) North 52 degrees 32 minutes 07 seconds East 200.00 feet, thence leaving Bay Drive, (2) South 37 degrees 27 minutes 53 seconds East 237.54 feet, (3) South 46 degrees 45 minutes 23 seconds West 51.31 feet, (4) North 40 degrees 04 minutes 30 seconds West 8.42 feet, (5) South 51 degrees 07 minutes 41 seconds West 97.18 feet, (6) South 34 degrees 31 minutes 18 seconds East 7.64 feet, (7) South 58 degrees 27 minutes 01 seconds West 51.29 feet, (8) North 37 degrees 27 minutes 53 seconds West 239.03 feet, to the point of beginning.

Containing a net area of 47,655 square feet, or 1.094 acres of land, more or less.



					e de la companya de La companya de la co
					8
					3
	-63-4464 = 6300P + 344 62				e de la
					9
	BE				
		3			
では、大学を表現した。 では、大学を表現した。 では、大学では、大学では、大学では、大学では、大学では、大学では、大学では、大学	CALL STATE OF STATE OF				
			建筑		
		S LEGISLA			
	5	5			
			7		
1994 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995 - 1995					
					ES.
BALTINORE CO OFFICE OF BUDGE MISCELLANEOU					MATTE CASTIER
		r r (j. 1885) Historian Historian	H.C.	5	

.

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: #04-574-A

Case: #04-574-A

3816 Bay Drive

S/side of Bay Drive, 213 feet east of Wye Road

15th Election District— 6th Councilmanic District

Legal Owner(s): Rudolf W. & Eva M. Nechay

Variance: to permit a sitle yard setback of 14 feet and
21feet in lieu of the required 50 feet. To permit an existing accessory structure with a setback of 4 feet in lieu of the required 2.5 feet, to remain. To permit an accessory structure in front yard of residence in lieu of the rear yard as required. To permit impervious area lot coverage of 25.8% in lieu of the maximum permitted 15%.

Rearing: Wednesday, Adjust 18, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue.

Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handleapped 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.8/613 August 3

CERTIFICATE OF PUBLICATION

8/5/, 20 <u>df</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md., once in each ofsuccessive weeks, the first publication appearing on83,2004
The Jeffersonian Arbutus Times Catonsville Times Towson Times Owings Mills Times NE Booster/Reporter North County News
S. Wilking

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-574-A Petitioner/Developer: RUDOLF W & EUA M. NECHAY Date of Hearing/Closing: AUG. 18, 2004 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Kristen Matthews {(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: 3815 BAY DRIVE The sign(s) were posted on (Month, Day, Year) . Sincerely, (Signature of Sign Poster) SSG Robert Black CASE # 04.574 A (Print Name) A PHALIC HEARING WILL BE HELD BY THE TORING COMMISSIONER 1508 Leslie Road [H 10個20H, 简形 (Address) PLACE: PROMITOS COLATY OFFICE BLOG III D. COLONIAL AM DATE AND TIME: WINESMY MUST IN STUTAL SOME Dundalk, Maryland 21222 FEMEST WANTS TO THAT A SIX WAS STREET NOTE THE RESIDENCE OF THE PARTY AND THE PART (City, State, Zip Code) (410) 282-7940 (Telephone Number)

Department of Permits and Development Management

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



Baltimore County

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

June 21, 2004

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: 04-574-A

3815 Bay Drive
S/side of Bay Drive, 213 feet east of Wye Road
15th Election District – 6th Councilmanic District
Legal Owners: Rudolf W. & Eva M. Nechay

<u>Variance</u> to permit a side yard setback of 14 feet and 21 feet in lieu of the required 50 feet. To permit an existing accessory structure with a setback of 4 feet in lieu of the required 2.5 feet, to remain. To permit an accessory structure in front yard of residence in lieu of the rear yard as required. To permit impervious area lot coverage of 25.8% in lieu of the maximum permitted 15%.

Hearing: Wednesday, August 18, 2004 at 9:00 a.m. in Room 106, County Office Building,

111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: John Gontrum, Whiteford, Taylor & Preston, 210 W. Pennsylvania Ave., Ste. 400, Towson 21204 Rudolf & Eva Nechay, 8917 Philadelphia Road, Baltimore 21237

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 3, 2004.

- (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, August 3, 2004 Issue - Jeffersonian

Please forward billing to:

Rudolf W. Nechay 8917 Philadelphia Road Baltimore, MD 21237

410-686-8900

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: 04-574-A

3815 Bay Drive S/side of Bay Drive, 213 feet east of Wye Road 15th Election District – 6th Councilmanic District Legal Owners: Rudolf W. & Eva M. Nechay

<u>Variance</u> to permit a side yard setback of 14 feet and 21 feet in lieu of the required 50 feet. To permit an existing accessory structure with a setback of 4 feet in lieu of the required 2.5 feet, to remain. To permit an accessory structure in front yard of residence in lieu of the rear yard as required. To permit impervious area lot coverage of 25.8% in lieu of the maximum permitted 15%.

Hearing: Wednesday, August 18, 2004 at 9:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHWIDT

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 <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.

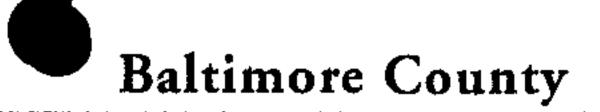
For Newspaper Advertising:	
Item Number or Case Number: 04-574-A	
Petitioner: NECHAY	
Address or Location: 3815 BAY DR.	
	,,
PLEASE FORWARD ADVERTISING BILL TO:	
Name: MR. 4MRS. RUDOLF W. NECHAY	
Address: 8917 PHILADELPHIA RD.	
BALTO. MD 21237	
Telephone Number: 410-686-8900	

Revised 2/20/98 - SCJ

Department of Permits are Development Management

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





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

August 16, 2004

John B. Gontrum, Esquire Whiteford, Taylor, & Preston 210 W. Pennsylvania Avenue, Ste. 400 Towson, Maryland 21204

Dear Mr. Gontrum:

RE: Case Number:04-574-A, 3815 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 9, 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,

u. Callibal)

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Rudolf W. and Eva M. Nechay 8917 Philadelphia Road Towson 21204



Visit the County's Website at www.baltimorecountyonline.info



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

June 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 21, 2004

Item No.:

572-579

Dear Ms. Mathews:

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.

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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.22.04

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

RE:

Baltimore County

Item No.

57

DT

Dear. Ms. Matthews:

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

1. 1. Hoell

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Tim Kotroco								
FROM:	John D. Oltman, Jr 500								
DATE:	June 16, 2004								
SUBJECT:	Zoning Item # 04-574 Address 3815 Bay Drive (Nechay Property								
Zonin	coning Advisory Committee Meeting of June 21, 2004.								
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.								
	Department of Environmental Protection and Resource Management offers llowing comments on the above-referenced zoning item:								
<u>.</u>	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).								
<u>X</u>	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other								

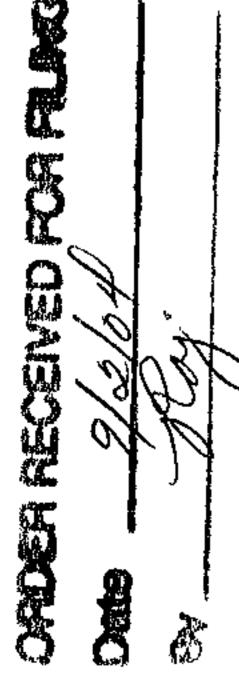
Additional Comments:

Reviewer:

Keith Kelley

Sections, of the Baltimore County Code).

Date: June 28, 2004



BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 🗸 🗸

DATE:

June 21, 2004

SUBJECT:

Zoning Item

04-574

Address

3815 Bay Drive

Zoning Advisory Committee Meeting of June 21, 2004.

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The water well must be properly abandoned and sealed prior to building permit approval.

Reviewer:

Sue Farinetti

Date: June 24, 2004

S:\Devcoord\ZAC SHELL 11-20-03.doc



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

RECEIVED

DATE: July 26, 2004

JUL 2 7 2004

ZONING COMMISSIONER

SUBJECT:

3815 Bay Drive

INFORMATION:

Item Number:

4~574

Petitioner:

Rudolf W. & Eva M. Nechay

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an existing structure in the front yard in lieu of the rear yard, and to permit an impervious lot coverage of 25.8% in lieu of the maximum permitted 15% provided the following conditions are met:

- 1. Submit architectural elevations of the proposed home and existing garage to this office for review and approval prior to the issuance of any building permits.
- 2. The Department of Environmental Protection and Resource Management must review and verify that the proposed development is in conformance with the Critical Area Impervious standards.

Prepared by:

Division Chief:

AFK/LL:MAC:

W:\DEVREV\ZAC\4-574.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: July 23, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 28, 2004 Item No. 574

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

Bay Drive shall have a future 40-foot right-of-way shown on the plan.

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.

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.

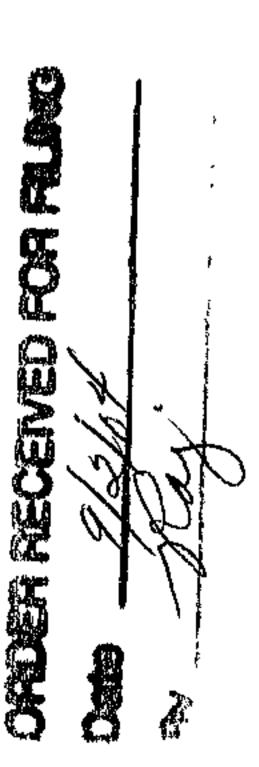
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

RWB:CEN:jrb

cc: File

ZAC-06-28-2004-ITEM NO 574-07232004



RE: PETITION FOR VARIANCE * BEFORE THE
3815 Bay Drive; S/side Bay Drive,
213' E of Wye Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Rudolf W & Eva M Nechay*

Petitioner(s)

* BALTIMORE COUNTY

* 04-574-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

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 1st day of July, 2004, a copy of the foregoing Entry of Appearance was mailed to, John B. Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 210 W Pennsylvania Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

*

JUL 0 1 2004

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

WHITEFORD, TAYLOR & PRESTON L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 347-8700
FAX 410 752-7092

20 COLUMBIA CORPORATE CENTER 10420 LITTLE PATUXENT PARKWAY COLUMBIA, MARYLAND 21044-3528 TELEPHONE 410 884-0700 PAX 410 884-0719

JOHN B. GONTRUM

DIRECT NUMBER

410-832-2055

JGontrum@wtplaw.com

210 West Pennsylvania Avenue Towson, Maryland 21204-4515 410 832-2000 Fax 410 832-2015 www.wtplaw.com 1025 CONNECTICUT AVENUE, NW WASHINGTON, D.C. 20036-5405 TELEPHONE 202 659-6800 PAX 202 331-0573

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

July 1, 2004

Timothy Kotroco, Director
Department of Permits and Development Management
Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Rudolf W. Nechay-3815 Bay Drive - Zoning Matters Our File No.: 079592/00001

Dear Mr. Kotroco:

04.5M-A

Please make the following address change when sending notices in the above referenced zoning matter. Please use the P.O. Box only.

Mr. Rudolf W. Nechay P.O. Box 70019 Baltimore, Maryland 21237

Thank you for your cooperation.

Most sincerely,

John B. Gontrum

JBG/kml

cc: Mr. Rudolph Nechay

310443

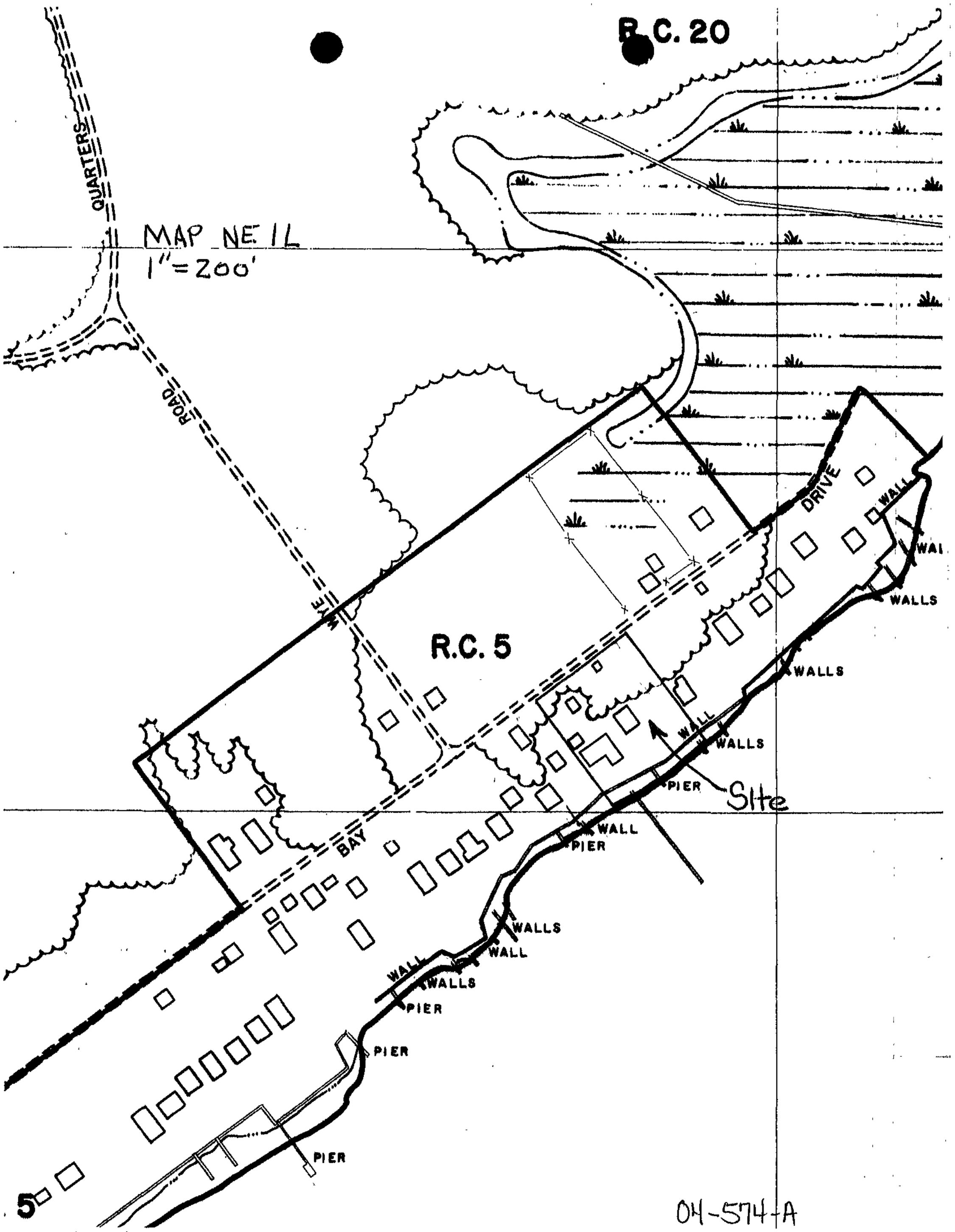
DEVELOPMENT MANAGEMENT
DEPT. OF PERMITS AND
JUL 2 2004
JUL 2 2004
JUL 2 2004


PLEASE PRINT CLEARLY

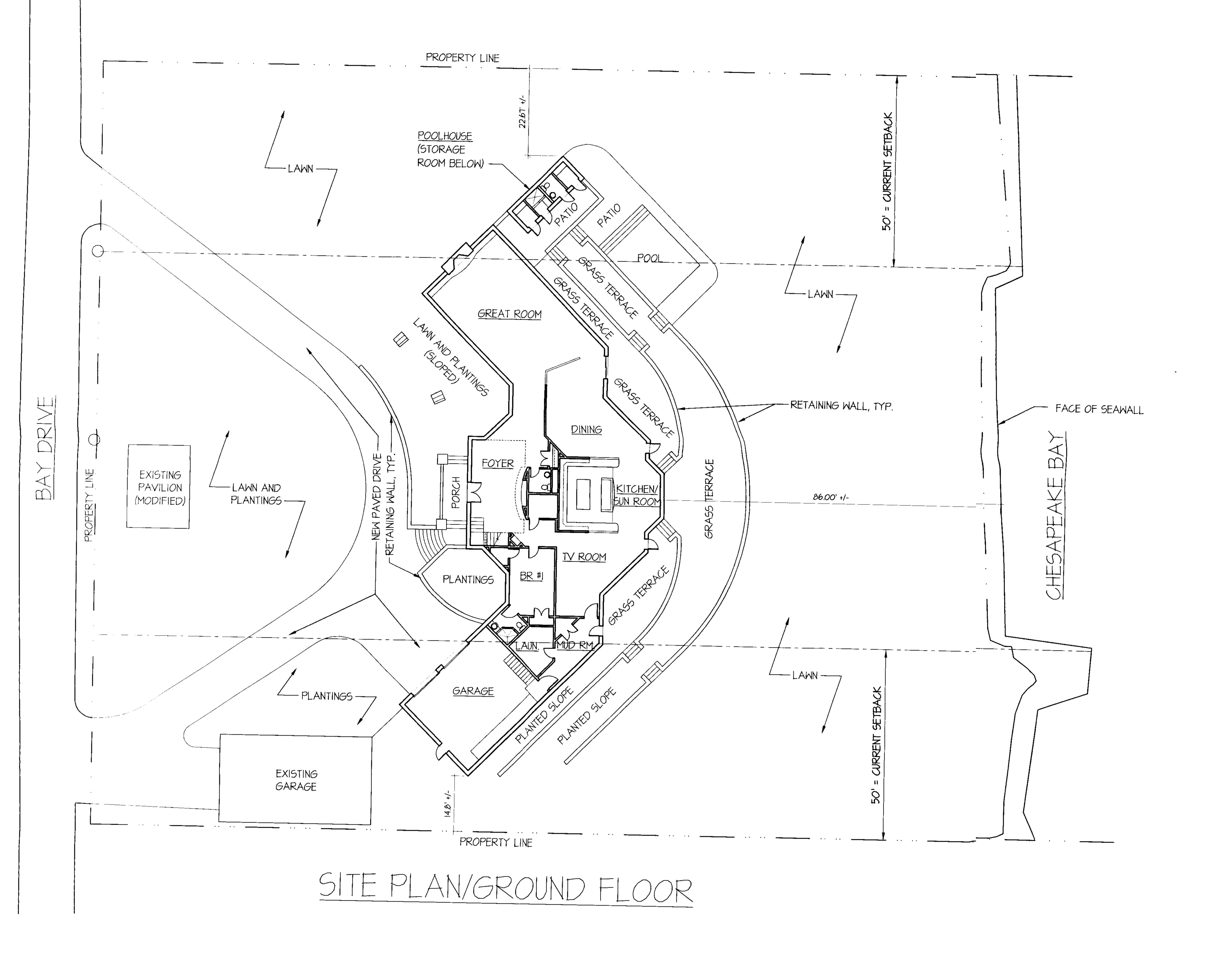
CASE NUMBER 04-574-1
DATE

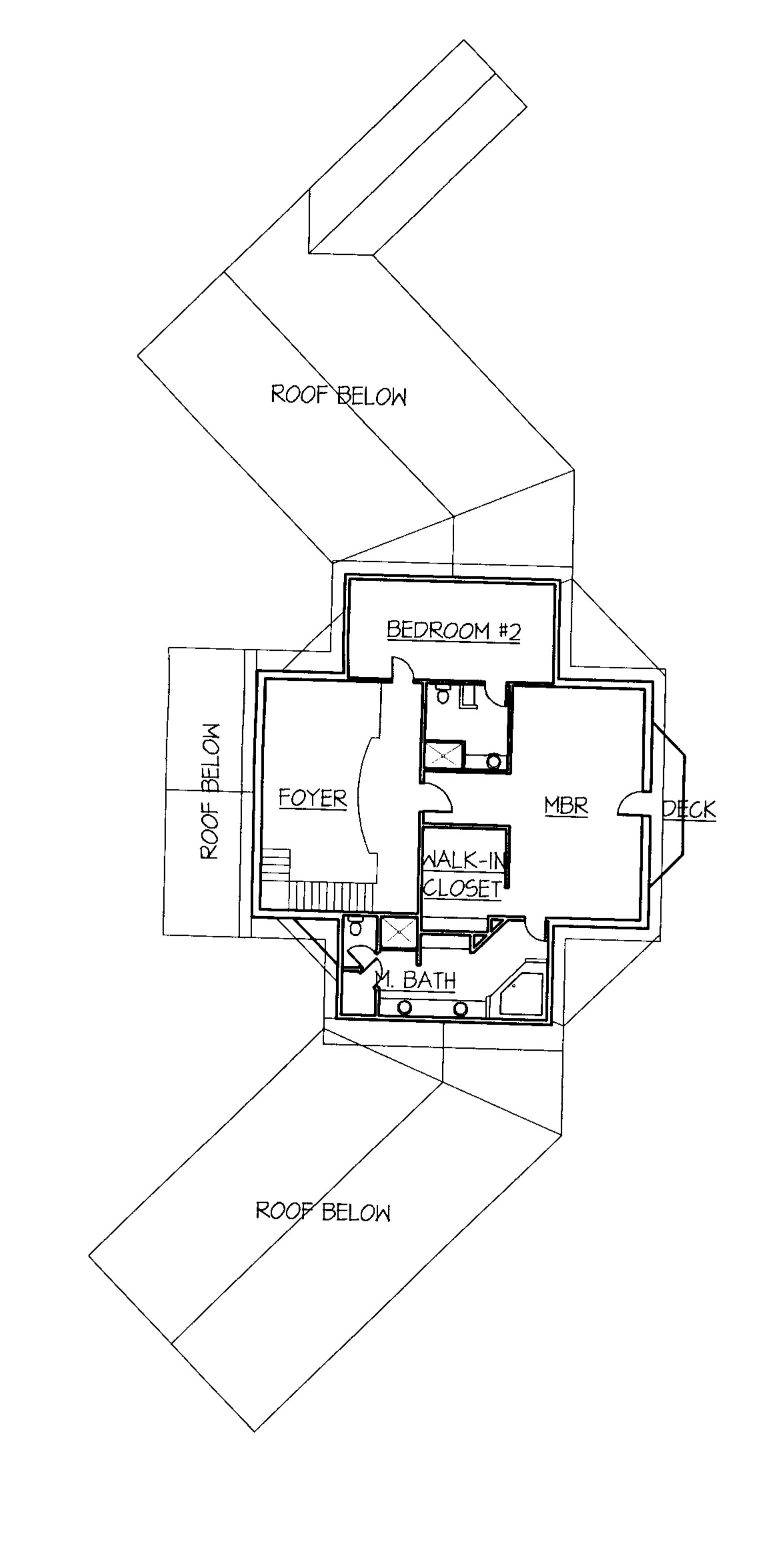
PETITIONER'S SIGN-IN SHEET

E- MAIL	mechago irsind con	kshea@ L2M architects.com									
CITY, STATE, ZIP	STEVENDENTLE, MD 21666	GLEN BURNIE, MD 21061	•								
ADDRESS	200 BRIDGEVIEW LANE	SII CROMWELL PARK DR. STE. 113									
NAME	RUDY NECHAY EVA NECHAY	WIR M. SHE			-						









JPPER FLOOR

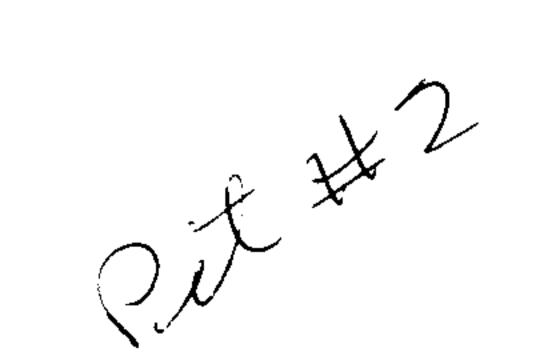
NECHAY RESIDENCE

3815 BAY DRIVE

BOWLEY'S QUARTERS, MD

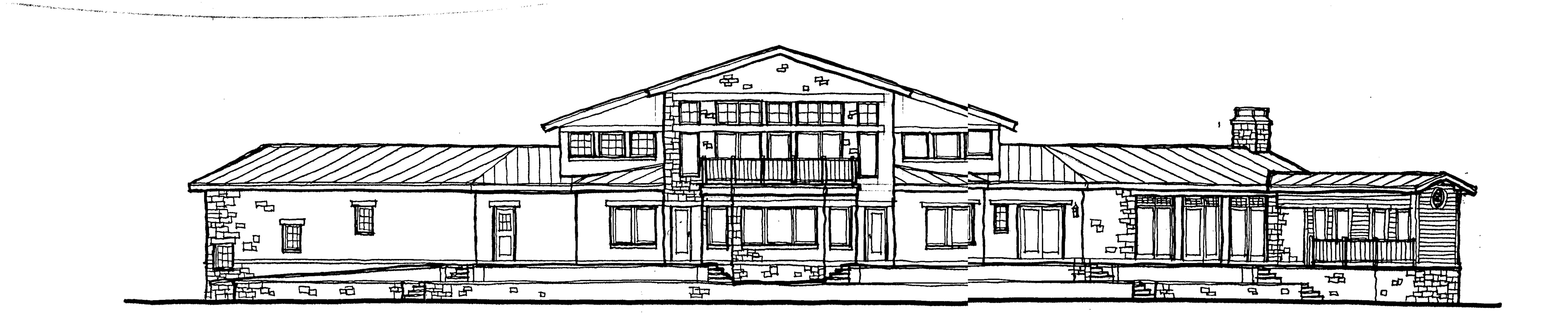
04 AUGUST 2004 SCALE: 1/16" = 1' - 0"







NIECHAY RESIDENCIE 1/8"= 1'-0" FRONT ELEVATION OZ JUNE 2004 LZM, INC.



PECHAY RESIDENCE

1/8" = 1'-0"

REAR ELEVATION

OZ JUNE 2004

LZM, INC.

A A