IN RE: PETITION FOR VARIANCE

N/S of Bayside Road, 545 ft. +/-, NE centerline intersection of Beechwood Rd. & Bayside Rd. 15th Election District 7th Councilmanic District (1222 Bayside Road)

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* FOR BALTIMORE COUNTY

* CASE NO. 05-207-A

Diane V. & Dennis M. Doyle

Petitioners

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, Diane V. and Dennis M. Doyle. The Petitioners are requesting variance relief for property located at 1222 Bayside Road in the eastern area of Baltimore County. Variance relief is requested from Section 1A04.3B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks from lot lines of 7.7 ft. in lieu of the required 50 ft. setbacks.

The property was posted with Notice of Hearing on November 22, 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 November 23, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

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

"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."

Amended Petition

During the presentation of the case the Petitioner reduced the requested variance for side yard set back from 7.7 feet to 8.0 feet as the result of an agreement with the adjacent property owner.

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) submitted ZAC comments dated December 6, 2004 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Bureau of Development Plans Review dated November 12, 2004, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were William Bafitis, Professional Engineer and Dianne and Dennis Doyle, Petitioners. Alfred L. Brennan Jr. Esquire, represented the Petitioners. Alfred Clasing, an adjacent property owner, attended the hearing to insure that the terms of the agreement between the parties would be included on the record of this case. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

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Testimony and Evidence

This property is 0.23 acres and zoned RC 5. The property is part of Lots 89 and 90 of the "Evergreen Park" subdivision, which was recorded in the Land Records of Baltimore County in 1924. Mr. Brennan proffered that the boundaries of these lots and surrounding lots were changed in 1943 so that while each lot contained the same acreage and width (50 feet) as lots in the recorded subdivision, the lot line were skewed at a complementary angle to Bayside Road. See Petitioner's Exhibit 1. The Petitioners purchased the property in 1994.

The Petitioners indicated that they owned a waterfront home across Bayside Road but would like to sell that home and move their residence to the subject lot. The property is improved only by a small shed. They propose to build a 32 ft. x 34 ft, home on the property which they assert is the minimum size practically useful to them considering their family needs. The properties on either side are vacant. However, the owner of the property to the west, Mr. Clasing, wanted certain stipulations as conditions of approval of this variance request to which the Petitioner fully agreed:

- 1. Change the side yard setback to 8 ft. instead of the originally requested 7.7 ft.
- 2. There will be no decks or stairs on the west side of the home.
- 3. There will be no HVAC including heat pumps on the west side of the home.
- 4. No storm water runoff will flow from the subject property to Mr. Clasing's property but that, if such were to occur, any corrective measures such as drains or swales needed would be located on the subject property and would be installed at the Petitioners' expense.
- 5. That the Petitioners will have the footprint of the new home staked professionally at the Petitioners' expense, and before construction begins will confirm the distance the new home is from the Clasing property line is at least 8 ft.

Mr. Bafitis indicated that the proposed home will meet all County regulations except the side yard setbacks including meeting the requirement shown in the Bureau of Development Plans Review comments that the home be elevated off the floodplain. He also confirmed that the

pattern of development in the neighborhood was single-family dwellings on single 50 ft. lots with which this proposed home is fully compatible. He noted that there is no land on either side of the lot for the Petitioners to acquire and avoid the variance requests.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This lot is a 50 ft. wide lot that was laid out much before the zoning regulations were applied. Consequently, the zoning regulations impact these older lots disproportionately. In addition, this is clearly a floodplain and subject to damaging tidal surges. I find it unique in a zoning sense.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There is no land on either side of the lot for the Petitioners to acquire and avoid the variance requests. They can not meet the regulations under any circumstance. The regulations require a 50 ft. setback from either side yard lot line while the whole lot is only 50 ft. wide. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting these variances. Finally, I find that these variances shall 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. The proposed building will be compatible with the pattern of development of the neighborhood and the conditions imposed by agreement with Mr. Clasing will further insure this result.

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 with conditions.

3y Lax 104

ADER RECEIVED

THEREFORE, IT IS ORDERED, this _____ day of December, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1A04.3B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yard setbacks from lot lines of 7.7 ft. in lieu of the required 50 ft. setbacks, 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. There will be no decks or stairs on the west side of the home;
- 3. There will be no HVAC equipment, including heat pumps on the west side of the home;
- 4. No storm water runoff will flow from the subject property to Mr. Clasing's property but that, if such were to occur, any corrective measures such as drains or swales needed would be located on the subject property and would be installed at the Petitioners' expense;
- 5. That the Petitioners will have the footprint of the new home staked professionally at the Petitioners' expense and before construction begins will confirm the distance the new home is from the Clasing property line is at least 8 ft.;
- 6. Compliance with the ZAC comments made by DEPRM dated December 6, 2004, a copy of which is attached hereto and made a part hereof;
- 7. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated November 12, 2004, a copy of which is attached hereto and made a part hereof; and
- 8. 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

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 William J. Wiseman III, Zoning Commissioner

December 9, 2004

Alfred L. Brennan, Jr., Esquire Brennan & Brennan, P.A. 825 Eastern Boulevard Baltimore, Maryland 21221

Re: Petition for Variance
Case No. 05-207-A
Property: 1222 Bayside Road

Dear Mr. Brennan:

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

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Mr. & Mrs. Dennis M. Doyle, 1227 Bayside Road, Baltimore, MD 21221 William Bafitis, 1249 Engleberth Road, Baltimore, MD 21221 Alfred E. Clasing, III, 1221 Bayside Road, Baltimore, MD 21221



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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1222 Bayside Road which is presently zoned RC-5

CRITICAL AREA

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)

To permit side yard setbacks from Lot Lines of 7.7' and in lieu of the required 50' per section 1A04.3B.2 (B.C.Z.R.)

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 PRESENTED @ HALL.

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:	Legal Owner(s):
Name - Type or Print	Dennis Michael Doyle Name - Type of Print
Signature	Signature /
Address Telephone No.	Diane V. Doyle Name-Type or Print (axe (). () Aule
City State Zip Code	Signature
Attorney For Petitioner:	1227 Bayside Road Address Telephone No.
Alfred L. Brennan, Jr.	Baltimore, Maryland 21221
Name - Type or Print	City State Zip Code
gnate e	Representative to be Contacted:
brengan and Brennan, Attorneys at Law, P.A. Company	Alfred L. Brennan, Jr. Name
Telephone No.	825 Eastern Boulevard (410) 687-3434 Address Telephone No.
altimore, Maryland 21221	Baltimore, Maryland 21221
State Zip Code	City State Zip Code
	OFFICE USE ONLY
Ease No. 05 - 207A	ESTIMATED LENGTH OF HEARING
Reviewed I	UNAVAILABLE FOR HEARING Date 10-25-0 4



ZONING DESCRIPTION FOR 1222 BAYSIDE ROAD

Beginning for the same at a point on the northside of Bayside Road 30 feet wide, and 545'± north easterly from the centerline intersection of Beechwood Road and Bayside Road. Thence leaving Bayside Road the following three courses:

- 1). North 16°-21'-00" West 201.28' to a point;
- 2). North 67°-03'-00" East 50.00' to a point;
- 3). South 16°-21'-00" East 201.28' to a point; on the northside of Bayside Road
- 4). Thence binding on said road South 67°-03'-00" West 50.00' to te place of beginning.

Containing 9,997 S.F. or 0.229 Ac.

Being known as part of lots 89 and 90 as shown on a deed recorded among the Land Records of Baltimore County, Maryland Deed Reference 10493/109.

William N. Bafitis, P.F. MD Licence Reg. #11641

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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: #05-207-A
1222 Bayside Road
N/side of Bayside Road, 545 feet n/east of centerline of Beechwood Road
15th Election District Legal Owner(s):
Dennis Michael and Diane V. Doyle
Variance: to permit side yard setbacks from lot line of 7.7 feet in lieu of the required 50 feet.

Hearing: Tuesday, December 7, 2004 at 10:00 a.m.
In Rdom 407, County Saltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For Information concepting, Contact the Zoning Hearing, Contact the Zoning Hearing, Contact the Zoning Review Office at (410) 887-3391,

11 24 Just

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md.,

successive weeks, the first publication appearing once in each of

₩ The Jeffersonian

☐ Arbutus Times

Catonsville Times

Owings Mills Times Towson Times

NE Booster/Reporter

North County News

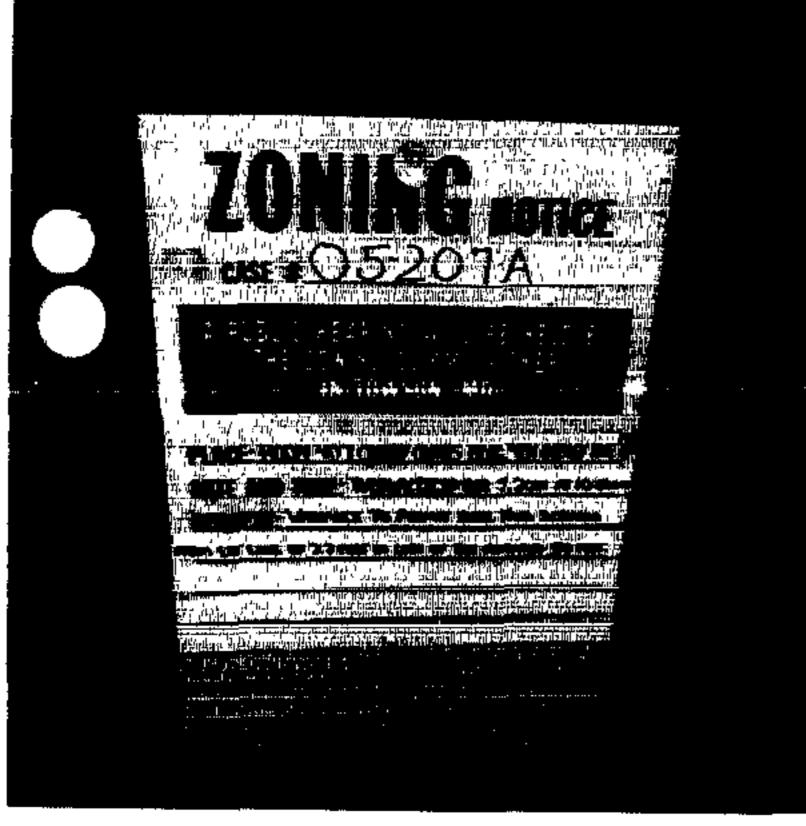
Mulingr

LEGAL ADVERTISING



RE: Case No.: <u>05-207-A</u> Petitioner/Developer: DENNS MICHREC AND DIANE V. DOYLE

Date of Hearing/Closing: 12/7/04 **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: 1222 BAYSIDE RD The sign(s) were posted on (Month, Day, Year) Sincerely,



(Signature of Sign Poster) 11/23/00
(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(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





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

November 8, 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: 05-207-A

1222 Bayside Road

N/side of Bayside Road, 545 feet n/east of centerline of Beechwood Road

15th Election District – 6th Councilmanic District

Legal Owners: Dennis Michael and Diane V. Doyle

Variance to permit side yard setbacks from lot line of 7.7 feet in lieu of the required 50 feet.

Hearing: Tuesday, December 7, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Alfred Brennan, Jr., 825 Eastern Blvd., Baltimore 21221 Dennis & Diane Doyle, 1227 Bayside Road, Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 22, 2004.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPÉCIAL 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.



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

PATUXENT PUBLISHING COMPANY TO:

Tuesday, November 23, 2004 Issue - Jeffersonian

Please forward billing to:

Alfred Brennan, Jr. 825 Eastern Boulevard Baltimore, MD 21221

410-687-3434

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

CASE NUMBER: 05-207-A

1222 Bayside Road

N/side of Bayside Road, 545 feet n/east of centerline of Beechwood Road

15th Election District – 6th Councilmanic District

Legal Owners: Dennis Michael and Diane V. Doyle

Variance to permit side yard setbacks from lot line of 7.7 feet in lieu of the required 50 feet.

Hearing: Tuesday, December 7, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S

(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
Petitioner: Dennis Michael Doyle + Diane V. Doyle
Address or Location. 1222 BAJSIL Rend 21221
PLEASE FORWARD ADVERTISING BILL TO Name: Alfred L. Brennan, Ja. Address 825 FAStern Blod BAHimore, Md. 21221
Telephone Number: <u> </u>

Department of Permits Development Management

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





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

November 29, 2004

Mr. Alfred L. Brennan, Jr. Brennan & Brennan Attorneys at Law 825 Eastern Boulevard Baltimore, Maryland 21221

Dear Mr. Brennan:

RE: Case Number:05-207-A, 1222 Bayside Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 25, 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

u. Callibal D

WCR: clb

Enclosures

c: People's Counsel
Dennis and Diane Doyle 1227 Bayside Road Baltimore 21221



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



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

November 8, 2004

Baltimore County Fire Department

Country fice Building, Room 111

Mail Stop #1105

111 West Chesapeake Avenue

Towson. Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: November 8, 2004

Item No.: 207-220

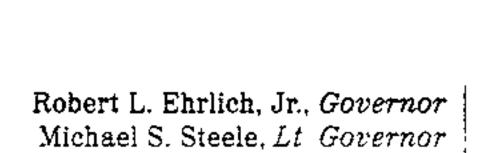
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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. Flanagan, Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 11.9.04

Baltimore County

Item No. 207 Jcm

RE:

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

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,

Steven D. Foster, Chief

1. J. Sull

Engineering Access Permits Division

9/1

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

ГО:	Tim Kotroco PDM		
FROM:	John D. Oltman, Jr Jvo DEPRM	DEC 7 200	14
DATE:	December 6, 2004	2011/1/G COMMISS	10
SUBJECT	Γ: Zoning Item # 05-207 Address 1222 Bayside Road (Doyle Proper		
Zc	oning Advisory Committee Meeting of November 8, 20	004.	
	ne Department of Environmental Protection and Resouments on the above-referenced zoning item.	rce Management has no	
	ne Department of Environmental Protection and Resou e following comments on the above-referenced zoning		
	Development of the property must comply with the Protection of Water Quality, Streams, Wetlands at 14-331 through 14-350 of the Baltimore County	and Floodplains (Sections	
	Development of this property must comply with Conservation Regulations (Section 14-401 through Baltimore County Code).		
	X Development of this property must comply with Critical Area Regulations (Sections 26-436 throus Sections, of the Baltimore County Code).	•	
<u>A</u>	Iditional Comments:	•	

Date: December 6, 2004

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

Reviewer:

Martha Mickey

THE DESIGNATION OF THE PROPERTY.

Granted 9/2/1 12/9/04

DATE: December 13, 2004

DEC I 5 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: 1222 Bayside Road

INFORMATION:

Item Number: 5-207

Petitioner: Dennis Michael Doyle

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has established a 10-foot minimum side yard setback for both sides of a 50-foot wide RC 5 lot. This standard may be altered if the adjacent property is in permanent preservation or public land and the impact would be negligible. In this instance, the adjacent properties are under private ownership and as such are subject to future development. Therefore, this office does not oppose the development of the subject property provided the proposed dwelling does not exceed 30 feet in width. In addition, submit building elevation (all sides) to this office for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 12, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 15, 2004

Item No. 207

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

The flood protection elevation for this site is 10.4 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-11-15-2004-ITEM NO 207-11122004





1222 Bayside Road; N/side Bayside Road,

545' NE c/line Beechwood Road

15th Election & 6th Councilmanic Districts

Legal Owners: Dennie M & Diane V Doyle *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

* 05-207-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 10th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, Alfred L Brennan, Esquire, Brennan & Brennan, Attorneys at Law, 825 Eastern Bouelvard, Essex, MD 21221, Attorney for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CASE NAME L'OYLO L'ANNIS CASE NUMBER 105-2074

CITIZEN'S SIGN-IN SHEET

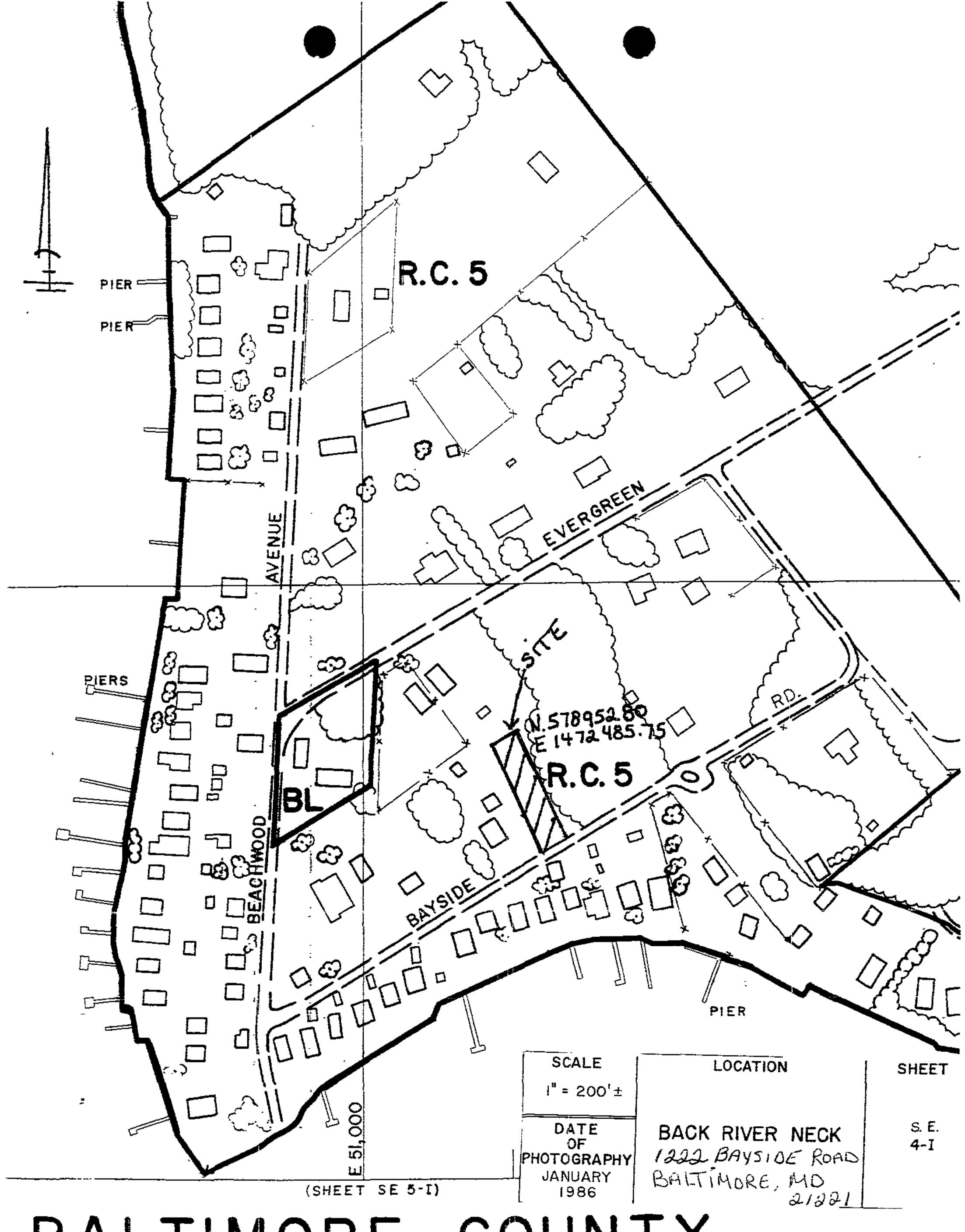
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CITY, STATE, ZIP	SATINGE , MD 2121									
ADDRESS	1221 Shysioe 6									
NAME	HERED E. CHRSINE III									

PLEASE PRINT CLEARLY

CASE NAME ONU CASE NUMBER 05-207 A

PETITIONER'S SIGN-IN SHEET

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RAITIMORF COINTY

THIS DEED, made this 28TH day of JANUARY, 1994, from PMUL D. LIDVILLE and ALICE A. LIDVILLE (formerly known and Alice A. Knott), Grantors, to DESCRIB MICHAEL DOYLE and DIAME V. DOYLE, Grantees.

WITNESSETH that for and in consideration of CNE HUNDRED AND NINETY-EIGHT THOUSAND DOLLARS (\$198,000.00), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the said Paul D. Linville and Alice A. Linville (formerly known and Alice A. Knott), does hereby grant and convey to the said Dennis Michael Doyle and Diane V. Doyle, as tenants by the entireties, their personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland, and described as follows, that is to say: SEE EXHIBIT "A" ATTACHED.

HEING the same property conveyed by and described in a deed dated November 21, 1986 from Charles F. Hildebrand and Martha J. Hildebrand, his wife to Paul D. Linville and Alice A. Knott, (the said Alice A. Knott has since intermarried and is now known as Alice A. Linville), and recorded among the Land Records of Baltimore County in Liber 7426, folio 564.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances, and advantages thereunto belonging, or in any manner appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Dennis Michael Doyle and Diane V. Doyle, as tenants by the entireties, their personal representatives, heirs and assigns, forever, in fee simple.

AND the said grantors hereby covenant that they have not done or suffered to be done any act, matter, or thing whatsoever to encumber the property hereby conveyed; that they will warrant specially the property hereby

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17.11

AGRICULTURAL CREATER TAX

SIGNATURE TE DATE 3-23-94

JOHN S. KARAS CHARLES E BRADFORD, JR. MARA DEVINE PAIS

KARAS, BRADFORD, & PAIS ATTORNEYS AT LAW

310 WEST BEL AIR AVENUE ARERDEEN, MARYLAND 21001 PHONE: (410) 272-2800

9 SOUTH HICKORY AVENUE BEL AIR, MARYLAND 21014 PHONE: (410) 836-0202



Fron the street Looking At the Site.

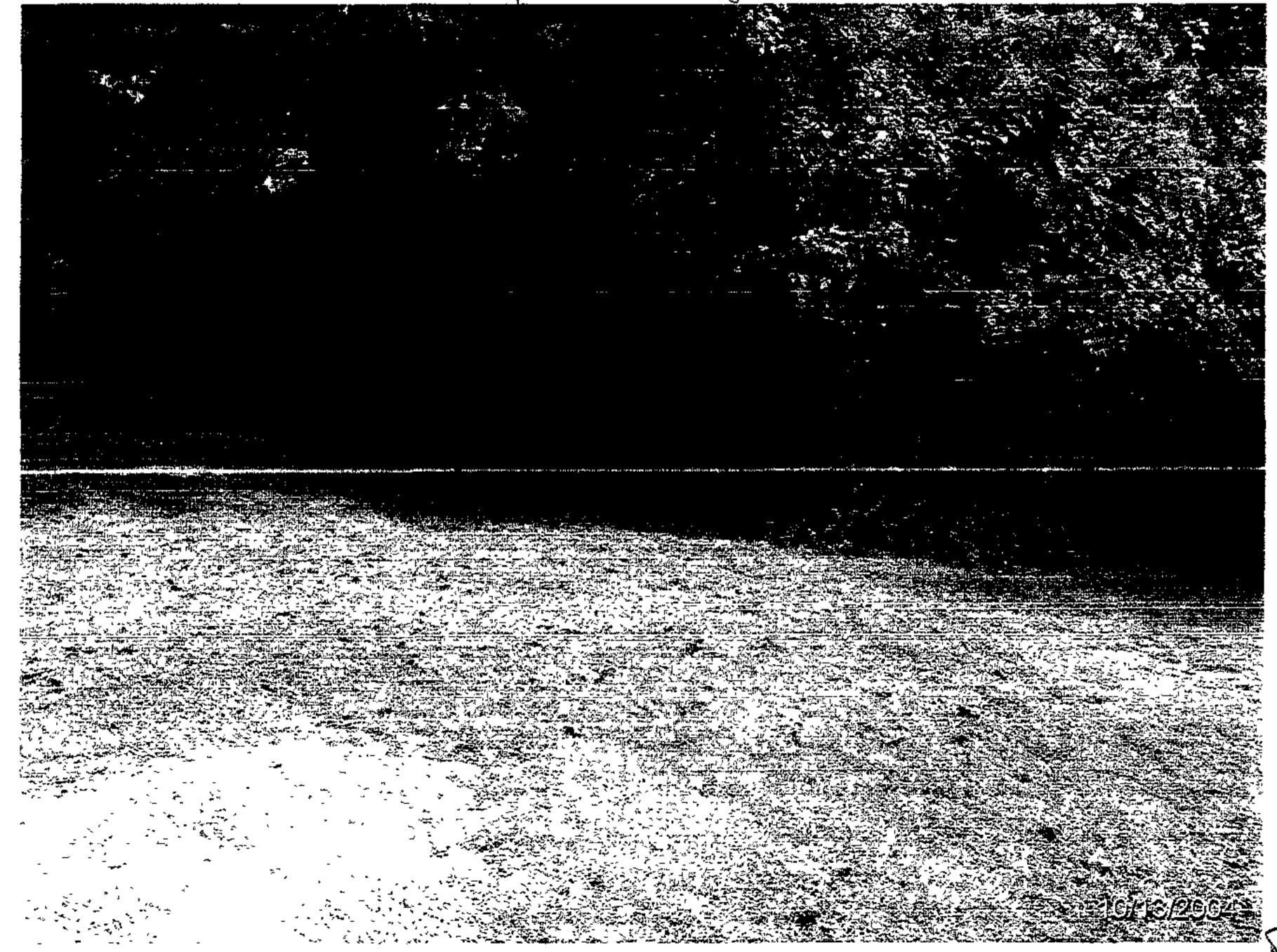


From the Street Looking slightly to the left of the site.

Day Uh

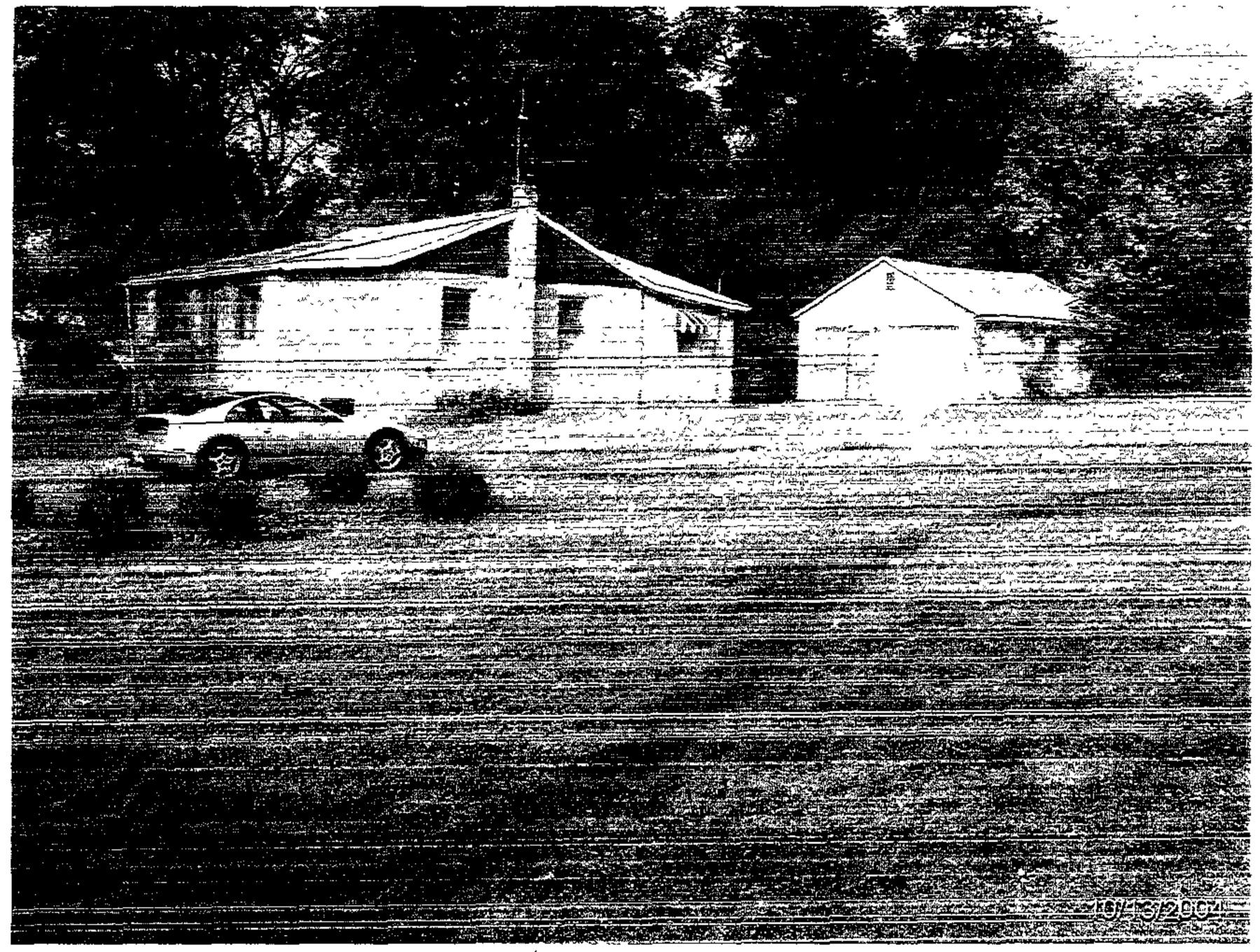


From the Street Looking to the Right of the site

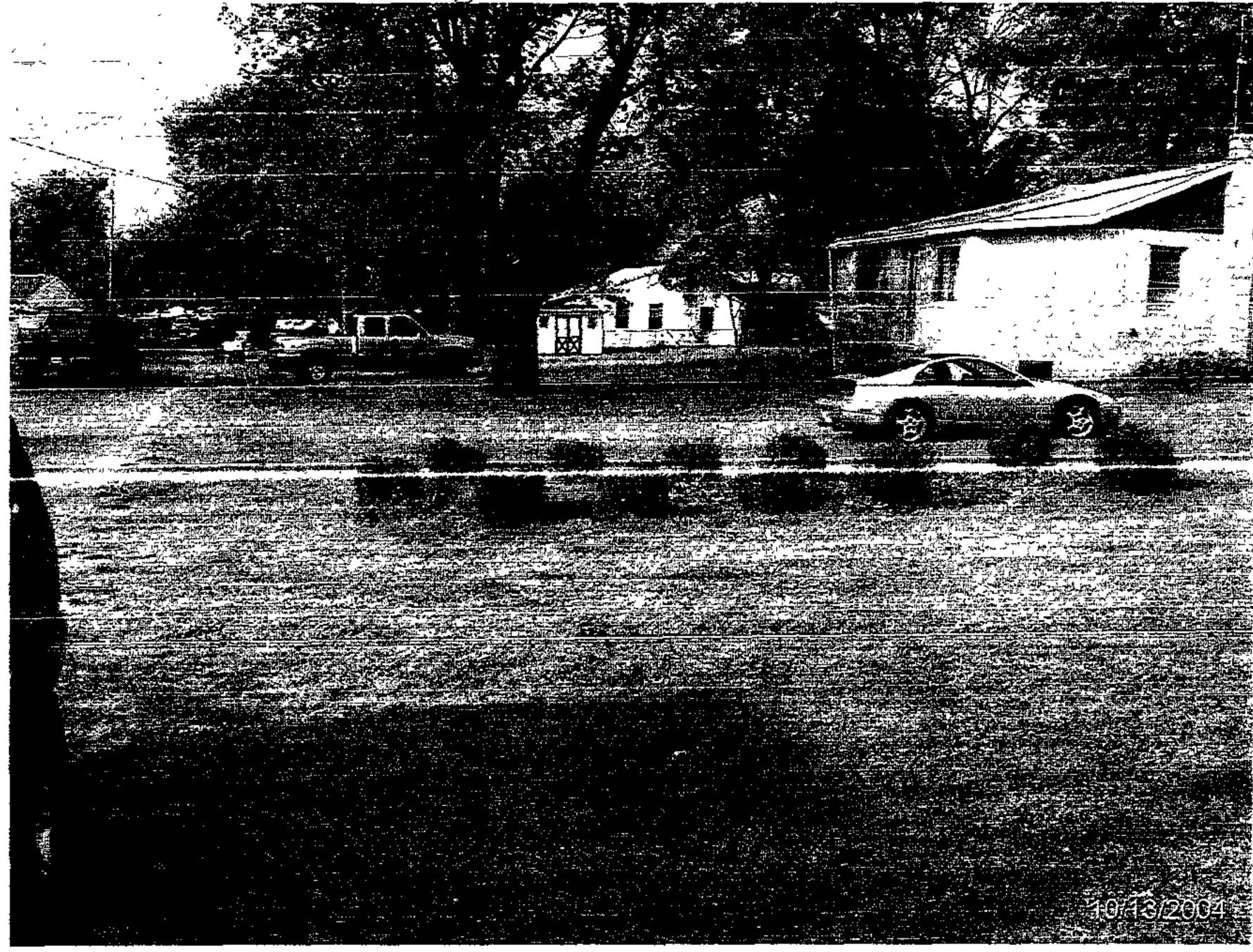


From the street Looking slightly to the right of the site.

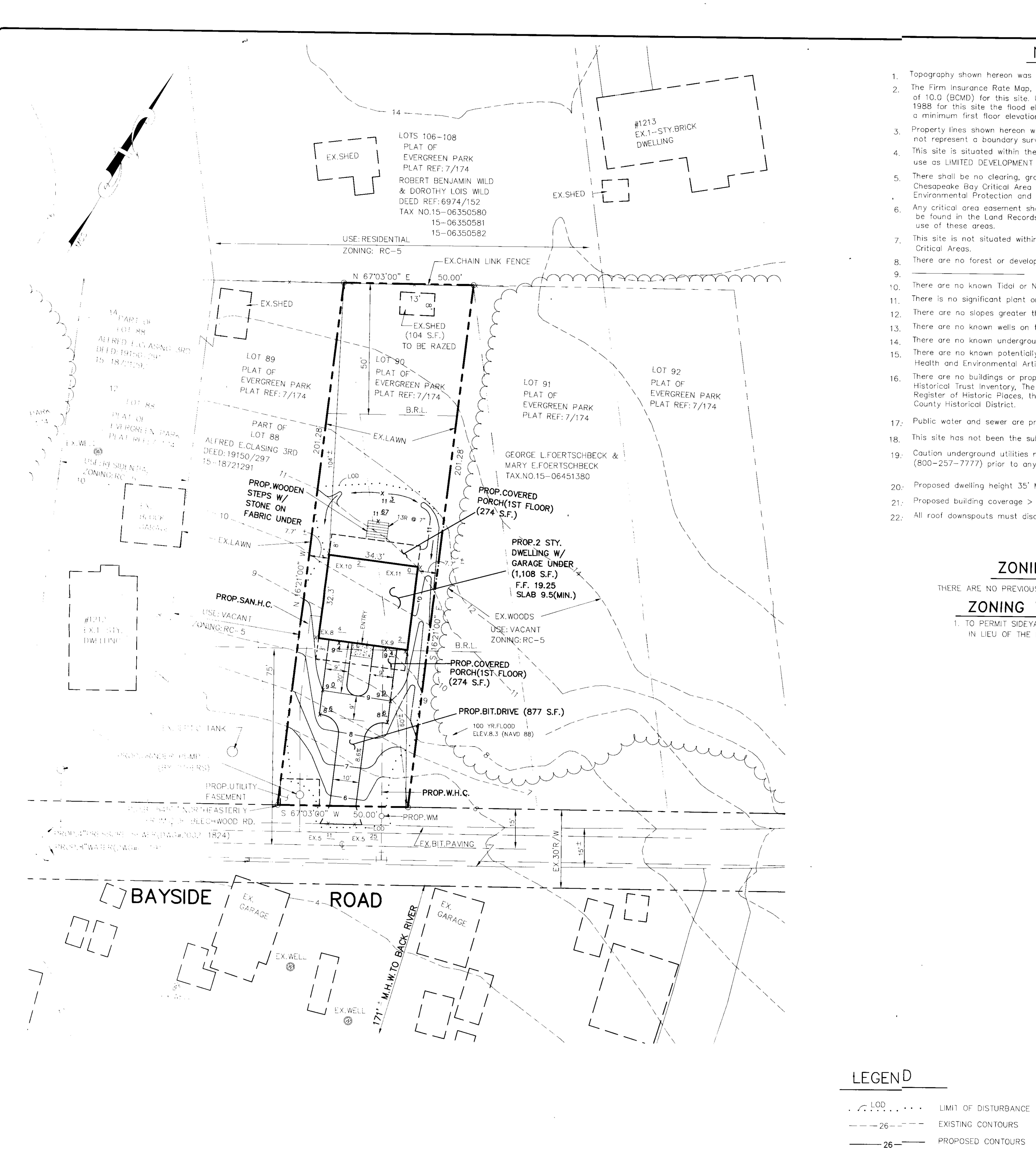
John John



From the street Looking to the left of the site



From the street booking to the left of the site.



- Topography shown hereon was taken from Baltimore County GIS Topography.
- The Firm Insurance Rate Map, Panel 445 of 575 indicates a Flood Elevation of 10.0 (BCMD) for this site. Utilizing North American Vertical Datum (NAVD) of 1988 for this site the flood elevation is 8.3 (NAVD 88). (Baltimore County requires a minimum first floor elevation of 9.5) NAVD 88.
- Property lines shown hereon were compiled from available public information and do not represent a boundary survey.
- This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as LIMITED DEVELOPMENT AREA (LDA) (MAP 104).
- There shall be no clearing, grading, construction or disturbance of vegetation within the Chesapeake Bay Critical Area Buffer except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- Any critical area easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
- This site is not situated within a Mapped Buffer Management Area in the Chesapeake Bay Critical Areas.
- There are no forest or developed woodlands on this site.
- There are no known Tidal or Non—Tidal Wetlands on this site or within 300' of this site.
- 11. There is no significant plant or animal habitat on this site.
- 12. There are no slopes greater than 15% on this site.
- 13. There are no known wells on this site.
- 14. There are no known underground storage tanks or septic systems on this site.
- . There are no known potentially hazardous materials on this site as defined by Title 7— Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- 17. Public water and sewer are proposed to serve this site.
- 18. This site has not been the subject of the CRG or DRC Processes.
- Caution underground utilities may exist in BAYSIDE ROAD, contact Miss Utility (800-257-7777) prior to any construction.
- 20. Proposed dwelling height 35' MAX.

100 YR. FLOOD LEVEL

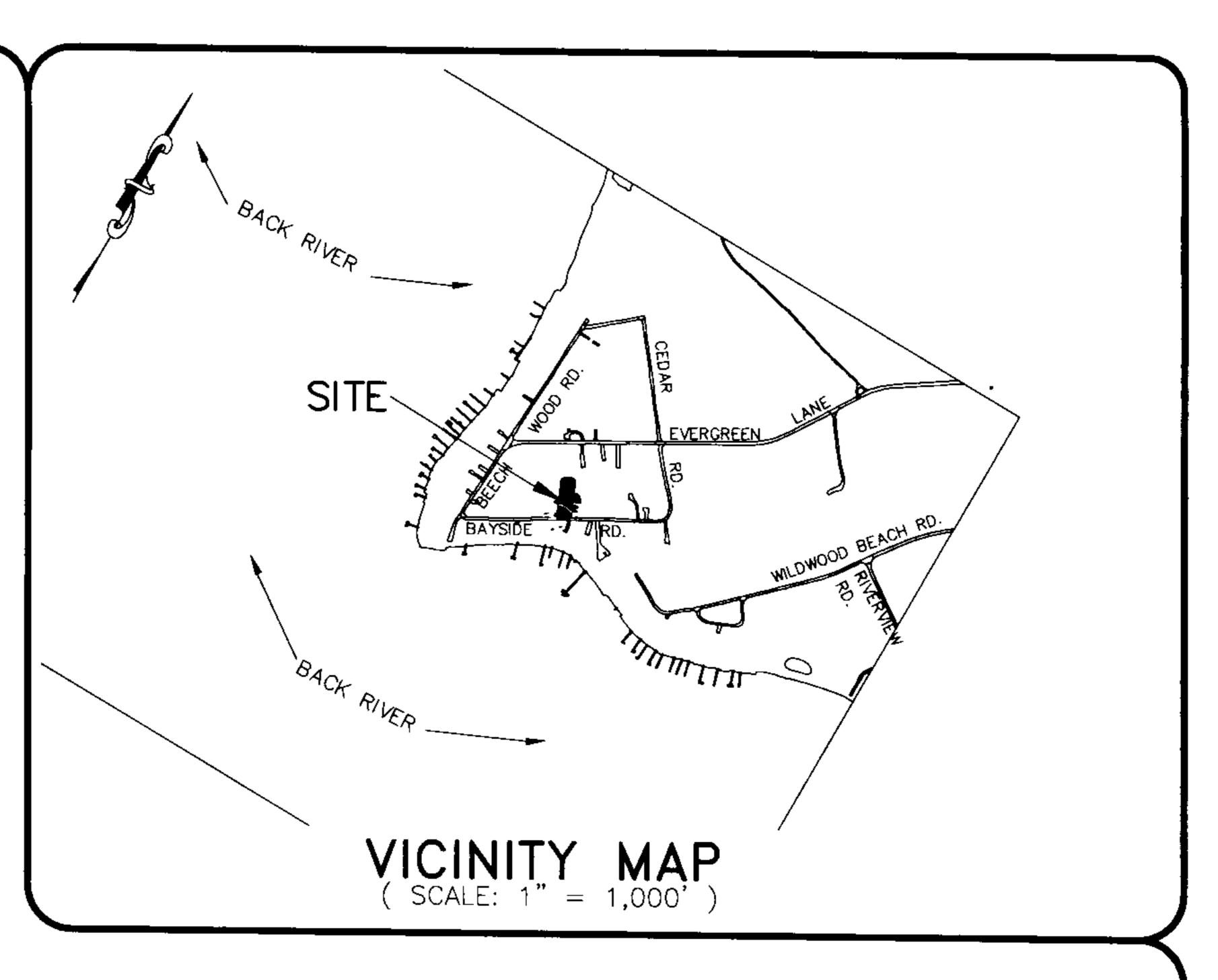
- 21. Proposed building coverage > 15%.
- 22: All roof downspouts must discharge rainwater runoff on—to a pervious surface.

ZONING HISTORY

THERE ARE NO PREVIOUS ZONING CASES OR HEARINGS FOR THIS SITE.

ZONING VARIANCE REQUEST

1. TO PERMIT SIDEYARD SETBACKS FROM LOT LINES OF 7.7' AND IN LIEU OF THE REQUIRED 50' PER SECTION 1A04.3B.2. (B.C.Z.R.)



SITE DATA

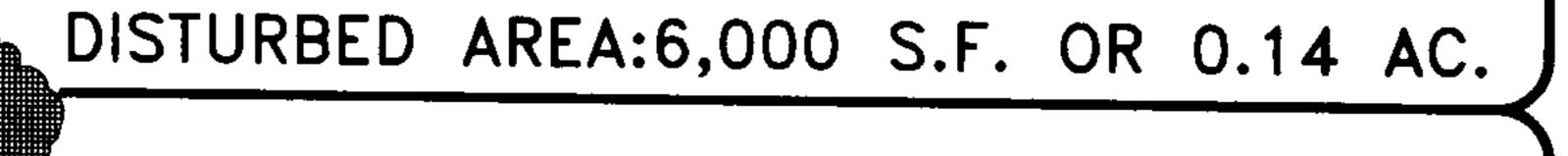
1) OWNER: DENNIS MICHAEL DOYLE & DIANE V.DOYLE #1227 BAYSIDE ROAD

BALTIMORE COUNTY, MARYLAND 21221 2) DEED REF: 10493/109

3) TAX ACC. NO.: 15-06350671 **€ 670**

- 4) TAX MAP: 104 PARCEL: 268 LOT: Part of 89 Part of 90
- 5) PLAT REF: PLAT OF EVERGREEN PARK BOOK: 07 FOLIO 174
- 6) PLAT RECORDED: OCT. 29, 1924 7) ELECTION DISTRICT: 15TH
- 8) CONCILMANIC DISTRICT: 6TH
- 9) REGIONAL PLANNING DISTRICT: 328
- 10) CENSUS TRACT: 4510
- 11) ZONING: RC-5
- 12) ZONING MAP: MAP SE-41
- 13) USE: EXISTING: VACANT
- 14) SITE AREA: 9,997 S.F. OR 0.229 AC.

LOTS 89 & 90 SHOWN ON PLAT OF EVERGREEN HAS BEEN REVISED DEED 10493/109.



/ Bafitis & Associates, Inc.

William N. Bafitis, P.E. PRESIDENT

Civil Engineers/Land Planners SURVEYORS 1249 Engleberth Rd. Baltimore, MD 21221

PLAN TO ACCOMPANY PETITION ZONING VARIANCES

#1222 BAYSIDE ROAD

1" = 20'JOB ORDER NO: 20336-A 10/12/04

REVISIONS Site Data 314

EXISTING IMPERVIOUS AREA

PROPOSED IMPERVIOUS AREA

DWELLING W/PORCHES 1,656 S.F. 877 S.F. DRIVE (BITUMINOUS)

2,533 S.F./ 9,997 S.F. = 25.3%

104 S.F.

104 S.F./ 9,997 S.F. = 1.04%

1 41.6 49.62 49.62 100 107 108 109 110 111 112 113 14 115 116 117 1 118 119 120 121 3 4 84 85 86 87 88 89 90 91 92 93 94 96 97 98 99 100 W BAYSIDE 1 101 102 103 1041 ROAD 76 77 78 79 80 81 8-BACK PLATOF EVERGREN PARK FIFTEENTH BISTRICT BALTIMORE COUNTY MARYLAND SCALE 1=100 OCT. ZQ 1924. E. V. COONAN AND CO. SURVEYOR'S & CIVIL ENGS.

251 COURTLAND STREET

BALTIMORE, MP.

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