IN RE: PETITION FOR VARIANCE W/S Holly Beach Road, 2,015' S of the c/l Henrietta Road **(2733 Holly Beach Road)** 15th Election District 6th Council District Cornell Dypski, et ux Petitioners	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 05-212-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Cornell Dypski and his wife, Joyce Dypski. The Petitioners request a variance from Sections 1A04.3.B.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet and 25 feet in lieu of the required 50 feet, a street centerline setback of 31 feet in lieu of the required 100 feet, and an open projection with a minimum side setback of 10 feet and 28 feet in lieu of the required 75 feet from the centerline of the road for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the request were Cornell and Joyce Dypski, property owners, their son, Mike Dypski, and Buck Jones, Builder. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront parcel located at the end of Holly Beach Road with frontage on the Chesapeake Bay in eastern Baltimore County. The property has 167 feet of road frontage; however, is 65 feet wide along the water, and 260 feet deep on the west side, and 104 feet deep on the east side. The property contains a gross area of 0.275 acres (30,740 sq.ft.), more or less, zoned R.C.5, and is presently unimproved but for a one-story garage located immediately adjacent to Holly Beach Road. The Petitioners have owned the subject property since 1973. Previously, the property was

ORDER RECEIVED FOR FILING
Date 12/21/04
By

improved with a single-family dwelling, which was built in approximately 1924 and used over the years as a summer home. However, that dwelling suffered significant damage in September 2003 as a result of Hurricane Isabel and is no longer habitable. Thus, the Petitioners are desirous of razing that structure and constructing a new home in essentially the same location. Testimony indicated that the new home will eventually serve as the Petitioners' retirement home. Building elevation drawings of the proposed structure, which were submitted into evidence as Petitioner's Exhibit 3, show that it will be raised a significant distance above ground level so as to be out of the floodplain. Due to the irregular shape and narrow width of the lot, reduced setbacks from side and street centerline requirements are proposed. As shown on the site plan, the new dwelling will provide side yard setbacks of 10 feet on the west and 25 feet on the east, and will be located 31 feet from the centerline of Holly Beach Road. In this regard, the existing dwelling currently provides an 8-foot setback on the west side. Thus, the new dwelling will be located further from the road.

As noted above, the property is zoned R.C.5, which requires a minimum 50-foot setback to a side property line. In addition, the porch will extend into the required 100-foot setback to the centerline of the road by 25%. Thus, a variance is requested to permit a 28-foot setback to the centerline of the road for the proposed porch. In view of the unusual configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, as waterfront property, the proposed development must comply with Chesapeake Bay Critical Area regulations, which require that the house be setback from the waterfront as great a distance as possible. Thus, variance relief is requested in order to comply with the spirit and intent of those regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 307 Md. App. 691 (1995). The variances in this case are driven by the unusual configuration and size of the lot. Additionally, strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors support the proposal. Thus, I find that relief

ORDER RECEIVED FOR FILING
Date 12/21/04
By

can be granted without detrimental impact to adjacent properties. In this regard, it is to be noted that many other houses in the community are built on similarly sized lots. Moreover, the property is located at the end of Holly Beach Road and thus, there will be minimal traffic.

However, in granting the relief, I shall impose several conditions/restrictions to the approval. First, the Petitioners are reminded that they need comply with Chesapeake Bay Critical Areas regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM). Secondly, prior to the issuance of any building permits, the Petitioners shall be required to submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure that the proposed house is compatible with existing houses in the neighborhood. Finally, the Petitioners must comply with the relevant flood plain regulations. A Zoning Advisory Committee (ZAC) comment was received in this regard from Robert W. Bowling, Chief of the Bureau of Development Plans Review. That comment indicates that the flood plain elevation for this site is 10.4 feet and any structure must be built at least 1 foot above that elevation in accordance with State and County law.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of December 2004 that the Petition for Variance seeking relief from Sections 1A04.3.B.2 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 10 feet and 25 feet in lieu of the required 50 feet, a street centerline setback of 31 feet in lieu of the required 100 feet, and an open projection with a minimum side setback of 10 feet and 28 feet in lieu of the required 75 feet from the centerline of the road for a proposed dwelling, in accordance with Petitioner's Exhibits 1A, 1B and 3, be and the same is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING
Date 12/21/04
By RBP

2) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.

3) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure that the proposed house is compatible with existing homes in the area.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 12/21/04
By

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 21, 2004

Mr. & Mrs. Cornell Dypski
638 South Decker Avenue
Baltimore, Maryland 21224

RE: PETITION FOR VARIANCE
W/S Holly Beach Road, 2,015' S of the c/l Henrietta Road
(2733 Holly Beach Road)
15th Election District – 6th Council District
Cornell Dypski, et ux - Petitioners
Case No. 05-212-A

Dear Mr. & Mrs. Dypski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Buck Jones
500 Vogts Lane, Baltimore, Md. 21221
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
DEPRM; Development Plans Review, DPDM; Office of Planning
People's Counsel; Case File

Printed on Recycled Paper

Petition for Variance

CBCA

to the Zoning Commissioner of Baltimore County

For the property located at 2733 HOLLY BEACH ROAD

Which is presently zoned RC 5

125 min & 75

This petition shall be filled 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). 1A04.3B.2., 301.1 (BCZR) To permit the construction of a dwelling with a 10' and 25' side setback and a 31' setback from the centerline of the road and an open projection with a minimum side setback of 10' and 28' from the centerline of the road in lieu of the required 50', 100' and 75' respectively

Of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty). THIS PROPERTY HAS BEEN A LOT OF RECORD FOR OVER 50 YEARS. THE DWELLING HAS BEEN DAMAGED BY HURRICANE ISABEL AND DUE TO THE AGE OF THE STRUCTURE WOULD BE IMPRACTICAL TO RENOVATE. DUE TO THE SIZE AND IREGULAR SHAPE AND WIDTH OF THE PROPERTY STRICT COMPLIANCE WOULD BE UNREASONABLE TO PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE. THIS WOULD CAUSE THE APPLICANT NOT TO BE ABLE TO SECURE A REASONABLE RETURN OF HIS PROPERTY, THE HARDSHIP IS NOT THE RESULT OF APPLICANT OWN ACTION. RELIEF REQUESTED WOULD BE IN STRICT HARMONY WITH THE SPIRT AND INTENT OF THE ZONING REGULATIONS.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser/Lessee:

Name - Type of Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type of Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s)

JOYCE DYPSKI
Name-Type or Print

Joyce Dypski
Signature

CORNELL DYPSKI
Name-Type or Print

Cornell Dypski
Signature

638 SOUTH DECKER AVENUE
Address Telephone No.

BALTIMORE MD 21224
City State Zip code

Representative to be contacted:

BUCK JONES
Name

500 VOGTS LANE
Address Telephone No.

BALTIMORE MD 21221
City State Zip code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

REVEIWED BY D.T. **DATE** 10/28/04

Donna Thompson

Case No. 05-212-A

ORDER RECEIVED FOR FILING
Date 12/21/04
By

ZONING DESCRIPTION FOR 2733 HOLLY BEACH ROAD. BEGINNING AT A POINT ON THE WEST SIDE OF HOLLY BEACH ROAD WHICH IS 40' WIDE AT THE DISTANCE OF 2,015' SOUTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET HENRIETTA ROAD WHICH IS 40' WIDE. BEING LOT # 22 IN THE SUBDIVISION OF BRONING POINT AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 2562, FOILIO 252. CONTANING 30,740/.27 ACR. ALSO KNOWN AS 2733 HOLLY BEACH ROAD AND LOCATED IN THE 15 ELECTION DISTRICT, 6 COUNCILMAN DISTRICT.

05-212-A

NOTICE OF ZONING HEARING

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

Case: #05-212-A
2733 Holly Beach Road
W/side of Holly Beach Road, 2015 feet from Henrietta Road
15th Election District - 6th Councilmanic District
Legal Owner(s): Joyce and Cornell Dypski

Variance: to permit the construction of a dwelling with a 10 feet and 25 feet side setback and a 31 foot setback from the centerline of the road and an open projection with a minimum side setback of 10 feet and 28 feet from the centerline of the road in lieu of the required 50 feet, 100 feet and 75 feet respectively.

Hearing: Wednesday, December 8, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

WILLIAM WISEMAN
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/11/753 Nov. 23 30688

CERTIFICATE OF PUBLICATION

11/24/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/23/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 42177

DATE 10/28/04 ACCOUNT 001006150

AMOUNT $ 65.00

RECEIVED FROM: FREE-STATE GENERAL CONTRACTOR

FOR: ITEM # 212 05-212-A

2433 HOLLY BEACH RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS Date November 22, 2004

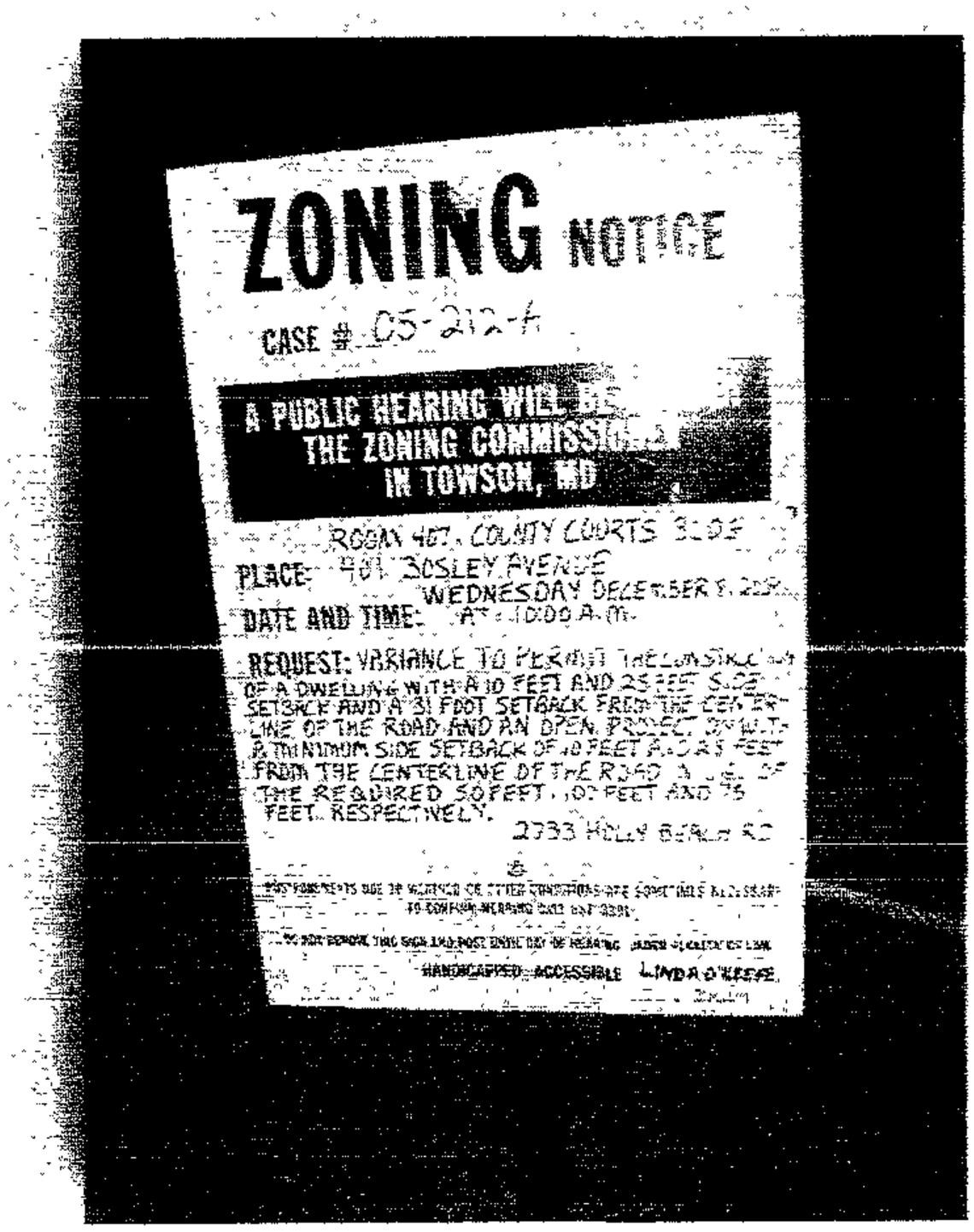
RE: Case Number 05-212-A

Petitioner/Developer BUCK JONES / CORNELL + JOYCE DYPSKI

Date of Hearing/Closing December 8, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 2733 HOLLY BEACH ROAD

The sign(s) were posted on November 20, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

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

November 9, 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: 05-212-A
2733 Holly Beach Road
W/side of Holly Beach Road, 2015 feet from Henrietia Road
15th Election District – 6th Councilmanic District
Legal Owners: Joyce and Cornell Dypski

Variance to permit the construction of a dwelling with a 10 feet and 25 feet side setback and a 31 foot setback from the centerline of the road and an open projection with a minimum side setback of 10 feet and 28 feet from the centerline of the road in lieu of the required 50 feet, 100 feet and 75 feet respectively.

Hearing: Wednesday, December 8, 2004 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Cornell and Joyce Dypski, 638 South Decker Avenue, Baltimore 21224
Buck Jones, 500 Vogts Lane, Baltimore 21221

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 23, 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, November 23, 2004 Issue - Jeffersonian

Please forward billing to:
Cornell & Joyce Dypski
638 South Decker Avenue
Baltimore, MD 21224

410-276-1974

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: 05-212-A
2733 Holly Beach Road
W/side of Holly Beach Road, 2015 feet from Henrietia Road
15th Election District – 6th Councilmanic District
Legal Owners: Joyce and Cornell Dypski

Variance to permit the construction of a dwelling with a 10 feet and 25 feet side setback and a 31 foot setback from the centerline of the road and an open projection with a minimum side setback of 10 feet and 28 feet from the centerline of the road in lieu of the required 50feet, 100 feet and 75 feet respectively.

Hearing: Wednesday, December 8, 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 OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 05-212-A

Petitioner: Cornell Dypski

Address or Location: 2733 Holly Beach Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Cornell & Joyce Dypski

Address: 638 South Decker Avenue

Baltimore MD 21224

Telephone Number: 410-276-1974

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

November 29, 2004

Joyce Dypski
Cornell Dypski
638 South Decker Avenue
Baltimore, Maryland 21221

Dear Mr. and Mrs. Dypski :

RE: Case Number: 05-212-A, 2733 Hollybeach Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 28, 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

WCR: clb

Enclosures

c: People's Counsel
Buck Jones 500 Vogts Lane Baltimore 21221

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

State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 11·9·04

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

RE: Baltimore County
Item No. 212 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,

Steven D. Foster, Chief
Engineering Access Permits Division

Baltimore County
Fire Department

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

Co[illegible]ffice Building, Room 111
Mail Stop #1105
~~111 West Chesapeake Avenue~~
Towson, Maryland 21204

November 8, 2004

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

BJ
12/8

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
DEC 7 2004
ZONING COMMISSIONER

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JDO
DEPRM

DATE: December 7, 2004

SUBJECT: Zoning Item # 05-212
Address 2733 Holly Beach Road (Dypski Property)

Zoning Advisory Committee Meeting of November 8, 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:

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

__X__ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

ORDER RECEIVED FOR FILING
Date 12/21/04
By

Additional Comments:

Based upon the best information available to this Department, it does not appear that the distances to mean high tide are correct. Both 2733 and 2731 Holly Beach Road appear greater than 100-feet from mean high tide. Therefore 2733 is not allowed to move closer into the 100-foot butter from the Chesapeake Bay. Also, any proposed development must comply with the Limited Development Area requirements of 25% maximum impervious surfaces

Reviewer: Martha Mickey Date: December 7, 2004

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: November 12, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 15, 2004
Item No. 212

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

ORDER RECEIVED FOR FILING
Date 12/21/04
By

ZAC-11-15-2004-ITEM NO 212-11122004

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: December 20, 2004

RECEIVED
DEC 2 0 2004
ZONING COMMISSIONER

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

SUBJECT: 2733 Holly Beach Road

INFORMATION:

Item Number: 5-212

Petitioner: Joyce Dypski

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided building elevations (all sides) are submitted to this office for review and approval prior to the issuance of any building permits. The elevations shall indicate exterior colors and building material relative to the proposed structure.

Prepared by: Mark A Cumpton

Division Chief: Lynn Lochner

AFK/LL:MAC:

RE:	PETITION FOR VARIANCE 2733 Holly Beach Road; W/side Holly Beach Road, 2015' from Henrietia Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Joyce & Cornell Dypski Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 05-212-A

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of November, 2004, a copy of the foregoing Entry of Appearance was mailed to, Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, Representative for Petitioner(s).

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

RECEIVED

Per CLR

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 15 **Account Number** - 1511000390

Owner Information

Owner Name:	DYPSKI CORNELL DYPSKI JOYCE	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	638 S DECKER AVE BALTIMORE MD 21224-3911	**Deed Reference:**	1) /10113/ 665 2)

Location & Structure Information

Premises Address
2733 HOLLY BEACH RD

Legal Description
.275 AC
1627 E HENRIETTA RD
BRORING POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
98	23	216	WATERFRONT				22	82	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1924	744 SF	30,740.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

improvement / garage

Value Information

	Base Value	Value As Of 01/01/2003	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	116,430	126,680		
Improvements:	4,440	12,470		
Total:	120,870	139,150	133,056	139,150
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DYPSKI CORNELL	**Date:**	11/02/1993	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/10113/ 665	**Deed2:**	
Seller:	KANDLIK EDWARD J	**Date:**	10/02/1973	**Price:**	$10,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/ 5399/ 261	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

BUCK JONES - Representative

(SIGN IN SHEETS – OPPORTUNITY TO SIGN) - (RECORDER)

Good Morning – My name is Bill Wiseman, I am the Zoning Commissioner for Baltimore County and I've been assigned to hear your case pursuant to Art. 32 of the Baltimore County Code. **THESE PROCEEDINGS ARE BEING RECORDED**

FOR THE RECORD, THIS IS A PUBLIC HEARING ON case number number 05-212 A _____. This is a Petition for __X__ ***Variance***
_____ ***Special Hearing***
_____ ***Special Exception***

filed by CORNELL & JOYCE DYPSKI OWNERS for property located at 2733 HOLLY BEACH ROAD and zoned RC 5.

"Read language from file"

The Code requires that notice of today's hearings be provided to neighbors and interested parties by the posting of a sign on the property for at least 15 days prior to the hearing. The sign was posted NOVEMBER 20 2004 by LINDA O'KEEFE, an approved sign poster and shows the time, date, place and subject matter of the hearing.

The Code further requires that notice be placed in a newspaper of general circulation, in this case the Jeffersonian, and the file contains the requisite certification of publication.

I THEREFORE FIND THAT THE POSTING AND NOTICE REQUIREMENTS HAVE BEEN SATISFIED

IF ATTORNEYS PRESENT, HAVE THEM IDENTIFY THEMSELVES; ASK IF THERE ARE ANY PRELIMINARY MATTERS

LOOK AROUND ROOM – AND ASK – IS ANYONE HERE APPEARING IN OPPOSITION TO THE REQUEST?

NO PROTESTANTS: For the record, no one is here in opposition to the request. Mr./Ms. _____, since there is no opposition, if you want to make **AN INFORMAL PROFFER** of the ***testimony*** and ***evidence,*** you're welcome to do so.

IF PROTESTANTS: This is your opportunity to come forward and have a seat at the table. You will be able to see and hear better, so come forward and I have a sign-in sheet here for you to sign so that we can mail you a copy of the decision in this case.

DT- WHY NOT (A) SPECIAL HEARING under 55-04-??

EXPLAIN PROCESS:

First the owner of the property will have an opportunity to present testimony and evidence regarding the _____request for the property at _____ .

Listen carefully, if you have any questions that you want to ask of any witness who testifies, I'll give you an opportunity to do so.

Once Petitioner is finished putting forward their testimony, and you've had an opportunity to ask questions, you will be given an opportunity to present testimony and evidence for me to consider in this _____ request. I'll tell you when it's appropriate to ask questions and when it's appropriate to testify – help you along as we proceed.

PRESENT CASE

SWEAR WITNESS – NAME AND ADDRESS – HAVE A SEAT

All right Mr./Ms. _____, please proceed with your case:

TO PROTESTANTS: Do you have any questions about the testimony that Mr./Ms. _____ just gave? I don't want to hear any testimony from you at this point, but if you would like to ask him/her any questions go ahead.

CLOSE OF PETIONERS CASE: This is your opportunity to tell me why you might be opposed to this_____. Where do you live? How long have you lived there? What is it about the _____that bothers you/or what would you like to tell me about this case.

CONCLUSION: ALRIGHT – THANK YOU. THIS WILL CONCLUDE THE MATTER. THANK YOU FOR ATTENDING

I'm not prepared to make a decision here and now.

I want some time to think about the evidence presented – might want to look at the property

Hopefully, within a few weeks, I'll issue a written decision in the case

If you do not like my decision, YOU HAVE A RIGHT TO APPEAL TO THE Board of Appeals. This must be done within 30 days from date of my Order.

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-212-A
DATE

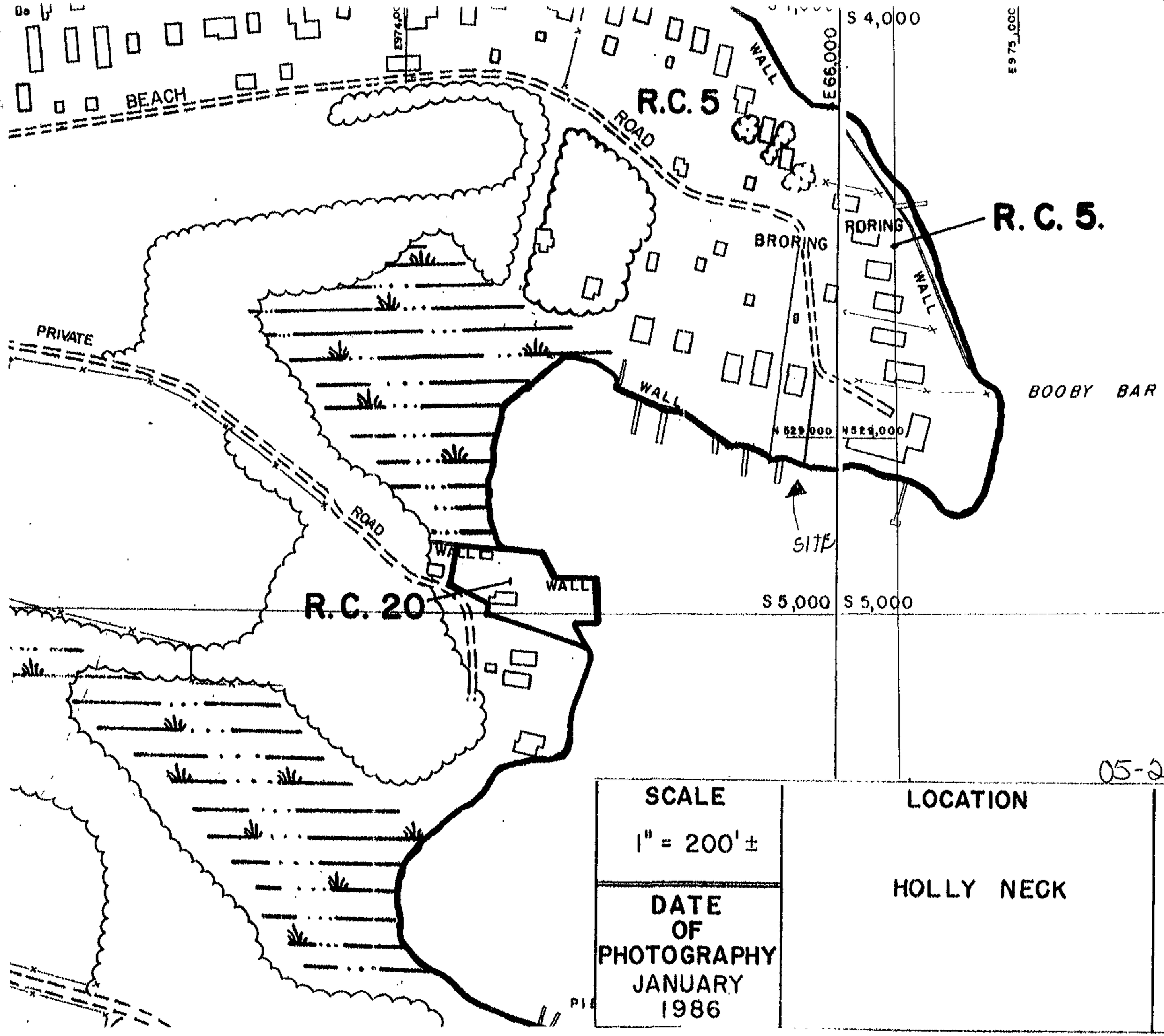
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
BUCK JONES	500 VOGTS LANE	BALT MD 21221	BUCKYJO1954@A.O.L
CORNELL DYPSKI	638 S. DECKER AVE.	BALTO, MD. 21224	
JOYCE DYPSKI	" " " "	" " "	
Mike Dypski	1110 S. Decker Ave.	Balto MD 21224	

Case No.: 05-212-A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	SITE PLAN 1-A SITE PLAN 1-B	
No. 2	Photograph 2A - 2F	
No. 3	FULL SET OF BUILDING PLANS 3-A thru 3E	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



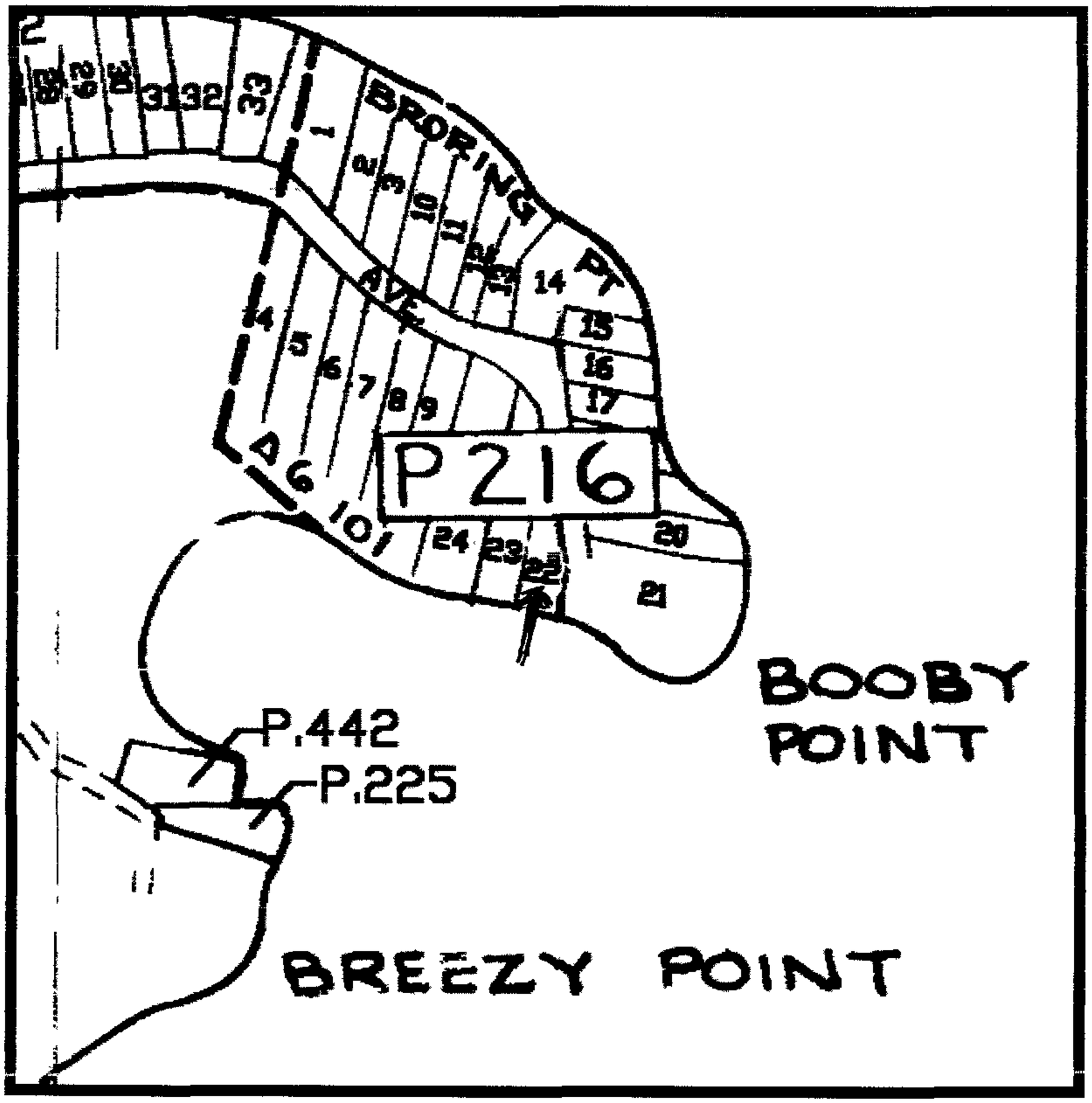
05-212-A

SCALE	LOCATION	SHEET
1" = 200'±	HOLLY NECK	S. E. 2-K
DATE OF PHOTOGRAPHY JANUARY 1986		

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search

District - 15 **Account Number** - 1511000390

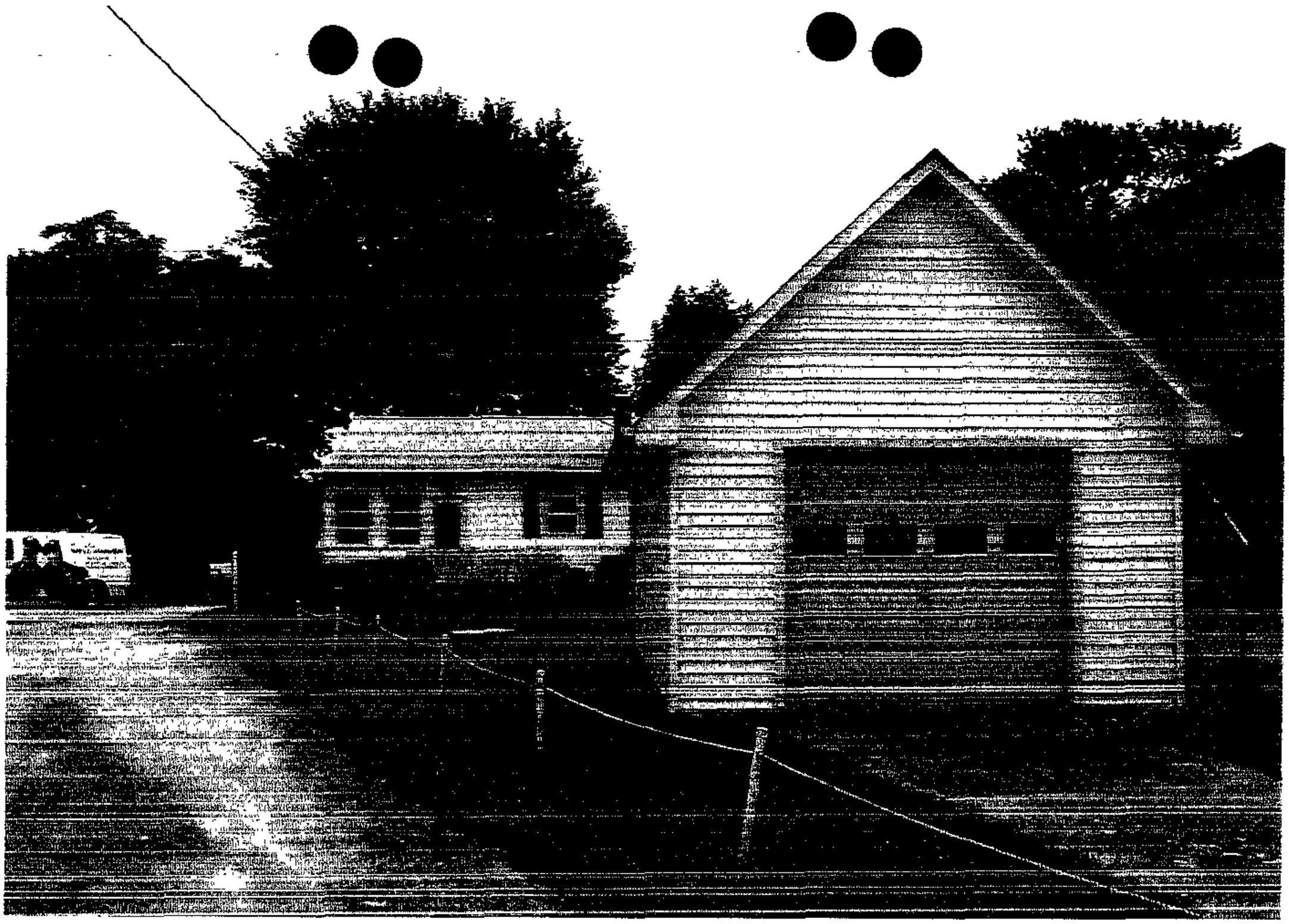


Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/webcom/index.html

STANDING ON SUBJECT PROPERTY ON WEST PROPERTYLINE LOOKING NORTH BETWEEN STRUCTURES.

PETITIONER'S
EXHIBIT 2A

will maintain 10' off line
West side



STANDING ON HOLLY BEACH ROAD LOOKING SOUTH TO DEAD END.

PETITIONER'S
EXHIBIT 2B

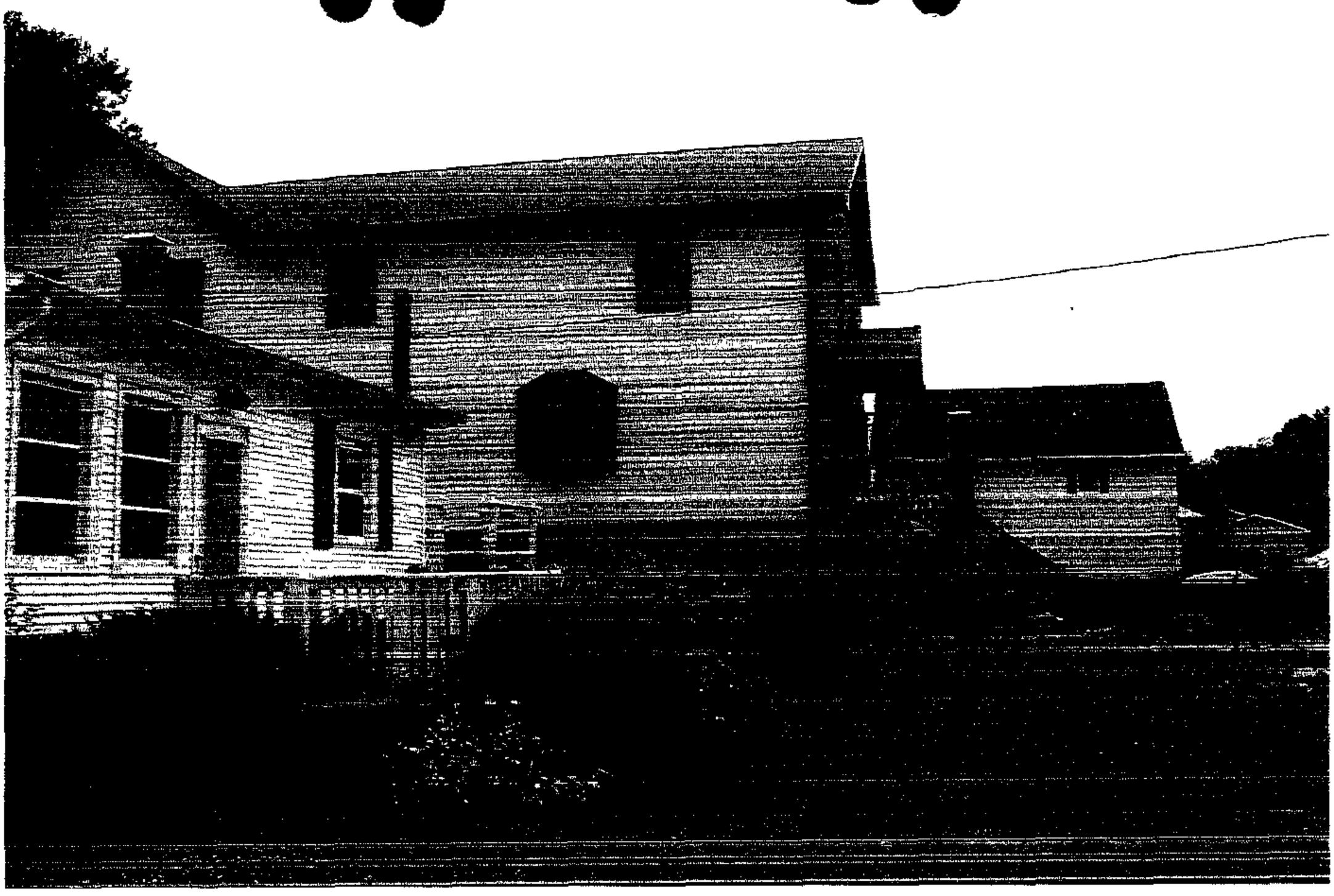
dead end street -
garage off of roadby
5'

STANDING NEXT TO SUBJECT PROPERTY AT DEAD END OF HOLLY BEACH ROAD LOOKING SOUTH.

PETITIONER'S EXHIBIT 2C

STANDING AT DEAD END OF HOLLY BEACH LOOKING EAST AT NEIGHBORS PROPERTY.

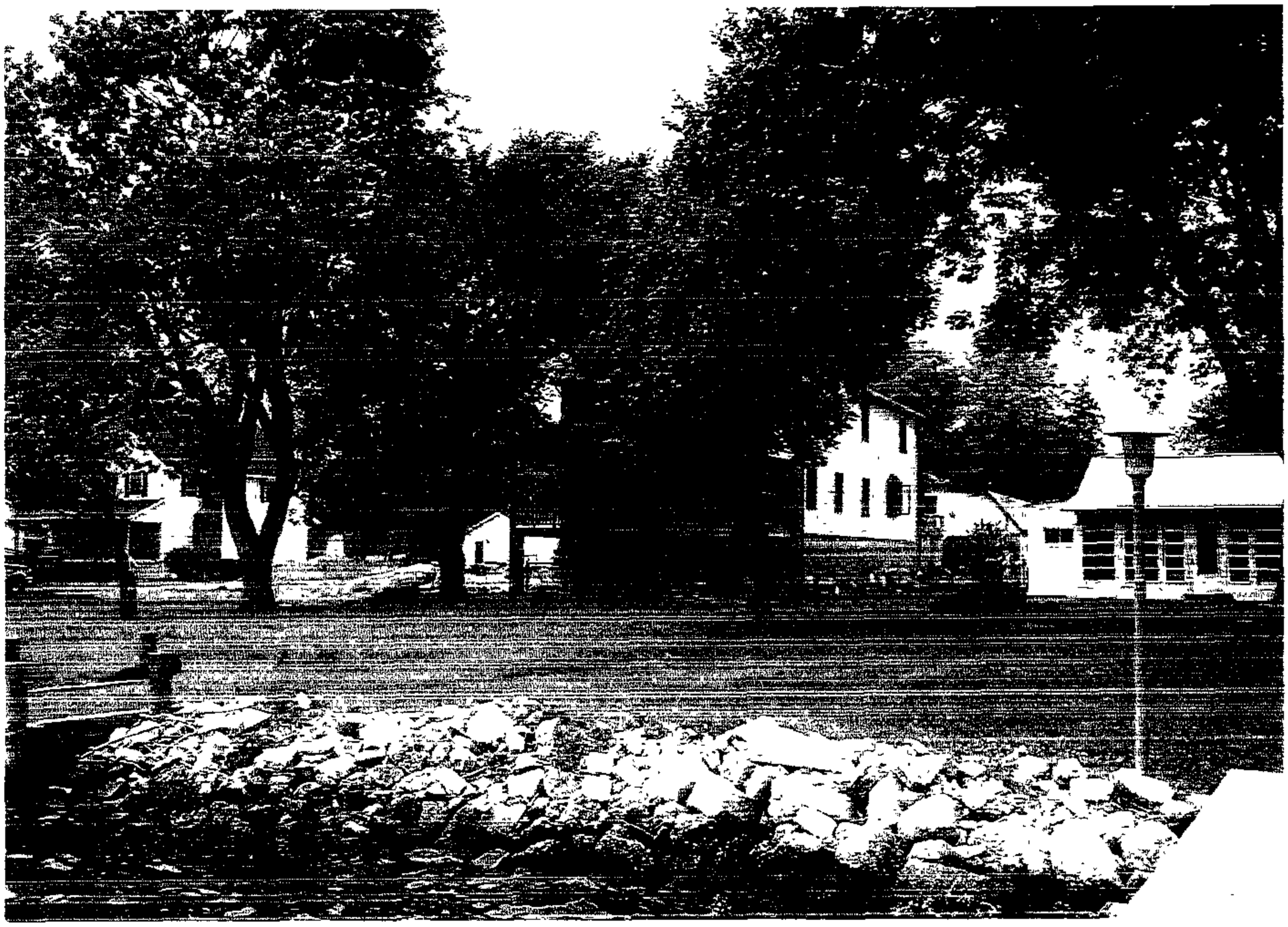
PETITIONER'S EXHIBIT 2D



STANDING ON HOLLY BEACH ROAD LOOKING WEST ACROSS REAR ON SUBJECT PROPERTY AND NEIGHBORS.

PETITIONER'S EXHIBIT 2E

Existing Home - When increased would be in conformity with other homes



STANDING ON PIER LOOKING NORTH AT NEIGHBORS PROPERTY. SUBJECT PROPERTY ON RIGHT SIDE.

PETITIONER'S
EXHIBIT 2F

STANDING ON PIER LOOKING NORTH AT NEIGHBORS PROPERTY. SUBJECT PROPERTY ON RIGHT SIDE.

05-212-A

STANDING ON PIER OF SUBJECT PROPERTY LOOKING NORTH.

05-212-A

STANDING ON SUBJECT PROPERTY ON WEST PROPERTYLINE LOOKING NORTH BETWEEN STRUCTURES.

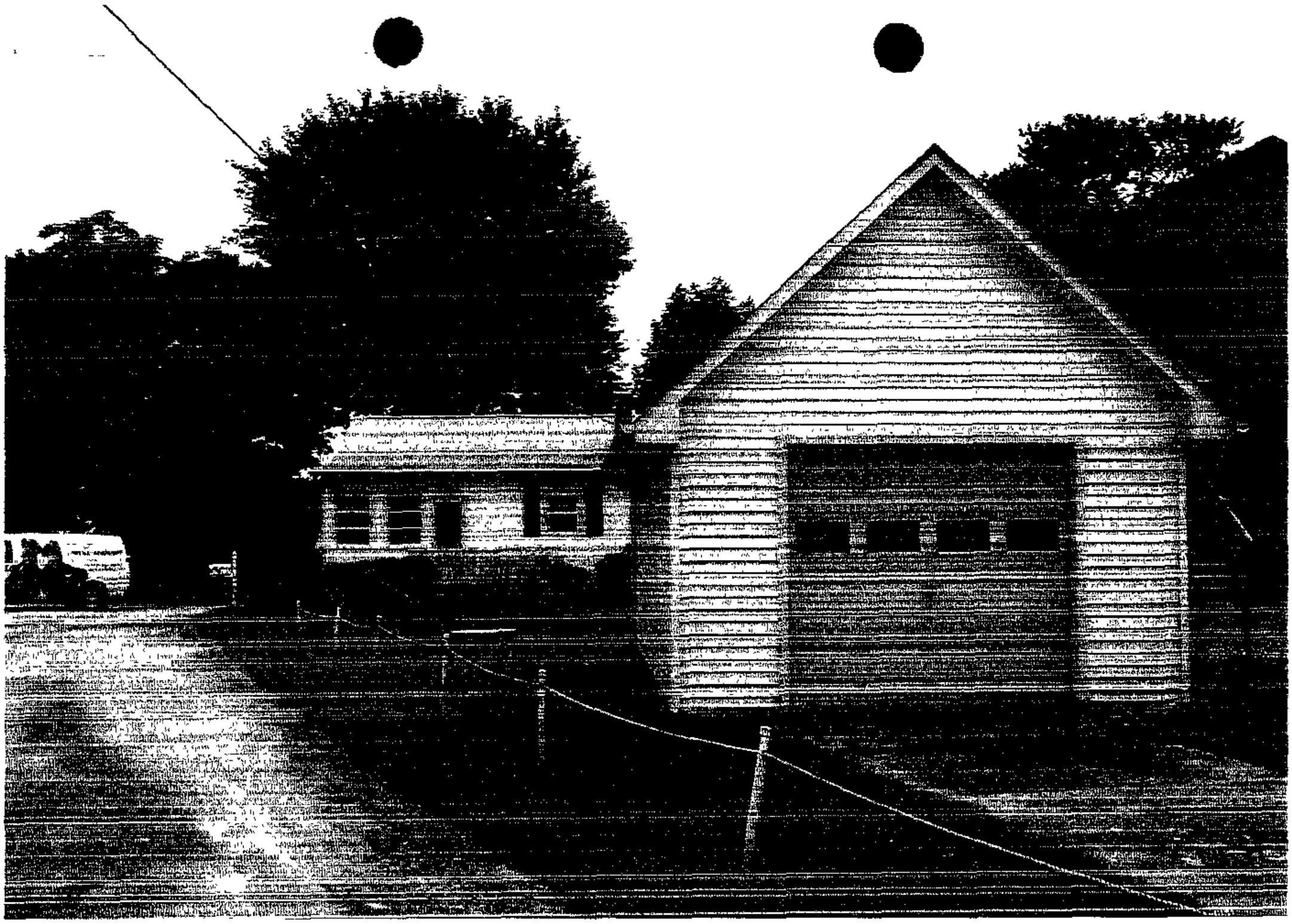
05-212-A

STANDING IN FRONT OF SUBJECT PROPERTY LOOKING SOUTH AT THE CHESAPEAKE BAY.

05-212-A

STANDING IN FRONT OF SUBJECT PROPERTY LOOKING IN A SOUTH WEST DIRECTION.

05-212-A



STANDING ON HOLLY BEACH ROAD LOOKING SOUTH TO DEAD END.

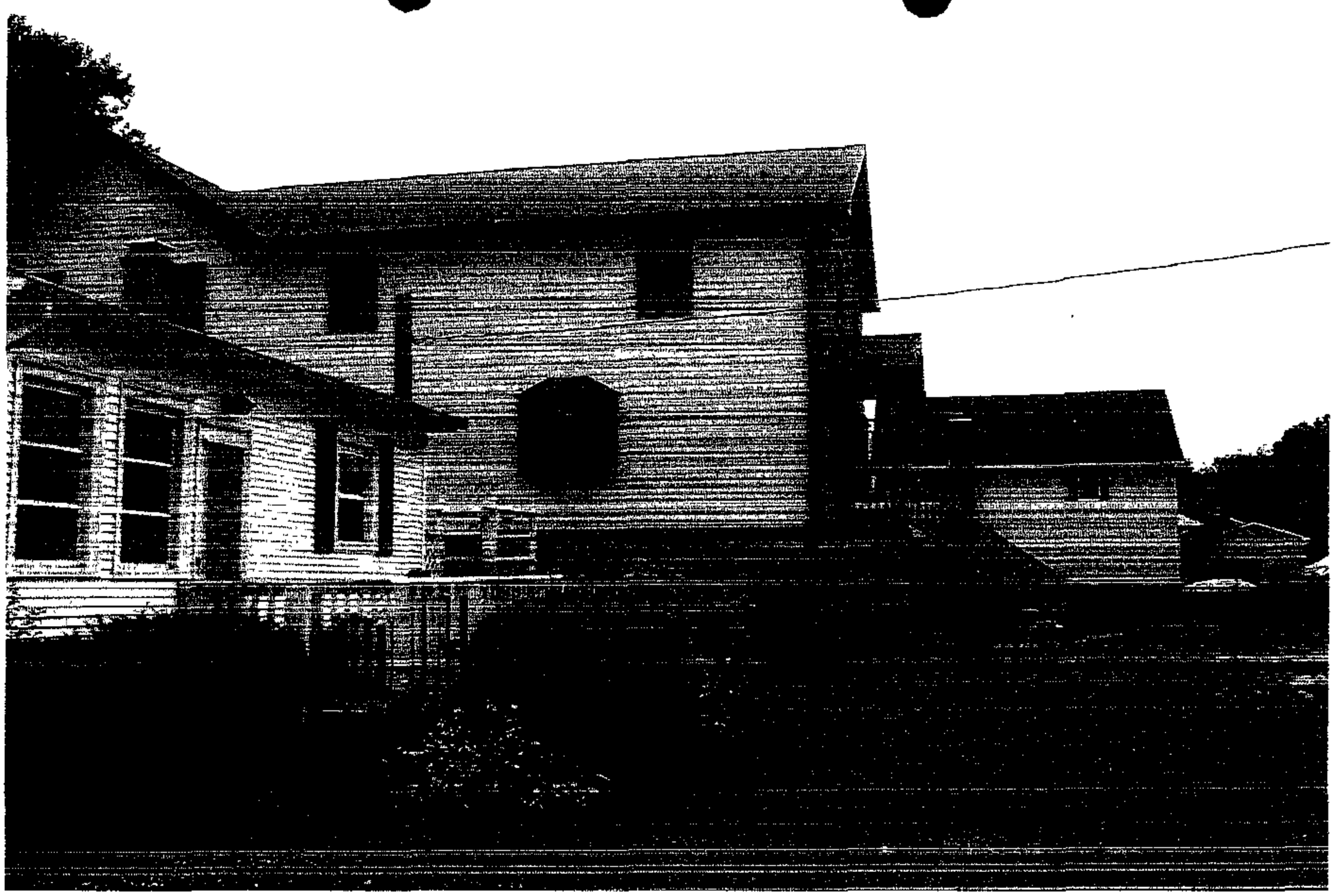
05-212-A

STANDING NEXT TO SUBJECT PROPERTY AT DEAD END OF HOLLY BEACH ROAD LOOKING SOUTH.

05-212-A

STANDING AT DEAD END OF HOLLY BEACH LOOKING EAST AT NEIGHBORS PROPERTY.

05-212-A

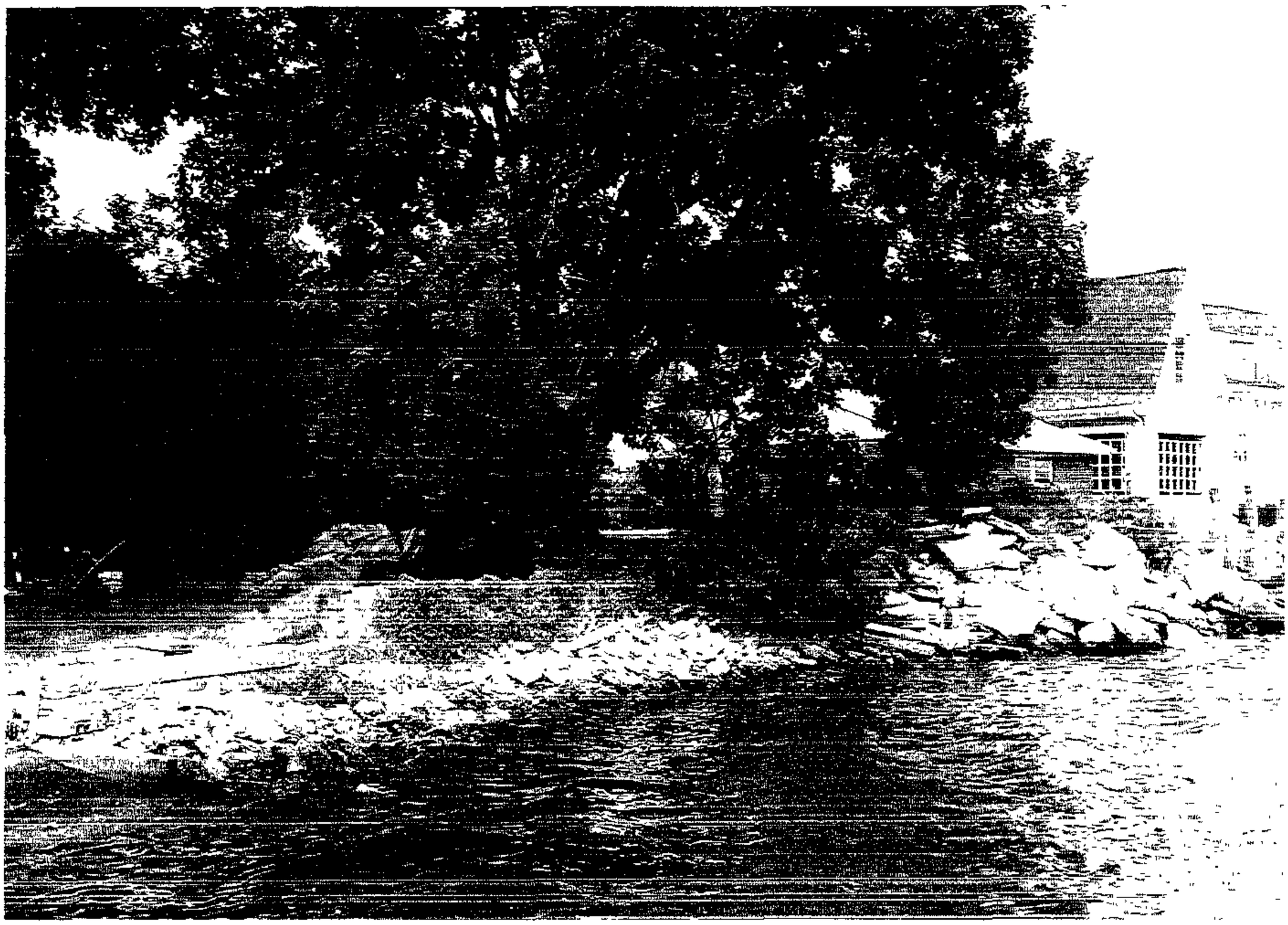


STANDING ON HOLLY BEACH ROAD LOOKING WEST ACROSS REAR ON SUBJECT PROPERTY AND NEIGHBORS.

05-212-A

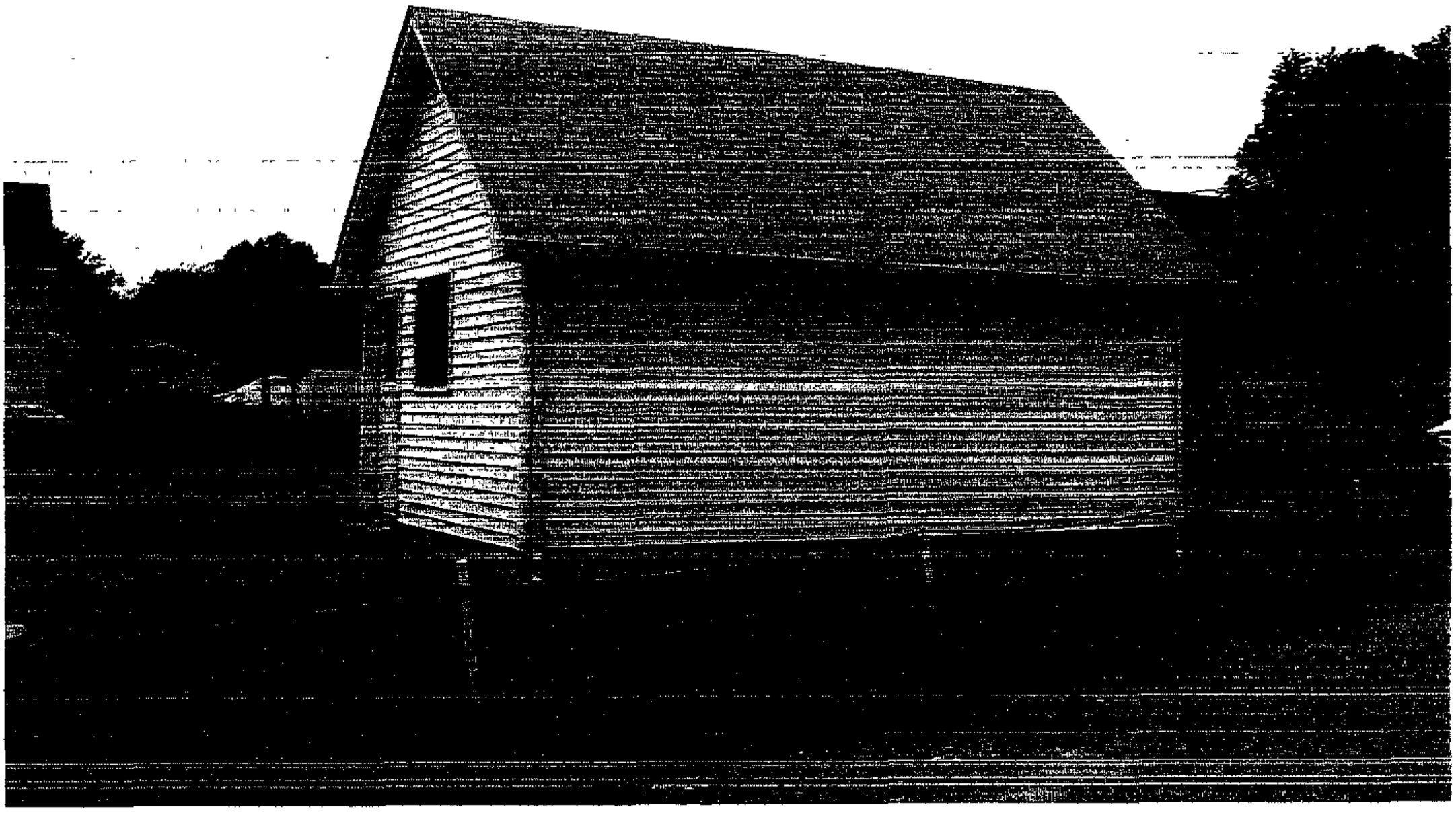
STANDING ON END OF HOLLY BEACH ROAD LOOKING IN A NORTHERLY DIRECTION UP HOLLY BEACH ROAD. SUBJECT PROPERTY ON LEFT SIDE.

05-212-A



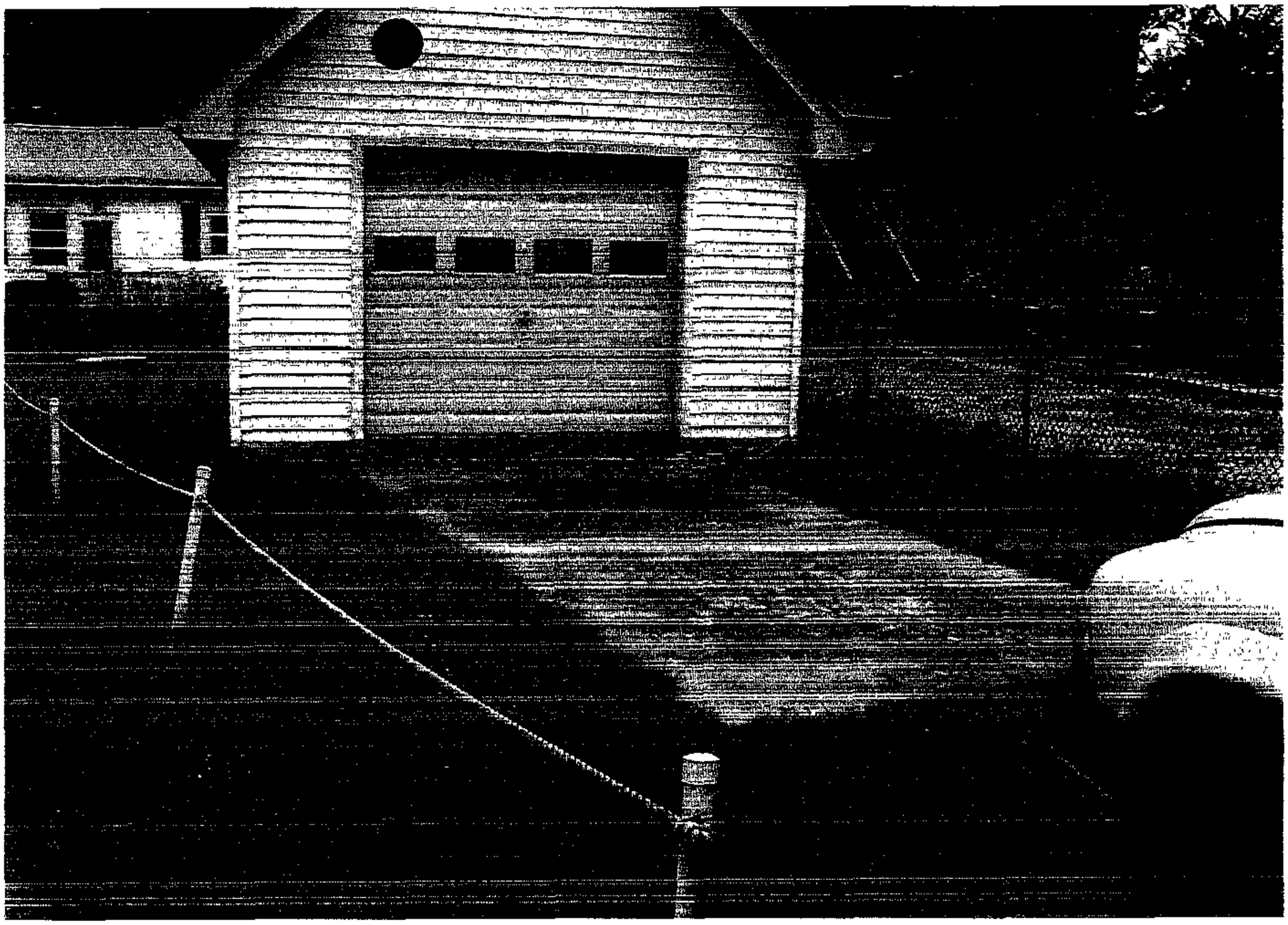
STANDING ON SUBJECTS PIER LOOKING NORTH EAST AT NEIGHBORS PROPERTY.

05-212-A



STANDING ON HOLLY BEACH ROAD LOOKING NORTH WEST AT GARAGE ON SUBJECT PROPERTY LOCATED AT NORTH END OF PROPERTY.

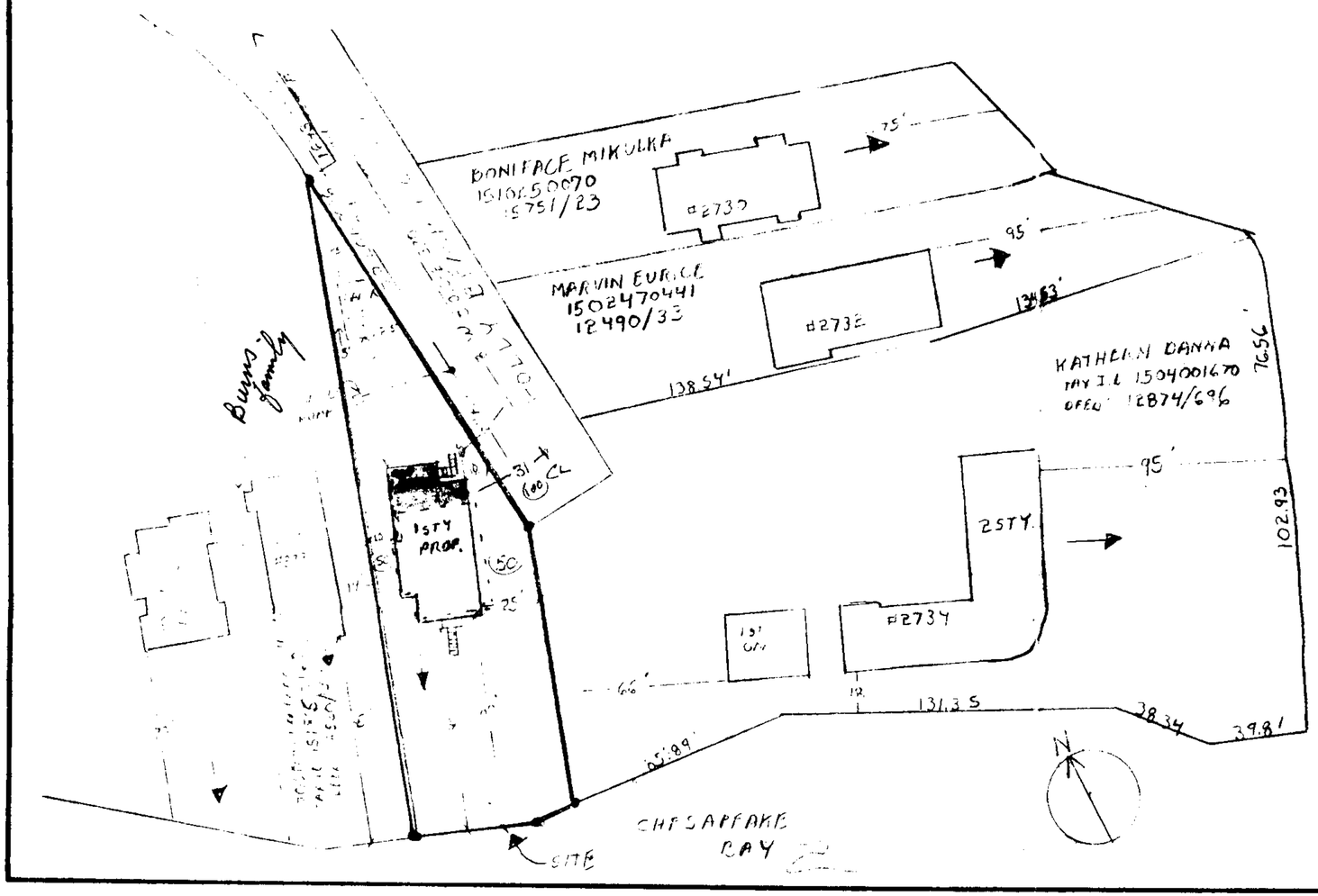
05-212-A

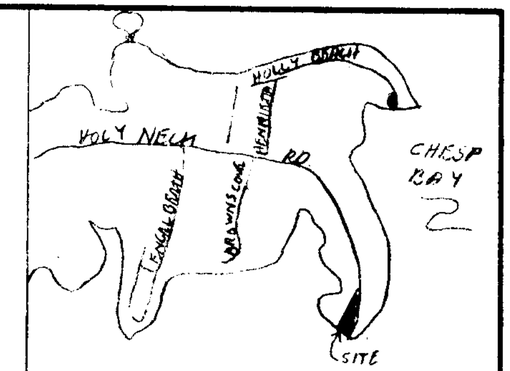


STANDING ON EDGE OF HOLLY BEACH ROAD LOOKING SOUTH WEST AT SUBJECT PROPERTY AND NEIGHBORS HOUSE ON WEST SIDE.

05-212-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE
PROPERTY ADDRESS 2733 HOLLY BEACH RD.
SUBDIVISION NAME BROKING PT.
PLAT BOOK: 2562/252
OWNER: JAMES & JOYCE DYPSKI





VICINITY MAP
SCALE 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 6
1"=200 SCALE MAP # SE2-K
ZONING: RC5
LOT SIZE .275 ACREAGE 30,740 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING NONE

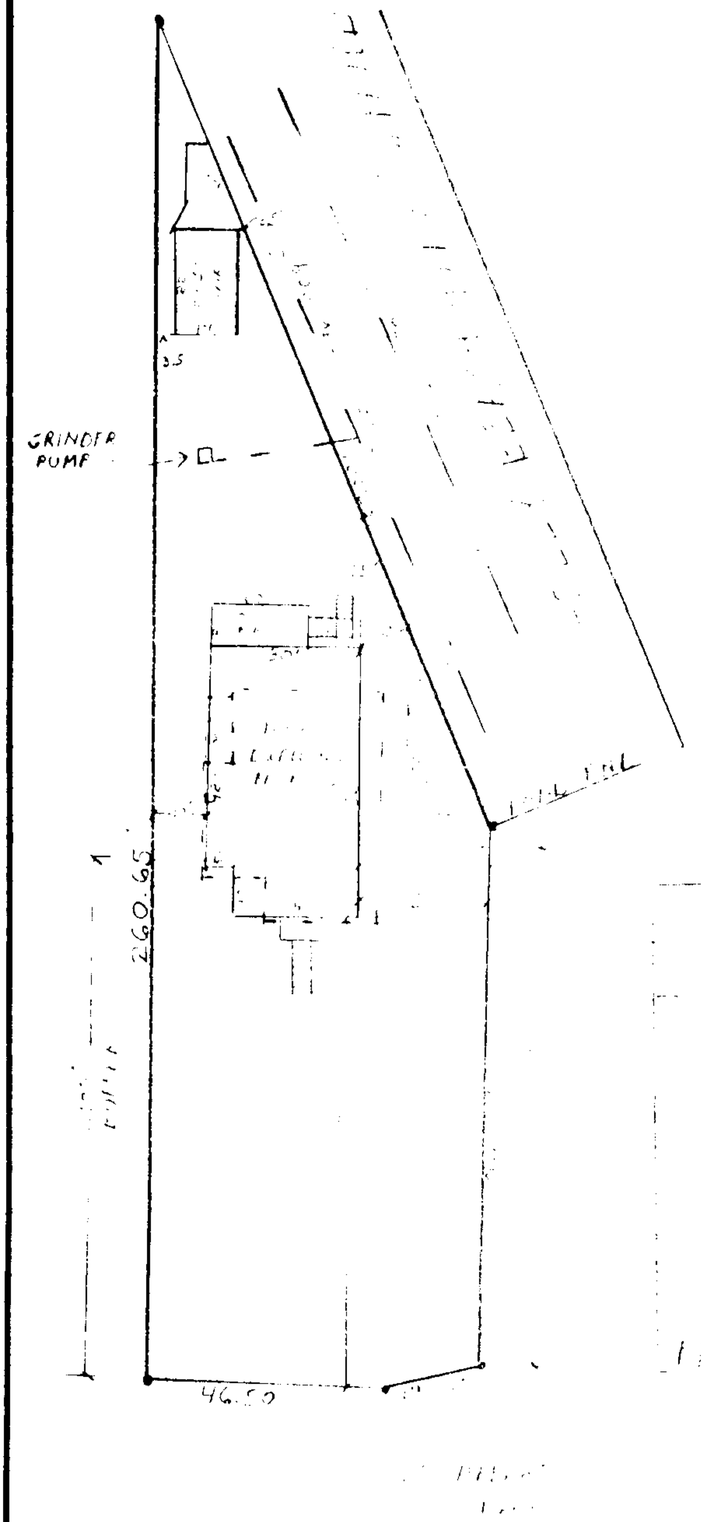
ZONING OFFICE USE ONLY
REVIEWED BY ITEM# CASE #

DYPSKI'S SITE PLAN

SCALE: 1" = 50'	APPROVED BY:	DRAWN BY: BUCK JONES
DATE: 9-22-04		REVISED

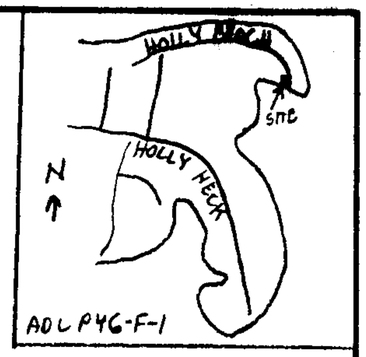
PETITIONER'S EXHIBIT 1A

DRAWING NUMBER



MICHAEL DYPSKI
2733 HOLLY BEACH RD
BALT. MD. 21221
TAX I.D.: 1511000390
DEED REF.: 10113/665
COUNCIL DIST.: 6
ELECTION DIST.: 15
ZONING: R.C.5
ZONING MAP: SE 2-K
LOT NO 22
LOT SIZE: 30,740SF/.275AC
SUB DIV: EFORING PT
SUB REF.: 2562 - 252
VARIANCE NO. # 05-212-A

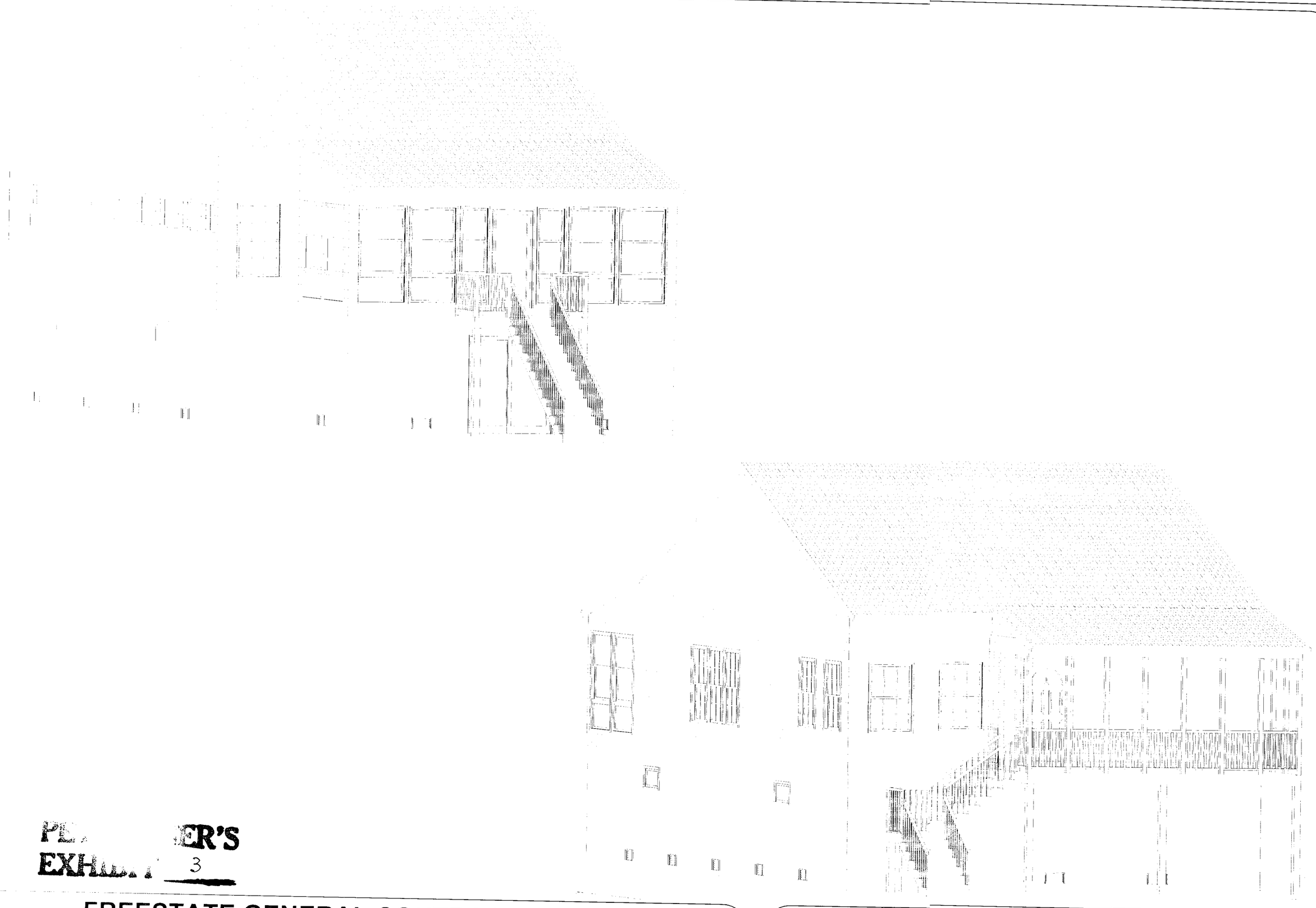
IMPERVIOUS INFO		
ITEM	EXIST.	PROPOS.
SFD	1232SF	1500SF
DECK REAR HOUSE	[illegible]	600
GARAGE	308SF	308SF
CONCRETE	208SF	208SF
MACADAM	250SF	0
TOTAL	1998SF	2176SF
PERCENT IMPER.	6.49%	7.07%



PETITIONER'S EXHIBIT 1B

DYPSKI SITE PLAN

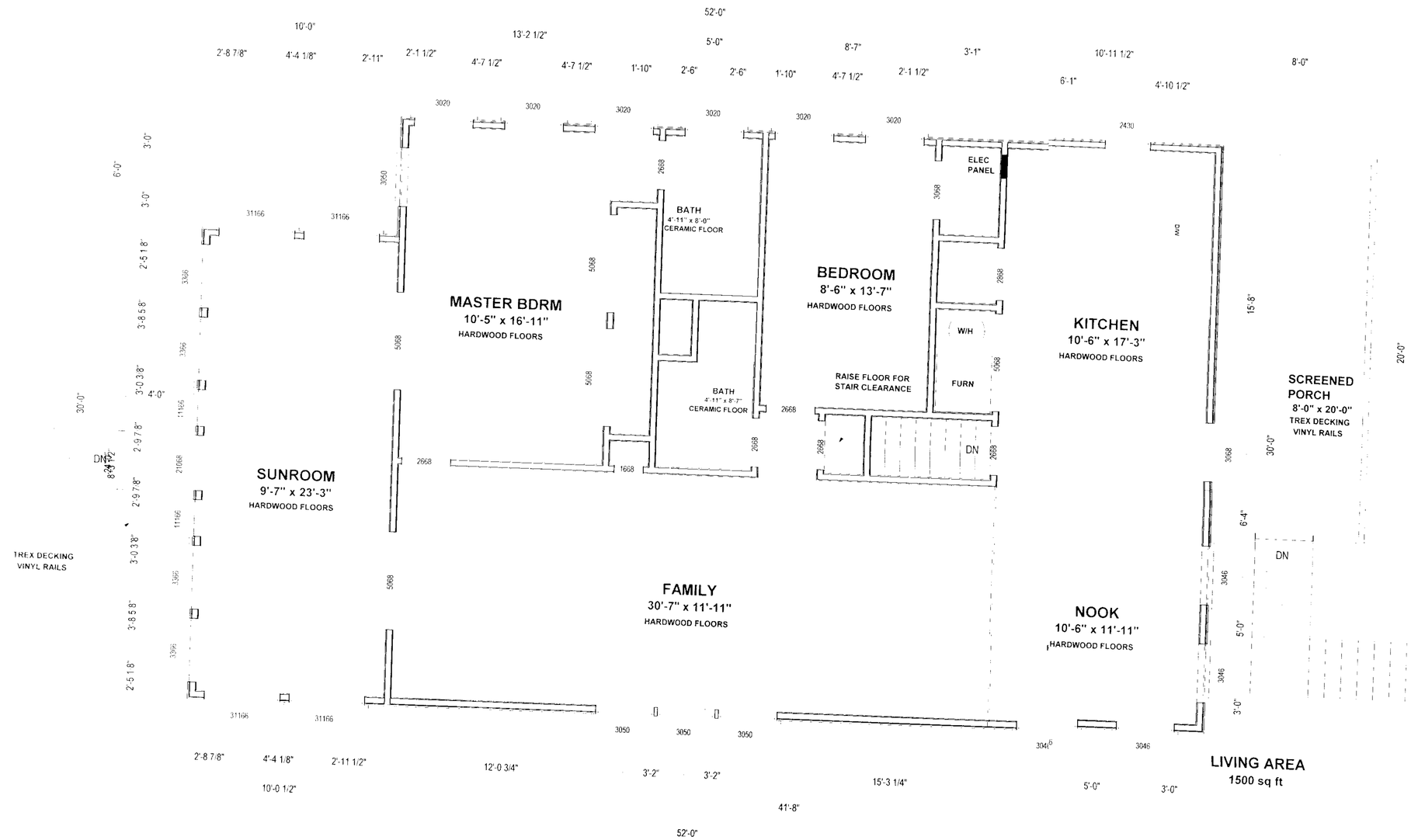
SCALE: 1" = 30'	APPROVED BY:	DRAWN BY: BUCK JONES
DATE: 9-20-04		REVISED
		DRAWING NUMBER



PE[illegible]ER'S
EXHI[illegible] 3

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

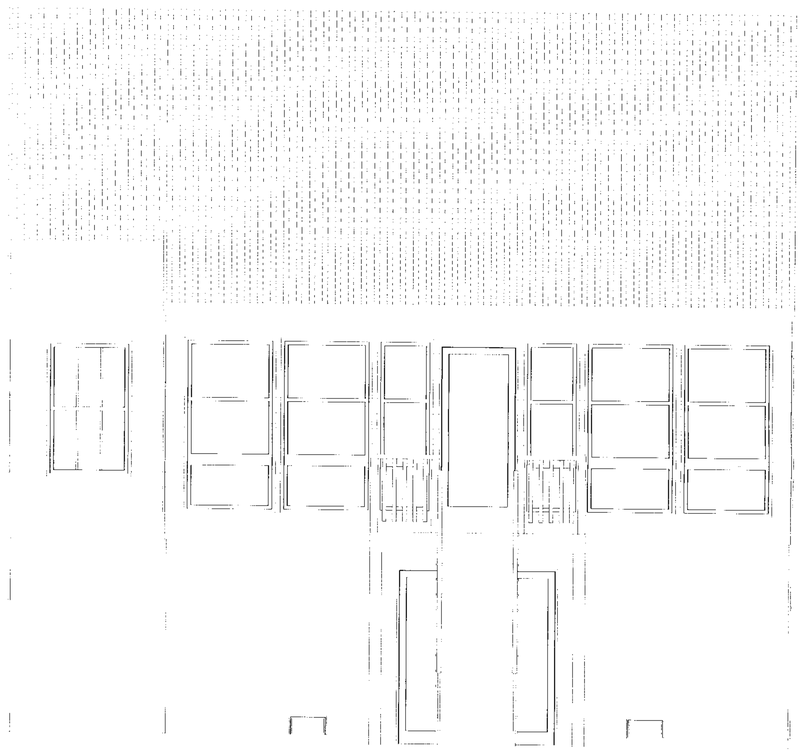
SCALE 1/4" = 1'	DYPSKI RESIDENCE	DRAWN BY SKIP STORM
DATE 10-13-04	3D VIEWS	PAGE # 1



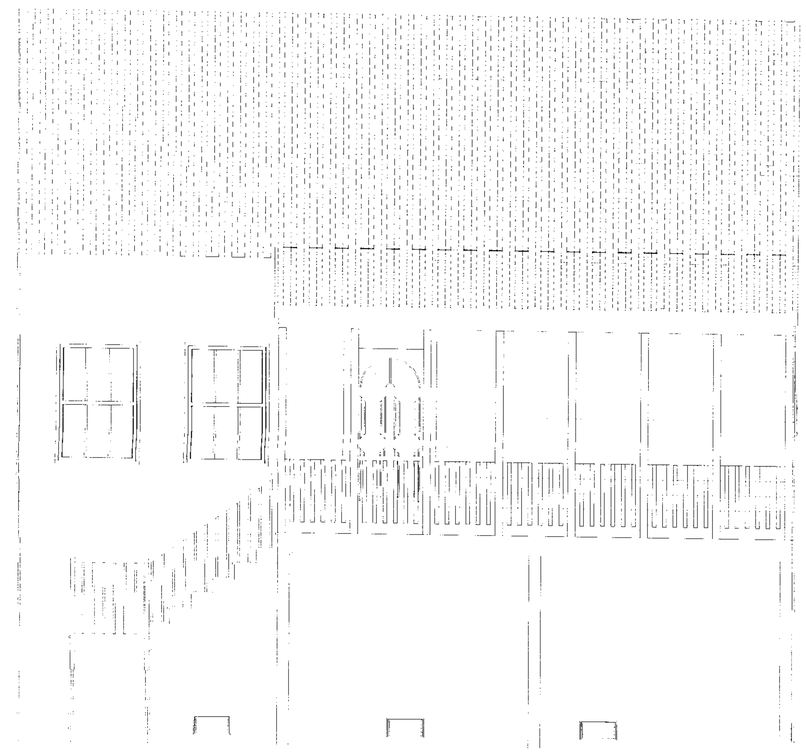
FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'	DYPSKI RESIDENCE	DRAWN BY SKIP STORM
DATE 10-13-04	FLOOR PLANS	PAGE # 2



FRONT

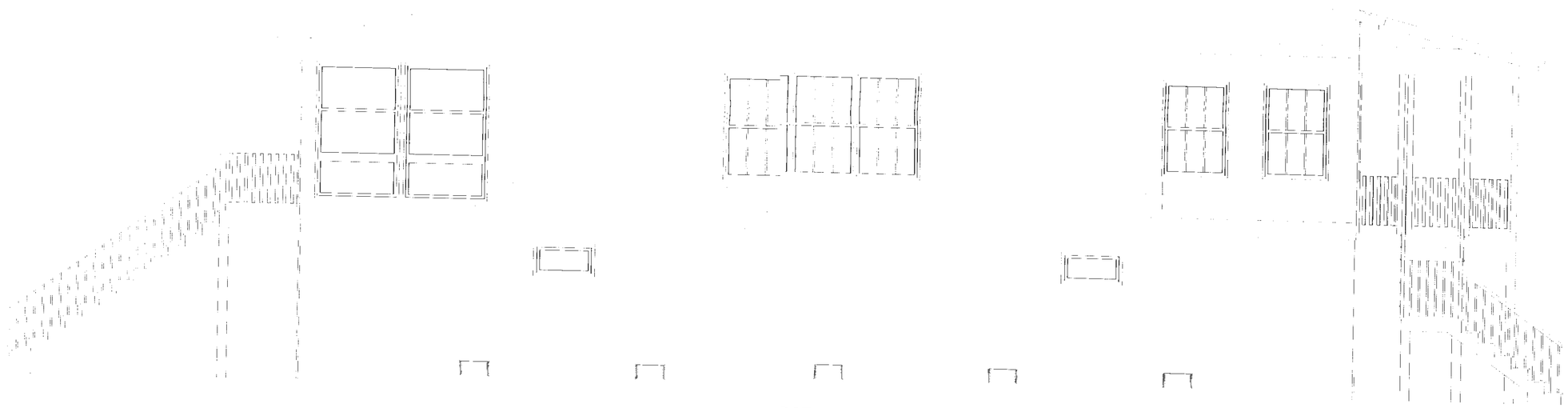


REAR

FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK ROAD 410-574-9337

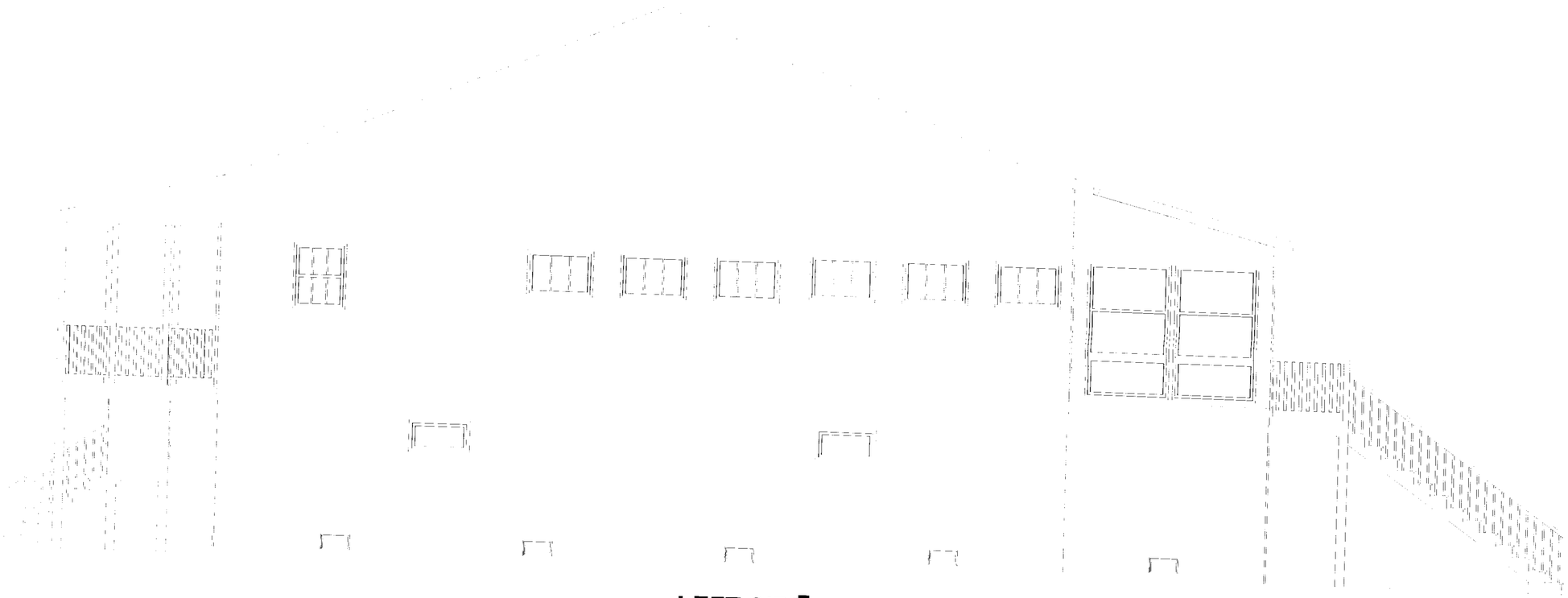
SCALE 1/4" = 1'	DYPSKI RESIDENCE	DRAWN BY SKIP STORM
DATE 10-13-04	ELEVATIONS	PAGE # 3



RIGHT SIDE

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

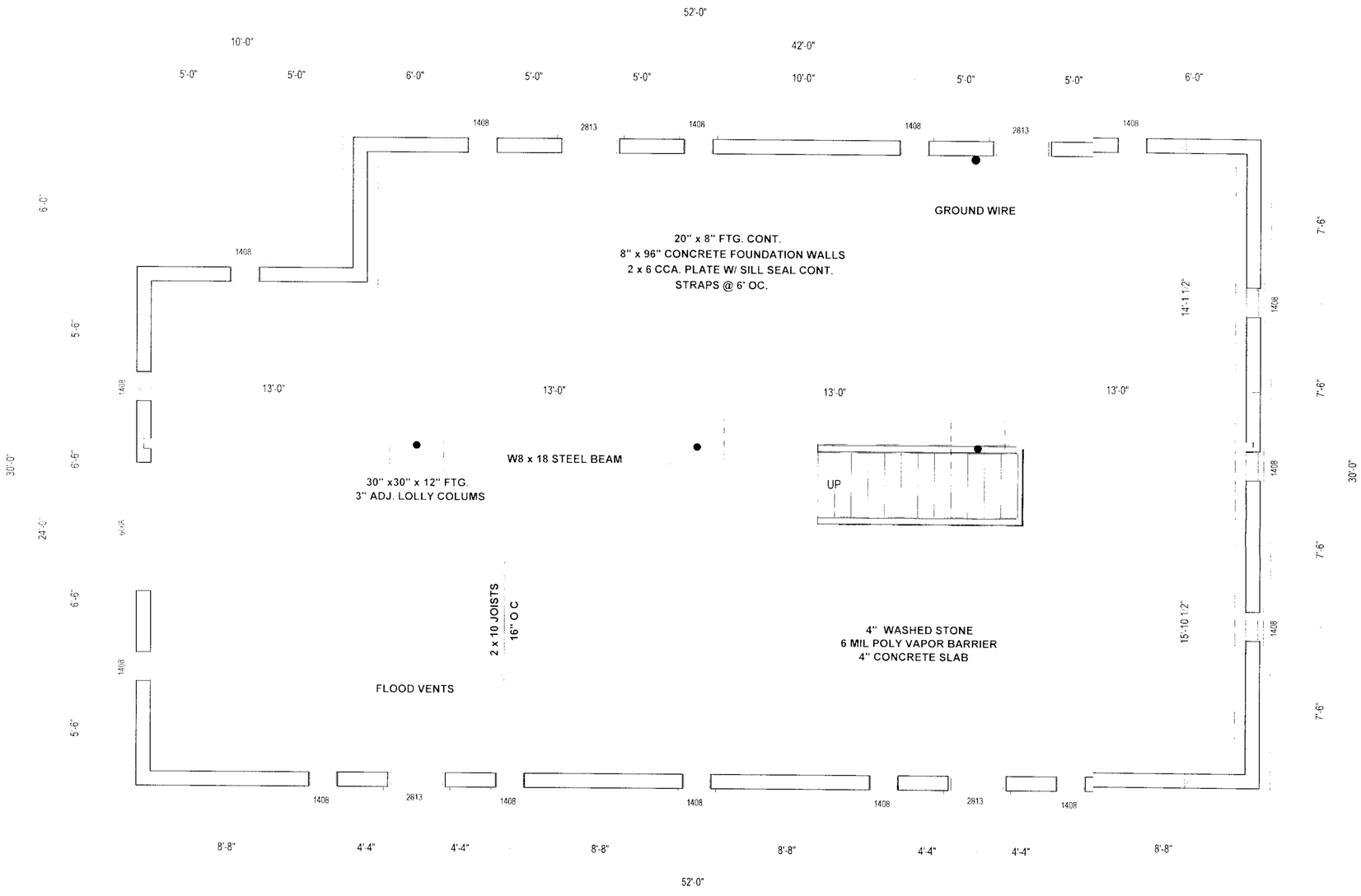
SCALE 1/4" = 1'	DYPSKI RESIDENCE	DRAWN BY SKIP STORM
DATE 10-13-04	ELEVATIONS	PAGE # 4



LEFT SIDE

FREESTATE GENERAL CONTRACTORS
810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'	DYPSKI RESIDENCE	DRAWN BY SKIP STORM
DATE 10-13-04	ELEVATIONS	PAGE # 5



FREESTATE GENERAL CONTRACTORS

810 BACK RIVER NECK ROAD 410-574-9337

SCALE 1/4" = 1'	DYPSKI RESIDENCE	DRAWN BY SKIP STORM
DATE 10-13-04	FOUNDATION PLAN	PAGE # 6