

Case No. 05-343-A: Property located at 3765 Clarks Point Road in the eastern area of Baltimore County. Variance relief is requested from Sections 1B02.3C (1) and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a minimum lot width of 48 ft. +/- in lieu of the 55 ft. required and to approve an undersized lot per Section 304 of the B.C.Z.R.

These properties were posted with Notice of Hearing on February 7, 2005, 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 February 8, 2005, 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."

Section 304 of the B.C.Z.R. – Use of Undersized Single Family Lots (Reference Only)

Section 304, Use of Undersized Single-Family Lots [BCZR 1955; Bill No. 47-1992]

304.1[Bill Nos. 64-1999; 28-2001] Except as provided in Section 4A03, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if:

A. Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955;

B. All other requirements of the height and area regulations are complied with; and

C. The owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations.

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 Bureau of Development Plans Review dated January 24, 2005, a copy of which is attached hereto and made a part hereof. A ZAC comment was also received from the Department of Environmental Protection & Resource Management (DEPRM) dated February 11, 2005 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. Finally, a ZAC comment was received from the Office of Planning dated February 18, 2005, 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 Arnold Dumsha and Christian Hayes, Petitioners. J. Neil Lanzi, Esquire represented the Petitioners. There were no protestants or interested citizens in attendance at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Lanzi proffered that these three cases involve three adjoining waterfront lots zoned DR 5.5 in the "Bowley's Quarter", subdivision which was recorded in the Land Records of Baltimore County in 1921. The Petitioner Dumsha has owned all three lots since 1963. Lot 28 (3803 Clarks Point Road) is 52 ft. wide by approximately 450 ft. long, containing 0.559 acres of land

and is vacant. Lot 29 (3801 Clarks Point Road) is 48 ft. wide by approximately 520 ft. long, containing of 0.589 acres, and is improved by Petitioner Dumsha's home. Lot 30 (3765 Clarks Point Road) is 48 ft. wide by approximately 540 ft. long, containing 0.624 acres and is vacant. See Petitioners' Exhibit No. 6 for the Bowleys Quarter subdivision and Petitioners' Exhibit Nos. 2A, 2B and 2C for the plan to accompany for each case. Also see Petitioners' photographs Exhibit 4 for pictures of the existing home and area. The cases were heard contemporaneously with one another and by agreement, all evidence and testimony in these case is applicable to all three.

Mr. Dumsha testified that he was retired and was no longer able to pay the taxes on his entire property but wanted to continue to live in the area. As a result, he would like to sell his existing home and two vacant lots so that he can erect a new, one-story home on one of the vacant lots. Mr. Hayes would like to purchase the other vacant lot and erect a new two-story home thereon for his family use. Mr. Lanzi proffered that the Petitioner met with neighbors on both sides, and the community association and found no one objected to the requested relief.

Mr. McCord indicated that these lots are served by public water and sewer and that the neighborhood is being redeveloped house by house. He noted that similar requests for variances have been granted in the area. He also indicated the new homes would be compatible with the neighborhood, which has a variety of styles and sizes. Mr. Lanzi indicated that he met with each County agency and they found no problems with the plan. In fact, Jeff Long from the Planning Office stopped by the hearing to indicate his office's support for the requested variances. He indicated that the Planning Office was satisfied with the proposal as shown in the ZAC comments from his Office subject to their review and approval of the building plans and

landscaping. The final Planning Office comment of February 4, 2005 indicates that the neighborhood has been developed on 50 ft. lots.

Finally, Mr. Lanzi pointed out that these lots are approximately 500 ft. long, which is twice the length of comparable lots in the area. They are located on a point of land extending into the bay and as such are unique in a zoning sense. He noted that there would be a hardship on the Petitioners if the lots, which were recorded so many years ago could not be used to build homes. Mr. Dumsha indicated that he always intended to build homes on the vacant lots but has been stopped by the County for lack of sewerage. Now public sewer is available.

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. These lots were part of a subdivision that was recorded in the Land Records of Baltimore County in 1921 much before the DR 5.5 zoning regulations were imposed. As such, I find that the imposition of the zoning regulations impact these lots differently than lots in the area laid out in accord with the DR regulations.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship on the Petitioners as they would not be able to build new homes on the vacant lots.

I further find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting these variances. Each lot is four times larger than the minimum DR 5.5 lot size of 6,000 sq. ft. Adding two homes on the now vacant lots will not result in an increase in density beyond that otherwise allowable.

The problem in these cases is whether or not the proposed uses change the pattern of development in the neighborhood. If so the proposed uses violate the spirit and intent of the regulations and adversely affect the health, safety, and welfare of the community.

As I explained at the hearing, clearly the evidence shows that the pattern of development to the east towards the point is one home on one 50 ft. lot. Just as clearly, the pattern of development to the west is one house per two or more lots. Mr. Dumsha's home is a prime example of the latter. His home is centered on three lots. The three lots west of the Petitioner's are vacant. Next to these lots, the zoning map shows that the homes are widely spaced indicating the pattern of development in this direction is one home on multiple lots. Again, as mentioned at the hearing, the question in this case is whether to extend the one home on one lot pattern to the east down Clark's Point Road to the west?

The reason for my anxiety regarding pattern of development is that the neighborhood that develops as one home on one 50 ft. lot is entirely different from those with one home on multiple 50 ft. lots. Simple backyard privacy is drastically different when homes are 20 ft. apart as they are typically in a one house per lot pattern. These families have a great deal of interaction, which some people enjoy and others abhor. I predict that Mr. Dumsha would be shocked at the difference living so close to another home after living so far apart for so many years. What he has for lunch will likely be the subject of conversation for his neighbor.

Anxiety aside, I note that these lots are extraordinarily long which results in lots four times larger than the minimum DR 5.5 lot areas. This means to me, that unlike other cases where the lots are relatively short and there is no place to hide from the neighbors, here, at least one could go down to the water or back to the road to have some peace and privacy. I also note that the

Planning Office specifically indicates the neighborhood has developed as one home on one lot. Perhaps they have a larger view than the immediate pattern adjacent to the subject site. While this is a very close issue, I will grant the variance requested as I further find that these variances can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety, and general welfare.

As an aside, I note that the Petition requests approval of an undersized lot under Section 304 of the BCZR. I view this section as a separate process, different from variances to give administrative relief to isolated lots which meet the criteria set out in the regulation. I do not think that this section provides relief for this Petitioner as he owns three adjacent lots whose lot lines could be adjusted to conform to the regulations.

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 1 day of March, 2005, by this Deputy Zoning Commissioner, that the Petitioners' requests for variance relief as follows:

Case No. 05-341-A: Property located at 3803 Clarks Point Road in the eastern area of Baltimore County. Variance relief is requested from Sections 1B02.3C (1) and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a minimum lot width of 52 ft. +/- in lieu of the 55 ft. required.

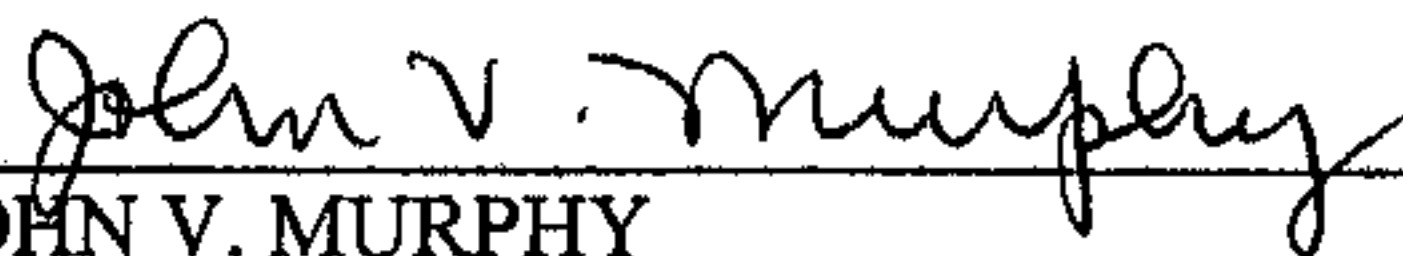
Case No. 05-342-A: Property located at 3801 Clarks Point Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3C (1) of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a minimum lot width of 48 ft. +/- in lieu of 55

ft. required and to allow a side yard of 7.1 ft. in lieu of 10 ft. required for an existing dwelling.

Case No. 05-343-A: Property located at 3765 Clarks Point Road in the eastern area of Baltimore County. Variance relief is requested from Sections 1B02.3C (1) and 304.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a minimum lot width of 48 ft. +/- in lieu of the 55 ft., 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 the Bureau of Development Plans Review dated January 24, 2005, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments made by DEPRM dated February 11, 2005, 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 February 18, 2005, a copy of which is attached hereto and made a part hereof
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:raj

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

March 1, 2005

J. Neil Lanzi, Esquire
409 Washington Avenue, #617
Towson, Maryland 21204

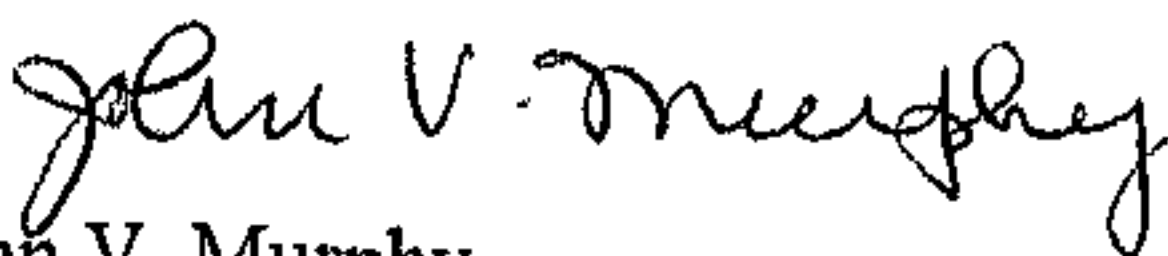
Re: Petitions for Variance
Case Nos. 05-341-A, 05-342-A & 05-343-A
Property: 3765,3801 & 3803 Clarks Point Road

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above-captioned cases. The petitions for variance have been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Arnold C. Dumsha, 3801 Clarks Point Road, Middle River, MD 21220
Christian G. Hayes, 13804 Manor Glen Rd., Baldwin, MD 21013
Chris McCord, 402 N. Hickory Avenue, Bel Air, MD 21014

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



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3801 Clarks Point Rd.
which is presently zoned DR 5.5

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)

1B02.3C(1) BCZR to allow a minimum lot width of 48' +/- in lieu of 55' required and to allow a side yard of 7.1' in lieu of 10' required and to approve any other variances deemed necessary by the Zoning Commissioner. (EXISTING DWELLING)

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

48' wide lot per 1921 subdivision and 7.1' side yard pre-dates BCZR resulting in practical difficulty and for other reasons to be presented at the 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:

Christian Hayes
Name - Type or Print
Christian Hayes
Signature
14307 Jarrettsville Pike 443-463-6801
Address
City Phoenix State MD Zip Code 21131
Telephone No.

Attorney For Petitioner:

J. Neil Lanzi, Esq.
Name - Type or Print
J. Neil Lanzi
Signature
409 Washington Ave #617 410-296-0686
Company
Towson MD 21204
Address
City _____ State _____ Zip Code _____
Telephone No.

Legal Owner(s):

Arnold C. Dumsha
Name - Type or Print
Arnold C. Dumsha
Signature
See attached.
Signature
3801 Clarks Point Rd.
Address
Baltimore MD 21220
City State Zip Code
Telephone No.

Representative to be Contacted:

J. Neil Lanzi, Esq.
Name
409 Washington Ave #617 410-296-0686
Address
Towson MD 21204
City State Zip Code
Telephone No.

OFFICE USE ONLY

Case No. 05-342-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By JP Date 1/7/05

REV 9/15/98

ORDER RECEIVED FOR FILING
3/1/05
Raj

Attachment

3801 Clarks Point Road

1. Ownership of this property is vested in Arnold C. Dumsha for his lifetime and Michael J. Dumsha, Arnold C. Dumsha, Jr., Gerard A. Dumsha, Carol Ann McLemore, Christine LeBrun, and Suzanne V. Kahler as his remainder persons upon the death of Arnold C. Dumsha, per Deed dated January 25, 2002 recorded in liber 0016135, folio 298.
2. Request the hearing on this variance be consolidated with the variance requests for 3803 and 3765 Clarks Point Road properties, all under common ownership.

**ZONING DESCRIPTION FOR
ARNOLD C. DUMSHA
0.589 AC. +/-
LOCATED: #3801 CLARKS POINT ROAD
LOT 29
BOWLEYS QUARTERS
FIFTEENTH ELECTION DISTRICT, SIXTH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for the same at rebar & cap found on the south side of Clarks Point Road, 20' wide as shown on a Plat Entitled "Bowleys Quarter, Plat No. 2", as prepared by Edward V. Coonan and Company, dated April 16, 1921 and recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 7 folio 13. The said rebar & cap also represents the northwesterly corner of lot 29 of the aforesaid plat. Thence, running and binding on the south side of Clarks Point Road:

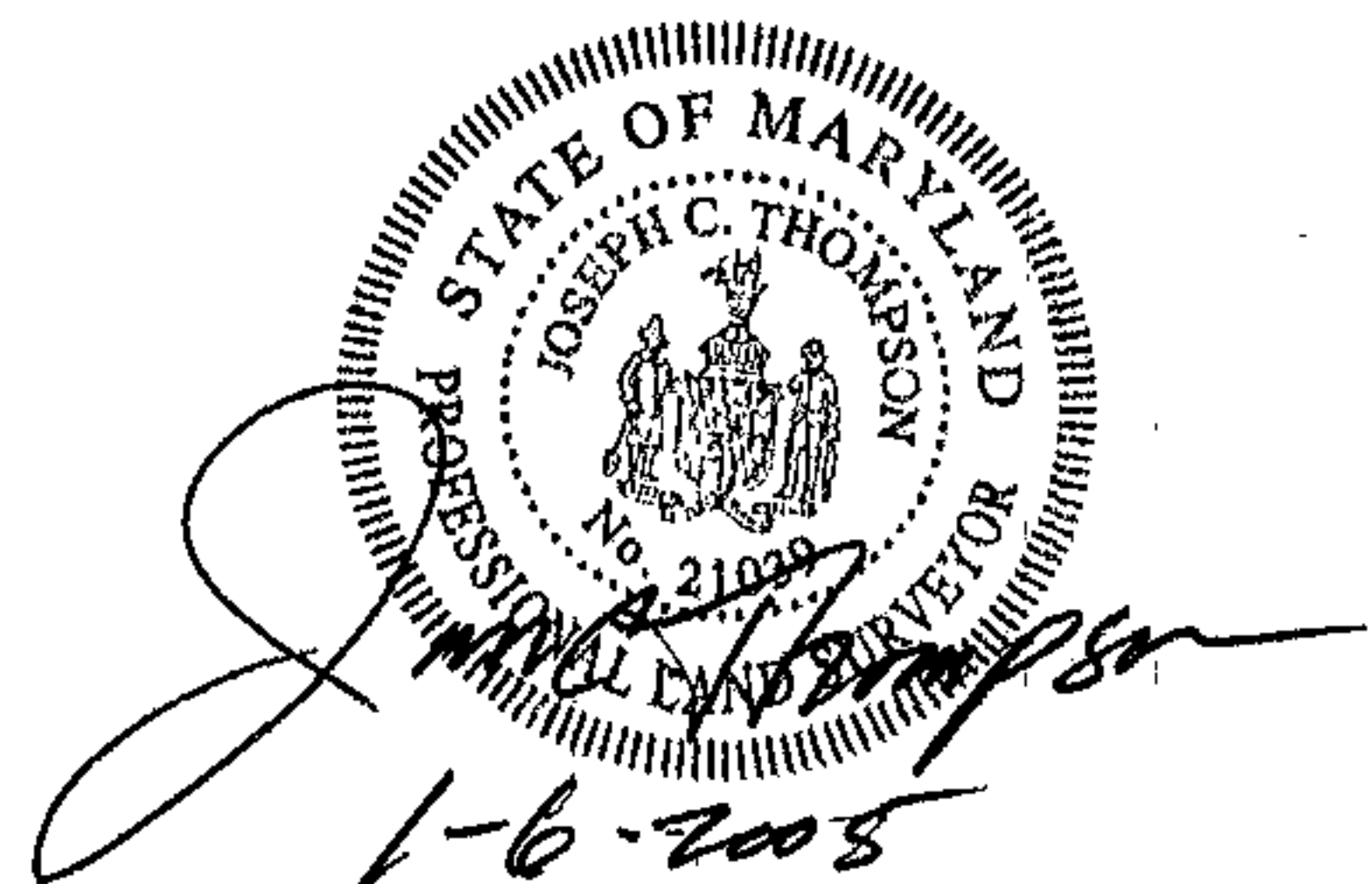
1. **North 77°21'47" East 50.50** feet to a rebar and cap found. Thence, leaving the said road, running and binding on the outlines of the aforesaid Lot 29 the following three courses,
2. **South 22°56'32" East 494.94** feet,
3. **South 33°15'50" West 59.79** feet,
4. **North 22°56'32" West 537.23** feet to the beginning hereof, containing **0.589** acres of land, more or less.

Being part of that tract or parcel of land conveyed by Arnold C. Dumsha to Michael J. Dumsha et al, remainderpersons, dated July 8, 2002 and recorded among the Land Records of Baltimore County, Maryland in Liber 16135 folio 298.

Being also all of Lot 29 as shown on a Plat Entitled "Bowleys Quarter, Plat No. 2", as prepared by Edward V. Coonan and Company, dated April 16, 1921 and recorded among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. 7 folio 13.

NOTE: DESCRIPTION PREPARED FOR ZONING PURPOSES ONLY.

#342



BAITIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

NO. 42682

DATE 1-7-05

ACCOUNT 001-006-6150

RECEIVED FROM:

Neil Long

AMOUNT \$ 65.00

FOR:

VARIANCE

3801 Clark's Point Rd.

ITEM # 342

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Paid Receipt

ISSUED AT THE TIME

1/17/2005 1/17/2005 10:22:20

ISSUED BY: WILSON, POK-LEP

RECEIVED BY: 1/17/2005 08:14

DEPT: 3 700 FINANCIAL INSTITUTION

EX NO. 000002

ISSUED FOR \$65.00

ISSUED BY: 4.00 00

Baltimore County, Maryland

CASHIER'S VALIDATION

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: #06-342A

3801 Clarks Point Road

S/side of Clarks Point Rd. at the distance of 1,800 feet

+/- east of c/line of Bowleys Quarters Rd.

15th Election District - 8th Councilmanic District

Legal Owner(s): Arnold G. Dumsha

Contract Purchaser: Christian Hayes

Variances: to allow a minimum lot width of 48 feet +/- in lieu of the 55 feet required and to allow a side yard of 7' in lieu of 10 feet required and to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Thursday, February 24, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bowley Avenue, Towson 21204.

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/2/640 Feb. 8

38879

CERTIFICATE OF PUBLICATION

2/9/, 2005

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 2/8/, 2005.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-342-A

Petitioner/Developer: CHRISTIAN

HAYES

Date of Hearing/Closing: 2/24/05

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: _____

3801 CLARK'S POINT ROAD

The sign(s) were posted on 2/7/05
(Month, Day, Year)

Sincerely,

Robert Black 2/9/05
(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 8, 2005 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, #617
Towson, MD 21204

410-296-0686

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: 05-342-A

3801 Clarks Point Road

S/side of Clarks Point Rd. at the distance of 1600 feet +/- east of c/line of Bowleys Quarters Rd.

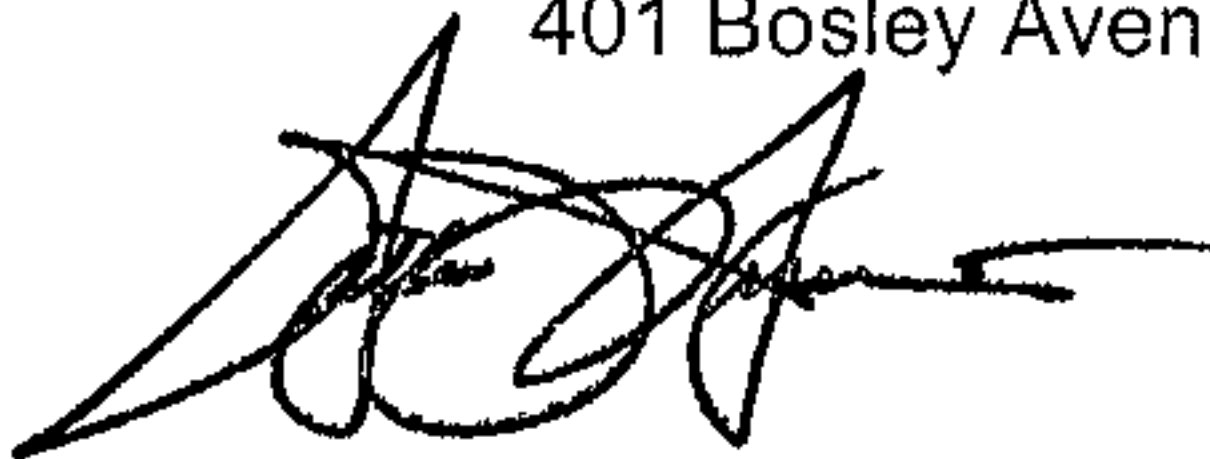
15th Election District – 6th Councilmanic District

Legal Owners: Arnold C. Dumsha

Contract Purchaser: Christian Hayes

Variance to allow a minimum lot width of 48 feet +/- in lieu of 55 feet required and to allow a side yard of 7'1" in lieu of 10 feet required and to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Tuesday, February 22, 2005 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 8, 2005 Issue - Jeffersonian

Please forward billing to:

J. Neil Lanzi
409 Washington Avenue, #617
Towson, MD 21204

410-296-0686

NEW 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: 05-342-A

3801 Clarks Point Road

S/side of Clarks Point Rd. at the distance of 1600 feet +/- east of c/line of Bowleys Quarters Rd.
15th Election District – 6th Councilmanic District

Legal Owners: Arnold C. Dumsha

Contract Purchaser: Christian Hayes

Variance to allow a minimum lot width of 48 feet +/- in lieu of 55 feet required and to allow a side yard of 7'1" in lieu of 10 feet required and to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Thursday, February 24, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bostley 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.



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

January 26, 2005

NEW 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: 05-342-A

3801 Clarks Point Road
S/side of Clarks Point Rd. at the distance of 1600 feet +/- east of c/line of Bowleys Quarters Rd.
15th Election District – 6th Councilmanic District
Legal Owners: Arnold C. Dumsha
Contract Purchaser: Christian Hayes

Variance to allow a minimum lot width of 48 feet +/- in lieu of 55 feet required and to allow a side yard of 7'1" in lieu of 10 feet required and to approve an undersized lot and to approve any other variances deemed necessary by the Zoning Commissioner.

Hearing: Thursday, February 24, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".
Timothy Kotroco
Director

TK:klm

C: J. Neil Lanzi, 409 Washington Avenue, #617, Towson 21204
Arnold Dumsha, 3801 Clarks Point Rd., Baltimore 21220
Christian Hayes, 14307 Jarrettsville Pike, Phoenix 21131

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 7, 2005.**
(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.

**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: 05-342-A

Petitioner: ARNOLD DUMSHA

Address or Location: 3801 Clarks Point Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Neil Canzi

Address: 409 Washington Ave #617
Towson MD 21204

Telephone Number: 410 296-0686

**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*

February 15, 2005

J. Neil Lanzi, Esquire
409 Washington Avenue, # 617
Towson, Maryland 21204

Dear Mr. Lanzi:

RE: Case Number: 05-342-A, 3801 Clarks Point Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 7, 2005.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Christian Hayes 14307 Jarrettsville Pike Phoenix 21131
Arnold C. Dumsha 3801 Clarks Point Road Baltimore 21220

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



Fire Department

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



Baltimore County

• James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: January 24, 2005

Item No.: 334-336, 338-344, 346

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.

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

Lieutenant Franklin J. Cook
Fire Marshal's Office
(O) 410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2005
Item No. 342

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

A minimum 40-foot right-of-way for Clarks Point Road shall be shown, and the requested variances shall be modified accordingly.

The flood protection elevation (M.C.S.) 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: John D. Oltman, Jr JDO
DATE: February 11, 2005
SUBJECT: Zoning Item # 05-342
Address 3801 Clark Point Road

RECEIVED

FEB 16 2005

ZONING COMMISSIONER

Zoning Advisory Committee Meeting of February 18, 2005

_____ 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).

Additional Comments:

It is suspected that the property will have to establish a tidal wetland buffer on this property. The owner must have qualified environmental consultants delineate the wetland resources that are on-site. The property is in a Limited Development Area of the Chesapeake Bay Critical Area (CBCA) and it is limited to:

- 1.) Maximum of 15% impervious surface;
- 2.) Minimum of 15% tree cover.

In addition, and development proposed within the mandatory 100-foot buffer from the Mean High Tide Mark will require a Critical Area Administrative Variance.

Reviewer: Martha Stauss

Date: February 15, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 3, 2005

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

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-341 and 5-342

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

Prepared By:

Mark A. Cunningham

Division Chief:

[Signature]

MAC/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 18, 2005

RECEIVED

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

FEB 18 2005

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-341, 5-342, and 5-343

The Office of Planning does not oppose the petitioner's request provided the following conditions are met:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By: Mark A. Cunningham

Division Chief: [Signature]

MAC/LL

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



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

Maryland Department of Transportation

Date: 1.19.05

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

RE: Baltimore County
Item No. 342 JRF

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

My telephone number/toll-free number is _____

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

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

RE: PETITION FOR VARIANCE * BEFORE THE
3801 Clarks Point Road; S/side Clarks Point *
Road, 1,600' E c/line Bowleys Quarters Rd * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Arnold C. Dumsha * FOR
Contract Purchaser(s): Christian Hayes *
Petitioner(s) * BALTIMORE COUNTY
* 05-342-A

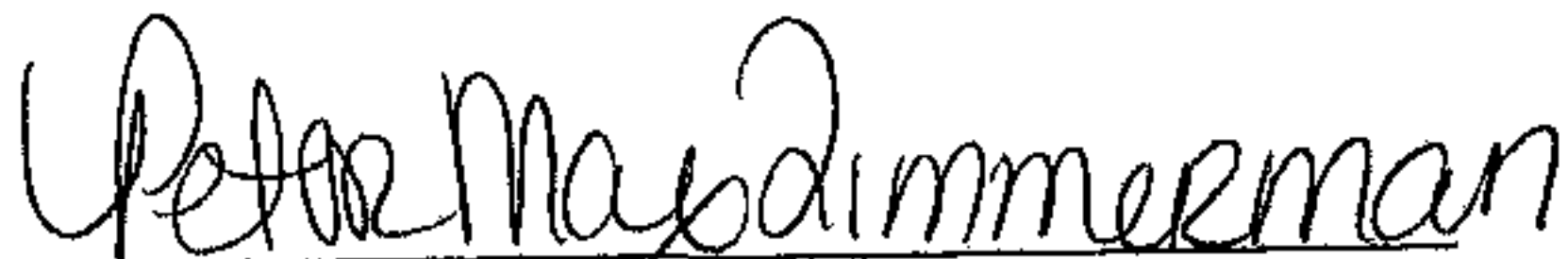
* * * * *

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 and all documentation filed in the case.

RECEIVED

Per.....



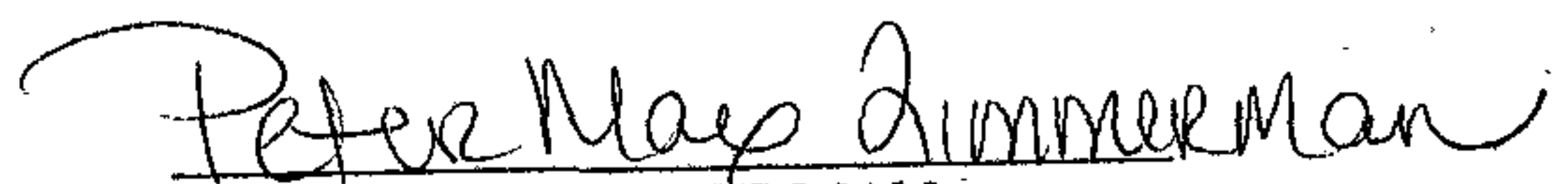
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 21st day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to, J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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

January 26, 2005

J. Neil Lanzi
409 Washington Avenue, Ste. 617
Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 05-342-A, 3801 Clarks Point Road

The above matter, previously scheduled for February 22, 2005, has been postponed at your request. The hearing has been rescheduled and the new notice is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

A handwritten signature in black ink that reads "Timothy Kotroco". The signature is fluid and cursive.

Timothy Kotroco
Director

TK:klm

C: Arnold Dumsha, 3801 Clarks Point Road, Baltimore 21220
Christian Hayes, 14307 Jarrettsville Pike, Phoenix 21131

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

J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

COLUMBIA

Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

Reply to Towson

COUNSEL
d L. Coover*

*Also Admitted in District of Columbia

January 24, 2005

Sent Via Facsimile: 410-887-5708

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Kristen

*Kristen
OK to meet
JMK*

Re: My Client: Christian Hayes
Case Nos. 05-341-A, 05-342-A and 05-343-A
Property Address: 3801 Clarks Point Road, 3803 Clarks Point Road
and 3765 Clarks Point Road

Dear Kristen:

This letter is in follow up to our telephone conversation earlier today. I represent Christian Hayes, the contract purchaser of the above referenced properties. The hearing notice was just received in today's mail and indicates the hearings for the three cases have been scheduled for Tuesday, February 22, 2005 at 9:00, 10:00 and 11:00 a.m. Unfortunately, I have a pending hearing, day two, previously set before the Baltimore County Board of Appeals that same morning and respectfully request a postponement to a date hopefully that same week.

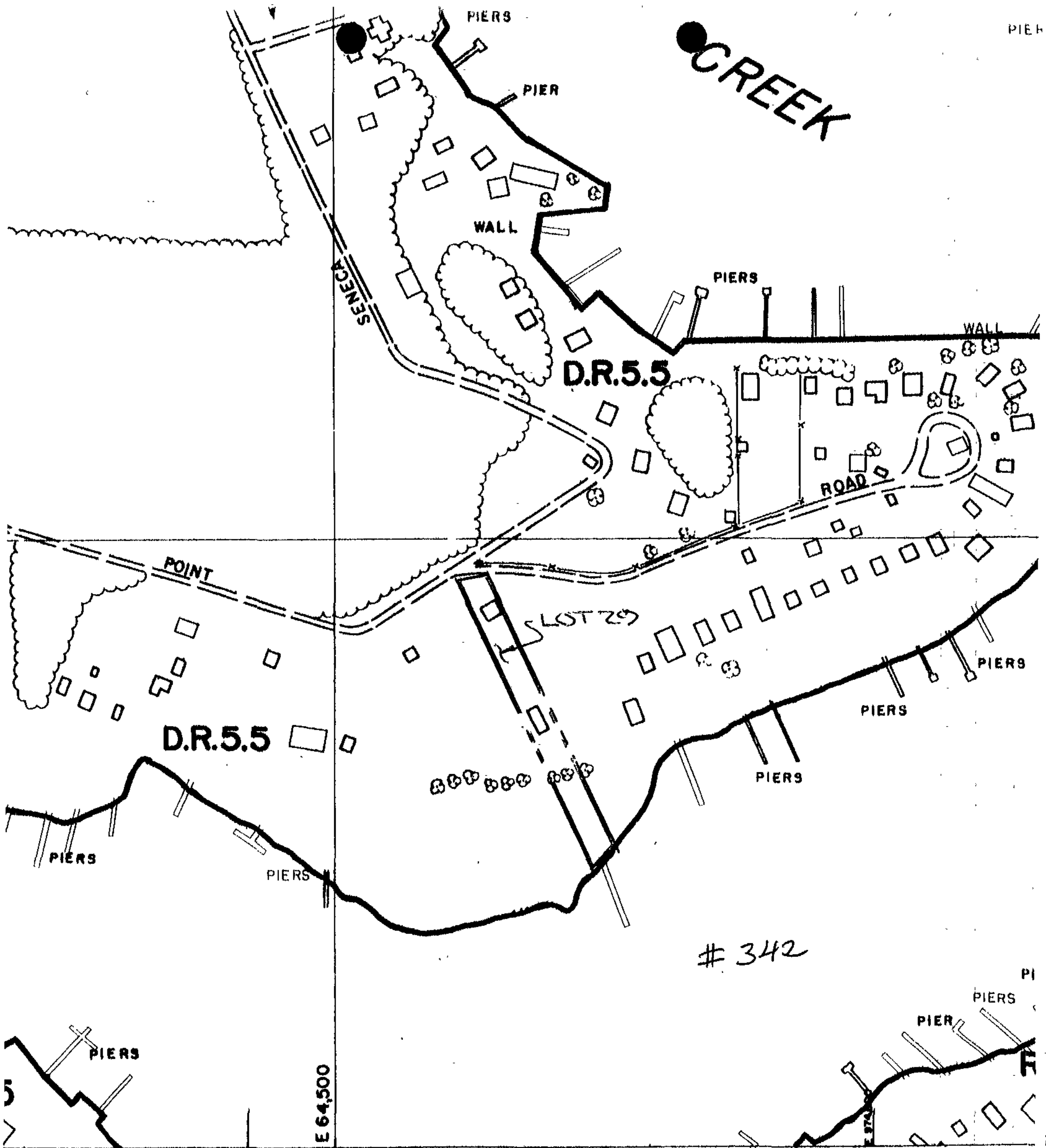
As I advised you today, the three cases above involve adjoining properties with the same issues and should be able to be heard in no more than two hours rather than three. My client and I are able available any day of the week of February 21, 2005 other than February 22, 2005. After that week, I am not available between Monday, February 28, 2005 and Tuesday, March 8, 2005. We are available March 9, 10 and 11, 2005.

Please give me a call should you wish to discuss the scheduling of these hearings.

Very truly yours,

J. Neil Lanzi
J. Neil Lanzi

JNL:mal
cc: Chris Hayes



ZONING MAP
LOT 29

3801 CLARKS POINT ROAD

TM. 01 P. 150

ACCT. NO. 1504751331

SCALE

1" = 200' ±

DATE
OF

PHOTOGRAPHY

LOCATION

11534
BOWLEYS

1" = 200'
QUARTERS

