IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Chestnut Road, 75 ft. NW of a (less
than 90°) intersection with Chestnut Road
15th Election District
6th Councilmanic District

(4006 Chestnut Road)

Patricia W. Baynes, Trustee

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 06-060-A

\* \* \* \* \* \* \* \* \* \* \* \*

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Patricia W. Baynes. The administrative variance is requested for property located at 4006 Chestnut Road in the eastern area of Baltimore County. The administrative variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yards of 7 ft. +/- in lieu of the required 50 ft. and from Section 301.1 of the B.C.Z.R., to permit open decks with a 7 ft. +/- setback in lieu of 37.5 ft. +/- for a Hurricane Isabel damage replacement dwelling. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 7, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

#### **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 submitted by the Bureau of Development Plans Review dated August 10, 2005, a copy of which is attached hereto and made a part hereof. In addition, a ZAC comment was submitted by the Office of Planning dated August 12, 2005, a copy of which is attached hereto and made a part hereof. Finally, this office

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is still waiting to receive a ZAC comment from the Department of Environmental Protection & Resource Management (DEPRM). Once this ZAC comment is received a copy will be attached hereto and made a part hereof.

#### 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."

The Petitioner has filed the supporting affidavits as required by Section 32-3-303(a)(2) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County

Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that
the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this <u>31</u> day of August, 2005, by this Zoning Commissioner, that the Petitioner's request for variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit side yards of 7 ft. +/- in lieu of the required 50 ft. and from Section 301.1 of the B.C.Z.R., to permit open decks with a 7 ft. +/- setback in lieu of 37.5 ft. +/- for a Hurricane Isabel damage replacement dwelling, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. Compliance with the ZAC comments received from the Bureau of Development Plans Review dated August 10, 2005, a copy of which is attached hereto and made a part hereof;
- 3. Compliance with the ZAC comments received from the Office of Planning dated August 12, 2005, a copy of which is attached hereto and made a part hereof;
- 4. Compliance with any recommendations, if any, made by the Department of Environmental Protection & Resource Management (DEPRM).
- 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.

WHILIAMIN WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

# Zoning Commissione

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





James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

August 31, 2005

Ms. Patricia W. Baynes 4006 Chestnut Road Baltimore, Maryland 21220

> Re: Petition for Administrative Variance Case No. 06-060-A Property: 4006 Chestnut Road

Dear Ms. Baynes:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

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

William J. Wiseman, III
Zoning Commissioner

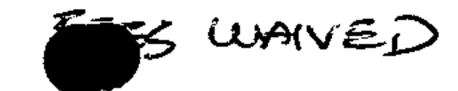
Very truly yours

WJW,III:raj Enclosure

c: Bafitis & Associates, Inc. c/o William Bafitis 1249 Engleberth Road Baltimore, Maryland 21221



# DROP-OFF PETITION SAPELLE DAMAGE SUAIVED



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

CBCA/FLOOD for the property located at 4006 Chestnut Road which is presently zoned RC-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)

1A04.3B.2.b BCZR To permit side yards of 7'± in lieu of the required 50'.

301.1 BCZR To permit open decks with a 7'± setback in lieu of 37.5'± for a Hurricane Isabel damage replacement dwelling.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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:

STATE STATES

#### Legal Owner(s):

				Patricia W. B	aynes, Trustee	
Name - Type or Print			Name -	Time of Phint	D W-Baynes	Trustio
Signature			<del></del>	Signature	Jan	, 4 / - 1/ - 2/ - 2
Address		Telephone No.	<b>-</b>	Name - Type or Pri	nt	
City	State	Zip Code	_	Signature		
Attorney For Petition	<u>1er:</u>			4006 Chestnut	t Road	410-335-4602
	<del>/</del>			Address		Telephone No.
		······································	<b>-</b>	_Baltimore	Maryland	21220
Name - Type or Print			City		State	Zip Code
Cianatura	<del> </del>		-	<u>Representati</u>	ve to be Contacted	<u>:</u>
Signature	-			Defite O Acce	-:	D-£t:-
Company		"	-	Name	cites, Inc. / William N.	Banus
				1249 Engleber	th Road	410-391-2336
Address		Telephone No.	-	Address		Telephone No.
				Baltimore	Maryland	21221
City	State	Zip Code		City	State	Zip Code
Public Hearing having beed day of day of Baltimore County and that the	, that the sul				y the Zoning Commissioner of ring, advertised, as required in	
CASE NO.	060	A Reviewed	Ву <u></u>	Zoning Co	ommissioner of Baltimore Cou	inty
REV 9/15/98			Estimat	ed Posting Date 📜	8/07/05	<del></del>
36					ι /	

# Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at	4006 Chestnut Road	Y Y	
That they are product as	Address		

Baltimore Maryland 21220
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Existing dwelling was severly damaged by Hurrican Isabel. Existing dwelling was partially situated straddling the lot line making inplace replacement unacceptable. RC-5 Zoning was overlayed on this 50' wide lot created in 1921. RC-5 Zoning requires 50' side yards which can-not be met on this lot. No adjacent land is owned by petitioner.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Patricia W. Bay	0	
Signature	Signature	· · · · · · · · · · · · · · · · · · ·
Patricia W. Baynes		
Name - Type or Print	Name - Type or Print	

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

المجادة المجا

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

REV 09/15/98



# Affida VIT in Support of Administrative Variance

Address

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

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

4006 Chestnut Road

	Baltimore	<u>Maryland</u>	21220
	City	State	Zip Code
That based upon personal knowledge Variance at the above address (indicated)	e, the following are the facts up te hardship or practical difficu	pon which I/we base the requility):	est for an Administrativ
Existing dwelling was severly damage	ed by Hurrican Isabel. Existing	g dwelling was partially situate	d straddling the lot line
making inplace replacement unaccep			_
requires 50' side yards which can-not			
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That the Affiant(s) acknowledge(s) the advertising fee and may be required to	at if a formal demand is filed provide additional information	l, Affiant(s) will be required t า.	o pay a reposting and
Patricia W-Bayres			
Signature	Signa	iture	<del></del>
Patricia W. Baynes			
Name - Type or Print	Name - Type or	Print	
STATE OF MARYLAND, COUNTY OF	<i>A</i>		
I HEREBY CERTIFY, this 2012 day	of Delly	, <u>2005</u> , before me, a	Notary Public of the
State of Maryland in and for the County	aforesaid, personally appear	ed	
Tatricia, 11.	Brunos		
the Affiant(s) herein, personally known	or satisfactorily identified to m	e as such Affiant(s), and made	le oath in due form of
law that the matters and facts hereinabo	ove set forth are true and corre	ect to the best of his/her/their l	knowledge and belief.
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7/22/20			1-4
Date / 20/05	Notary Public	an Jay Ba	rew
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· · · · · ·	My Commissi	ion Expires	
REV 09/15/98			

LINDA BAFITIS

**NOTARY PUBLIC** 

**BALTIMORE COUNTY** 

MARYLAND

My Commission Expires Oct. 1, 2006

# Petition for Administrative Variance





to the Zoning Commissioner of Baltimore County

for the property located at 4006 Chestnut Road which is presently zoned \_RC-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)

1A04.3B.2.b BCZR To permit side yards of 7'± in lieu of the required 50'.

301.1 BCZR To permit open decks with a 7'± setback in lieu of 37.5'± for a Hurricane Isabel damage replacement dwelling.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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		<u> </u>	Patricia W. B. Name - Type or Print	Baynes, Trustee	
			Patricu	DW. Barne	2 Trenstee
Signature		· ····································	Signature	o w. sayne	1 revolue
Address		Telephone No.	Name - Type or Pri	int	
City	State	Zip Code	Signature		
Attorney For Petition	ner:		4006 Chestnu	t Road	410-335-4602
	<del> </del>		Address		Telephone No.
			Baltimore	Maryland	21220
Name - Type or Print			City	State	Zip Code
			Representati	ive to be Contacted	d:
Signature				<u> </u>	<u>**</u>
			Bafitis & Asso	cites, Inc. / William N.	Bafitis
Company			Name		
A .1 .1			1249 Englebe	rth Road	410-391-2336
Address		Telephone No.	Address		Telephone No.
<u>City</u>	Ctt.	77. 0. 1.	Baltimore	Maryland	
City	State	Zip Code	City	State	Zip Code
A Public Hearing having bee	n formally demanded	and/or found to	be required, it is ordered b	y the Zoning Commissioner	of Baltimore County, this
day of of Baltimore County and that the	. that the su	bject matter of this	petition be set for a public hea	ring, advertised, as required	by the zoning regulations
ov a sure or a variety and orat and	proporty no reposito.				
A 1	M / M		Zoning C	ommissioner of Baltimore Co	pu <b>pt</b> y
CASE NO.	$\frac{1}{2}$	A	<del>1</del>	7/00	/
CASE NO		// Reviewed B	y J	_ Date	<u>U5</u>
REV 9/15/98			Stimated Pastina Date	2/07/05	



#### ZONING DESCRIPTION FOR 4006 CHESTNUT ROAD

Beginning for same at a point on the North side of Chestnut Road 30' wide and 75' Northwesterly from the centerline intersection of Chestnut Road 30' wide.

- 1) Thence binding on said road North 70°-12'-15" West 50.00 feet to a point; 2) Thence leaving said road North 19°-17'-55" East 300.96 feet to the waters of Seneca Creek;
  - 3) Thence running Northeasterly along said creek 52 feet ±; 4) Thence leaving said creek South 19°-17'-55" West 343.33 feet to the place of beginning.

Containing 0.351 Acres more or less.

Being known as Lot 129 shown on a plat entitled; Plat 2 of Bowley's Quarters recorded among the Land Records of Baltimore County, Maryland, Plat Book 07, Folio 13.

William N.Bafitis, P.E. Md. Reg. No. 11641

Seal

### CERTIFICATE OF POSTING

	RE: Case No.: 06-060-A
	Petitioner/Developer: PATRICIAL
	W. BAINES
	Date of Hearing/Closing: 8/22/05
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 perju posted conspicuously on the property located at:	ary that the necessary sign(s) required by law were
4006 Che	STNUT 2D
	8-07-05 * Month, Day, Year)
	Sincerely,
	Robert Black 8-9-05
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
	1508 Leslie Road
The sale of the special states of the sale	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
15   [1]   [	(410) 282-7940
	(Telephone Number)

4000 CHESTNUT RD



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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

	or Case Number: <u>06 060</u> A	
Petitioner:	Patricia W. Baynes, Trustea	
Address or Lo	cation: 4006 Chestrut Road Baltimore, MD. 21220	<del></del>
PLEASE FOR	WARD ADVERTISING BILL TO:	
Name:	Patricia W. Baynes	
Address:	4000 Chostout Road	
	Baltimora, MD 21220	
Telephone Nu	mber: 410-440-1580	<u> </u>

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

Case	Number 0	6-060	-A	Addre	ess <u>4016 C</u>	HESTOUT RD,	
		J-HA P	lanner, Please P	rint Your Name		Phone Number: 4	3
Filing	Date:	1/28/0	<u>5</u>	Posting Dat	te: <u>8/07/0</u> 9	Closing Date	: <u>8/22/0</u>
_			•	garding the s sing the case		lministrative variand	e should be
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2.	a formal	request for	a public h	nearing. Plea	•	t or owner within 1,0 that even if there le closing date.	
3.	commission order that (typically v	oner. He matte within 7 to 1	nay: (a) gr r be set in 0 days of t	ant the requent of for a public the closing da	ested relief; (b) hearing. You te) as to whether	by the zoning or deny the requested will receive writtener the petition has be you by First Class	relief; or (c) n notification een granted,
4.	(whether commission changed of	due to a notification of the due to a notification of the due to a notice of the due to a n	eighbor's for the cation will a contract of the head	formal reques be forwarded aring date, tim	t or by order to you. The and location.	that must go to a post of the zoning or do sign on the property of the sign will be a sign must be	eputy zoning erty must be was originally
				(Detach Along D	otted Line)	<u> </u>	
Petitio	oner: This	Part of the	Form is f	or the Sign P	oster Only		
		USE T	HE ADMIN	ISTRATIVE \	ARIANCE SIGI	N FORMAT	
Case	Number 0	6-060	_A	Address	006 CHESTA	JUT RD	
				S TRUSTEE	•	Telephone 410 33	5 4602
Postii	ng Date: 🖁	TREET W. BRI	NES, TRUS	8/01/05	Closing Date:	8/22/05	
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# Department of Permits and Development Management

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





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

August 22, 2005

Patricia W. Baynes 4006 Chestnut Road Baltimore, Maryland 21220

Dear Ms. Baynes:

RE: Case Number: 06-060-A, 4006 Chestnut Road

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

Wery truly yours, Call Ailal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: db

**Enclosures** 

c: People's Counsel
Baftis & Associates, Inc. William Bafitis 1249 Engleberth Road Baltimore 21221



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

#### Fire Department





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

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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.

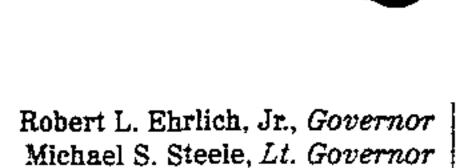
#### 1. The Fire Marshal's Office has no comments at this time.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-48810 MS-1102F

cc: File



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





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

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Maryland Department of Transportation

Date: 8.2.05

Item No.

Baltimore coun

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. 1. Andle

Engineering Access Permits Division

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: August 12, 2005

AUG 1 6 2005

ZONING COMMISSIONER

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

4006 Chestnut Road

**INFORMATION:** 

Item Number:

6-060

Petitioner:

Patricia Baynes

Zoning:

RC 5

Requested Action: Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.

-W\DEVREV\ZAC\6-060.doc

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For further questions or additional information concerning the matters stated herein, please contact David Pinning with the Office of Planning at 410-887-3480.

Prepared by:

**Division Chief:** 

AFK/LL: CM

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** August 10, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 15, 2005

Item No. 060

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 10.4.

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 requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

FECUNED IN

ZAC-ITEM NO 060-08102005.doc

#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley

DATE:

September 8, 2005

SUBJECT:

Zoning Item

Address

**Baynes Property** 

Zoning Advisory Committee Meeting of August 8, 2005

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-100 through 33-2-1004, and other Sections, of the Baltimore County Code).

Reviewer:

Martha Stauss

Date: September 8, 2005

S.\Devcoord\ZAC06-060.doc

July 13, 2005

To whom it may concern;

I own 4004 Chestnut Road, in Bowley's Quarters, Maryland 21220, immediately adjacent to 4006 Chestnut Road, property of Ms. Patricia Baynes.

I have no objection to the removal of the existing dwelling and construction of a new 2 story dwelling with garage under shown on the plans for Ms. Baynes' property @ 4006 Chestnut Road.

Foster W. Wright Jr.

July 13, 2005

To whom it may concern;

I own and reside at 4010 Chestnut Road, in Bowley's Quarters, Maryland 21220, immediately adjacent to 4006 Chestnut Road, property of Ms. Patricia Baynes.

I have no objection to the removal of the existing dwelling and construction of a new 2 story dwelling with garage under shown on the plans for Ms. Baynes' property @ 4006 Chestnut Road.

Christopher S. Cernik

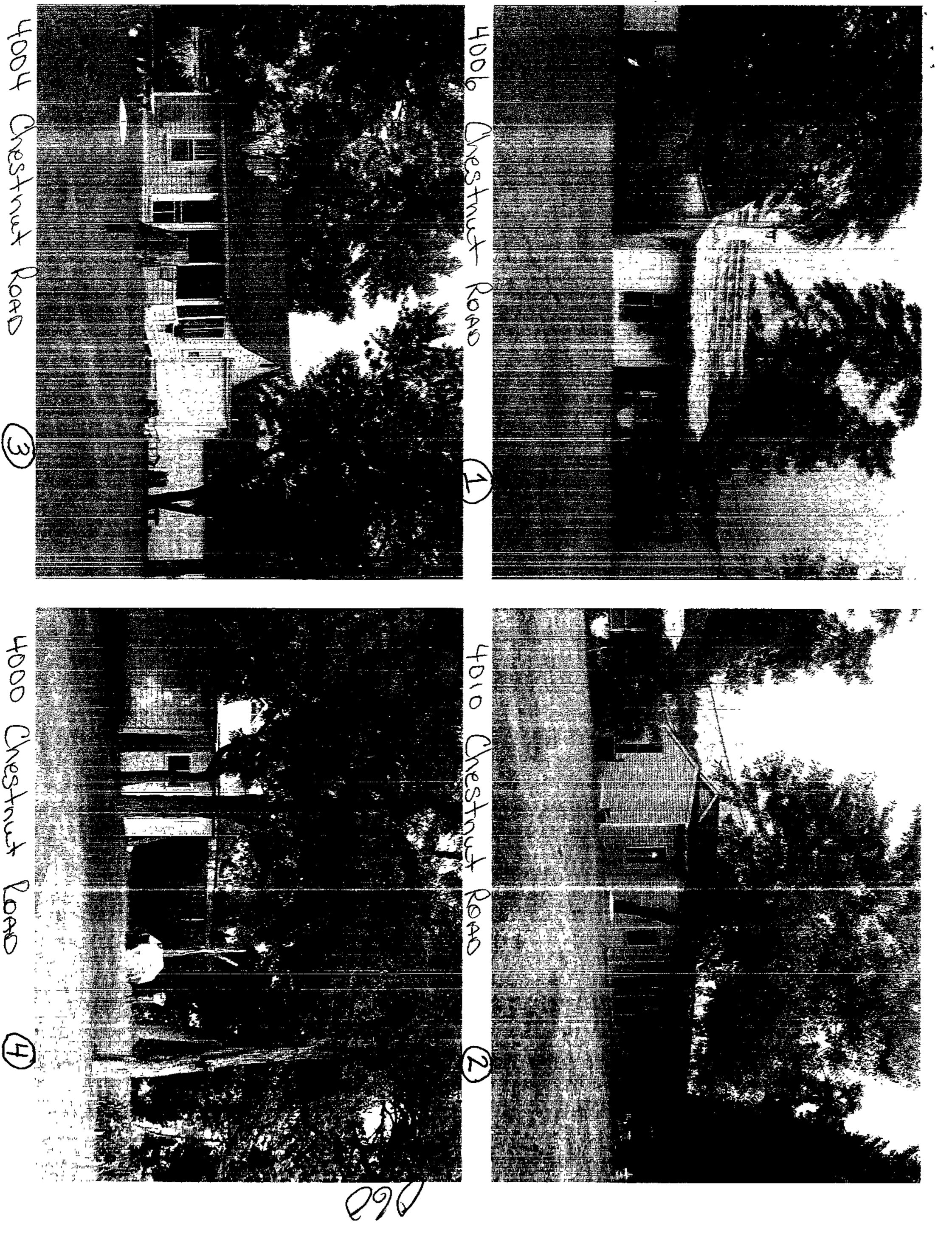
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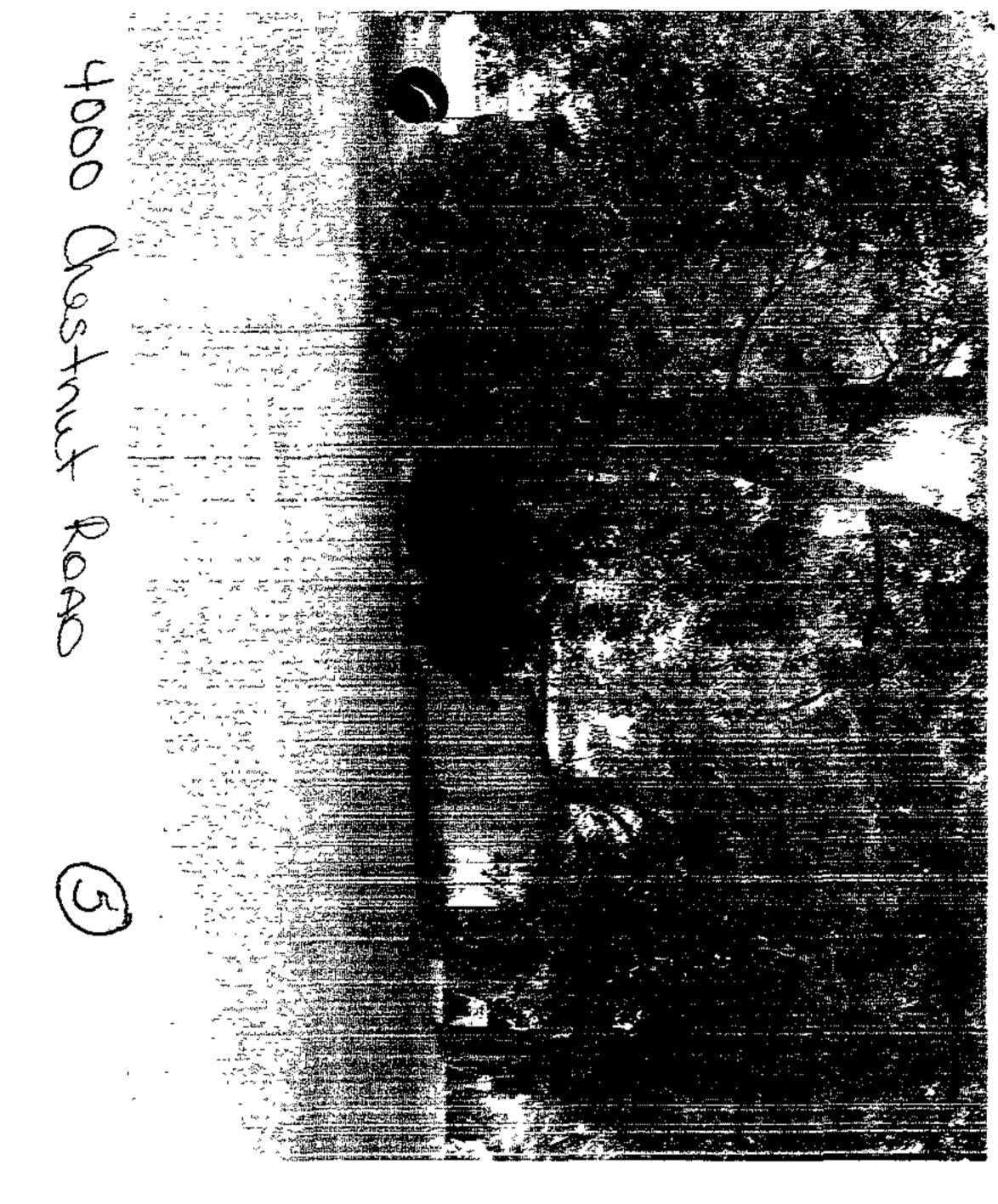
Tracy L. Brady

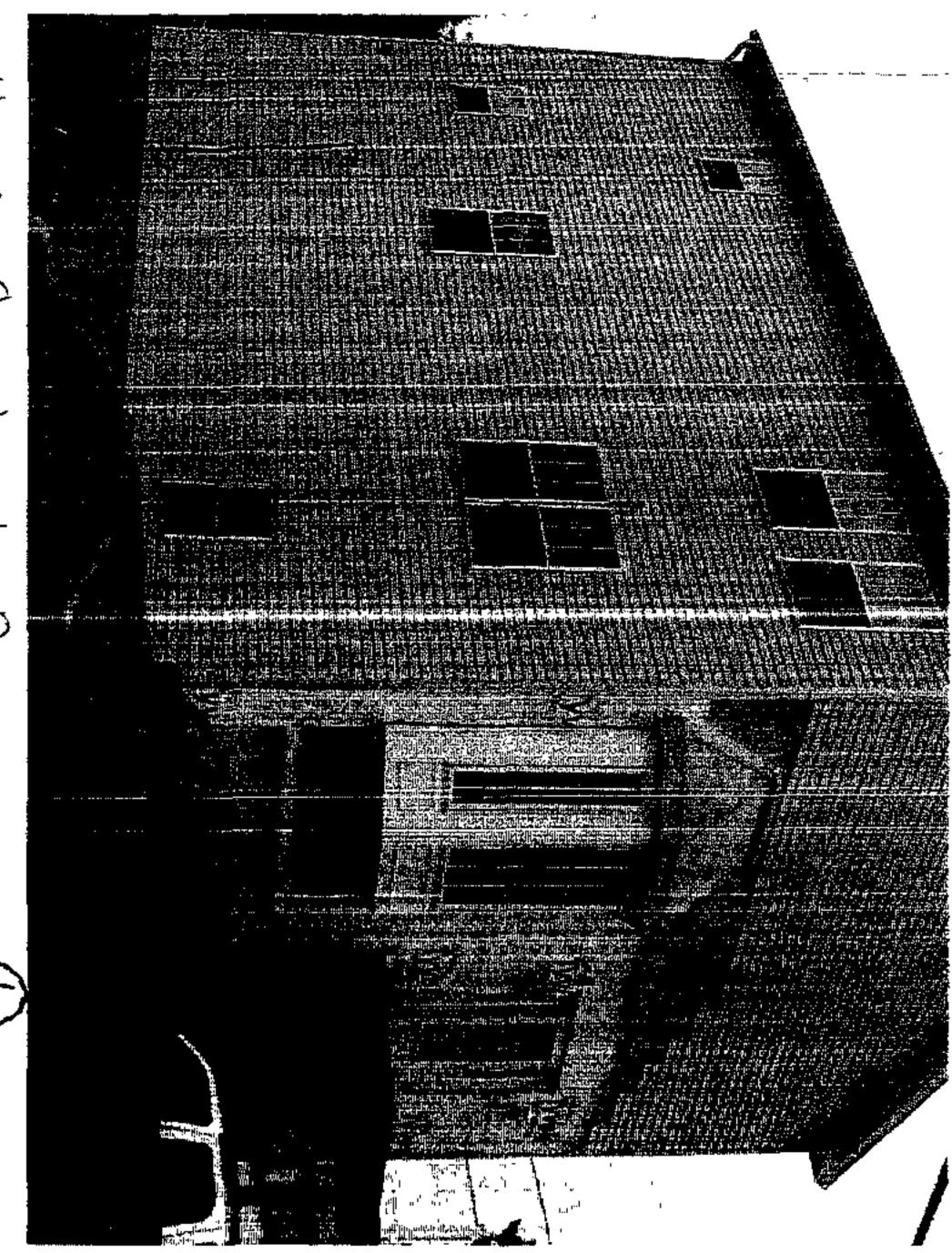
Date

Date

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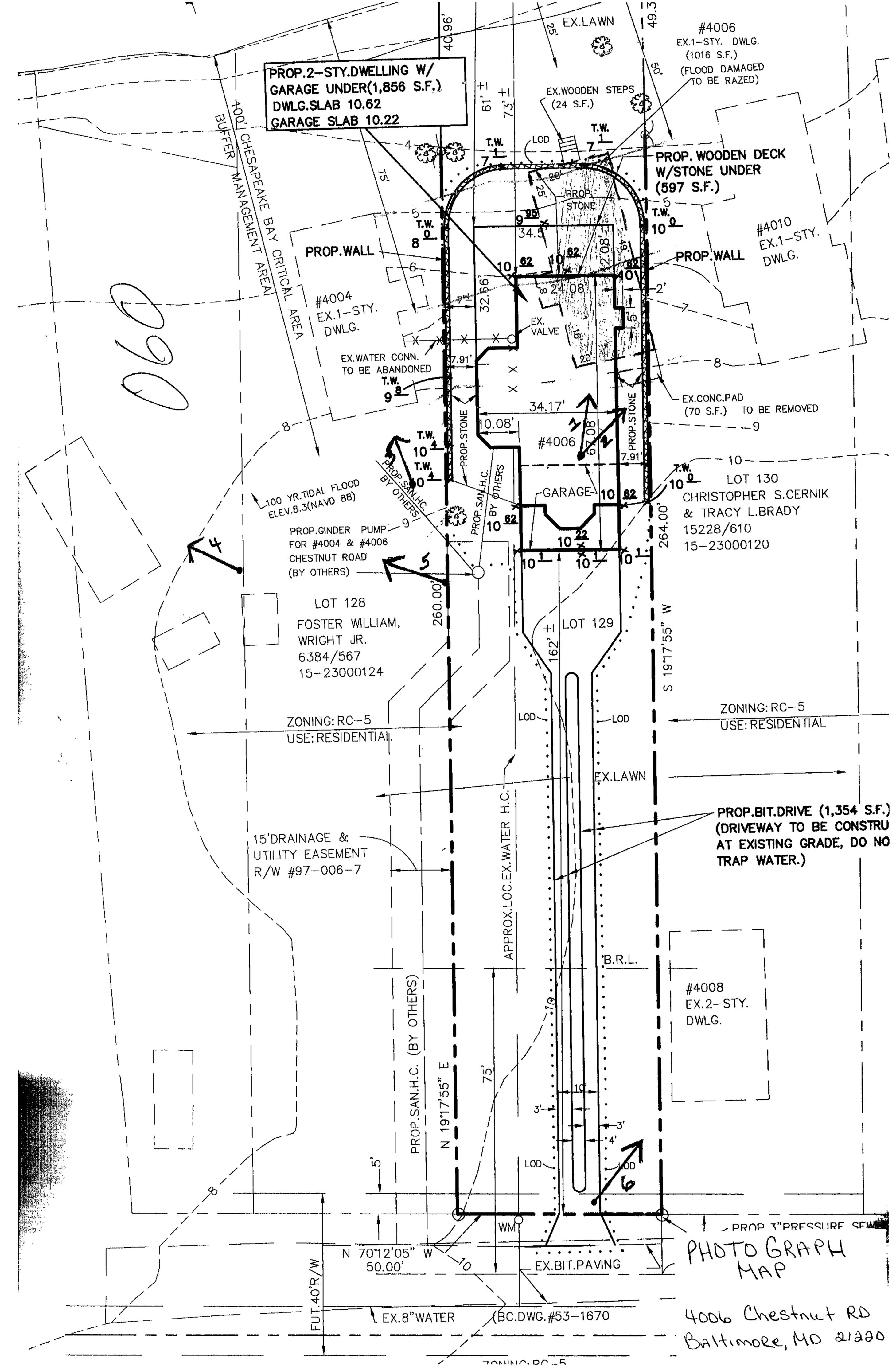


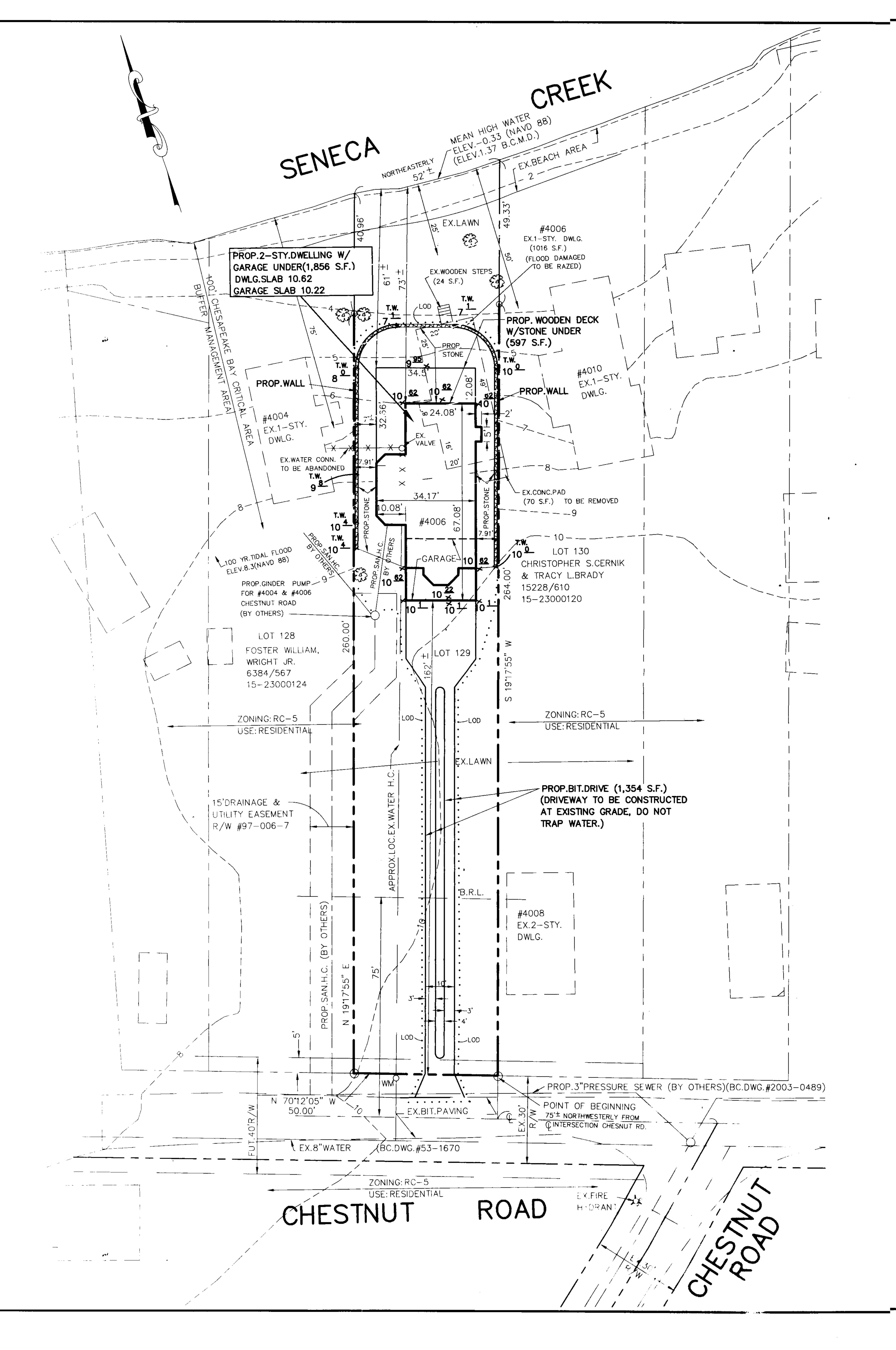




4008 anestrut Ross

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# NOTES

- 1. Topography shown hereon was taken from Baltimore County GIS Topography and field inspected ( MAY 2004)
- 2. The Firm Insurance Rate Map, Panel 435 of 575 indicates a Flood Elevation of 10.00 (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).
- 3. Property lines shown hereon were compiled from available public information and do not represent a boundary survey.
- 4. This site is situated within the Chesapeake Bay Critical Areas and is classified by land use as LIMITED DEVELOPMENT AREA (L.D.A.). (MAP 91).
- There shall be no clearing, grading, construction or disturbance of vegetation within the 100' Buffer Area 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 situated within a Mapped Buffer Management Area in the Chesapeake Bay Critical Areas.
- 8. There are no forest or developed woodlands on this site.
- 9. Existing trees to remain except as noted.
- 10. 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 on this site.
- 15. 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.
- 16. 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. The site has  $50'\pm$  of water frontage on Seneca Creek.
- 18. Public Water serves this site, and pressure sanitary sewer system is under construction in Chesnut Road to serve this site.
- 19. This site has not been the subject of the CRG or DRC Processes, Zoning Hearings, or Waivers.
- 20. Caution underground utilities may exist in CHESNUT ROAD, contact Miss Utility (800—257—7777) prior to any construction.
- 21. Proposed building hieght is < 35'. (permitted 35')
- 22. Existing building coverage 6.6%.
- 23. Proposed building coverage 12.13%. (permitted 15%)
- 24. All roof downspouts must discharge rainwater runoff on—to a pervious surface.
- 25. Existing septic system to be abandoned by others and dwelling connected to pressure sewer in Chestnut Road.

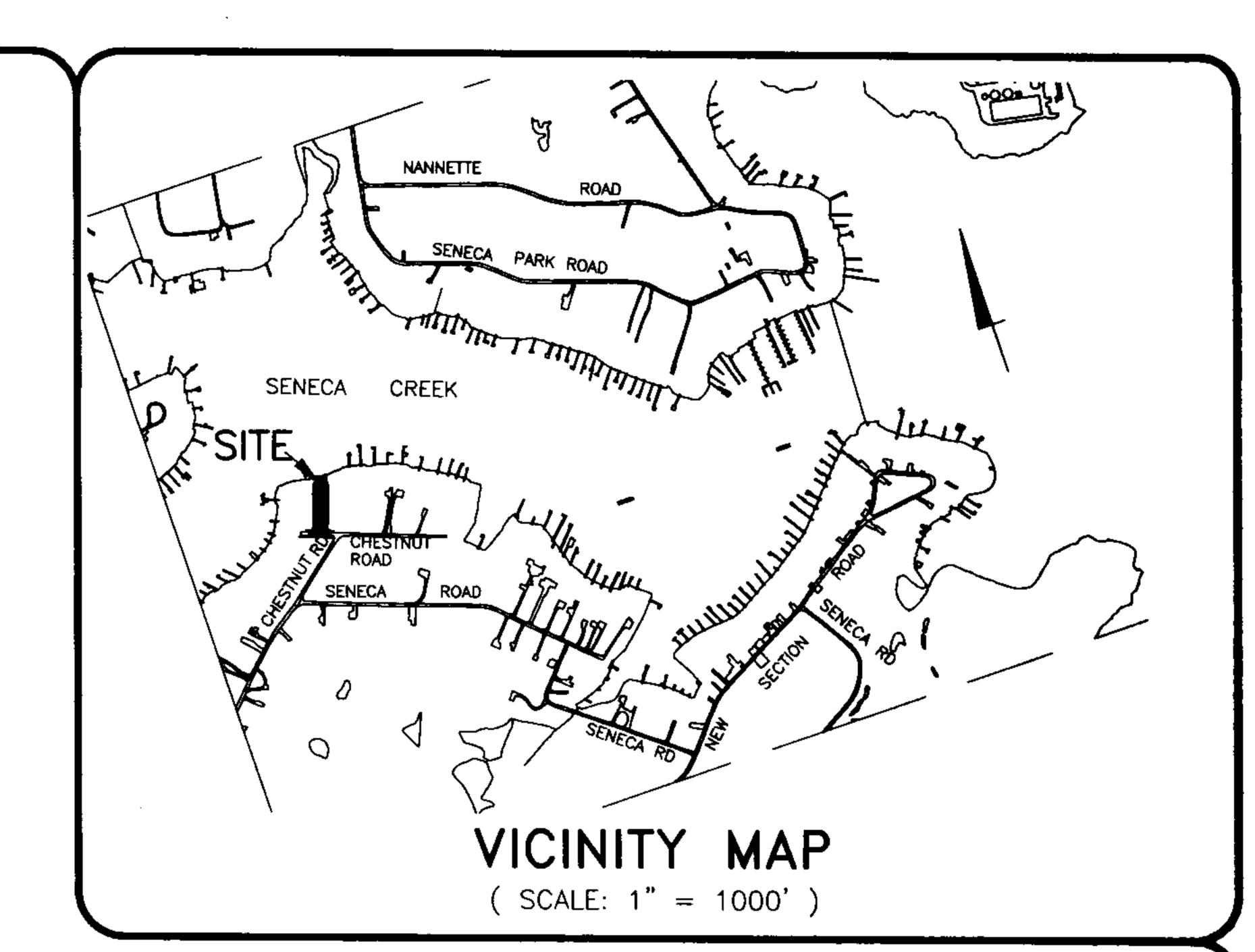
## IMPERVIOUS AREAS

EXISTING	
DWELLING	1,016 S.F.
STEPS	24 S.F.
CONC. PAD	70 S.F.
TOTAL	1,110 S.F. = 7.3%
PROPOSED	
DWELLING	1,856 S.F.
DRIVEWAY	1,354 S.F.
TOTAL	3,210  S.F. = 21%

PERMITTED IMPERVIOUS AREA = 25% (GRANDFATHERED) 25% X 15,300 = 3,825 S.F.

## BUFFER MANAGEMENT AREA IMPACT

PROPOSED		EXIST	ING
0' TO 25'			
<del>- "                                   </del>	0 S.F.		0 S.F.
25' TO 50'			
	0 S.F.	STAIRS	24 S.F.
50' TO 75'		DWELLING	30 S.F.
DECK	447 66		54 S.F.
DECK	447 S.F.	DWELLING	518 S.F.
DWELLING	20 S.F.		518 S.F.
	467 S.F.		510 S.F.
75' TO 100'			
DECK	150 S.F.	CONC.PAD	36 S.F.
DWELLING	820 S.F.	DWELLING	464 S.F.
	970 S.F.		500 S.F.
TOTAL	1,437 S.F.	TOTAL	1,072 S.F.



## SITE DATA

1) OWNER: PATRICIA W., BAYNES TRUSTEE #4006 CHESTNUT ROAD BALTIMORE COUNTY,MARYLAND 21220

2) DEED REF: 15685/355

3) TAX ACC. NO.: 15-23000125

4) TAX MAP: 91 PARCEL: 150 LOT: 129
5) PLAT REF: BOWLEYS QUATERS PLAT 2 BOOK 7 FOLIO 13

6) PLAT RECORDED: MAY 26, 1921

7) ELECTION DISTRICT: 15TH

8) CONCILMANIC DISTRICT: 6TH9) REGIONAL PLANNING DISTRICT: 322B

10) CENSUS TRACT: 4518.01

11) ZONING: RC-5

12) ZONING MAP: MAP NE-3K

13) USE: EXISTING: RESIDENTIAL, SINGLE FAMILY

14) SITE AREA: 15,300 S.F. OR 0.351 AC.

## ZONING REQUEST

1. SECTIONS 1A04.3B.2b (BCZR) TO PERMIT SIDE YARDS OF 7'± IN LIEU OF THE REQUIRED 50'. 301.1 (BCZR) TO PERMIT OPEN DECKS WITH A 7'± SETBACK IN LIEU OF 37.5' FOR A HURRICANE ISBEL DAMAGE REPLACEMENT DWELLING.

06-060-A

ALL ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 88.

DISTURBED AREA: 7,340 S.F. OR 0.168 AC.



William N. Bafitis, P.E.

PRESIDENT

Civil Engineers/Land Planners

SURVEYORS

(410) 391-2336

1249 Engleberth Rd. Baltimore, MD 21221

PLAN TO ACCOMPANY
PETITION FOR ADMINISTRATIVE
ZONING VARIANCES
FOR

REPLACEMENT OF FLOOD DAMAGED DWELLING # 4006 CHESTNUT ROAD

WILLIAM N. BAFITIS P.E.

JOB ORDER NO:
20421

DATE:

BALTIMORE COUNTY, MARYLAND

NO. REVISIONS DATE

Ruth