

IN RE: **PETITION FOR VARIANCE**

W/S Choptank Avenue, 1136' N of the c/l
Chesapeake Avenue
(3336 Choptank Avenue)
15th Election District
6th Council District

Brian S. Logue, Sr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 06-092-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, Brian S. Logue, Sr., and his wife, Tracy A. Logue, through their attorney, Douglas N. Silber, Esquire. Initially, the Petitioners requested a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 25 feet in lieu of the required front yard average of 50 feet. However, the Petition was amended in open hearing to address adjacent property owner and Department of Environmental Protection and Resource Management (DEPRM) concerns relative to the proposed attached garage and the site plan was revised accordingly. Thus, the Petitioners now seek relief to allow a front yard setback of 30 feet in lieu of the required front yard average of 50 feet. The subject property and requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioners was their attorney, Douglas Silber, Esquire. Also appearing was Tammi J. Prysiazny, adjacent property owner. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located at the western end of Choptank Road, north of Chesapeake Avenue, in eastern Baltimore County. Although not immediately adjacent to the water, the property is located adjacent to tidewater in close proximity to Frog Mortar Creek and Galloway Creek in Middle

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Date

By

10/28/05

[Signature]

River. The property is comprised of two lots, specifically all of Lot 116 and a portion of Lot 117, of the subdivision known as Long Beach Estates, an older community of modest homes that was recorded in the Land Records of Baltimore County many years ago. The property contains a combined gross area of 45,000 sq.ft. (or 1.03 acres, more or less) zoned D.R.3.5, and is presently unimproved. The Petitioners recently purchased the property and are desirous of developing same with a single-family dwelling; however, due to the site constraints associated with the property, the dwelling must be located in the front portion of the site, within the required front average setback from Choptank Avenue. In this regard, testimony disclosed that most of the property contains forest buffer and wetlands and approximately two thirds of the site is unsuitable for development.

A great deal of testimony was received as to the many problems encountered by the Petitioners. In this regard, it was indicated that the Petitioners purchased the property from a contractor and contemplated that he would build a home that would be ready for their occupancy by September 30, 2005. Suffice it to say the Petitioners used due diligence in obtaining financing, etc., but no home exists and litigation is being considered. Apparently, the forest buffer and wetlands that cover most of the property prevented the builder from obtaining a building permit. The Petitioners have now engaged the services of a new architect who has redesigned the home and they are ready to proceed with construction. However, given the site constraints noted above, the relief requested is necessary.

As shown on the site plan, the Petitioners originally proposed to locate the main house 35 feet from the road with the attached garage, which is offset from the front façade of the main house, approximately 25 feet from the road. However, during a preliminary review of the proposal, the Department of Environmental Protection and Resource Management (DEPRM), working with the Petitioners' consultant, Eco-Science, Inc., requested that the proposed garage be located further forward on the lot and away from the forest buffer easement area. Following further discussions of this issue, DEPRM agreed to allow the garage to be shifted 5 feet further back on the lot closer to the buffer, and thus, the Petition and plan were amended.

ORDER RECEIVED FOR FILING
Date 10/28/05
By [Signature]

As noted above, Tammi Prysiazny, who resides directly across from the subject site at 3341 Choptank Avenue, appeared in opposition to the request. Ms. Prysiazny testified that she was opposed to the Petitioners' driveway being located directly across from hers and that the proposed home and garage would be out of character with the other homes in the neighborhood. In addition, she felt that the garage would be incapable of being screened, given its close proximity to the road. While she favored the revised proposal to locate the garage 5 feet further back from the road, she remained concerned for her family's privacy.

Section 1B02.3.C of the B.C.Z.R. provides for a minimum front yard depth of 30 feet in a D.R.3.5 zone. However, on this side of Choptank Avenue, the houses on the immediately adjacent lots are setback further from the road than the proposed dwelling. Thus, an "average" front setback of 50 feet is required for development on the subject lot, pursuant to Section 303.1 of the B.C.Z.R.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the variance. It is clear that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners, given the environmental constraints associated with this property, which limit development on the site. Moreover, as shown on Petitioner's Exhibit 4, an aerial view of the subject property and surrounding locale, many of the homes along Choptank Avenue are setback a similar distance from the road as that proposed here. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the proposal appears compatible with the pattern of development in the area. As noted above, there are many other homes in the vicinity located 30 feet from Choptank Avenue. Thus, I find that the relief requested is appropriate in this instance and will not be detrimental to adjacent properties or the surrounding locale. However, given the property's close proximity to Frog Mortar Creek and Galloway Creek, the proposed improvements must comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements. In addition, in order to assure that the proposed dwelling is compatible with the neighborhood, the Petitioners shall submit building elevation drawings of the proposed

ORDER RECEIVED FOR FILING

Date

3v

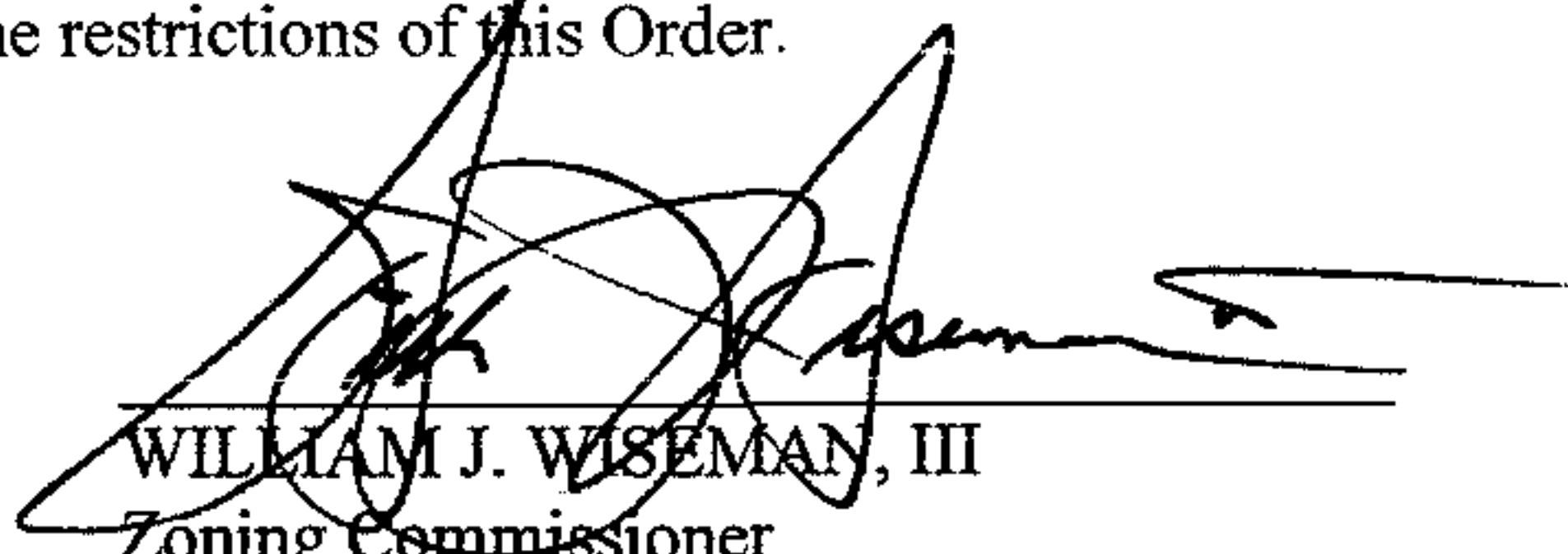
structure for review and approval by the Office of Planning prior to the issuance of any permits.

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 28th day of October 2005 that the Petition for Administrative Variance seeking relief from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 30 feet in lieu of the required front yard average of 50 feet, for a proposed dwelling in accordance with amended Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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.
- 2) Compliance with the ZAC comments submitted by DEPRM and the Development Plans Review division of DPDM relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to 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, Petitioners shall submit building elevation drawings of the proposed structure to the Office of Planning for review and approval to assure compatibility with the surrounding locale.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

WJW:bjs


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 10/28/05
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 28, 2005

Douglas N. Silber, Esquire
40 W. Chesapeake Avenue, Suite 412
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
W/S Choptank Avenue, 1136' N of the c/l Chesapeake Avenue
(3336 Choptank Avenue)
15th Election District – 6th Council District
Brian S. Logue, Sr., et ux - Petitioners
Case No. 06-092-A

Dear Mr. Silber:

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,

A handwritten signature in black ink, appearing to read "W. J. Wiseman III", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Brian Logue, Sr.
3603 Skipjack Court, Abingdon, Md. 21009
Ms. Tammi Prysiaczny
3341 Choptank Avenue, Baltimore, Md. 21220
Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File



CBA / FLOOD Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3336 CHOPTANK AVE

which is presently zoned DR. 35

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)

303.1 to permit a front yard setback
of 25 ft. in lieu of the required front yard average of 50 ft.

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

STRICT COMPLIANCE WITH AVERAGE YARD SETBACK - IN THIS CASE 50 FEET -
WOULD REQUIRE A SIGNIFICANT PART OF HOUSE TO BE BUILT IN FOREST BUFFER
AND ALLOW NO REAR YARD.

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 or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By BK Date 8/11/05

**ZONING DESCRIPTION FOR
3336 CHOPTANK AVE.**

Beginning at a point on the West side of Choptank Ave. which is 40 feet wide at the distance of 1136 feet North of Chesapeake Ave. which is 40 feet wide.

Being Lot number 116 and part lot number 117 in the subdivision of Long Beach Estates as recorded in Baltimore County Plat Book number 3, Folio number 178, containing 45,000 square feet. Also known as 3336 Choptank Ave. and located in the 15th Election District, 6th Councilmanic district.

No. 448604

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

[illegible]

DATE 1/11/05 ACCOUNT 100/1007-630

1. 1990年12月，在“中国—东盟”领导人非正式会议上，中国领导人正式提出建立中国—东盟自由贸易区。

1

[illegible][illegible]

RECEIVED
FROM
Pack # 10898

Form: Verreano

**DISCOUNT—
MULTIPLY
YOUR CASHIER
WITH A LOW
RISK—AGENCY
YES! LOW
COSTS!**

PINK - AGENCY **YELLOW - CUSTOMER**

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner
of Baltimore County
and Regulator
more County will
public hearing on the property
Maryland herein as follows:

Case: #05-092-A
3336 Choptank Avenue
W/ide of Choptank Ave-
nue, 1,135 feet north of
centerline of Chesapeake
Avenue

15th Election District
6th Councilmanic District
Legal Owner(s): Tracy A. &
Brian S. Logue, Sr.
Variance: to permit a front
yard setback of 25 feet in
lieu of the required front
yard average of 50 feet.

Hearing: Wednesday, Oc-
tober 12, 2005 at 2:00
p.m. in Room 407, County
Courts Building, 401
Bosley Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.
(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.
JT 9/27/05 Sept. 27 68609

CERTIFICATE OF PUBLICATION

9/29/, 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 9/27/, 2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-092-A

Petitioner/Developer: TRACY A

& BRIAN S. LOGUE SR

Date of Hearing/Closing: OCT 12
2005

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: _____

3336 CHOPIANK AVE

The sign(s) were posted on 9-26-05
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

9-27-05
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

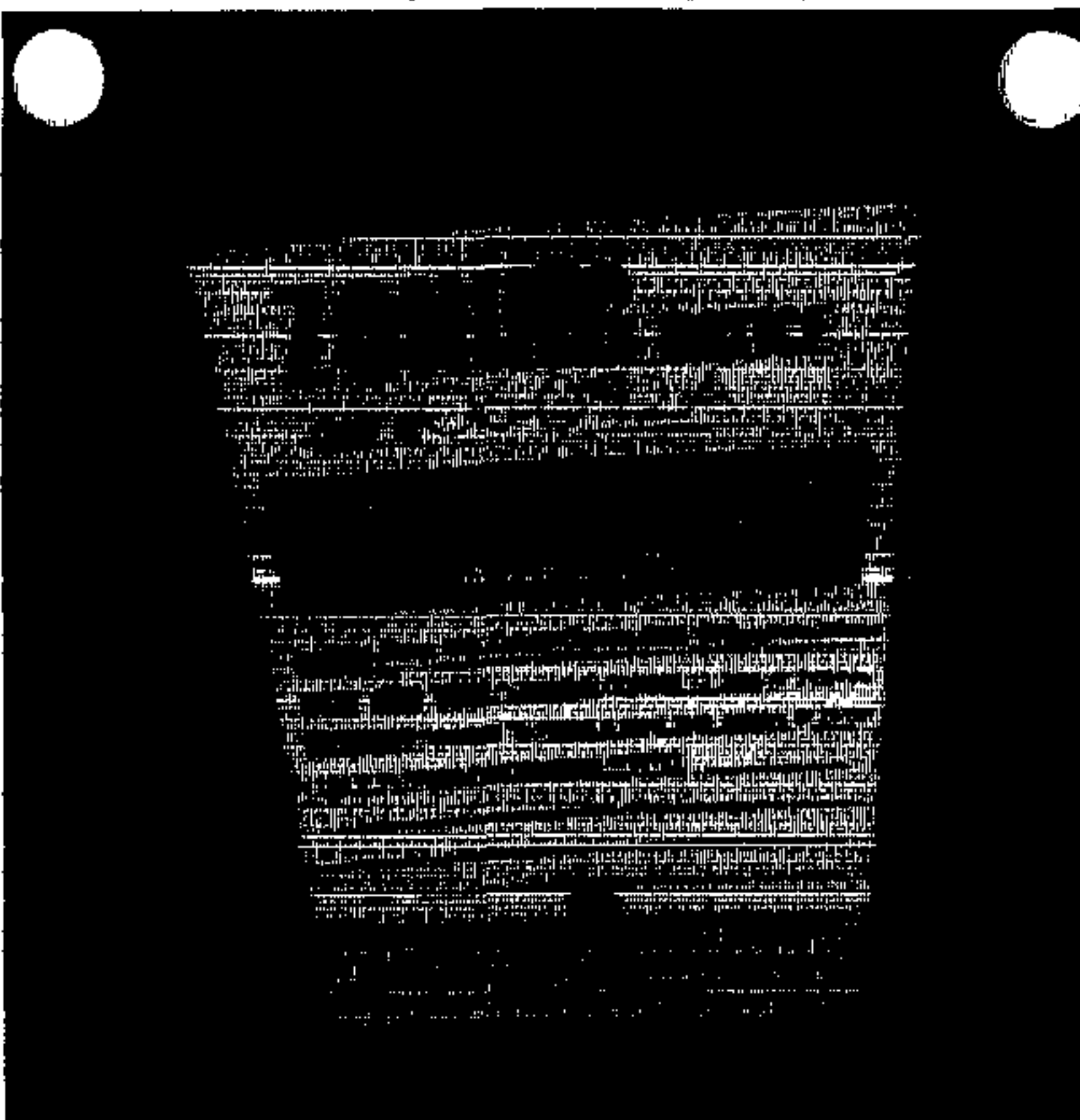
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



3336 CHOPIANK

RE: PETITION FOR VARIANCE * BEFORE THE
3336 Choptank Avenue; W/side Choptank *
Avenue, 1,136' N of c/line Chesapeake Ave * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Tracey & Brian Logue * FOR
Petitioner(s) *
BALTIMORE COUNTY
* 06-092-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.

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 26th day of August, 2005, a copy of the foregoing Entry of Appearance was mailed to, Douglas Silber, Esquire, 40 W Chesapeake Avenue, Suite 412, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

AUG 26 2005

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 27, 2005 Issue - Jeffersonian

Please forward billing to:

Doug Silber
40 West Chesapeake Avenue, Ste. 412
Towson, MD 21204

410-296-1030

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: 06-092-A

3336 Choptank Avenue

W/side of Choptank Avenue, 1, 136 feet north of centerline of Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Tracy A. & Brian S. Logue, Sr.

Variance to permit a front yard setback of 25 feet in lieu of the required front yard average of 50 feet.

Hearing: Wednesday, October 12, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
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

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

August 25, 2005

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: 06-092-A

3336 Choptank Avenue

W/side of Choptank Avenue, 1, 136 feet north of centerline of Chesapeake Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Tracy A. & Brian S. Logue, Sr.

Variance to permit a front yard setback of 25 feet in lieu of the required front yard average of 50 feet.

Hearing: Wednesday, October 12, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Douglas Silber, 40 West Chesapeake Avenue, Ste. 412, Towson 21204
Tracey & Brian Logue, Sr., 3603 Skipjack Court, Abingdon 21009

**NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN
APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 27,
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: 06-092-A

Petitioner: Tracey & Brian Logue

Address or Location: 3336 Choptank Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tracey & Brian Logue

Address: 66 Douglas SILBER, Esq.

40 W Chesapeake Avenue, Suite 412

Towson Maryland 21204

Telephone Number: 410-296-1030

**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

October 3, 2005

Douglas Silber
Law Offices of Douglas Silber
Suite 412 40 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Silber:

RE: Case Number: 06-092-A, 3336 Choptank Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 11, 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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Tracy A. and Brian S. Logue 3603 Skipjack Court Abingdon 21009

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

Department of Permits&Development Management
Room 111 County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 (Mail Stop#1105)

August 26, 2005

ATTENTION: Kristen Matthews

Distribution Meeting of: August 29, 2005

Item No.: 091-094, 096-102&104

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.

Lt. Jimmie Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 2, 2005

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For September 6, 2005
Item No. 092

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 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.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 092-09022005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

OCT 18 2005

ZONING - APPLICANT

TO: Timothy M. Kotroco
FROM: R. Bruce Seeley *RBS*
DATE: September 12, 2005
SUBJECT: Zoning Item # 06-092-A
Address 3336 Choptank Ave
Logue Property

Zoning Advisory Committee Meeting of August 29, 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).

Additional Comments:

House and garage construction shall be in accordance with the Critical Area Variance granted on 10/14/2005, to allow the garage to be located further from Choptank Ave.

Reviewer: Glenn Shaffer

Date: October 18, 2005

BW
10/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 26, 2005

SEP 27 2005

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

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-092 Variance**

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 David Pinning in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL



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

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

Maryland Department of Transportation

Date: 8.30.05

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

RE: Baltimore County
Item No. 092 BPR

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

Michael & Tammi J. Prysiazny
3341 Choptank Avenue
Baltimore, MD 21220
(410) 335-8768

BW
10/12

RECEIVED

October 21, 2005

NOV - 9 2005

ZONING COMMISSIONER

William J. Wiseman
Zoning Commissioner
401 Bosley Avenue
Towson, MD 21204

* 06-092-A

Re: 3336 Choptank Avenue Baltimore, MD 21220

Dear Commissioner Wiseman:

I would like to thank you for the consideration you gave my concerns in reference to the property located across from my home. I wanted to advise you that it is not my intention to appeal your decision to require a thirty-five foot setback on the home to be constructed at 3336 Choptank Ave.

However, it does concern me that procedures are not in place to determine whether properties located in a protected area are buildable prior to families encountering the problems faced by the purchasers of this property. I would imagine that this is a problem faced all too often in such areas.

Should you have any questions, please feel free to contact me at (410) 539-0641.

Sincerely,



Tammi J. Prysiazny

Case No.:

06-092 A

Exhibit Sheet

Petitioner/Developer

Protestant

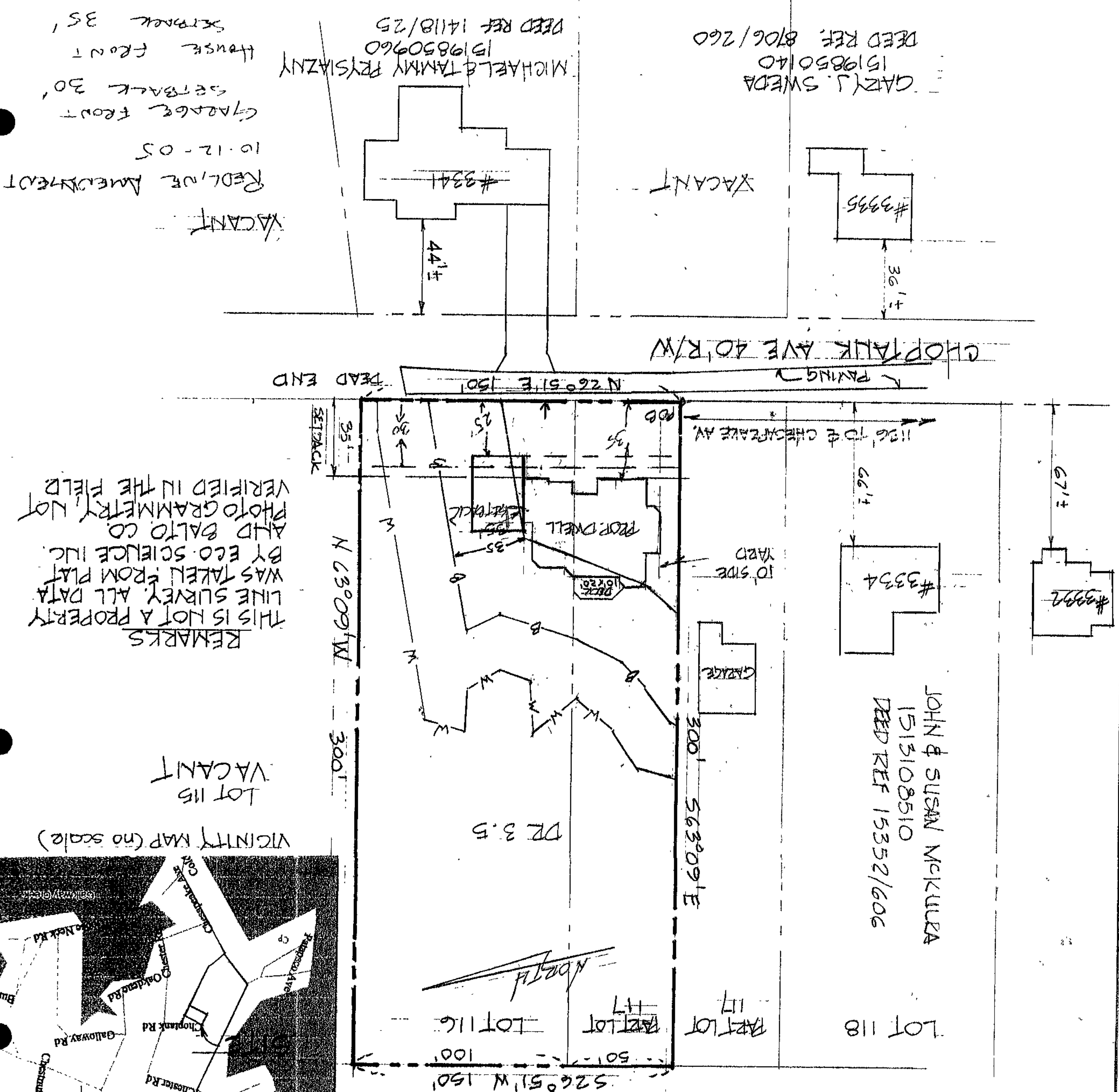
No. 1	Site Plan	
No. 2	Enlarged marked up Site Plan	
No. 3	Aerial View	
No. 4	Aerial with Property Lines	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

LOCATION INFORMATION
ELECTION DIST: 15
COUNCILMANIC DIST: 6
200 SCALE MAP: 098 & 1
ZONING: DR 3.5
LOT SIZE: 45,000 SF / 1.03 AC
SITE HAS PUBLIC WATER AND SEWER
SITE IS IN THE CBCA, AND 100 YEAR FLOOD PLAIN
NO HISTORIC PROPERTY OR BUILDING
NO PRIOR ZONING HEARING

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE
PROPERTY: 3336 CHOPTANK AVE
PART LOT 117, LOT 118 LONG BEACH ESTATES
PLAT REF: 4 / 131
DIST: 15
ACCOUNT NOS: 1509750070 & 1508301211
OWNERS: BRIAN S & TRACY A LOGUE
3603 SKIPJACK CT
ABINGTON, MD 21009-1042
PHONE: 410-676-6093
DATE: AUGUST 10, 2005

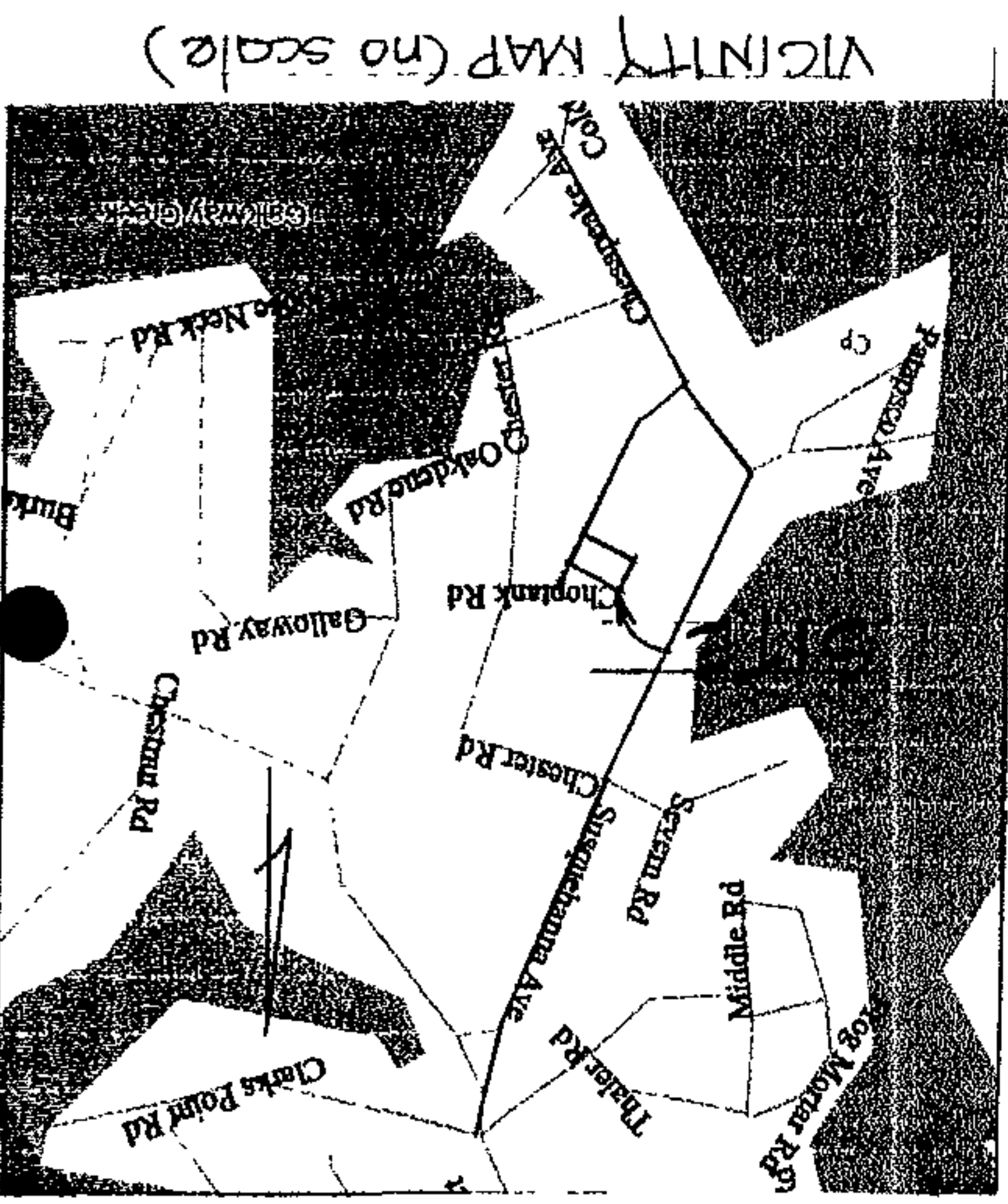
PETITIONER'S
EXHIBIT NO. 1

SITE PLAN
SCALE: 1"=50'



REMARKS
THIS IS NOT A PROPERTY
LINE SURVEY. ALL DATA
WAS TAKEN FROM PLAT
BY ECO SCIENCE INC.
AND BALTO CO.
PHOTOGRAMMETRY NOT
VERIFIED IN THE FIELD

LOT 115
VACANT



S 26° 51' W 150'

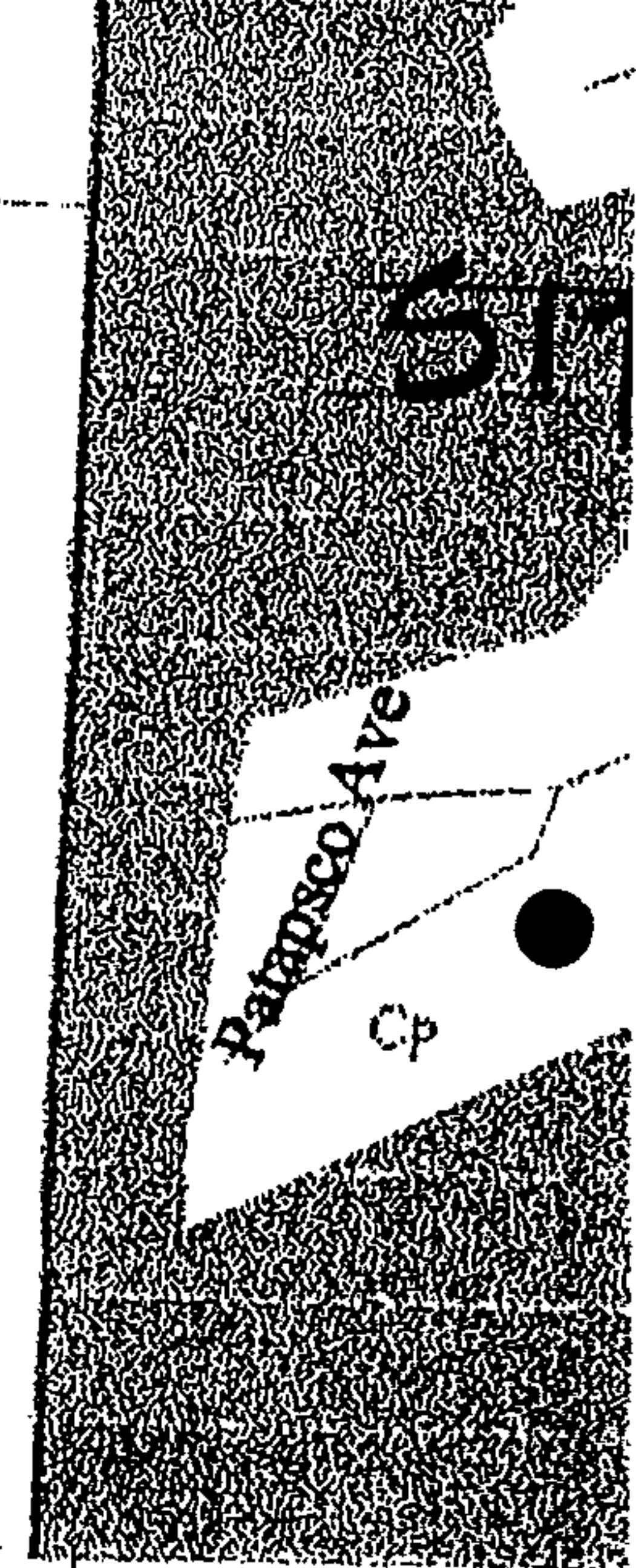
50' 100'

PART LOT 117

PART LOT 117

LOT 116

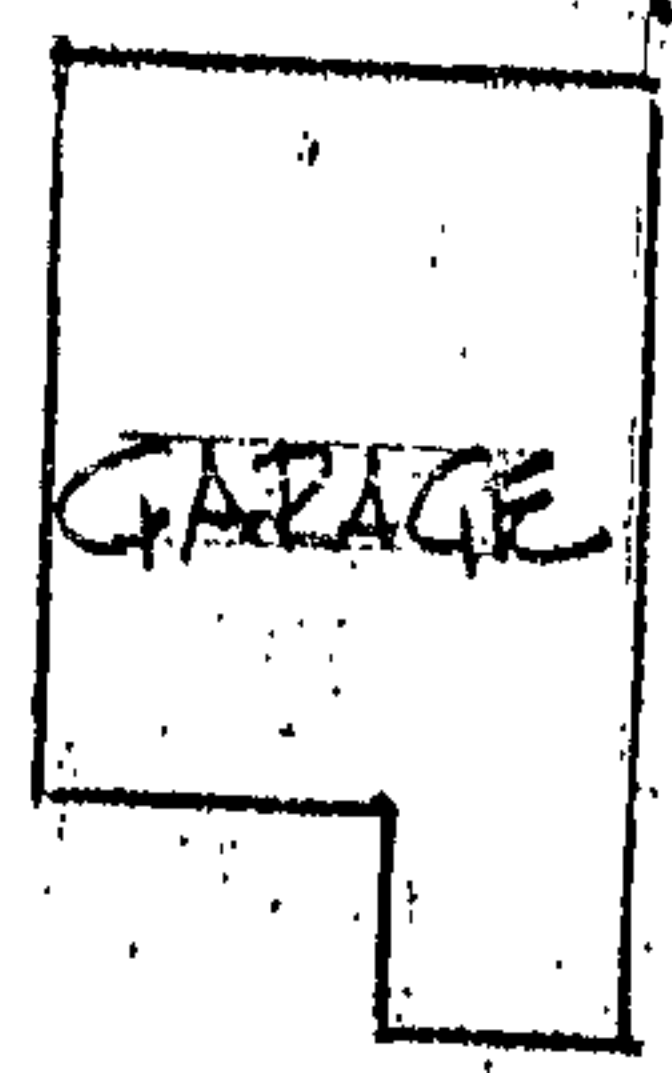
NORTH



DR 3.5

300' S 63° 09' E

300'

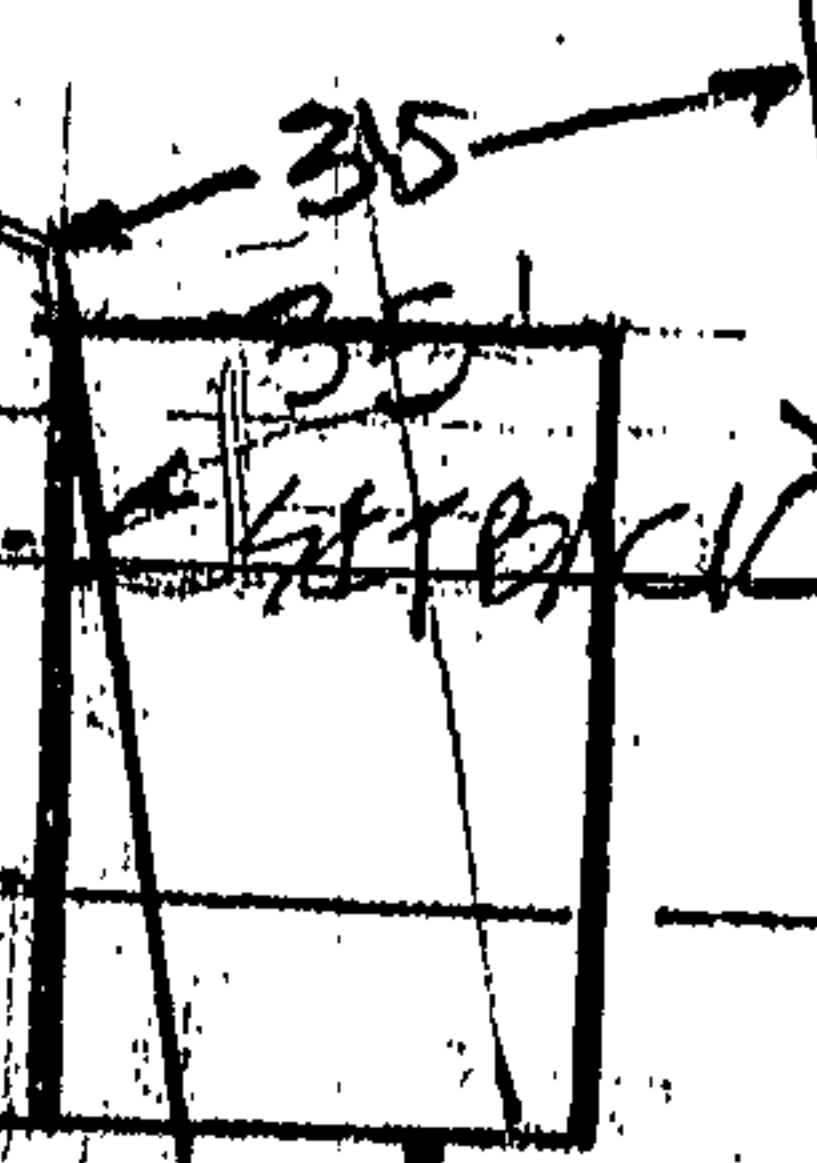


GARAGE

10' SIDE YARD

DECK 10' x 20'

PROP. DWELL



WAKE AV.

POB

N 26° 51' E 150'

DEAD END

E 40' R/W

THIS LINE WAS BY AND PHOTO VERIFIED

SETBACK

PETITIONER'S

EXHIBIT NO.

2



PETITIONER'S

EXHIBIT NO. 3



PETITION FOR VARIANCE LOT 116 & PART LOT 117
CHOPTANK AVE
OWNERS: BRIAN & TRACY LOGUE
3603 SKIPJACK CT
Arlington MD 21009-1042

PETITIONER'S

EXHIBIT NO.

4

CASE NAME _____
CASE NUMBER _____
DATE 10/12/05

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Tammi J. Prysiak	3341 Choptank Ave	Balto., MD 21220	tjprygreen@aft.net

CASE NAME Logue
CASE NUMBER 06-092-A
DATE 10-12-05

CASE NAME Logue
CASE NUMBER 06-092-A
DATE 10-12-05

E-MAIL

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Douglas J. Bee	40 W. Alameda	Tucson	21204
for Petitioners	Tracy and Brian	Logan	
			ds.theresa.silverlawfirm.com

ST AUGUSTINE	YOUTH	CHURCH	100000	21204	St. Peter's Church
for Petitioners		Tracy and Brian	League.		

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILIENCE ZONES
 WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED
 Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 --In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

A	_____	ft.
B	87	ft.
C	86	ft.
D	50	ft.
E	_____	ft.
F	_____	ft.
TOTAL	(203)	÷ (3) =

of dwellings

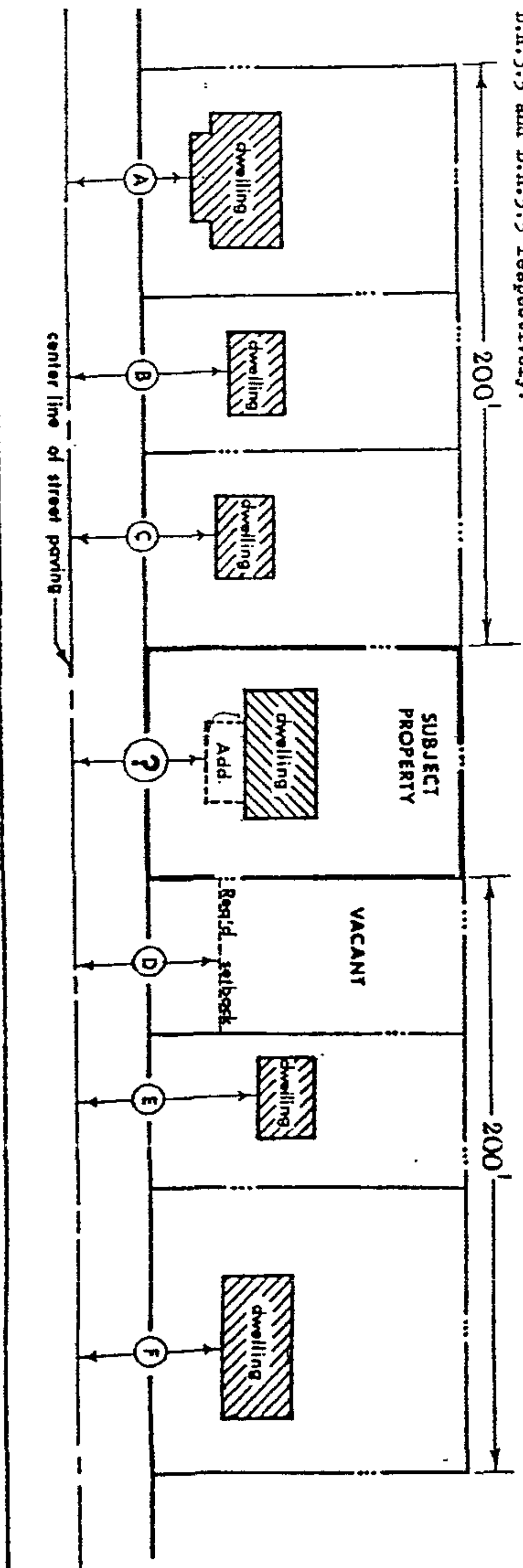
REQUIRED FRONT SETBACK (averaged)

54' avg

NORMAL REQUIRED SETBACKS

- D.R.2 - 65 ft.
- D.R.3.5- 55 ft.
- D.R.5.5- 50 ft.

Applicant's name: Be. and S. and Treacy A. Logue
 Building address: 3336 CHOTEMARK RD
 date: August 11, 2005



Item # 092 map # 048 B1

