IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE

AND VARIANCE - W/S Bay Drive,

809' E of the c/l Chesapeake Avenue

(3634 Bay Drive)

15th Election District

6th Council District

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 06-252-SPHA

George J. Dorn, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, George J. Dorn, and his wife, Mary D. Dorn. The Petitioners request variance relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5 feet and 15 feet in lieu of the required 50 feet each for a proposed dwelling and approval that the overall neighborhood density will not be affected. The subject property and requested relief are more particularly described on the amended/revised site plan submitted after the hearing, which was accepted into evidence and marked as Petitioner's Exhibit 9.

Appearing at the requisite public hearing held in support of the request were George Dorn, property owner, and Jack Dillon, a land use planning and zoning consultant. Appearing as an interested citizen/Protestant was Barbara A. Daly, who appeared on behalf of her brother, Lee Umarlay and his wife, Wanda, owners of the immediately adjacent parcel to the north.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped lot located on the west side of Bay Drive just east of Chesapeake Avenue in Bowley's Quarters. Although not waterfront, the property is located immediately across from those lots which have frontage on the Chesapeake Bay. The property contains a gross area of 0.40 acres, more or less, zoned R.C.5 and is presently unimproved. The property is also known as Parcel 89 of Bowley's Quarters Plat No. 3, which was recorded in the Land Records on April 25, 1930, well prior to the adoption of the first set of zoning regulations in Baltimore County. As is often

the case with lots in older subdivisions, the subject property lacks sufficient width and area by today's standards.

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The Petitioners have owned the subject property since November 1993 and have resided across the street from the subject lot at 3637 Bay Drive since 1985. The Petitioners are desirous of developing the subject property with a single-family dwelling in which they will reside. As shown on Petitioner's Exhibit 1, the Petitioner's propose a 30' x 60' dwelling with side yard setbacks of 10 feet on each side. The Petitioners originally proposed side yard setbacks of 15 feet to the north and 5 feet to the south; however, in response to the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, the Petitioner amended his plan so as to provide 10-foot setbacks on each side. At the hearing, the Petitioner argued that his boat width extends beyond 10 feet and that he would not be able to store the boat when not in use in the rear yard behind his home as required unless he had a 15-foot wide passage area. He testified that following further discussions on this issue, the Office of Planning agreed to support the original proposal as filed. However, he requested a further amendment to allow a reversal of the setback requests so as to allow the 5-foot setback on the north side and the 15-foot setback to the south (see Petitioner's Exhibit 9). Testimony indicated that a 15-foot setback on the south side would allow a greater distance between the proposed dwelling and the existing dwelling on the adjacent lot. Moreover, the Umarlay parcel to the north is a large, undeveloped 25-acre tract of land and a 5-foot setback on that side would have less impact.

Further testimony indicated that the proposed dwelling would be compatible with other houses in the neighborhood and that many houses in the community are built on undersized lots (albeit most of which were built prior to Council Bill #55-04). Moreover, prior to the hearing, the Petitioners submitted elevation drawings of the proposed structure to the Office of Planning, which approved same as being consistent with the spirit and intent of the R.C.5 zoning regulations and performance standards set forth in Section 1A04.4 of the B.C.Z.R. However, pursuant to their Zoning Advisory Committee (ZAC) comment dated December 28, 2005, the proposed dwelling shall be finished with a stucco foundation and landscaping shall be provided

Date.

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along the public road consistent with the existing neighborhood. Finally, the Petitioners submitted into evidence signed affidavits from surrounding neighbors indicating they have no objections to their plans.

As noted above, Barbara Daly appeared and testified on behalf of her brother and sister-in-law, Lee and Wanda Umarlay, who own the adjacent property to the north. Ms. Daly testified that the Umarlays might object to the proposed house being 5 feet closer to their common property line than originally proposed and requested an opportunity to confer with them in this regard. The Petitioner offered to further amend the Petition and reverse the setbacks to that originally proposed; however, subsequent to the hearing, Ms. Daly advised this Zoning Commissioner, via e-mail, that the Umarlays have no objection to the 5-foot setback on the north side adjacent to their property.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. As noted above, it is clear that the subject lot is undersized by today's standards and that relief, pursuant to Section 1A04.3.B of the B.C.Z.R. is appropriate given the narrow width and small area of the lot. Moreover, the proposed development will be consistent with the pattern of development in the neighborhood and meets the spirit and intent of the R.C.5 regulations. I further find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. and Cromwell v. Ward, 102 Md. App. 691 (1995) for relief to be granted. It has been established that the subject property is a buildable lot of record and that the overall density of this neighborhood will not be affected by the proposed development. The subject property is located in an older subdivision that was platted and recorded in the Land Records in the 1930s prior to the adoption of the R.C.5 zoning regulations in 1975. Thus, it is clear that strict compliance with the regulations would result in a practical difficulty for the Petitioners and prohibit reasonable use of the property for a permitted purpose. It is also to be noted that many other houses in this community were built on similar sized lots, the majority of those waterfront lots being 50 feet wide by 350 feet in depth. While the property is technically in a "subdivision" this Office has traditionally treated these old Land Record

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subdivisions as simply "Lots of Record." Development in these subdivisions usually consists of "in-fill" lots in existing neighborhoods.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. However, the Office of Planning requested that certain conditions be imposed to the grant of any relief to insure compliance with the R.C.5 zoning regulations and development standards. Moreover, given the property's waterfront location, the proposed development is subject to compliance with Chesapeake Bay Critical Areas requirements and Federal Flood Insurance regulations in accordance with the attached comments submitted by the Department of Environmental Protection and Resource Management and Development Plans Review. With the exception of those conditions, I find that the relief requested is appropriate in this instance and should be granted.

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.

- 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) Pursuant to the comments submitted by the Office of Planning, the proposed house shall be finished with a stucco foundation. Moreover, the Petitioners shall provide landscaping along the public road consistent with the existing neighborhood.

OHDER RECEIVED FOR FILING
Date

By

- 3) Compliance with the ZAC comments submitted by DEPRM and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Areas regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments have been attached hereto and are made a part hereof.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LLIAMA WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

3/15/26

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE - W/S Bay Drive,

809' E of the c/l Chesapeake Avenue

(3634 Bay Drive)

15th Election District

6th Council District

George J. Dorn, et ux Petitioners BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 06-252-SPHA

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Zoning Commissioner on a Motion for Reconsideration of the Order issued by me in the above-captioned matter on January 17, 2006.

By way of background, George J. Dorn and his wife, Mary D. Dorn, filed Petitions for Special Hearing and Variance relief to allow development of the subject property with a single-family dwelling. Specifically, the Petitioners sought relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5 feet (south) and 15 feet (north) in lieu of the required 50 feet each and approval that the overall neighborhood density will not be affected.

Appearing at the requisite public hearing held in support of the request were George Dorn, property owner, and Jack Dillon, a land use planning and zoning consultant. Appearing as an interested citizen/Protestant was Barbara A. Daly, who appeared on behalf of her brother, Lee Umarlay and his wife, Wanda, who own the immediately adjacent parcel to the north.

As noted in the prior opinion, the Petitioners propose to construct a 30' x 60' single-family dwelling on the property, with side yard setbacks of 15 feet to the north and 5 feet to the south. At the hearing, Mr. Dorn requested approval to amend his plan to allow a reversal of the setback requests so as to provide the 5-foot setback on the north side and the 15-foot setback to the south (see Petitioner's Exhibit 9). In this regard, he testified that a 15-foot setback on the south side would allow a greater distance between the proposed dwelling and the existing

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 dwelling on the adjacent lot. Moreover, because the Umarlay parcel to the north is a large, undeveloped 25-acre tract of land, a 5-foot setback on that side would have less impact.

Initially, the Umarlay family was not opposed to this amendment; however, subsequent to the issuance of the Order, there was apparently a disagreement between the parties and the Umarlays indicated they would file an appeal of my original decision and retained legal counsel. The Petitioners then filed a Motion requesting that I reverse the relief granted to that originally requested; i.e., to allow the 5-foot setback on the south side and the 15-foot setback to the north.

Subsequent to the receipt of said Motion from the Petitioners, this Zoning Commissioner received written notification from counsel for the Umarlays and the Petitioners' representative that the parties have reached an agreement and the Umarlays will withdraw their appeal. Thus, the Petitioners have requested a withdrawal of their Motion for Reconsideration

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this ______day of March 2006 that the Motion for Reconsideration filed in the above-captioned matter be and the same is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that all of the terms and conditions of the Order issued

on January 17, 2006 shall remain in full force and effect.

Zoning Commissioner

for Baltimore County

WJW:bjs

cc: Mr. & Mrs. George J. Dorn

3637 Bay Drive, Baltimore, Md. 21220

Mr. Jack Dillon, 207 Courtland Avenue, Towson, Md. 21204

Patricia A. Malone, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, Md. 21204

Ms. Barbara J. Daly, 4008 Manor Oaks Road, Phoenix, Md. 21131

Chesapeake Bay Critical Areas Commission

1804 West Street, Suite 100, Annapolis, Md. 21401

DEPRM; Development Plans Review, DPDM; Office of Planning

People's Counsel; Case File

Jack Dillon & Associates, LLC 410-337-5455 Fax 410-337-5476 410-221-0060 jackdillon@dmv.com

Baltimote County 207 Courtland Avenue Towson, Maryland 21204 Dorchester County 922 Parson Drive P.O. Box 64 Madison, Maryland 21648

February 14, 2006

Mr. William J. Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Ave.
Suite 405
Towson, Maryland 21204

EDNING COMMISSIONER

FEB 1 2006

RE: MOTION FOR RECONSIDERATION of Petition FOR SPECIAL HERING AND VARIANCE

Case No. 06-252 SPHA

George J. Dorn, et ux – Petitioners

W/S Bay Drive, 809' E of the c/l Chesapeake Avenue 15th Election District – 6th Council District

Dear Mr. Wiseman:

My clients have requested that I file on their behalf a MOTION FOR RECONSIDERATION of your decision granting a five (5.0°) foot setback from the north side of there property and a fifteen foot (15.0°) setback on the south side of their property at 3634 Bay Drive. They also request that the variance granted be reversed and grant the fifteen foot (15.0°) setback on the north side and the five foot (5.0°) setback on the south side as originally requested in lieu of the requires fifty foot (50.0°) setback required on both sides.

This request has been generated because of actions taken by the Umarlay family who own property on the north side of the subject property and adjacent to 3634 Bay Drive. While a representative of the Umarlay family had agreed to the 5.0' setback, there has been a change of position and my client is now requesting to have the requested variance reversed.

Thank you for your consideration of this request.

Jack Dillon

Attachment:: Motion For Reconsideration

cc:

RFILING

CADER RECEIVED
Date

Mr. & Mrs. George Dorn

Ms. Barbara J. Daly

Mr. Robert Hoffman, Esq.

Member American Planning Association

2/11/06

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IN RE: PETITION FOR VARIANCE AND SPECIAL HEARING 15TH Election District 6th Councilmanic District

* BEFORE THE ZONING

* COMMISSIONER OF BALTIMORE COUNT

*

Mr. & Mrs. George J. Dorn, Petitioner

CASE NO 06-252 SPHA

MOTION FOR RECONSIDERATION

Mr. and Mrs. George J. Dorn, Petitioner, hereby request a MOTION FOR RECONSIDERATION of your Decision in the Case No. 96-252-SPHA wherein you granted the requested variance as modified at the hearing with the concurrence of the adjacent neighbor property owners to the north (Umarlay Family). Now the adjacent property owner represented by Ms Barbara Daly after agreeing to the Petitioners requested modification and the Commissioners subsequent granting of the request is now objecting through a series of conditions, to the granting of the variance requested. The Dorn's are willing to have the modified request reversed in accordance with the original petition. Dorn's therefore file this Motion for Reconsideration pursuant to the Rules and Procedures before the Zoning Commissioner of Baltimore County, Rule 2, K and states specifically the grounds and reasons for such a request as follows:

- 1. On December 29, 2005 a hearing was held before the Zoning Commissioner of Baltimore County wherein the Dorn's requested a five foot and fifteen foot side yard setback in lieu of the required fifty foot setbacks for side yards in the RC 5 Zone under Section 1A04.3B2b of the Zoning Regulations of Baltimore County.
- 2. At the hearing, Ms. Barbara Daly appeared as an interested party whose family owns the adjacent 20 + acre parcel now zoned RC 20.
- 3. During the hearing testimony acknowledged that the site plan was modified in response to the Planning Office request that the setbacks be 10 feet on each side in lieu of

the requested 5 and 15 feet as presented in the petition. The petitioner argued that with only a 10 foot side yard it would be very difficult to provide enough space on the side to provide a drive way to the rear of the property to store his boat and that was part of the reason for the requested 5 and 15 foot setback request.

- 4. During the ensuing discussion it was suggested that because the proposed house was designed with the built in garage on the south side of the house that it might make more sense to have the 5' setback on the north side of the property and the 15' setback on the south side of the property. Since the adjacent property is zoned RC 20 and was over 20 acres in size it would have less of an impact on the north side.
- 5. The Zoning Commissioner asked Ms. Daly if there was an objection to the proposed modification and she said that she needed to discuss that with her family.
- 6. On January 10th Ms. Daly via e-mail stated that she had reviewed the request with her brother and sister and their site engineers and agreed that the request would not have an impact on their property.
- 7. Subsequent to that information the Zoning Commissioner granted the modified request and a revised site plan was submitted and made part of the part of the order.
- 8. Now the Ms, Daly and her family have made a request that the Dorn's sign an agreement that they will not oppose the Umarlay family from any development or request to develop their property in the future and that the Dorn's will use their waterfront property for only single family use and will not use their pier (at 3637 Bay Drive) for any commercial purpose including the renting or leasing of any slips.
- 9. The Dorn's find this attempt to use the modified variance as a control device unacceptable and therefore request that the original variance requests be approved for all the same reasons as stated at the hearing.

For all the above reasons, the Dorn's, respectively request that the Zoning Commissioner reconsider the his decision and issue a revised order approving the variances as originally requested.

Respectfully Submitted,

Jack Dillon

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2006 a copy of the foregoing Motion for consideration was mailed first class, postage pre-paid to Robert Hoffman, P.O. box 5517, Towson, Maryland 21285-5517.

ack Dillon

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley

DATE:

December 9, 2005

SUBJECT:

Zoning Item

06-252-SPHA

Address

3634 Bay Drive

(Dorn Property)

Zoning Advisory Committee Meeting of November 14, 2005

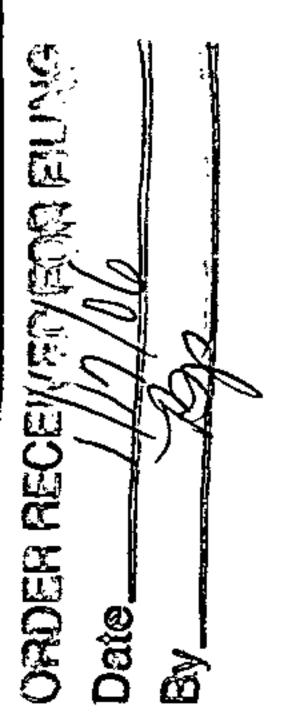
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Reviewer:

Pat Farr

Date: December 6, 2005



ORDER RECEIVED FOR FILLING Date By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: December 5, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 21, 2005

Item No. 252

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

The minimum right-of-way for all county roads in Baltimore County is 40-feet. Show the right-of-way for Bay Drive centered on existing 30-foot right-of-way. Setback shall be adjusted accordingly.

The base flood elevation for this site is 10.2 Baltimore County Datum.

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 252-12062005.doc

CBCA/F.P



Case No. 1/6 252

REU 9/15/98

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at _	3634	BAY	Drive	_
which is	presently zo	ned	2 c 5	

UNAVAILABLE FOR HEARING

DROP OFF

FILED JL

Date 11

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

This request that the overall neighborhood density will not be affected.

Property is to be posted and advertised as prescribed by the zoning regulations.

i, or we, agree to pay expenses of above Special Hearing, 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 declar perjury, that I/we are the is the subject of this Peti	legal owner(s) of t	the penalties of he property which
Contract Purchaser/L	<u>essee:</u>		Legal Owner(s):		
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Attorney For Petition	er:		134321	BAin 1) _*
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Reviewed By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3/34 BAY Drive	
which is presently zoned 1205	

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)

CBCA/F.P.

1 AO4.3 B2b to permit side yard set backs of 5 feet and 15 feet in 11ew of the required 50 feet on each Side.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) This variance is requested because the property owner does not own sufficent land to meet the current side yard setbacks under the Res zone. This lot was created as a fifty (50) feet lot by 350 for and is representive of other lots within the same subdivision. There is no other Property is to be posted and advertised as prescribed by the zoning regulations. Let for mere in the Set back without a 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. Value of

I/We do solemnly declare and affirm, under the negaties of

	is	perjury, that I/w the subject of this Peti	e are the legal owner(s) of the	e property which	ues oi
Contract Purchaser/Le			Legal Owner(s):	· •	
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City	State	Zip Code	Signature		
Attorney For Petitione	<u>r:</u>		343D B	AY Dr	
Name - Type or Print	<u> </u>	-	Address City	MD State	Telephone No. 2020 Zip Code
Signature	<u> </u>	·	Representative to be	Contacted:	•
Company		, 	JACK Dillon	<u> </u>	
Address		Telephone No.	207 Courtla	nd Ave	410-337-5455 Telephone No.
City	State	Zip Code	City	MD State	21204 Zip Code
•	-		OFFICE	USE ONLY	
Case No. <u>06</u> 29	a SPHA	2	ESTIMATED LENGTH	OF HEARING	HR.
REV 9/15/98		Reviewed By	UNAVAILABLE FOR HE Date 1 DROP OFF FILED IL		

ZONING DESCRIPTION OF Lot 89 Bay Drive.

Beginning at a point on the northwest side of Bay Drive. (30° wide right of way), which is 809 feet +/- east of the centerline of Chesapeake Road. Being Lot # 89, in the Subdivision of Bowleys Quarters Rev. Plat 3 and as recorded in Baltimore County Plat Book 10161 Folio 386, containing 17,500 square feet. Also known as 3634 Bay Drive and located in the 15th Election District, 6th Councilmanic District of Baltimore County, Maryland.

252

BALTIMORE COUNTY, MARYLA OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE 2/28/0(No. 1700	THE MALE IT! THE DESIGN AND THE END STREET HOLD THE TOTAL THE SPECE HET H. ARREST AND THE STREET HEALTH TOTAL THE STR
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	2-252-CPHA)	CASHIER'S VALIDATION

DE ZONING HEARING NOTICE

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OF PUBLICATION

12005

TY, that the annexed advertisement was published successive weeks, the first publication appearing newspaper published in Baltimore County, Md., THIS IS TO CERTII in the following weekly once in each of

The Jeffersonian Times ☐ Arbutus Catonsville Times

Times

Towson

Owings Mills Times

NE Booster/Reporter 0

North County News

Mulus

LEGAL ADVERTISING

APPEAL SIGN POSTING REQUEST

CASE NO. 06-252-SPHA

3634 BAY DRIVE

 15^{TH} ELECTION DISTRICT

APPEALED: 2/15/06

ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1)

COMPLETE AND RETURN BELOW INFORMATION*

CERTIFICATE OF POSTING

	CENTIFICATE OF LOSITIO	
TO:	Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, MD 21204	106 Emulial
•	Attention: Kathleen Bianco Administrator 38-61/	m. Jan
	CASE NO.: 06-252-SPHA	to sull
	LEGAL OWNER: MARY D. & GEORGE J. DORN	Conclos
locate	This is to certify that the necessary appeal sign was posted conspicuously ed at: 3634 BAY DRIVE BALTIMORE, MD 21220	on the property
The s By:	sign was posted on $3-29-06$, 2006.	
	(Signature of Sign Poster) A SON SCIVELMAN	•
-	(Print Name)	

VÉNABLE, BAETJER AND HOWARD, LLP Micluding Professional Corporations

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77.00.07.141	INVOICE DATE	\$725.00	29 - Umerley -	County, MD	- appeal
YOUR INVOICE	NUMBER	02/15/06 -	33141:206529	Baltimore C	Filing fee
OUR REF.	NOMBER				

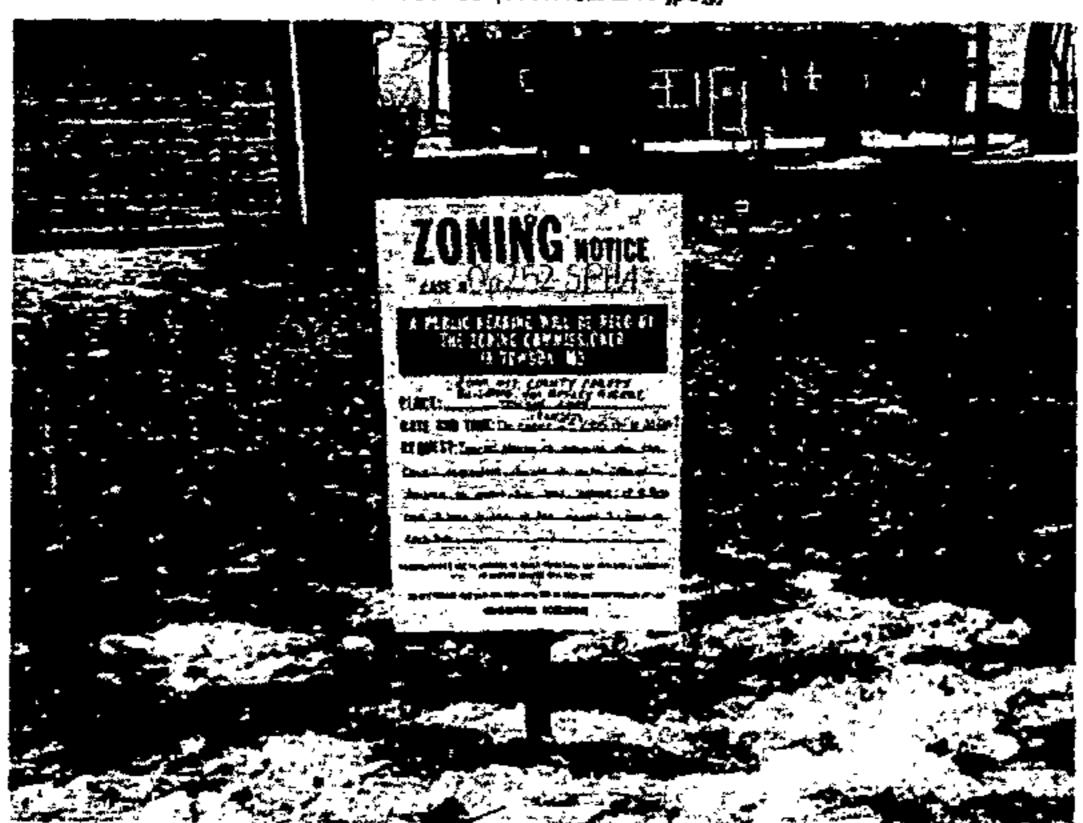
CERTIFICATE OF POSTING

RE: Case No: 06-252-59HA

	Petitioner/Developer: GEONGE 7. O MANY D. DORN
	Date Of Hearing/Closing: 12/29/05
Baltimore County Department of Permits and Development Manag County Office Building, Room 1111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were post	penalties of perjury that the necessary ted conspicuously on the property H BAY DRIVE
This sign(s) were posted on	008meker 14 2006
	(Month, Day, Year)
• .	Sincerely,
•	(Signature of sign Poster and Date)
	Martin Ogle Sign Poster
	16 Salix Court
	Address
•	Balto. Md 21220
	(443-629 3411)

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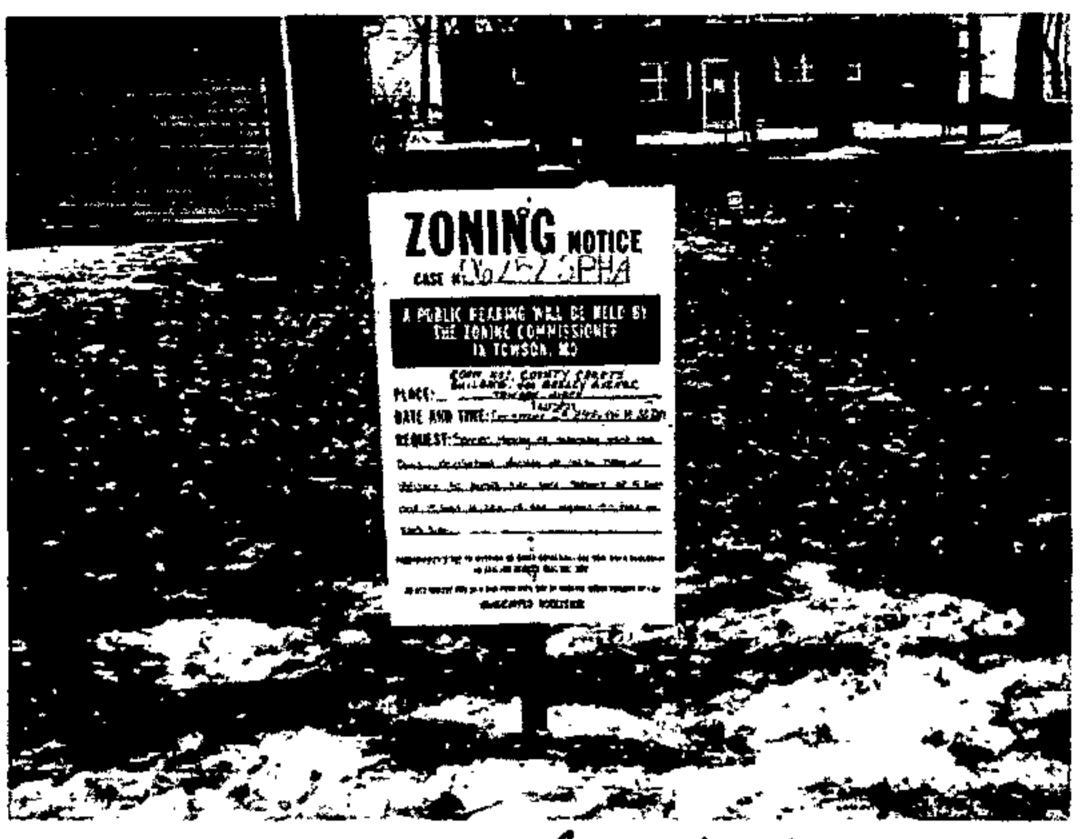


CERTIFICATE OF POSTING

RE: Case No: <u>D6-252-SPHA</u>

	Petitioner/Developer: GEONGE 7. • MAN D. DORN
	Date Of Hearing/Closing: 12/24/05
Baltimore County Department of Permits and Development Manage County Office Building, Room 11 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were poste	enalties of perjury that the necessary d conspicuously on the property BAY DRIVE
······································	
	(Month, Day, Year) Sincerely, Signature of Sign Poster and Date) Martin Ogle Sign Poster 16 Salix Court Address Balto. Md 21220 (443-629 3411)

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matural 12/14/05

NEED # 139.00 CHEER
CALLED BOR # + XTRAKEN MSG 11/07/65

KEENZONING FILE. CASE# 06-252. SPHA

FREQUENT FLYER ATTORNEYS DROP OFF ZONING PETITIONS POLICY PROCEDURES

The following zoning policy is related to the filing of zoning petitions and is aimed at expediting the petition filing process with this office:

- 1. The Director of the Office of Permits and Development Management (PDM) allows zoning attorneys who frequently file for zoning hearings and who are capable of filing petitions that comply with all technical aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of an appointment for review by zoning personnel.
- 2. Any attorney using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner may deny the petition due to errors or incompleteness. All petitions filed in this manner will receive a cursory review and if necessary they will be commented on by zoning personnel prior to the hearing. A corrective memo by zoning review may be placed in the hearing file to be considered by the Hearing Officer.
- 3. When a petition has been dropped off by the attorney, it will only be reviewed for very basic necessary input, logging, and distribution information.

Some ISSUES NOTICED AT DROP OFF FILING

- 1) THE LOT IS NOT CLEARLY MURKED ON THE 200 SCALE ZOWING MAP OWNES
- OF THERE IS NO INFORMATION ON PLATOR IN DROP OFF PACK INDICATIVE.

 IF THERE HAS BEEN ADVACENT LOT OWNERSHIP IN THE PAST 6 YEARS.
- THE ROAD SYSTEM IS NOT LABELED PERSUANT TO COLLECTUR ROAD ETC. SETBACKS
 PER 1A04,3. B. 2. b. (THERREFORE SETISHER COMPLIANCE 3/22/05
 IS ASSUMED THOUGH IT REMAINS IN QUESTION)

 JLL/rjc
- THE CALCULATIONS FOR LOT COVERAGE BY BUILDINGS IS NOT SHOWN, 15% IS MAXIMUM PER SECTION 1A04.3, B, 3
- B) AT A MEETING WITH THE ZOWING SUPERVISOR, MR DILLOW WAS ADVISED OF TO CONTACT THE PLANNING OFFICE RECARDING AMY POSSIBLE PERFORMANCE STANDARDS PER 1A04 A BOZK.
- (6) 14 PLANS ARE REQUIRED FOR FLOOD PLAND FILING, 13 ARE PROJUED

TO: PATUXENT PUBLISHING COMPANY

Tuesday, December 13, 2005 Issue - Jeffersonian

Please forward billing to:

Jack Dillon 207 Courtland Avenue Towson, MD 21204

410-337-5455

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: 06-252-SPHA

3634 Bay Drive

N/west side of Bay Drive, 809 feet east of Chesapeake Road

15th Election District – 6th Councilmanic District

Legal Owners: George J. & May D. Dorn

Special Hearing to determine that the overall neighborhood density will not be affected. Variance to permit side yard setback of 5 feet and 15 feet in lieu of the required 50 feet on each side.

Hearing: Thursday, December 29, 2005 at 10:00 a.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.

Department of Permit and Development Managen ant

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



Baltimore County

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

November 23, 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: 06-252-SPHA

3634 Bay Drive

N/west side of Bay Drive, 809 feet east of Chesapeake Road

15th Election District - 6th Councilmanic District

Legal Owners: George J. & Mary D. Dorn

Special Hearing to determine that the overall neighborhood density will not be affected. Variance to permit side yard setback of 5 feet and 15 feet in lieu of the required 50 feet on each side.

Hearing: Thursday, December 29, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: George & Mary Dorn, 3637 Bay Drive, Baltimore 21220 Jack Dillon, 207 Courtland Avenue, Towson 21204

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, DECEMBER 14, 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.

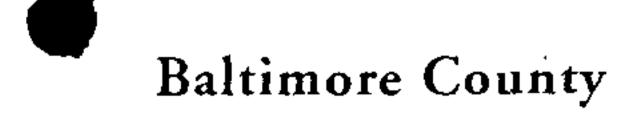


Visit the County's Website at www.baltimorecountyonline.info

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

December 26, 2005

George J. Dorn Mary D. Dorn 3637 Bay Drive Baltimore, Maryland 21220

Dear Mr. and Mrs. Dorn

RE: Case Number: 06-252-SPHA

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 8, 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.

W. Call Richall

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Jack Dillon 207 Courtland Avenue Towson 21204



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

1



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

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

Maryland Department of Transportation

Date:

11.28.05

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

RE:

Baltimore County

Item No. 252

JLL

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. Hrealt

Engineering Access Permits Division

Fire Department



Baltimore County

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

November 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 14, 2005

Item No.: 250, 252, 253, 254, 255, 256, 257, 258, 260, 262.

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.

Acting Lieutenant Don W. Muddiman 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

DATE: December 5, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 21, 2005

ltem No. 252

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

The minimum right-of-way for all county roads in Baltimore County is 40-feet. Show the right-of-way for Bay Drive centered on existing 30-foot right-of-way. Setback shall be adjusted accordingly.

The base flood elevation for this site is 10.2 Baltimore County Datum.

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 252-12062005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

R. Bruce Seeley

DATE:

December 9, 2005

SUBJECT:

Zoning Item # 06-252-SPHA

Address

3634 Bay Drive

(Dorn Property)

Zoning Advisory Committee Meeting of November 14, 2005

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 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Reviewer:

Pat Farr

Date: December 6, 2005

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

February 28, 2006

Patricia A. Malone, Esquire Venable LLP 210 Allegheny Avenue P. O. Box 5517 Towson, Maryland 21204-5517

Dear Ms. Malone:

RE: Case: 06-252-SPHA, 3634 Bay Drive

Please be advised that we received your appeal of the above-referenced case on February 15, 2006. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Director

TK:raj

c: William J. Wiseman, III, Zoning Commissioner

Timothy Kotroco, Director of PDM

Office of People's Counsel, M.S. 2010

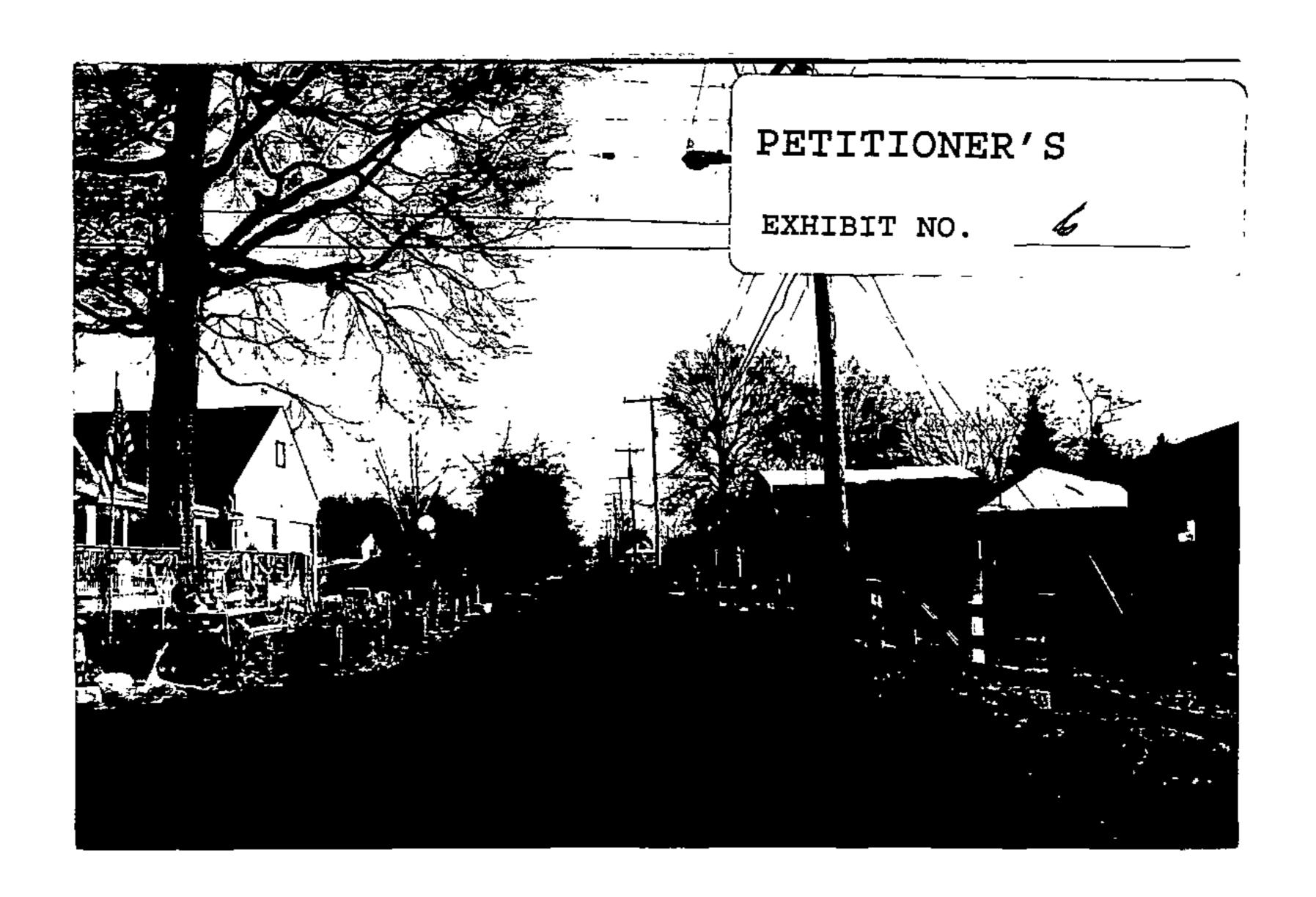
Ms. Barbara J. Daly, 4008 Manor Oaks Road, Phoenix, MD 21131

Mr. & Mrs. George J. Dorn, 3637 Bay Drive, Baltimore, MD 21220

Mr. Jack Dillon, 207 Courtland Avenue, Towson, MD 21204



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







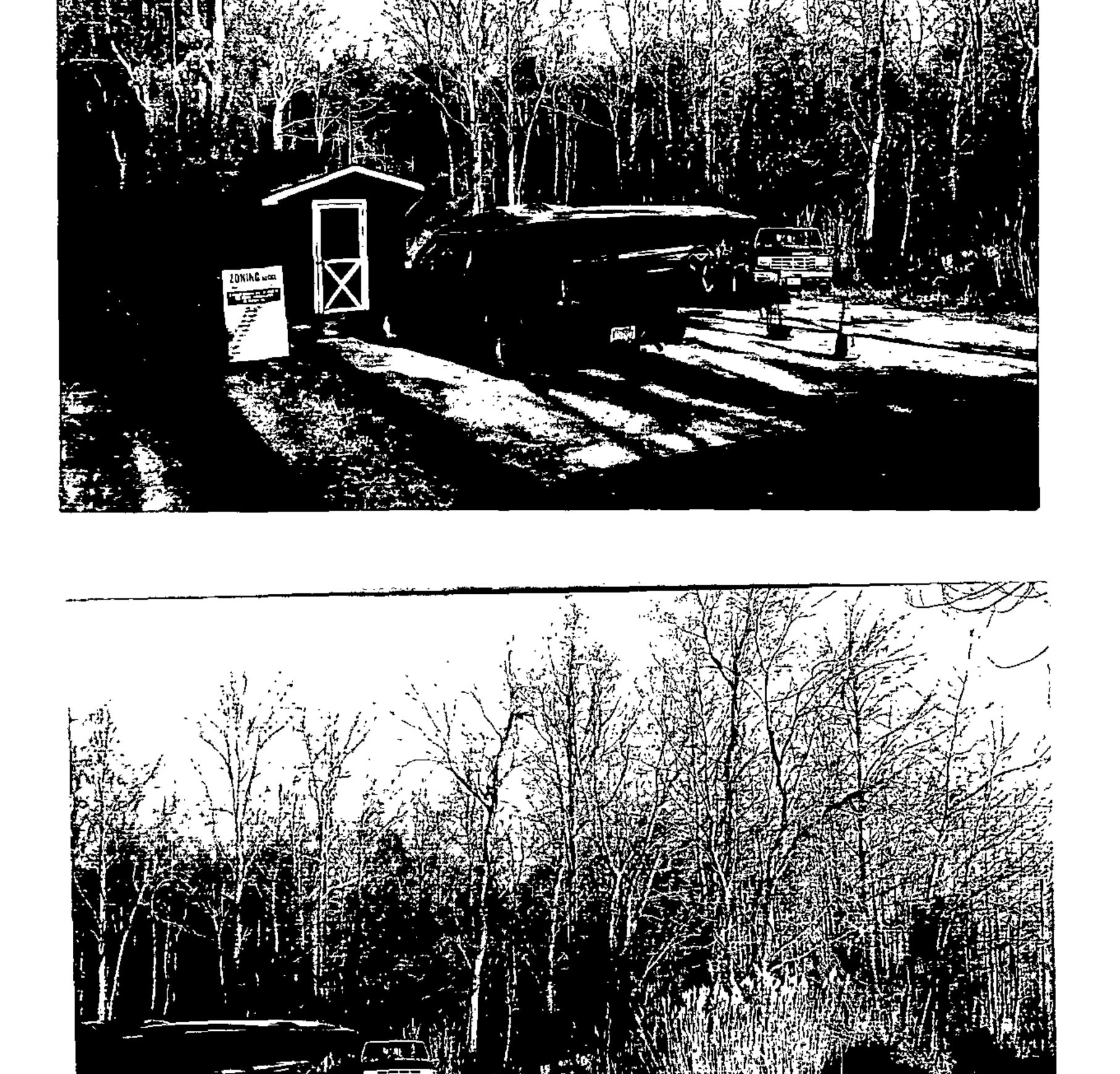












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APPEAL

Petitions for Special Hearing & Variance 3634 Bay Drive

West side of Bay Drive, 809 feet east of the centerline of Chesapeake Avenue
15th Election District – 6th Councilmanic District
Legal Owners: Mary D. & George J. Dorn

Case No.: 06-252-SPHA

Petitions for Special Hearing & Variance (November 8, 2005)

Zoning Description of Property

Notice of Zoning Hearing (November 23, 2005)

Certification of Publication (December 13, 2005 - The Jeffersonian)

Certificate of Posting (December 14, 2005) by Martin Ogle

Entry of Appearance by People's Counsel (November 29, 2005)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibits

- 1. Site Plan for 3534 Bay Drive
- 2. 200 scale zoning map
- 3. GIS map extract of larger parcel
- 4. MD Dept. Assess. & Tax. Records (9 pages)
- 5. Residents' Affidavits of Support (5 pages)
- 6. Photographs (18 photos)
- 7. Subdivision Plan (Lot 89) W/S Bay Drive
- 8. Master Plan 2010 Page 201
- 9. Amended & Revised Site Plan dated 1/11/06

Protestants' Exhibits:

1. 1/10/06 e-mail from Barbara Daly to Zoning Commissioner

Miscellaneous (Not Marked as Exhibit)

- 1. (3) GIS photographs of Dorn Property
- 2. Issues noted at drop-off filing by DPDM

Zoning Commissioner's Order (Petitions for Special Hearing & Variance – GRANTED 01/17/06 with restrictions

Notice of Appeal received on 2/15/06 from Patricia A. Malone, Esquire

c: People's Counsel of Baltimore County
William J. Wiseman, III, Zoning Commissioner
Timothy Kotroco, Director of PDM
Patricia A. Malone, Esquire
Ms. Barbara J. Daly
Mr. & Mrs. George J. Dorn

Mr. Jack Dillon

date sent February 28, 2006, raj



Bill Wiseman - Dorn - Case No. 06-252-SPHA

From:

"Malone, Patricia A." < PAMalone@Venable.com>

To:

"Bill Wiseman" <www.seman@co.ba.md.us>

Date:

03/15/06 12:05 PM

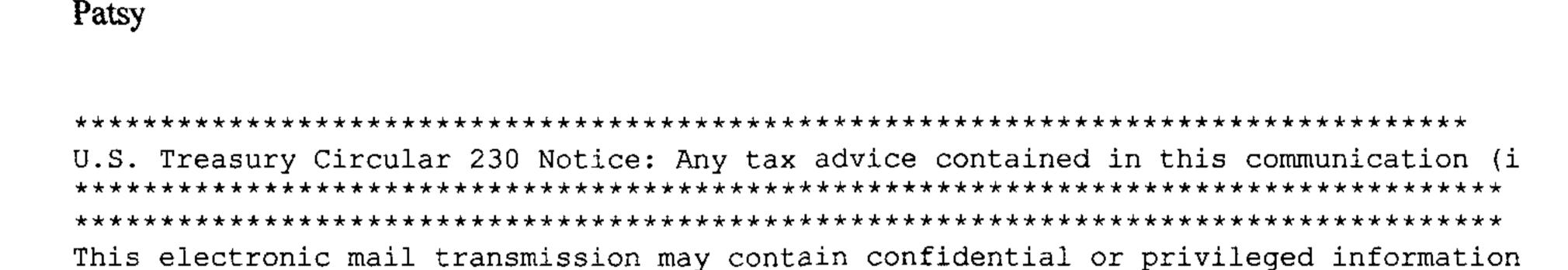
Subject: Dorn - Case No. 06-252-SPHA

CC:

"jackdillon" <jackdillon@dmv.com>

Mr. Wiseman:

I wanted to let you know that the Dorns and their neighbors, the Umerleys, have reached an agreement. The Umerleys are going to withdraw their appeal, and - Jack, correct me if I am wrong - I would suggest that there is no need for you to grant the pending Motion for Reconsideration.



Bill Wiseman - RE: Dorn - Case No. 06-252-SPHA

From: "jackdillon" < jackdillon@dmv.com>

To: "Bill Wiseman" < www.seman@co.ba.md.us>

Date: 03/16/06 8:50:19 AM

Subject: RE: Dorn - Case No. 06-252-SPHA

CC: "Patricia A. Malone" < PAMalone@Venable.com>

Bill. I am OK with however you want to handle this matter. Jack

----Original Message-----

From: Bill Wiseman [mailto:wwiseman@co.ba.md.us]

Sent: Wednesday, March 15, 2006 12:31 PM

To: PAMalone@Venable.com
Cc: jackdillon@dmv.com

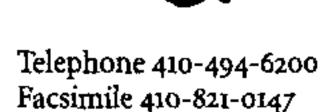
Subject: Re: Dorn - Case No. 06-252-SPHA

Thank you for the status up-date. I ask that Jack call me before concluding the matter.

Bill



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517



www.venable.com

Patricia A. Malone Of Counsel

(410) 494-6206

pamalone@venable.com

February 15, 2006

HAND-DELIVERED

Timothy M. Kotroco, Director
Department of Permits and Development
Management
County Office Building – Room 111
111 W. Chesapeake Avenue
Towson, Maryland 21204

County Board of Appeals for Baltimore County Attention: Kathleen Bianco Old Courthouse 400 Washington Avenue Towson, Maryland 21204

Re:

In the Matter of Petitions for Special Hearing and Variance

W/S Bay Drive, 809' E of the c/l Chesapeake Avenue

(3634 Bay Drive)

15th Election District, 6th Councilmanic District

George J. Dorn, et ux. - Petitioners

Case No.: 06-252-SPHA

Dear Mr. Kotroco and Ms. Bianco:

On behalf of Umerley Bowleys Quarters LLC and the Trustees for Wanda Umerly, legal owners of adjacent properties, I hereby note an appeal from the decision of the Zoning Commissioner for Baltimore County on January 17, 2006, in the above-referenced case (copy attached) to grant the Petitions for Special Hearing and Variance requested by Mr. and Mrs. Dorn.

RECEIVED

FEB 1 5 2006

Per Min.

MARYLAND VIRGINIA WASHINGTON, DC

VENABLE ...

Timothy M. Kotroco, Director, et al. February 15, 2006 Page 2

The legal owners are identified below:

3643 Bay Drive:

TRUSTEES FOR WANDA UMERLEY Barbara A. Daly, Trustee Leo J. Umerley, Jr., Trustee Sandra L. Grey, Trustee P.O. Box 130 Phoenix, Maryland 21131

Parcel 34, Map 98, Grid 11:

UMERLEY BOWLEY'S QUARTERS LLC By: UMERLEY, LLC, General Manager Barbara A. Daly, General Manager Leo J. Umerley, Jr., General Manager Sandra L. Grey, General Manager P.O. Box 130 Phoenix, Maryland 21131

I am enclosing a check in the amount of \$725.00 to cover the filing fees for this appeal and the costs associated with posting. If you have any questions regarding this appeal, please feel free to give me a call.

Very truly yours,

Patricia A. Malone

PAM/dk Enclosures

cc:

Mr. and Mrs. George J. Dorn

Mr. Jack Dillon Ms. Barbara J. Daly

TO1DOCS1/PAM01/#221259 v1

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER 06 DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	act dylar Admo. com	. n/4										•	•
CITY, STATE, ZIP	2009	2220											
ADDRESS	200 Coutland The	M						•					
	Web Dillan	. .				•							

PLEASE PRINT CLEARLY

CASE NUMBER OG-252 DATE

CITIZEN'S SIGN-IN SHEET

E-MAIL	6d 166 123 e UKRIZON. 1757										
ITY,	Many Ind 21131										
ADDRESS	4008 Manor Oaks Rd										
NAME	Bukus bely	J. J. B. Lay									

Case No.:	
Case No.:	

06-252	<dii a<="" td=""><td></td></dii>	
UV AJA		

Exhibit Sheet

Petitioner/Developer

Protestant

	REVISED SITE PLAN	BARBARA DAGY OK to Goeds 5 patent-
No. 2	200 Scale Zony. MAP -	UMARLAY SODS ATTACHO TO THIS
No. 3	GISMAP- ExtRAct Where Pancel	SHEE
No. 4	MDA-it Records	
No. 5	Addidovits & Residents	
No. 6	PHotographs.	
No. 7	SUB DIVISION PLAN (Lot 89) - W/S BAY	
No. 8	MASTER PLAN-	
No. 9	AMENDED : REVISED SITE PLAN dated 1/11/06	
No. 10		
No. 11		
No. 12		

Bill Wiseman - Case 06-252-SPHA

From:

"Barbara A Daly" <bdkb123@verizon.net>

To:

<wwiseman@co.ba.md.us>

Date: 1/10/2006 12:48:00 PM

Subject: Case 06-252-SPHA

Dear Mr. Wiseman:

As per your request I am returning my decision to you for the above referenced case. After speaking with my brother and sister and our site engineers, granting Mr. Dorn a variance as he has requested will have no impact on our property which is located next to his site at 3634 Bay Drive. However, I have some concern through rumors, that he intends to use his property on the bay front for something other than a residential home. This does worry our family.

If additional information is needed by you please contact me at 410-592-5603 or e-mail me at bdkb123@verizon.net.

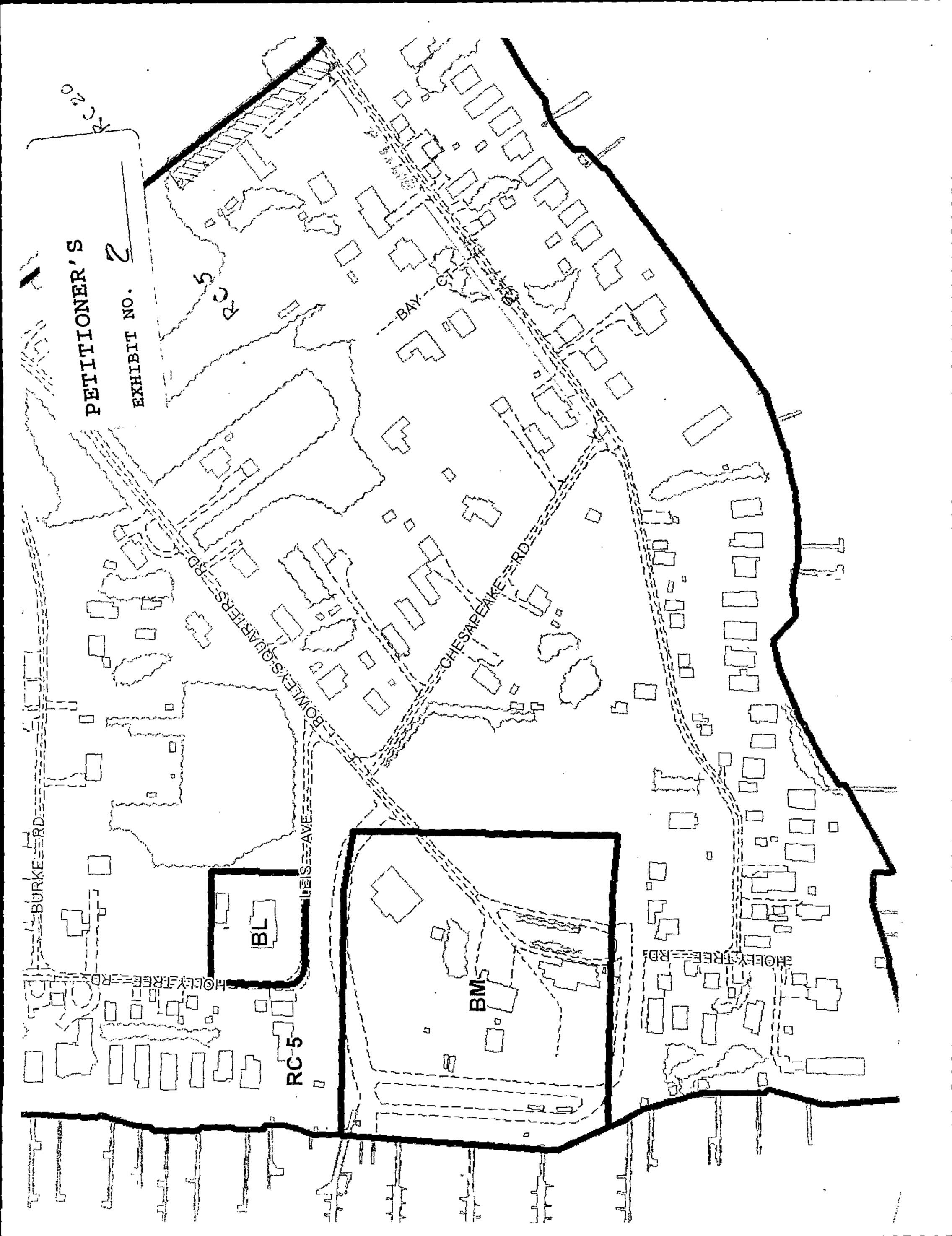
Sincerely,

Barbara Daly

Umerley Bowleys Quarters, LLC.

PROTESTANT'S

EXHIBIT NO.



PETITIONER'S

Click here for a plain text ADA compliant screen.

EXHIBIT NO.

p Back .iew Map New Search **Ground Rent**

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

Account Identifier:

District - 15 Account Number - 1512000440

Owner Information

Owner Name:

DORN GEORGE

DORN MARY

Use:

RESIDENTIAL

Mailing Address:

3637 BAY DR

BALTIMORE MD 21220-4404

Principal Residence:

NO

Deed Reference:

1) /10161/ 386

2)

Location & Structure Information

Premises Address

BAY DR

Legal Description

BOWLEYS QUARTERS

Map Grid Parcel **Sub District** Subdivision Section **Block Lot Assessment Area** Plat No: 89 9/ 56 Plat Ref:

Town Special Tax Areas

Ad Valorem

Tax Class **Primary Structure Built**

Enclosed Area

Property Land Area 17,500.00 SF

County Use 04

0000

Stories

Basement

Type

Exterior

Value Information

Base Value Phase-in Assessments Value As Of As Of As Of 01/01/2003 07/01/2005 07/01/2006 Land: 4,370 4,370 Improvements: Total: 4,370 4,370 4,370 NOT AVAIL Preferential Land: NOT AVAIL

Transfer Information

LAMARTINA CHRISTOPHER C \$5,500 Seller: 11/23/1993 Date: Price: Deed2:

Type: IMPROVED ARMS-LENGTH Seller: Type:

Deed1: /10161/386 Date: Deed1:

Price: Deed2:

Date: Price: Deed1: Deed2:

Exemption Information

Class Partial Exempt Assessments 07/01/2005 07/01/2006 County 000 State 000 Municipal 000

Tax Exempt: **Exempt Class:**

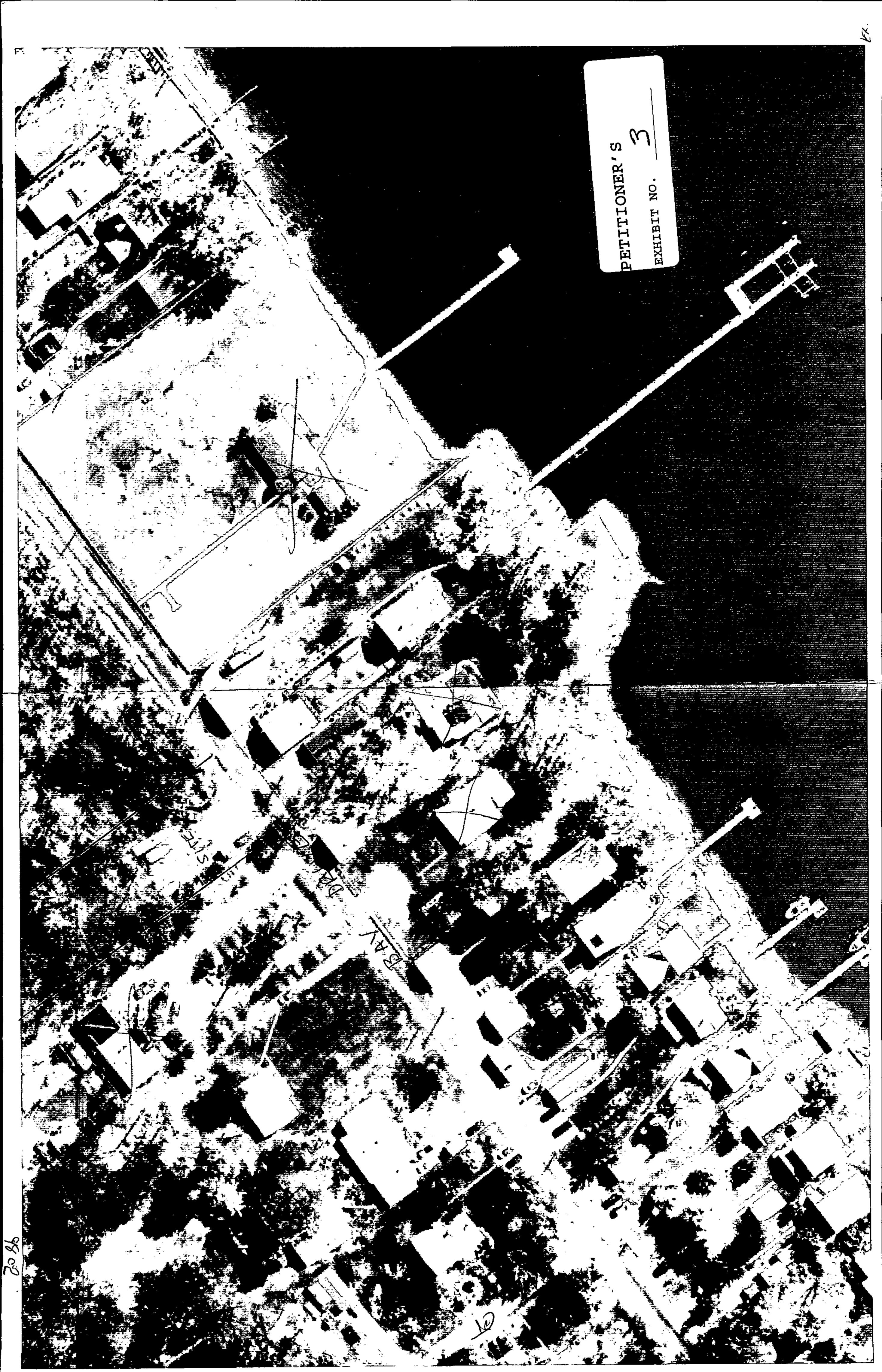
Seller:

Type:

NO

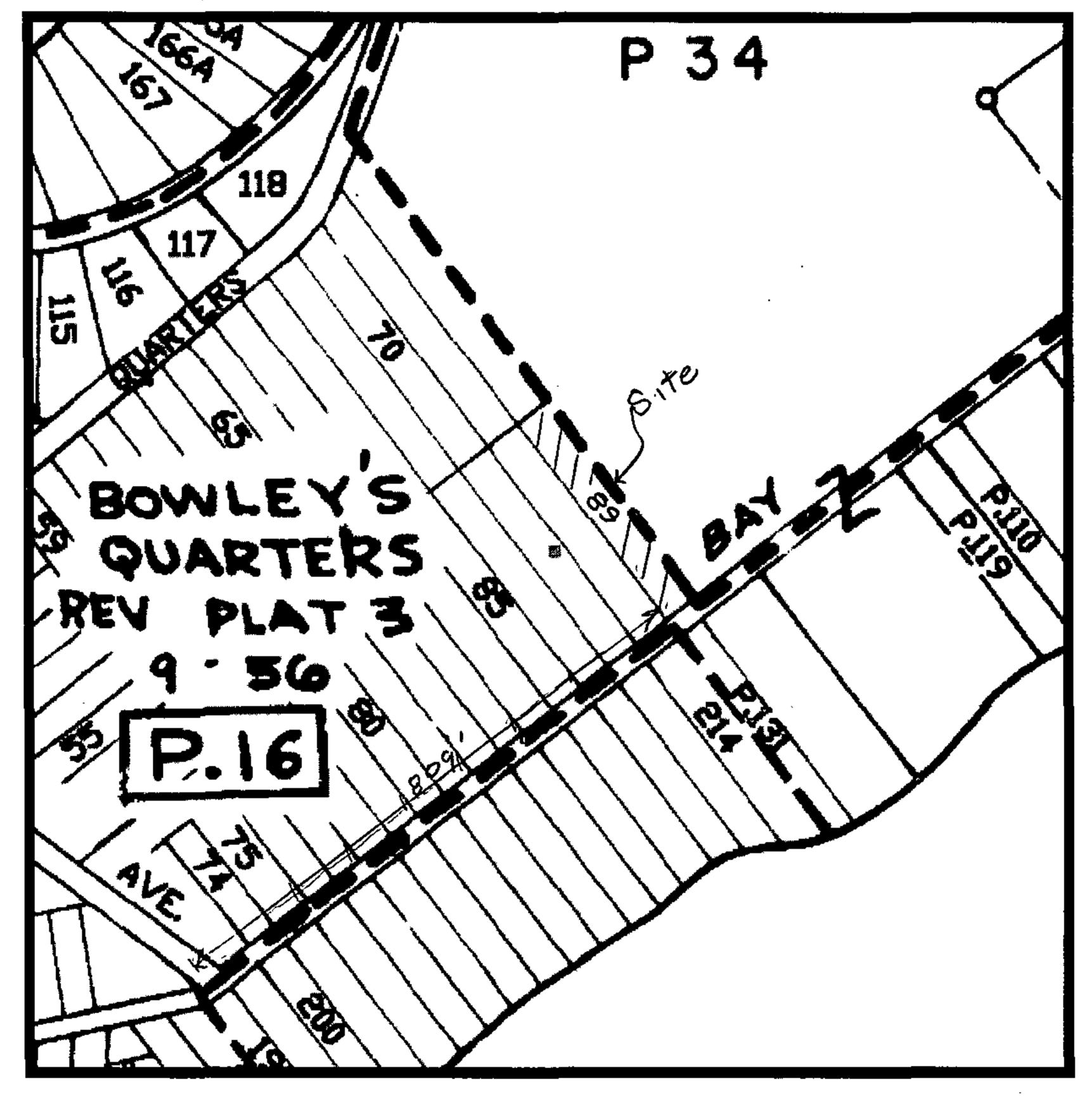
Special Tax Recapture:

* NONE *



Go Back View Map New Search

District - 15Account Number - 1519990230



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

Click here for a plain text ADA compliant sercen.



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

Go Back View Map New Search Ground Rent

Account Identifier:

District - 15 Account Number - 1519990200

Owner Information

Owner Name:

DORN GEORGE JOSEPH

DORN MARY

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

3637 BAY DR

BALTIMORE MD 21220-4404

Deed Reference:

1) / 7016/ 559

2)

Location & Structure Information

Premises Address

3637 BAY DR

Legal Description

1325 SE BOWLEYS QTRS RD

WATERFRONT BOWLEYS QUARTERS Map Grid Parcel Sub District Subdivision Section Block Assessment Area Plat No: Lot 98 12 8/ 73 14 216 Plat Ref:

Special Tax Areas

Stories

Town Ad Valorem

NO

Primary Structure Built End
1975

Enclosed Area 2,520 SF Basement Property Land Area 20,000.00 SF

County Use 34

Type Exterior
STANDARD UNIT 1/2 BRICK SIDING

Value Information

	Base	Value	Phase-in Ass	essments
	Value	As Of	As Of	As Of
		01/01/2003	07/01/2005	07/01/2006
Land:	139,000	139,000		
Improvements:	211,590	211,590		
Total:	350,590	350,590	350,590	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Trancfor	Information
iransier	ruiormation

Seller: DEMARCO SALVATORE J,3RD Type: NOT ARMS-LENGTH	Date: 10/03/1985 Deed1: / 7016/ 559	Price: \$0 _Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	
Seller:	Date:	Price:	
Type:	Deed1:	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2005	07/01/2006
County	000	0	0
State	000	0	0
Municipal	000	0	0
•			

Tax Exempt: Exempt Class: NO

Special Tax Recapture:

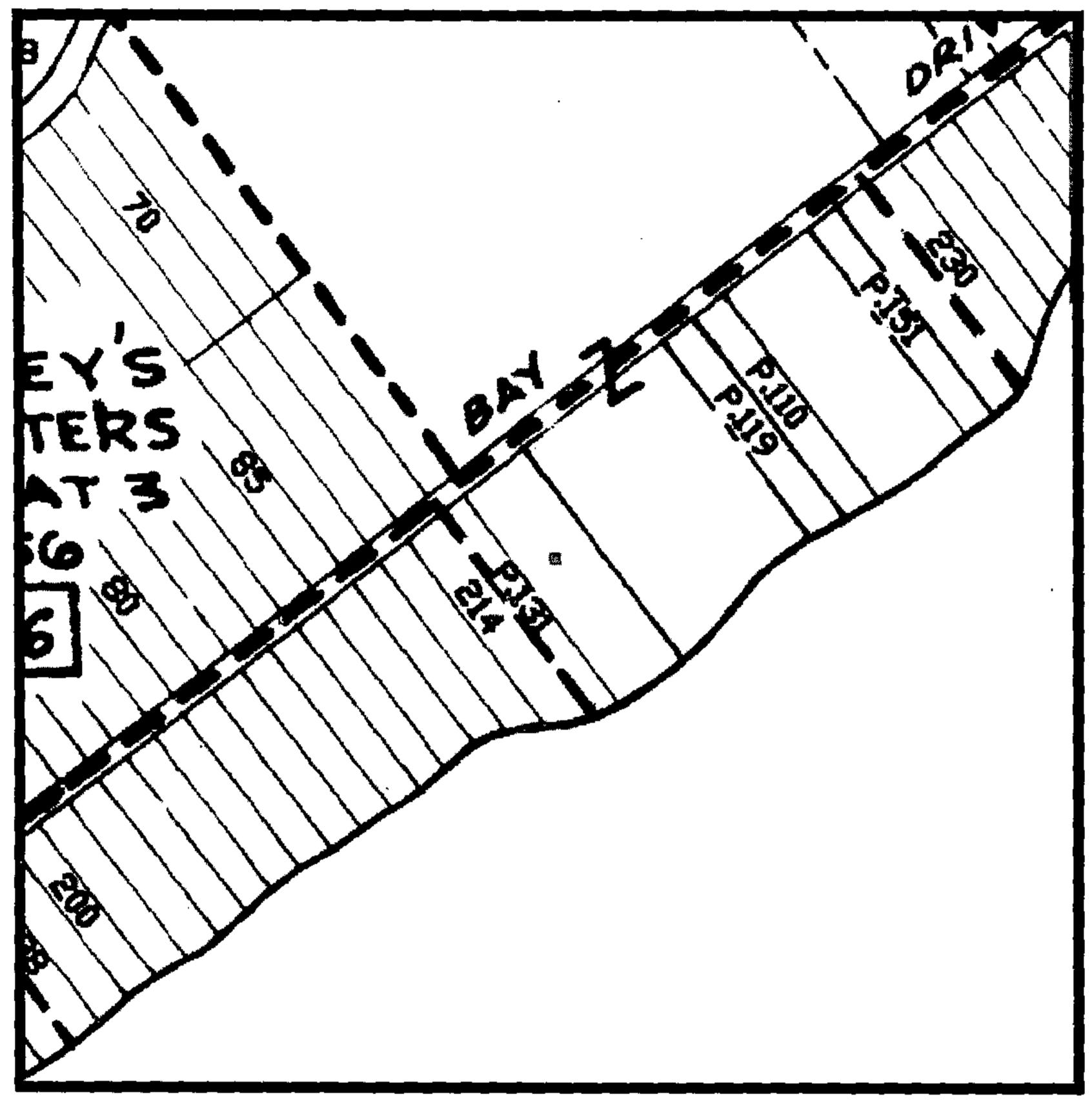
* NONE *



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

Go Back View Map New Search

District - 15 Account Number - 1519990200



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

M.D.A.T. REAL PROPERTY SYSTEM

10/24/2005

OWNER INFORMATION

E Commence of

BALTIMORE COUNTY

DISTRICT: 15 ACCT NO: 1519990230

USE: RESIDENTIAL

OWNER NAME: NIEBERLEIN WILLIAM E, JR

PRINCIPAL

NIEBERLEIN SHIRLEY G

RESIDENCE

MAILING ADDRESS: 3628 BAY DR

YES

BALTIMORE

MD 21220-4405

TRANSFERRED

FROM: NIEBERLEIN WILLIAM E, SR

DATE: 06/20/2001 PRICE:

DEED REFERENCE: 1) /15317/ 647

SPECIAL TAX RECAPTURE

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F6> SELECT NEXT PROPERTY

10/24/2005

M.D.A.T. REAL PROPERTY SYSTEM

LOCATION INFORMATION

BALTIMORE COUNTY

DISTRICT: 15 ACCT NO: 1519990230

NAME: NIEBERLEIN WILLIAM E, JR

USE: RESIDENTIAL

PREMISES ADDRESS

3628 BAY DR

v = 12 v

LEGAL DESCRIPTION

LT 87,88

3628-3630 BAY DR BOWLEYS QUARTERS

MAP GRID PARCEL SUBDIV SECT BLOCK LOT ASSESSMENT AREA

98 11 16 87

PLAT NO :

PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA PROPERTY LAND AREA YEAR BUILT ENCLOSED AREA

1960 1,224 SF

35,000.00 SF

COUNTY USE

04

PRESS: <F1> OWNER INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO

<F6> SELECT NEXT PROPERTY

Click here for a plain text ADA compliant screen.



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

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 15 Account Number - 1521400042

Owner Information

Owner Name:

UMERLEY BOWLEYS QUARTERS LLC

Use: Principal Residence: RESIDENTIAL

NO

Mailing Address:

PO BOX 130

PHOENIX MD 21131-0130

Deed Reference:

1) /20272/ 510

Location & Structure Information

Premises Address

WYE RD

Legal Description

25.2 AC SES

BOWLEYS QUARTERS RD

SW COR WYE RD

Map Grid Parcel **Sub District** Subdivision Section Block Lot **Assessment Area** Plat No: Plat Ref: Town

Special Tax Areas

Ad Valorem

Tax Class

Primary Structure Built Enclosed Area Property Land Area County Use 0000 25.20 AC 04 Stories **Basement** Type Exterior

Value Information

Base Value Phase-in Assessments Value As Of As Of As Of 01/01/2003 07/01/2005 07/01/2006 Land: 108,450 108,450 Improvements:

Total: Preferential Land: 108,450

108,450

108,450

NOT AVAIL NOT AVAIL

Transfer Information

UMERLEY LEO J Seller: 06/21/2004 Date: Price: \$0 NOT ARMS-LENGTH Deed1: /20272/ 510 Type: Deed2: Seller: Date: Price: Type: Deed1: Deed2: Seller: Date: Price:

Type:

Deed1:

Deed2:

Exemption Information

Partial Exempt Assessments Class 07/01/2005 07/01/2006 County 000 0 State 000 Ð Municipal 000 0 0

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.



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

Go Back View Map **New Search Ground Rent**

Account Identifier:

District - 15 Account Number - 1521400041

Owner Information

Owner Name:

UMERLEY LEO, JR DALY BARBARA

GREY SANDRA, TRUSTEES

Use:

RESIDENTIAL

Principal Residence:

NO

Mailing Address:

PO BOX 130

PHOENIX MD 21131-0130

Deed Reference:

1) /22846/ 321

Location & Structure Information

Premises Address

3643 BAY DR

Legal Description

1.72 AC SES BAY DR 250 CHESAPEAKE BAY

Grid Map Parcel 98 34 11

Sub District

WATERFRONT Subdivision

Section Block Lot Assessment Area

Plat No: Plat Ref:

Special Tax Areas

Town **Ad Valorem**

Tax Class

Enclosed Area 1,218 SF

Property Land Area 1.87 AC

County Use 34

Stories

Basement

Type

Exterior

NO

STANDARD UNIT

SIDING

Value Information

Base Value Phase-in Assessments Value As Of 01/01/2003

As Of 07/01/2005

As Of 07/01/2006

Land: Improvements:

Primary Structure Built

1959

152,180 152,180 10 10

Total: **Preferential Land:**

152,190 152,190

152,190

NOT AVAIL NOT AVAIL

Transfer Information

Seller: UMERLEY LEO J Type:

NOT ARMS-LENGTH

Partial Exempt Assessments

Date: Deed1: /22846/ 321

11/03/2005

Price: \$0 Deed2:

Seller: Type:

Seller:

Date: Deed1: Date:

Price: Deed2: Price:

Deed2:

Type: Deed1:

Exemption Information

07/01/2005

07/01/2006

County State Municipal

0 0 0

0 0

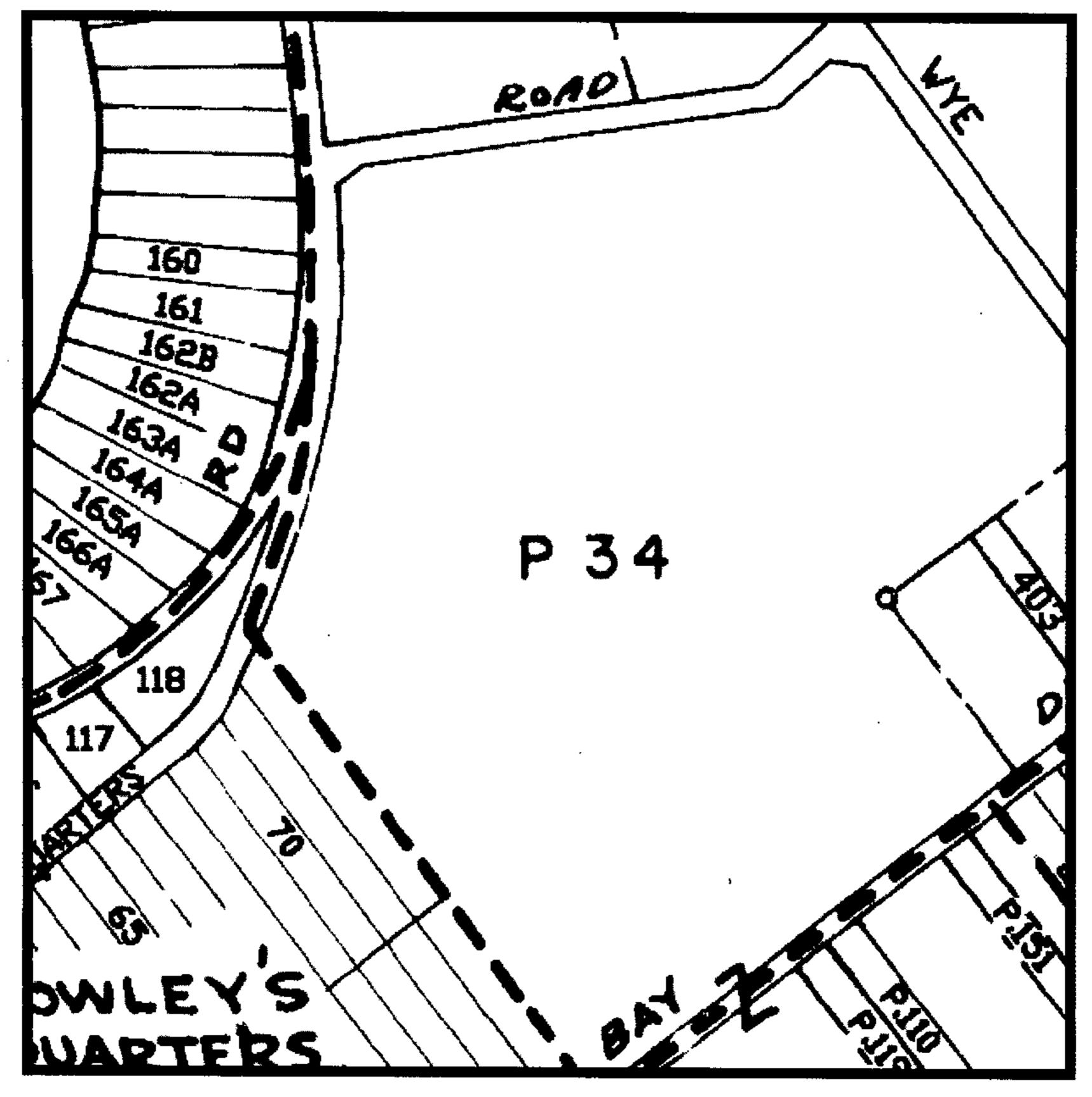
Special Tax Recapture:

Tax Exempt: **Exempt Class:** NO

* NONE *

Go Back View Map New Search

District - 15Account Number - 1521400042



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

My name is 120 G. WRISTON I am over 18 years of age and live at 3701 Bay Drive, Bowleys Quarters, Maryland. I am competent to testify in this case before the Zoning Commissioner for Baltimore County, Maryland.

I am familiar with the property at 3634 Bay Drive and I am aware that this is an unimproved lot 50 feet wide and that in order for Mr. and Mrs. Dorn to build a home on this property a setback variance is required.

I also know that Mr. and Mrs. Dorn do not now own and to the best of my knowledge have never owned land on either side of the lot in question.

I am in full support of the requested variance for this property.

Date: 12-11-05

PETITIONER'S

EXHIBIT NO.

4

My name is <u>Gree Magael</u>, I am over 18 years of age and live at <u>3624</u> Bay Drive, Bowleys Quarters, Maryland. I am competent to testify in this case before the Zoning Commissioner for Baltimore County, Maryland.

I am familiar with the property at 3634 Bay Drive and I am aware that this is an unimproved lot 50 feet wide and that in order for Mr. and Mrs. Dorn to build a home on this property a setback variance is required.

I also know that Mr. and Mrs. Dorn do not now own and to the best of my knowledge have never owned land on either side of the lot in question.

I am in full support of the requested variance for this property.

I am familiar with the property at 3634 Bay Drive and I am aware that this is an unimproved lot 50 feet wide and that in order for Mr. and Mrs. Dorn to build a home on this property a setback variance is required.

I also know that Mr. and Mrs. Dorn do not now own and to the best of my knowledge have never owned land on either side of the lot in question.

I am in full support of the requested variance for this property.

My name is William End Wielestern., I am over 18 years of age and live at 3628 Bay Drive, Bowleys Quarters, Maryland. I am competent to testify in this case before the Zoning Commissioner for Baltimore County, Maryland.

I am familiar with the property at 3634 Bay Drive and I am aware that this is an unimproved lot 50 feet wide and that in order for Mr. and Mrs. Dorn to build a home on this property a setback variance is required.

I also know that Mr. and Mrs. Dorn do not now own and to the best of my knowledge have never owned land on either side of the lot in question.

I am in full support of the requested variance for this property.

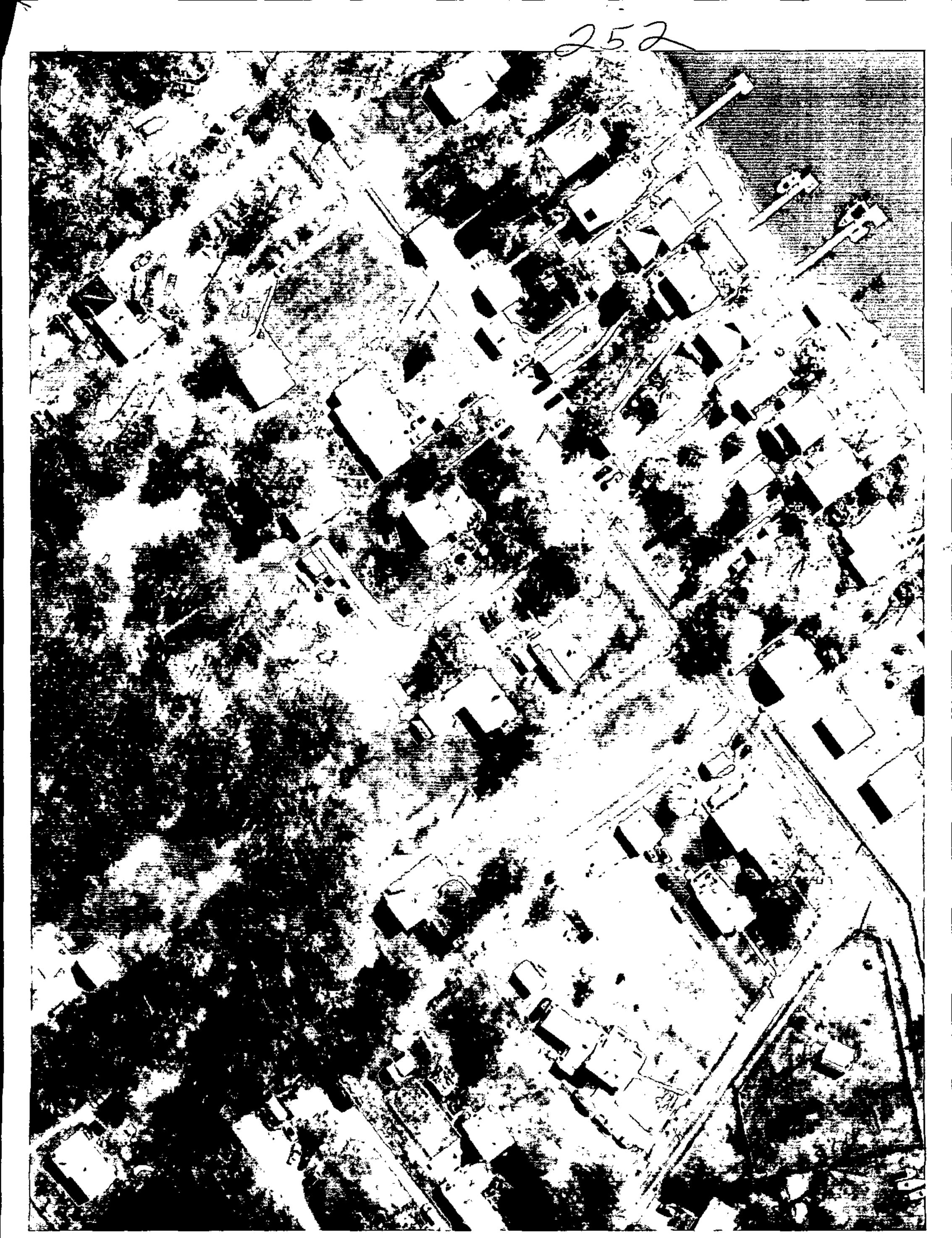
My name is MARY & Doby T Kowsk I am over 18 years of age and live at 3426 Bay Drive, Bowleys Quarters, Maryland. I am competent to testify in this case before the Zoning Commissioner for Baltimore County, Maryland.

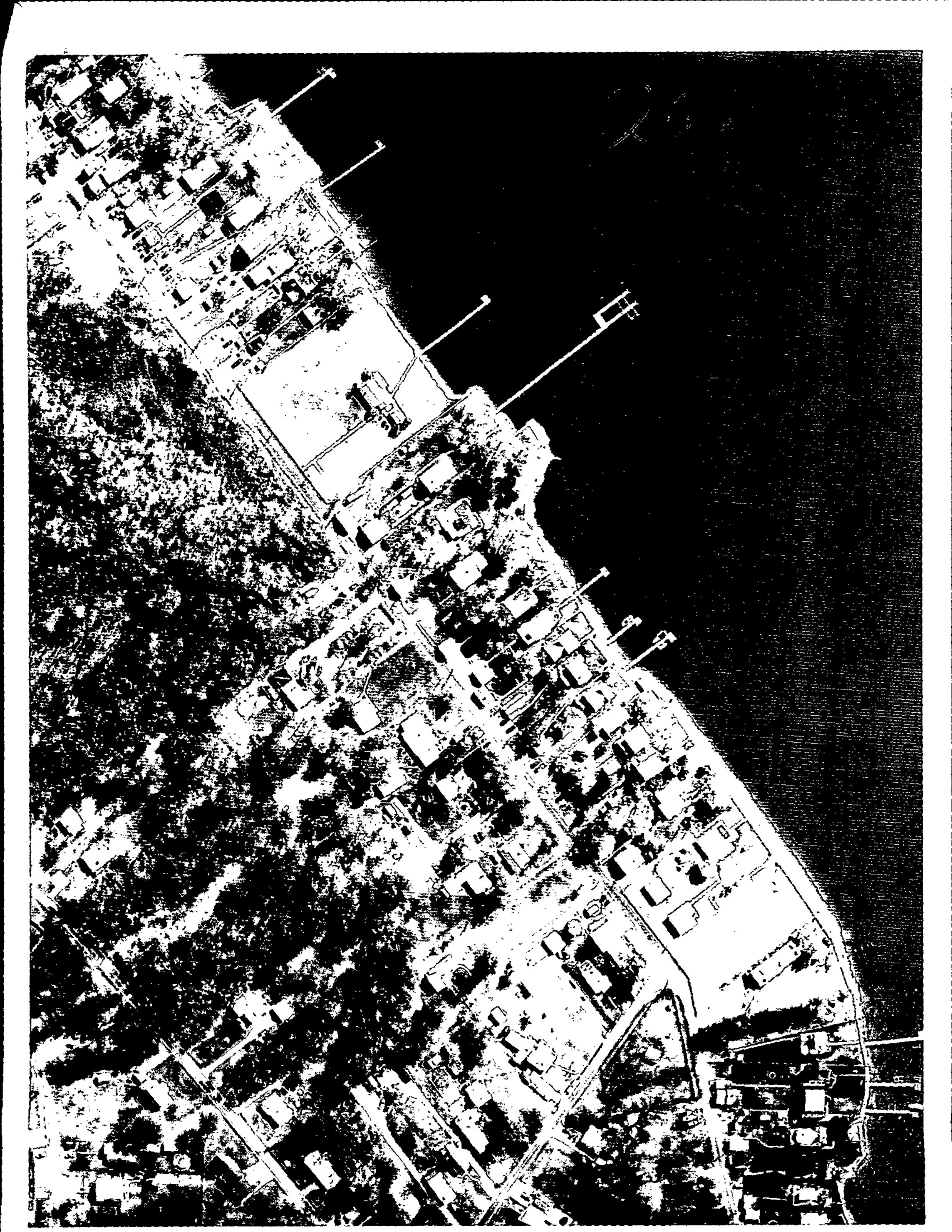
I am familiar with the property at 3634 Bay Drive and I am aware that this is an unimproved lot 50 feet wide and that in order for Mr. and Mrs. Dorn to build a home on this property a setback variance is required.

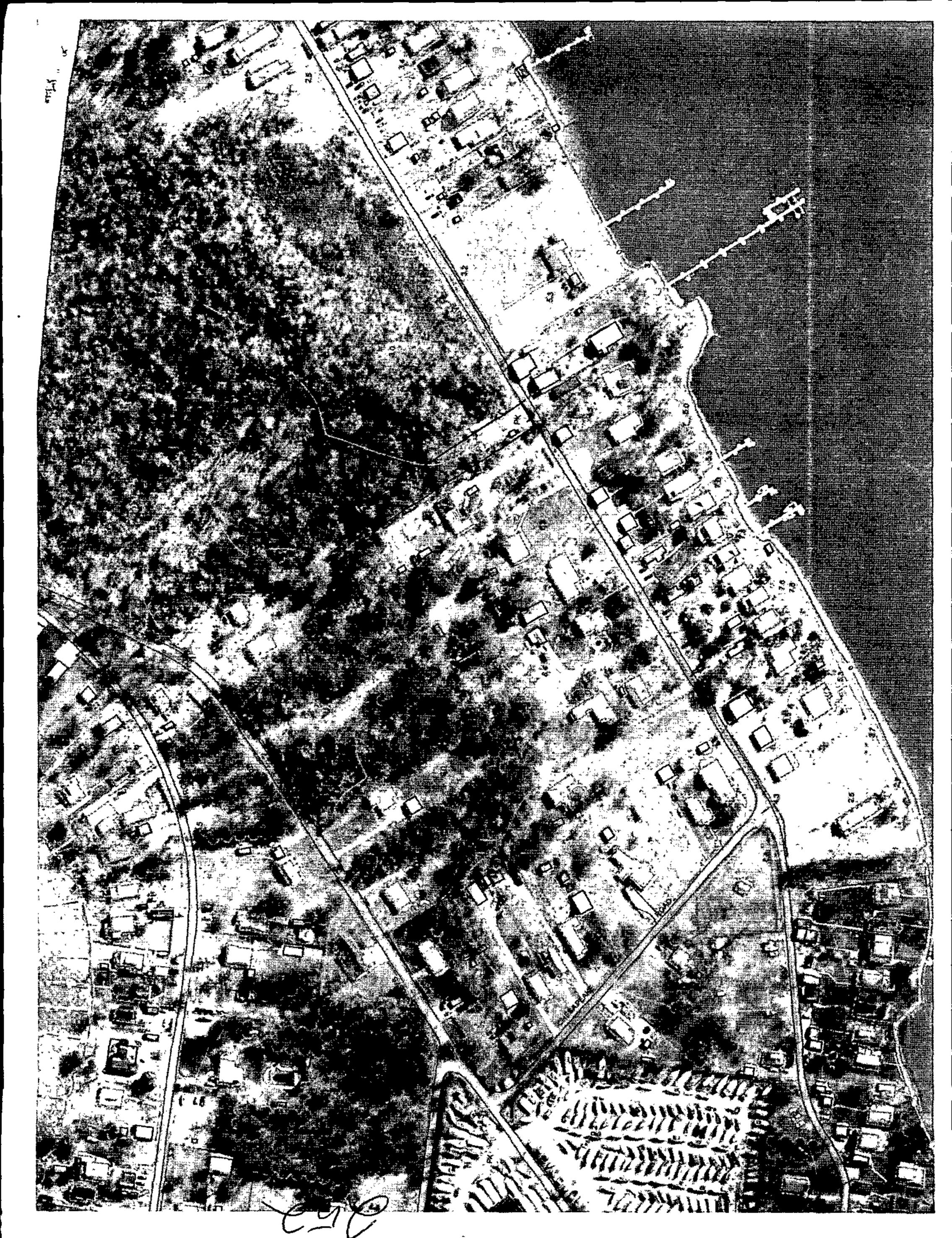
I also know that Mr. and Mrs. Dorn do not now own and to the best of my knowledge have never owned land on either side of the lot in question.

I am in full support of the requested variance for this property.

Mary & Dobry bush Date: 12/11/05







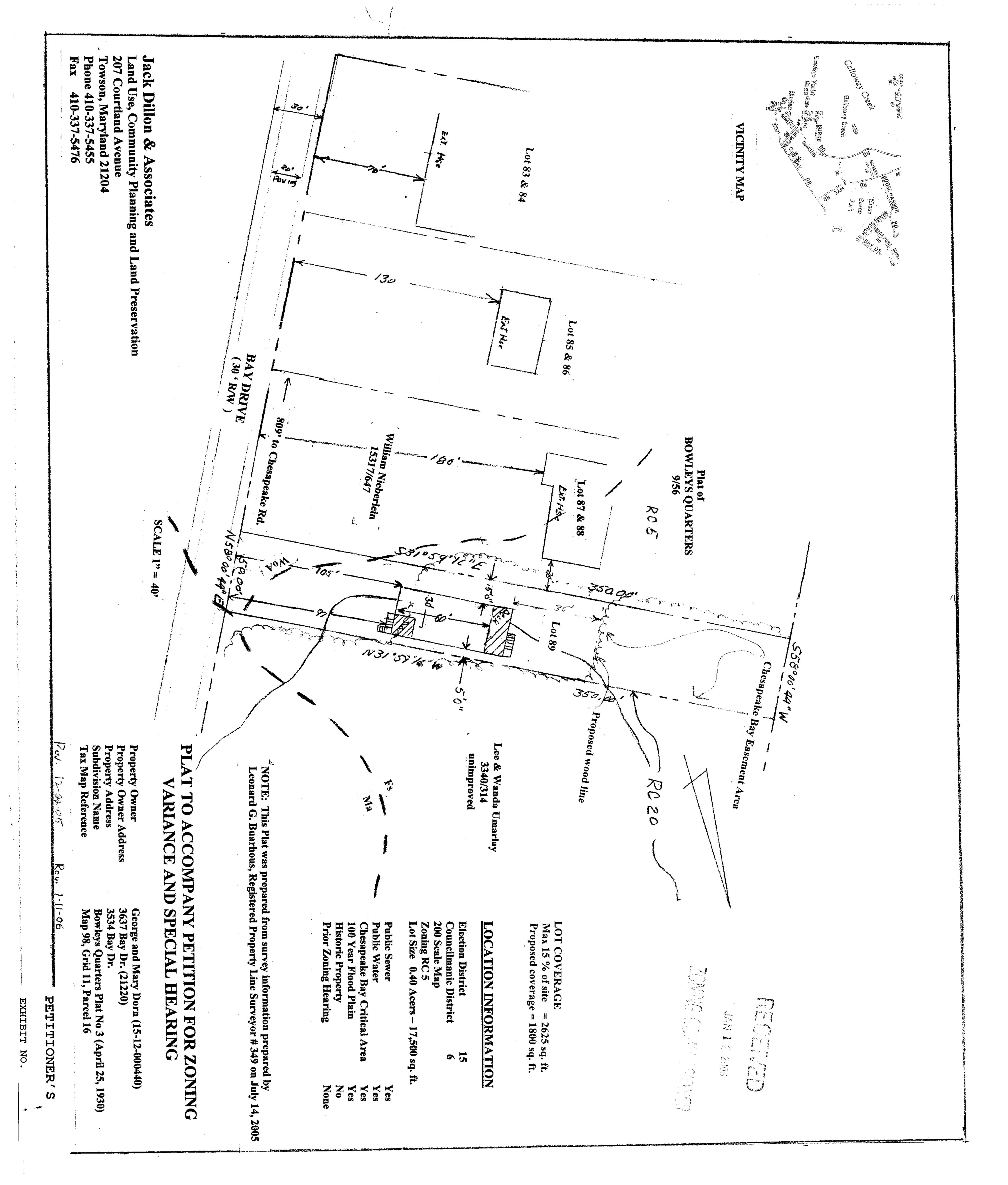
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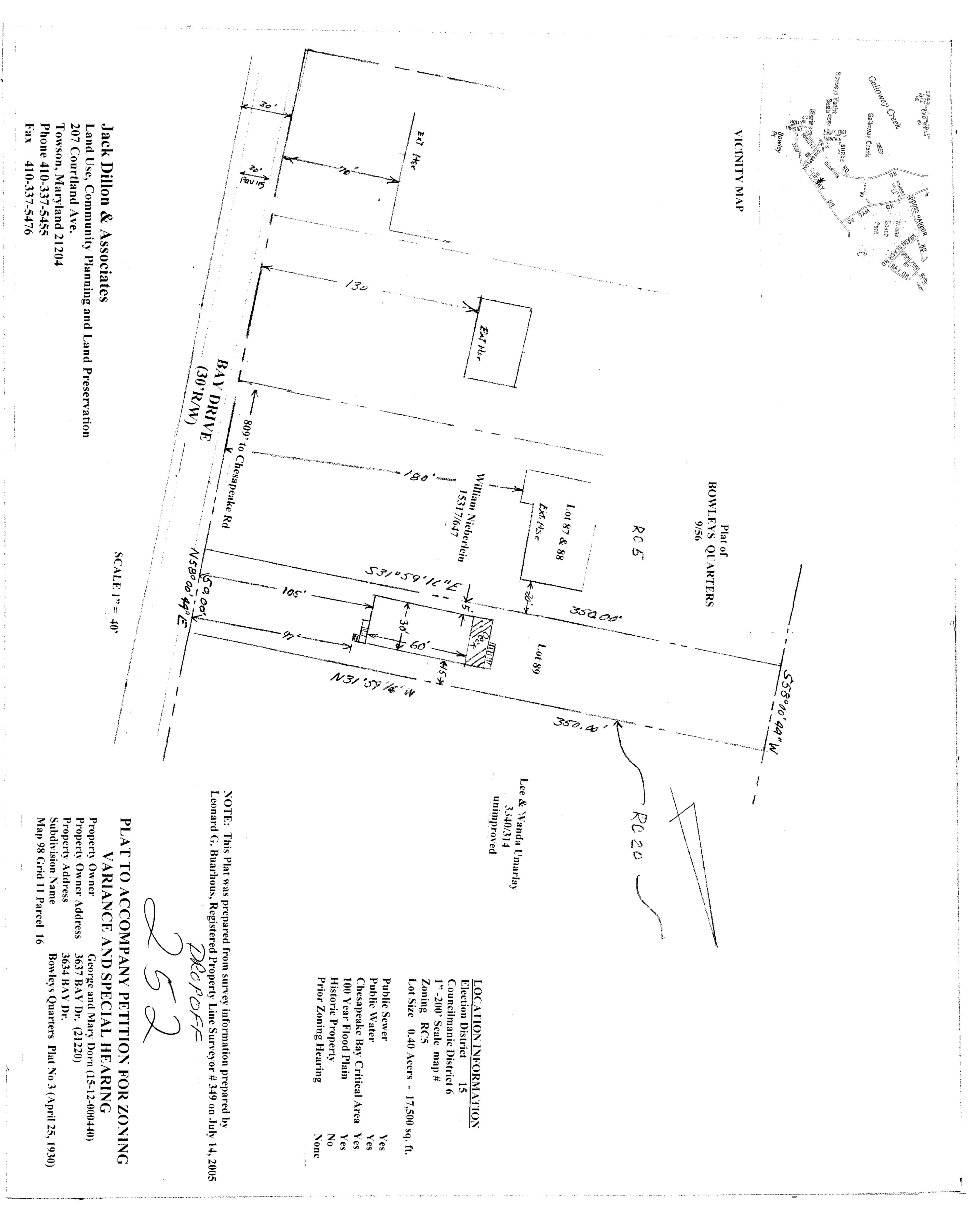
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-

-

No No





BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

RECEVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DEC 2 0 2005

SUBJECT:

Zoning Advisory Petition(s):

Case(s) 6-252- Special Hearing and Variance (revised

DATE: December 28, 2005

comment)

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Provide landscaping along the public road consistent the existing neighborhood.
- 2. Revise the house footprint to allow a 10-foot side yard setback on both sides.

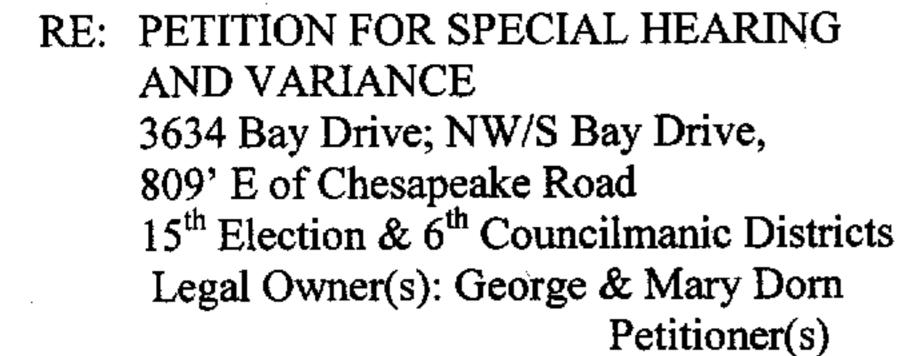
Additionally, the Office of Planning reviewed the petitioner's request, accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04 provided the proposed dwelling is finished with a stucco foundation.

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

Prepared By:

Division Chief:

CM/LL



- **BEFORE THE**
- **ZONING COMMISSIONER**
- **FOR**
- **BALTIMORE COUNTY**
- 06-252-SPHA

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed Jack Dillon, 207 Courtland Avenue, Towson, MD 21204, Representative for Petitioner(s).

RECEIVED

NOV 2 9 2005

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County