

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
 SE/Cor. Bay Front Road & Lodge Forest Rd.,
 N of Iroquois Avenue * ZONING COMMISSIONER
(7701 Bay Front Road)
 15th Election District * OF BALTIMORE COUNTY
 7th Council District * **Case No. 06-290-A**
 Frank L. Hammond, Jr., et ux
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Frank L. Hammond, Jr., and his wife, Kristi J. Hammond. The Petitioners request variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard, and with a height of 17 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

COPIES RECEIVED FOR FILING

Date

By

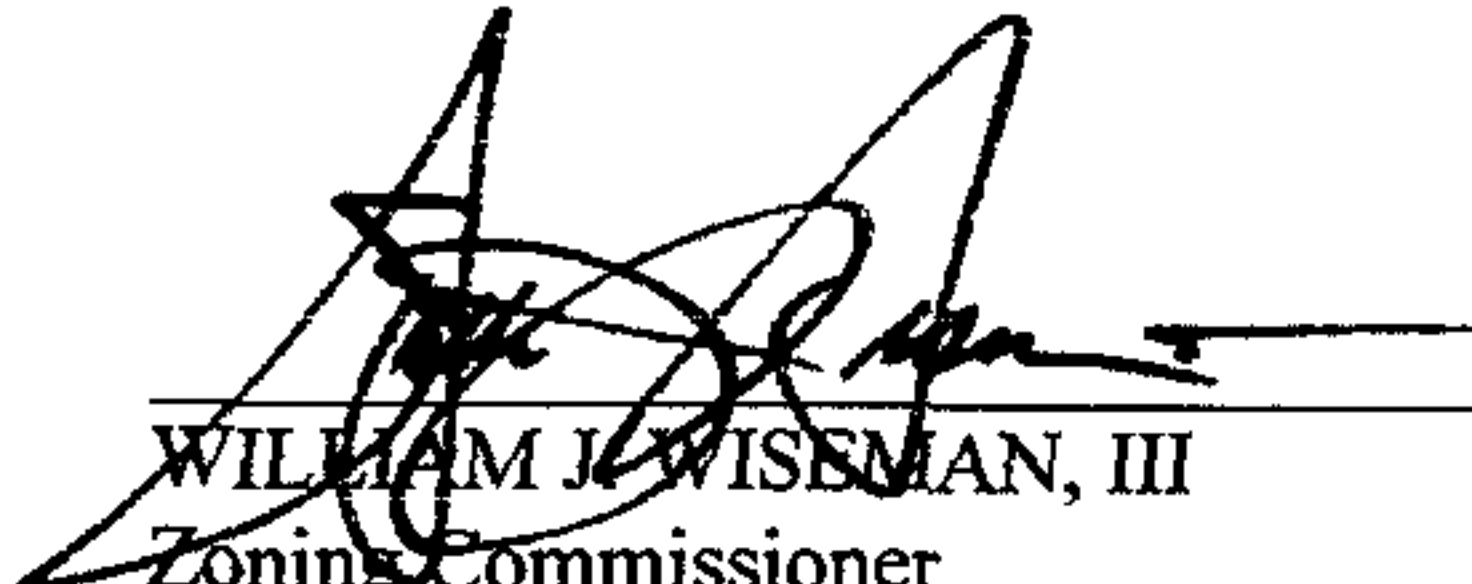
Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the property's frontage on three public roads. As shown on the site plan, the house sits towards the rear of this triangular shaped parcel and thus, there is insufficient room in the rear yard. The proposed garage will be located on the east side of the existing home, at the end of an existing driveway leading into the rear of the property from Iroquois Road. Moreover, it was also indicated that the proposed location for the garage is the most practical, given the configuration of the property and the layout of the home, and that the additional height is necessary to provide much needed storage space. In this regard, the site plan shows that an existing shed will be removed upon completion of the new garage. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors voiced no objections to the request. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, due to the property's location in close proximity to Old Road Bay, the proposed construction must comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, pursuant to the attached comments submitted by the Development Plans Review Division of the Department of Permits and Development Management. Moreover, pursuant to the recommendations made by the Office of Planning, the garage shall be finished with materials similar to that of the existing dwelling.

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 11th day of January 2006 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard with a height of 17 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with 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. See attached comments from the Department of Environmental Protection and Resource Management and the Development Plans Review division of DPDM.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) In compliance with the recommendations of the Office of Planning, the proposed garage shall be finished with materials similar to that of the existing dwelling.
- 5) 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

By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 16, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For December 12, 2005
Item No. 290

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

The base flood elevation for this site is 9.4 Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

The minimum right-of-way for all public roads in Baltimore County is 40-foot. Show an ultimate 40-foot right-of-way for Iroquis Road centered on the extended right-of-way. Setback shall be modified accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 290-12162005.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 11, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Frank L. Hammond, Jr.
7701 Bay Front Road
Baltimore, Maryland 21219

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
SE/Corner Bay Front Road & Lodge Forest Road, N/S Iroquois Avenue
(7701 Bay Front Road)
15th Election District – 7th Council District
Frank L. Hammond, Jr., et ux - Petitioners
Case No. 06-290-A

Dear Mr. & Mrs. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 "William J. Wiseman, III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc. Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File



C B O A
Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 7701 BAY FRONT RD ^{BALTO.} MD 21219
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZR)

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE)
TO BE LOCATED IN THE ~~FRONT~~ SIDEYARD
IN LIEU OF THE REQUIRED REARYARD
AND WITH A 17' HEIGHT IN LIEU OF THE REQUIRED 15'

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

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

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):

FRANK L. HAMMOND JR

Name - Type or Print

Signature

Kristi J. Hammond

Name - Type or Print

Signature

7701 BAY FRONT RD

Address

BALTO.

City

MD

State

WK 410685661

WK 410 206 0091

4104777510

Telephone No.

21219

Zip Code

Representative to be Contacted:

FRANK L. HAMMOND JR

Name

7701 BAY FRONT RD

Address

BALTO.

City

MD

State

4104777510

Telephone No.

21214

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11th day of December, 2005, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-290. A

Reviewed By CTM Date 12/6/05

Estimated Posting Date 12/18/05

REV 10/25/01

ORDER RECEIVED FOR FILING
DATE 12/11/05
BY [Signature]

Affidavit in Support of Administrative Variance

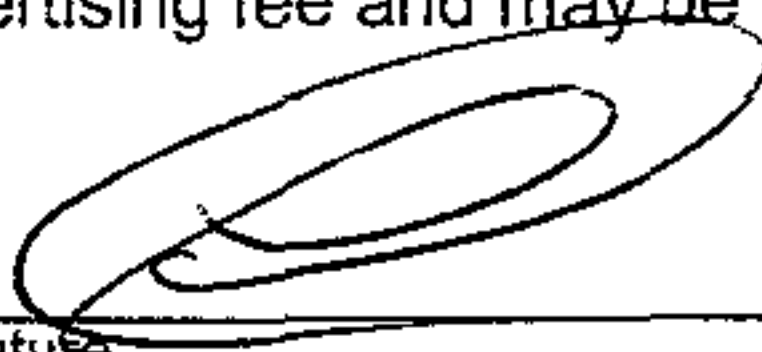
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is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

That the Affiant(s) does/do presently reside at 7701 BAY FRONT RD
Address
BALTIMORE MD 21219
City State Zip Code

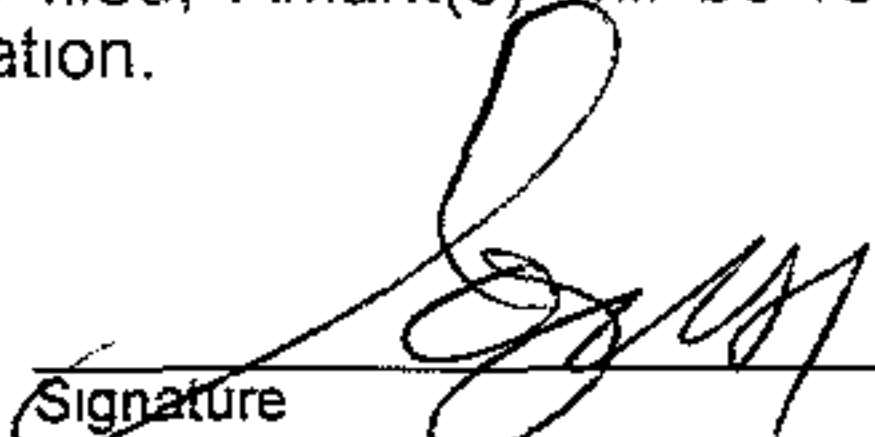
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① DUE TO SETBACK OF HOME GARAGE CANNOT BE CONSTRUCTED TO MAINTAIN BOTH 25' SET BACK + TOTAL LOCATION BEHIND HOME.
- ② MAIN ENTRANCE TO HOME IS SIDE ENTRANCE, MAKING THIS THE BEST USED LAND.

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


Signature

FRANK L. HAMMOND JR.
Name - Type or Print


Signature

Kristi J. Hammond
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5TH day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Frank L. Hammond Jr + Kristi J. Hammond
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Michelle L. Blackmon
Notary Public

My Commission Expires June 1, 2008

Zoning Description

For

7701 Bay Front Rd Baltimore, MD 21219

The property known as 7701 Bay Front Rd Baltimore, MD 21219 incorporates lots #1122, #1123, #1124. The property is on the south side of Bay Front Rd, on the East side of Lodge Forest starting with lot #1124 then #1123 to the east of that and lastly lot #1122, all are to the North side of Iroquois.

These lots are in Lodge Forest as recorded in Baltimore County Plat Book #10, Folio #76 containing 21,216 square feet. This parcel is also located on map 111, grid 17 & parcel 98.

This property is in Election District 15, Prec. 22, Leg. 6, Cong. 2, Councilmanic District 7.

Please refer to the Location Drawing for plat measurements.

Owner and resident of 7701 Bay Front Rd Baltimore, MD 21219 are:

Frank L Hammond Jr.

Kristi J Hammond

290

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **1598**

DATE 12/16/05 ACCOUNT Pool 0066-150

AMOUNT \$ 65.00

RECEIVED FROM TRANS INFORMATION JR

FOR PG-290-A

DISTRIBUTION
 WHITE - CARRIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED DATE TIME

12/06/2015 12/06/2015 10:54AM

DEPT 5002 MAIL DEPT. JRE

RECEIPT # 44113 12/06/2005 CTU

DEPT 5 527 FUNDING VERIFICATION

OR PUL 001159

Receipt Tot \$45,400

\$45,000 OF \$45,000 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-290-A

Petitioner/Developer: FRANK L.

HAMMOND JR

Date of Hearing/Closing: 1/2/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: KRISTEN MATTHEWS

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: _____

7701 BAYFRONT DR

The sign(s) were posted on 12-18-05
(Month, Day, Year)

Sincerely,

Robert Black 12-18-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

7701 BAYFRONT DR

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 290 -A

Address 7701 BAYFRONT DR.

Contact Person: LYND T. MOXLEY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12/6/05

Posting Date: 12/18/05

Closing Date: 1/2/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 290 -A

Address 7701 BAYFRONT DR

Petitioner's Name FRANK HAMMOND JR ETUX Telephone 410 477 7510

Posting Date: 12/18/05

Closing Date: 1/2/06

Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED INSIDE YARD IN LIEU OF
THE REQUIRED REAR YARD AND WITH A 17'
HEIGHT IN LIEU OF THE REQUIRED 15'.

WCR - Revised 6/25/04

I HAVE RECEIVED POSTING INFO

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/neighborhood 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 OG-290-A
Petitioner FRANK L. HAMMOND JR.
Address or Location 7701 BAY FRONT RD BALTIMORE, MD 21219

PLEASE FORWARD ADVERTISING BILL TO

Name FRANK L. HAMMOND JR.
Address 7701 BAY FRONT RD
BALTIMORE, MD 21219
Telephone Number 410 477 7510

**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*

January 2, 2006

Frank L. Hammond, Jr.
Kristi J. Hammond
7701 Bay Front Road
Baltimore, Maryland 21219

Dear Mr. and Mrs. Hammond:

RE: Case Number: 06-290-A, 7701 Bay Front Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 6, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 11 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: R. Bruce Seeley
DATE: January 11, 2006
SUBJECT: Zoning Item # 06-290-A
Address 7701 Bayfront Road
(Hammond Property)

Zoning Advisory Committee Meeting of December 5, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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).

Additional Comments:

Reviewer: G. Shaffer

Date: January 4, 2006

C:\temp\ZAC06-290.doc

ORDER RECEIVED FOR FILING
Date 1/11/06
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 28, 2005

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

SUBJECT: 7701 Bay Front Drive

INFORMATION:

Item Number: 6-290

Petitioner: Frank L. Hammond, Jr.

Zoning: DR 5.5

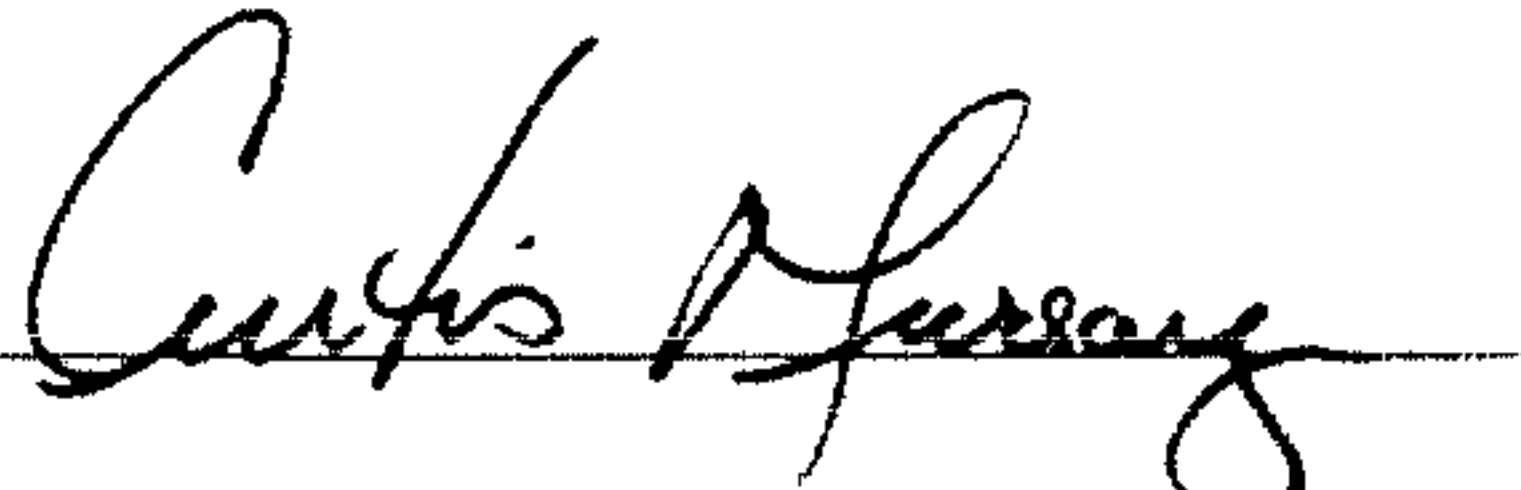
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure to be located in the side yard in lieu of the required rear yard provided the garage be finished with materials similar that of the existing dwelling. The existing dwelling fronts Bay Front Road and so would the accessory structure. This request is due to the shape and configuration of the subject lot. Additionally, the accessory structure would be visible from Bay Front Road.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

December 15, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **December 05, 2005**

Item No.: **281, 287-293**

(Jao)

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: 12.9.05

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

RE: Baltimore County
Item No. 290 LTM

Dear Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 16, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For December 12, 2005
Item No. 290

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

The base flood elevation for this site is 9.4 Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

The minimum right-of-way for all public roads in Baltimore County is 40-foot. Show an ultimate 40-foot right-of-way for Iroquis Road centered on the extended right-of-way. Setback shall be modified accordingly.

DAK:CEN:clw

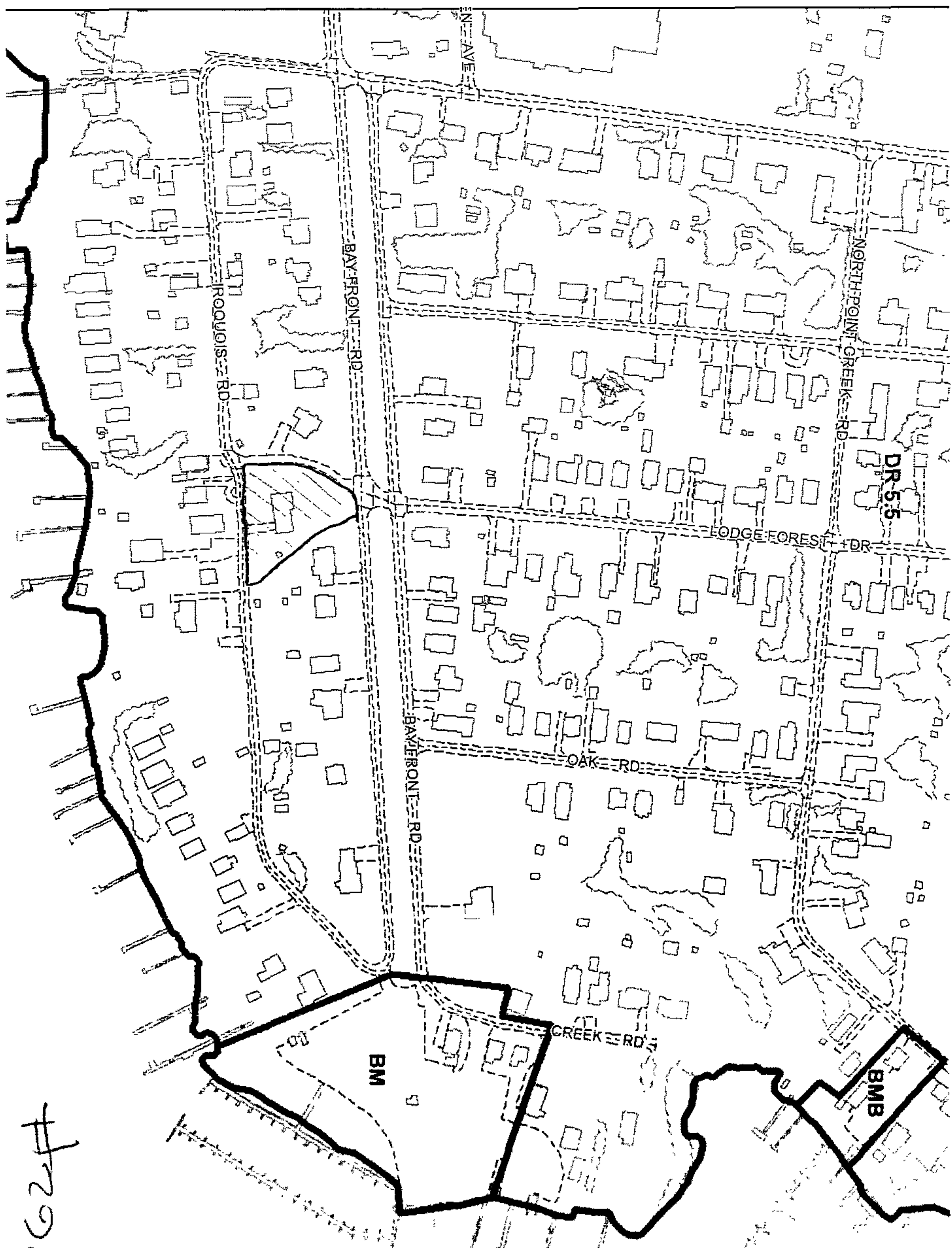
cc: File

ZAC-HLM NO 290-12162005 doc

Bette Schuhmann - Administrative Variance Case No. 06-290-A

From: Bette Schuhmann
To: Livingston, Jeffrey; Seeley, Bruce
Subject: Administrative Variance Case No. 06-290-A

Hi, Guys - Hope your New Year is off to a great start! Anyway, I'm looking for a comment from DEPRM in the above-captioned case. The property is located at 7701 Bay Front Road in Edgemere, and is in close proximity to Old Road Bay so I'm sure your "standard" comment would apply. Could you please e-mail or fax your comment to me at your earliest convenience. Thanks!



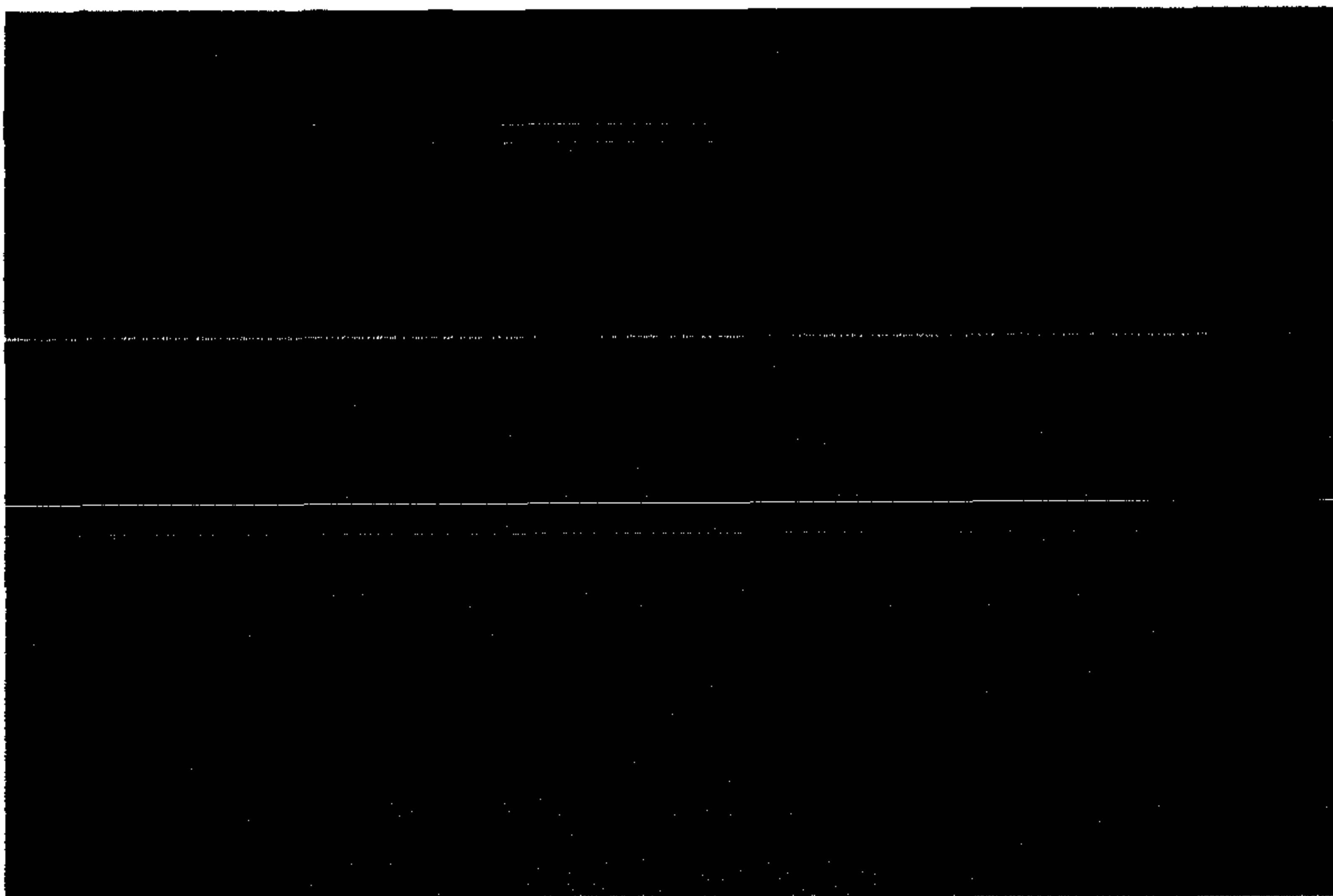
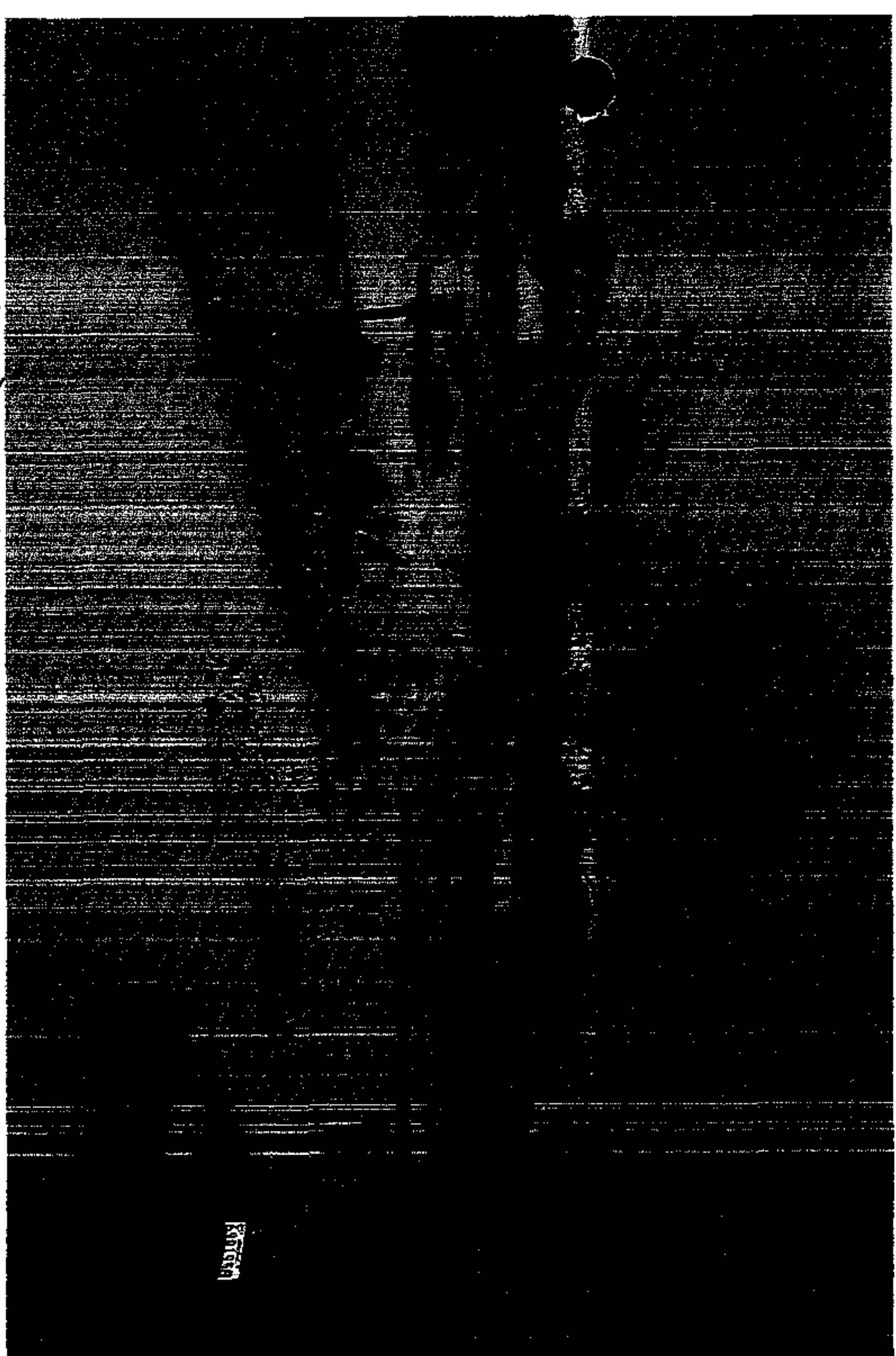
#290

map 111C3

PROPOSED SITE LOOKING SOUTH



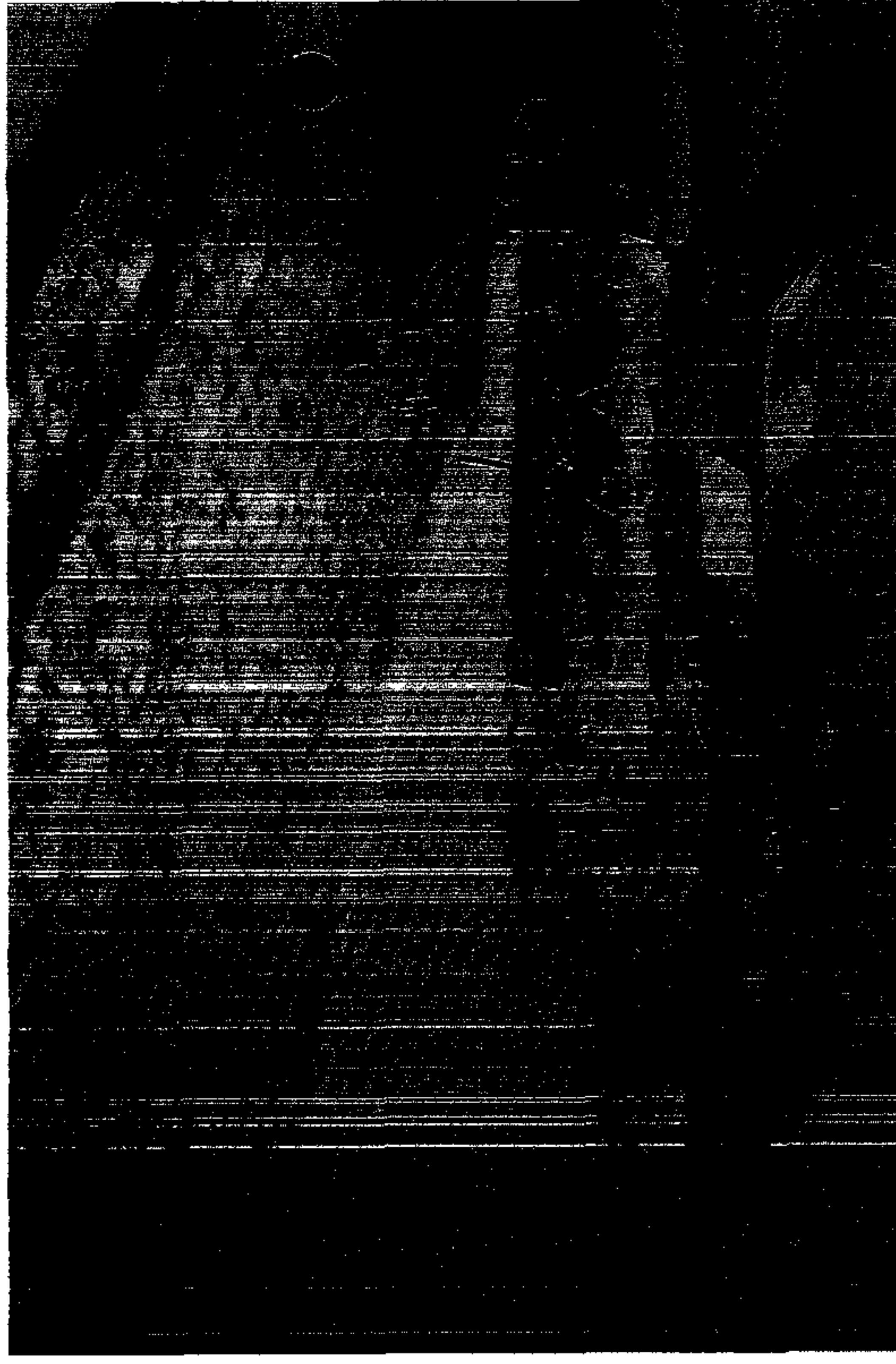
PROPOSED SITE LOOKING SOUTH EAST.



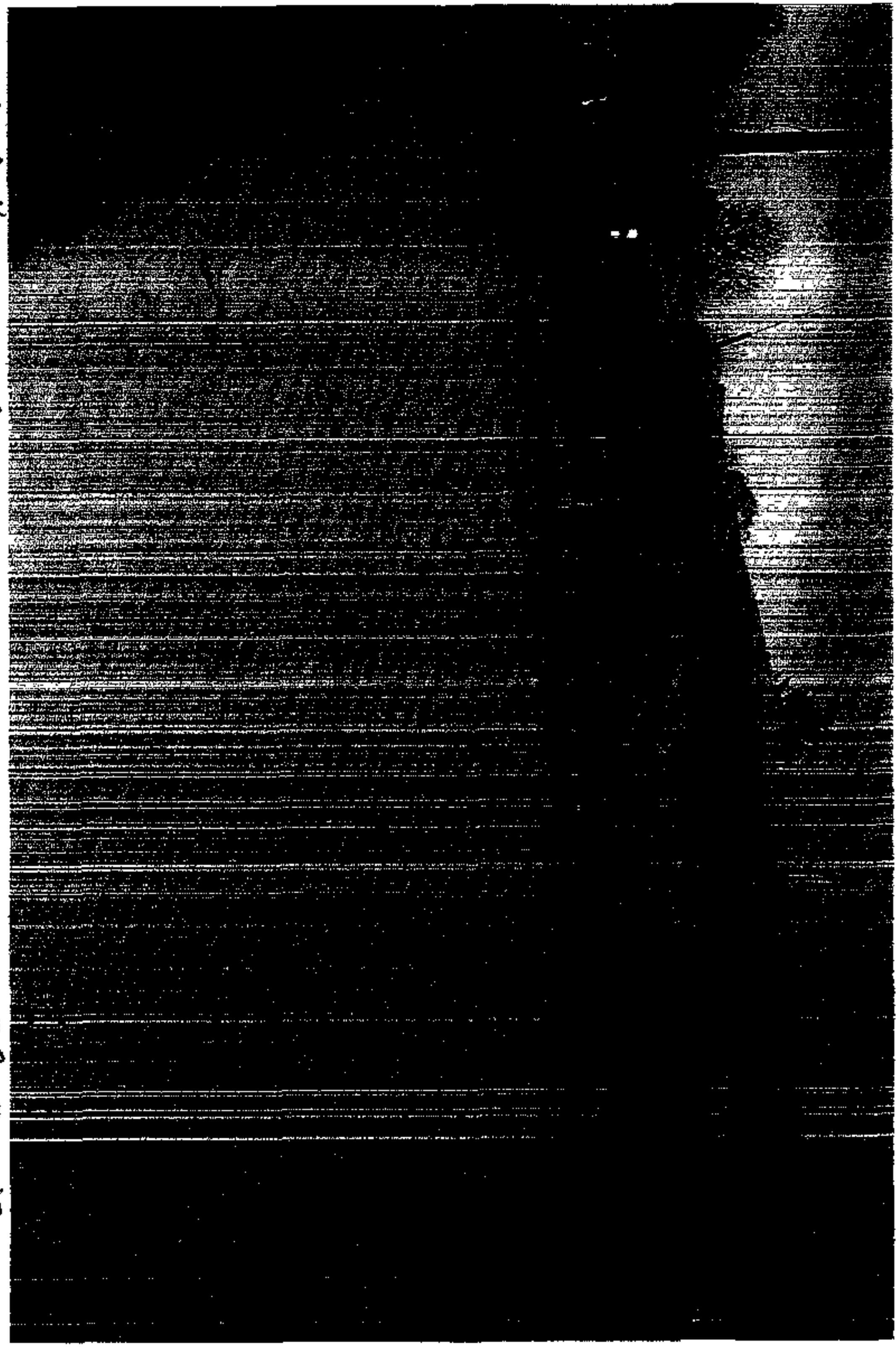
PROPOSED SITE LOOKING NORTH ON IROQUOIS

290

PROPOSED SITE LOOKING EAST FROM 7701 BAYFRONT DRIVEWAY



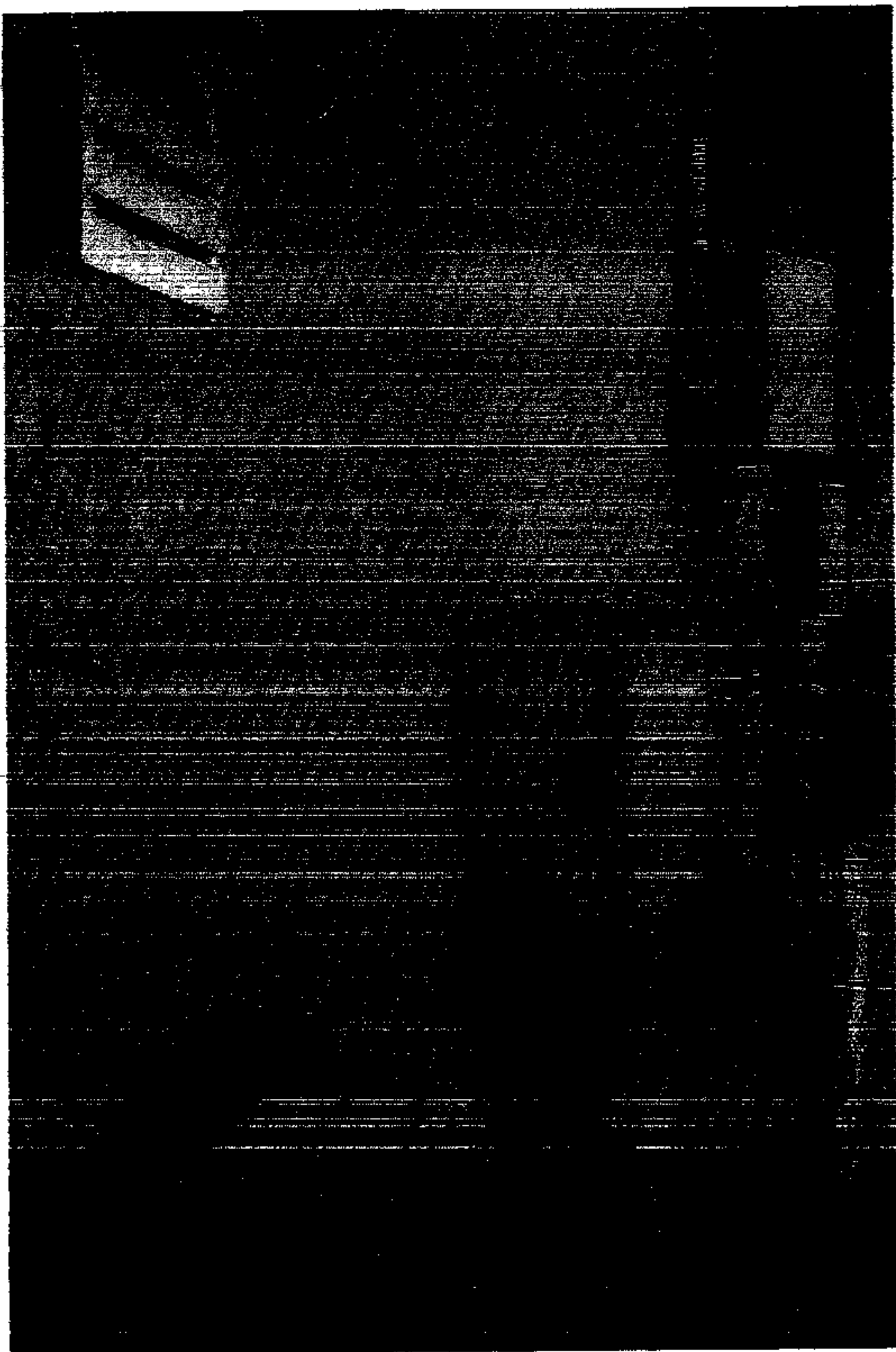
AREA OF HOUSE PROPOSED SITE LOOKING NORTH ON WEST ILLINOIS.



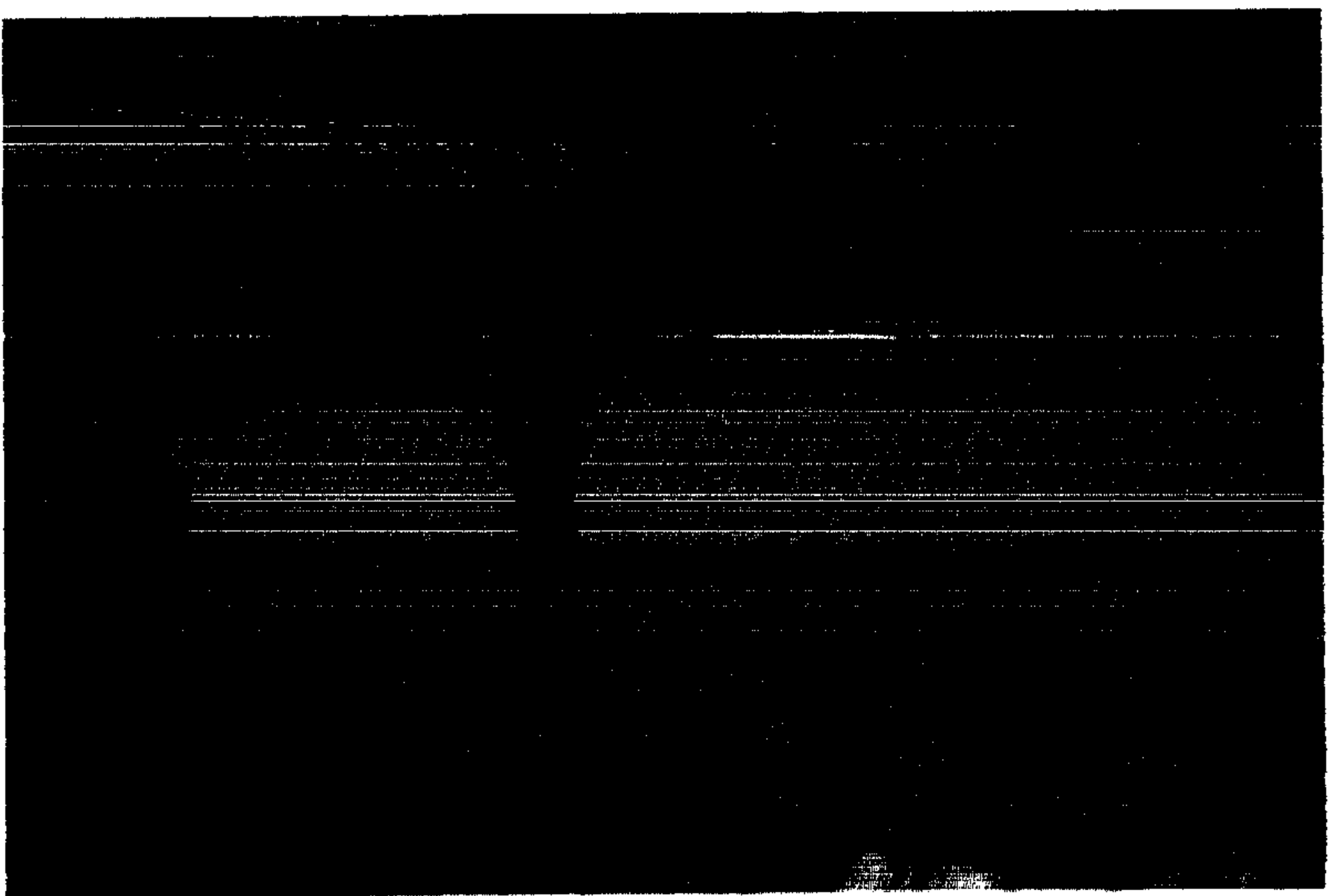
PROPOSED SITE LOOKING IN NORTH EAST FROM 7701 BAYFRONT DRIVEWAY

290

* SHED w/ BE REMOVED. NORTH SIDE OF PROPOSE GAMAGE SITE



PROPOSED GAMAGE SITE



VIEW OF REAR OF 7703 BAYFRONT FROM MY CARPORT

ALL PHOTOS FROM CARPORT ON EAST SIDE OF HOUSE 7701 BAYFRONT.

290

IN RE: **PETITION FOR ADMIN. VARIANCE** * BEFORE THE
 SE/Cor. Bay Front Road & Lodge Forest Rd.,
 N of Iroquois Avenue * ZONING COMMISSIONER
(7701 Bay Front Road)
 15th Election District * OF BALTIMORE COUNTY
 7th Council District * **Case No. 06-290-A**
 Frank L. Hammond, Jr., et ux
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Frank L. Hammond, Jr., and his wife, Kristi J. Hammond. The Petitioners request variance relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard, and with a height of 17 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

COPIES RECEIVED FOR FILING

Date

By

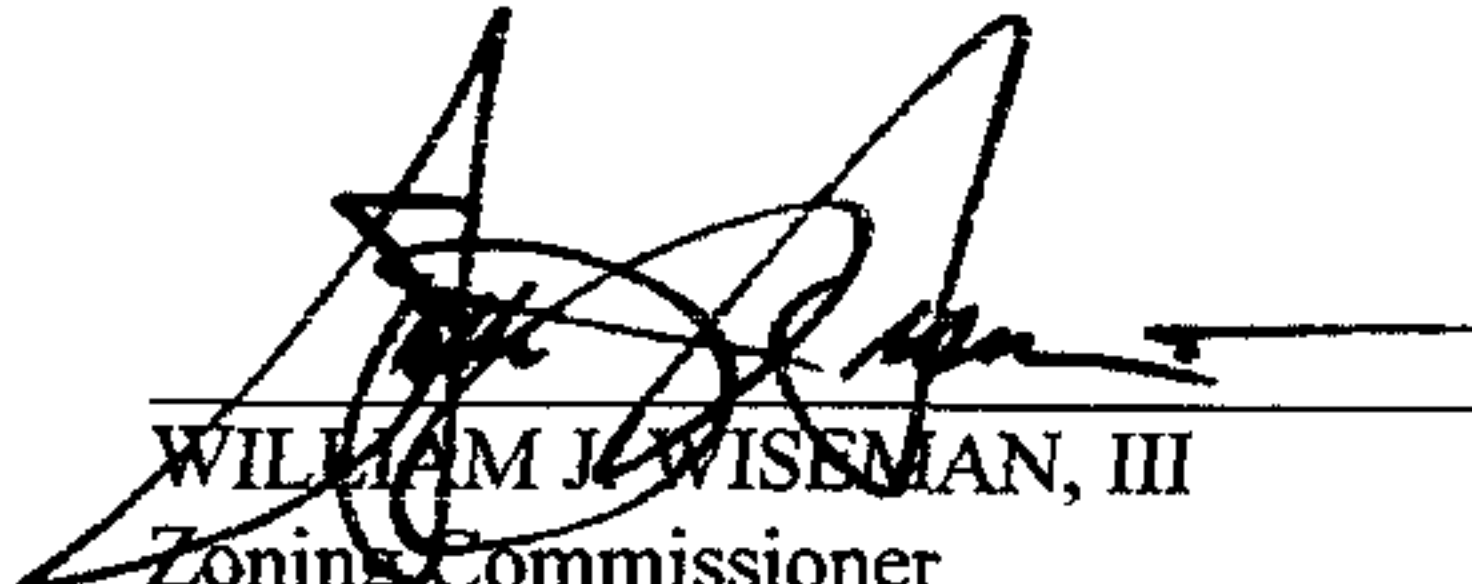
Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the unique configuration of the property and the property's frontage on three public roads. As shown on the site plan, the house sits towards the rear of this triangular shaped parcel and thus, there is insufficient room in the rear yard. The proposed garage will be located on the east side of the existing home, at the end of an existing driveway leading into the rear of the property from Iroquois Road. Moreover, it was also indicated that the proposed location for the garage is the most practical, given the configuration of the property and the layout of the home, and that the additional height is necessary to provide much needed storage space. In this regard, the site plan shows that an existing shed will be removed upon completion of the new garage. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and the neighbors voiced no objections to the request. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale. However, due to the property's location in close proximity to Old Road Bay, the proposed construction must comply with Chesapeake Bay Critical Areas regulations and Federal Flood Insurance requirements, pursuant to the attached comments submitted by the Development Plans Review Division of the Department of Permits and Development Management. Moreover, pursuant to the recommendations made by the Office of Planning, the garage shall be finished with materials similar to that of the existing dwelling.

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 11th day of January 2006 that the Petition for Administrative Variance seeking relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a detached accessory structure (garage) to be located in the side yard in lieu of the required rear yard with a height of 17 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with 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. See attached comments from the Department of Environmental Protection and Resource Management and the Development Plans Review division of DPDM.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) In compliance with the recommendations of the Office of Planning, the proposed garage shall be finished with materials similar to that of the existing dwelling.
- 5) 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

By

INTEROFFICE CORRESPONDENCE

DATE: December 16, 2005

SUBJECT: Zoning Advisory Committee Meeting
For December 12, 2005
Item No. 290

The flood protection elevation for this site is 10.4 feet.

The minimum right-of-way for all public roads in Baltimore County is 40-foot. Show an ultimate 40-foot right-of-way for Iroquis Road centered on the extended right-of-way. Setback shall be modified accordingly.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 290-12162005.doc



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 11, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Frank L. Hammond, Jr.
7701 Bay Front Road
Baltimore, Maryland 21219

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
SE/Corner Bay Front Road & Lodge Forest Road, N/S Iroquois Avenue
(7701 Bay Front Road)
15th Election District – 7th Council District
Frank L. Hammond, Jr., et ux - Petitioners
Case No. 06-290-A

Dear Mr. & Mrs. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 "William J. Wiseman, III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc. Chesapeake Bay Critical Areas Commission
1804 West Street, Suite 100, Annapolis, Md. 21401
Development Plans Review, DPDM; DEPRM; People's Counsel; Case File



C B O A
Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

for the property located at 7701 BAY FRONT RD ^{BALTO.} MD 21219
which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 (BCZR)

TO PERMIT A DETACHED ACCESSORY STRUCTURE (GARAGE)
TO BE LOCATED IN THE ~~FRONT~~ SIDEYARD
IN LIEU OF THE REQUIRED REARYARD
AND WITH A 17' HEIGHT IN LIEU OF THE REQUIRED 15'

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

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

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):

FRANK L. HAMMOND JR

Name - Type or Print

Signature

Kristi J. Hammond

Name - Type or Print

Signature

7701 BAY FRONT RD

Address

BALTO.

City

MD

State

WK 410685661

WK 410 206 0091

4104777510

Telephone No.

21219

Zip Code

Representative to be Contacted:

FRANK L. HAMMOND JR

Name

7701 BAY FRONT RD

Address

BALTO.

City

MD

State

4104777510

Telephone No.

21214

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 11th day of December, 2005, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 06-290.A

Reviewed By CTM Date 12/6/05

Estimated Posting Date 12/18/05

REV 10/25/01

ORDER RECEIVED FOR FILING
DATE 12/14/05
BY [Signature]

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 7701 BAY FRONT RD
Address
BALTIMORE MD 21219
City State Zip Code

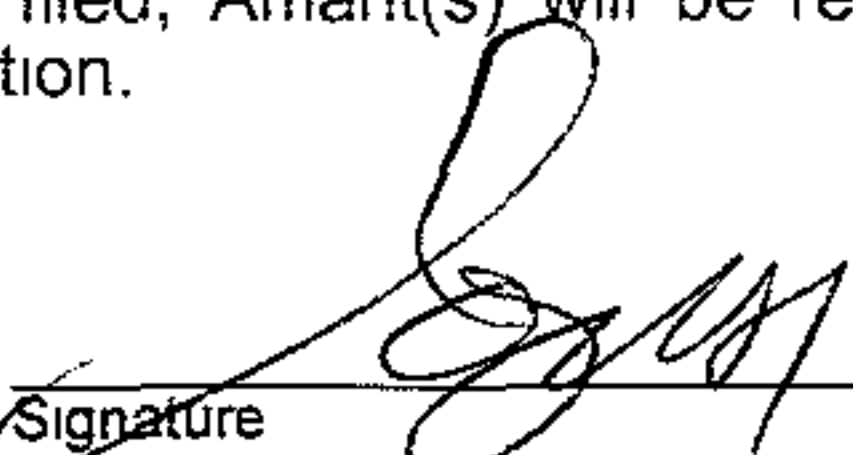
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① DUE TO SETBACK OF HOME GARAGE CANNOT BE CONSTRUCTED TO MAINTAIN BOTH 25' SET BACK + TOTAL LOCATION BEHIND HOME.
- ② MAIN ENTRANCE TO HOME IS SIDE ENTRANCE, MAKING THIS THE BEST USED LAND.

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


Signature

FRANK L. HAMMOND JR.
Name - Type or Print


Signature

Kristi J. Hammond
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5TH day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Frank L. Hammond Jr + Kristi J. Hammond
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Michelle L. Blackmon
Notary Public

My Commission Expires June 1, 2008

Zoning Description

For

7701 Bay Front Rd Baltimore, MD 21219

The property known as 7701 Bay Front Rd Baltimore, MD 21219 incorporates lots #1122, #1123, #1124. The property is on the south side of Bay Front Rd, on the East side of Lodge Forest starting with lot #1124 then #1123 to the east of that and lastly lot #1122, all are to the North side of Iroquois.

These lots are in Lodge Forest as recorded in Baltimore County Plat Book #10, Folio #76 containing 21,216 square feet. This parcel is also located on map 111, grid 17 & parcel 98.

This property is in Election District 15, Prec. 22, Leg. 6, Cong. 2, Councilmanic District 7.

Please refer to the Location Drawing for plat measurements.

Owner and resident of 7701 Bay Front Rd Baltimore, MD 21219 are:

Frank L Hammond Jr.

Kristi J Hammond

290

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1598

DATE 12/16/05 ACCOUNT Pool 0066-150

AMOUNT \$ 65.00

RECEIVED FROM TRANS INFORMATION JR

FOR PG-290-A

DISTRIBUTION
WHITE - CARRIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED DATE TIME

12/06/2005 12/06/2005 10:54AM

RECEIVED DATE TIME

12/06/2005 12/06/2005 07:11

RECEIVED DATE TIME

12/06/2005

Receipt Tot \$65.00

\$65.00 OF \$65.00

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-290-A

Petitioner/Developer: FRANK L.

HAMMOND JR

Date of Hearing/Closing: 1/2/06

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: KRISTEN MATTHEWS

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: _____

7701 BAYFRONT DR

The sign(s) were posted on 12-18-05
(Month, Day, Year)

Sincerely,

Robert Black 12-18-05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

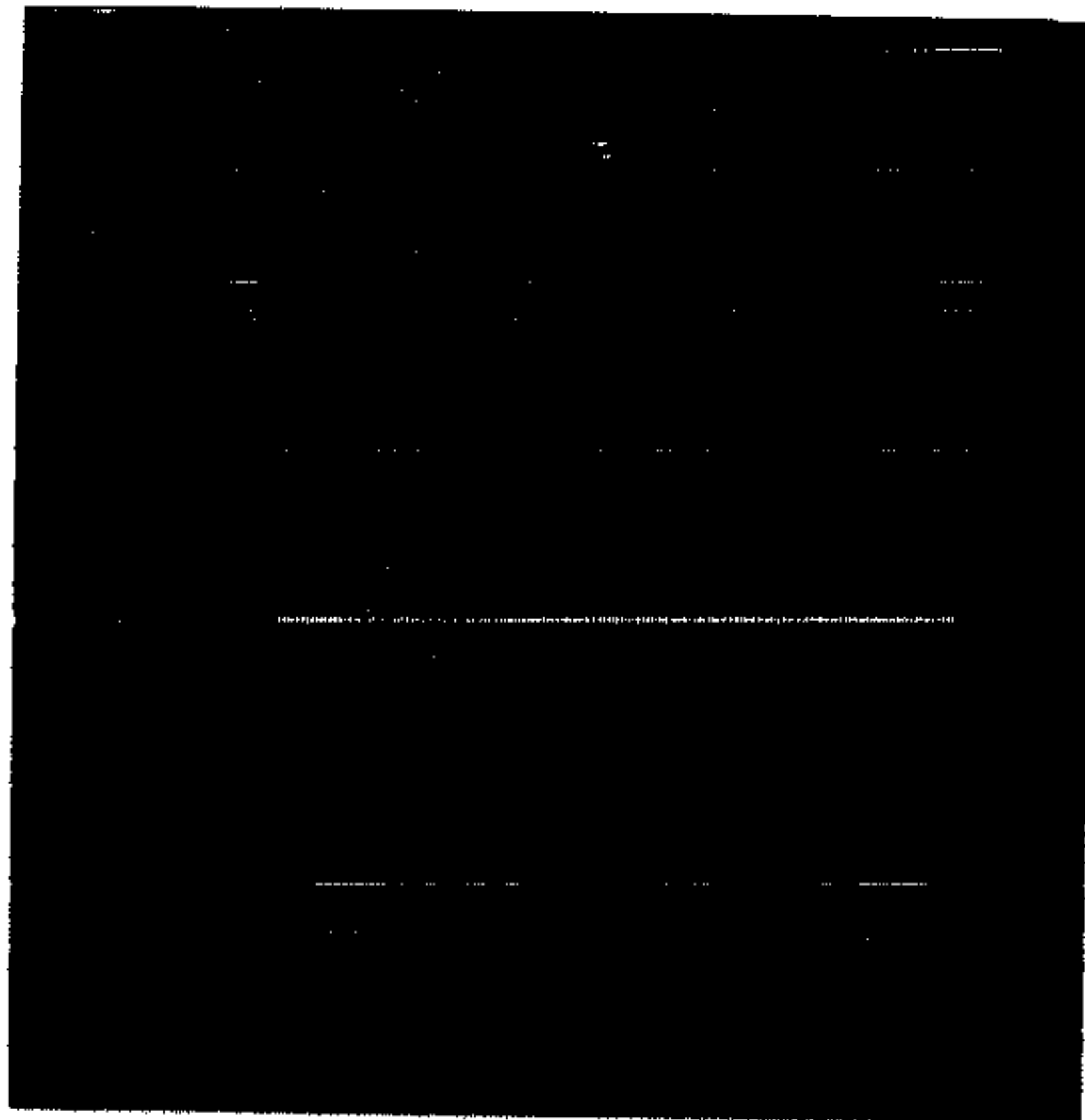
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



7701 BAYFRONT DR

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 290 -A

Address 7701 BAYFRONT DR.

Contact Person: LYND T. MOXLEY
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 12/6/05

Posting Date: 12/18/05

Closing Date: 1/2/06

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 06- 290 -A

Address 7701 BAYFRONT DR

Petitioner's Name FRANK HAMMOND JR ETUX Telephone 410 477 7510

Posting Date: 12/18/05

Closing Date: 1/2/06

Wording for Sign: To Permit A DETACHED ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED INSIDE YARD IN LIEU OF
THE REQUIRED REAR YARD AND WITH A 17'
HEIGHT IN LIEU OF THE REQUIRED 15'.

WCR - Revised 6/25/04

I HAVE RECEIVED POSTING INFO

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/neighborhood 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 OG-290-A
Petitioner FRANK L. HAMMOND JR.
Address or Location 7701 BAY FRONT RD BALTIMORE, MD 21219

PLEASE FORWARD ADVERTISING BILL TO

Name FRANK L. HAMMOND JR.
Address 7701 BAY FRONT RD
BALTIMORE, MD 21219
Telephone Number 410 477 7510

**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*

January 2, 2006

Frank L. Hammond, Jr.
Kristi J. Hammond
7701 Bay Front Road
Baltimore, Maryland 21219

Dear Mr. and Mrs. Hammond:

RE: Case Number: 06-290-A, 7701 Bay Front Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 6, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 11 2006

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: R. Bruce Seeley
DATE: January 11, 2006
SUBJECT: Zoning Item # 06-290-A
Address 7701 Bayfront Road
(Hammond Property)

Zoning Advisory Committee Meeting of December 5, 2006

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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).

Additional Comments:

Reviewer: G. Shaffer

Date: January 4, 2006

C:\temp\ZAC06-290.doc

ORDER RECEIVED FOR FILING

Date

By

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 28, 2005

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

SUBJECT: 7701 Bay Front Drive

INFORMATION:

Item Number: 6-290

Petitioner: Frank L. Hammond, Jr.

Zoning: DR 5.5

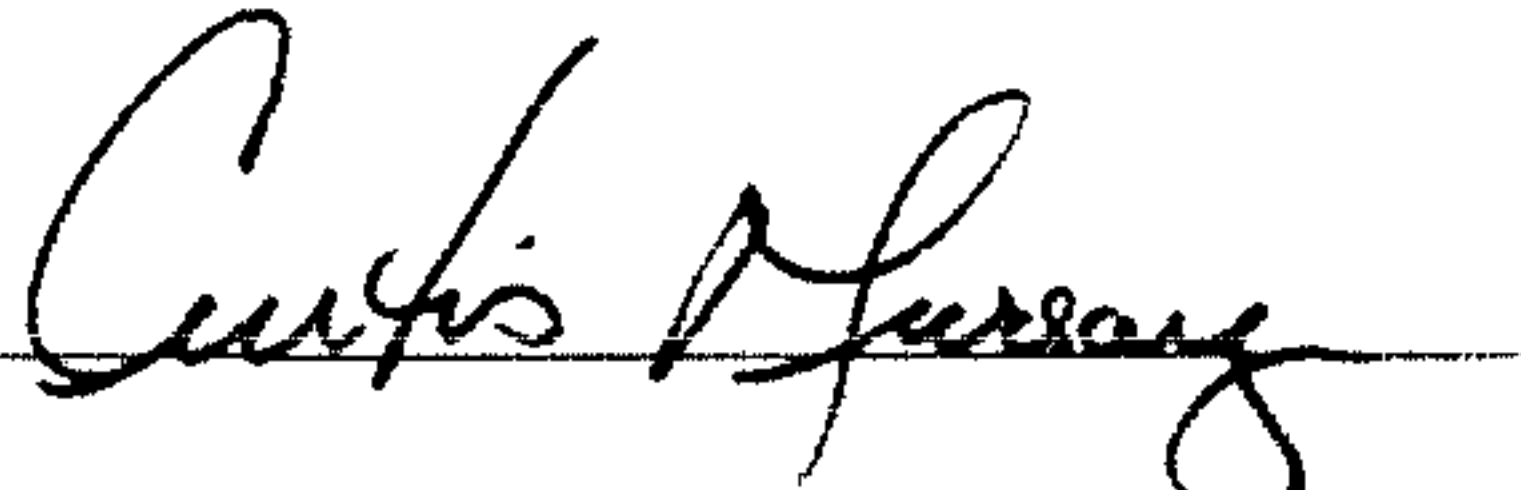
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure to be located in the side yard in lieu of the required rear yard provided the garage be finished with materials similar that of the existing dwelling. The existing dwelling fronts Bay Front Road and so would the accessory structure. This request is due to the shape and configuration of the subject lot. Additionally, the accessory structure would be visible from Bay Front Road.

For further information concerning the matters stated here in, please contact Amy Mantay at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

December 15, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: **December 05, 2005**

Item No.: **281, 287-293**

Jao

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant J.D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File