IN RE: PETITION FOR SPECIAL HEARING

N/W S Bay Drive, 400' NE Miami Beach Rd.

(Tax Map No. 98, Parcel No. 30)

Charles B. Marek, Jr., et ux

15th Election District

6th Council District

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 07-026-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the owners of the subject property, Dr. Charles B. Marek, Jr., and his wife, Nancy A. Marek, by their attorney, Jason T. Vettori, Esquire. As filed, the Petitioners request a special hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to determine whether or not the Zoning Commissioner should approve two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, and a special hearing for a waiver pursuant to Section 500.6 of the B.C.Z.R.; Section 3112.0 of the Baltimore County Building Code; and Sections 32-4-107(a)(2), 32-8-302 of the Baltimore County Code (B.C.C.), to build two accessory structures (garages) of 880 square feet and 900 square feet, respectively, separated by a 3-foot high elevated concrete pad and connected by a 3-foot high retaining wall in a tidal floodplain. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the request were Dr. Charles B. Marek, Jr., property owner; his son, Charles B. Marek, III; Justin Ottensmeyer, with Thompson and McCord, Associates, LLC, the consultants who prepared the site plan for this property, and Jason T. Vettori, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present; however, it should be mentioned that Petitioners' Exhibit 2 evidences the overwhelming support of adjacent neighbors and 25 members of the immediate community.

Testimony and evidence offered revealed that the subject property is a rectangular shaped parcel located on the northwest side of Bay Drive, 400 feet northeast of Miami Beach Road and is

Sate We waster - Con riving

immediately across from the Petitioners shore home at 4021 Bay Drive in Bowleys Quarters. The unimproved property is located in the Chesapeake Bay Critical Area and 100-year floodplain and contains a gross area of 1.380 acres, more or less, and zoned R.C.5. Dr. Marek gave a detailed history of the properties explaining that his parents before him have owned both parcels since 1932. In the past, the shore home (4021 Bay Drive) sustained storm damage during the hurricanes known as Hurricane Barbara in 1933 and Hurricane Isabel in 2003. In both instances, the family sustained personal property losses to the equipment and personal possessions stored in the basement. The Petitioners are desirous of using their unimproved property across Bay Drive, with its higher floodplain elevation, for the storage of their boat, John Deere tractors and related personal property. The proposed accessory structures shown on the site plan will be constructed of brick and incorporated into a 3-foot raised concrete pad. Although the accessory structures will be elevated, they are still below the floodplain protection elevation of 11.2 feet for this site, thus, the requested waiver is necessary in order to proceed.

Further testimony revealed that Petitioners presented for review the details of their proposal to David L. Thomas, Professional Engineer in Baltimore County's Department of Public Works. Pursuant to his comments to this Zoning Commissioner, his office has no objections to approval as building code and floodplain regulations are being observed, i.e., the accessory structures will be anchored and vented and a non-conversion agreement executed. In my judgment, the Petitioners have satisfied the applicable provisions of Sections 32-4-107 and 32-8-303(a) of the B.C.C. and failure to grant the requested waiver would result in a hardship for the Petitioners. In my view, the proposed construction is consistent with sound, floodplain management and will not result in any adverse impacts such as flooding on adjacent properties. I further find that granting of the waiver will not increase flood heights, impact public safety, incur extraordinary public expense, or conflict with existing local or state laws and ordinances. Moreover, the testimony and evidence offered established that the impact of the proposed accessory buildings will be minimal and will not disturb the floodplain. For these reasons, I am persuaded to grant the requested waiver, however,

Coultern the Ceive Li FOR FILING Date 11 - 25 - Se By will require the Petitioners' compliance with the recommendations made by the Department of Public Works.

Turning next to the appropriateness of two accessory garage structures (800 square feet and 900 square feet) to be allowed on the 1.380 acre parcel, it is important to note that the residents in the locale who live and work in the fifteenth election district understand and support such a request. Section 101 of the B.C.Z.R. defines accessory structure as "a building which is incidental and serves the primary use or building on the property". Additionally, the definition requires that an accessory structure be located on the same lot as the principal structure served. As noted above, the garages technically will be located on a separate lot. There are, however, two factors that support this approval. First, the fact that the Petitioners have owned both the subject and adjacent lot, bisected by Bay Drive, and have been used in conjunction with one another, is persuasive. Second, the shore home, built before the federal flood insurance requirements, is by history susceptible to flooding events and incapable of safely storing boats, trailers, vehicles, etc. Therefore, I am persuaded to grant the requested relief. However, in doing so, I will attach certain conditions and restrictions.

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 day of November 2006 that the Petition for Special Hearing seeking approval of a waiver, pursuant to Section 500.6 of the Baltimore County Zoning Regulations (B.C.Z.R.), and Section 3112.0 of the Baltimore County Building Code; and Sections 32-4-107(a)(2) and 32-8-303 of the Baltimore County Code (B.C.C.), to permit construction of two accessory structures (garages) of 880 square feet and 900 square feet, respectively, separated by a 3-foot high elevated concrete pad and connected by a 3-foot high retaining wall in a tidal floodplain, in accordance with Petitioner's Exhibit I, be and is hereby GRANTED;

IT IS FURTHER ORDERED that the Petition for Special Hearing, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve two structures for

accessory storage of recreational equipment on the subject property without a principal use dwelling thereon, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the recommendations made within the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Bureau of Development Plans Review, dated September 7, 2006 and August 4, 2006, respectively, copies of which are attached hereto and made a part hereof.
- 3) Petitioner shall sign and record among the Land Records of Baltimore County a Declaration of Land Restriction and Non-Conversion Agreement referencing this case and limiting the use of the accessory structures to the storage of automobiles, tractors, and marine equipment, as set forth in the forms discussed during the hearing and marked as Petitioner's Exhibit 3.
- 4) The decision in this case is not a legal precedent that may be cited as such in any other zoning case involving accessory structures without a principal use dwelling in a tidal floodplain.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section \$2-3-401 of

the Baltimore County Code.

WJW:dlw

ILLIAM JANSEMAN, III

Zoning Commissioner for

Baltimore County

CAUCEINEULIVEU - OR FILING
Date //- 22-22



JAMES T. SMIŢH, JR. County Executive

November 22, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

Jason T. Vettori, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, MD 21202-3228

RE: PETITION FOR SPECIAL HEARING

N/W S Bay Drive, 400' NE Miami Beach Road

(Tax Map No. 98, Parcel No. 30)

15th Election District – 6th Council District

Charles B. Marek, Sr., et ux - Petitioner

Case No. 07-026-SPH

Dear Mr. Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with restrictions, 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.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Dr. Charles B. Marek, Jr., 4021 Bay Drive, Baltimore, Md. 21220 Mr. Charles B. Marek, III, 1412 Clarkson Street, Baltimore, Md. 21230 Mr. Justin Ottensmeyer, 402 N. Hickory Avenue, Bel Air, Md. 21014 Chesapeake Critical Bay Area Commission, 1804 West Street, Suite 100, Annapolis, Md. 21401 DEPRM; Development Plans Review; People's Counsel; Case File



Petition for Special Hearing

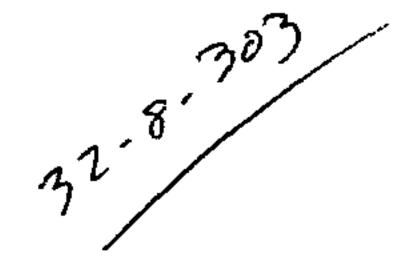
to the Zoning Commissioner of Baltimore County
Northwest side of
Bay Drive, 400' t Northfof

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

for the property located at Miami Beach Read

which is presently zoned R.C. 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baitimore County, to determine whether or not the Zoning Commissioner should approve



SEE ATTACHMENT 1

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.

•	•		perjury, that I/we are is the subject of this	the legal owner(s) of the petition.	property which
Contract Purchas	ser/Lessee:		<u>Legal Owner(s):</u>		
			Chales.	Bemard M	areKJr
Name - Type or Print	<u> </u>	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	Name - Type or Print	3 Barel My 10	
Signature			Signature		
Address		Telephone No.	Name - Type or Print	Ann Mare	
City	State	Zip Code	Signature	an Mare	
Attorney For Pet			ì	intspring Pm	<u>∀/∂~296~∜//</u> Telephone No.
Name - Type or Print			2uthoruille	M M State	2 10 9 3 Zip Code
Signature		<u>. </u>	<u>Representative</u>	to be Contacted:	
Company			Name		
				<u> </u>	
Address		Telephone No.	Address		Telephone No.
City	State	Zip Code	City	State	Zip Code
			<u>O</u> F	FICE USE ONLY	
			ESTIMATED LEN	NGTH OF HEARING _	
1 1 1 1 1 7 -	026-SPM			OR HEARING 10/13	3/1/- 10/00/
Case No.	0. 1	_		· · · · · · · · · · · · · · · · · · ·	101
R E V 9[15]98		Rev A	iewed By	Date 1/21	100
28 € 915 98	-	R	FWOPS (7)	-RIDAY HEA	KINU

ATTACHMENT 1 TO PETITION FOR SPECIAL HEARING BY DR. AND MRS. MAREK BAY DRIVE, 400' ± NORTH OF MIAMI BEACH DRIVE

The Petitioners seek a Special Hearing under BCZR Section 500.7 to determine whether or not the Zoning Commissioner should approve two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, and a Special Hearing for a waiver pursuant to Scation 500.6, BCZR; Section 3112.0 Building Code; and Section 32-4-107. (a)(2), 32-8-302 BCC to build two accessory structures (garages) of 880 square foet and 900 square feet, respectively, separated by a 3 tee Heleucited concrete pad and connected by a 3 teet high retaining walling a tidal floodplain.

G:\files\Rdp.gen\4382.06.doc

ATTACHMENT 1 TO PETITION FOR SPECIAL HEARING BY DR. AND MRS. MAREK BAY DRIVE, 400' ± NORTH OF MIAMI BEACH DRIVE

The Petitioners seek a Special Hearing under BCZR Section 500.7 to determine whether or not the Zoning Commissioner should approve the two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, and a Special Hearing for a waiver pursuant to Section 500.6, BCZR; Section 3112.0, Building Code; and Sections 32-4-107(a)(2) and 32-8-301, BCC to build two accessory structures (garages) of 880 square feet and 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

ZONING DESCRIPTION FOR: NORTHWEST SIDE OF BAY DRIVE, 400 FEET NORTHEAST OF MIAMI BEACH RD.

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF BAY DRIVE WHICH IS 30 FEET WIDE AT A DISTANCE OF 400 FEET NORTHEAST OF THE CENTER LINE OF MIAMI BEACH ROAD WHICH IS 30 FEET WIDE. CONTAINING 1.380 ACRES, AND LOCATED IN THE 15TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT. AS RECORDED IN DEED 10720, FOLIO 295, AND SHOWN IN THE FOLLOWING METES AND BOUNDS:

THENCE NORTH 48 DEGREES 30 MINUTES WEST 431.65 FEET, THENCE NORTH 54 DEGREES 32 MINUTES EAST 150 FEET, THENCE SOUTH 48 DEGREES 57 MINUTES EAST 382.75 FEET, THENCE SOUTH 35 DEGREES 36 MINUTES WEST 150 FEET, TO THE PLACE OF BEGINNING

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: #07-026-SPH

Bay Orive

Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road 15th Election District — 6th Councilmanic District

Legal Owner(s): Charles Bernard & Nancy Ann Marek, Jr. Sepcial Hearing: to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6. BCZR, Section 3112.0 Building Code, and Section 32-4-107(a)(2), 32-8-301 BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

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 accommodations Please Contact the Zoning Cominissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing,
Contact the Zoning Review Office at (410) 887-3391.
JT 10/832 Oct. 31

!	80	
	20106	

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

	☐ North County News	☐ NE Booster/Reporter	Owings Mills Times	🗅 Towson Times	Catonsville Times	Arbutus Times	Ma The Jeffersonian
101	•	-					

LEGAL ADVERTISING

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: #07-026-SPH

Bay Drive

Special Cwiler(s). Clidities beneat a Malicy Ann March, Jr.

Special Hearing: to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-302 BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Friday, September 29, 2006 at 9:00 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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road
15th Election District — 6th Councilmanic District
Legal Owner(s): Charles Bernard & Nancy Ann Marek, Jr.

Special Hearing: to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-302 BCC to build two accessory structures (garages) of 880 square feet, and Section 32-4-107 (a)(2), 32-8-300 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Friday, September 29, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

TE OF PUBLICATION

,2006

THIS IS TO CERTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., 2006 once in each of ono

The Jeffersonian

Arbutus Times

Catonsville Times Towson Times Owings Mills Times

NE Booster/Reporter North County News

Mulus.

LEGAL ADVERTISING

. . 00-100 A rath March 4/0/0 HOJ-970-AGENC: XXX <u>מ</u> MISCELLANEOU DISTRIBUTION WHITE CASHIER RECEIVED BALT

CERTIFICATE OF POSTING

RE: Case No.: 07 - 026-SPH

Petitioner/Developer: CHARLES

BERNARIO & NAUCY MAREK

Date of Hearing/Closing: NOV 15, 2006

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

ATTN: Kristen Matthews {(410)_887-3394}

Ladies and Gentlemen:

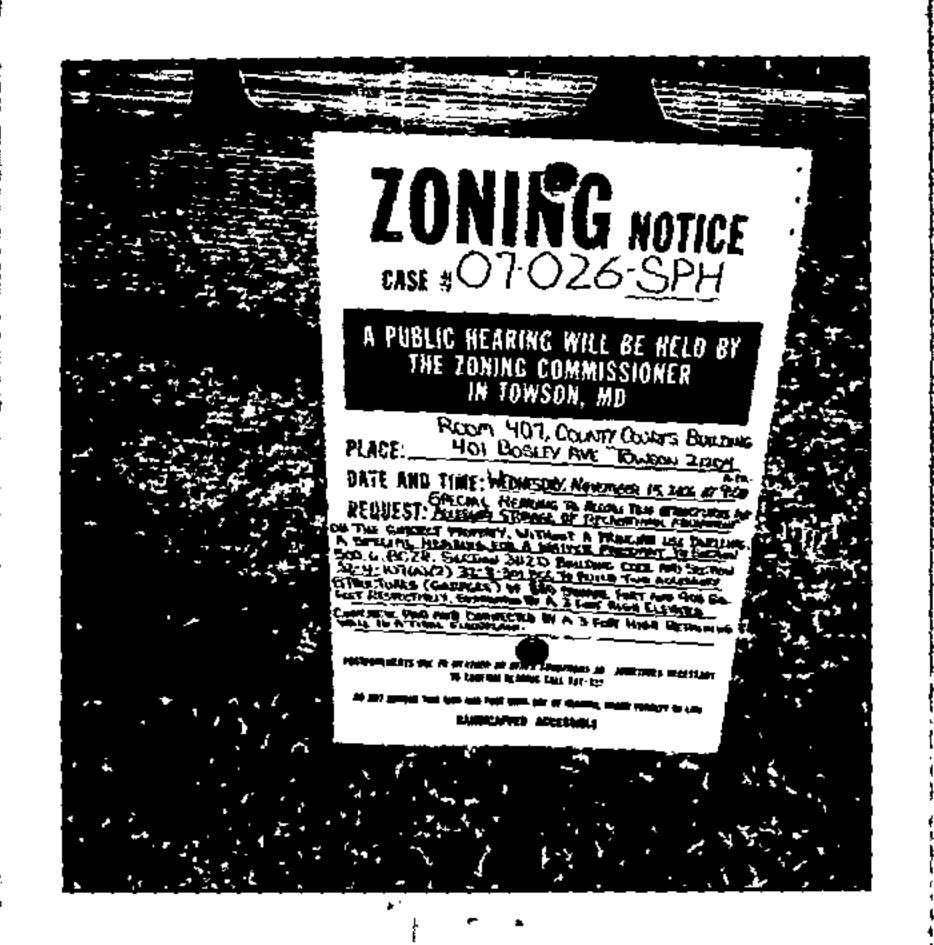
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

BAY DRIVE

The sign(s) were posted on

OCT 30, 2006 (Month, Day, Year)

Sincerely,



's	Robert Black 11-2-0
	(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)

CERTIFICATE OF POSTING

RE: Case No.: 07-026-SPH

Petitioner/Developer: CHARLES

BERNARD & NANCY MAREK

Date of Hearing/Closing: 2-29-06

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

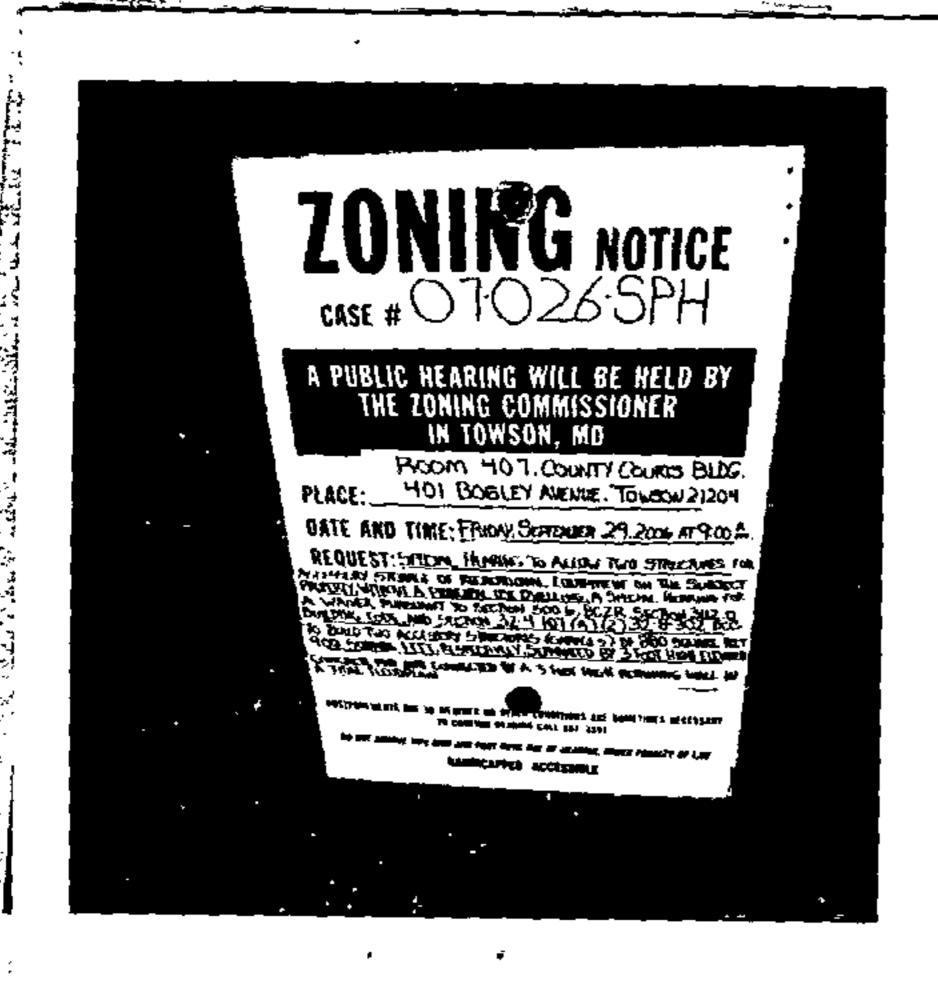
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

BAY DRIVE

The sign(s) were posted on

(Month, Day, Year)

Sincerely,



Robert Black 9-14-00 (Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundaik, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephone Number)

Marine Street

RECEIVED

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

October 25, 2006

NEW NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-026-SPH

Bay Drive

Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road 15th Election District – 6th Councilmanic District

Legal Owners: Charles Bernard & Nancy Ann Marek, Jr.

Special Hearing to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-301 BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Wednesday, November 15, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Marek, Jr., 8516 Huntspring Drive, Lutherville 21093

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 31, 2006.

- (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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, October 31, 2006 Issue - Jeffersonian

Please forward billing to:

Charles B. Marek, Jr. 8516 Huntspring Drive Lutherville, MD 21093

410-296-8111

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: 07-026-SPH

Bay Drive

Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road 15th Election District – 6th Councilmanic District Legal Owners: Charles Bernard & Nancy Ann Marek, Jr.

Special Hearing to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-301 BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Wednesday, November 15, 2006 at 9:00 a.m. in Room 407, County Courts Building,

1 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 Permits Development Management

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





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

August 16, 2006

NEW NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 07-026-SPH

1 Luis Retroco

Bay Drive

Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road 15th Election District – 6th Councilmanic District

Legal Owners: Charles Bernard & Nancy Ann Marek, Jr.

Special Hearing to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-302 BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Friday, September 29, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Mr. & Mrs. Marek, Jr., 8516 Huntspring Drive, Lutherville 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 14, 2006.
 - (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

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 14, 2006 Issue - Jeffersonian

Please forward billing to:

Charles B. Marek, Jr. 8516 Huntspring Drive Lutherville, MD 21093

410-296-8111

CORRECTED 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: 07-026-SPH

Bay Drive

Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road 15th Election District – 6th Councilmanic District Legal Owners: Charles Bernard & Nancy Ann Marek, Jr.

Special Hearing to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-302 BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Friday, September 29, 2006 at 9:00 a.m. in Room 407, County Courts Building,

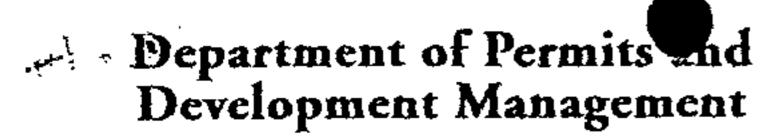
1271 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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



Baltimore County

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

August 3, 2006

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: 07-026-SPH

Bay Drive

Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road 15th Election District – 6th Councilmanic District

Legal Owners: Charles Bernard & Nancy Ann Marek, Jr.

Special Hearing to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-302 BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Friday, September 22, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Marek, Jr., 8516 Huntspring Drive, Lutherville 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 7, 2006.
 - (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

TO: PATUXENT PUBLISHING COMPANY

Thursday, September 7, 2006 Issue - Jeffersonian

Please forward billing to:

Charles B. Marek, Jr. 8516 Huntspring Drive Lutherville, MD 21093

410-296-8111

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: 07-026-SPH

Bay Drive

Northwest side of Bay Drive, 400 feet +/- northeast of Miami Beach Road 15th Election District – 6th Councilmanic District Legal Owners: Charles Bernard & Nancy Ann Marek, Jr.

Special Hearing to allow two structures for accessory storage of recreational equipment on the subject property, without a principal use dwelling, a Special Hearing for a waiver pursuant to Section 500.6, BCZR, Section 3112.0 Building Code, and Section 32-4-107 (a)(2), 32-8-302./ BCC to build two accessory structures (garages) of 880 square feet 900 square feet, respectively, separated by a 3 foot high elevated concrete pad and connected by a 3 foot high retaining wall in a tidal floodplain.

Hearing: Friday, September 22, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAMYJ. WHSEMAN 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 PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 07-026-SPH Petitioner: Charles & Nancy Marek
Address or Location: NW Side of Bay Drive, 400 feet NE of Miami Beach Road
PLEASE FORWARD ADVERTISING BILL TO: Name: Charles & Maret Jr.
Address: 85 16 Huntageing Drine Lutherville Mid.
Telephone Number: 410-246-81//



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

September 18, 2006

Charles Bernard Marek, Jr. Nancy Ann Marek 8516 Huntspring Drive Lutherville, MD 21093

Dear Mr. and Mrs. Marek:

RE: Case Number: 07-026-SPH, Northwest side of Bay Drive, 400 feet +/- Northeast of Miami Beach Road

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

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Jeff Livingston, DEPRM - Development Coordination Jule

DATE:

September 7, 2006

SUBJECT:

Zoning Item

07-26-SPH

Address

NW of Bay Drive, NE of Miami Beach Road

Marek Property

Zoning Advisory Committee Meeting of July 31, 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).

<u>X</u> 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:

This property is within the Resource Conservation Area (RCA) of the CBCA. Impervious surface area is limited to 15% of the lot size, and must maintain 15% tree cover.

Reviewer:

Kevin Brittingham

Date: 08/15/2006

Jate WELLING By Sy Service Control of the By Service Control of the By Service Control of the By Service of the of

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-26-SPH.doc

Sate II - 22-0-1NG

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 7, 2006

Item No. 026

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 public 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 feet 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 026-08012006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-026- Special Hearing

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By

Division Chief:

CM/LL

RECEIVED

DATE: November 13, 2006

NOV 1 5 2006

ZONING COMMISSIONER

Fire Department

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



Baltimore County

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

County Office Building, Room 111 Mail Stop #1:105 111 West Chesapeake Avenue Towson, Maryland 21204

August 1, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 31,2006

Item No.: 026

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

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F





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

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

Maryland Department of Transportation

Date: 8.1.06

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

RE:

Baltimore County

Item No. 026

1 M?

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

RE: PETITION FOR SPECIAL HEARING *
NW/S Bay Drive, 400' NE of Miami Beach Rd
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Charles & Nancy Marek
Petitioner(s) *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-026-SPH

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

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 3rd day of August, 2006, a copy of the foregoing Entry of Appearance was mailed to, Charles & Nancy Marek, 8516 Huntspring Drive, Lutherville, MD 21093, Petitioner(s).

RECEIVED

AU3 0 3 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

dimmeman

Per.....

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 - 1513205560

Owner Information

Owner Name:

MAREK CHARLES B, JR

Use:

RESIDENTIAL

MAREK NANCY A

Principal Residence:

Mailing Address:

8516 HUNTSPRING DR

Sub District

LUTHERVILLE TIMONIUM MD 21093-4763

Deed Reference:

1) /10720/ 295

2)

NO

Location & Structure Information

Premises Address

4021 BAY DR

Legal Description

4021 BAY DR

WATERFRONT

Subdivision Section **BOWLEYS QUARTERS**

Assessment Area Plat No:

Plat Ref:

Map Grid Parcel 98 15 6

Special Tax Areas

Town

Ad Valorem Tax Class

Primary Structure Built 1932

Enclosed Area 3,057 SF

Property Land Area 20,700.00 SF

County Use

34

8/ 10

Stories

Basement

Type

315

Exterior

2

YE\$

STANDARD UNIT

Block Lot

1/2 BRICK FRAME

Value Information

Base	Value	Phase-in Ass	essments
Value	As Of	As Of	As Of
	01/01/2006	07/01/2006	07/01/2007
139,170	324,170		
196,120	334,970		

Improvements: Total: **Preferential Land:**

335,290

659,140

443,240

551,190

Transfer Information

Seller: MAREK CHARLES B, SR MULT ACCTS ARMS-LENGTH Type: Seller: MAREK CHARLES B, SR Type:

NOT ARMS-LENGTH

Land:

Seller: MAREK MARIE B **NOT ARMS-LENGTH** Type:

Date: 08/25/1994

Deed1: /10594/ 356

Deed1: /10389/ 315

Date:

Date:

Deed1: /10720/ 295 06/17/1994

03/07/1994

Price: \$256,000 Deed2:

Price:

\$0 Deed2:

\$0 Price:

Deed2: /10389/ 311

Exemption Information

Partial Exempt Assessments	Class	07/01/2006	07/01/2007
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: **Exempt Class:** NO

Special Tax Recapture:

* NONE *

Bill, 11/23/06

RE: 07-026-SPH

Dave Thomas (x3984) returned your call. He got your message about 07-026-SPH

"I do remember talking to these people. Apparently, they just want to put accessory structures on their lot and if they are, in fact, in a flood plain and I seem to remember that they were, and if they need building code requirements, they have to vent and anchor the buildings, they have to do a non-conversion agreement, and all the other terms and conditions of the building code and the flood plain regulations. Our office wouldn't really have any objection to what they're doing. Other issues like does it make sense to put accessory structures only on a residential lot in a community like that, sounds a bit questionable but that's really none of our business directly so it's probably okay at least from a standpoint the floodplain regulations as long as they comply with the code.

If you have any questions, I'll be here till about 9 AM but I don't think we'll have any problems with this at least as far as complying with the code goes, that's up to them to have to do.

I hope that makes sense and if you have any questions, please feel free to get back to me."

(Retrieved from Voice Mail 11/23 by Debbie)

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET **SUITE 1440**

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeallc.com

TELEPHONE 410-337-7057

TOWSON, MD OFFICE 220 BOSLEY AVENUE TOWSON, MARYLAND 21204

September 14 2006

DHOLMAN@GILDEALLC.COM

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

SEBASTIAN A. CROSS

D. DUSKY HOLMAN

JASON T. VETTORI JVETTORI@GILDEALLC.COM

DAVIDGILDEA GILDEALLC.COM

LSCHMIDT GILDEALLC.COM

JWOOLMAN GILDEALLC.COM

SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III

Mr. Timothy Kotroco, Director Department of Permits and Development Management 111 W. Chesapeake Avenue, Room 111

Towson, MD 21204

Re: Marek/Bay Drive

Case No.: 07-026-SPH

Dear Mr. Kotroco:

This office represents Dr. Marek in the above referenced matter. Dr. Marek respectfully requests that the Zoning Commissioner's hearing presently scheduled for Friday, September 29, 2006, at 9:00 a.m. be postponed. It has come to the attention of the undersigned that one of the Baltimore County Code Sections relief is being requested from contained a typographical mistake. The aforementioned typographical error was not discovered in time for it to be corrected before the 15-day notice period. No party to this proceeding will be prejudiced by the requested postponement.

Respectfully submitted,

Jason T. Vettori

JTV: sf

Dr. Charles B. Marek, Jr.

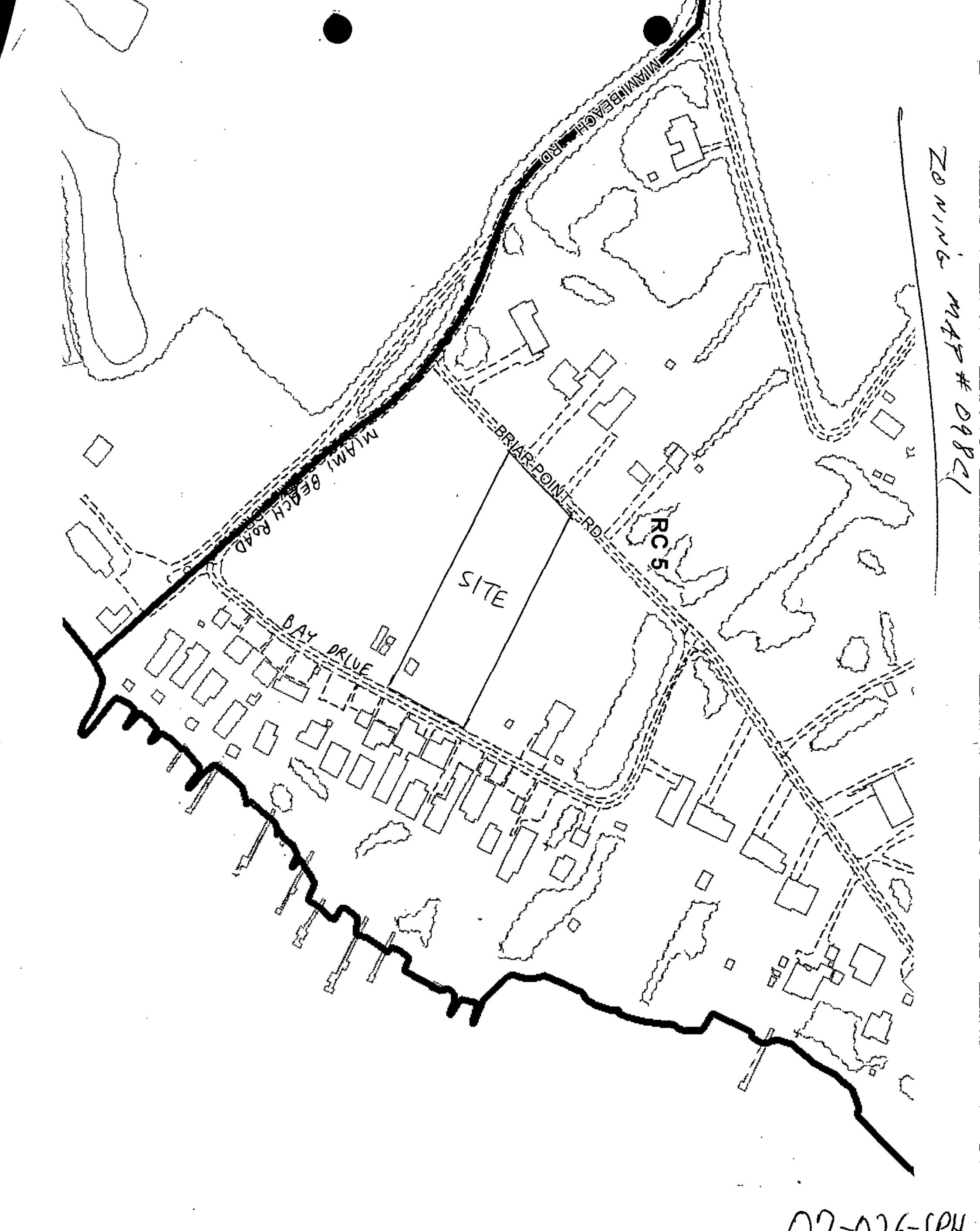
David K. Gildea, Esquire

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07-026-SPH
DATE 11-15-06

PETITIONER'S SICH-IN SHEEF

juetteri@gildeallc.com	emaret Daildealle, cov	Mensment a Thombin							
> 3	Batto Md 21220 Baltmar, MD 21230	12e Air MUD 2-1014							
ADDRE.	Clark	YOZ N. Hickory Mve.							
AME T. Ventari	1 1L)	Chamene Chene							



07-026-SPH

Case No.: 07-026 SPH N/W SIDE OF BAY IDRIVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1 0.1
	Site RAN
No. 2	Neighbor Hood Support 25-includy adjoing People owners.
) T O	25- includy adjoing Pegety owners.
No. 3	Sample Declaration of Cand Bestrictor and NonConversion Regional
No. 4	
No. 5	
No. 6	
No. 7	
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	

We, the undersigned, who live and/or work in the Fifteenth (15th) Election District of Baltimore County, Maryland in the area of Bay Drive, support the Petition for Special Hearing of Dr. and Mrs. Charles B. Marek. The undersigned do hereby request that the Zoning Commissioner grant approval of the accessory structures requested in the Petition.

Name	Address	Signature
Lydia Helmer	4025 Bay In	Lesdia Helmer
John Helmer	4025 BAG Dr.	John Holman
Franklu	Mary 4023 Bay D	. The sank Hubbaro
Il Jasinsh	4029 Boy D.S.	Jill asunsh.
Wellet asence	4029 Bay De.	PATRICIA JASINSICI
Dong Buchnyton	4027 BAY DK	Dorg Buchington
Rosemara Bulin		Rosensone Buckingham
Shelly xiccining	4035 Bay D.	Shelly Lugarin
Cos Vicinie	4035 Boj In	
France Hepner	4019 Bay Dr	Francis Henry Sa
RICK SENNETT	4017 BRY DS	Airk &
Wadthew Ros	4015 Bay 105	2213
MICHAEL HEPNE	R 4019 BAY DRIVE	Mychael Hepener
Helen Hepne	1 4019 BAY PRIVE	X Den X poren
,	Jn 4023 BAY DKIUE	Frankfulbruf

PETITIONER'S

EXHIBIT NO. ______

We, the undersigned, who live and/or work in the Fifteenth (15th) Election District of Baltimore County, Maryland in the area of Bay Drive, support the Petition for Special Hearing of Dr. and Mrs. Charles B. Marek. The undersigned do hereby request that the Zoning Commissioner grant approval of the accessory structures requested in the Petition.

Name	Address	Signature
BARBARA HUBBARD FAULUATSIC Karen Wats IC Pando Climbro Edward Clemens Roy WETZBARBER Joseph Christian Victor Jehnious R	4023 BAY DRIVE 3915 BRUAR POINT ROL 4830BAY DR.	Buhrelluthed Watsic Walnes School Gener & Roy Wat langer Feli M. Andrews Joseph Orsola Victor Jehnwick Victor Jehnwick

DECLARATION OF LAND RESTRICTION FOR CERTAIN STRUCTURES IN THE FLOODPLAIN

(Attached & Detached Garages, Sheds, Enclosed Areas Below Flood Elevation Greater Than 5 Feet in Height)

(Affiguien & Definition Canadica, Cultural, Friencea				
This DECLARATION made this	day of		, 20 ("Owner")	by naving
an address at:			······································	
	WITNESSET	Ή:		
WHEREAS, the Owner is the record	l owner of all t	hat real property	located at	
in thethe Election District of	nlot		nty, designated	
Tax Records as map, parcel acquired by the Owner by deed dated the Land Records of	1	, and being t , 20, a aryland at liber _	nd recorded ar	nong
WHEREAS, the Owner has applied to a structure on that property that either (1) do by later conversion, to the strict elevation rethe Floodplain Management Ordinance of ("Permit under Permit Number ("Permit	oes not confor equirements of	m, or (2) may be	made noncon Section	npliant of
WHEREAS, the Owner agrees to recthat the following covenants, conditions, and affect a condition of granting the Permit, and affect binding on the Owner, his heirs, personal re	d restrictions a cts rights and c	are placed on the obligations of the	affected prope Owner and sh	erty as
UPON THE TERMS AND SUBJECT	TO THE CO	NDITIONS, as fo	llows:	
1. The structure or part thereof to which the	se conditions a	apply is:	•	
			-	
2. This structure has been allowed without sthe Ordinance. Conversion to habitable space the Flood Protection Elevation is brought into the Flood Protection Elevation isfer Vertical Datum.	ce shall not oc to full compliar	ccur unless the en nce with this Ordi	nclosed area b inance. At this	elow site,
3. Enclosed areas below the Flood Protection vehicles, limited storage, or access to the buthe Flood Protection Elevation shall be unfin Mechanical, electrical, or plumbing devices steel the Elevation.	uilding. All intenished or const	erior walls, ceiling tructed of flood re	gs, and floors t esistant materi	elow als.
		PETIT	IONER'S	
•				_

EXHIBIT NO.

4. The walls of the enclosed areas below the Flood Protection Elevation shall be equipped with at least two vents which permit the automatic entry and exit of flood waters with total openings of at least one square inch for every square foot of enclosed area below flood level. The vents shall be on at least two different walls, and the bottoms of the vents shall be no more than one foot above grade.

5. Any alterations or changes from these conditions constitute a violation of the Permit and may render the structure uninsurable or increase the cost for flood insurance. The jurisdiction issuing the Permit and enforcing the Ordinance may take any appropriate legal action to correct any violation.

o. Other conditions.	· · · · · · · · · · · · · · · · · · ·		
	· · · · · · · · · · · · · · · · · · ·	······································	
			· · · · · · · · · · · · · · · · · · ·
SIGNATURES:			•
OWNER: In witness whereof the undersigned se, 20	t their hands and seals this	s day of	•
Owner	(Seal)		•
Owner	(Seal)		
NOTARY:			
STATE OF MARYLAND,	of		, TO WIT:
I hereby certify that on thissubscriber, a Notary Public of the State			, before me the
known to me, or satisfactorily proven to foregoing instrument, who acknowledge forth, and that it is his act and deed.	be the person(s) whose r		
In witness whereof, I have set nabove.	ny hand and Notarial Seal,	the day and y	ear first written
My commission expires on		·•	

Note: This declaration must be recorded against the deed to the property noted above whenever an enclosed area below the 100-year flood elevation exceeds 300 square feet in an accessory structure or foundation enclosure exceeding 5 feet in height.

NONCONVERSION AGREEMENT FOR STRUCTURES IN THE 100-YEAR FLOODPLAIN

(Accessory Structures Under 300 Square Feet - Attached & Detached Garages, Sheds, - Crawl Spaces Greater Than 5 Feet in Height)

Application has been made for a Conditioned Permit to build a:				
which does not conform to the elevation requ	irements of the Floodplain Management Ordinance of			
Permit #				
Property Owner				
Address				
Flood Protection Elevation at the site is:	feet (NGVD)			
In consideration for the granting of a Condition to the requirements of the Floodplain Manage Property Owner agrees to the following:	oned Permit for the above structure which does not conform ement Ordinance of, the			
- · ·	be used solely for parking of vehicles, limited storage, or for human habitation without first becoming fully compliant in effect at the time of conversion.			
That all interior walls, ceilings, and floors be constructed of flood resistant materials.	elow the Flood Protection Elevation shall be unfinished or			
3. That mechanical, electrical, or plumbing de Elevation.	evices shall not be installed below the Flood Protection			
two vents which permit the automatic entry a	Flood Protection Elevation shall be equipped with at least nd exit of flood water with total openings of at least one area below flood level. The vents shall be on at least two shall be no more than one foot above grade.			
That the requested structure may increase premium rates for flood insurance from the N	the risk to life and property, and may be subject to increased lational Flood Insurance Program.			
6. That any variation in construction beyond vas such.	what is permitted shall constitute a violation and be abatable			
—	comes part of Permit# and grants and enforce the provisions of this Agreement at any time.			
Date	Signature of Property Owner			
Date	Signature, Permitting Official			

Note: This Agreement must be used whenever a permit to build or substantially improve an enclosed storage structure of less than 300 square feet is requested within the 100- floodplain below the Flood Protection Elevation. This Agreement must be signed whenever Conditioned Permits or variances are to be issued, for example, garages and accessory structures and foundation enclosures which exceed 5 feet in height. For enclosed areas which are 300 square feet or greater, a **Declaration of Land Restriction** must be recorded.

Petitoners Exptis, + No. 3

NORTHWEST SIDE OF BAY ADDRESS:

SUBDIVISION NAME:

AS RECORDED IN THE LAND RECORDS OF BAL

WNER: CHARLES B. MAREK & NANCY

