IN RE: PETITION FOR VARIANCE

SE/S Bay Drive, 188' SW c/line Wye Road

(3729 Bay Drive)
15th Election District
6th Council District

Richard W. Leeland, et ux Petitioner(s)

- BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 07-117-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located at 3729 Bay Drive, in the Bowley's Quarters community of eastern Baltimore County. The Petition was filed by the property owners, Richard W. Leeland and his wife, Sharon K. Leeland. Variance relief is requested from Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of a proposed dwelling of 48 feet in lieu of the maximum permitted 35 feet; from Section 1A04.3.B.2.b of the B.C.Z.R., to permit side yard setbacks of 8 feet in lieu of the required 50 feet; from Section 1A04.3.B.3 of the B.C.Z.R. to permit lot coverage of 25% in lieu of the maximum permitted 15%, and for such other and further relief as may be deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this matter was Richard W. Leeland, property owner. Also present was Jim Grammer, a project manager from McKee & Associates, Inc., the engineering/land planning/land-surveying firm that prepared the site plan. The Petitioner was represented by Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject property is a narrow, yet deep, waterfront lot located on Bay Drive in Bowley's Quarters. The property is approximately 355 feet deep and 50 feet wide zoned R.C.5. Previously, the property was improved with an existing building and two sheds; however, these improvements have been razed. The Petitioners propose construction of a new single-family dwelling on the property. It was indicated that this dwelling would be used as the Petitioners' residence. As more particularly shown on the site plan, the proposed dwelling will be set back from the water a distance consistent with the existing dwellings on either side. This is to ensure that the dwelling will not block water views of adjacent properties. Additionally, although the dwelling will generally maintain 10-foot side yard setbacks on both sides, an area of overhang (or bump outs) on the upper floors on both sides of the dwelling necessitates a request for variance relief to allow a minimum of 8 feet at those locations.

As noted above, the subject property is a waterfront lot in the Bowley's Quarters residential community which has undergone significant redevelopment in recent years, particularly since Hurricane Isabel. The property and surrounding neighborhood was originally laid out on the plat of Bowley's Quarters, which established 50-foot lots throughout the subdivision.

This property was also subject to several prior zoning cases. In Case No. 93-393-SPH, prior owner requested relief "to permit an existing residential structure with accessory structures, or, in the alternative, accessory structures on shore property incidental to a waterfront use." Although relief was granted at the Zoning Commissioner level, the petitions were dismissed while the matter was pending, on appeal, at the County Board of Appeals. Later, in Case No. 95-094-A, variance relief was requested and granted to allow 10-foot side yard setback in lieu of the required 50 feet. This

decision is of particular note, in that the request for 8-foot setbacks in the instant matter represents only a 2-foot difference than the relief previously granted. Moreover, as noted above, the proposed house is generally set back 10 feet from the property line and the additional 2 feet is necessary only in those areas of the proposed dwelling depicted on the site plan which overhang on upper floors.

Building elevation drawings were shown at the hearing that demonstrates that the proposed dwelling will be an attractive structure, consistent in appearance with other houses in the neighborhood. In this regard, a series of photographs, Petitioner's Exhibits 2 and 3, were also submitted at the hearing. These photographs showed a variety of structures throughout the locale. Many of the newer structures have been constructed in the past several years since the damage caused to this area by Hurricane Isabel. The proposed house is similar to many of these newer structures. In these cases, the houses are built so that the lowest area of dwelling space is above the floodplain. Thus, the houses are significantly taller than the shore homes that were built in the area many years ago. Many of these new homes required variance relief.

There were no Protestants present at the hearing. A Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM) was submitted that did not object to the proposal, and in fact indicated that an approved building permit (B627156) was issued by that department on June 6, 2006. Obviously, the property is subject to the Chesapeake Bay Critical Area regulations. A ZAC comment was also received from the Bureau of Development Plans Review advising that the flood protection elevation for this site is 11.2 feet. The building elevation drawings shown at the hearing indicate that the construction will meet the flood plan regulations. The Department also noted that the ultimate right-of-way for Bay Drive is 40 feet, rather than 30 feet as shown on the plan. In open hearing, Mr. Grammar

amended the site plan, Petitioner's Exhibit 1, to reflect that increased setback. However, the change in right-of-way width does not impact any of the variances requested. Finally, a ZAC comment was received from the Office of Planning. That comment expressed reservations about the height variance, although supported the side yard and maximum coverage variance requests.

I have considered the comments of the Office of Planning carefully. Although I am appreciative of that office's concern regarding the proposed height, I again emphasize the floodplain elevation requirements applicable to this site. Clearly, the Petitioner must restrict the site or the building envelope due to the narrowness of the lot. Additionally, the floodplain requires that the first floor of the dwelling space be elevated a significant distance. Thus, in order to have a reasonably sized dwelling, its height must be increased. Finally, the existence of houses in the area of a similar type and height is persuasive to a finding that the grant of relief will not be out of character for this area.

Based upon the testimony and evidence presented, I am persuaded to grant the variances requested. In my judgment, the property is unique, given its waterfront location, narrowness and the fact that it is subject to stringent environmental and floodplain regulations. Moreover, strict adherence to the regulations would constitute a practical difficulty on the Petitioners in that they would be denied a reasonable use of their property. Moreover, I do not believe that the grant of relief will be detrimental to adjacent properties. As noted above, the proposed house is compatible with others in the area. In sum, the setback variances are a minimal increase to the relief granted previously and the impervious area coverage variance is justified given the unique features of this lot. This variance is necessary, in part, to ensure that the dwelling is setback a compatible distance from the water, so as to not adversely impact other properties. The height variance is proper for the reasons set forth above.

Pursuant to the advertisement, posting of the property and public hearing on the Petition held, and for the reasons given above, the requested Variances shall be granted.

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated October 12, 2006, and the Bureau of Development Plans Review, dated September 25, 2006.

Any appeal of this decision must be made within thirty (30) days of the date hereof.

Zoning Commissioner for

Baltimore County

IN THE MATTER OF: Richard W. Leeland et al.

SE/S Bay Drive; 188' SW c/line Wye Road (3729 Bay Drive)
15th Election District
6th Council District

Richard W. Leeland et al. - Petitioners

- * BEFORE THE
- * BOARD OF APPEALS
- * FOR
- * BALTIMORE COUNTY
- * Case No. 07-117-A

ORDER

Upon the forgoing Motion to Remand and any response filed thereto, it is this 17th day of <u>October</u>, 2008;

ORDERED, by the County Board of Appeals for Baltimore County:

- 1. That Anthony Mezatatsa and Joseph Patti be substituted in this matter as Petitioners to replace Richard W. Leeland and Sharon K. Leeland; and
- 2. This matter is hereby REMANDED to the Zoning Commissioner for Baltimore County, for the Zoning Commissioner to conduct a public hearing on a revised Petition for Variance.

dward W. Crizer, Jr., Chairman

Lawrence S. Wescott

Maureen Murphy

IN RE: PETITION FOR VARIANCE SE/S Bay Drive, 188' SW c/line of	*	BEFORE THE
Wye Road	*	ZONING COMMISSIONER
(3729 Bay Drive) 15 th Election District	*	OF
6 th Council District	*	BALTIMORE COUNTY
Richard W. Leeland, et ux, Former Owners		DALTIMORE COON I
Joseph Patti, et al, Current Owners	*	Case No. 07-117-A
Petitioners	*	

ORDER ON REMAND

This matter returns to the Zoning Commissioner on Remand by Order dated October 17, 2008 from the County Board of Appeals for Baltimore County (Board) for consideration of a revised Petition for Variance. By that Order, the Board substituted Joseph Patti and Anthony Mezatatsa, Jr. as Petitioners to replace Richard W. Leeland and Sharon K. Leeland; and that the matter be remanded to conduct a public hearing on the revised Petition. The Board's Order, as well as the Motion to Intervene and Remand filed herein by the Petitioners and the response thereto by the Office of People's Counsel for Baltimore County, was accepted into evidence as Petitioners' Exhibit R-3 at the hearing concluded on January 5, 2009.

The underlying facts regarding this matter are briefly outlined as follows. The subject property under consideration is a narrow, yet deep, waterfront lot on Bay Drive located in the community of Bowley's Quarters. The property is approximately 355 feet deep and 50 feet wide. It is zoned R.C.5. At one time, the property was improved with an existing residence and several smaller accessory sheds, however, these improvements have been razed and the property is presently vacant.

Date Contractions

The property has been the subject of several prior zoning cases. In Case No. 93-393-SPH, a prior owner requested relief "to permit an existing residential structure with accessory structures, or, in the alternative, accessory structures on a shore property incidental to a waterfront use." Although the Petition for Special Hearing in this case was granted at the Zoning Commissioner level, the Petitions were ultimately dismissed while the matter was pending on appeal at the County Board of Appeals.

Subsequently, in Case No. 95-094-A, variance relief was requested and granted to allow a 10 foot side yard setback in lieu of the required 30 feet for a primary structure (residence). Although granted to a prior property owner, that variance relief "runs with the land" and remains valid.

After Mr. & Mrs. Leeland acquired the property, they filed the Petition for Variance relief in the instant case. Specifically, the Leeland's proposed the construction of a new detached single-family dwelling on the property. In order to accommodate this proposed building, threefold variance relief was requested. Specifically, the Petition for Variance asked: 1) to permit a height of a proposed dwelling of 48 feet in lieu of the maximum permitted 35 feet (B.C.Z.R. Section 1A04.3A); 2) to permit side yard setbacks of 8 feet in lieu of the previously approved 10 feet in Case No. 95-094-A (B.C.Z.R. Section 1A04.3B.2.b), and 3) to permit lot coverage in an R.C.5 zone of 25% in lieu of the maximum permitted 15% (B.C.Z.R. Section 1A04.3B.3. Following a public hearing before the undersigned Zoning Commissioner, this Petition for Variance was granted by written Order on November 28, 2006.

Although no Protestants or other interested parties appeared at the hearing before this Commission, an appeal of my decision was taken by the Office of People's Counsel. Ultimately, the matter was scheduled for hearing at the County Board. Prior to the hearing before the Board,

Mr. & Mrs. Leeland sold the property to Joseph Patti and Anthony Mezatatsa, Jr. Messrs. Patti and Mezatatsa redesigned the proposed dwelling and those changes significantly altered the Variance relief required. Ultimately, the new owners and the Office of People's Counsel reached an agreement as to the design and specifics of the newly proposed dwelling. Thus, a Motion to Intervene and Remand was filed with the Board. As noted above, that Motion requested that the Board substitute the current owners for the prior owners and that the Board remand the case to this Commission for consideration of the amended variances requested.

The remand case was scheduled for a public hearing on January 5, 2009, and the property was duly posted with a notice of the hearing. Appearing at the reconvened hearing were Joseph Patti, co-owner, and James D. Grammer, project manager with McKee and Associates. The Petitioners were represented by Lawrence E. Schmidt, Esquire with Gildea & Schmidt, LLC. Michael I. Vivirito, President of the Bowley's Quarters Community Association, appeared at the reconvened hearing, as did two (2) nearby neighbors; namely, Curtis M. Johnson and William Tracey.

At the reconvened hearing, the Petitioners presented a revised site plan (Petitioners' Exhibit R-1) which depicts the subject property and the requested relief. Also presented were a series of building evaluation drawings (collectively Petitioners' Exhibit R-2), which depict in great detail the proposed dwelling.

Testimony and evidence presented was that the dwelling has been redesigned. To address the concerns of People's Counsel, the height of the proposed dwelling has been reduced. As currently proposed, the house will be slightly over 40 feet in height. As the Department of Permits and Development Management (DPDM) "rounds up" in stating a building height on a building permit, the Petitioners seek a variance to permit a proposed dwelling with a 41 foot

maximum height in lieu of the permitted 35 feet. In this regard, evidence proffered at the hearing before me was that Petitioners' representatives have met with Carole S. DeMilio (Deputy People's Counsel) and that the Office of People's Counsel concurs that the design and height of the proposed structure is in keeping with the neighborhood. Thus, People's Counsel does not object to the newly proposed height as shown on the elevation drawings.

The second variance requested seeks approval to allow side yard setbacks of 8 feet (each side) in lieu of the required 10 feet, which were granted in Case No. 95-094-A. A close examination of the building elevation drawings is required to appreciate the minimal nature of this request. As illustrated on Petitioners' Exhibit R-2, there is a small area of "bump out" on both sides of the proposed building. The bump out area on the east side is to accommodate the architectural design of the kitchen area. On the other (west) side, the bump out area is to provide living/storage (closet) space. Both of the bump outs are on the second floor of the building. That is, at ground level, the building is setback 10 feet from the respective property line on both sides. However approximately 10 feet above the ground level, the bump out architectural feature is present on both sides of the structure. On one side, the bump out area is approximately four feet wide and, on the other, approximately seven feet wide. Thus, as shown in detail on the elevation drawings, this variance is required for a small "overhang" portion of the dwelling on both sides. The vast majority of the structure will be setback the requisite 10 feet and the 2 feet reduction in the required setback only relates to these small bump out areas of the building which contribute to its architectural style and design.

During the hearing, this request was explained in detail and the residents who appeared were satisfied with the explanation provided by the owners' representatives. It is particularly of

STATE THE STATE OF THE

THE SOLVEN THE PARTY OF THE PAR

7

note that the area between the side wall of the building and the property line is a full 10 feet, a sufficient distance to provide reasonable access to the water side of the lot.

The final variance now requested relates to a small deck on the east side of the house (11' x 4') and the steps which serve another deck on the water side of the house. Under the B.C.Z.R., these open projections cannot intrude into the required side yard area by more than 25%. See B.C.Z.R. Section 301.1. Assuming that the required setback is 8 feet, the open projections could extend into the side yard a distance of 2 feet, or stated otherwise, require a minimum 6 foot setback to the property line. As to the steps, Mr. Johnson expressed concern about their location and proximately to his property line. In response to this concern, Mr. Patti agreed to a modification and relocation of steps. In lieu of being located towards the side property line, the steps have been relocated towards the water and have been brought "in line" with the side of the house. Thus, the variance relief as it relates to the steps serving the deck is no longer necessary.

The deck on the other side of the dwelling presents a technical question. That deck is not intended to be used for recreational purposes, rather it will accommodate HVAC equipment. Given the location of the property in the Chesapeake Bay Critical Area (CBCA) adjacent to the water, all utilities and HVAC equipment must be located above the flood plain. Thus, the Petitioners proposed a small 11' x 4' deck where the HVAC equipment will be located. Since this deck will be but 4 feet wide and extends from that portion of the house, which is 10 feet from the property line, it maintains the required 6 foot distance to the property line. Therefore, technically a variance is not necessary. However, at 4 feet in width, it is 2 feet wider than permitted when considered in the context of a 25% allowance. Although it is a debatable legal

¹ A revised stair location elevation drawing was received subsequent to the hearing and marked as Petitioners' Exhibit R-4.

PARTIE STATE OF THE PARTIES OF THE P

issue as to whether a variance should be required, I believe that a variance is necessary.

Moreover, it should be granted in this case.

In sum, based upon the amended building elevation drawings and site plan, I will grant variance relief as requested by the Petitioners. Specifically, relief shall be granted from B.C.Z.R. Section 1A04.3A to permit a height of the proposed dwelling of 41 feet in lieu of the maximum permitted 35 feet. Secondly, a modified variance from B.C.Z.R. Section 1A04.3B.2.b will be granted to allow a side yard setback of 8 feet in lieu of the maximum permitted 10 feet and next, relief will be granted from B.C.Z.R. Section 301.1 to permit the 11' x 4' elevated open projection deck to extend 4 feet from the side of the house in lieu of the required 2 feet permitted.

Finally, it is also to be noted that in the prior case, relief was requested from the lot coverage limitation in B.C.Z.R. Section 1A04.3B.3. However as was noted at the hearing, that section has subsequently been amended so that the 15% coverage limitation relates only to the area of a building. In this case, the building/dwelling will occupy only 9.5% of the lot. Thus, variance relief from this section is no longer required. Obviously, the Petitioners will also be required to meet all environmental regulations as administrated by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property and hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this

22

day of January 2009 that the Petition for Variance seeking relief from Section

1A04.3A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a height of a

proposed dwelling of 41 feet in lieu of the maximum permitted 35 feet; from Section

1A04.3B.2.b of the B.C.Z.R. to permit side yard setbacks of 8 feet in lieu of the maximum

permitted 10 feet, and from B.C.Z.R. Section 301.1 to permit the 11 foot by 4 foot open deck to extend 4 feet from the side of the dwelling in lieu of the required 2 feet permitted, in accordance with Petitioners' Exhibits R-1, R-2 and R-4, be and are hereby GRANTED, subject to the following conditions:

- 1) Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall comply with all environmental regulations as administrated by the Department of Environmental Protection and Resource Management (DEPRM).
- 3) Petitioners shall comply with the Zoning Advisory Committee (ZAC) comment submitted by the Bureau of Development Plans Review, dated September 25, 2006, a copy of which is attached hereto and made a part hereof.

Any appeal of this decision must be made within thirty (30) days of the date hereof.

WILLIAM J. WISEMAN, III Zoning Commissioner for

Baltimore County

RE: PETITION FOR VARIANCE
3729 Bay Drive; SE/S Bay Drive,
188' SW c/line of Wye Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Richard & Sharon Leeland
Petitioner(s)

- * BEFORE THE COUNTY
- * BOARD OF APPEALS
- * FOR
- * BALTIMORE COUNTY

OCT 0 6 2008

ANSWER TO MOTION TO INTERVENE AND REMAND COUNTY

People's Counsel for Baltimore County in Answer to the Motion to Intervene and Remand states as follows:

- 1. People's Counsel admits the allegations in paragraph 1.
- 2. People's Counsel admits the allegations in paragraph 2.
- 3. People's Counsel admits the allegations in paragraph 3.
- 4. People's Counsel admits the allegations in paragraph 4.
- 5. People's Counsel admits the allegations in paragraph 5.
- 6. People's Counsel does not have first hand knowledge to admit or deny the allegations in paragraph 6, but does not object to a new owner intervening in this matter and does not object to a modification and remand in accordance with this Answer to Motion.
 - 7. People's Counsel admits the allegations in paragraph 7.
 - 8. People's Counsel admits the allegations in paragraph 8.
- 9. People's Counsel further states that these discussions between Deputy People's Counsel and Counsel for Petitioners were carried out in good faith and in recognition of People's Counsel's opposition to the Zoning Commissioner's Order dated November 28, 2006.
- 10. The parties agree that any amendments and subsequent decision by the Zoning Commissioner on the amendments is subject to appeal de novo to the Board of

Appeals by either party and that the decision of the Zoning Commissioner dated November 28, 2006 is made moot by the timely appeal of People's Counsel and this remand.

CAROLE S. DEMILIO
Deputy People's Counsel
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this \underline{C}^{H} day of October, 2008, a copy of the foregoing Answer to Motion to Intervene and Remand was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

CAROLE S. DEMILIO
Deputy People's Counsel

IN THE MATTER OF: Richard W. Leeland et al.

SE/S Bay Drive; 188' SW c/line Wye Road (3729 Bay Drive)
15th Election District
6th Council District

Richard W. Leeland et al. - Petitioners

- * BEFORE THE
- * BOARD OF APPEALS
- * FOR
- * BALTIMORE COUNTY
- * Case No. 07-117-A

MOTION TO INTERVENE AND REMAND

Anthony Mezatatsa and Joseph Patti, property owners and substitute Appellees herein, by Lawrence E. Schmidt, Esquire and Gildea & Schmidt, LLC, their attorneys, move that they be permitted to intervene in this matter and that it be remanded to the Zoning Commissioner for Baltimore County and as for reasons state:

- 1. That this matter came before the County Board of Appeals for Baltimore County (hereinafter "Board") as an appeal by the Office of People's Counsel of Baltimore County of the Findings of Fact and Conclusions of Law and Order of the Zoning Commissioner of Baltimore County, William J. Wiseman, III, dated November 28, 2006.
- 2. That within said Findings and Order the aforesaid Zoning Commissioner granted a Petition for Variance for the proposed construction of a single family dwelling on the subject property. That the Petition granted and relief approved by the Zoning Commissioner was filed by and on behalf of Richard W. Leeland and Sharon K. Leeland, then owners of the subject property.
- 3. That the aforesaid Order granted relief to permit a proposed dwelling to be 48-feet in height in lieu of the maximum permitted 35-feet per Baltimore

County Zoning Regulations (BCZR) Section 1A04.3.A, to permit side yard setbacks of 8-feet in lieu of the previously approved 10-feet in Case 95-094.A and BCZR Section 1A04.3.B.2 and to permit lot coverage of 25 percent in lieu of the maximum percentage of 15 percent per BCZR Section 1A04.3.B3.

- 4. That the Zoning Commissioner's Order was appealed to the Board by the Office of People's Counsel of Baltimore County on December 19, 2006.
- 5. That the parties, through counsel, appeared before the Board on August 28, 2007 and were granted a continuance of the hearing scheduled for this matter in order to explore settlement options.
- 6. That Richard W. Leeland and Sharon K. Leeland have subsequently sold the subject property to the Movants herein (Anthony Mezatatsa and Joseph Patti) and that the new owners intend on modifying the proposed dwelling by reducing its height and footprint. That said modifications will reduce the height variance requested and eliminate the need for further variance of the side yard setbacks.
- 7. That the revised plans have been reviewed by the Office of People's Counsel and have been determined to be more in keeping with the character of the neighborhood and spirit and intent of the BCZR and that the Office of People's Counsel supports an amendment to the requested variance necessary to accommodate the revised plans.
- 8. That counsel for the Movants has met with People's Counsel and the parties agree that this matter can be handled most expeditiously by

remanding the case to the Zoning Commissioner, for him to conduct a hearing on the revised plan and issue an order consistent with agreements of the parties.

WHEREFORE, your Movants request:

- 1. That Anthony Mezatatsa and Joseph Patti be substituted as Petitioners in this matter in place of Richard W. Leeland and Sharon K. Leeland; and
- 2. That this matter be remanded to the Office of the Zoning Commissioner for Baltimore County, for a further hearing on an amended petition for variance; and
- 3. For such other and further relief as the nature of this case may require.

JAWRENCE E. SCHMIDT

Gildea & Schmidt, LLC 600 Washington Avenue

Suite 200

Towson, MD 21204

410-821-0070

Attorney for Petitioners

I HEREBY CERTIFY, that on this Aday of September, 2008, a copy of the foregoing Motion was mailed, postage pre-paid, to Carole S. DeMilio, Esquire, People's Counsel for Baltimore County, The Jefferson Building, 105 West Chesapeake Avenue, Room 204, Towson, MD 21204.







Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 3729 Bay Drive

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 Variance from Section(s):

- 1. 1A04.3.A, to permit a height of 48 feet in lieu of the required 35 feet; For A S.F. De Eccion
- 2. 1A04.3.B.2.b, to permit side yard setbacks of 8 feet in lieu of the required 50 feet;
- 3. 1A04.3.B.3, to permit lot coverage of 25%, in lieu of the maximum permitted lot coverage of 15%; and
- 4. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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

To be presented at hearing.

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 is the subject of this Petition.

perjury, that I/we are the legal owner(s) of the property which Contract Purchaser/Lessee: Legal Owner(s): N/A Richard W. Leeland Name - Type or Print Name - Type or Brint Signature Signature Richard W. Leeland Sharon K. Leeland Address Telephone No. Name - Type or Print City State Zip Code Signature Sharon K. Leeland Attorney For Petitioner: 3729 Bay Drive Address Telephone No. Jason T. Vettori Baltimore MD Name - Type or Print 21220-4406 City State Zip Code Representative to be Contacted: Signature Jason T. Vetori Gildea & Schmidt, LLC Jason T. Vettori Company Name 300 East Lombard Street, Suite 1440 (410) 234-0070 300 East Lombard Street, Suite 1440 (410) 234-0070 Address Telephone No. Address Baltimore Telephone No. MD 21202 Baltimore MD21202 City State Zip Code City State Zip Code OFFICE USE ONLY Case No. 07-117-A ESTIMATED LENGTH OF HEARING _ UNAVAILABLE FOR HEARING Date 09-14.06 Reviewed By REV 9/15/98 ORDER HECEIVED FOR FILING

ZONING DESCRIPTION 3729 Bay Drive 15th Election District Baltimore County, MD

Beginning at a point on the southeast side of Bay Prive, 30 feet wide, said point being 188 feet southwesterly from the centerline of Wye Road. Being Lot 235 in the subdivision Second Addition to Plat No. 1, Bowley's Quarter as recorded in Baltimore County Plat Book 8, page 73, containing 17,751 square feet of 0.41 acres of land. Also know as 3729 Bay Drive and located in the 15th Election District, 6th Councilmanic District.

CERTIFICATE OF POSTING

RE: Case No.: 07 - 1/7-A

Petitioner/Developer: RICHARD W.

AND SHARON K. LEELAND

Date of Hearing/Closing: NOV 14, 2002

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:

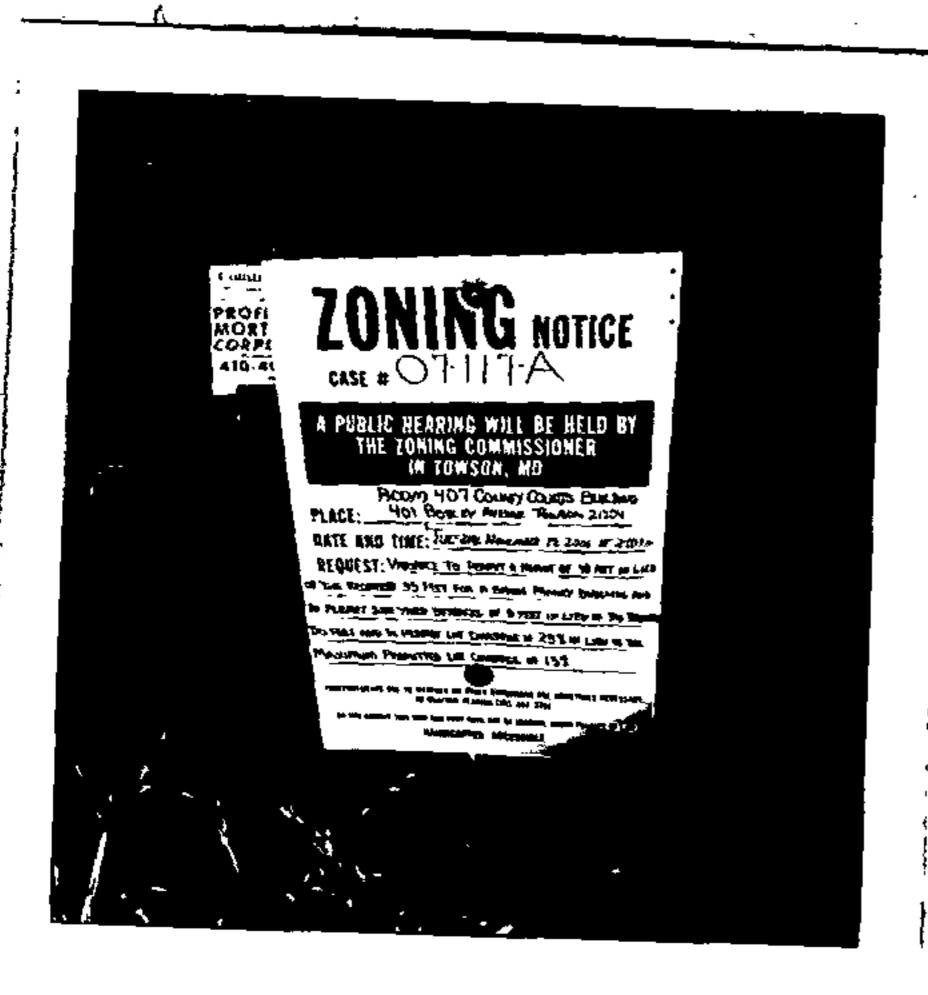
The sign(s) were posted on

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:

3729 Bay Drive

(Month, Day, Year)

Sincerely,



Robert Black	11-2-0
(Signature of Sign Poster)	//- 2 · O
SSG Robert Black	
(Print Name)	
1508 Leslie Road	
(Address)	* \$
Dundalk, Maryland 212	22
(City, State, Zip Code	e)
(410) 282-7940	
(Telephone Number))

NOTICE DESZONING HEARING

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

Case: 107-111/A
3729 Bay Drive
3729 Bay Drive, 188 feet southwest of centering of Wye Road.

15th Election District-6th Councilmanic District
Legal Owner(s): Richard W. and Sharon K. Leeland
Variance; to permit a height of 48 feet in fieu of the required 50 feet and to permit side yard setbacks of 8 feet in lieu of the maximum permitted lot coverage of 15%.

Hearing: Tuesday, November 14, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosiey 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.

10/337 Oct. 26

CATE OF PUBLICATION

10/26/2006

KTIFY, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., 20 THIS IS TO CE once in each of

🙀 The Jeffersonian

- Arbutus Times
- Catonsville Times
- Towson Times
- Owings Mills Times
- NE Booster/Reporter County News North

Mulus

Requested: 1/31/2007

APPEAL SIGN POSTING REQUEST

CASE NO. 07-117-A

3729 BAY DRIVE

15TH ELECTION DISTRICT APPEALED: 12/19/2006 ATTACHMENT - (Plan to accompany Petition - Petitioner's Exhibit No. 1) ***COMPLETE AND RETURN BELOW INFORMATION**** CERTIFICATE OF POSTING Baltimore County Board of Appeals TO: 400 Washington Avenue, Room 49 Towson, MD 21204 Attention: Kathleen Bianco Administrator CASE NO.: 07-117-A MAP 38 G11 LEGAL OWNER: RICHARD W. LEELAND, ET UX This is to certify that the necessary appeal sign was posted conspicuously on the property located at: 3729 BAY DRIVE The sign was posted on, By: (Signature of Sign Poster)

(Print Name)



•

ار 1 ع



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3507 16, 2006

Ms. Kristen Matthews Baltimore County Office Of ... Permits and Development Management County Office Building, Room 109

Towson, Maryland 21204

RE: **Baltimore County**

Item No. 117

井のマーハマー人 3729 BAY DEIVE

VAIZIANCE - CONSTRUCT

BINGLE FRANKY DWELLING INLIEU OF HEIGHT & JIDE YLRO SET BACKS

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. [17

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

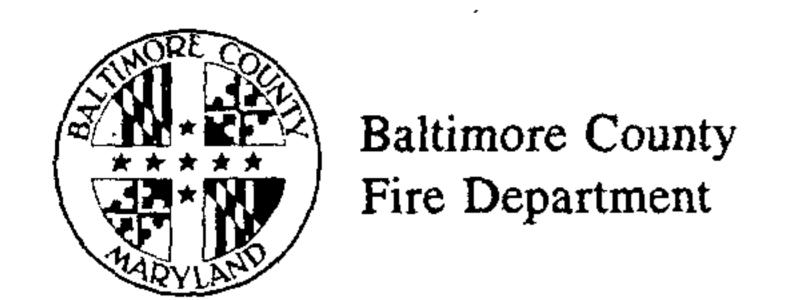
Very truly yours,

For Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

Item Number(s): 113-130

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

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File



Printed with Soybean Ink

on Recycled Paper









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

RECEIVED

DATE: November 14, 2006

SUBJECT:

3729 Bay Drive

NOV 1 4 2006

ZONING COMMISSIONER

INFORMATION:

Item Number:

7-117

Brichase Leeland

Zoning:

Petitioner:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and offers the following: no objection to the requests to waive the side yard setbacks or the lot coverage variance, however, this office is opposed to granting the variance from Section 1A04.3.A to permit a height of 48 feet in lieu of the required 35 feet.

Allowing a height variance for this proposed infill structure could potentially obstruct both views and light from adjacent dwellings and from dwellings on the opposite side of Bay Drive. It is the suggestion of this office that the proposed dwelling be redesigned in order that is complies with the 35 foot height limit as required by zoning.

However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Revise and submit building elevations (all sides) of the proposed structure to this office for review and approval prior to the hearing. The proposed structure shall be compatible in size and architectural detail as that of the existing buildings of its kind in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

Division Chief: AFK/LL: CM

CADER MECEIVED FOR FILING

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JWL

DATE:

October 12, 2006

SUBJECT:

Zoning Item

07-117-A

Address

3729 Bay Drive

(Leeland Property)

Zoning Advisory Committee Meeting of September 18, 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).

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:

Approved building permit, B627156, on June 6, 2006.

Reviewer:

RAE

Date: September 27, 2006

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-117-A.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item No. 07-117

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 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.

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. Setbacks shall be adjusted accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-117-09212006.doc

THE THE PARTY OF THE

OF FILING



JAMES T. SMITH, JR. County Executive

December 18, 2008

WILLIAM J. WISEMAN III

Zoning Commissioner

Lawrence E. Schmidt, Esquire Gildea & Schmidt, LLC 600 Washington Avenue, Ste. 200 Towson, MD 21204 Peter Max Zimmerman, People's Counsel Office of People's Counsel 105 West Chesapeake Avenue, Room 204 Towson, MD 21204

RE: PETITION FOR VARIANCE - (REMAND)

SE/S Bay Drive, 188' SW c/line Wye Road

(3729 Bay Drive)

15th Election District – 6th Council District

Anthony Mezatatsa & Joseph Patti (to replace Richard & Sharon Leeland)

Case No. 07-117-A

Dear Counsel:

This letter is to confirm that the above-captioned matter has been scheduled for a **Remand** hearing on Monday, January 5, 2009, at 11:00 A.M., in Room 104, of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland 21204.

In view of the short notice, I've taken the liberty of including a copy of this letter to James D. Grammer and Mike Vivirito as they were included on the Board's Remand Order issued on October 17, 2008.

Best wishes for the holidays. Should anyone have questions, please do not hesitate calling me.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:dlw

c: James D. Grammer, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, MD 21030

Mike Vivirito, 3619 Bay Drive, Baltimore, MD 21220

Board of Appeals; Kristen Matthews, DPDM; DEPRM; DPR; Case File

DEC 1 8 2008

BALTIMORE COUNTY



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180

FAX: 410-887-3182

Hearing Room – Room 48 Old Courthouse, 400 Washington Avenue

June 25, 2007

NOTICE OF ASSIGNMENT

CASE #: 07-117-A

IN THE MATTER OF: RICHARD W LEELAND, ET UX - Legal Owners 3729 Bay Drive 15th E; 6th C /Petitioners

12/19/06 -Z.C.'s decision in which requested relief was GRANTED with restrictions.

ASSIGNED FOR:

TUESDAY, AUGUST 28, 2007 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

> Kathleen C. Bianco Administrator

¢:

Appellant

: Office of People's Counsel

Counsel for Legal Owners /Petitioners

: Lawrence E. Schmidt, Esquire Jason T. Vettori, Esquire

Legal Owners /Petitioners James W. Grammer /McKee & Associates, Inc. : Richard W. and Sharon K. Leeland

Mike Vivirito

William J. Wiseman III /Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director /PDM

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE SUITE 200

TOWSON, MARYLAND 21204
TELEPHONE 410-821-0070
FACSIMILE 410-821-0071

www.gildeallc.com

LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

DAVID K. GILDEA

SEBASTIAN A. CROSS
CHARLES B. MAREK. III
JASON T. VETTORI

October 31, 2008

Honorable William J. Wiseman, III Zoning Commissioner The Jefferson Building 105 W. Chesapeake Avenue, Suite 103 Towson, MD 21204

Re: In the Matter of: 3729 Bay Drive

Case No.: 07-117-A

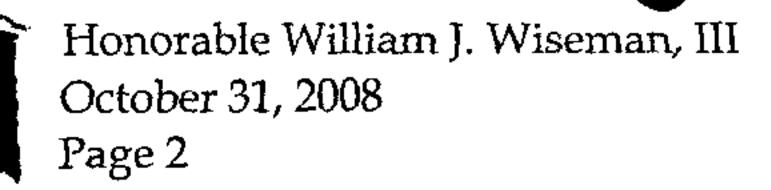
BY.

Commissioner Wiseman:

You may have recently received a copy of an order entered by the County Board of Appeals for Baltimore County on October 17, 2008 regarding the above matter. Attached to that order was a copy of a Motion to Intervene and Remand that I filed with the Board on behalf of my clients, Anthony Mezatatsa and Joseph Patti. They are successors in title to the original property owners, Richard W. Leeland and Sharon K. Leeland, his wife. Also attached to the Board's order, was a copy of the Answer to Motion to Intervene and Remand filed by the Office of People's Counsel. This answer generally supported the Motion.

The essential history of this matter is as follows. The case came before you on a Petition for Variance for the subject property filed by Mr. & Mrs. Leeland. By written opinion and order issued by you on November 28, 2006, you granted the requested Variances for the proposed construction of a single family detached dwelling on the property. Your order was appealed to the Board by the Office of People's Counsel on August 19, 2006. The de novo hearing by the Board was postponed and continued indefinitely. Ultimately, Mr. & Mrs. Leeland sold the property to Anthony Mezatatsa and Joseph Patti. The new owners have modified the proposed dwelling which has reduced the extent of the Variance requested. I met with the Office of People's Counsel and reviewed plans for the new dwelling. People's Counsel is satisfied that a lesser Variance can be granted based upon the modified design.

Pursuant to the Board's order, I would request that you reschedule this matter for a new hearing. I will arrange for the posting of the property when the hearing is scheduled. At



the new hearing, we will offer the plan previously shared with the Office of People's Counsel and modify the Variance proposal as required.

Kindly advise if proceeding in this fashion is acceptable to you. Please let me know if you wish me to coordinate with either Kristen Matthews or Debbie Wiley in your office to schedule a new date.

Very truly yours,

Lawrence E. Schmidt

LES: jk

CC: Carole S. DeMilio, Esquire, People's Counsel

James D. Grammer, McKee & Associates, Inc.

Michael Vivirito, Bowleys Quarters Improvement Association, Inc.

Anthony Mezatatsa

Joseph Patti

W. Robert T. Mowrey, Properties Mortgage Corp.

Jason T. Vettori, Esquire

PETITION FOR VARIANCE RE:

3729 Bay Drive; SE/S Bay Drive,

188' SW c/line of Wye Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Richard & Sharon Leeland *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-117-A

ENTRY OF APPEARANCE

*

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

PETER MAX ZIMMERMAN

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 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Jason T. Vettori Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

COP 1 8 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME //OZBAYAN/ /2-1/ CASE NUMBER 027-1/7-19 DATE 15/027-1/7-19

PETITIONER'S SICK-IN SHEET

15churel Cogildrullica igrammer Contreemc. som Kosil Dago Wira, not				
CITY, STATE, ZIP BOCKENSMINE ND, 21030 COCKENSMINE ND, 21030 CSOVING MA, 21030				
ADDRESS 600 MNSH Inglan Re 5/1. 5 Shawan Road ste 1 3102 Monthbollo TOIT				
LAWRY & E & HWID				

PLEASE PRINT CLEARLY

1	W:1111	
ME	MBER 0'	119165
CASE NA	CASE NU	DATE

CITIZEN'S SIGN-IN SHEET

-			#ST MET	1	. ,		1	· · · · · · · · · · · · · · · · · · ·	Į	•	1	 I	1	i	1	ı
E- MAIL		1) RIAMPS @ Com as 5. N	HITTER & MUINICISI @ COURST NE													
CITY, STATE, ZIP	11166/2 Kury Mb 3/202	mille Rien mellen	middle River The Hos													
ADDRESS	3727 Bay di	3725 Bay 12	3619 34× 22.													
NAME	Chris Junison	Um TORCEY	Wichael Vinita													

PLEASE PRINT CLEARLY

CASE NAME 3729 BAY DRIVE CASE NUMBER 07-117-A DATE NOV. 14, 2006

PETITIONER'S SICK-IN SHEET

E- MAIL			
COCKETSVILLE MD 21030 PROCENIX MD 21131 BL/1/2 MD 21202			
ADDRESS NUMBER # #550c., 120 5 SHAWAY COAD SUITE! 14837 Hunting Way - 200 C Combano St.			
MAMES D. GRAMMER RICHARD W. LEELAND LAWMENCE IL SHIMI ST			



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director Department of Permits and Development Management

November 8, 2006

Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case Number: 07-117-A Comments, 3729 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 2006.

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. Cal Richal) W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

People's Counsel Richard W. Leeland Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406 IN THE MATTER OF: Richard W. Leeland et al.

BEFORE THE

SE/S Bay Drive; 188' SW c/line Wye Road

(3729 Bay Drive)

.15th Election District

6th Council District

*** FOR

BALTIMORE COUNTY

Richard W. Leeland et al. - Petitioners

Case No. 07-117-A

BOARD OF APPEALS

ORDER

Upon the forgoing Motion to Remand and any response filed thereto, it is this 17+h

ORDERED, by the County Board of Appeals for Baltimore County:

- 1. That Anthony Mezatatsa and Joseph Patti be substituted in this matter as Petitioners to replace Richard W. Leeland and Sharon K. Leeland; and
- -2.-This matter is hereby REMANDED to the Zoning Commissioner for Baltimore County, for the Zoning Commissioner to conduct a public hearing on a revised Petition for Variance.

Maureen Murphy

PETITIONER'S

EXHIBIT NO.

IN THE MATTER OF: Richard W. Leeland et al.

SE/S Bay Drive; 188' SW c/line Wye Road (3729 Bay Drive)
15th Election District
6th Council District

Richard W. Leeland et al. - Petitioners

- * BEFORE THE
- * BOARD OF APPEALS
- * FOR
- * BALTIMORE COUNTY
- * Case No. 07-117-A

MOTION TO INTERVENE AND REMAND

Anthony Mezatatsa and Joseph Patti, property owners and substitute Appellees herein, by Lawrence E. Schmidt, Esquire and Gildea & Schmidt, LLC, their attorneys, move that they be permitted to intervene in this matter and that it be remanded to the Zoning.Commissioner for Baltimore County and as for reasons state:

- 1. That this matter came before the County Board of Appeals for Baltimore County (hereinafter "Board") as an appeal by the Office of People's Counsel of Baltimore County of the Findings of Fact and Conclusions of Law and Order of the Zoning Commissioner of Baltimore County, William J. Wiseman, III, dated November 28, 2006.
- 2. That within said Findings and Order the aforesaid Zoning Commissioner granted a Petition for Variance for the proposed construction of a single family dwelling on the subject property. That the Petition granted and relief approved by the Zoning Commissioner was filed by and on behalf of Richard W. Leeland and Sharon K. Leeland, then owners of the subject property.
- 3. That the aforesaid Order granted relief to permit a proposed dwelling to be 48-feet in height in lieu of the maximum permitted 35-feet per Baltimore

County Zoning Regulations (BCZR) Section 1A04.3.A, to permit side yard setbacks of 8-feet in lieu of the previously approved 10-feet in Case 95-094.A and BCZR Section 1A04.3.B.2 and to permit lot coverage of 25 percent in lieu of the maximum percentage of 15 percent per BCZR Section 1A04.3.B3.

- 4. That the Zoning Commissioner's Order was appealed to the Board by the Office of People's Counsel of Baltimore County on December 19, 2006.
- 5. That the parties, through counsel, appeared before the Board on August 28, 2007 and were granted a continuance of the hearing scheduled for this matter in order to explore settlement options.
- 6. That Richard W. Leeland and Sharon K. Leeland have subsequently sold the subject property to the Movants herein (Anthony Mezatatsa and Joseph Patti) and that the new owners intend on modifying the proposed dwelling by reducing its height and footprint. That said modifications will reduce the height variance requested and eliminate the need for further variance of the side yard setbacks.
- 7. That the revised plans have been reviewed by the Office of People's Counsel and have been determined to be more in keeping with the character of the neighborhood and spirit and intent of the BCZR and that the Office of People's Counsel supports an amendment to the requested variance necessary to accommodate the revised plans.
- 8. That counsel for the Movants has met with People's Counsel and the parties agree that this matter can be handled most expeditiously by

remanding the case to the Zoning Commissioner, for him to conduct a hearing on the revised plan and issue an order consistent with agreements of the parties.

WHEREFORE, your Movants request:

- 1. That Anthony Mezatatsa and Joseph Patti be substituted as Petitioners in this matter in place of Richard W. Leeland and Sharon K. Leeland; and
- 2. That this matter be remanded to the Office of the Zoning Commissioner for Baltimore County, for a further hearing on an amended petition for variance; and
- 3. For such other and further relief as the nature of this case may require.

LAWRENCE E. SCHMIDT

Gildea & Schmidt, LLC 600 Washington Avenue

Suite 200

Towson, MD 21204

410-821-0070

Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 2 day of September, 2008, a copy of the foregoing Motion was mailed, postage pre-paid, to Carole S. DeMilio, Esquire, People's Counsel for Baltimore County, The Jefferson Building, 105 West Chesapeake Avenue, Room 204, Towson, MD 21204.

LAWRENCE E. SCHMIDT

Appeals by either party and that the decision of the Zoning Commissioner dated November 28, 2006 is made moot by the timely appeal of People's Counsel and this remand.

CAROLE S. DEMILIO
Deputy People's Counsel
The Jefferson Building
105 W. Chesapeake Avenue, Room 204
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of October, 2008, a copy of the foregoing Answer to Motion to Intervene and Remand was mailed to Lawrence E. Schmidt, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

CAROLE S. DEMILIO
Deputy People's Counsel

Case No.: 07-117A 3729 BAY DRIVE

Exhibit Sheet

Petitioner/Developer

Protestant

_ 		
No. 1	Site PLAN	
No. 2	PHOTOGRAPHS NEIGHBORING HOME HGHTS	
No. 3	Collectively - PHOTOS	
No. 4	RAISING PERMIT	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Engineering • Surveying • Real Estate Development Environmental Planning

5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555

فليسوس ور

COCKEYSVILLE, MD 21030 Fax: 410-527-1563



3727 BAY DRIVE (FROM STREET)



SUBJECT LOT (FROM STREET)



3731 BAY DRIVE (FROM STREET)



3733 BAY DRIVE (FROM STREET)

3729 BAY DRIVE ZONING CASE No: 07-117-A PETITIONERS EXHIBIT No.

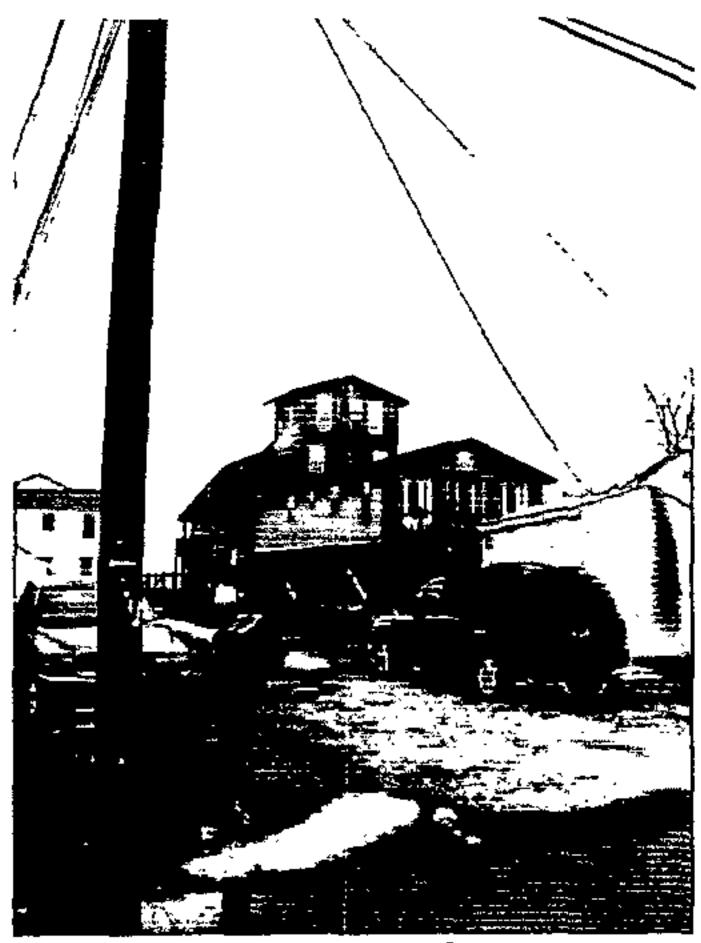


Engineering • Surveying • Real Estate Development Environmental Planning

5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555 COCKEYSVILLE, MD 21030 Fax: 410-527-1563



3713 BAY DRIVE (FROM STREET)



3709 BAY DRIVE (FROM STREET)

3729 BAY DRIVE ZONING CASE No: 07-117-A PETITIONERS EXHIBIT No._____

Engineering • Surveying • Real Estate Development
Environmental Planning

5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555 COCKEYSVILLE, MD 21030 Fax: 410-527-1563



3725 & 3727 BAY DRIVE (FROM WATER)



SUBJECT LOT (FROM WATER)



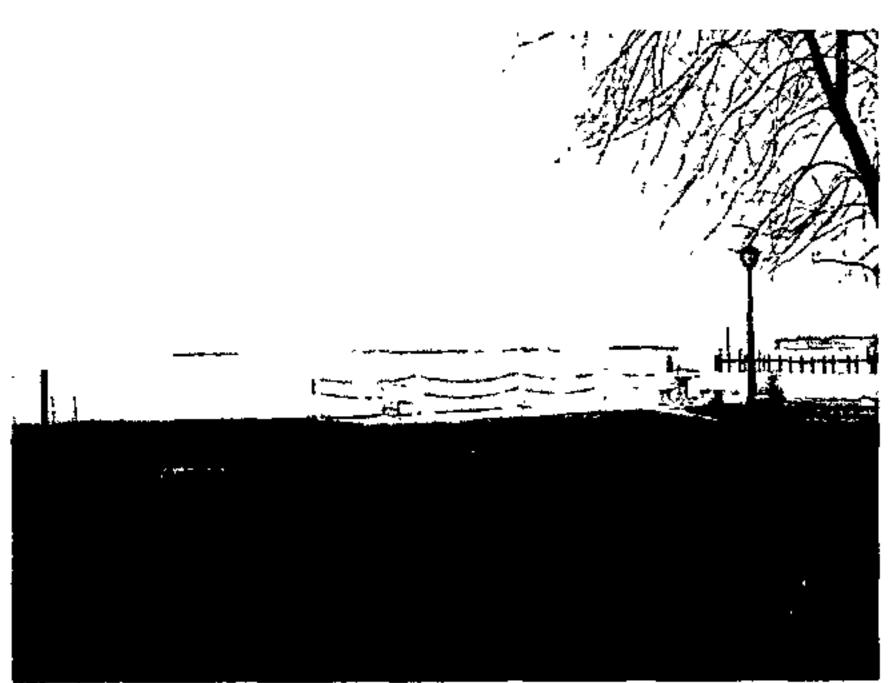
3731 & 3733 BAY DRIVE (FROM WATER)

3729 BAY DRIVE ZONING CASE No: 07-117-A

PETITIONERS EXHIBIT No._____

Engineering • Surveying • Real Estate Development
Environmental Planning

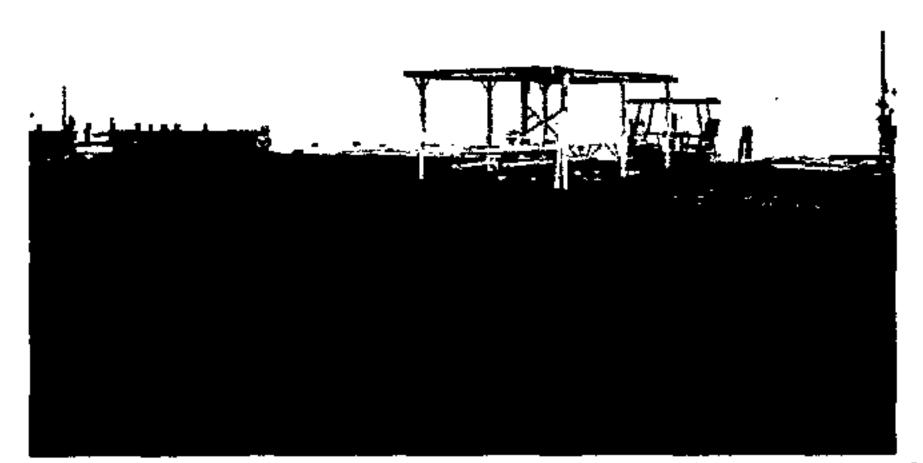
5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555 COCKEYSVILLE, MD 21030 Fax: 410-527-1563



WATER VIEW FROM PROPOSED DECK (SOUTHERLY)



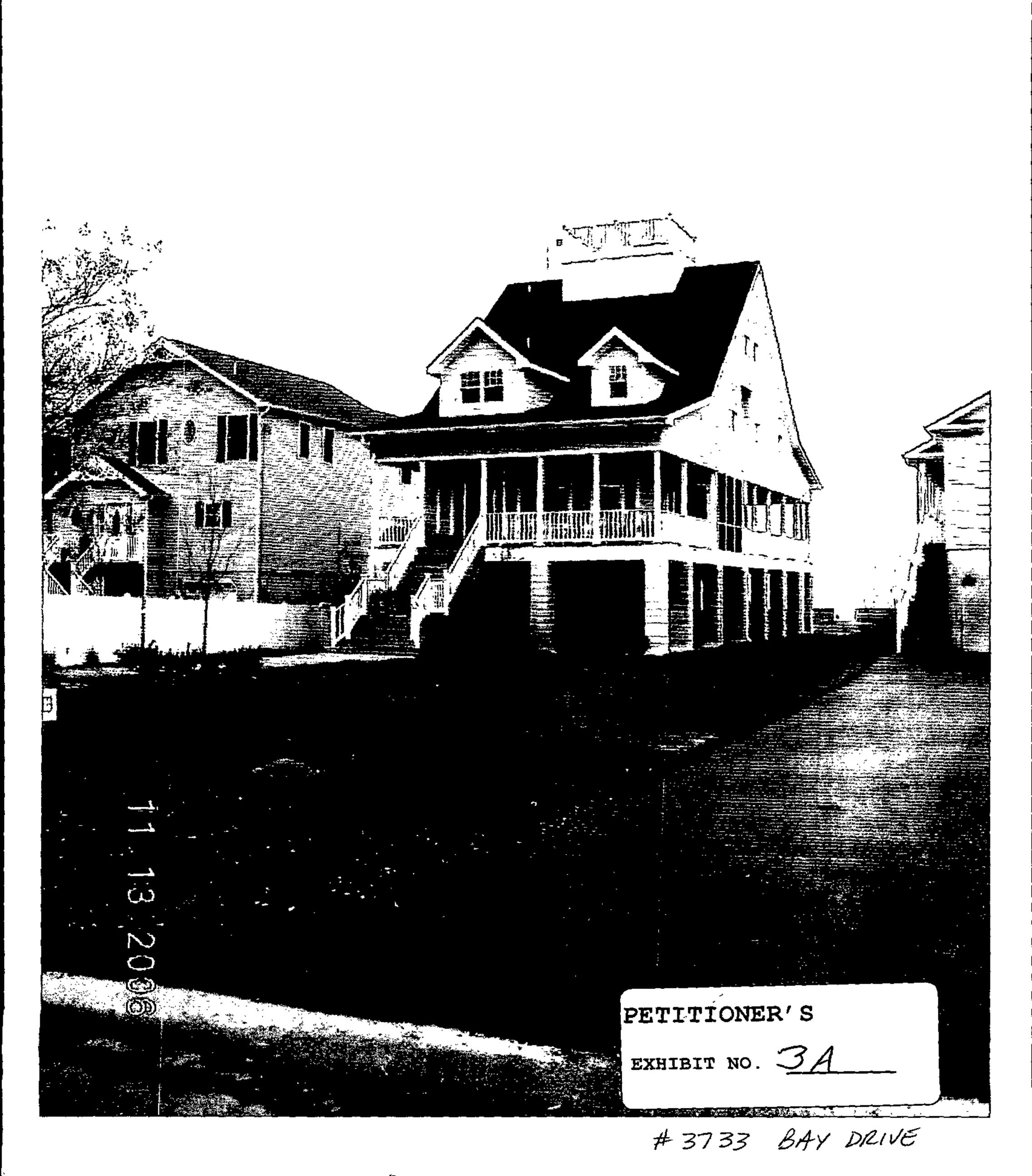
WATER VIEW FROM PROPOSED DECK (SOUTHEASTERLY)



WATER VIEW FROM PROPOSED DECK (EASTERLY)

3729 BAY DRIVE ZONING CASE No: 07-117-A

PETITIONERS EXHIBIT No._____





3713 BAY DRIVE



#3709 BAY DRIVE



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT TOWSON, MARYLAND 21204

TIMOTHY M. KCTROCO DIRECTOR

BUILDING PERMIT

'Euildings Engineer

PERMIT A: AMP9869 CONTROL A: RA DIST: 15 DATE ISSUED: 07/22/2005 TAX ACCOUNT #: 1520660251

PRECI CLASS: 34

PLANS: CONST O PLOT O R PLAT O DATA O ELEC NO PLUM NO LOCATION: U.29 BAY UR SUBDIVISION: BOULEYS QUARTER CO

OWNERS INFORMATION NAME: CONNELLYGREGORY APDR: 300 MACH AVE.21221

TENANT:

CONTR: OWNER

ENGNR: SELLR:

WORK:

RAZE 2 EX.SHEDS; TO BE TORN DOWN-DEBRIS TO BE MAULED TO APPROVED SAMITARY LANGEILL IN ACCOR-DANCE WITH APPLICABLE BALTO, CO, SITE REGULA-TIONS, PERMIT EXPIRES PO DAYS FROM ISSUE DATE.

NO UTILITIES INVOLVED, 9X12=108SF EACH.

BLOG. CODE:

RESIDENTIAL CATEGORY:

DUNERSHIP: PRIVATELY DUMED

PROPOSED USE: VACANT EXISTING USE: 2 SHEDS

TYPE OF IMPRV: WRECKING USE: OTHER - RESIDENTIAL

FOUNDATION:

BASEMENT:

SEWAGE: PRIV. EXISTS WATER: PUBLIC EXIST

LOT SIZE AMM SETBACKS

SIZE: 1800085 FRONT STREET: STOE STREET:

FRONT SETB: NC SIBE SETB: **NC/NC**

SIDE STR SETB!

CLAR SETB:

NC

Case No.: 07-117-A 3729 BAY DRIVE

10/17/08 REMAND Gounty Exhibits FROM BRD OF APPEALS

No. 1	REUISED SITE RAN
No. 2	Elevation Drawings
No. 3	Boards Remand
No. 4	Revised Stain Location
No. 5	
No. 6	
No. 7	-
No. 8	
No. 9	
No. 10	
No. 11	
No. 12	

County Board of Appeals of Baltimore County ROOM 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

Return Service Requested

ESQUIRE LEELAND RICHARD W. & SHARON K. I c/o LAWRENCE E. SCHMIDT 600 WASHINGTON AVENUE GILDEA & SCHMIDT LI TOWSON, MD 21204 SUITE 200

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE TOWSON, MARYLAND 21204

Return Service Requested

PIRST CLASS ロ当下好心心ヨダイ

016H26512963

\$00.33¢ 06/28/2007

TellzGH

21204 POSTAGE Mailed From 3

> BATTIMORE COUNTY Anday To Change THE O'L'NE

LEEL 21220-4406 & SHARON K. MD/ DRIVE RICHARD W. 3729 BAI

706/90 NEXDEX AN ADDRESSED TORESTA Ø E U (ų (ų 102 NHXHE

0070 Ø

0

06309

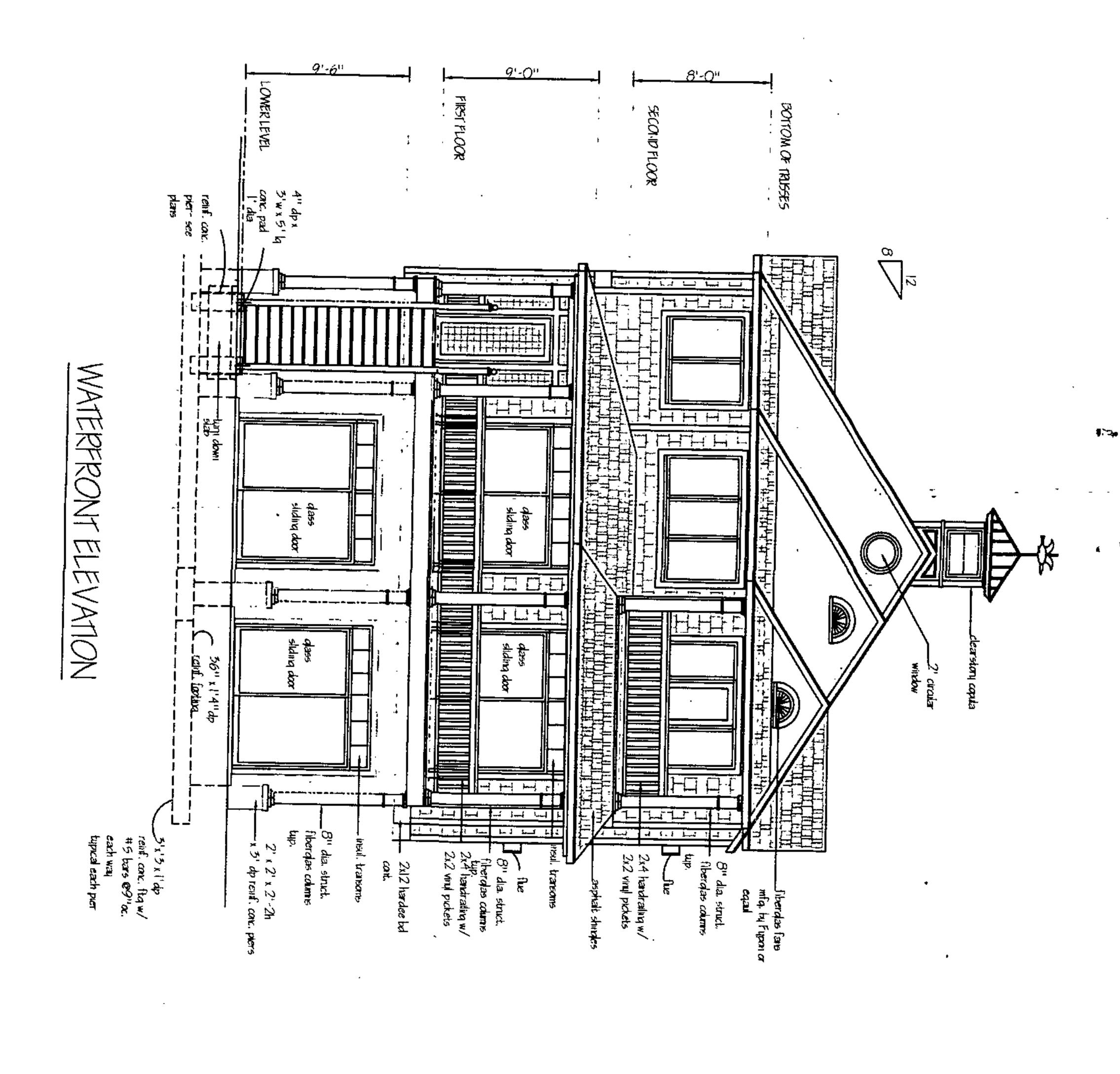
※048次 m halam Lable Malbilli

> TOUTING T

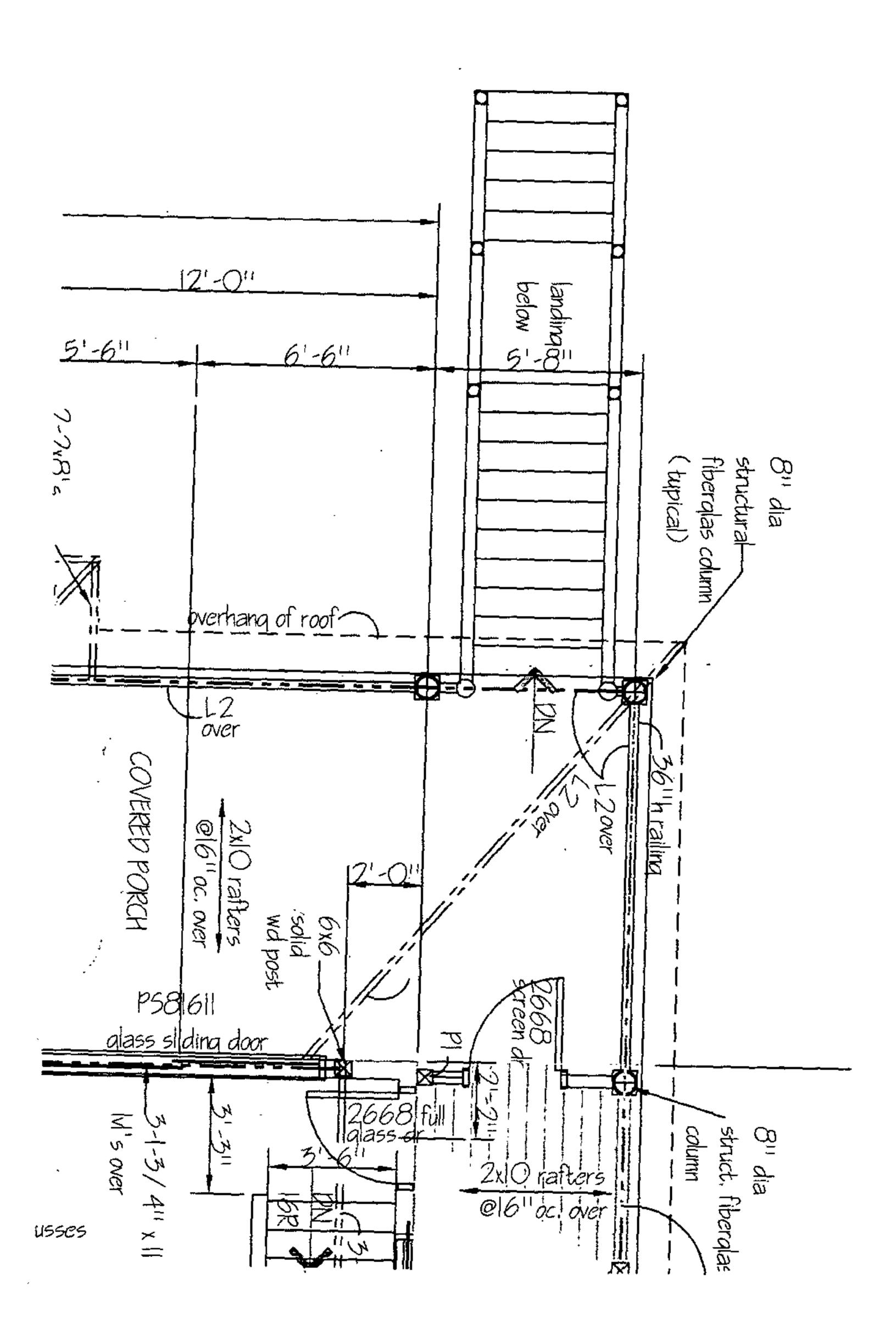
County Board of Appeals of Baltimore County Room 49 old courthouse Towson, maryland 21204

Return Service Requested

JASON T. VETTORI GILDEA & SCHMIDT LLC 600 WASHINGTON AVENUE SUITE 200 TOWSON, MD 21204



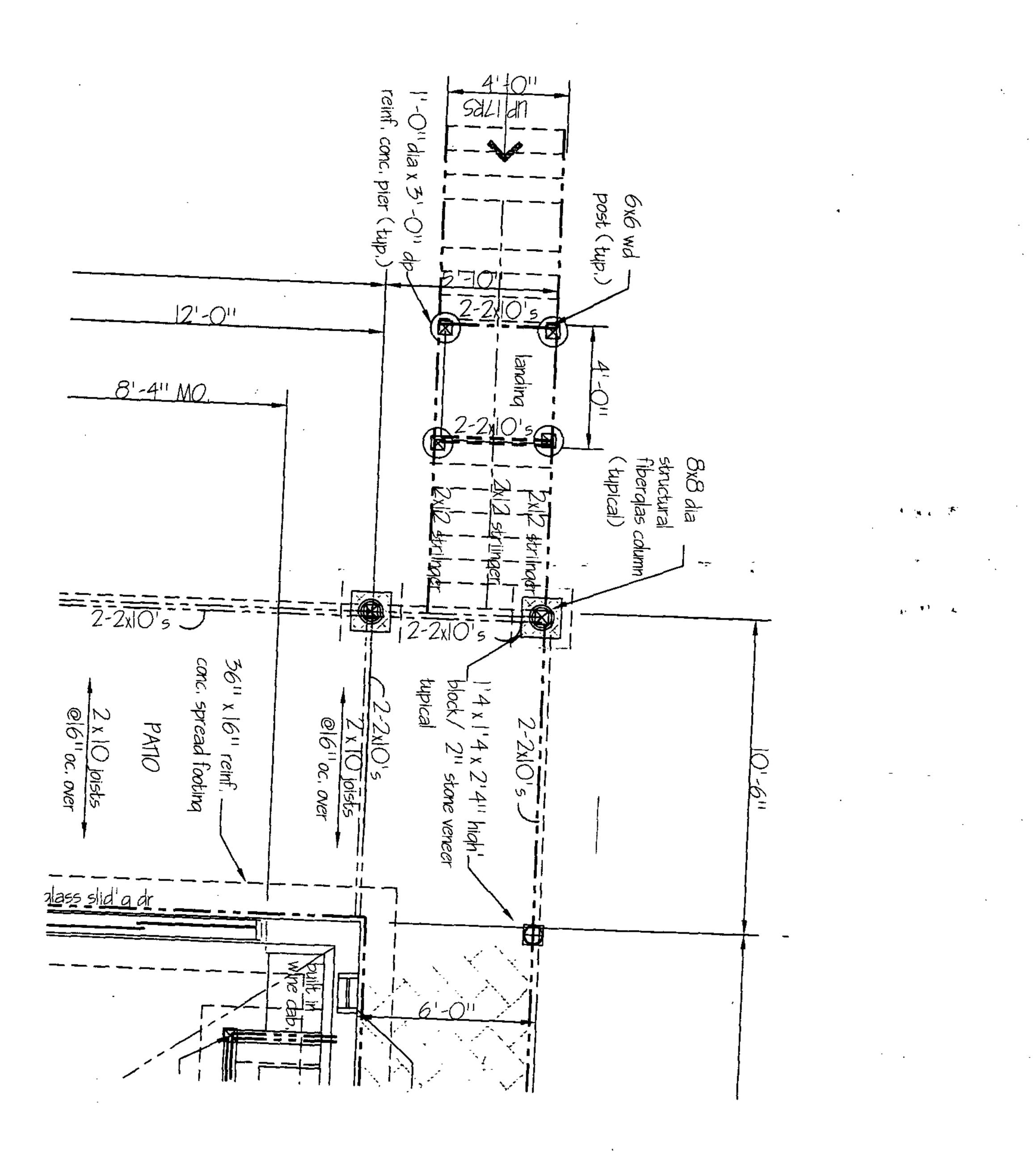
PETITIONER'S
EXHIBIT NO. R-L

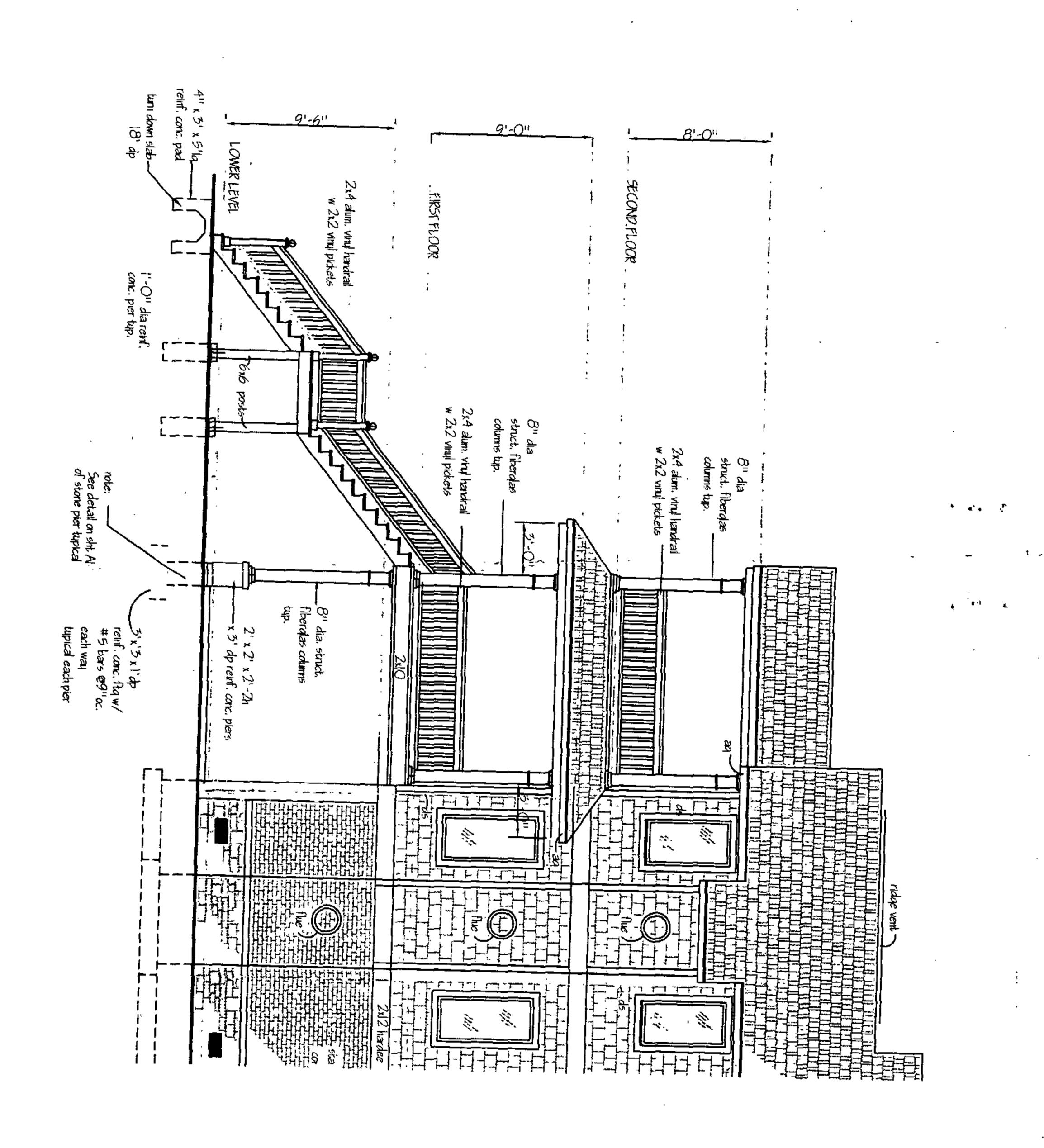


•

7 11 X

A 1 1 1 14

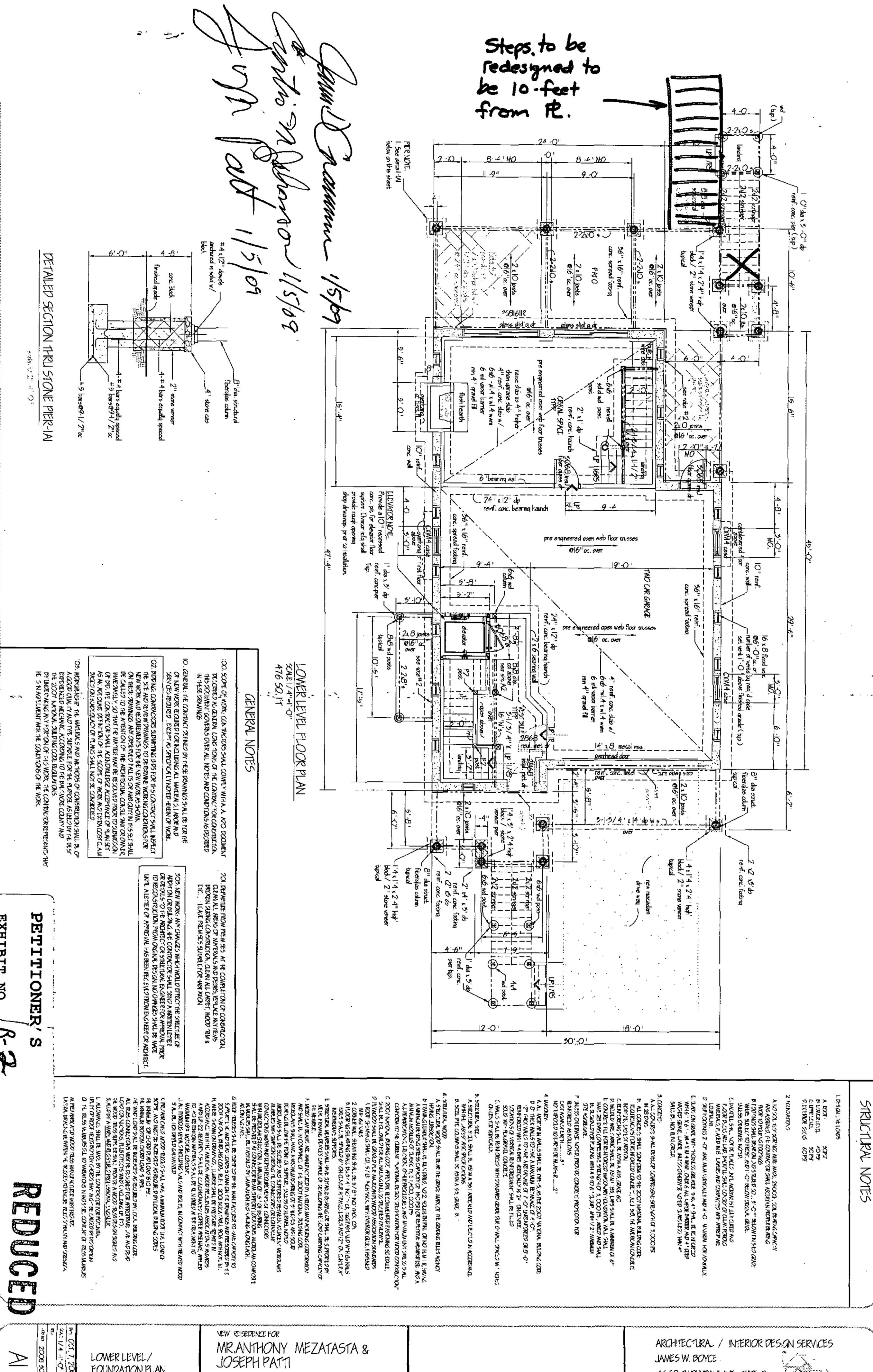




•

が出るの子を

* · *



JAMES W. BOYCE

46 SOLTH DUNDALK AVE SUITE B

BALTIMORE, MARYLAND 21222

LOWER LEVEL/

FOUNDATION PLAN

3729 S. BAY DRIVE MIDDLE RIVER MD 21220

steps to be relocated €16" oc. over stelf rod el6 'oc. over overhand of roof NOTE

I. ALL SHALL SE HOLLOW COSE 3/4 HOLDE FIRE OF
UNLESS OTHERMSE SPECETED ON PLANS, OR
BY OWNER.

2. ALL EXTERIOR DOORS SHALL SE
SOLID FIRER INSIL. DOORS, UNLESS
OTHERWSE SPECIFIED ON PLANS OR BY OWNER. \$ **E**001 ¥.ALL B/CE CELING - SAINFNSED WHARDWOOD - SHUP LAY IN the Branch of the selected by award tupe 8 adar to be selected by award tupe 8 adar to be selected by award tupe 8. C CARPET

C CARPET AY- MOON 4" BACE 12-2-13/4" X 9-1/2"LVLS 13-2-13/4" X 11 1/2"LVLS KEY PLAN LEGEND MINDOW NOTES 91-4X4 SOLD WD POST P2-6 x 6 SOL 10 WO POST GNADA1 NOOD KEY PLAN LEGEND SOLD WD POST NEW 2X 6
EXTERIOR
ALL OHER PARITIONS
SHALL 2 X 4'S LINLESS
LINLESS OHERMSE NOTED INDICATES ABOVE OR BELOW WALL SELVE COL NEW ESERVEFOR:

MR.ANTHONY MEZATASTA & JOSEPH PATTI

3729 S. BAY DRIVE MIDDLE RIVER MD 21220

FIRST FLOOR PLAN

FINISH SCHEDULE

ARCHITECTURAL / INTERIOR DESIGN SERVICES

JAMES W. BOYCE

46 SOUTH DUNDALK AVE SUITE B

BALTIMORE, MARYLAND 21222

(1) pre-enqueered roof crusses FLOOR FLAN e24 oc. over pre-engineered roof trusses __ roof below 6'-6" 30°-0° WE BY: ANDERSENCO, OR FOUN.

12. CONTRACTOR VERIFY ALL ROZCH OFENINGS FROM

WE BY: ANDERSENCO, OR FOUN. NOTE:

I. ALL SHALL BE HOLLOW COSE 3/ 4 HOLD SHE BATE

UNLESS OFFERMSE SPECIFED ON FLANS, OR

BY OWNER.

2. ALL EXITERIOR DOORS SHALL BE

SOLD FISHER INSLL. DOORS, INLESS

OTHERMSE SPECIFED ON FLANS OR 3Y OWNER. FLOOK Ę **PM** CELLING CELLING BASE IN MCOOD AT BASE WALL O PAINTED A MNUT COME UTE 4-CIEMMIC LITE 7-CYBLES FI - 4X4 SOLD WD POST KEY PLAN LEGEND MUDOW NOTES 1504 CAN CITYOS 97 9 - 54 P2-6 & 6 SOLID WD POST L2-2-15/4" X 11 1/2"LVL5 L5-2-15/4" X 11 1/2"LVL5 15.例:※~ U-2-1/4・X7-1/2・いんら anaban 2000 RYPLAN LEGEND #27 #27 #28 35 STANFAND OF STANFAND SAIN FINSTO NEW 2X 6
EXITROR
ALL OTHER PARTITIONS
SHALL 2 X 4'S UNLESS
UNLESS OTHERWSE NOTED INDICATES ABOVE OR SELOW NEW YOU REINF, CONC. NEW RESEDENCE FOR: MR.ANTHONY MÉZATASTA & JOSEPH PATTI ARCHITECTURAL / INTERIOR DESIGN SERVICES JAMES W. BOYCE B SECOND FLOOR PLAN 46 SOLTH DUNDALK AVE SLITE B

CXM6 case €2 × 00 000 flat ardwayshelves / rod are step up mid hup . ₹ shelves / rod w HARDWOOD Shur LAY IN

optional hardwood flooring the tag

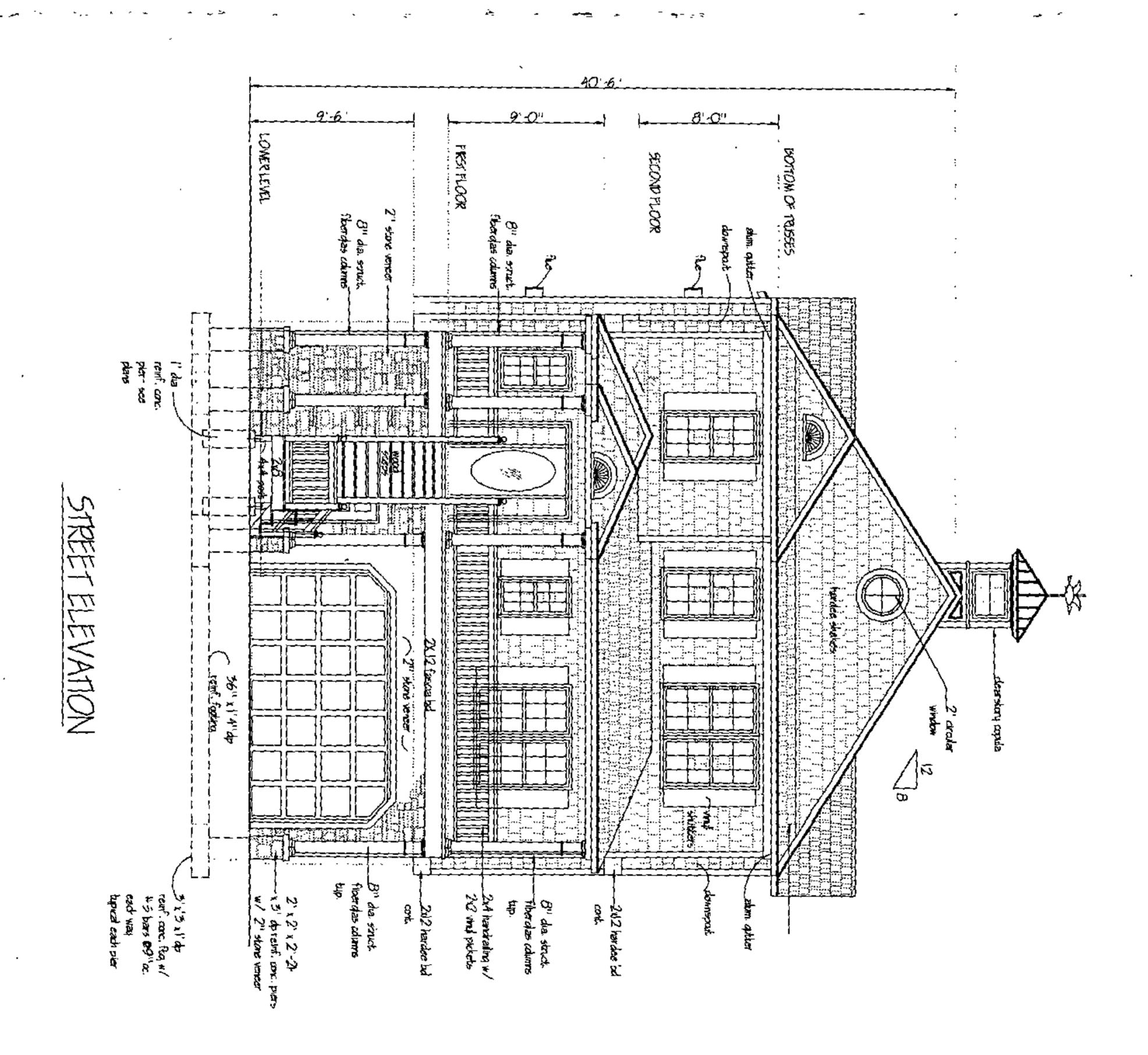
tape & color to be selected by owner FLOOR FINISH SCHOOLS

5:0" 1 50

3729 S BAY DRIVE MIDDLE RIVER MD 21220

BALTIMORE, MARYLAND 21222

STERS TO BE RELOCATED



DED HOLL

001.7, 2008 ## 1/4 -1/-0"

FRONT / REAR ELEVATIONS NEW REFERENCE FOR:

MR.ANTHONY MEZATASTA &

JOSEPH PATTI

3729 S. BAY DRIVE
MIDDLE RIVER MD 21220

ARCHITECTURAL / INTERIOR DESIGN SERVICES
JAMES W. BOYCE
46 SOLTH DENDALK A/E SLITE B
BALTIMORE, NARMAND 21222

RIGHT SIDE ELEVATION

NEW & SERENCE FOR:

MR, ANTHONY MEZATASTA &

JOSEPH PATTI

3729 S. BAY DRIVE

MIDDLE RIVER MD 21220

ARCHITECTURAL / INTERIOR DESIGN SERVICES

JAMES W. BOYCE

46 SOJIH DUNDALK AVE SJIHE B

BALTIMORE, NARMAND 21222

> 200.72008 1/4:-1:0"

LEFT SIDE ELEVATION

MEN RESEDENCE FOR MRIANTHONY MEZATASTA & JOSEPH PATTI 3729 S. BAY DRIVE MIDDLE RIVER MD 21220

ARCHITECTURAL / INTERIOR DESIGN SERVICES

JAMES W. BOYCE

46 SOUTH D_NDALK AVE SLITE B

BALTIMORE, MARYLAND 21222

Charles of the Control of the Contro PERIMETER FOUNDATION / GRACE WALL DETAILED SECTION -AA 1_40'-6" 4-10-/21 22.74 9'-6' NEW EISEDENCE FOR: ARCHITECTURAL / INTERIOR DESIGN SERVICES MR.ANTHONY MEZATASTA & SECTIONS - DETAILS JAMES W. BOYCE JOSEPH PATTI 46 SOUTH DUNDALK ARE SIME B 3729 S. BAY DRIVE MIDDLE RIVER MD 21220

BALTIMORE, MARYLAND 21222

APPEAL

Petition for Variance 3729 Bay Drive

Southeast side; 188 feet southwest centerline Wye Road 15th Election District – 6th Councilmanic District

Legal Owner(s): Richard W. Leeland, et ux – Petitioners

Case No.:07-117-A

Petition for Special Hearing (September 14, 2006). JAN 2 3 2007 Zoning Description of Property BALTIMORE COUNTY Notice of Zoning Hearing (September 27, 2006) **BOARD OF APPEALS** *Certification of Publication (October 26, 2006) Certificate of Posting (October 30, 2006) by Robert Black Entry of Appearance by People's Counsel (September 28, 2006) ✓ Petitioner(s) Sign-In Sheet – 1 Sheet Protestant(s) Sign-In Sheet - None Citizen(s) Sign-In Sheet - None Zoning Advisory Committee Comments Petitioners' Exhibit Site Plan Photographs of neighboring home heights. Photographs Raising permit (not marked as Exhibit #4) **P**Protestants' Exhibits: Miscellaneous (Not Marked as Exhibit) Zoning map Zoning Commissioner's Order (GRANTED in accordance w/order - November 28, 2006) Notice of Appeal received on December 19, 2006 from People's Counsel C: People's Counsel of Baltimore County, MS #2010

Mike Vivirito FAX 410 335 5887

Richard W. and Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406

James K. Grammer McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville

Lawrence Schmidt Gildea & Schmidt, LLC 300 East Lombard Street Baltimore 21202


Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore


Zoning Commissioner/Deputy Zoning Commissioner

Timothy Kotroco, Director of PDM


date sent January 22, 2007, amf

21030





1 :



P:/sdsk/proj/RLB-031/dwg/08-132B ZONING VARIANCE-REVISED.dwg, 12/17/2008 7:51:44 AM, Oce TDS400.pc3

4. 6. 6.

⊳. ∞

RE: PETITION FOR VARIANCE
3729 Bay Drive; SE/S Bay Drive,
188' SW c/line of Wye Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Richard & Sharon Leeland
** Petitioner(s)

- BEFORE THE COUNTY
- * BOARD OF APPEALS
- * FOR
- * BALTIMORE COUNTY
- * 07-117-A

ANSWER TO MOTION TO INTERVENE AND REMAND

People's Counsel for Baltimore County in Answer to the Motion to Intervene and Remand states as follows:

- 1. People's Counsel admits the allegations in paragraph 1.
- 2. People's Counsel admits the allegations in paragraph 2.
- 3. People's Counsel admits the allegations in paragraph 3.
- 4. People's Counsel admits the allegations in paragraph 4.
- 5. People's Counsel admits the allegations in paragraph 5.
- 6. People's Counsel does not have first hand knowledge to admit or deny the allegations in paragraph 6, but does not object to a new owner intervening in this matter and does not object to a modification and remand in accordance with this Answer to Motion.
 - 7. People's Counsel admits the allegations in paragraph 7.
 - 8. People's Counsel admits the allegations in paragraph 8.
- 9. People's Counsel further states that these discussions between Deputy People's Counsel and Counsel for Petitioners were carried out in good faith and in recognition of People's Counsel's opposition to the Zoning Commissioner's Order dated November 28, 2006.
- 10. The parties agree that any amendments and subsequent decision by the Zoning Commissioner on the amendments is subject to appeal de novo to the Board of

3y (5, 6, 38 - 06

IN RE: PETITION FOR VARIANCE

SE/S Bay Drive, 188' SW c/line Wye Road

(3729 Bay Drive)
15th Election District
6th Council District

Richard W. Leeland, et ux Petitioner(s)

* BEFORE THE

* ZONING COMMISSIONER

OF BALTIMORE COUNTY

* Case No. 07-117-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on a Petition for Variance for the property located at 3729 Bay Drive, in the Bowley's Quarters community of eastern Baltimore County. The Petition was filed by the property owners, Richard W. Leeland and his wife, Sharon K. Leeland. Variance relief is requested from Section 1A04.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a height of a proposed dwelling of 48 feet in lieu of the maximum permitted 35 feet; from Section 1A04.3.B.2.b of the B.C.Z.R., to permit side yard setbacks of 8 feet in lieu of the required 50 feet; from Section 1A04.3.B.3 of the B.C.Z.R. to permit lot coverage of 25% in lieu of the maximum permitted 15%, and for such other and further relief as may be deemed necessary by the Zoning Commissioner. The subject property and requested relief are more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing held for this matter was Richard W. Leeland, property owner. Also present was Jim Grammer, a project manager from McKee & Associates, Inc., the engineering/land planning/land-surveying firm that prepared the site plan. The Petitioner was represented by Lawrence E. Schmidt, Esquire of Gildea & Schmidt, LLC. There were no Protestants or other interested persons present.

The uncontradicted testimony and evidence presented was that the subject property is a narrow, yet deep, waterfront lot located on Bay Drive in Bowley's Quarters. The property is approximately 355 feet deep and 50 feet wide zoned R.C.5. Previously, the property was improved with an existing building and two sheds; however, these improvements have been razed. The Petitioners propose construction of a new single-family dwelling on the property. It was indicated that this dwelling would be used as the Petitioners' residence. As more particularly shown on the site plan, the proposed dwelling will be set back from the water a distance consistent with the existing dwellings on either side. This is to ensure that the dwelling will not block water views of adjacent properties. Additionally, although the dwelling will generally maintain 10-foot side yard setbacks on both sides, an area of overhang (or bump outs) on the upper floors on both sides of the dwelling necessitates a request for variance relief to allow a minimum of 8 feet at those locations.

As noted above, the subject property is a waterfront lot in the Bowley's Quarters residential community which has undergone significant redevelopment in recent years, particularly since Hurricane Isabel. The property and surrounding neighborhood was originally laid out on the plat of Bowley's Quarters, which established 50-foot lots throughout the subdivision.

This property was also subject to several prior zoning cases. In Case No. 93-393-SPH, prior owner requested relief "to permit an existing residential structure with accessory structures, or, in the alternative, accessory structures on shore property incidental to a waterfront use." Although relief was granted at the Zoning Commissioner level, the petitions were dismissed while the matter was pending, on appeal, at the County Board of Appeals. Later, in Case No. 95-094-A, variance relief was requested and granted to allow 10-foot side yard setback in lieu of the required 50 feet. This

decision is of particular note, in that the request for 8-foot setbacks in the instant matter represents only a 2-foot difference than the relief previously granted. Moreover, as noted above, the proposed house is generally set back 10 feet from the property line and the additional 2 feet is necessary only in those areas of the proposed dwelling depicted on the site plan which overhang on upper floors.

Building elevation drawings were shown at the hearing that demonstrates that the proposed dwelling will be an attractive structure, consistent in appearance with other houses in the neighborhood. In this regard, a series of photographs, Petitioner's Exhibits 2 and 3, were also submitted at the hearing. These photographs showed a variety of structures throughout the locale. Many of the newer structures have been constructed in the past several years since the damage caused to this area by Hurricane Isabel. The proposed house is similar to many of these newer structures. In these cases, the houses are built so that the lowest area of dwelling space is above the floodplain. Thus, the houses are significantly taller than the shore homes that were built in the area many years ago. Many of these new homes required variance relief.

There were no Protestants present at the hearing. A Zoning Advisory Committee (ZAC) comment from the Department of Environmental Protection and Resource Management (DEPRM) was submitted that did not object to the proposal, and in fact indicated that an approved building permit (B627156) was issued by that department on June 6, 2006. Obviously, the property is subject to the Chesapeake Bay Critical Area regulations. A ZAC comment was also received from the Bureau of Development Plans Review advising that the flood protection elevation for this site is 11.2 feet. The building elevation drawings shown at the hearing indicate that the construction will meet the flood plan regulations. The Department also noted that the ultimate right-of-way for Bay Drive is 40 feet, rather than 30 feet as shown on the plan. In open hearing, Mr. Grammar

amended the site plan, Petitioner's Exhibit 1, to reflect that increased setback. However, the change in right-of-way width does not impact any of the variances requested. Finally, a ZAC comment was received from the Office of Planning. That comment expressed reservations about the height variance, although supported the side yard and maximum coverage variance requests.

I have considered the comments of the Office of Planning carefully. Although I am appreciative of that office's concern regarding the proposed height, I again emphasize the floodplain elevation requirements applicable to this site. Clearly, the Petitioner must restrict the site or the building envelope due to the narrowness of the lot. Additionally, the floodplain requires that the first floor of the dwelling space be elevated a significant distance. Thus, in order to have a reasonably sized dwelling, its height must be increased. Finally, the existence of houses in the area of a similar type and height is persuasive to a finding that the grant of relief will not be out of character for this area.

Based upon the testimony and evidence presented, I am persuaded to grant the variances requested. In my judgment, the property is unique, given its waterfront location, narrowness and the fact that it is subject to stringent environmental and floodplain regulations. Moreover, strict adherence to the regulations would constitute a practical difficulty on the Petitioners in that they would be denied a reasonable use of their property. Moreover, I do not believe that the grant of relief will be detrimental to adjacent properties. As noted above, the proposed house is compatible with others in the area. In sum, the setback variances are a minimal increase to the relief granted previously and the impervious area coverage variance is justified given the unique features of this lot. This variance is necessary, in part, to ensure that the dwelling is setback a compatible distance from the water, so as to not adversely impact other properties. The height variance is proper for the reasons set forth above.

Chuch MECEIVED FOR FILING Date 11 - 28 - CX By 12 12 22 - CX Pursuant to the advertisement, posting of the property and public hearing on the Petition held, and for the reasons given above, the requested Variances shall be granted.

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated October 12, 2006, and the Bureau of Development Plans Review, dated September 25, 2006.

Any appeal of this decision must be made within thirty (30) days of the date hereof.

Zoning Commissioner for

Baltimore County



TO:

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination JUL

DATE: -

October 12, 2006

SUBJECT:

Zoning Item # 07-117-A

Address

3729 Bay Drive

(Leeland Property)

Zoning Advisory Committee Meeting of September 18, 2006

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

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).

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:

Approved building permit, B627156, on June 6, 2006.

Reviewer:

RAE

Date: September 27, 2006

ate ()

Date WEUFORFILING Pate WEUFORFILING

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item No. 07-117

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 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.

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. Setbacks shall be adjusted accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-117-09212006.doc



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

November 28, 2006

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

RE: PETITION FOR VARIANCE

SE/S Bay Drive, 188' SW c/line Wye Road (3729 Bay Drive)
15th Election District – 6th Council District Richard W. Leeland, et ux – Petitioner(s)

Case No. 07-117-A

Dear Ms. Schmidt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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.

Zoning Commissioner

for Baltimore County

WJW:dlw

c: Mr. Richard W. Leeland, 14827 Hunting Way, Phoenix, Md. 21131 Mr. James D. Grammer, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville, Md. 21030 DEPRM; DPR; People's Counsel; Case File

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

> 410-887-2188 Fax: 410-823-4236

PETER MAX ZIMMERMAN People's Counsel CAROLE S. DEMILIO
Deputy People's Counsel

December 19, 2006

Hand-delivered
Timothy Kotroco, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED DEC 1.9 2000

Per Xon

Re:

PETITION FOR VARIANCE

SE/S Bay Drive; 188' SW c/line Wye Road

(3729 Bay Drive)

15th Election District; 6th Council District Richard W. Leeland, et ux. - Petitioners

Case No.: 07-117-A

Dear Mr. Kotroco:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated November 28, 2006 by the Baltimore County Zoning Commissioner.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,
Pot Max Lunmermen

Peter Max Zimmerman

People's Counsel for Baltimore County

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/rmw

cc: Lawrence E. Schmidt, Esquire





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 3729 Bay Drive

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 Variance from Section(s):

- 1. 1A04.3.A, to permit a height of 48 feet in lieu of the required 35 feet; Tox A. S. F. Durenne
- 2. 1A04.3.B.2.b, to permit side yard setbacks of 8 feet in lieu of the required 50 feet;
- 3. 1A04.3.B.3, to permit lot coverage of 25%, in lieu of the maximum permitted lot coverage of 15%; and
- 4. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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

To be presented at hearing.

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.

is the subject of this Petition. Contract Purchaser/Lessee: <u>Legal Owner(s):</u> N/A Richard W. Leeland Name - Type or Print Name - Type or Pan Signature Signature Richard W. Leeland Sharon K. Leeland Address Telephone No. Name - Type or Print City State Zip Code Signature Sharon K. Lecland Attorney For Petitioner: 3729 Bay Drive Address Jason T. Vettori Telephone No. Baltimore MD Name - Type or Print 21220-4406 City State Zip Code Representative to be Contacted: Signature Jason T. Vettori Gildea & Schmidt, LLC Jason T. Vettori Company Name 300 East Lombard Street, Suite 1440 (410) 234-0070 300 East Lombard Street, Suite 1440 Address (410) 234-0070 Telephone No. Address Baltimore Telephone No. MD 21202 Baltimore MD 21202 City State Zip Code City State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 07-(17-UNAVAILABLE FOR HEARING UNINE INTUCTIVE TO THE REVIEWED BY Date (REV 9/15/98

	CASHIER'S VALIDATION
AND SOUTH & COLLOGE GLO	110w.customen 0.7 11-50
BALTIMORE COUNTY, MARYI OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT DATE CT (LOG, AG FROM: FOR: FOR: FOR: FOR: FOR: FOR: FOR: FOR	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YE

•

•

TO: PATUXENT PUBLISHING COMPANY

Thursday, October 26, 2006 Issue - Jeffersonian

Please forward billing to:

Richard Leeland 10927 McCormick Road Hunt Valley, MD 21031 410-229-0079

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: 07-117-A

3729 Bay Drive

Southeast side of Bay Drive, 188 feet southwest of centerline of Wye Road.

15th Election District – 6th Councilmanic District

Legal Owner(s): Richard W. and Sharon K. Leeland

VARIANCE To permit a height of 48 feet in lieu of the required 35 feet for a single family dwelling and to permit side yard setbacks of 8 feet in lieu of the required 50 feet and to permit lot coverage of 25% in lieu of the maximum permitted lot coverage of 15%.

Hearing: Tuesday, November 14, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

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

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.

tem Numl	er or Case Number:	
etitioner:	RICHARD W. LEELAND SHARON K. LEELA	4D
	Location: 3729 BAY DRIVE	<u>-</u>
	•	
	ODMADD ADMEDISING BULTO:	
	ORWARD ADVERTISING BILL TO:	
Name: 1	ICHARD LEELAND	
Name: 1	ICHARD LEELAND	
Name: 1		
Name: 1	ICHARD LEELAND 10927 McCORMICK ROAD	
Name: <u>1</u> Address:	ICHARD LEELAND 10927 McCORMICK ROAD	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

November 8, 2006

Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case Number: 07-117-A Comments, 3729 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 2006.

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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Richard W. Leeland Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406

Department of Permits and Development Management

County Office Building Zoning Review

111 West Chesapeake Avenue, Room 111 Towson, Maryland 21204

>-!



Return Service Requested

Richard W. Leeland Sharon K. Leeland 3729 Bay Drive Baltimore, MD

502 02 NC

(H) NHXHI

より、いらないのであった。

T1716706

O

-20820-2680%

21204460256

0000 2120424602 的工作工作工作



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5 - DT 18, 2006

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

RE: Baltimore County
Item No. 117
#07-117-A
3729 BAY DEIVE
VARIANCE - CONSTRUCT
SINGLE FAMILY DWELLING IN LIEU OF

HEIGHT & JIDE YARD SET BACKS

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. [17]

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:		Timothy M. Kotroco				
FROM:		Dave Lykens, DEPRM - Development Coordination JWL				
DATE:		October 12, 2006				
SUBJEC		Zoning Item Address	# 07-117-A 3729 Bay Drive (Leeland Property)			
Z	oning	Advisory Con	nmittee Meeting of September 18, 2006			
T	he Depomen	partment of Enternation	nvironmental Protection and Resource Management has no ve-referenced zoning item.			
X The De the following		epartment of Environmental Protection and Resource Management offers lowing 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).				
Critical A		Critical Area R	of this property must comply with the Chesapeake Bay Regulations (Sections 33-2-101 through 33-2-1004, and of the Baltimore County Code).			
		nal Comments ing permit, Bé	<u>:</u> 527156, on June 6, 2006.			
Re	eviewe	r: RAE	Date: September 27, 2006			

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item No. 07-117

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 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.

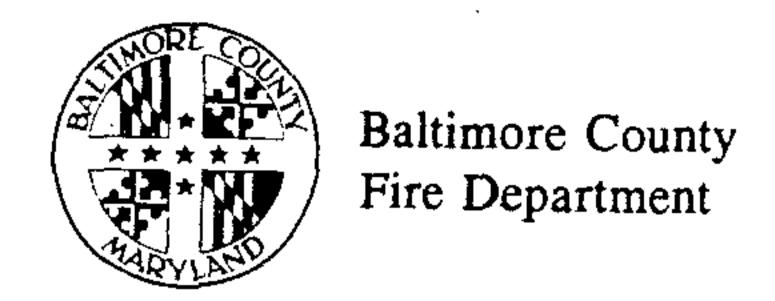
The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

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

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. Setbacks shall be adjusted accordingly.

DAK:CEN:clw

cc: File



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

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

October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

Item Number(s): 113-130

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

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File











BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: November 14, 2006

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 3729 Bay Drive

INFORMATION:

Item Number: 7-117

Petitioner: Shareba Kerriem

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and offers the following: no objection to the requests to waive the side yard setbacks or the lot coverage variance, however, this office is opposed to granting the variance from Section 1A04.3.A to permit a height of 48 feet in lieu of the required 35 feet.

Allowing a height variance for this proposed infill structure could potentially obstruct both views and light from adjacent dwellings and from dwellings on the opposite side of Bay Drive. It is the suggestion of this office that the proposed dwelling be redesigned in order that is complies with the 35 foot height limit as required by zoning.

However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Revise and submit building elevations (all sides) of the proposed structure to this office for review and approval prior to the hearing. The proposed structure shall be compatible in size and architectural detail as that of the existing buildings of its kind in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

Division Chief: AFK/LL: CM



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case: 07-117-A, 3729 Bay Drive

Please be advised that an appeal of the above-referenced case was filed in this office on December 19, 2006 by the People's Council for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco Director

TK:amf

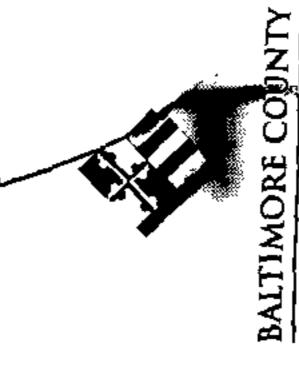
c: William J. Wiseman III, Zoning Commissioner Timothy Kotroco, Director of PDM

People's Counsel

Richard W. and Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406

James K. Grammer McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

Lawrence Schmidt Gildea & Schmidt, LLC 300 East Lombard Street Baltimore 21202



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

451 7 53

Return Service Requested

D. 57 14

Richard W. and Sharon K. Leeland 3729 Bay Drive Baltimore, MD 21220-4406

UHXHZ

; (; ;

08 04/27/07

あれている。その、なられらればない。とうというとうには、というとうには、というとははないには、こともはには、こともはには、こともはには、これをはいました。これをはいると

hallan Dahaman dahahahahahan Balahahahan H

この形式物の物が利用の

APPEAL

Petition for Variance 3729 Bay Drive

Southeast side; 188 feet southwest centerline Wye Road 15th Election District – 6th Councilmanic District Legal Owner(s): Richard W. Leeland, et ux – Petitioners

Case No.:07-117-A

Petition for Special Hearing (September 14, 2006)

Zoning Description of Property

Notice of Zoning Hearing (September 27, 2006)

Certification of Publication (October 26, 2006)

Certificate of Posting (October 30, 2006) by Robert Black

Entry of Appearance by People's Counsel (September 28, 2006)

Petitioner(s) Sign-In Sheet – 1 Sheet

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1. Site Plan
- 2. Photographs of neighboring home heights
- 3. Photographs
- 4. Raising permit (not marked as Exhibit #4)

-Protestants' Exhibits:

Miscellaneous (Not Marked as Exhibit)

Zoning map

Zoning Commissioner's Order (GRANTED in accordance w/order - November 28, 2006)

Notice of Appeal received on December 19, 2006 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010 Zoning Commissioner/Deputy Zoning Commissioner Timothy Kotroco, Director of PDM Richard W. and Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406 James K. Grammer McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

Lawrence Schmidt Gildea & Schmidt, LLC 300 East Lombard Street Baltimore 21202 Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore 21202

date sent January 22, 2007, amf



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case: 07-117-A, 3729 Bay Drive

Please be advised that an appeal of the above-referenced case was filed in this office on December 19, 2006 by the People's Council for Baltimore County. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Timothy Kotroco Director

TK:amf

c: William J. Wiseman III, Zoning Commissioner

Timothy Kotroco, Director of PDM

People's Counsel

Richard W. and Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406

James K. Grammer McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

Lawrence Schmidt Gildea & Schmidt, LLC 300 East Lombard Street Baltimore 21202

APPEAL

Petition for Variance 3729 Bay Drive

Southeast side; 188 feet southwest centerline Wye Road 15th Election District – 6th Councilmanic District Legal Owner(s): Richard W. Leeland, et ux – Petitioners

Case No.:07-117-A

Petition for Special Hearing (September 14, 2006)

Zoning Description of Property

Notice of Zoning Hearing (September 27, 2006)

Certification of Publication (October 26, 2006)

Certificate of Posting (October 30, 2006) by Robert Black

Entry of Appearance by People's Counsel (September 28, 2006)

Petitioner(s) Sign-In Sheet - 1 Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet - None

Zoning Advisory Committee Comments

Petitioners' Exhibit

- 1. Site Plan
- 2. Photographs of neighboring home heights
- 3. Photographs
- 4. Raising permit (not marked as Exhibit #4)

Protestants' Exhibits:

Miscellaneous (Not Marked as Exhibit)

1. Zoning map

Zoning Commissioner's Order (GRANTED in accordance w/order – November 28, 2006)

Notice of Appeal received on December 19, 2006 from People's Counsel

c: People's Counsel of Baltimore County, MS #2010 Zoning Commissioner/Deputy Zoning Commissioner Timothy Kotroco, Director of PDM Richard W. and Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406 James K. Grammer McKee & Associates, Inc. 5 Shawan Road, Suite 1 Cockeysville 21030

Lawrence Schmidt Gildea & Schmidt, LLC 300 East Lombard Street Baltimore 21202 Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore 21202

date sent January 22, 2007, amf



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 3729 Bay Drive

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 Variance from Section(s):

1. 1A04.3.A, to permit a height of 48 feet in lieu of the required 35 feet; Fex & S. F. Du eu cux

2. 1A04.3.B.2.b, to permit side yard setbacks of 8 feet in lieu of the required 50 feet;

3. 1A04.3.B.3, to permit lot coverage of 25%, in lieu of the maximum permitted lot coverage of 15%; and

4. For such other and further relief as may be deemed necessary by the Zoning Commissioner.

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

To be presented at hearing.

CADEN MEULIVEU FOR FILING

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

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

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

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): N/A Richard W. Leeland Name - Type or Print Name - Type or Brint Signature Signature Richard W. Leeland Sharon K. Leeland Address Telephone No. Name - Type or Print City State Zip Code Signature Sharon K. Leeland Attorney For Petitioner: 3729 Bay Drive Address Jason T. Vettori Telephone No. Baltimore Name - Type or Print MD 21220-4406 City State Zip Code Representative to be Contacted: Signature Jason T. Vectors Gildea & Schmidt, LLC Jason T. Vettori Company Name 300 East Lombard Street, Suite 1440 (410) 234-0070 300 East Lombard Street, Suite 1440 Address (410) 234-0070 Telephone No. Address Baltimore Telephone No. MD 21202 Baltimore MDCity 21202 State Zip Code City State Zip Code OFFICE USE ONLY Case No. 07-117-A. ESTIMATED LENGTH OF HEARING __ UNAVAILABLE FOR HEARING Reviewed By REV 9/15/98

MCLEE & ASSOCIATES, I.C.

Engineering • Surveying • Environmental Planning

Real Estate Development

ZONING DESCRIPTION 3729 Bay Drive 15th Election District Baltimore County, MD

Beginning at a point on the southeast side of Bay prive, 30 feet wide, said point being 188 feet southwesterly from the centerline of Wye Road. Being Lot 235 in the subdivision Second Addition to Plat No. 1, Bowley's Quarter as recorded in Baltimore County Plat Book 8, page 73, containing 17,751 square feet of 0.41 acres of land. Also know as 3729 Bay Drive and located in the 15th Election District, 6th Councilmanic District.

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

September 27, 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: 07-117-A

Muthy Kotroco

3729 Bay Drive

Southeast side of Bay Drive, 188 feet southwest of centerline of Wye Road.

15th Election District – 6th Councilmanic District

Legal Owner(s): Richard W. and Sharon K. Leeland

VARIANCE To permit a height of 48 feet in lieu of the required 35 feet for a single family dwelling and to permit side yard setbacks of 8 feet in lieu of the required 50 feet and to permit lot coverage of 25% in lieu of the maximum permitted lot coverage of 15%.

Hearing: Tuesday, November 14, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:amf

C: Richard W. and Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406

Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore 21202

Richard Leeland 10927 McCormick Road Hunt Valley 21031

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 30, 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

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: #07-117-A
2720 Ray Drive

Case: #07-117-A
3729 Bay Drive
Southeast side of Bay Drive, 188 feet southwest of centerline of Wye Road.
15th Election District-6th Councilmanic District
Legal Owner(s): Richard W. and Sharon K. Leeland
Variance: To permit a height of 48 feet in Ileu of the required 35 feet for a single family dwelling and to permit side yard setbacks of 8 feet in Ileu of the required 50 feet and to permit lot coverage of 25% in Ileu of the maximum permitted iot coverage of 15%.
Hearing: Tuesday, November 14, 2086 at 2:00 p.m. in Room 407, County Gourts 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.

10/337 Oct. 26

CERTIFICATE OF PUBLICATION

10/26/,2006
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
n 10/26 ,2006.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
S. Wilkinger
LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No.: 07 - 117-A
	Petitioner/Developer: RICHARD
	AND SHARON K. LEELANI
-	Date of Hearing/Closing: WOY 14, Z
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:	•
posted conspicuously on the property located	
3729 BAY	DRIVE
· •	
The sign(s) were posted on	OCT 30, 2006 (Month, Day, Year)
	(Month, Day, Year)
•	Sincerely,
- · · · · · · · · · · · · · · · · · · ·	Robert Black 11-2-de
	(Signature of Sign Poster) (Date)
	SSG Robert Black
ZONING NOTICE	(Print Name)
	1508 Lestie Road
	(Address)
	Dundalk, Maryland 21222
2000	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

PROFI MORT CORPC 410-41 RE: PETITION FOR VARIANCE

3729 Bay Drive; SE/S Bay Drive,

188' SW c/line of Wye Road

15th Election & 6th Councilmanic Districts

Legal Owner(s): Richard & Sharon Leeland *

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

07-117-A

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

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 18th day of September, 2006, a copy of the foregoing Entry of Appearance was mailed to, Jason T. Vettori Esquire, Gildea & Schmidt LLC, 300 E. Lombard Street, Suite 1440, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

QTP 1 8 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

PLEASE PRINT CLEARLY

CASE NAME 3729 BAY DRIVE CASE NUMBER 07-117-A DATE NOW 14, 2006

PETITIONER'S SIGN-IN SHEET

E- MAIL 21030 21202 2113/ STATE, ZIP COCKETS VILLE MD mocnix mo CITY, ADDRESS WAT COAD Hunting Way 14837 Ames D. GRAMMEN Edrad W. Leelan iANNelle 12 Shin NAME



JAMES T. SMITH. JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

November 8, 2006

Jason T. Vettori Gildea & Schmidt, LLC 300 East Lombard Street, Suite 1440 Baltimore, MD 21202

Dear Mr. Vettori:

RE: Case Number: 07-117-A Comments, 3729 Bay Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 14, 2006.

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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

U. Callaball

WCR:amf

Enclosures

c: People's Counsel

Richard W. Leeland Sharon K. Leeland 3729 Bay Drive Baltimore 21220-4406

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: November 14, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

SUBJECT:

3729 Bay Drive

NOV 1 4 2006

INFORMATION:

Item Number:

7-117

ZONING COMMISSIONER

Petitioner:

Shareba Kerriem ecland

Zoning:

RC 5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and offers the following: no objection to the requests to waive the side yard setbacks or the lot coverage variance, however, this office is opposed to granting the variance from Section 1A04.3.A to permit a height of 48 feet in lieu of the required 35 feet.

Allowing a height variance for this proposed infill structure could potentially obstruct both views and light from adjacent dwellings and from dwellings on the opposite side of Bay Drive. It is the suggestion of this office that the proposed dwelling be redesigned in order that is complies with the 35 foot height limit as required by zoning.

However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of existing adjacent dwellings.
- 2. Revise and submit building elevations (all sides) of the proposed structure to this office for review and approval prior to the hearing. The proposed structure shall be compatible in size and architectural detail as that of the existing buildings of its kind in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.

- 3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

Division Chief: AFK/LL: CM

State Highway
Administration 8

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 5-07 16, 2006

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

RE:

Baltimore County
Item No. 117
せのフーロアー人

3729 BAY DEIVE

VARIANCE - CONSTRUCT SINGLE FRMILY DWELLING INLIEU OF HEIGHT & JIDE YLRO SETFACKS

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. [17]

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Engineering Access Permits

Division

SDF/MB

Inter-Office Correspondence



TO:		Timothy M. Kotroco						
FROM:		Dave Lykens, DEPRM - Development Coordination JWL						
DATE:		October 12, 2006						
SUBJE	CT:	Zonin Addre	g Item	# 07-117-A 3729 Bay Driv (Leeland Prope				
	Zoning	Advis	sory Con	nmittee Meeting	g of Septemb	oer	18, 2006	
		epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.						
	The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:							
-		Protec	tion of V	Water Quality, S	Streams, Wei	tla	vith the Regulations for the nds and Floodplains (Sections 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).							
-	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).							
-			omments ermit, Be	<u>:</u> 527156, on June	e _. 6, 2006.			
F	Review	er:	RAE		Date	:	September 27, 2006	

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: September 25, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 25, 2006

Item No. 07-117

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 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.

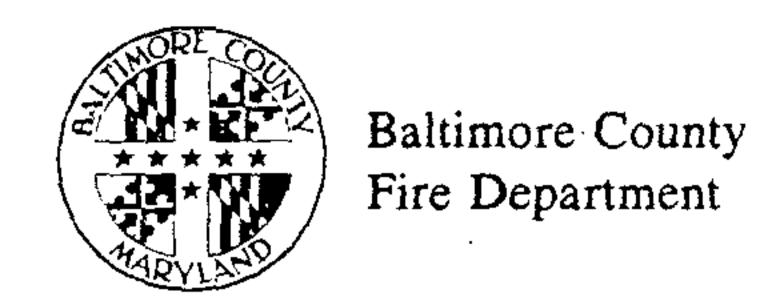
Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

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. Setbacks shall be adjusted accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-117-09212006.doc



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 October 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 2, 2006

Item Number(s): 113-130

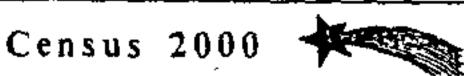
Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

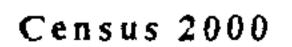
cc: File













Case No.: 07-117 A 3729 BAY DRIVE

Exhibit Sheet

Petitioner/Developer

Protestant

	~	T
No. 1	Site PLAN	•
No. 2	PHOTOGRAPHS NEIGHBORING HOME HGHTS	
No. 3	Collectively - THOTOS	
No. 4	PAISING PERMIT	
No. 5		
No. 6		· · · · · · · · · · · · · · · · · · ·
No. 7		•
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
<u> </u>	······································	

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE #3729 BAY DRIVE

LOT 235, "SECOND ADDITION TO PLAT No. 1, BOWLEYS QUARTER", PLAT 8/73

15th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

6TH COUNCILMANIC DISTRICT

. SCALE : 1"=30"

DATE: AUGUST 9, 2006

REVISED: 9-11-2006 REVISED: 9-14-2006

PETITIONER'S

EXHIBIT NO.

COMPUTED BY: CHECKED BY: JOB No.:

NS JDG RLB-031

Engineering • Surveying • Real Estate Development
Environmental Planning

5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555

COCKEYSVILLE, MD 21030 Fax: 410-527-1563



3727 BAY DRIVE (FROM STREET)



SUBJECT LOT (FROM STREET)



3731 BAY DRIVE (FROM STREET)



3733 BAY DRIVE (FROM STREET)

3729 BAY DRIVE ZONING CASE No: 07-117-A

PETITIONERS EXHIBIT No.



Engineering • Surveying • Real Estate Development Environmental Planning

5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555

COCKEYSVILLE, MD 21030 Fax: 410-527-1563



3713 BAY DRIVE (FROM STREET)



3709 BAY DRIVE (FROM STREET)

3729 BAY DRIVE ZONING CASE No: 07-117-A

PETITIONERS EXHIBIT No.____

Engineering • Surveying • Real Estate Development Environmental Planning

5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555

COCKEYSVILLE, MD 21030 Fax: 410-527-1563



3725 & 3727 BAY DRIVE (FROM WATER)



SUBJECT LOT (FROM WATER)



3731 & 3733 BAY DRIVE (FROM WATER)

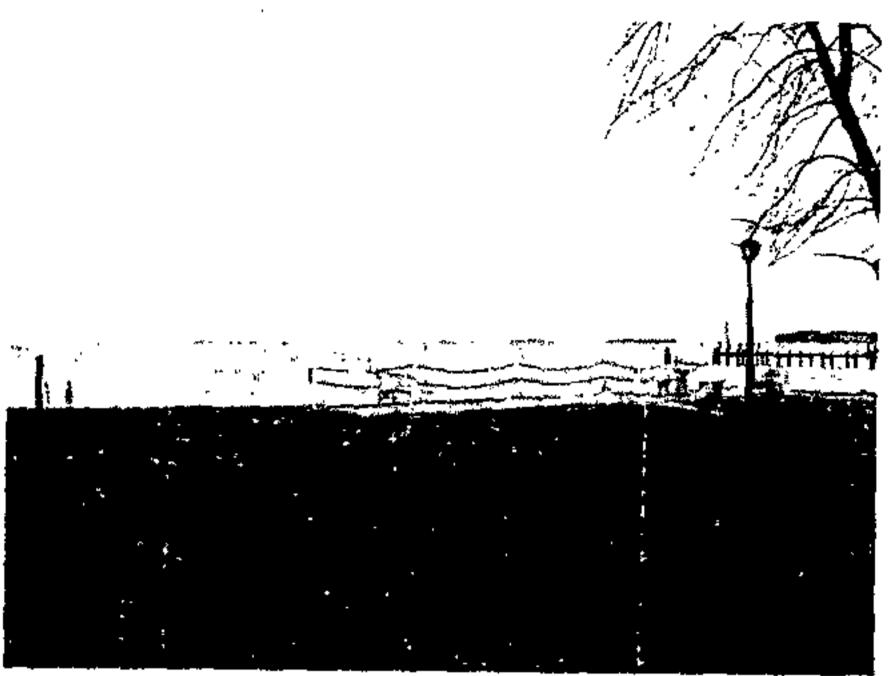
3729 BAY DRIVE ZONING CASE No: 07-117-A

PETITIONERS EXHIBIT No.____

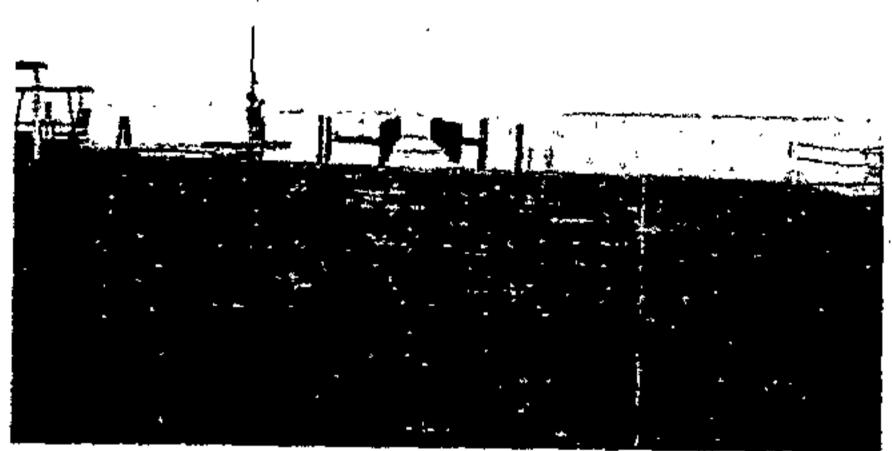
Engineering • Surveying • Real Estate Development Environmental Planning

5 SHAWAN ROAD, SUITE 1 Tel: 410-527-1555

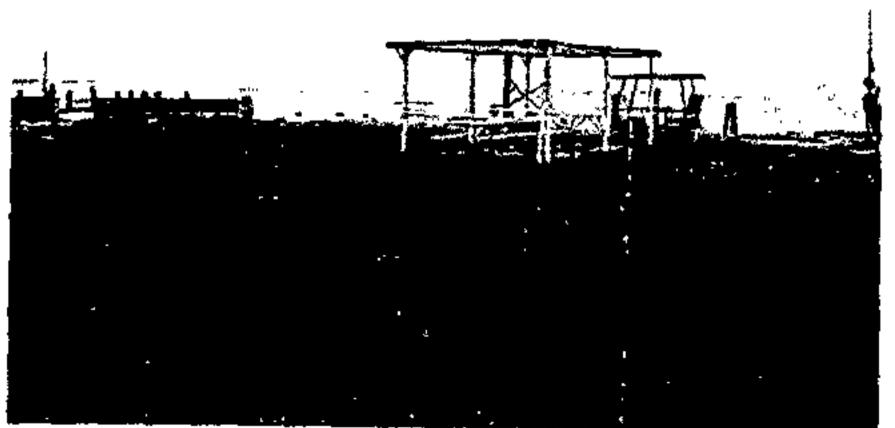
COCKEYSVILLE, MD 21030 Fax: 410-527-1563



WATER VIEW FROM PROPOSED DECK (SOUTHERLY)



WATER VIEW FROM PROPOSED DECK (SOUTHEASTERLY)



WATER VIEW FROM PROPOSED DECK (EASTERLY)

3729 BAY DRIVE ZONING CASE No: 07-117-A

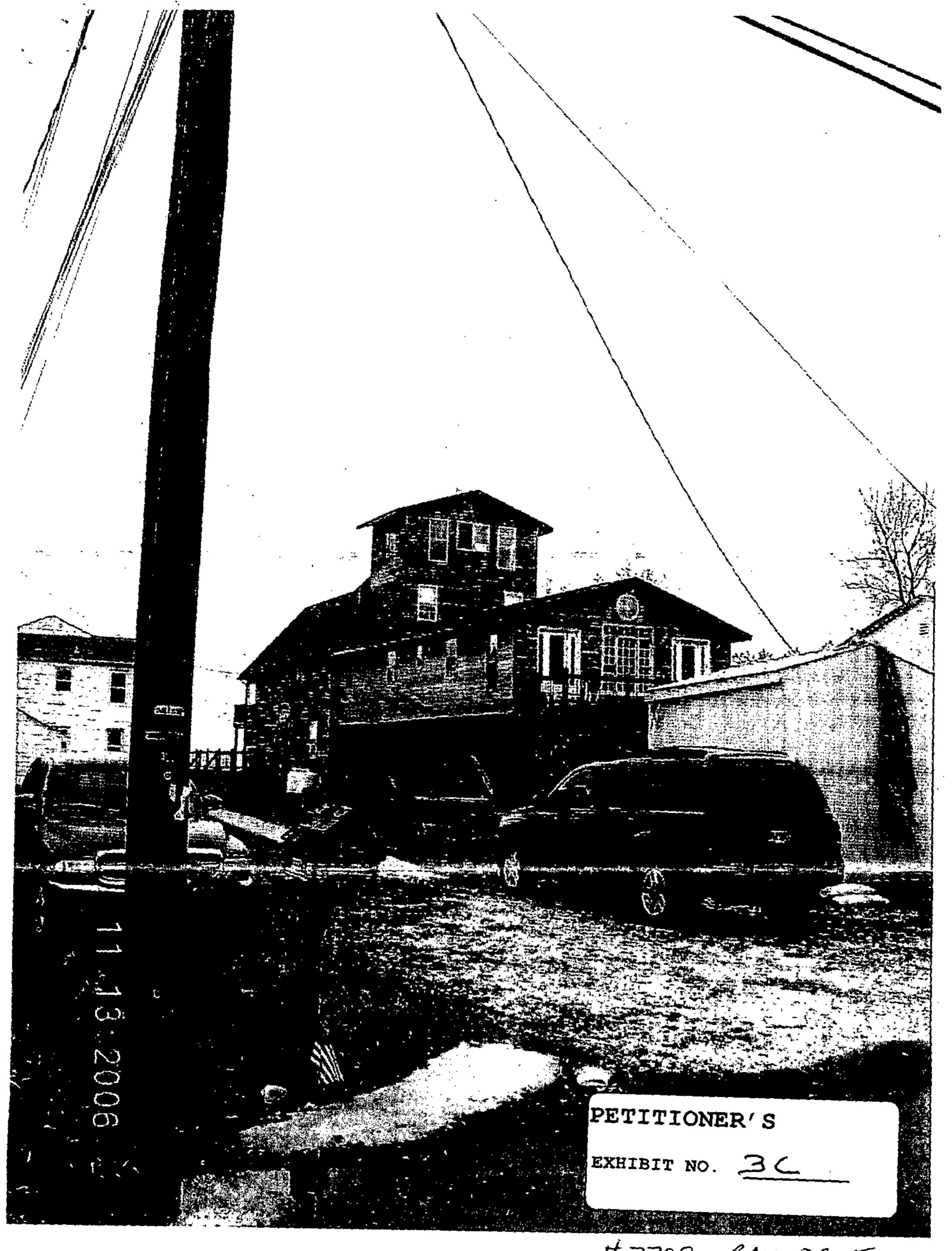
PETITIONERS EXHIBIT No.___



3733 BAY DRIVE



3713 BAY DRIVE



#3709 BAY DRIVE



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT TOWSON, MARYLAND 21204

TIMOTHY M. KCTROCO DIRECTOR

BUILDING PERMIT

SUILDINGS ENGINEER

PERMIT #: PR99869 CONTROL #: RA

DIST: 15

PROD: Wil

DATE ISSUED: 07/22/2005 TAX ACCOUNT #: 1520660251

CLASS: 34

PLANS: COMST O PLOT O R PLAT O DATA O ELEC NO PLUM NO LOCATION: U.29 BAY DR

SUBBLUISION: BOWLEYS QUARTER CO

DUNERS INFORMATION NAME: CONNELLYGREGORY APTK: 300 MACE AVE. 21221

TENANT:

CONTR: OWNER

ENGNR: SELLR:

WC)RK;

RAZE 2 EX. SHEDS; TO BE TORN DOWN+DEBRIS TO BE MAULED TO APPROVED SANITARY LANGFILL IN ACCUR-DANCE WITH APPLICABLE BALTO.CO.SITE REGULA-TIONS, PERMIT EXPIRES PO DAYS FROM ISSUE DATE. NO UTILITIES INVOLUED, 9X12=108SF EACH.

MLOG. CODE:

RESIDENTIAL CATEGORY:

OWNERSHIP: PRIVATELY DUMED

PROPOSED USE: VACANT EXISTING USE: 2 SHEDS

TYPE OF IMPRV: URECKING USE: OTHER " RESIDENTIAL

IFOUNDATION:

BASEMENT;

SEWAGE: PRIV. EXISTS

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 1800085 FRONT STREET: SIDE STREET: FRONT SCIB:

NO

SISE SET8: WONNO SIDE STR BETB:

CLAR SETB:

MC .

кккк Vegetation жиний Rail Lines

Baltimore County Office of Planning and Zo Official Zoning Map

