

IN RE: PETITION FOR ADMIN. VARIANCE
NW side of Bauermischmidt Drive, 380
feet N of Riverside Drive
15th Election District
6th Councilmanic District
(2222 Bauernschmidt Drive)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY

Theresa McQuaid and Deborah Webber
Petitioners

* CASE NO. 07-443-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Theresa McQuaid and Deborah Webber. The variance request is for property located at 2222 Bauernschmidt Drive. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 27 by 22 foot addition on front of existing dwelling with a side setback of 7.8 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to construct an addition to provide extra living space for an elderly parent. The addition will be placed at the front or street side of the house. The property is 14,157 feet in size and zoned DR 3.5.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Department of Environmental Protection and Resource Management dated May 8, 2007 which contains restrictions. ZAC comments were received from the Bureau of Development Plans Review dated April 16, 2007 which contains restrictions. Copies of these comments are incorporated herein and made a part hereof the file.

COPIES RECEIVED FOR FILE

COPIES

22

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 7, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

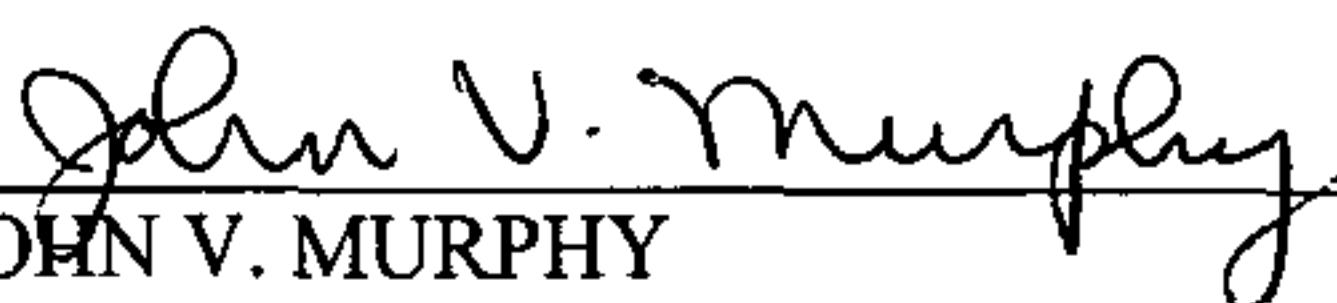
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

RECEIVED FOR FILE
5-22-07
B3

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22nd day of May, 2007 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 27 by 22 foot addition on front of existing dwelling with a side setback of 7.8 feet in lieu of the required 10 feet be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 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. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
3. The flood protection elevation for this site is 10.4 feet.
4. 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.
5. 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.
6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. 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.
10. The site is within the Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area. The impervious surfaces cannot exceed the current amount, an equal area of impervious surface must be removed. Mitigation may also be required.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 22, 2007

THERESA MCQUAID AND DEBORAH WEBBER
2222 BAUERNSCHMIDT DRIVE
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 07-443-A
Property: 2222 Bauernschmidt Drive

Dear Ms. McQuaid and Ms. Webber:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:pz

Enclosure

CBCA Flood



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2222 Bauernschmidt Dr
which is presently zoned D.R. 3.5

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 B02.3C1

TO PERMIT A 27 FT x 22 FT ADDITION OF FRONT OF
EXISTING DWELLING WITH A SIDE SETBACK OF 7.8 FEET IN
LIEU OF THE REQUIRED 10 FEET

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Theresa McQuaid

Name - Type or Print

Signature

DEBORAH WEBBER

Name - Type or Print

Signature

2222 BAUERNSCHMIDT DR (410) 464-2011 (410) 686-5277

Address

Telephone No.

BALTIMORE

City

MD

State

21221

Zip Code

Representative to be Contacted:

Name

Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 07 day of July that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-443-A

REV 10/25/01

Reviewed By A.K. Tsui Date 03/30/07

Estimated Posting Date 04/8 - 4/23/07

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 2222 BAVERNSCHMIDT Dr
Address
BALTIMORE MD 21221
City State Zip Code

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

THE PETITIONERS REQUEST TO ADD A 27' X 22' ADDITION TO ADD LIVING SPACE FOR MY ELDERLY MOTHER. THIS SPACE WILL ALSO GIVE THE HOME SPACE TO HAVE A DINING ROOM. THE PROPOSED ADDITION WILL LENGTHEN THE DWELLING AWAY FROM THE WATER, AND NOT WIDEN OR RAISE THE HEIGHT OF THE DWELLING. THE ADDITION WILL IMPROVE THE APPEARANCE OF THE HOUSE.

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

[Signature]
Signature
THERESA McQUAID
Name - Type or Print

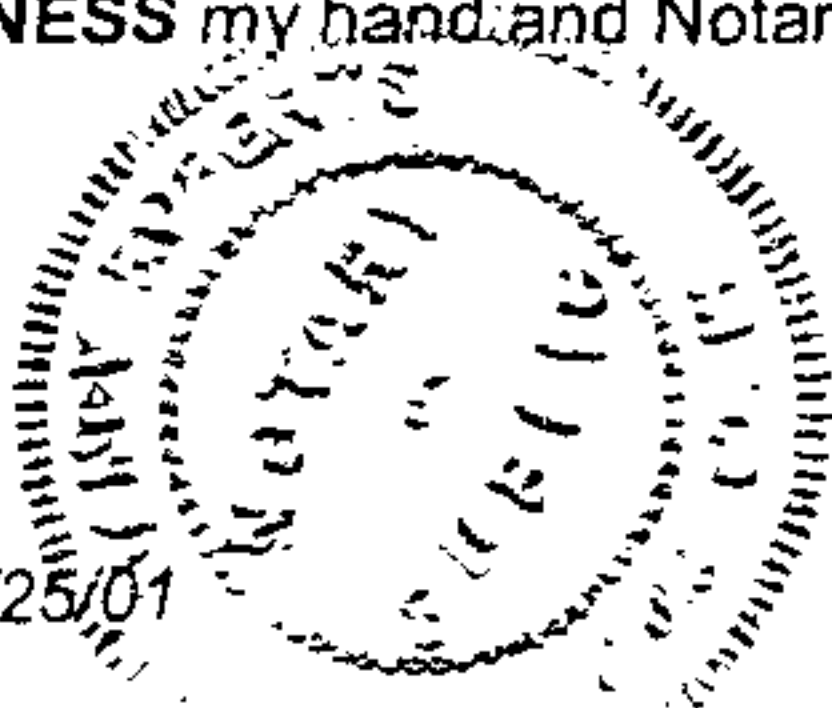
[Signature]
Signature
Deborah L. Webber
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of MARCH, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

THERESA McQUAID + DEBORAH L. WEBBER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Nancy Roberts
Notary Public NANCY ROBERTS
My Commission Expires JUNE 01, 2007

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 2222 BAUERNSCHMIDT DRIVE
Address
BALTIMORE MD 21221
City State Zip Code

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

THE PETITIONERS REQUEST TO ADD A 27' X 22' ADDITION TO ADD LIVING SPACE FOR MY ELDERLY MOTHER. THIS SPACE WILL GIVE THE HOME SPACE TO HAVE A DINING ROOM. THE PROPOSED ADDITION WILL LENGTHEN THE DWELLING AWAY FROM THE WATER, AND NOT WIDEN OR RAISE THE HEIGHT OF THE DWELLING. THE ADDITION WILL IMPROVE THE APPEARANCE OF THE HOUSE.

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

[Signature]
Signature
THERESA McQUAID
Name - Type or Print

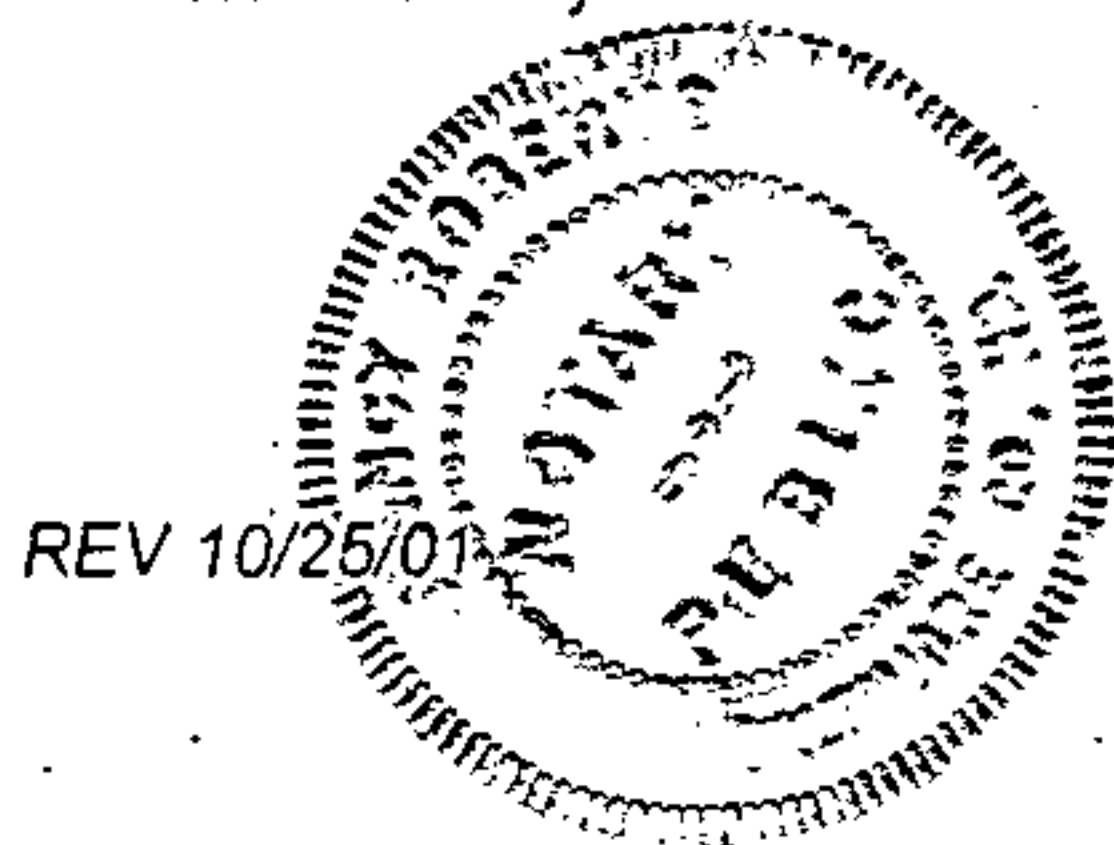
[Signature]
Signature
Deborah L. Webber
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29TH day of MARCH, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

THERESA McQUAID + DEBORAH L. WEBBER
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Nancy Roberts
Notary Public NANCY ROBERTS
My Commission Expires JUNE 01, 2007

CBCA Flood



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2222 Bauernschmidt Dr.
which is presently zoned DR 3.5

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 B02.3C1

TO PERMIT A 27FT X 22FT ADDITION ON FRONT OF EXISTING DWELLING WITH A SIDE SETBACK OF 7.8 FEET IN LIEU OF THE REQUIRED 10 FEET.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

THORESA McQUAID

Name - Type or Print

Signature

DEBORAH WEBBER

Name - Type or Print

Signature

2222 BAUERNSCHMIDT DR 686-5277

Address

Telephone No.

BALTIMORE

City

MD

State

21221

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 03/30/07 day of March, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO.

07-443-A

Reviewed By

A.K. Fall

Date

03/30/07

REV 10/25/01

Estimated Posting Date

04/8 - 4/23/07

Zoning Description

Zoning Description for 2222 Bauernschmidt Drive, Baltimore, MD 21221.

Beginning at a pipe found south 01 degrees 10' 30" west, 51.31 feet from the intersection of the southerly right of way of Saint Martin Drive, which is 20' of right of way width and the westerly right of way and Bauernschmidt Drive, which is 40' of right of way width, which is southwest 61.31 of the centerline of the nearest improved intersecting street of Saint Martin Drive.

1. South 02 Degrees, 16' 43" East, 50.07 feet to a $\frac{3}{4}$ pipe found, thence leaving the said right of way, for lines of division the following two courses and distances, viz:
2. North 66 Degrees, West, 88.54 feet to a standard marker set, passing in transit a tack found in BGE Pole No. 232542, 86.89 feet from the beginning of the said line;
3. North 58 Degrees, 37' 41" West, 191.22 feet to a nail set in a plastic cap stamped "MRA Property Corner" in a wood bulkhead and the waters of Hogpen Creek;
4. North 41 Degrees, 35' 29" East, 59.69 feet, to a nail set as described above, thence leaving Hogpen Creek;
5. South 57 Degrees, 17' 16" East, 240.75 feet to the point of beginning.

Being Lots # 123, 124, and 125, Section G as shown on a Plat entitled "Bauernschmidt Manor" recorded in the aforementioned Land Records in Liber C.W.B. Jr. 12, folio 81, containing 0.325 acres of land. Also known as 2222 Bauernschmidt Drive, Baltimore, MD 21221 and located in the 15th Election District, 6th Councilmanic District.

CERTIFICATE OF POSTING

RE: Case No.: 07-443-A

Petitioner/Developer: TERESA

MCQUAID

Date of Hearing/Closing: 4-23-07

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

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

Ladies and Gentlemen:

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

2222 BAYER-SCHMIDT DR.

The sign(s) were posted on _____

4-7-07
(Month, Day, Year)

Sincerely,

Robert Black 4-7-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

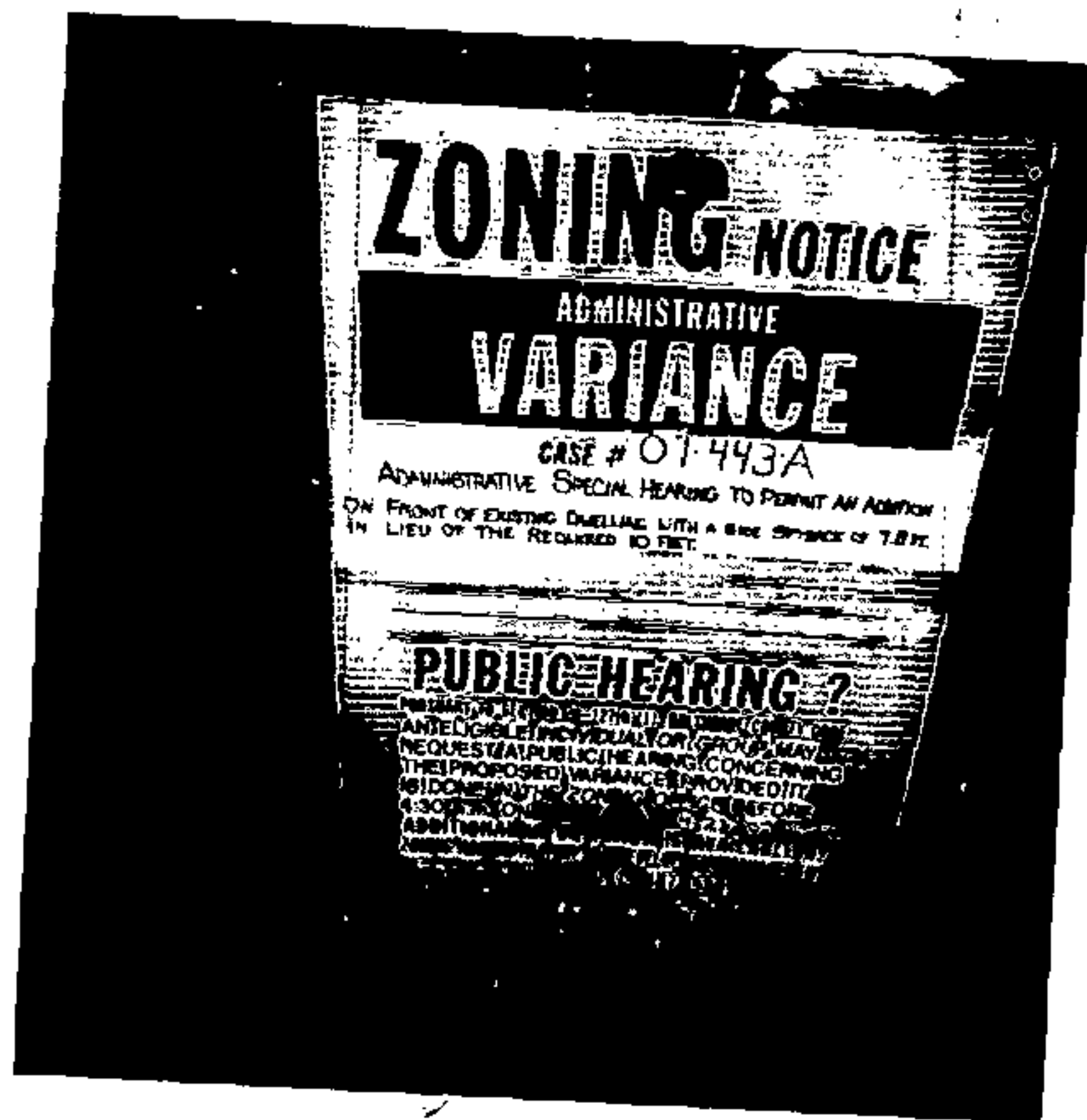
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



ADMINISTRATIVE SPECIAL HEARING INFORMATION SHEET AND DATES

Case Number 07- 443 - SPHA Address 2222 BAUERNSCHMIDT DR

Contact Person: ARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 03/30/07 Posting Date: 04/8 Closing Date: 4/23/07

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

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

(Detach Along Dotted Line)

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

USE THE SPECIAL HEARING SIGN FORMAT

Case Number 07- 443 - SPHA Address 2222 BAUERNSCHMIDT DR

Petitioner's Name THERESA McQUAID Telephone 410-686-5277

Posting Date: 4/8/07 Closing Date: 4/23/07

Wording for Sign: Administrative Special Hearing to approve

TO PERMIT AN ADDITION ON FRONT OF EXISTING DWELLING
WITH A SIDE SETBACK OF 7.8 FEET IN LIEU OF
THE REQUIRED 10 FEET

WCR - 6/28/00

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25005

DATE 3/30/07 ACCOUNT 001-0066150

AMOUNT \$ 65.00

RECEIVED FROM: THERESA McQUAID

FOR: ADMINISTRATIVE VARIANCE

AT 2222 BARNESCHMIDT DR.

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

01-443-A

PAID RECEIPT

RECEIVED BY: ALMA TIME: 14:54:26

DATE: 3/30/2007 BY: ALMA

AMOUNT: 65.00

RECEIPT NO: 3/30/2007

RECEIPT TOTAL: 65.00

RECEIPT TOTAL: 65.00

RECEIPT TOTAL: 65.00

RECEIPT TOTAL: 65.00

CASHIER'S VALIDATION



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

April 24, 2007

Theresa McQuaid
Deborah Webber
2222 Bauernschmidt Drive
Baltimore, MD 21221

Dear Ms. McQuaid and Ms. Webber:

RE: Case Number: 07-443-A, 2222 Bauernschmidt Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 30, 2007.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

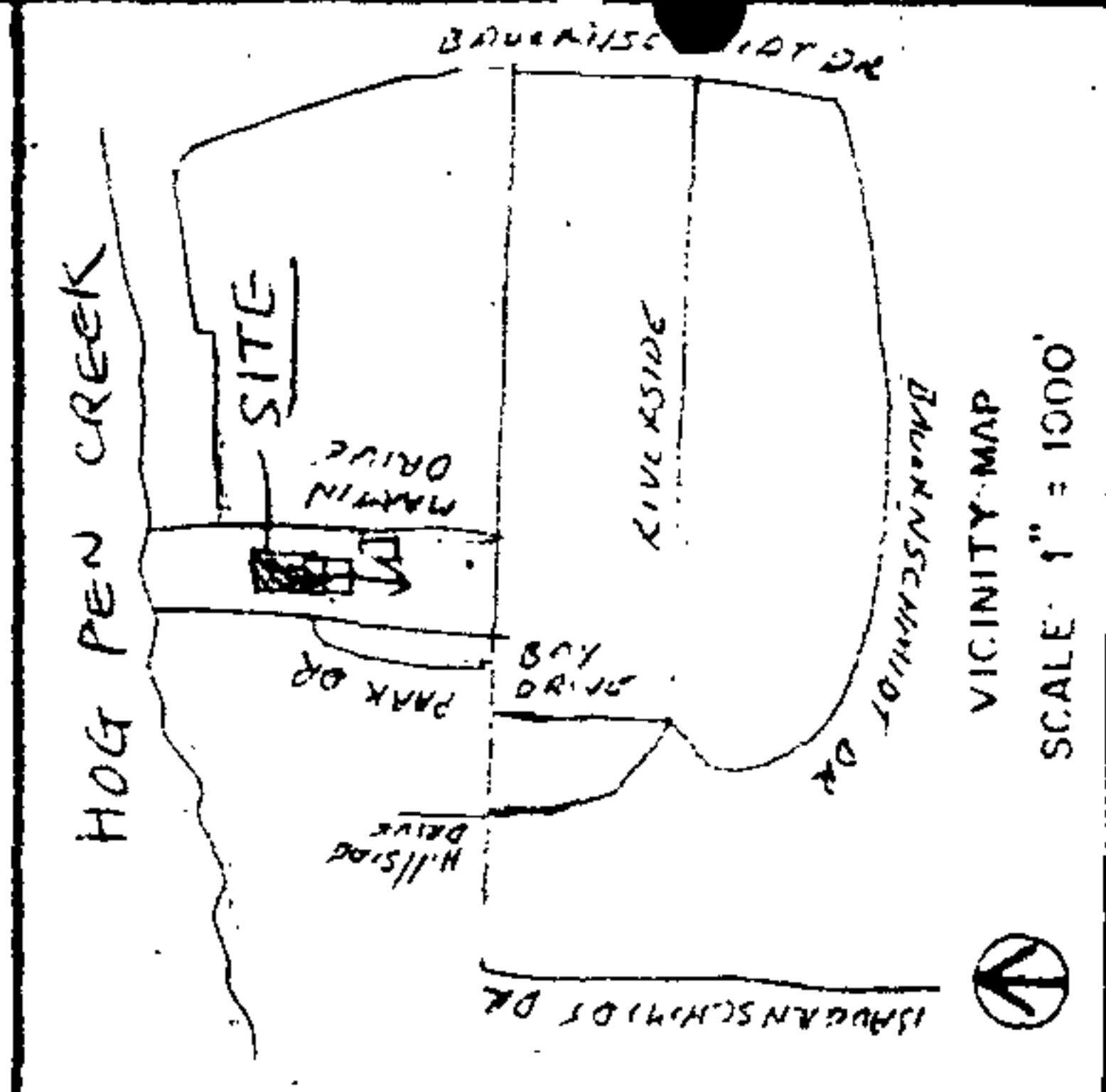
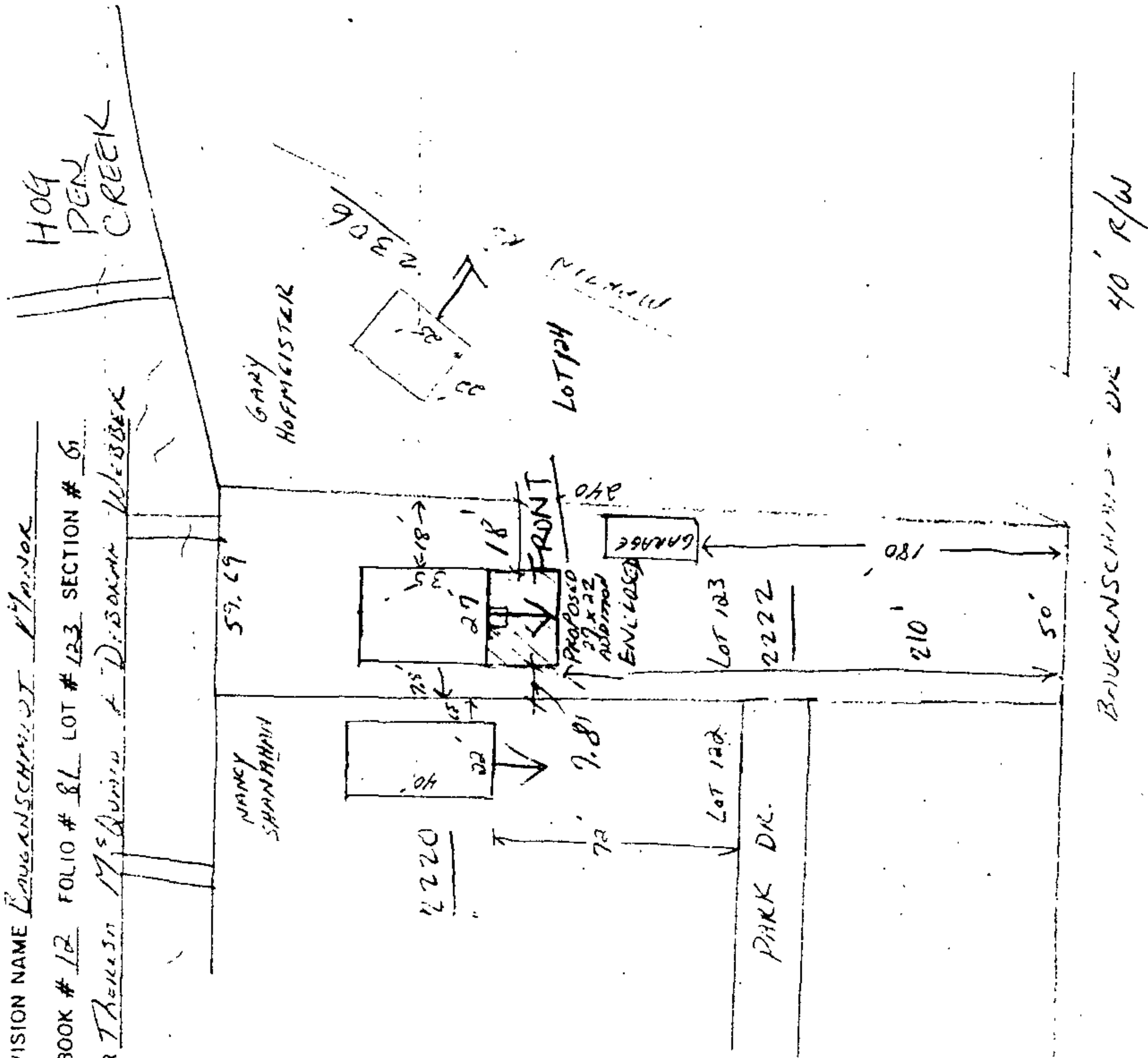
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2222 Bruckenschmidt Dr SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bruckenschmidt Manor

PLAT BOOK # 12 FOLIO # 81 LOT # 123 SECTION # 6

OWNER Thomas McQuinn & Deborah Webster



LOCATION INFORMATION

ELECTION DISTRICT 15
 COUNCILMANIC DISTRICT 6
 1" = 200' SCALE MAP # 098A.2
 ZONING D.R. 3.5
 LOT SIZE .325 ACRES 14,157 SQUARE FEET

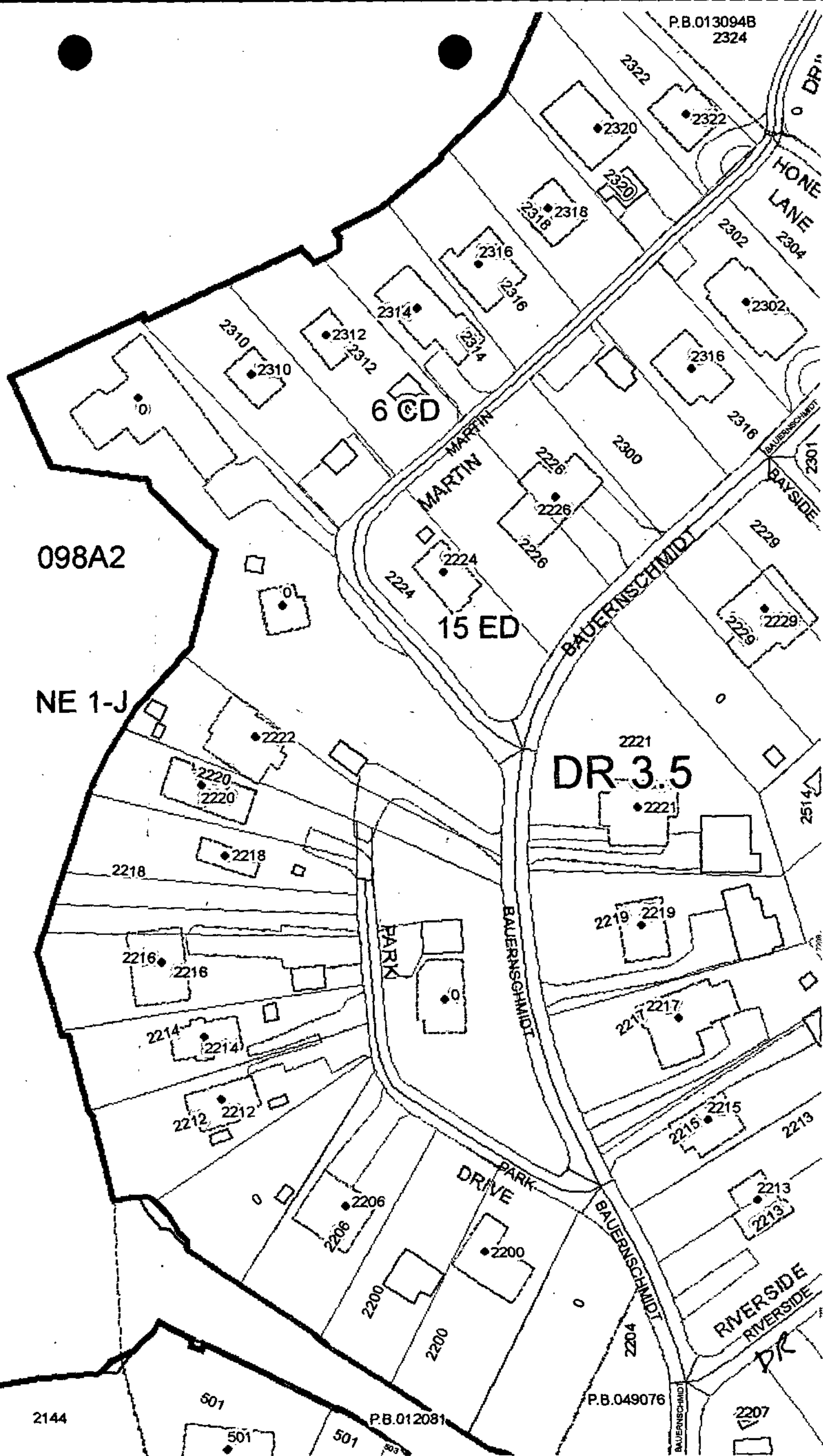
SEWER	☒ PUBLIC	☐ PRIVATE
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	YES ☒	NO ☐
100 YEAR FLOOD PLAIN	☒	☐
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARING	NONE	

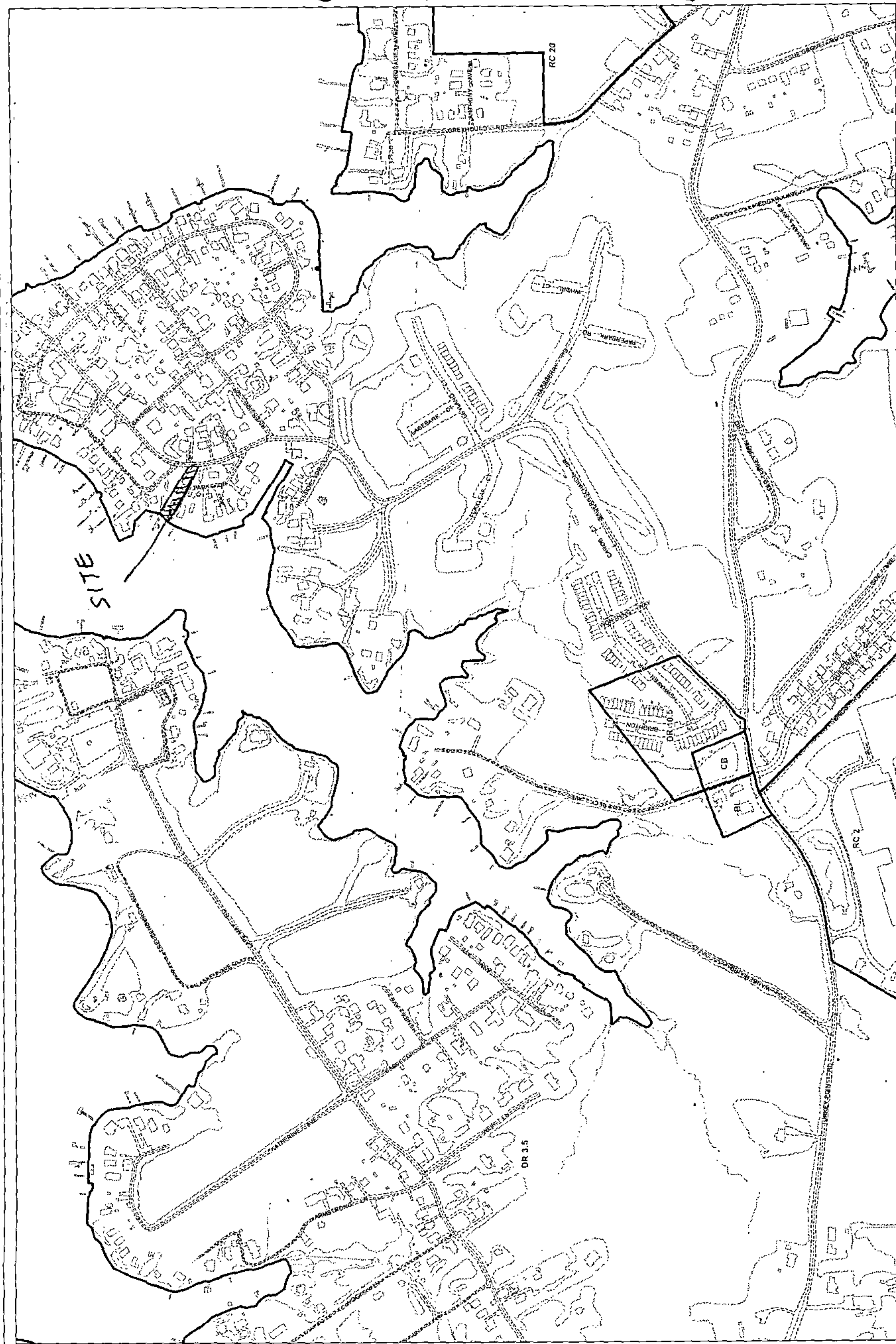
ZONING OFFICE USE ONLY
 REVIEWED BY A.K. Tswi ITEM # 443 CASE # 09-443-A

PREPARED BY TAM SCALE OF DRAWING: 1" = 50



P.B.013094B
2324





Plan Sheet 09842

The zoning depicted in this application represents the zoning associated with the County Council's decision on the application for rezoning. The zoning is not a guarantee of any future action by the County Council. The zoning is subject to change at any time. The zoning is not a guarantee of any future action by the County Council. The zoning is subject to change at any time.

Legend

- Zoning
- Streams
- Vegetation
- Buildings
- Roads
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

09781	097C1	098A1	098B1	098C1
09782	097C2	098A2	098B2	098C2
09783	097C3	098A3	098B3	098C3

Scale

1" = 200'

0 100 200 400 Feet

Data Source:
Baltimore County
Office of Planning and Zoning
1:2,400 from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2,400, 2004

#443



**County Council
of
Baltimore County**

Court House
Towson, Maryland 21204

410-887-3196
Fax: 410-887-5791

S.G. Samuel Moxley
FIRST DISTRICT

Kevin Kamenetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Kenneth N. Oliver
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

John Olszewski, Sr.
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

AV 4123
07-443-A

RECEIVED
APR 19 2007
BY:

April 16, 2006

William J. Wiseman, Esquire
Baltimore County Zoning Commissioner
Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Dear Mr. Wiseman:

Attached please find a copy of Resolution 38-07 concerning the public disclosure of Theresa McQuaid, an employee of the Baltimore County Police Department who has applied for a zoning variance to construct an addition at her residence at 2222 Bauernschmidt Drive, Baltimore, Maryland 21221.

This Resolution was approved by the County Council at its April 16, 2007 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
Enclosure

cc: Theresa McQuaid

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2007, Legislative Day No. 8

Resolution No. 38-07

Mr. Joseph Bartenfelder, Councilman

By the County Council, April 16, 2007

A RESOLUTION concerning the public disclosure of Theresa McQuaid, an employee of the Baltimore County Police Department.

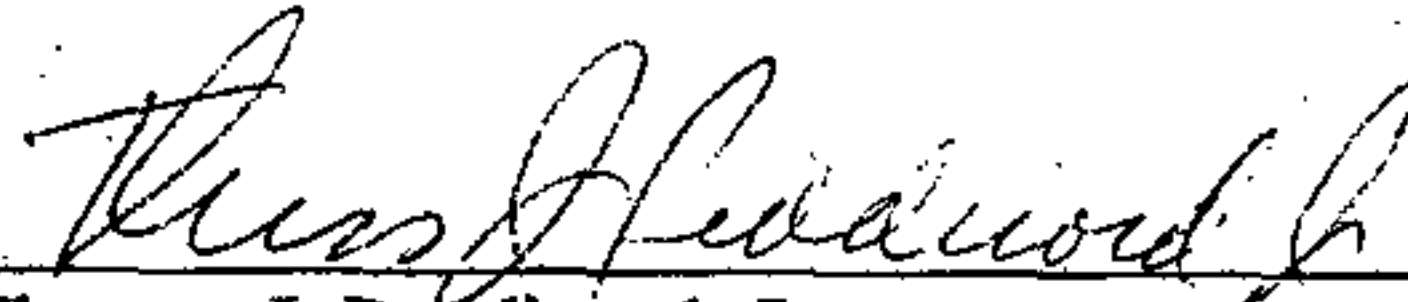
WHEREAS, Theresa McQuaid, an employee of the Baltimore County Police Department, has applied for a zoning variance to construct an addition at her residence at 2222 Bauernschmidt Drive, Baltimore, Maryland 21221; and

WHEREAS, this Resolution is intended to provide full public disclosure under Section 32-1-102 of the Baltimore County Code.

NOW, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a zoning variance filed by Theresa McQuaid does not contravene the public welfare and is hereby authorized.

READ AND PASSED this **16TH** day of **APRIL**, 2007.

BY ORDER

A handwritten signature in cursive script, appearing to read "Thomas J. Peddicord, Jr.", written over a horizontal line.

Thomas J. Peddicord, Jr.
Secretary

ITEM: **RESOLUTION 38-07**

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 21 2007

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: May 8, 2007
SUBJECT: Zoning Item # 07-443-A
Address 2222 Bauernschmidt Drive
(McQuaid/ Webber Property)

Zoning Advisory Committee Meeting of March 9, 2007

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
 - _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
 - X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The site is within the Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area. The impervious surfaces cannot exceed the current amount, an equal area of impervious surface must be removed. Mitigation may also be required.

Reviewer: Paul A. Dennis

Date: May 8, 2007

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2007

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

RECEIVED
APR 19 2007

BY:

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-443- Administrative Variance

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

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

Prepared By:

Curtis Murray

Division Chief:

Ryan Larkham

CM/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 16, 2007

FROM: Dennis A. Kennedy, Supervisor ^{DAK}
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 16, 2007
Item No. 07-443

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

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

The flood protection elevation for this site is 10.4 feet.

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

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

The building engineer shall require a permit for this project.

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

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 07-443-04132007.doc



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: APRIL 9, 2007

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

RE: Baltimore County
Item No. 7-443-A
2222 BAUERNSCHUOT DRIVE
MC QUAD/WEBBER PROPERTY
ADMINISTRATIVE VARIANCE

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. 7-443.

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,

Steven D. Foster, Chief
for Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

Fire Department

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



Baltimore County

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

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

April 10, 2007

ATTENTION: Zoning Review planners

Distribution Meeting of: April 9, 2007

Item No.: 439, 440, 441, 442, 443, 445, 446, 447, 448, 449, 450, 451, 452, and 453.

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

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

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

cc: File

Patricia Zook - Case 07-443-A administrative variance that closed 4-23-07

From: Patricia Zook
To: Livingston, Jeffrey
Date: 5/14/2007 4:01 PM
Subject: Case 07-443-A administrative variance that closed 4-23-07

Hi Jeff -

We need of DEPRM comments for the above-referenced case that closed on Monday, April 23.

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2007

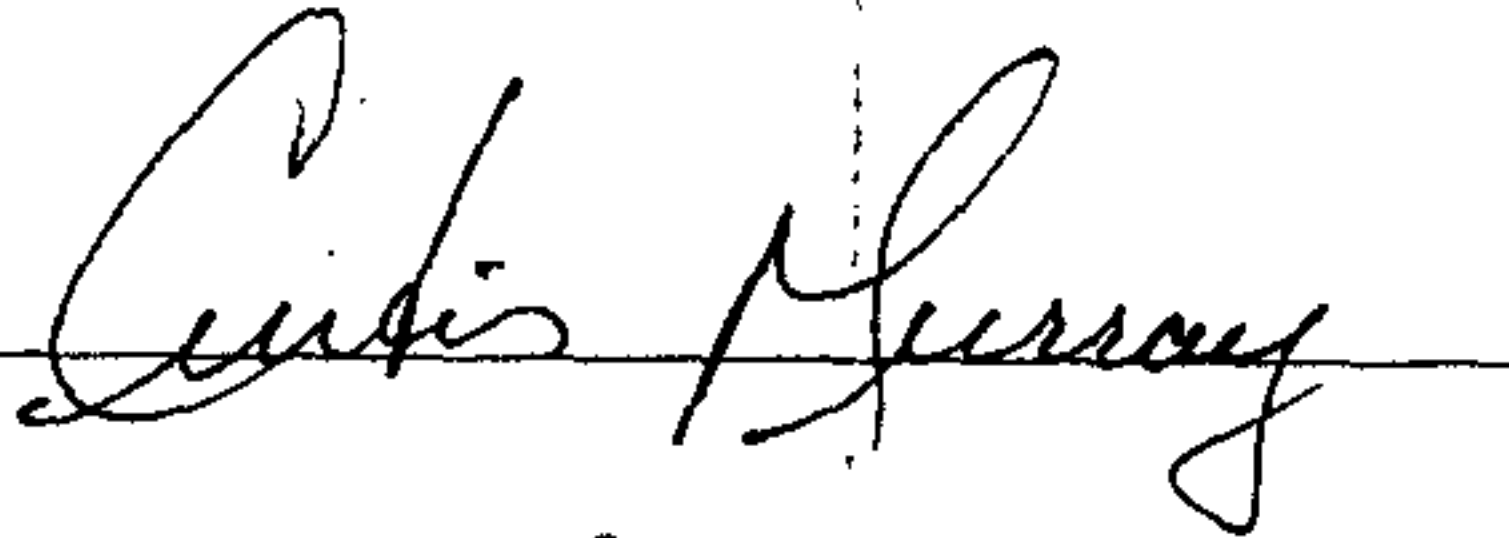
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-443- Administrative Variance

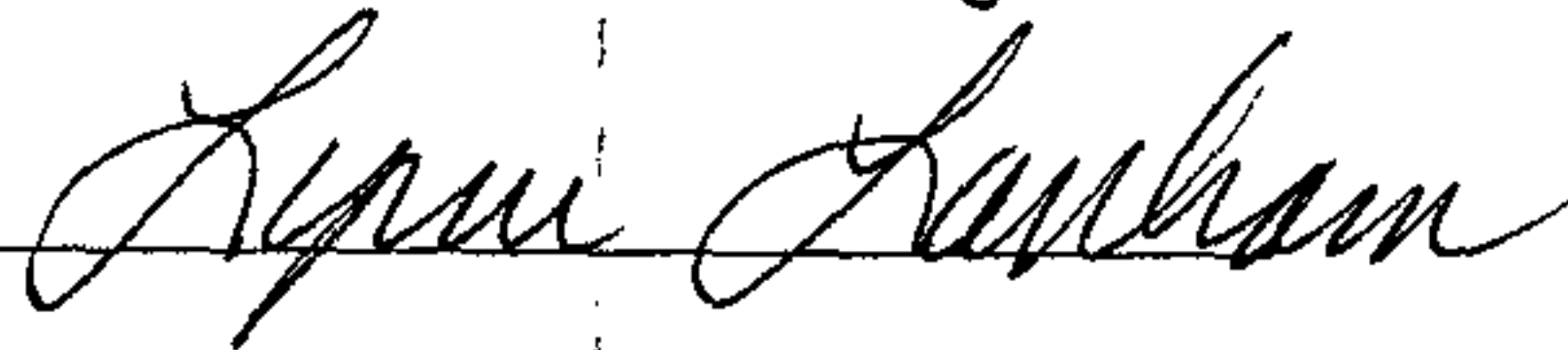
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL





