IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
S/Side Goose Harbor Road, Corner of Side of Miami Beach Road	*	ZONING COMMISSIONER
(3905 Goose Harbor Road)	*	OF
15th Election District	*	BALTIMORE COUNTY
6th Council District		
	*	**Case No. 07-495-SPHA**
Christy Layte		
Petitioner	*	

* * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject property, Christy Layte. The Petitioner requests variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory building (existing garage and storage building) to be located in a side yard in lieu of the rear yard in the required third of the lot furthest removed from any street. In addition, special hearing relief is requested to permit a principal building (single-family dwelling) to be situated 57 feet (front) and 52 feet (side) from the centerline of a street or road in lieu of the required 75 feet, pursuant to B.C.Z.R. Section 1A04.3.B.2.b. The subject property and requested relief are more particularly described on the amended site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing held in support of the request was David Billingsley of Central Drafting and Design, Inc., the consultant who prepared the revised site plan, dated July 13, 2007, for this property. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING
Date 7-25-07
By FC

Testimony and evidence offered disclosed that the subject property is an irregularly shaped parcel approximately 2 acres in area (87,037 square feet), zoned R.C.5 and located in Bowleys Quarters, not far from the Chesapeake Bay. The property is a corner lot positioned at the end of Miami Beach Road at its intersection with Goose Harbor Road. Given its unique configuration, the property has 320 feet of frontage on Goose Harbor Road and 373 feet along Miami Beach Road. The property is served by public water and sewer. Wetlands with extensive forest buffer encompass over 40% of the lot on the northeast side of the existing 1-story home built by the Petitioner's father in 1960. When Ms. Layte's father died in 2005, she inherited the property and improvements (*See* Petitioner's Exhibit 2 – Deed of Record). She now desires to raze the existing home and build a new 1-1/2 story structure (*See* Building Elevations submitted as Petitioner's Exhibit 4) in the same location. As shown on the site plan, she wishes to retain the existing garage and storage building that will be reconditioned and re-sided so that the exterior will match the architectural exterior of the new home and give the accessory structures a residential appearance. In addition to the environmental constraints noted above, the rear of the buildable site area is covered with mature trees which in the spirit of saving the trees, Ms. Layte has filed the petition for special hearing rather than relocating the home further back in the forested area of the lot. As a result of this configuration, the northeast and southeast corners of the new home will be located within 57 and 52 feet respectively from the centerline of the roadways. In this regard, the Petitioner has the support of her neighbors and the Bowleys Quarters Community Association. Mike Vivirito, the association's president, visited the site and reviewed the plans and has no objection. Moreover, the Office of Planning finds the proposal to be in accordance with the spirit and intent of the R.C.5 regulations and performance standards outlined in Council Bill 55-04.

ORDER RECEIVED FOR FILING
Date 7-25-07
By DL

After due consideration of the testimony and evidence presented, I am persuaded to grant both the variance relief and the special hearing request to allow the home to be positioned closer to the street centerline than permitted. I must consider the request in accordance with the mandate of *Cromwell v. Ward*, 102 Md. 691 (1995) and Section 307 of the B.C.Z.R. The Court interpreted the regulation to require that two tests be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is unique, then it must be considered whether compliance with the regulation would cause a practical difficulty upon the property owner and be unnecessarily burdensome. In my judgment, there was evidence of unusual conditions or characteristics that are unique to this lot, namely, the environmental constraints and preservation of mature trees. It was demonstrated at the hearing that the trees would need to be sacrificed if not for the sensitive placement of the dwelling. An area variance may be granted where strict application of the zoning regulations would cause practical difficulty or undue hardship to the Petitioner and her property. *See McLean v. Soley,* 270 Md. 208 (1973). I am convinced that practical difficulty would result if B.C.Z.R. Section 400.1 was strictly adhered to. I find that the required finite location of the garage and storage building is appropriate in this instance and within the spirit and intent of the zoning regulations and will not be out of character with the other homes in the area. It has been established that special circumstances exist in this case and that the relief requested will not cause any injury to the public health, safety or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

ORDER RECEIVED FOR FILING
Date 7-25-07
By

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of July, 2007 that the Petition for Special Hearing a approve a principal building (single-family dwelling) to be situated 57 feet (front) and 52 feet (side) from the centerline of a street or road in lieu of the required 75 feet, pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance to permit an accessory building (existing garage and storage building) to be located in a side yard in lieu of the rear yard in the required third of the lot furthest removed from any street, pursuant to Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at her 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) The Petitioner shall provide elevations of the garage, storage building and the remaining sides of the dwelling to the Office of Planning for review and approval prior to the issuance of any building permits. Garage doors shall be given additional architectural detail to provide for a more residential character.

3) Compliance with the ZAC comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) and the Bureau of Development Plans Review relative to Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations for the protection of water quality, streams, wetlands and floodplains. Copies of those comments, dated July 10, 2007 and May 8, 2007 respectively, have been attached hereto and made a part hereof.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING
Date 7-25-07
By BJL

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 1-25-01
By DLW

CBCA Flood

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 3905 GOOSE HARBOR ROAD

which is presently zoned RC5

*(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)*

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

~~*(This box to be completed by planner)*~~

SEE ATTACHED

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly 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):

CHRISTY LAYTE
Name - Type or Print

Christy Layte
Signature

Name - Type or Print

Signature

7 WHITE ASH CT. (410) 682-5056
Address Telephone No.

BALTIMORE MD. 21220
City State Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC
Name

601 CHARWOOD CT. (410) 679-8719
Address Telephone No.

EDGEWOOD MD. 21040
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Case No. 07-495-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 7-25-07

By DW

By JNP Date 5/1/07

~~A VARIANCE FROM SECTION 1A04.3.B.2.b (BCZR) TO PERMIT~~ A PRINCIPAL BUILDING (SINGLE FAMILY DWELLING) TO BE SITUATED 52 FEET (FRONT) AND 57 FEET (SIDE) FROM THE CENTER LINE OF A STREET OR ROAD IN LIEU OF THE REQUIRED 75 FEET, PURSUANT TO SECTION 1A04.3.B.2.b (BCZR).

57

52

07-495-SPHA

Petition for Variance

to the Zoning Commissioner of Baltimore County

CBCA Flood

for the property located at 3905 GOOSE HARBOR ROAD

which is presently zoned RC5

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)

SEE ATTACHED

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.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

CHRISTY LAYTE
Name - Type or Print

Christy Layte
Signature

Name - Type or Print

Signature

7 WHITE ASH CT. (410) 682-5056
Address Telephone No.

BALTIMORE MD 21220
State Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.
Name

601 CHARWOOD CT. (410) 679-8719
Address Telephone No.

EDGEWOOD MD 21040
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Case No. 07-495-SPHA

Reviewed By JNP Date 5/1/07

REV 9/15/98

ORDER RECEIVED FOR FILING
Date 7-25-07
By DW

400.1 (BCZR) TO PERMIT AN ACCESSORY BUILDING (GARAGE AND STORAGE BUILDING) TO BE LOCATED IN A SIDE YARD IN LIEU OF THE EXISTING REAR YARD IN THE REQUIRED THIRD OF THE LOT FURTHEST REMOVED FROM ANY STREET

07-495-SPHA

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING & VARIANCE

3905 GOOSE HARBOR ROAD

Beginning at a point formed by the intersection of the south side of Goose Harbor Road (30 feet wide) with the east side of Miami Beach Road (30 feet wide), thence (1) N 74 ° 14' E 320.28 feet, thence (2) S 47°28'10"E 202.35 feet, thence (3) S 42°33'50"W 312.61 feet, thence (4) N 50°47' W 50.98 feet, thence (5) N 39°48'30"W 322.50 feet to the place of beginning.

Containing 87,037 square feet or 2.00 acres of land, more or less.

Being known as 3905 Goose Harbor Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland

07-495-SPHA

NOTICE OF ZONING HEARING

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

Case: # 07-495-SPHA
3905 Goose Harbor Road
S/side of Goose Harbor Road at corner of east side of Miami Beach Road
15th Election District - 6th Councilmanic District
Legal Owner(s):

Special Hearing: to allow a principal building (single family dwelling) to be situated 52 feet (front) and 57 feet (side) from the centerline of a street or road in lieu of the required 75 feet. **Variance:** to permit an accessory building (garage and storage building) to be located in a side yard in lieu of the rear yard in the required third of the lot farthest removed from any street.

Hearing: Thursday, July 19, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 7/609 July 3 140747

CERTIFICATE OF PUBLICATION

7/5, 2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/3, 2007.

- [X] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 25[illegible]

DATE 5/1/07 ACCOUNT R 001.006-615

AMOUNT $ 150.00

RECEIVED FROM: Central Parking & Design, Inc

FOR: PMA - 3905 Boon Harbor Road

D-495-(PMA (Layte)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-495-SPHA

Petitioner/Developer: DAVID BILLINGSLEY (CHRISTY LAFIE)

Date Of Hearing/Closing: 7/19/07

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

Attention:

Ladies and Gentlemen:

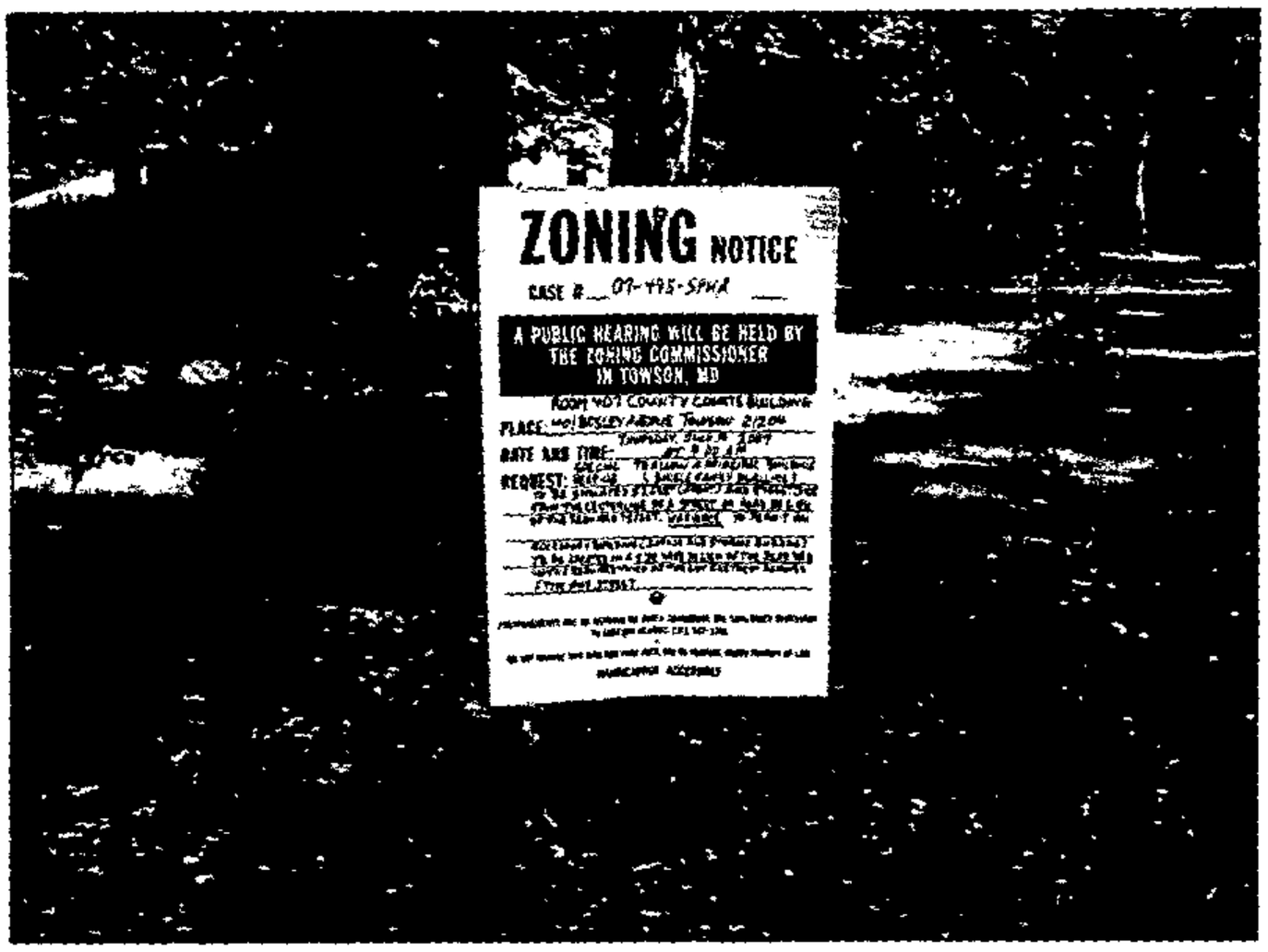
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property at 3905 GOOSE HARBOR ROAD

This sign(s) were posted on July 3, 2007.
(Month, Day, Year)

Sincerely,

Martin Ogle 7/3/07
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)



Mgattor Ogle 7/3/07

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 30, 2007
TIMOTHY M. KOTROCO, *Director*
Department of Permits and Development Management

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: 07-495-SPHA
3905 Goose Harbor Road
S/side of Goose Harbor Road at corner of east side of Miami Beach Road
15th Election District – 6th Councilmanic District

Special Hearing to allow a principal building (single family dwelling) to be situated 52 feet (front) and 57 feet (side) from the centerline of a street or road in lieu of the required 75 feet. Variance to permit an accessory building (garage and storage building) to be located in a side yard in lieu of the rear yard in the required third of the lot farthest removed from any street.

Hearing: Thursday, July 19, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Christy Layte, 7 White Ash Court, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 4, 2007.**
(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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 3, 2007 Issue - Jeffersonian

Please forward billing to:
Christy Layte
7 White Ash Court
Baltimore, MD 21220

410-682-5056

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: 07-495-SPHA
3905 Goose Harbor Road
S/side of Goose Harbor Road at corner of east side of Miami Beach Road
15th Election District – 6th Councilmanic District

Special Hearing to allow a principal building (single family dwelling) to be situated 52 feet (front) and 57 feet (side) from the centerline of a street or road in lieu of the required 75 feet. Variance to permit an accessory building (garage and storage building) to be located in a side yard in lieu of the rear yard in the required third of the lot farthest removed from any street.

Hearing: Thursday, July 19, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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 Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 07-495-SPHA

Petitioner: CHRISTY LAYTE

Address or Location: 3905 GOOSE HARBOR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHRISTY LAYTE

Address: 7 WHITE ASH CT.

BALTO., MD, 21220

Telephone Number: (410) 682-5056

Revised 2/20/98 - SCJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

July 12, 2007

Christy Layte
7 White Ash Court
Baltimore, MD 21220

Dear Ms. Layte:

RE: Case Number: 07-495-SPHA, 3905 Goose Harbor Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 1, 2007. This letter is not an approval, but only a **NOTIFICATION.**

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
David Billingsley Central Drafting & Design, Inc 601 Charwood Ct. Edgewood 21040

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 3905 Goose Harbor Road; S/S Goose Harbor Rd, corner of E/S Miami Beach Road 15th Election & 6th Councilmanic Districts Legal Owner(s): Christy Layte Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 07-495-SPHA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
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 May, 2007, a copy of the foregoing Entry of Appearance was mailed David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED
MAY 18 2007
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BLS 7/19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination DL

DATE: July 10, 2007

SUBJECT: Zoning Item # 07-495-SPHA
Address 3905 Goose Harbor Road
(Layte Property)

RECEIVED
JUL 10 2007
BY:

Zoning Advisory Committee Meeting of May 7, 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:

This property must comply with the Limited Development Area (LDA) regulations. Specifically, this includes an impervious surface limit of 15% and forest clearing provisions. Up to 20% clearing must be mitigated at a 1:1 ratio; if clearing is between 20-30% of the site, mitigation is 1 ½ : 1 for the entire area cleared.

Reviewer: Regina Esslinger Date: May 30, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-495-SPHA.doc

ORDER RECEIVED FOR FILING
Date 7-25-07
By RE

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2007
Item No. 07-495

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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-495-05072007.doc

RECEIVED FOR FILING
Date 5-8-07
By CEN

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 25, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

Christy Layte
7 White Ash Court
Baltimore, Maryland 21220

RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
S/Side Goose Harbor Road, Corner of Side of Miami Beach Road
(3905 Goose Harbor Road)
15th Election District - 6th Council District
Christy Layte - Petitioner
Case No. 07-495-SPHA

Dear Ms. Layte:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court, Edgewood, Maryland 21040
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100, Annapolis, Maryland 21401
Office of Planning; DEPRM; Bureau of Development Plans Review
People's Counsel; File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 18, 2007

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-495- Special Hearing and Variance**

The Office of Planning reviewed the petitioner's request and accompanying site plan and (front) elevation drawings and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the subject request provided elevations of the garage and remaining sides of the dwelling are submitted to this office for review and approval prior to the issuance of any building permits. Garage doors shall be given additional architectural detail to provide for a more residential character.

Prepared By:

Division Chief:

CM/LL

W:\DEVREVIZAC\7-495.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 8, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For May 14, 2007
Item No. 07-495

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

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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 Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 07-495-05072007.doc

Date: MAY 7, 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. 7-495-SPHA
3905 GOOSE HARBOR RD
LAYTE PROPERTY
SPECIAL HEARING
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. 7-495-SPHA.

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,

Michael P. Bailey

FOR Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

May 10,2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

495

Item Number: 476,488 through 499

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

BW
7/19

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 18, 2007

RECEIVED
JUL 20 2007
BY:.....

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-495- Special Hearing and Variance**

The Office of Planning reviewed the petitioner's request and accompanying site plan and (front) elevation drawings and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the subject request provided elevations of the garage and remaining sides of the dwelling are submitted to this office for review and approval prior to the issuance of any building permits. Garage doors shall be given additional architectural detail to provide for a more residential character.

Prepared By:

Division Chief:

CM/LL

W:\DEVREVIZAC\7-495.doc

BLS 7/19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: July 10, 2007

SUBJECT: Zoning Item # 07-495-SPHA
Address 3905 Goose Harbor Road
(Layte Property)

RECEIVED
JUL 10 2007
BY:

Zoning Advisory Committee Meeting of May 7, 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:

This property must comply with the Limited Development Area (LDA) regulations. Specifically, this includes an impervious surface limit of 15% and forest clearing provisions. Up to 20% clearing must be mitigated at a 1:1 ratio; if clearing is between 20-30% of the site, mitigation is 1 ½ : 1 for the entire area cleared.

Reviewer: Regina Esslinger Date: May 30, 2007

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2007\ZAC 07-495-SPHA.doc

PLEASE PRINT CLEARLY

CASE NAME 3905 GOOSE HARBOR
CASE NUMBER 07-495SPHA
DATE 7/19/07

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
DAVID BILLINGSLEY	601 CHARWOOD CT.	EDGEWOOD MD 21040	

098C1

07-495-SPHA

PETITIONER'S EXHIBITS

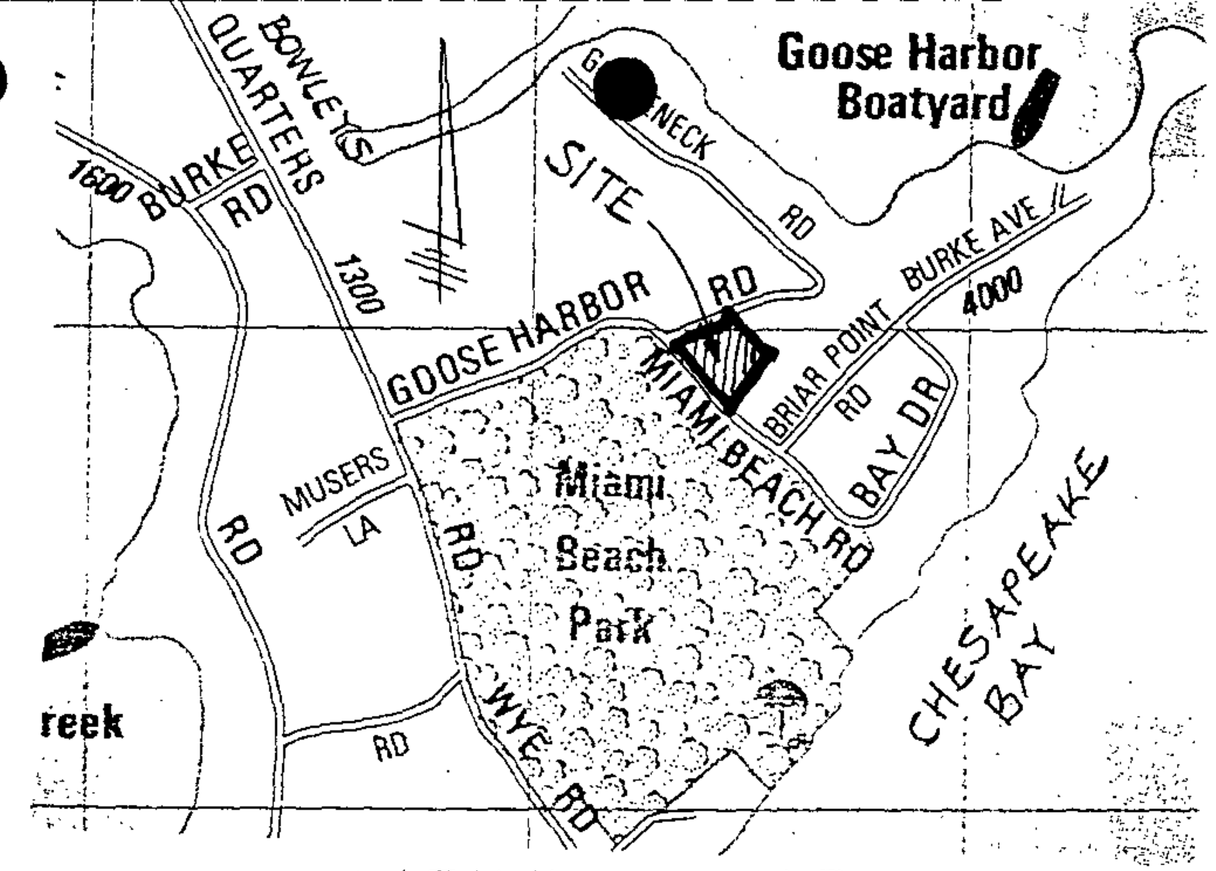
3905 GOOSE HARBOR ROAD

1. SITE PLAN REVISED JULY 13, 2007 SHOWING ROOF CONNECTION TO BE REMOVED

2. COPY OF SDAT INDIVIDUAL REPORT AND DEED OF RECORD

3. PHOTOS OF SITE

4. FRONT ELEVATION OF PROPOSED DWELLING



VICINITY MAP
SCALE: 1" = 1000'

NOTES

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3. PUBLIC WATER AND SEWER IS EXISTING
4. SITE IS LOCATED IN THE CBCA.
5. A PORTION OF THE SITE IS LOCATED IN FLOOD ZONE A10
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7. TOPOGRAPHY SHOWN HEREON BASED 0N BALTO. CO. GIS
8. EXISTING SEPTIC SYSTEM TO BE ABANDONED
9. BUILDING COVERAGE... 4,500 S.F. = 5.2 %

OWNER

CHRISTY LAYTE
7 WHITE ASH COURT
BALTIMORE, MD 21220
DEED REF. L.22134 F.280
PROP. NO. 1519713510

PET. EX. 1

PROTESTANT'S

EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE
3905 GOOSE HARBOR ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 50 FEET APRIL 14, 2007

REV: 7-13-07 (ROOF CONNECTION)

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

Click here for a plain text ADA compliant screen.

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

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District - 15 Account Number -** 1519713510

Owner Information

Owner Name:	LAYTE CHRISTY	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	7 WHITE ASH CT BALTIMORE MD 21220-1544	**Deed Reference:**	1) /22134/ 280 2)

Location & Structure Information

Premises Address
3905 GOOSE HARBOR RD

Legal Description
2 AC SES
GOOSE HARBOR RD
SE COR MIAMI BEACH R

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No: Plat Ref:
98	6	26						3	

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1960	1,338 SF	2.00 AC	04

Stories	Basement	Type	Exterior
1	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2006	Phase-in Assessments As Of 07/01/2006	As Of 07/01/2007
Land:	49,500	142,870		
Improvements:	109,630	153,490		
Total:	159,130	296,360	204,873	250,616
Preferential Land:	0	0	0	0

Transfer Information

Seller:	STABILE JOSEPH H	**Date:** 06/29/2005	**Price:** $0
Type:	NOT ARMS-LENGTH	**Deed1:** /22134/ 280	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**
Seller:		**Date:**	**Price:**
Type:		**Deed1:**	**Deed2:**

Exemption Information

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

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

PROTESTANT'S

EXHIBIT NO. 2

THIS DEED, Made this 28th day of June, in the year 2005, between HILDA HAUCK GEIGER, PERSONAL REPRESETATIVE OF THE ESTATE OF JOSEPH H. STABILE, of Baltimore County, of the State of Maryland, for the first part, and CHRISTY LAYTE, of Baltimore County of the State of Maryland, of the second part.

WHEREAS, by virtue of the First and Final Administration Account of Hilda Hauck Geiger, Personal Representative of the Estate of Joseph H. Stabile, late of Baltimore County, filed in the Orphans' Court of Baltimore County, on the 8th day of April, 2005, the said Personal Representative made distribution of the fee simple property known as 3905 Goose Harbor Road hereinafter described, unto Christy Layte as aforesaid, and her personal representatives, heirs, and assigns, and whereas pursuant to Section 9-105 of the Estates and Trusts Volume of the Annotated Code of Maryland, the Personal Representative shall execute an instrument or Deed of Distribution.

NOW, THEREFORE, THIS DEED WITNESSETH, That for and in consideration of the sum of Five Dollars and in pursuance of the above recited Section of the Maryland code, the said Hilda Hauck Geiger, Personal Representative as aforesaid, does grant and convey unto Christy Layte, her personal representatives, heirs, and assigns, in fee simple, all that lot of ground situate in Baltimore County aforesaid, and described as follows, that is to say:

Beginning for the same at a point on the northeast side of Miami Beach Road, 30 feet wide, distant 327.39 feet northwesterly, measured along said 30 feet wide, and running thence, binding on the northeast side of Miami Beach Road (the courses herein are referred to the True Meridian as established by the Baltimore County Metropolitan District) north 50 degrees 47 minutes west 50.98 feet and north 39 degrees 48 minutes 30 seconds west 322.50 feet to the southeast side of Goose Harbor Road, north 74 degrees 14 minutes east 320.28 feet, thence, for lines of division, south 47 degrees 28 minutes 10 seconds east 202.35 feet and south 42 degrees 33 minutes 50 seconds west 312.61 to the place of beginning.

Being the same property which by deed dated May 7, 1960 and recorded among the Land Records of Baltimore County in Liber 3697 Folio 402 was granted and conveyed by John George Vogeler unto Joseph H. Stabile and Geraldine E. Stabile his wife. The said Geraldine E. Stabile departed this life on October 29th, 1997.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-21969] Book SM 22134, p. 0280. Printed 04/13/2007. Online 07/07/2005.

The said Joseph H. Stabile departed this life on March 15th, 2004. See also the estate of Joseph H. Stabile in the Register of Wills of Baltimore County, Estate number 129539.

TOGETHER with the buildings thereupon and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above lot of ground and premises, unto and to the use of the said Christy Layte, her personal representatives, heirs, and assigns, in fee simple.

The Grantor certifies that this deed is a Deed of Distribution of the Estate and that no consideration was paid or is to be paid and that this is a Maryland Estate with a net proceeds to the Estate being zero.

WITNESS the hands and seals of the said Grantor.

Paul R. Cvach
PAUL R. CVACH

Hilda Hauck Geiger (SEAL)
Hilda Hauck Geiger, Personal Rep.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY that on this 28th day of June 2005, before me, a Notary Public of the State aforesaid, personally appeared, Hilda Hauck Geiger, Personal Representative of the Estate of Joseph H. Stabile, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, who signed same in my presence and acknowledged that she has executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal.

Paul R. Cvach
Notary Public

PAUL R. CVACH NOTARY PUBLIC BALTIMORE COUNTY, MD

My Commission Expires:

8/1/06

This is to certify that the foregoing instrument was prepared under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

Paul R. Cvach
Paul R. Cvach

Return to
Stockbaum & Cvach
305 W. Pennsylvania Ave 2
Towson MD 21204

BALTIMORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-21984] Book SM 22134, p. 0281. Printed 04/13/2007. Online 07/07/2005.

0012434 262

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Circuit Court Clerk Recording Validation

RECORDING FEE $ 20.00
RECORDING FEE 20.00
TOTAL 40.00
Rcpt # 9833
Blk # 6376

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached)

☒ Deed	☐ Mortgage	☐ Other	☐ Other
☐ Deed of Trust	☐ Lease		

2 Conveyance Type Check Box

☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms-Length Sale [9]

3 Tax Exemptions (if Applicable) Cite or Explain Authority

Recordation: —
State Transfer: Deed in Distribution
County Transfer: "

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only: Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ —	Transfer Tax Consideration	$
Any New Mortgage	$ —	X ( ) % =	$
Balance of Existing Mortgage	$ —	Less Exemption Amount	$
Other:	$ —	Total Transfer Tax =	$
Other:	$ —	Recordation Tax Consideration	$
Full Cash Value	$ —	X ( ) per $500 =	$
		TOTAL DUE =	$

5 Fees

Amount of Fees	Doc 1	Doc 2
Recording Charge	$ 35.00	$
Surcharge	$ 5.00	$
State Recordation Tax	$	$
State Transfer Tax	$	$
County Transfer Tax	$	$
Other	$	$
Other	$	$

Agent:
Tax Bill:
C.B. Credit:
Agr. Tax/Other:

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG ☐ (5)
15	15-19-713510	3697/402			

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)

Location/Address of Property Being Conveyed (2): 3905 Gross Harbor Road

Other Property Identifiers (if applicable): Water Meter Account No.:

Residential ☒ or Non-Residential ☐ | Fee Simple ☐ or Ground Rent ☐ | Amount:

Partial Conveyance? ☐ Yes ☒ No | Description/Amt. of SqFt/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 - Grantor(s) Name(s): Nilda Corcoran
Doc. 2 - Grantor(s) Name(s):

Doc. 1 - Owner(s) of Record, if Different from Grantor(s):
Doc. 2 - Owner(s) of Record, if Different from Grantor(s):

8 Transferred To

Doc. 1 - Grantee(s) Name(s): Christy Layte
Doc. 2 - Grantee(s) Name(s):

New Owner's (Grantee) Mailing Address: 7 White Ash Court White Marsh MD. 21162

9 Other Names to Be Indexed

Doc. 1 - Additional Names to be Indexed (Optional):
Doc. 2 - Additional Names to be Indexed (Optional):

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: PAUL R. CUACH
Firm: STOCKSDALE & CUACH
Address: 305 W. PENNSYLVANIA AVE
Towson MD. 21204 Phone: (410) 821-6258

☒ Return to Contact Person
☐ Hold for Pickup
☐ Return Address Provided

11 IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☒ Yes ☐ No Will the property being conveyed be the grantee's principal residence? EVENTUALLY
☐ Yes ☒ No Does transfer include personal property? If yes, identify:
☐ Yes ☒ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only - Do Not Write Below This Line

☐ Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Batch Process Verification

Transfer Number: Date Received: Deed Reference: Assigned Property No.:

Year	20	20	Geo.	Map	Sub		Block
Land			Zoning	Grid	Plat		Lot
Building			Use	Parcel	Ex Code		Occ. Cd.
Total			Town Cd.				

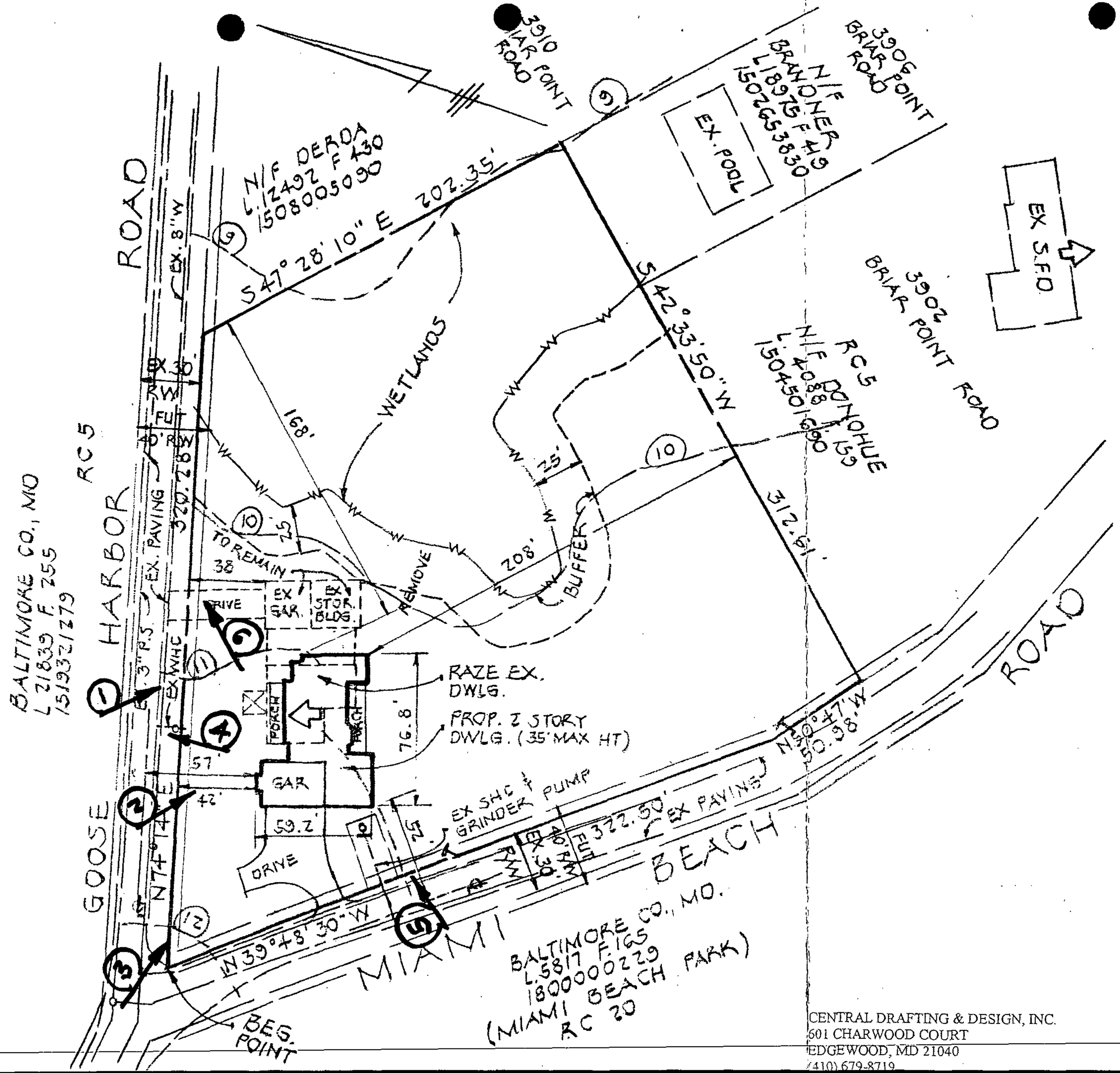
REMARKS:

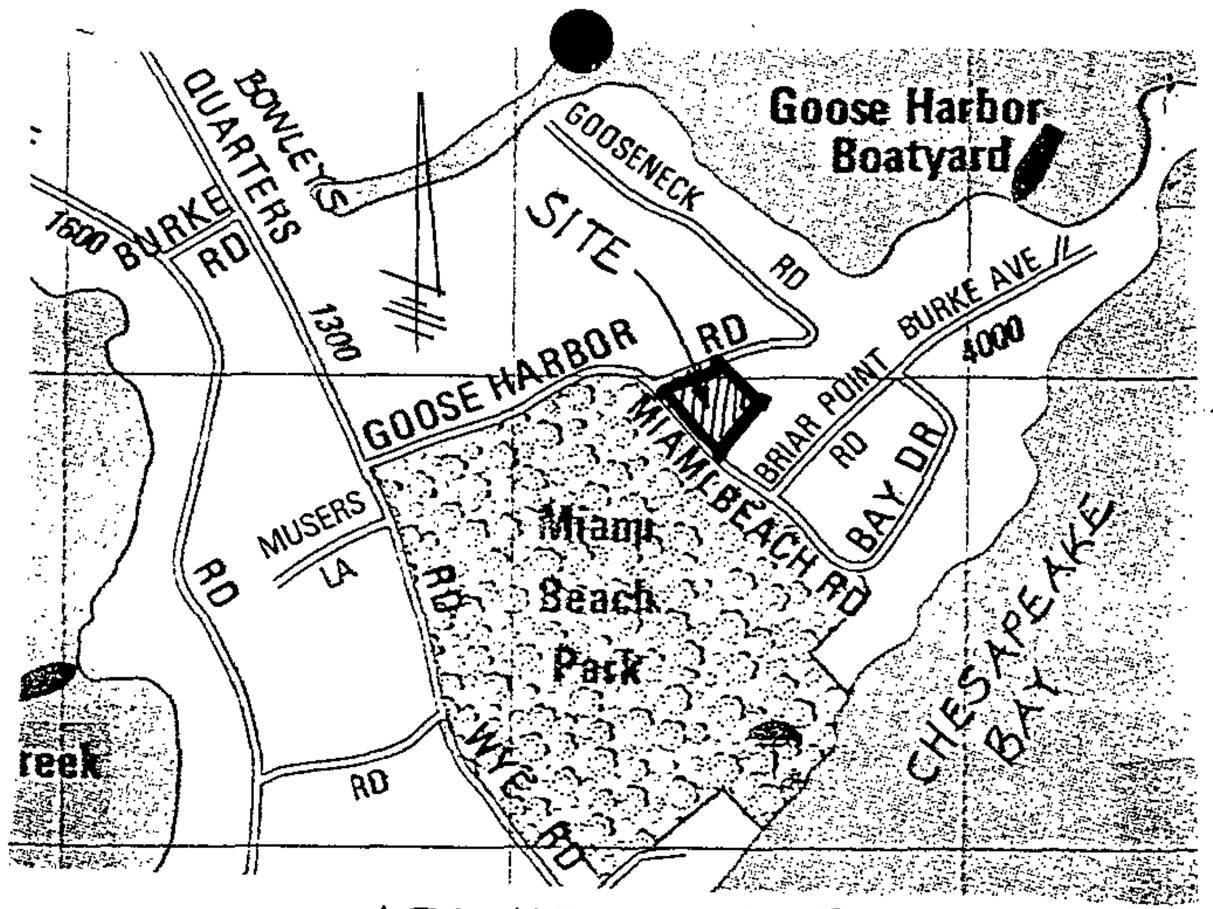
TAX NOT REQUIRED
Director of Budget and Finance
BALTIMORE COUNTY, MARYLAND
Per
TRANSFER TAX
Sec 36-139
RECORDATION TAX
Per
Date
T.P. ART 12-108

BALTIMORE COUNTY CIRCUIT COURT (Land Records) MSA CE 62-2 10:11 Book: Std 2334 Page: 262 Online
07/07/2005.

Distribution: White - Clerk's Office; Canary - SDAT; Pink - Office of Finance; Goldenrod - Preparer

AOC-CC-300 (6/95)





VICINITY MAP
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OWNER

CHRISTY LAYTE
7 WHITE ASH COURT
BALTIMORE, MD 21220
DEED REF. L.22134 F.280
PROP. NO. 1519713510

PHOTOS

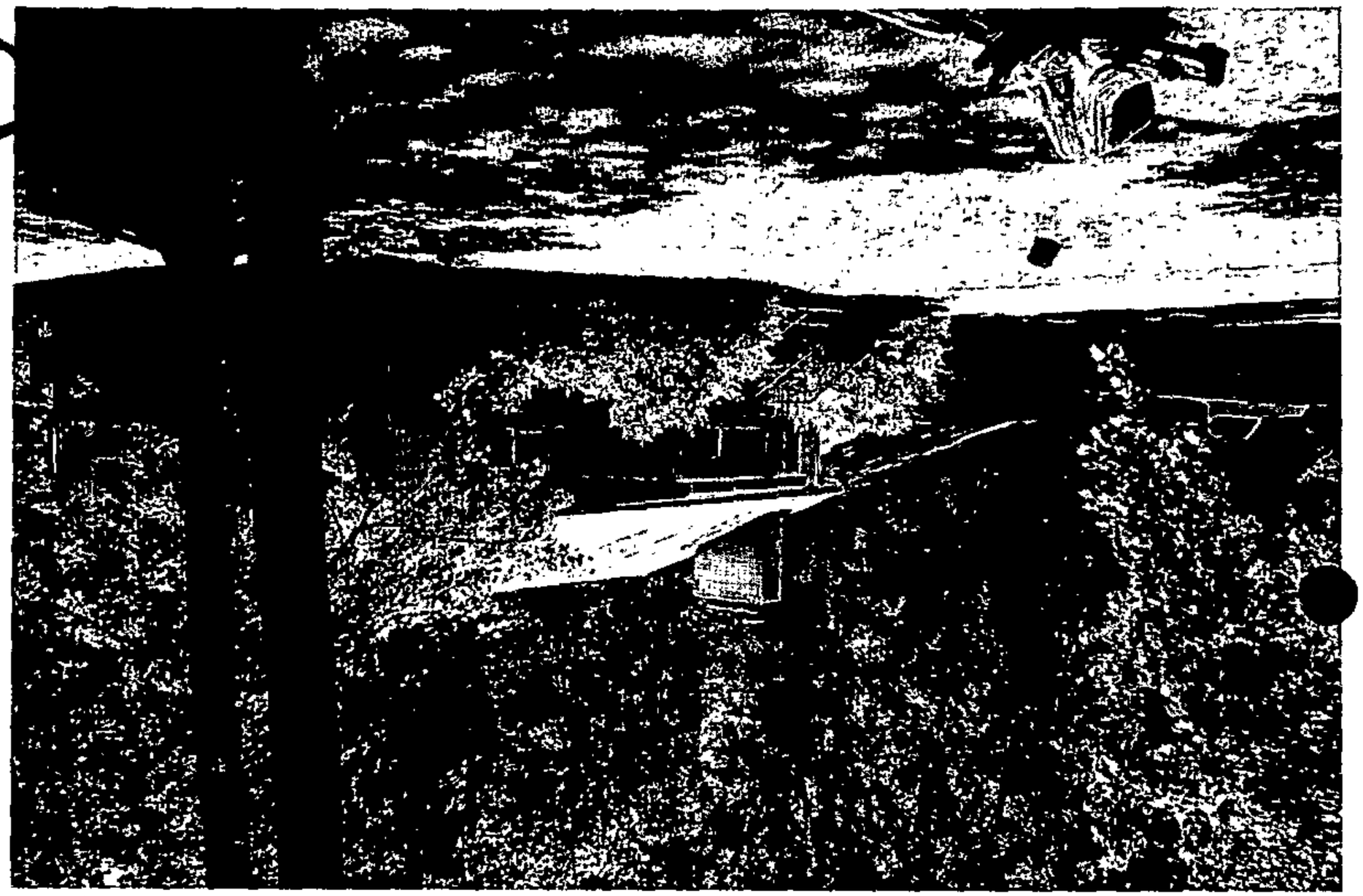
PROTESTANT'S EXHIBIT NO. 3

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING AND VARIANCE
3905 GOOSE HARBOR ROAD
ELECTION DISTRICT 15C6
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 50 FEET APRIL 14, 2007

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

(3)

(2)

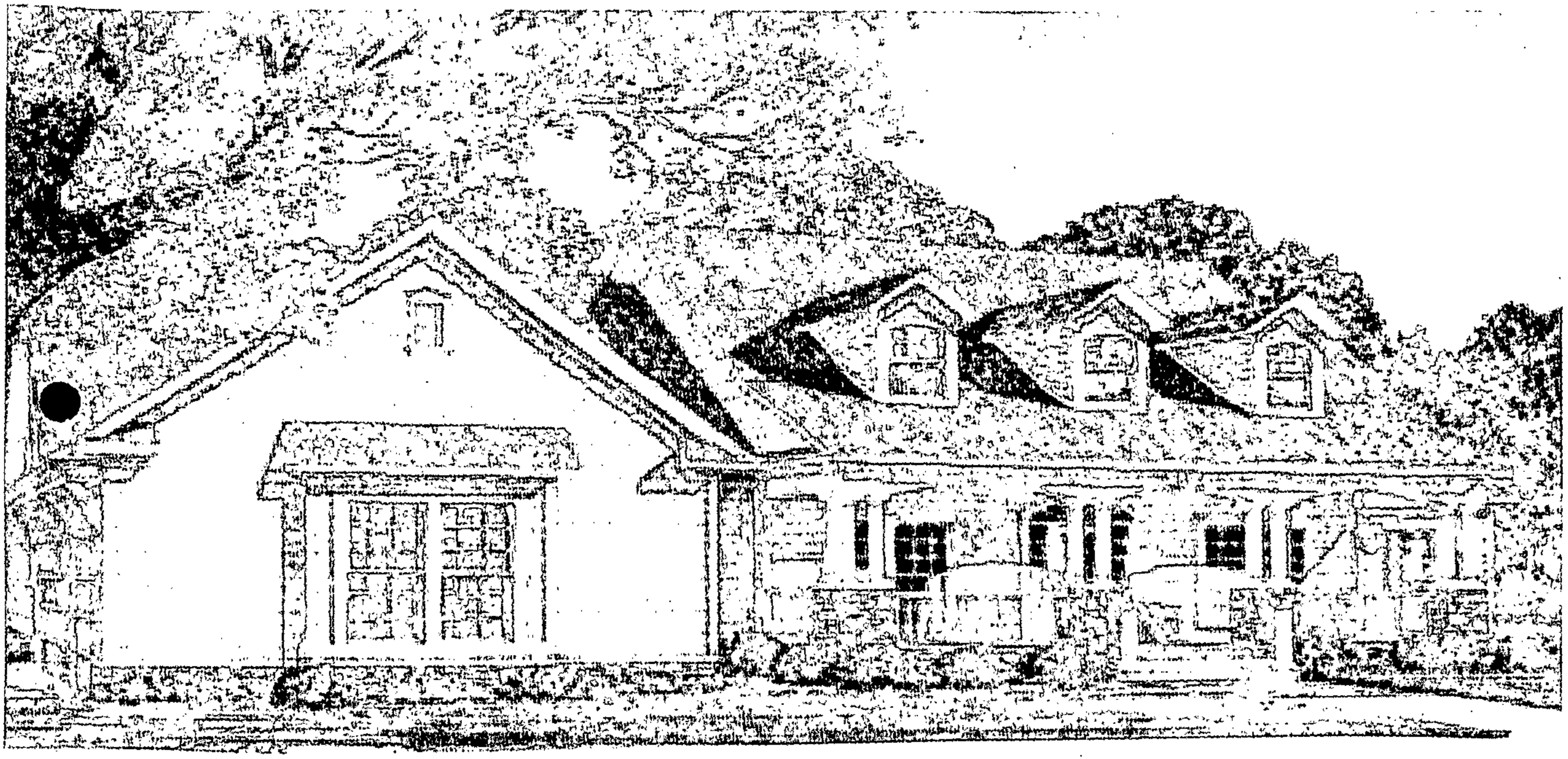


(1)

4

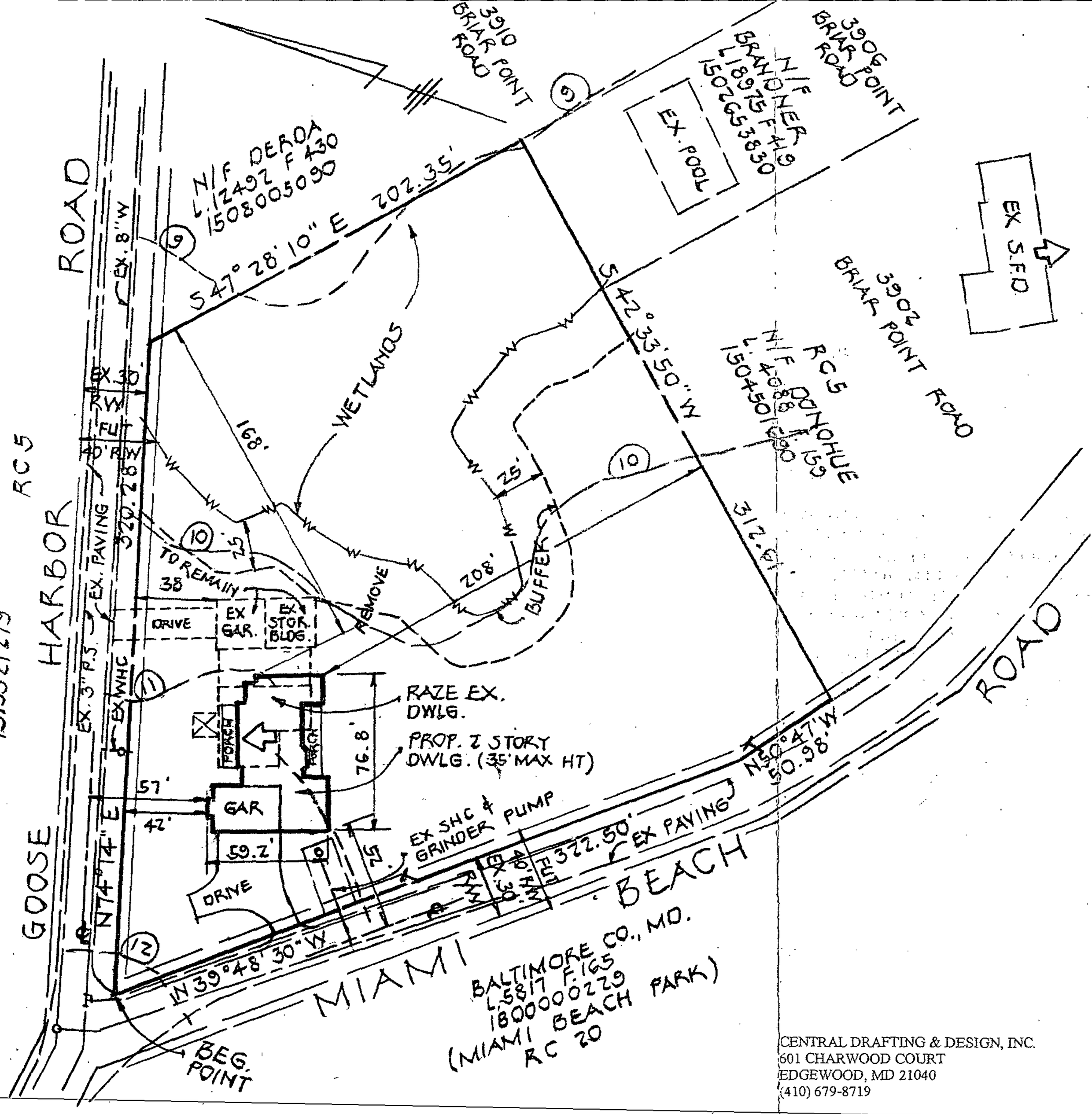
3

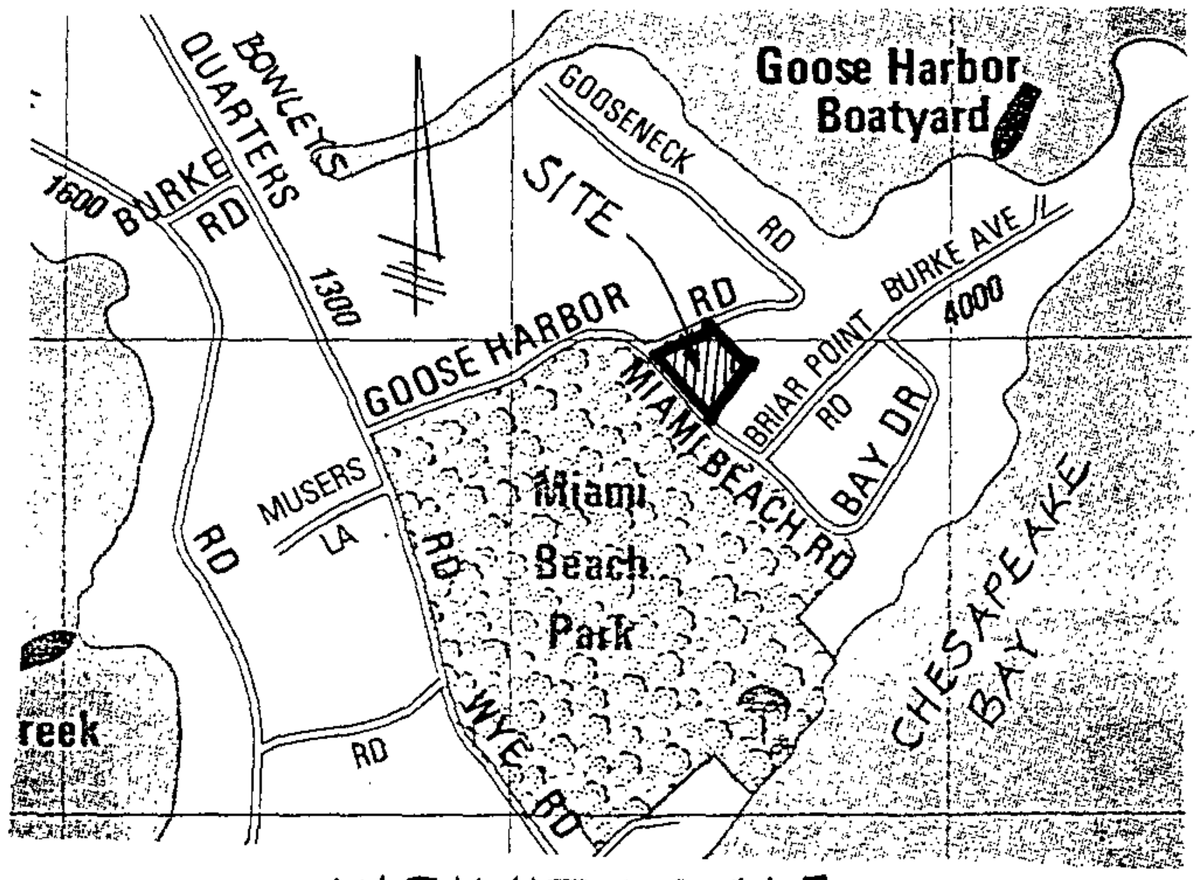
5



BUILDING ELEVATION
REVERSED

PROTESTANT'S EXHIBIT NO. 4





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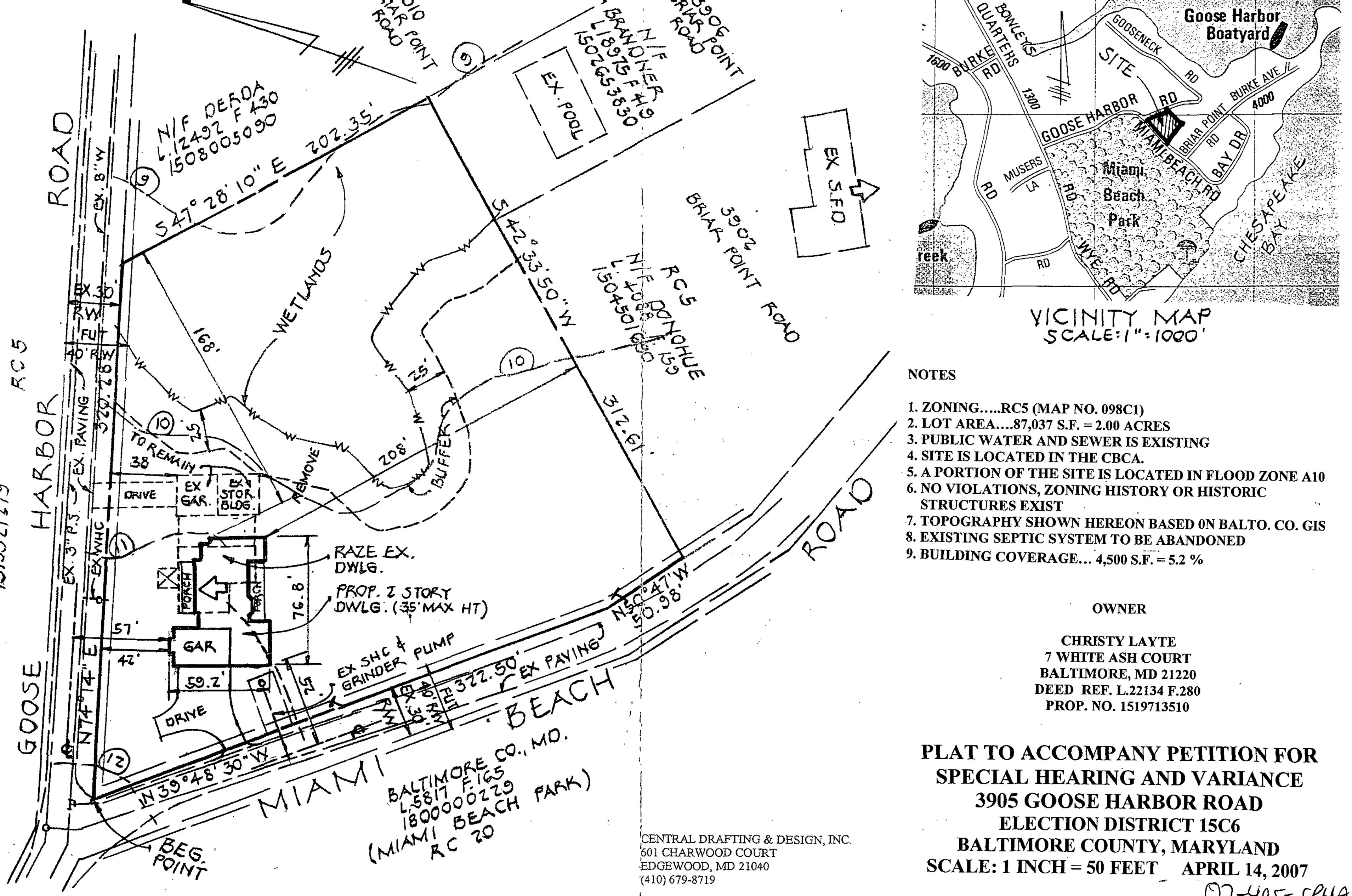

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SCALE: 1 INCH = 50 FEET APRIL 14, 2007

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