

IN RE: **PETITION FOR VARIANCE**

N/S Bay Drive, 185' W c/line

Cuckold Point Road

(2811 Bay Drive)

15th Election District

7th Council District

Jack R. Perron, et ux, *Legal Owners*

Linda Kropp, *Contract Purchaser*

Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-059-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Jack R. Perron and his wife, Carol Sharon Perron, and the contract purchaser, Linda Kropp. As originally filed, the Petitioners sought relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot with a width of 50 feet, a front yard setback of 20 feet¹, and side yard setbacks of 5 feet each in lieu of the required 50 feet, 25 feet, and 10 feet respectively. At the hearing, the Petitioners amended their request to reflect a reduction in size of the proposed dwelling to 35 feet by 50 feet, thereby reducing one of the side yard setback variances requested. As shown on the amended plan submitted and marked as Petitioners' Exhibit 1, the Petitioners now seek relief to allow a side yard setback of 5 feet on the northwestern side and will provide a 10-foot setback on the southeast side of the lot.

Appearing at the hearing in support of the request were the owners of the property, Jack and Carol Perron, and the contract purchaser, Linda Kropp. Also present were the real

¹ The subject property has 50 feet of frontage on Bay Drive and 50 feet of width at the wood bulkhead and pier on Hawk Cove. The Zoning Commissioner's Policy Manual (Z.C.P.M.), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure as facing the water. In this case, it is noted that the Zoning Review Office and the Petitioners have, in view of prior structures on the property, shown the front of the home facing Bay Drive and the rear facing Hawk Cove.

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Date 10-10-07
By 103

estate agents who assisted the Petitioners, Pat Bomhoff (listing agent) and Chris Barkley (buyer's agent). There were no Protestants, however, Claudette Birchette, an adjacent neighbor residing at 2809 Bay Drive, appeared as an interested person. She raised concerns about a five foot side yard setback being too close and that the length of the proposed home would extend beyond her home. In response to these concerns, the Petitioners, as noted above, amended the building envelope to provide for a 10-foot side yard setback between their property and the Birchette's property.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the north side of Bay Drive, just west of Cuckold Point Road, in Millers Island. The property is also known as Lot 562 of Swan Point, an older subdivision which was recorded in the Land Records of Baltimore County well prior to the effective date of the zoning regulations. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, the subject property is approximately 50 feet wide and 160 feet deep and contains a gross area of 9,850 square feet, more or less, zoned D.R.5.5. Those regulations require a minimum area of 6,000 square feet, and a minimum width of 55 feet. Thus, the subject lot is undersized by today's development standards.

Variance relief is requested as set forth above to allow the redevelopment of the subject property with a two-story, single-family dwelling with two parking spaces below. Testimony indicated that the subject property has been in Mr. Perron's family for many years. Apparently, the family, after acquiring the property, built two homes that were used as shore homes until Hurricane Isabel destroyed the bulkhead and home situated closest to the water. That home and the one located 20 feet from Bay Drive provided less than 5 foot side yard setbacks to adjacent properties and both structures have been completely razed. See photographs received collectively as Petitioners' Exhibit 3 showing the property and improvements before

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Date 10-10-07
By [signature]

and after Hurricane Isabel. The Perron's now wish to convey the lot to Linda Kropp who intends to develop the property with a single-family dwelling in which she will reside. The proposed dwelling will be a two-story cottage as demonstrated by the building elevations submitted as Petitioners' Exhibit 2, 35' wide x 50' deep, which will be centered between the existing dwellings at 2815 and 2809 Bay Drive so as to provide setback distances consistent with other homes on adjacent properties.

As noted above, the adjacent property owner, Claudette Birchette, appeared and expressed concern about the side yard setback of 5 feet bringing the homes too close together in the event of a fire or an emergency that may require access to the sides. In addition, she and her husband were opposed to a home next to theirs that would extend more than a few feet beyond their home potentially affecting their water view. While Ms. Kropp agreed to reduce the side yard setback as a condition, she noted that she would submit building elevations to the Office of Planning for review and approval prior to being granted a building permit. The Office of Planning will determine the compatibility of size, exterior building materials, color and architectural detail. I will leave it to that Office to determine that the proposed home is consistent with the existing dwellings in the area. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, the property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA), which require that the proposed development must comply with these regulations and, in particular, the impervious surfaces which are limited to 25% of the property. Thus, variance relief is requested in order to comply with the spirit and intent of these regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variances in this case are

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Date 10-10-97
BY [signature]

driven by the configuration and size of the lot. Moreover this property will be served by public water and public sewer which has been made available in this area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors are not opposed to the proposal. Thus, I find that relief can be granted without detrimental impact to the adjacent properties. In this regard, it is noted that many other houses in the community are built on similarly sized lots. However, in granting the relief, the Petitioners are reminded that they need to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property, and public 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 10th day of October 2007 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot with a width of 50 feet, a front yard setback of 20 feet, and a side yard setback (northwest side) of 5 feet in lieu of the required 50 feet, 25 feet, and 10 feet respectively, in accordance with Petitioners' Amended Exhibit 1, be and the same is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Advisory Committee (ZAC) comment submitted by DEPRM and the Development Plans Review Division of the Department of Permits & Development Management (DPDM) relative to the Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A regulations relative to the protection of water quality, streams, wetlands and floodplains. Copies of these comments, dated September 18, 2007 and August 15,

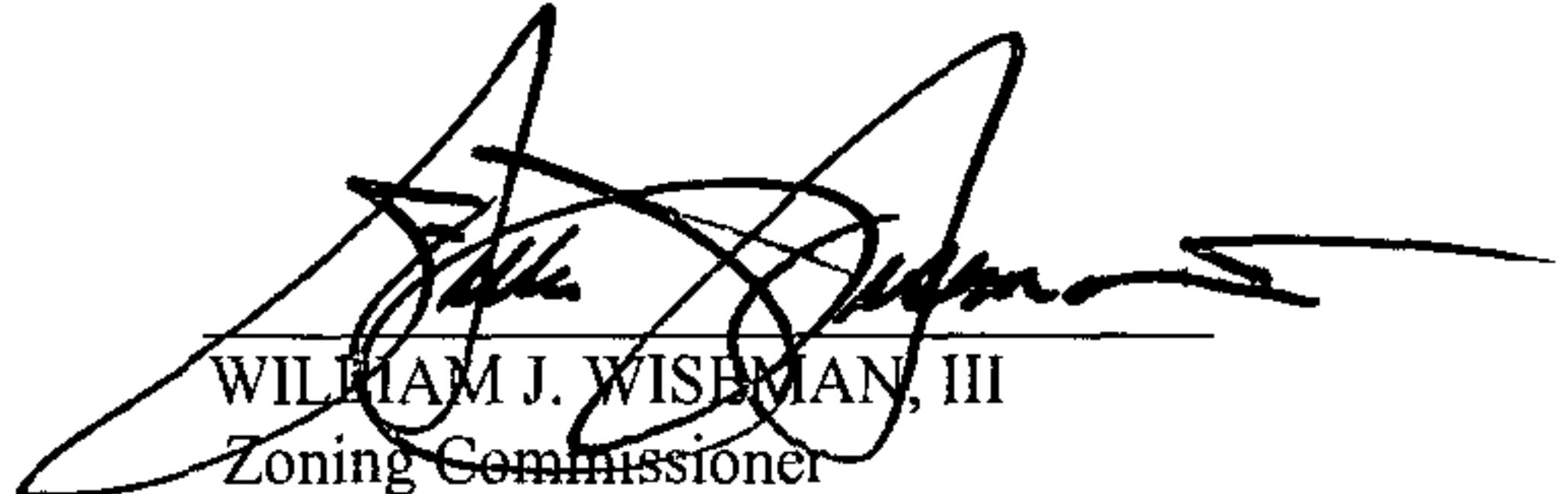
ORDER RECEIVED FOR FILING
Date 10-10-07
By 1013

2007 respectively, have been attached hereto and are made a part hereof.

- 3) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings to the Office of Planning for review and approval prior. The proposed dwelling shall be constructed substantially in accordance with the elevation drawings approved by the Office of Planning. Moreover, landscaping shall be provided in front of the property along Bay Drive, if consistent with the existing streetscape.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 10-10-07
By WJW



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 10, 2007

Jack and Carol Sharon Perron
406 Theresa Avenue
Baltimore, Maryland 21221

Linda Kropp
727 Weil Mandel Way
Hunt Valley, MD 21030

RE: PETITION FOR VARIANCE

N/S Bay Drive, 185' W c/line Cuckold Point Road
(2811 Bay Drive)

15th Election District - 7th Council District

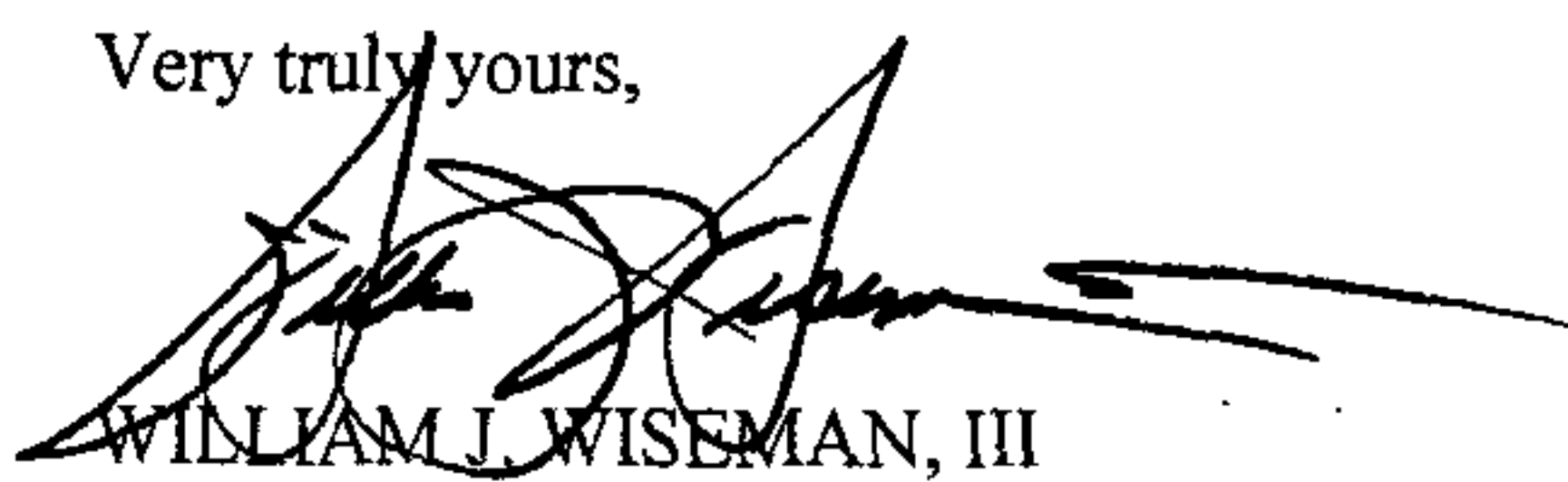
Jack R. Perron, et ux, *Legal Owners*; Linda Kropp, *Contract Purchaser* - Petitioners
Case No. 08-059-A

Dear Mr. and Mrs. Perron and Ms. Kropp:

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.

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Pat Bomhoff, 4 Broadleaf Court, Baltimore, MD 21234
Chris Barkley, 9120 Hinton Avenue, Sparrows Point, MD 21219
Claudette Birchette, 2809 Bay Drive, Baltimore, MD 21219
Chesapeake Bay Critical Area Commission, 1804 West Street,
Suite 100, Annapolis, MD 21401
People's Counsel; DEPRM; Develop. Plans Review; Office of Planning; File



Flood CBCA Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2811 BAY DRIVE

which is presently zoned DR 5.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, leg owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto as 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 the 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:

Linda Kropp
Name - Type or Print
Linda Kropp
Signature
727 West Mandel Way
Address
COCKEYSVILLE MD 21030
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

JACK PERRON
Name - Type or Print
[Signature]
Signature
CAROL SHARON PERRON
Name - Type or Print
Carol Sharon Perron
Signature
406 Theresa Ave
Address
Ba lto. MD. 21221
City State Zip Code

Representative to be Contacted:

CHRIS BARKLEY-REALTOR
Name
9120 Hinton Ave 410627-5256
Address Telephone No.
Sparrows Pt MD. 21219
City State Zip Code

OFFICE USE ONLY

Case No. 08-059-A

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 10-10-07

By [Signature]

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By BH Date 8/2/07

1B02.3.C.1 to permit a lot with a width of 50 feet, a front yard setback of 20 feet,^① and side yard setbacks of 5 feet each in lieu of the required 50 feet, 25 feet, and 10 feet, respectively.

ZONING DESCRIPTION

Zoning Description For 2811 Bay Drive

Beginning at a point on the North side of Bay Drive, which is 25 feet wide at the distance of 185 ft. west of the centerline of the nearest improved intersecting street Cuckold Point Road, which is 30 ft. wide. Being Lot # 562, Section 7 in the subdivision of Swan Point as recorded in Baltimore County Plat Book #9, Folio# 5, containing 9,850 square feet. Also known as 2811 Bay Drive and located in the 15th Election District, 7th Councilmanic District.

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: # 08-059-A

2811 Bay Drive

N/side of Bay Drive, 185 feet west of centerline of Cuckold Point Road

15th Election District - 7th Councilmanic District

Legal Owner(s): Jack & Carol Perron

Contract Purchaser: Linda Kropp

Variance: to permit a lot width of 50 feet, a front yard setback of 20 feet, and side yard setbacks of 5 feet each in lieu of the required 50 feet, 25 feet and 10 feet respectively.

Hearing: Thursday, October 4, 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 9/7/11 Sept. 18

149166

CERTIFICATE OF PUBLICATION

9/20, 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 9/18, 2007.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

No. 04182

60-2

SECRET

7-10155

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15-1132407 0016/2407 07:54:31

SECRET

• **Wiederholungsfragen**

STANDARD REFERENCE

DISC

THE
JOURNAL
OF
THE
ROYAL
ANTHROPOLOGICAL
INSTITUTE
OF GREAT
BRITAIN
AND IRELAND
PART 1
1901

SECRET

COPIES DESTROYED

[illegible]**Total:**

15

REC

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-059-A

Petitioner/Developer: LINDA

KROPP

Date of Hearing/Closing: 10-4-07

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:

2811 BAY DRIVE

The sign(s) were posted on

9-19-07
(Month, Day, Year)

Sincerely,

Robert Black 9-19-07
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

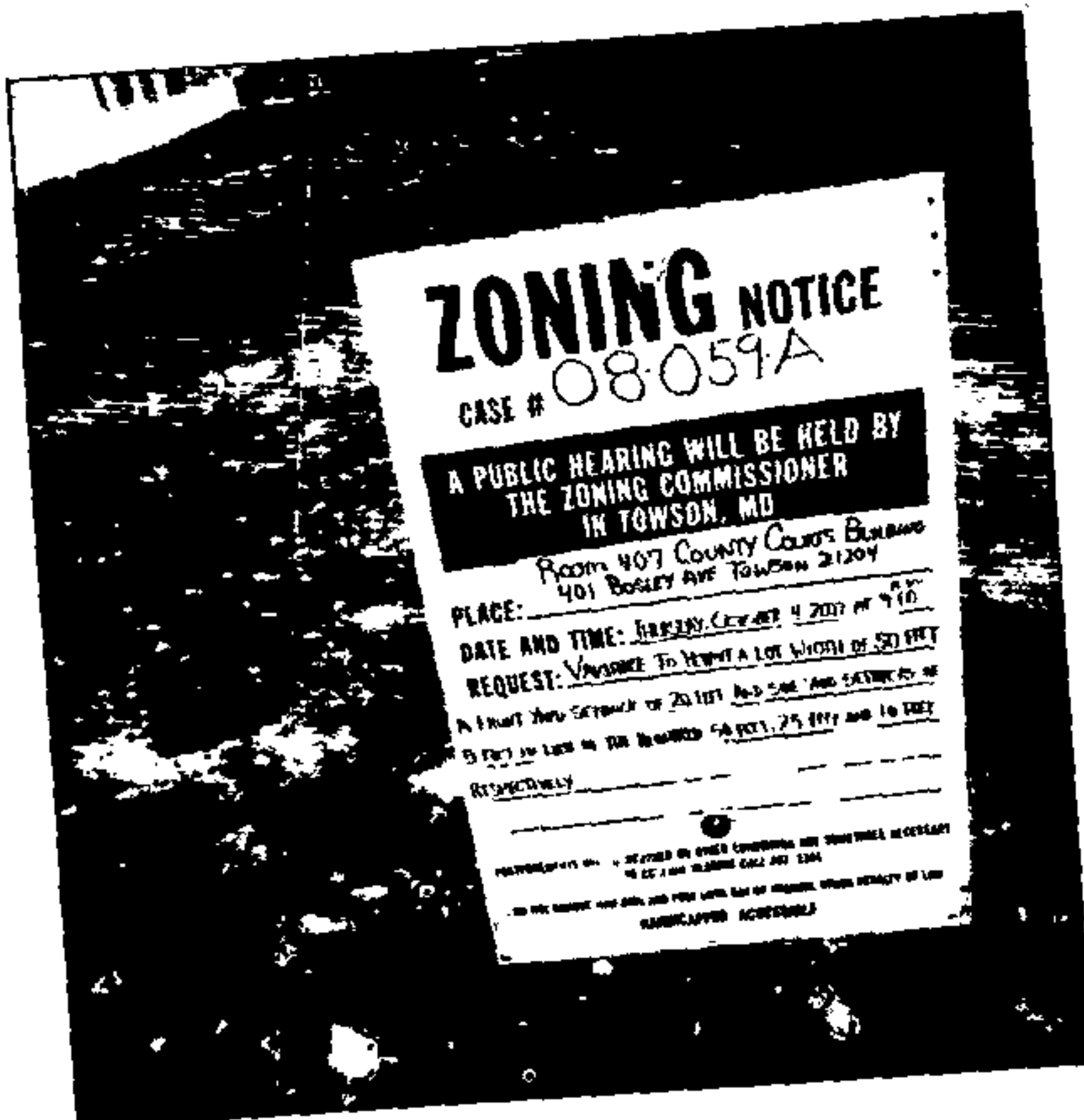
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 24, 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: 08-059-A

2811 Bay Drive

N/side of Bay Drive, 185 feet west of centerline of Cuckold Point Road

15th Election District – 7th Councilmanic District

Legal Owners: Jack & Carol Perron

Contract Purchaser: Linda Kropp

Variance to permit a lot width of 50 feet, a front yard setback of 20 feet, and side yard setbacks of 5 feet each in lieu of the required 50 feet, 25 feet and 10 feet respectively.

Hearing: Thursday, October 4, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Jack & Carol Perron, 406 Theresa Avenue, Baltimore 21221
Linda Kropp, 727 Well Mandel Way, Cockeysville 21030
Chris Barkley, 9120 Hinton Avenue, Sparrows Point 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPT. 19, 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, September 18, 2007 Issue - Jeffersonian

Please forward billing to:

Jack Perron
406 Theresa Avenue
Baltimore, MD 21221

410-391-0914

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: 08-059-A

2811 Bay Drive

N/side of Bay Drive, 185 feet west of centerline of Cuckold Point Road

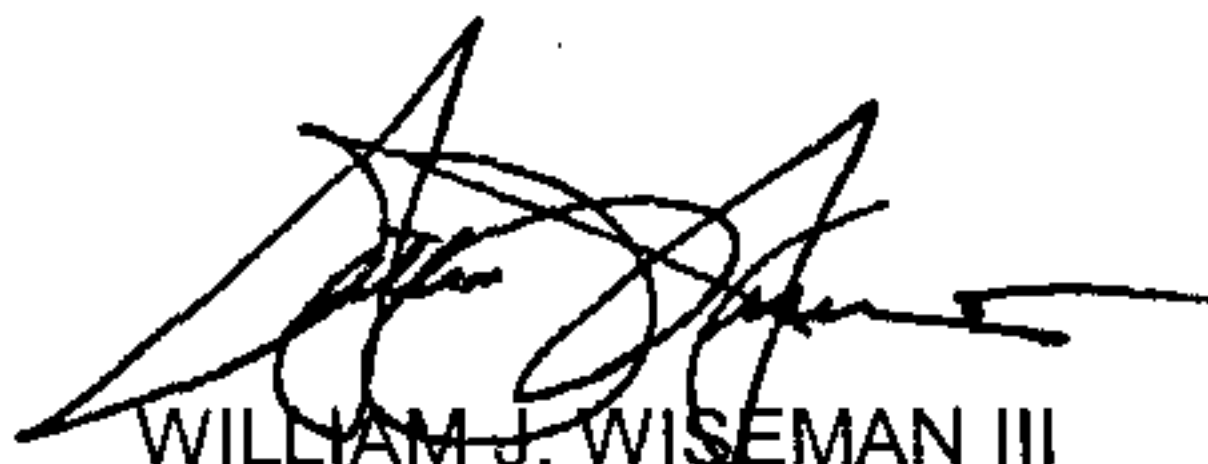
15th Election District – 7th Councilmanic District

Legal Owners: Jack & Carol Perron

Contract Purchaser: Linda Kropp

Variance to permit a lot width of 50 feet, a front yard setback of 20 feet, and side yard setbacks of 5 feet each in lieu of the required 50 feet, 25 feet and 10 feet respectively.

Hearing: Thursday, October 4, 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: 08-059-A
Petitioner: JACK R. & CAROL S. PERRON
Address or Location: 2811 BAY DRIVE, BALTIMORE, MD. 21219

PLEASE FORWARD ADVERTISING BILL TO:

Name: JACK PERRON
Address: 406 THERESA AVENUE
BALTIMORE MD. 21221
Telephone Number: 410-391-0914



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

September 26, 2007

Jack Perron
Carol Sharon Perron
406 Theresa Avenue
Baltimore, MD 21221

Dear Mr. and Mrs. Perron:

RE: Case Number: 08-059-A, 2811 Bay Drive

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf
Enclosures

c: People's Counsel
Linda Kropp 727 Well Mandel Way Cockeysville 21030
Chris Barkley, Realtor 9120 Hinton Avenue Sparrows Point 21219

BW

10-4-07
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 4, 2007

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

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SEP 07 2007

BY:.....

SUBJECT: Zoning Advisory Petition(s): Case(s) 8-059- Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. Additionally, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.
3. Provide photographs of existing adjacent dwellings.
4. Any accessory structures shall be consistent with that of the principle structure it serves.
5. The plan should show limits of proposed paving and structures to be removed (if it is shown, it cannot be read).
6. It appears that the setback on the eastern side of the property can be increased to 10 feet. The building envelope should be adjusted accordingly.

For further questions or additional information concerning the matters stated herein, please contact Nkechi Hislop with the Office of Planning at 410-887-3480.

Prepared By:

Curtis L. Lacey

Division Chief:

Lynn L. Lacey

CM/LL

BW 10/4
9Am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
OCT 03 2007

BY:.....

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: 9/18/2007
SUBJECT: Zoning Item #08-59-A
Address 2811 Bay Drive

Zoning Advisory Committee Meeting of August 13, 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). See note below.

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:

LDA regulations must be met on this site. Impervious surface area is limited to 25% of the lot's area, and 15% tree cover must be met and maintained onsite. Buffer Management Area Regulations also apply. Any disturbance to the 100-foot buffer to tidal waters will require mitigation.

Reviewer: Kevin Brittingham

Date: 9/18/07

S:\Devcoord\I ZAC-Zoning Petitions\ZAC 2008\ZAC 08-59-A.doc

ORDER RECEIVED FOR FILING
Date 10-10-07
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 15, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For August 20, 2007
Item No. 059

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 059-08152007.doc

ORDER RECEIVED FOR FILING
Date 10-10-07
By [signature]

BW 10/4

October 22, 2007

Mr. William J Wiseman, III
Zoning Commissioner for Baltimore County
County Courts Building
401 Bosley Ave, Ste 405
Towson, Maryland 21204

RECEIVED
OCT 24 2007

BY:.....

RE: Case No. 08-059-A

Dear Mr. Wiseman:

This letter is not an appeal to your decision regarding the above-captioned case. However, one statement is incorrect, that is, the purchaser will reside in the dwelling on that property. Mrs. Kropp owns a summer home at 2819 Bay Drive and actually resides elsewhere. Her intention is to build a home at 2811 Bay Drive and sell it.

I attended the hearing and was disturbed by a comment. That comment referred to the "high tax bracket" of the residents on Miller's Island. This is a misconception.

Prior to Isabel, Miller's Island consisted of mostly shore shacks renovated by middle-income citizens. Many old-timers, retired from Sparrows Point also lived here. There were a few new homes.

After the flood, the old-timers were forced out, too fragile to contend with the bureaucracy of rebuilding their homes. The middle-income citizens fought with FEMA, the NFIP, our Mortgage holders and lived in campers for many months (15 months myself). We received about 1/3 of what it cost to rebuild, took out loans, and did what work we could ourselves. Two years later, we're back in our home and guess what? We can't afford to live here anymore, our property taxes are tripling and we all have 2 and 3 mortgages. In addition, an investor purchased the lots to the right of me and we have 10 townhouses going up next door and 4 across our road. All in a community that only has ever had single-family homes.

The "high tax bracket" of Millers Island residents is in the very near future.
Investors are now buying out our middle-class.

Thank you for this opportunity to explain.

Sincerely,

A handwritten signature in cursive script, appearing to read "Claudette Birchett".

Claudette Birchett

(Future Former Resident)

2809 Bay Drive

Baltimore, MD 21219

Revised

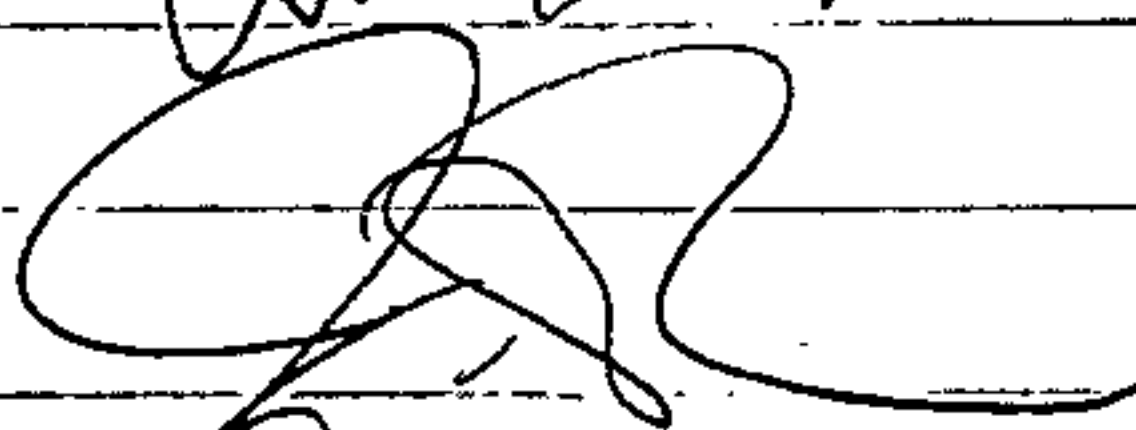
Oct 4' 2007

Case # 08-059-A 2811 BAY DRIVE

ATTN: Bill Weissman

RE: Building envelope to be

35' x 50'

Linda K Kropp 10/4/07


LINDA KROPP

JACK PERRON

10/4/07

CAROL SHARON PERRON

Carol Sharon Perron 10/4/07



Baltimore County
Fire Department

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

August 14, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: ⁵⁹ August 14, 2007

Item Number: Item Number 49 and 052 through 075

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

Come visit the County's Website at www.co.ba.md.us





State Highway
Administration

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

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

Maryland Department of Transportation

Date: August 13, 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. 8-59-A
2811 BAY DRIVE
PERRON PROPERTY
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. 8-59-A.

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

From: Debra Wiley
To: Livingston, Jeffrey
Date: 09/28/07 12:00:44 PM
Subject: DEPRM Comments Needed

Hi Jeff,

Bill has two (2) hearings next Thursday, October 4th that are missing DEPRM comments as follows:

08-059-A - CBCA & Flood

2811 Bay Drive

N/side of Bay Drive, 185 feet west of c/line of Cuckold Point Road

15th Election District - 7th Council District

Legal Owners: Jack & Carol Perron

Contract Purchaser: Linda Kropp

Variance to permit a lot width of 50 feet, a front yard setback of 20 feet, and side yard setbacks of 5 feet each in lieu of the required 50 feet, 25 feet and 10 feet respectively.

08-064-A - CBCA & Flood

3514 Galloway Road

S/side of Galloway Road @ the distance of 400 feet west of c/line of Cold Spring Road

15th Election District - 6th Council District

Legal Owners: Nicholas Triantufiles

Contract Purchaser: Matthew & Holly Gifford

Variance to permit a single family with a height of 42 feet on a lot having an area of 0.32 acres with property line setbacks of 10 feet in lieu of the required 35 feet, 1.5 acres and 50 feet, respectively.

Thanks and have a great day!

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Zoning Hearings – 2811 Bay Drive
CASE NUMBER: 8-59
October 4, 2007

In reference to the above case, we own and live at 2809 Bay Drive. We have lived there since the year 2000. Our names are Claudette Birchett and John Dey.

We are not opposed to a front yard setback of 20 feet. We feel the side yard set back of 5 feet will bring the homes too close together in the event of a fire or any emergency that may require access to the sides. In addition, we are opposed to a home on the left to us that would extend more than a few feet beyond our home and not be close in alignment with all the homes on the street.

Sincerely,

Claudette Birchett and John Dey
2809 Bay Drive, Baltimore, MD 21219

RE: PETITION FOR VARIANCE
2811 Bay Drive; N/S Bay Drive, 185' W
c/line Cuckold Point Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Jack & Carol Perron
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-059-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

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 16th day of August, 2007, a copy of the foregoing Entry of Appearance was mailed to, Chris Barkley, 9120 Hinton Avenue, Sparrows Point, MD 21219, Representative for Petitioner(s).

RECEIVED

AUG 16 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DATE 10-4-07

barkley00070a01.c

CASE NAME _____
CASE NUMBER _____
DATE _____

ADDRESS

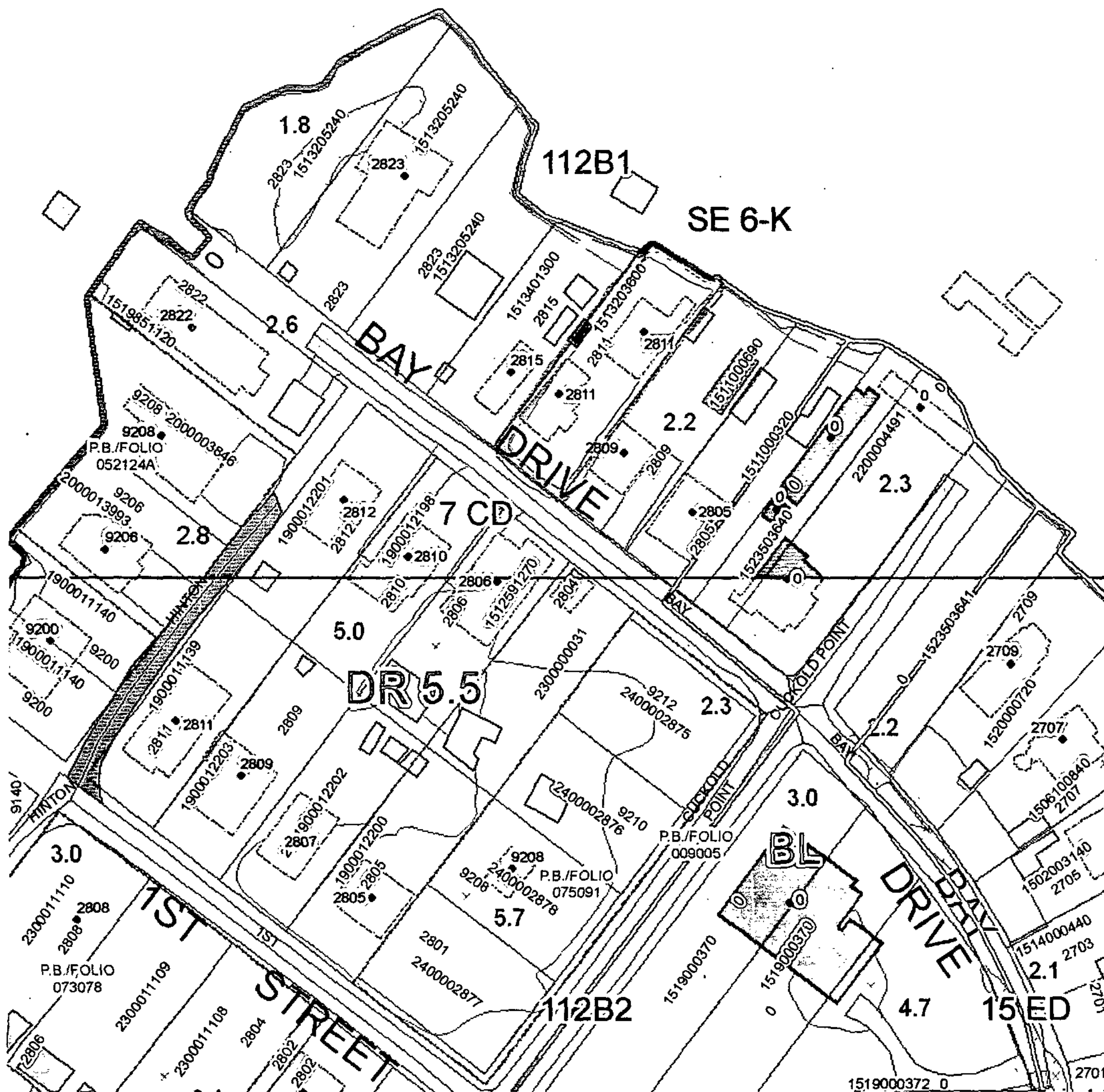
CITY, STATE, ZIP

E-MAIL

2809 Bay A

Bar 46 MD 212R

PETITIONER'S SIGN-IN SHEET



1519000372 0

#059



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1)

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)

Account Identifier: District - 15 Account Number - 1513203600

Owner Information

Owner Name:	PERRON JACK R PERRON CAROL SHARON	Use:	RESIDENTIAL
Mailing Address:	406 THERESA AVE BALTIMORE MD 21221-3346	Principal Residence:	NO
		Deed Reference:	1) /14542/ 550 2)

Location & Structure Information

Premises Address
2811 BAY DR

Legal Description

WATERFRONT

2811 BAY DR
SWAN POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
112	15	4			7		562	3	Plat Ref: 9/ 4

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1944	516 SF	9,850.00 SF	34

Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	135,210	226,210		
Improvements:	0	0		
Total:	135,210	226,210	195,876	226,210
Preferential Land:	0	0	0	0

*IN FAMILY
for 50 years*

Transfer Information

Seller: MALECKI STEVE J	Date: 06/22/2000	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14542/ 550	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

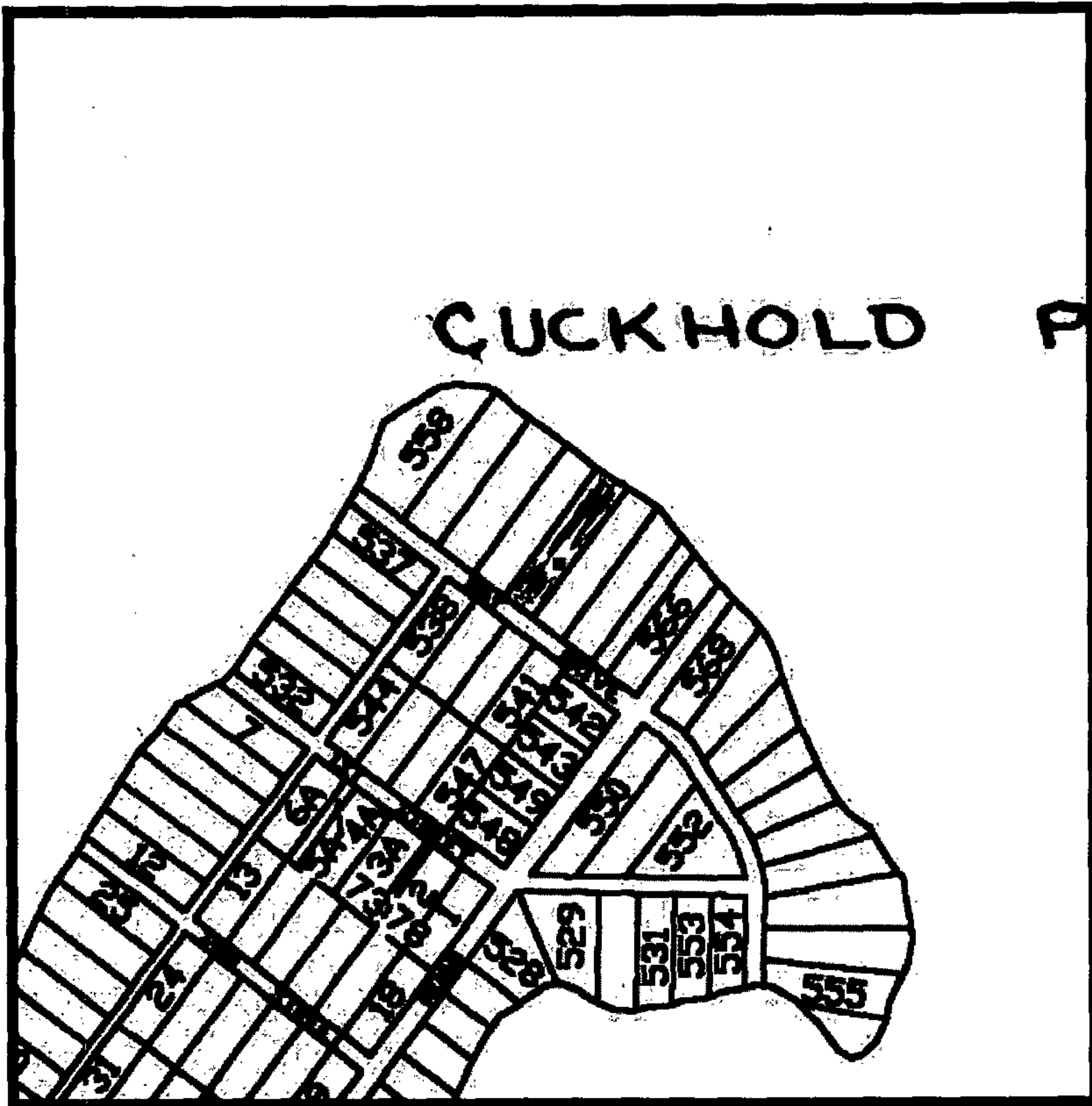
Special Tax Recapture:
 * NONE *



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

[Go Back](#)
[View Map](#)
[New Search](#)

District - 15 Account Number - 1513203600



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning
web site at www.mdp.state.md.us/webcom/index.html

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

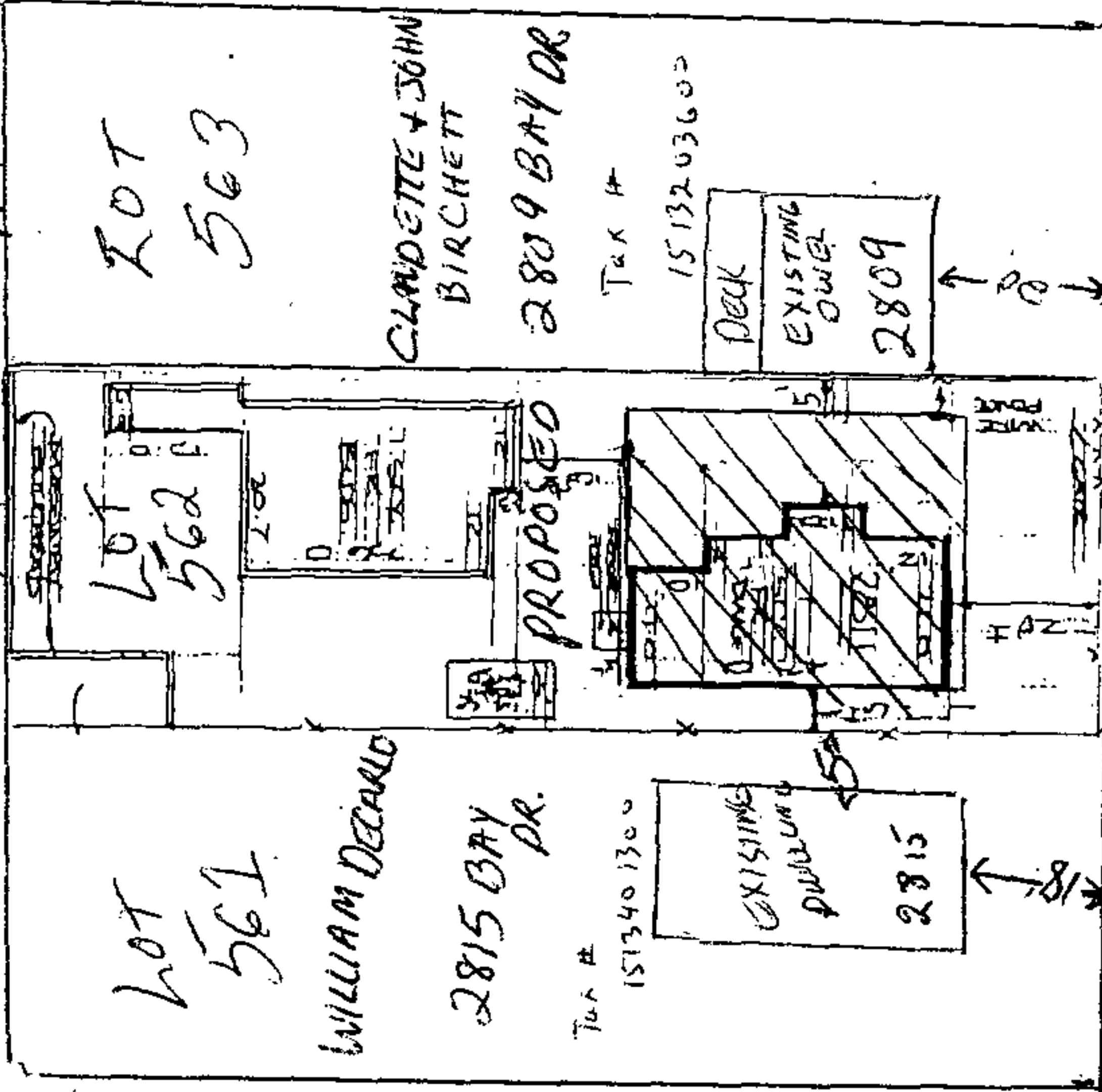
PROPERTY ADDRESS: 2811 BAY DRIVE 21219 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: SWAN POINT

Plat book # 9, folio # 5, lot # 562, section # 7

OWNER: JACK & SHARON PERRON

BACKRIVER
WATER



BAY DRIVE - 25' PAVED

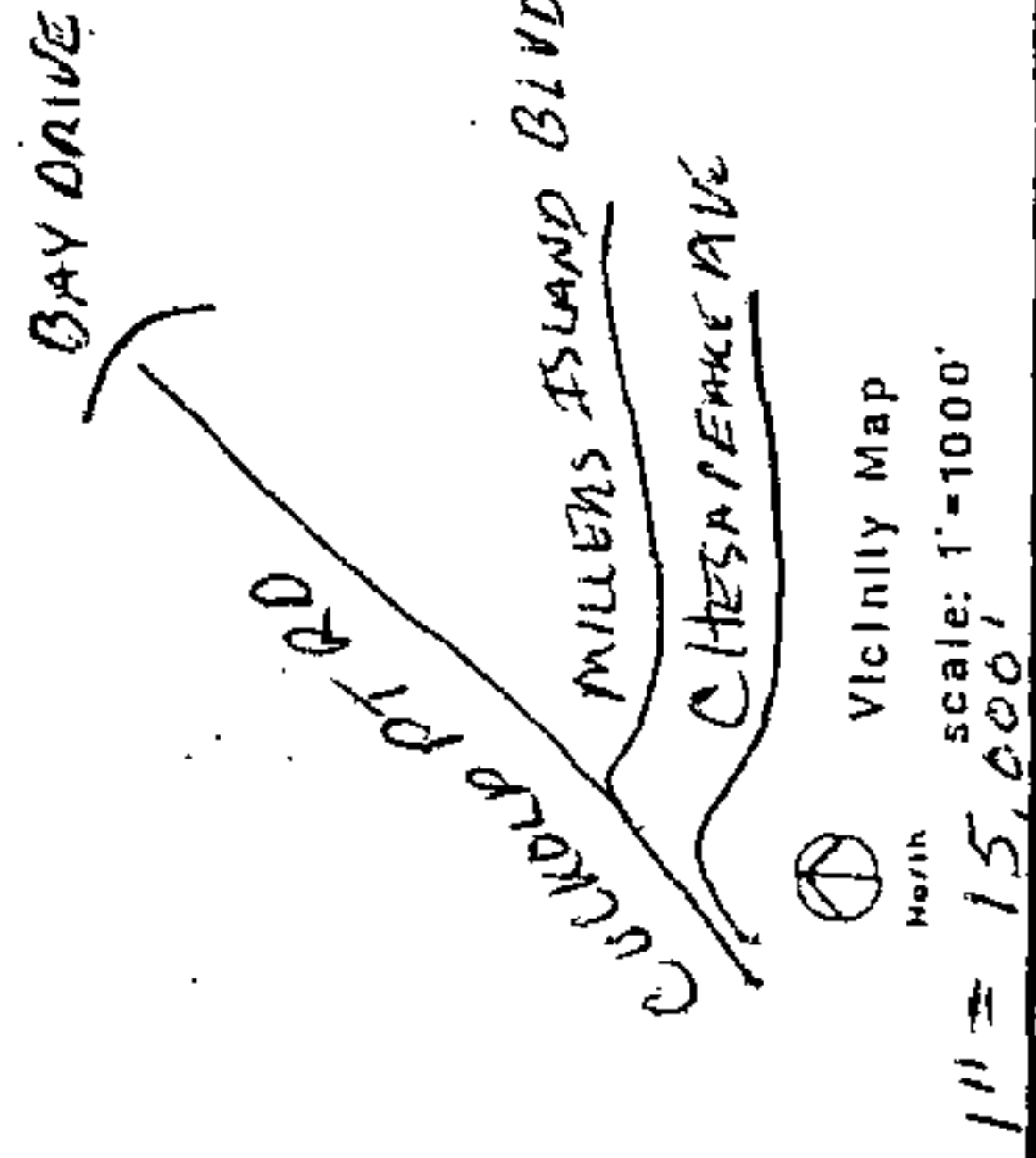


North

date: 8-2-07

prepared by: CHRIS BARKLEY

Scale of Drawing: 1" = 40'



LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1"=200' scale map #: 112 B1

Zoning: PR-5.5

Lot size: 9.850 acreage square feet

public private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☒ ☐
Prior Zoning Hearings: NONE

Flood Zone A

Zoning Office USE ONLY!

reviewed by: BN ITEM #: 054 CASE #: 08-059-A

Case No.: 08-059-A 2811 BAY DRIVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A - SITE PLAN (Survey) 1B - SITE PLAN (with neighboring structure)	
No. 2	Elevations Photographs	
No. 3	Photographs PRIOR ISABELLE POST ISABELLE	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

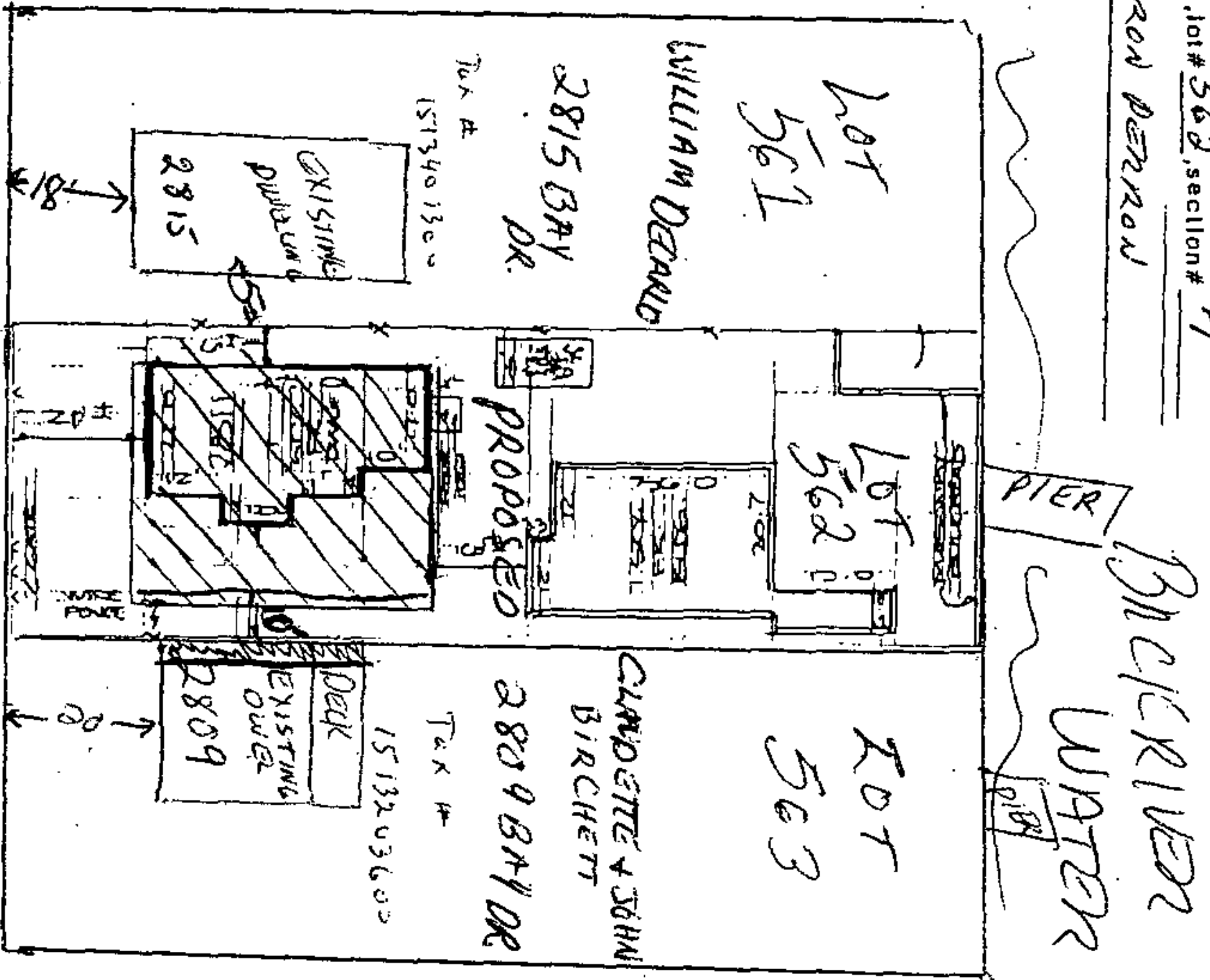
PROPERTY ADDRESS: 2811 BAY DRIVE 21219

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: SILVER POINT

Plat book # 9, folio # 5, lot # 562, section # 7

OWNER: JACK & SHARON BERNON



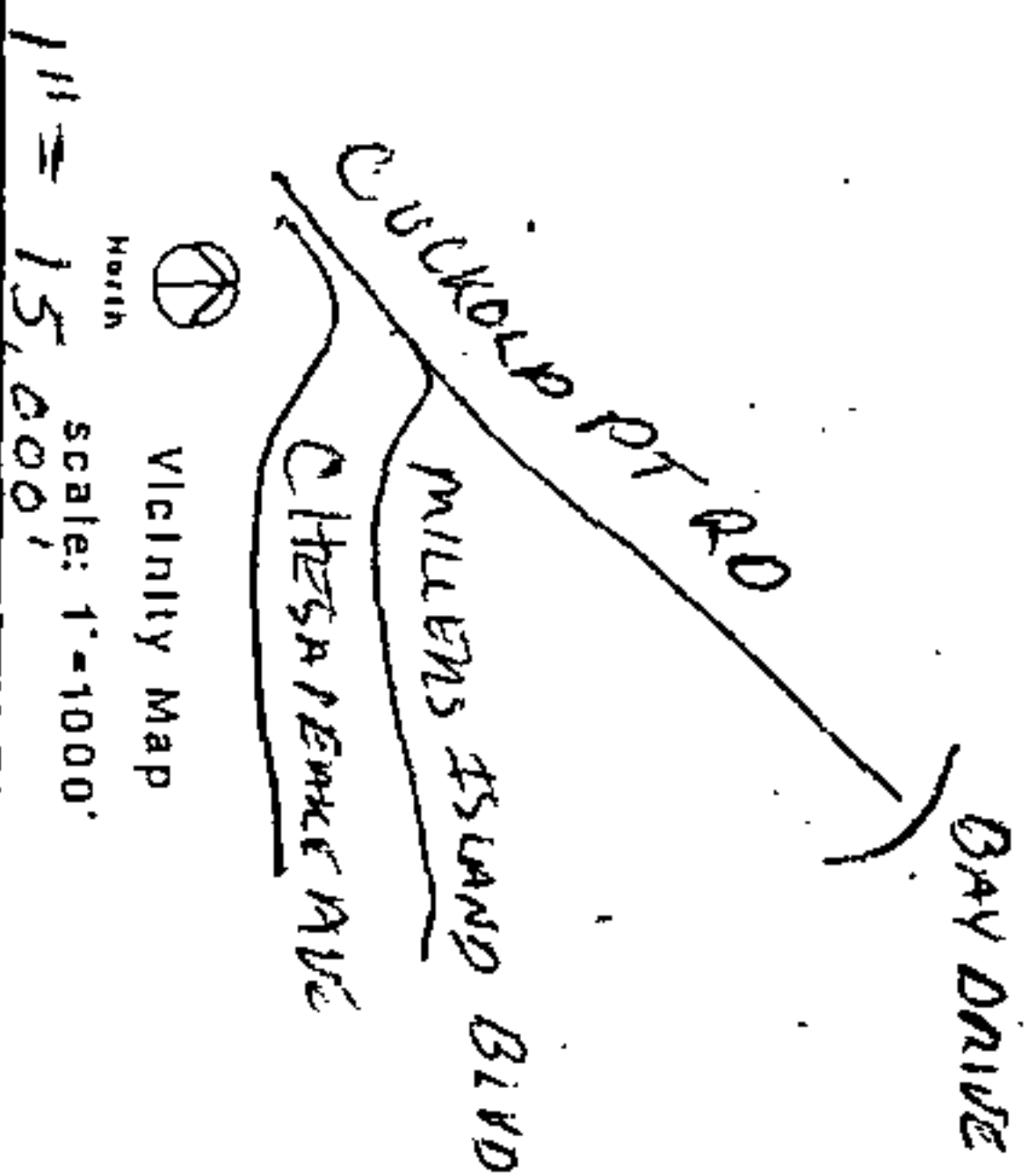
BAY DRIVE - 35' PAVED

North

date: 8-2-07

prepared by: CHRIS BARKLEY

Scale of Drawing: 1" = 40'



LOCATION INFORMATION

Election District: 15

Councilmanic District: 7

1" = 200' scale map #: 11231

Zoning: DR. 5.5

Lot size: 9850 acreage square feet

Public

Private

SEWER: ☒ Public ☐ Private

WATER: ☒ Public ☐ Private

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NONE

Flood Zone A

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

BA 054 08-059-A

PETITIONER'S

EXHIBIT NO. 1

THIS PROPERTY LIES WITHIN ZONE
"AS" (100-YEAR FLOOD PLAIN) AS SHOWN
ON F.I.R.M. PANEL 240010-0560-C
DATED NOVEMBER 17, 1993.

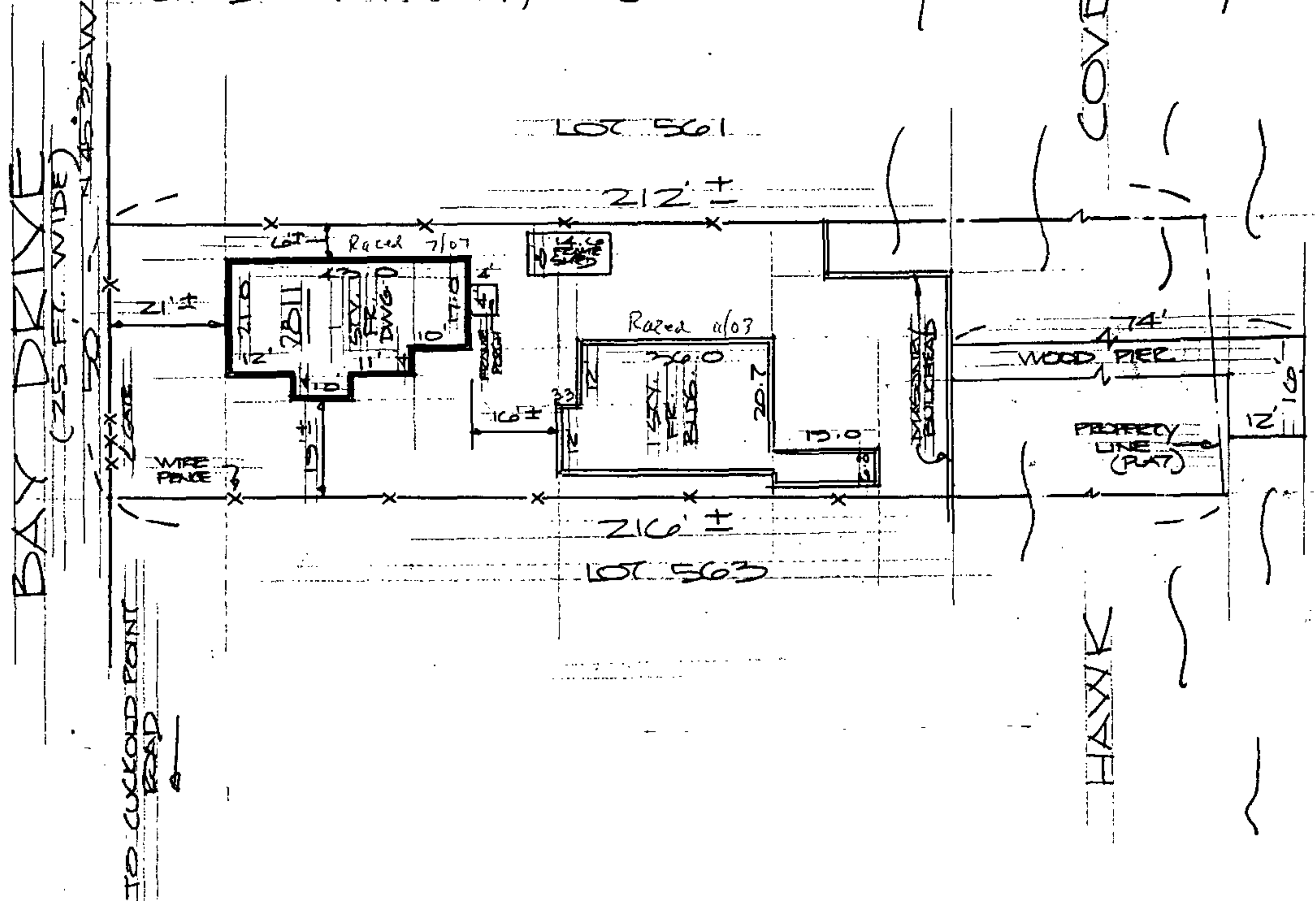


EXHIBIT NO.

1A

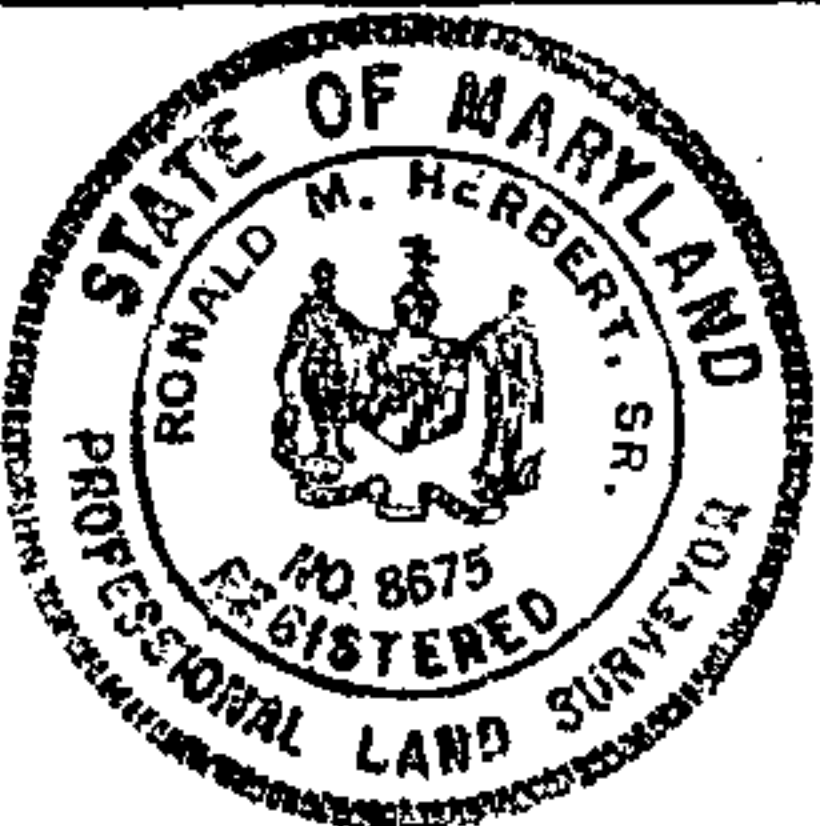
- 1) This plat is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing or re-financing.
- 2) This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.
- 3) This plat does not provide accurate identification of property boundary lines but such identification may not be required for the transfer of title or securing financing or re-financing.

Lot 562, Amended Plat of Section 7,
of SWAN POINT, Plat Book W.P.C.A No.
8, Folio 6 and Revised Plat of SWAN POINT,
Plat Book L.Mc.L.M. No. 9, Folios 4 & 5

This is to certify that this drawing meets the Minimum Standards of Practice of the State of Maryland.

All setback dimensions are + or - one foot unless otherwise noted.

REG. NO. 8675



2811 BAY DRIVE, BALTIMORE COUNTY, MARYLAND

**OFFICE OF
MANK & KUNST
POST OFFICE BOX 5448
TOWSON, MARYLAND 21285**

11. = 30'

4/20/00

40/00K

#059

Lot = 9850 SF
 House = 2074 SF = 21.06 %



Red Bay Cottage

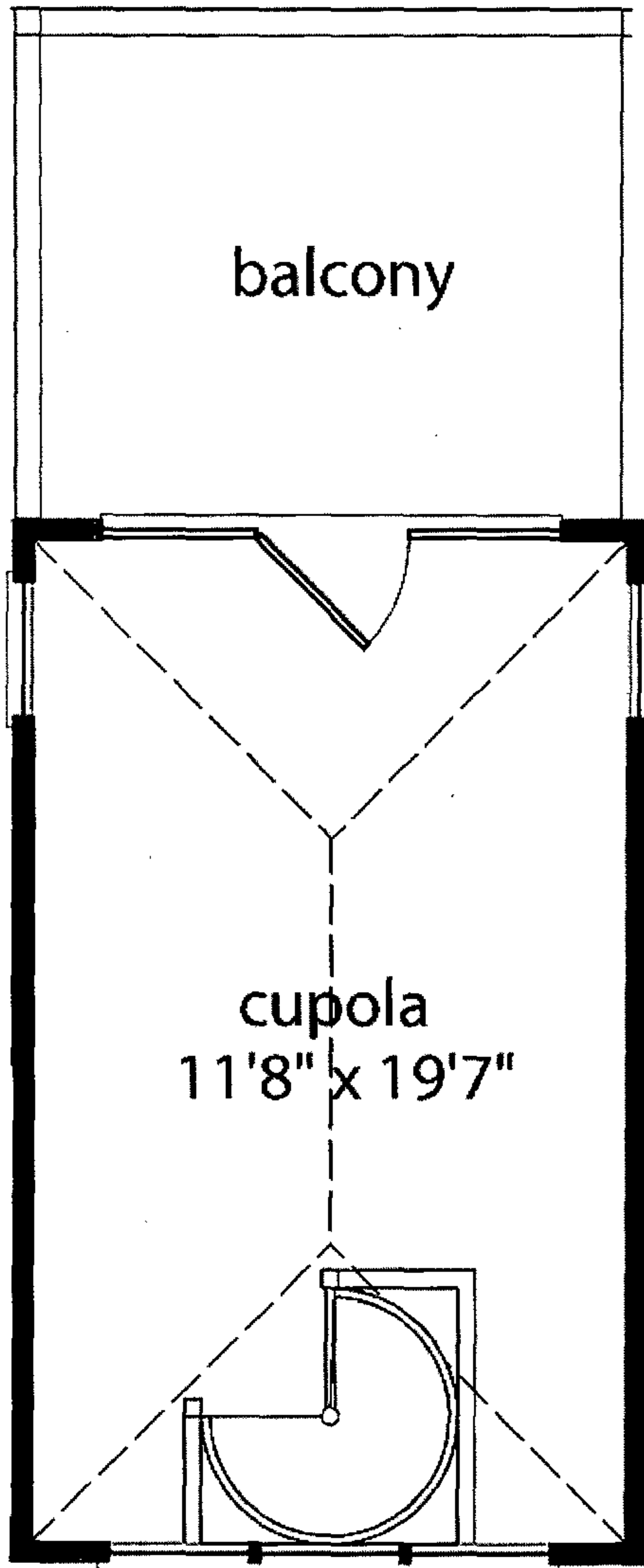
HWEPL 55409
 Southern Living House Plans

2,074 Sq FT
 3 BR 3 BA

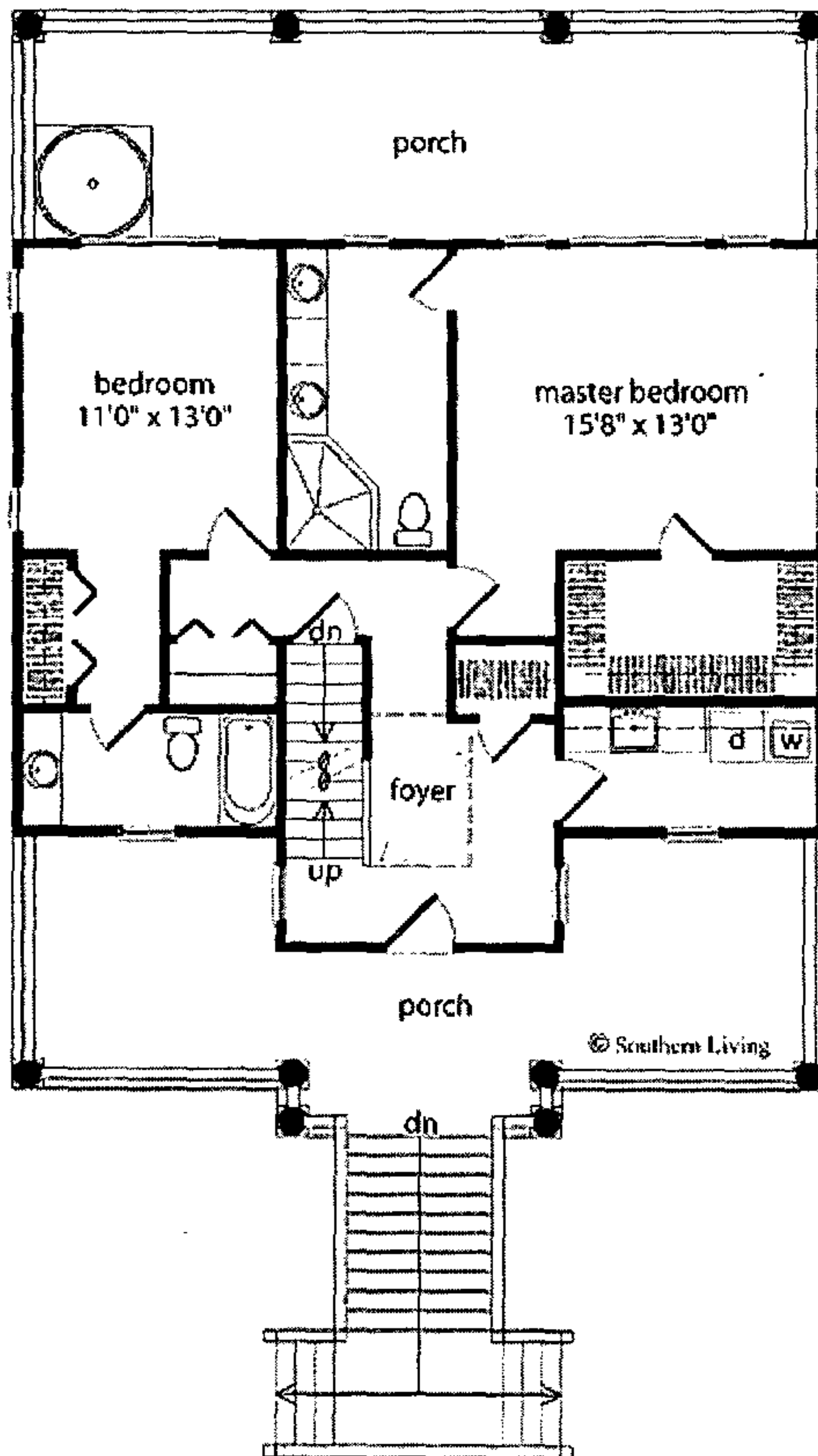
35W 49D
 3 Stories 2 GARAGE

PETITIONER'S

EXHIBIT NO. 2



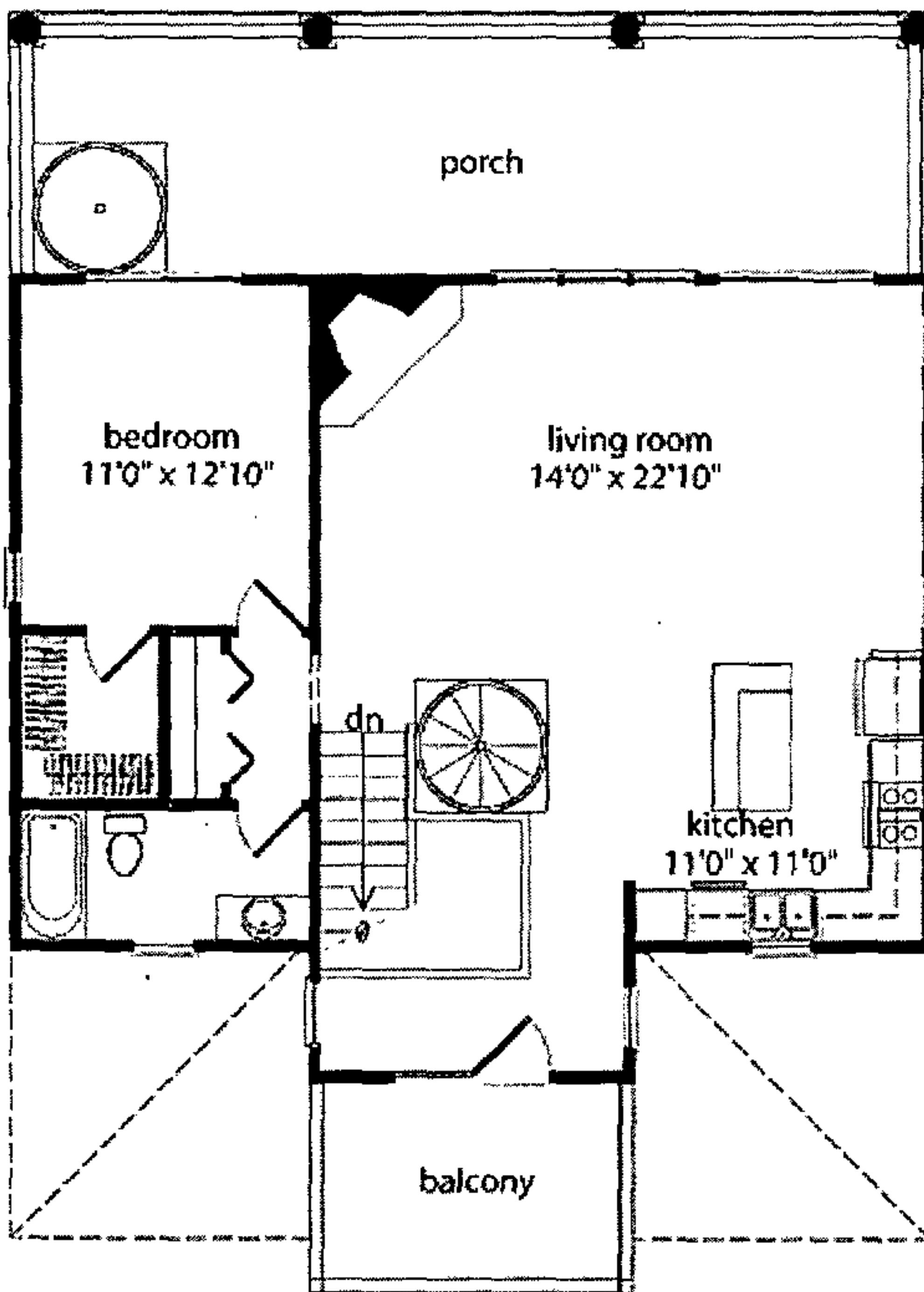
222 Sq FT



49'

35'

896 59 FT



49'

35'

956 Sq FT

