

IN RE: **PETITION FOR VARIANCE**
NW/S Bay Drive, 400' SW c/line of
Wye Road
(3718 Bay Drive)
15th Election District
6th Council District

William E. Bohns, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
* **Case No. 08-112-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 property owners, William E. Bohns and his wife, Jennifer Lamantia Bohns. Variance relief is requested from Sections 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling to have a height of 42 feet in lieu of the maximum allowed 35, and to permit said dwelling to have a side yard setback of 65 feet to the centerline of a road in lieu of the required 75, and a front yard setback of 14 feet and rear yard setback of 8 feet in lieu of the minimum required 50 for both on a lot with an area of 0.34 acres. The subject property and requested relief are more particularly shown on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing for this matter was William E. Bohns, property owner. There were no Protestants or other interested persons present.

The testimony and evidence presented was that the subject property is a narrow, yet deep, water oriented lot located on Bay Drive in the Bowley's Quarters area of eastern Baltimore County. The property is approximately 300' deep x 50' wide and zoned R.C.5. The property is improved with an existing vacant dwelling that sustained damage from a fire and incurred further damage from Hurricane Isabel. The existing dwelling will be

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Date 11-2-57
By EW

razed to accommodate redevelopment with a newly constructed home measuring 68' x 28' wide. It was indicated that this dwelling will be used as the Petitioners' new family residence. They purchased the property some five years ago as the Petitioners' father-in-law has lived across the street on Bay Drive since 1971. The proposed dwelling building elevations were reviewed showing that it will be placed sideways on the lot orienting the garage and driveway in the side yard facing Bay Drive. The rear of the dwelling will contain a screened porch and deck with a concrete patio below. The residence will be two stories with four bedrooms; the first level will contain a two-car garage with ample storage space. As illustrated on the site plan, there will be 182' from the porch and deck to the rear property line. In this regard, the adjacent property owner at 3722 Bay Drive, Anthony Lambo, has reviewed Petitioners' plans and is supportive of the proposal and welcomes the removal of the existing fire and hurricane damaged structure. Additionally, the new home will be located farther to the rear of the subject property and will not impair existing water views. The front yard setback of 14' is deceiving as the adjacent property is in a buffered area and zoned R.C.2 preventing improvements.

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

Building elevation drawings were shown at the hearing that demonstrates that the proposed dwelling will be an attractive structure consistent in appearance with other houses in this community. A series of photographs, Petitioners' Exhibit 4A-4C were submitted at the hearing showing a variety of structures throughout the locale. Many of

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Date 11-2-07
By [Signature]

the newer structures have been constructed in the past several years since the damage caused by Hurricane Isabel. The replacement home proposed is similar to many of these newer structures. A review of these cases will evidence the houses are built so that the lowest area of the dwelling space is above the floodplain. Thus, the houses are significantly taller than the shore homes that were built in the area many years ago. Accordingly, many of these new homes required variance relief.

There were no Protestants present at the hearing. A Zoning Advisory Committee (ZAC) comment was received from the Department of Environmental Protection and Resource Management (DEPRM) dated October 31, 2007, which indicates that the property is subject to the Chesapeake Bay Critical Area Regulations. The property is also within the Limited Development Area (LDA) requiring strict compliance with the impervious area and Chesapeake Bay Critical Area restrictions. Comments were also received from the Bureau of Development Plans Review advising that the flood protection elevation for this site is 11.2 feet. The comments indicate that the first floor or living area must be at least one foot above the flood plain elevation and must be designed and adequately anchored to prevent flotation or collapse, and constructed of materials resistant to flood damage. Flood-resistant construction should be in accordance with the Baltimore County Building Code which adopts the International Building Code. Finally, a ZAC comment was received from the Office of Planning dated October 22, 2007. That comment indicated that the improvements must comply with the R.C.5 design requirements.

Based upon the testimony and evidence presented, I am persuaded to grant the variances requested. In my judgment, the property is unique, given its close proximity to the waterfront, narrowness in size, and the fact that it is subject to stringent environmental

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Date 11-2-07
By [signature]

and floodplain regulations. Moreover, strict adherence to the regulations would constitute a practical difficulty on the Petitioners in that they would be denied a reasonable use of their property. In addition, I do not believe that the granting of relief will be detrimental to adjacent properties. As noted above, the proposed house is compatible with others in the area and will be served by public utilities. In sum, the setback variances and height variance are the minimal required for relief to be granted and are justified given the unique features resulting from the zoning classification imposed on this property in 1979. The variances are proper for the reasons set forth above. No increase in residential density beyond that otherwise allowable by the zoning regulations will result by granting these requests. The proposed home will be compatible in size and design with the pattern of the development in the neighborhood.

Finally, I find that the height variance can be granted in strict harmony with the spirit and intent of the said regulations, and in such a manner as to grant relief without injury to the public health, safety or general welfare. The floodplain requires that the first floor of the dwelling space be elevated a significant distance. Thus, in order to have a reasonably sized dwelling, its height must be increased. Finally, the existence of houses in the area of a similar type is persuasive to a finding that the grant of relief will not be out of character for this area.

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

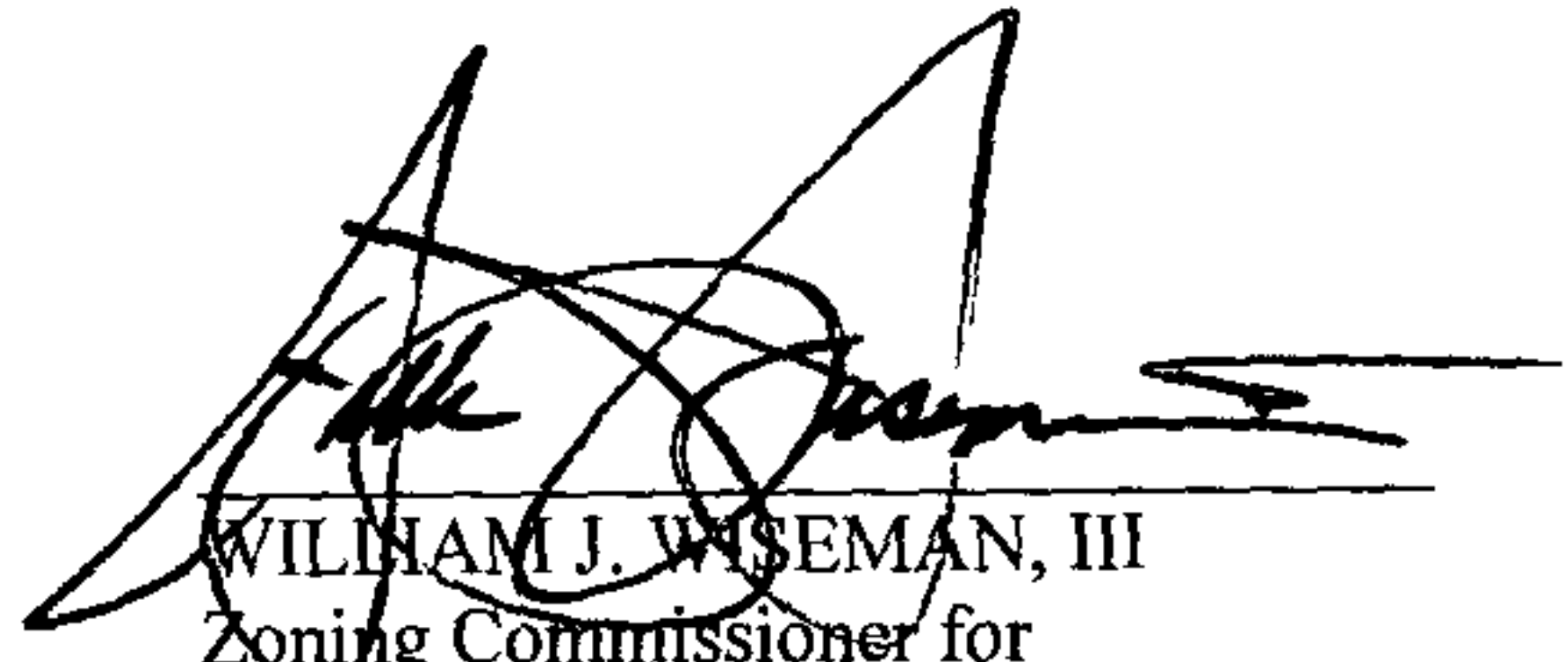
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of November, 2007 that the Petition for Variance from Sections 1A04.3.A and 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed replacement dwelling to have a height of 42 feet in lieu of the

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Date 11-2-07
By [signature]

maximum allowed 35, and to permit said dwelling to have a side yard setback of 65 feet to the centerline of a road in lieu of the required 75, and a front yard setback of 14 feet and rear yard setback of 8 feet in lieu of the minimum required 50 for both on a lot with an area of 0.34 acres, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

- 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 attached ZAC comments submitted subsequent to the hearing by the Department of Environmental Protection and Resource Management (DEPRM), dated October 31, 2007, relative to the Chesapeake Bay Critical Area Regulations and the Limited Development Area requirements.
- 3) Compliance with the attached ZAC comments submitted by the Bureau of Development Plans Review, dated September 17, 2007, relative to floodplain, elevation limitations, and flood-resistant construction.
- 4) Compliance with the ZAC comments submitted by the Office of Planning, dated October 22, 2007, related to the R.C.5 performance standards.
- 5) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW/pz

ORDER RECEIVED FOR FILING
Date 11-2-07
By [Signature]



CBLA Flood Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3718 Bay Drive

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) 1A04.3.A and 1A04.3.B.2.b - to permit a

proposed replacement dwelling to have a height of 42 feet in lieu of the maximum allowed 35, and to permit said dwelling to have a side yard setback of 65 feet to the centerline of a road in lieu of the required 75, and a front yard setback of 14 feet and rear yard setback of 8 feet in lieu of the minimum required 50 for both

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

see attached

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

William E Bohms

Name - Type or Print

W E B

Signature

x Jennifer Lamantia Bohms

Name - Type or Print

x [Signature]

Signature

7115 Oliver Beach Rd 410-335-5987

Address

Telephone No.

Balt.

MD

21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Date

8/29/07

Case No. 018-112-A

ORDER RECEIVED FOR FILING

Date 11-2-07

By [Signature]

To whom it may concern,

I am asking for a variance for the property located at 3718 Bay Drive in Bowleys Quarters. The existing dwelling is a burned out structure and is located approximately 3' from the property line. I am proposing to raise the existing structure and rebuild approximately 8' from the property line. Due to the width of the property only being 50' I cannot meet the existing zoning requirements for the present zoning which is RC5. I am asking for a variance in height and side setbacks.

Sincerely,

William Bohns

Item #112

Zoning Description for 3718 Bay Drive Baltimore Maryland 21220

Beginning at a point on the North West side of Bay Drive which is 30' wide at the distance of 400' +/- Southwest of the centerline of the nearest improved intersecting street Wye Road which is 30' wide.

Being Lot# 231A in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book # 8, Folio# 73, containing 15,000 sq. ft..

Also known as 3718 Bay Drive and located in the 15th Election District, 6th Councilmanic District.

Item #112

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: # 08-112-A

3718 Bay Drive
N/west side of Bay Drive, 400 feet west +/- s/west of centerline Wye Road.

15th Election District - 6th Councilmanic District

Legal Owner(s): William E. & Jennifer Lamantia Bohns

Variances: to permit a proposed replacement dwelling to have a height of 42 feet in lieu of the maximum allowed 35, and to permit said dwelling to have a side yard setback of 65 feet to the centerline of a road in lieu of the required 75, and a front yard setback of 14 feet and rear yard setback of 8 feet in lieu of the minimum required 50 for both.

Hearing: Tuesday, October 23, 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.

10/05/08 Oct. 4 151167

CERTIFICATE OF PUBLICATION

10/4/2007

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 10/4/2007.

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

S. Wilkinson

LEGAL ADVERTISING

No. 03860

RECEIVED

Date: 8/2/07

DATE	TIME	BY
11/11/2011	15:22:00	4

[illegible]

Total:

15

[illegible]

Case # 08-17-11

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S

VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 08-112-A

Petitioner/Developer: WILLIAM E.
JENNIFER LAMANTIA BONNS

Date Of Hearing/Closing: 10/23/07

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West 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 3718 BAY DRIVE

This sign(s) were posted on October 4, 2007
(Month, Day, Year)

Sincerely,
Martin Ogle 10/4/07
(Signature of sign Poster and Date)

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

ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MARYLAND

CASE # 08-112-A

ROOM 407 COUNTY COURTS BUILDING
PLACE: 401 BOSLEY AVENUE TOWSON, 21204

DATE AND TIME: TUESDAY, OCTOBER 23, 2007
AT 9:00 AM

REQUEST: VARIANCE TO PERMIT A PROPOSED
REPLACEMENT DWELLING TO
HAVE A HEIGHT OF 42 FEET IN LIEU OF THE MAXIMUM
ALLOWED 35, AND TO PERMIT SAID DWELLING TO HAVE A
5.51 YARD SETBACK OF 6 FEET TO THE CENTERLINE
OF A ROAD IN LIEU OF THE REQUIRED 7.5 AND A FRONT
YARD SETBACK OF 14 FEET AND REAR YARD SETBACK OF
8 FEET IN LIEU OF THE MINIMUM REQUIRED 20 FEET BOTH

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
311 N. CALLEMPINE AVE. TOWSON, MD 21204
TEL. 887-3391

NOTICE IS HEREBY GIVEN THAT THE ZONING COMMISSIONER HAS RECEIVED A REQUEST FOR A VARIANCE FROM THE ZONING ORDINANCES OF THE TOWSON, MARYLAND ZONING COMMISSION. THE REQUEST IS FOR A VARIANCE TO PERMIT A PROPOSED REPLACEMENT DWELLING TO HAVE A HEIGHT OF 42 FEET IN LIEU OF THE MAXIMUM ALLOWED 35, AND TO PERMIT SAID DWELLING TO HAVE A 5.51 YARD SETBACK OF 6 FEET TO THE CENTERLINE OF A ROAD IN LIEU OF THE REQUIRED 7.5 AND A FRONT YARD SETBACK OF 14 FEET AND REAR YARD SETBACK OF 8 FEET IN LIEU OF THE MINIMUM REQUIRED 20 FEET BOTH.

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/neighborhood 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 08-112-A

Petitioner William Bohms

Address or Location 3718 Bay Drive

PLEASE FORWARD ADVERTISING BILL TO

Name William Bohms

Address 7115 Oliver Beach Rd
Balt. MD 21220

Telephone Number 410-335-5987



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 20, 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: 08-112-A

3718 Bay Drive

N/west side of Bay Drive, 400 feet west +/- s/west of centerline Wye Road

15th Election District – 6th Councilmanic District

Legal Owners: William E. & Jennifer Lamantia Bohns

Variance to permit a proposed replacement dwelling to have a height of 42 feet in lieu of the maximum allowed 35, and to permit said dwelling to have a side yard setback of 65 feet to the centerline of a road in lieu of the required 75, and a front yard setback of 14 feet and rear yard setback of 8 feet in lieu of the minimum required 50 for both.

Hearing: Tuesday, October 23, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: William & Jennifer Bohns, 7115 Oliver Beach Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, OCTOBER 6, 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
Thursday, October 4, 2007 Issue - Jeffersonian

Please forward billing to:

William Bohns
7115 Oliver Beach Road
Baltimore, MD 21220

410-335-5987

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: 08-112-A

3718 Bay Drive

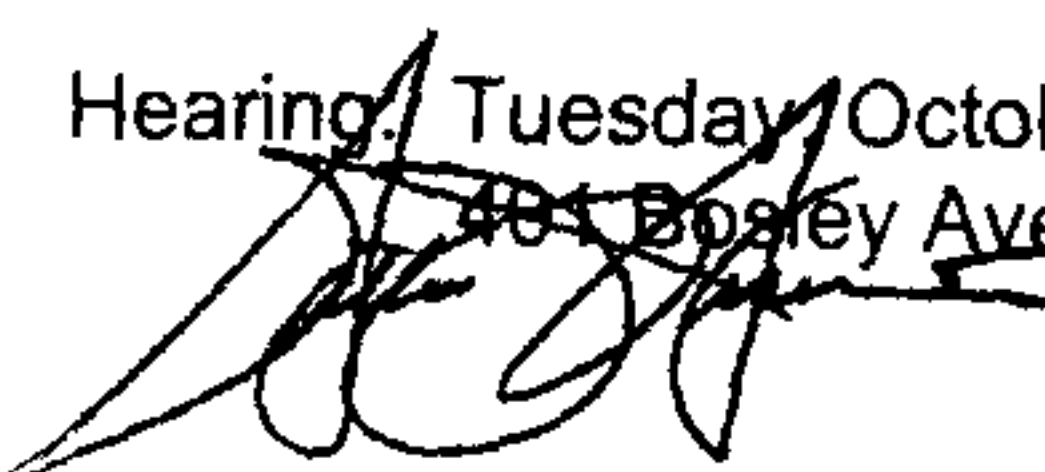
N/west side of Bay Drive, 400 feet west +/- s/west of centerline Wye Road

15th Election District – 6th Councilmanic District

Legal Owners: William E. & Jennifer Lamantia Bohns

Variance to permit a proposed replacement dwelling to have a height of 42 feet in lieu of the maximum allowed 35, and to permit said dwelling to have a side yard setback of 65 feet to the centerline of a road in lieu of the required 75, and a front yard setback of 14 feet and rear yard setback of 8 feet in lieu of the minimum required 50 for both.

Hearing: Tuesday, October 23, 2007 at 9:00 a.m. in Room 407, County Courts Building,
481 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

October 18, 2007

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

William E Bohns
Jennifer Lamantia Bohns
7115 Oliver Beach Road
Baltimore, Maryland 21220

Dear Mr. Bohns and Jennifer Lamantia Bohns:

RE: Case Number: 08-112-A 3718 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 29, 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, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc
Enclosures
c: Peoples Council



State Highway
Administration

Maryland Department of Transportation

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

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

Date: SEPT. 10, 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. B-112-A
3718 BAY DRIVE
BOHNS 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. B-112A.

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

My telephone number toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
OCT 31 2007

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *DL*

DATE: October 31, 2007

SUBJECT: Zoning Item # 08-112-A
Address 3718 Bay Drive
(Bohns Property)

Zoning Advisory Committee Meeting of August 27, 2007

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).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The site is within the Limited Development Area (LDA) and must meet all LDA requirements, including the impervious surface limits and the 15% afforestation requirement. The impervious surface limit for this lot is 31.25%. - *Regina Esslinger; Environmental Impact Review*

ORDER RECEIVED FOR FILING
Date 11-2-07
By *DL*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 17, 2007

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

SUBJECT: Zoning Advisory Committee Meeting
For September 17, 2007
Item No. 08-112

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 08-112-09172007.doc

ORDER RECEIVED FOR FILING
Date 11-2-07
By [signature]

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

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

DATE: October 22, 2007

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

RECEIVED
OCT 22 2007

SUBJECT: 3718 Bay Drive

BY:.....

INFORMATION:

Item Number: 8-112

Petitioner: William E. & Jennifer Lamantia Bohns

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject variance request o permit a proposed replacement dwelling to have a height of 42 feet in lieu of the maximum allowed 35, and to permit said dwelling to have a side yard setback of 65 feet to the centerline of a road in lieu of the required 75, and a front yard setback of 14 feet and rear yard setback of 8 feet in lieu of the minimum required 50 feet and has no objection to the requested relief subject to the following:

The petitioner should demonstrate that he/she does not own adjacent land and therefore cannot conform to area requirements of the RC 5 zone.

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

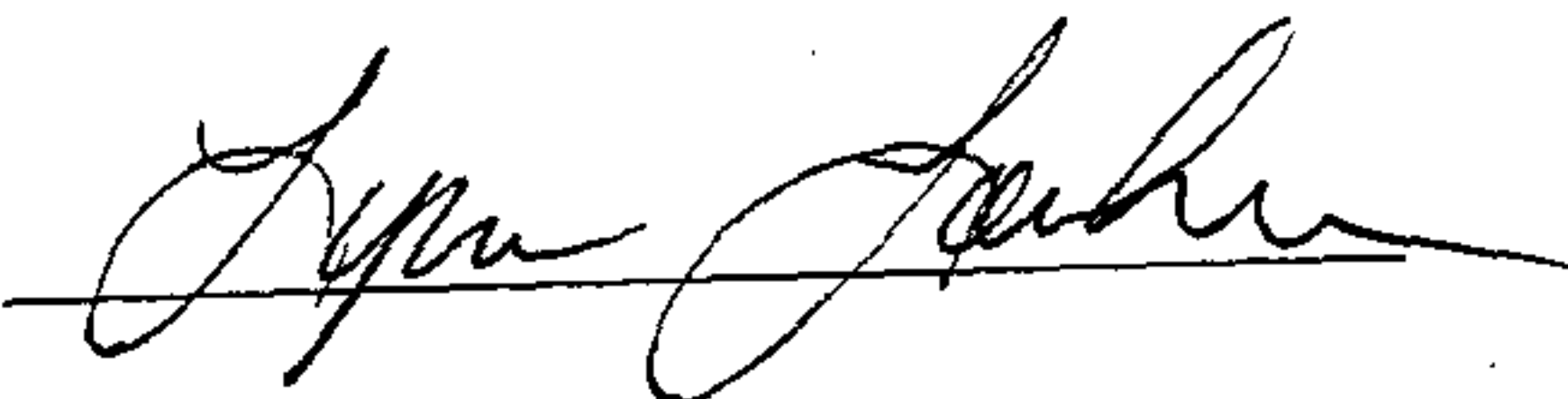
1. Photographs of existing adjacent dwellings.
2. Revise and submit building elevations (all sides) of the proposed structure to this office for review and approval prior to the hearing. The proposed structure shall be compatible in size and architectural detail as that of the existing buildings of its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

ORDER RECEIVED FOR FILING
Date 11-2-07
By [signature]

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

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

Division Chief:
AFK/LL:



ORDER RECEIVED FOR FILING
Date 11-2-07
By [Signature]

RE: PETITION FOR VARIANCE * BEFORE THE
3718 Bay Drive; NW/S Bay Drive, 400' SW *
c/line of Wye Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): William & Jennifer Bohns * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-112-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 14th day of September, 2007, a copy of the foregoing Entry of Appearance was mailed to, William & Jennifer Bohns, 7115 Oliver Beach Road, Baltimore, MD 21220, Petitioner(s).

RECEIVED

SEP 14 2007

Per. _____

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



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1)

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

Account Identifier: District - 15 Account Number - 1512200000

Owner Information

Owner Name:	BOHNS WILLIAM E BOHNS JENNIFER L	Use:	RESIDENTIAL
Mailing Address:	7115 OLIVER BEACH RD BALTIMORE MD 21220-1149	Principal Residence:	NO
		Deed Reference:	1) /13892/ 516 2)

Location & Structure Information

Premises Address
3718 BAY DR

Legal Description

BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
98	12	14					231A	3	Plat Ref:	8/ 73

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		15,000.00 SF	04

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2007	07/01/2008
Land	38,500	122,750		
Improvements:	0	0		
Total:	38,500	122,750	94,666	122,750
Preferential Land:	0	0	0	0

Transfer Information

Seller: MESSERCALA ANTHONY P	Date: 07/13/1999	Price: \$59,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /13892/ 516	Deed2:
Seller: LAMBO ANTHONY G	Date: 07/21/1994	Price: \$16,090
Type: NOT ARMS-LENGTH	Deed1: /10662/ 1	Deed2:
Seller: LEICHT ADAM P	Date: 12/28/1978	Price: \$36,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 5974/ 739	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 *

RC-20

0 1521400042

098C1

1526000229
0

1526000221
0

SITE

WYE ROAD

15 ED

6 CD

NE 1-L RC 5

3803
1513552890
3801

1519512140
3801

151771370
3735
3735

1502851040 3733

3.1520660251
3729

1518350220
3727

3721 1514900330

098C2

P.B./FOLIO
MP8073G

Item #112

RC 2
WYBARLEY

3701

1518350010
3707

3713 1519851041

1519714900
3717

Patricia Zook - Case 08-112-A Order ready to be Issued by Bill Wiseman

From: Patricia Zook
To: Livingston, Jeffrey
Date: 10/29/2007 11:57 AM
Subject: Case 08-112-A Order ready to be Issued by Bill Wiseman
CC: Wiley, Debra

Good morning -

This case was heard on Tuesday, October 28, 2007 and we are waiting for comments from DEPRM.

Bill Wiseman is preparing the Order for this case and needs comments from your department.

Debbie requested comments on this case on October 18.

Please forward your comments to me. Thanks for your assistance.

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

Case No.: 08-112A 3718 BAY DRIVE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	plot plan	
No. 3	zoning map	
No. 4 A-C	photographs of area homes	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



3718 Bay DR.



ADJacent Lot

PETITIONER'S

EXHIBIT NO.

4A-C

4A thru 4C



3719 Bay DR



3719 Bay DR.



3722 Bay Dr.



3721 Bay Dr.

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

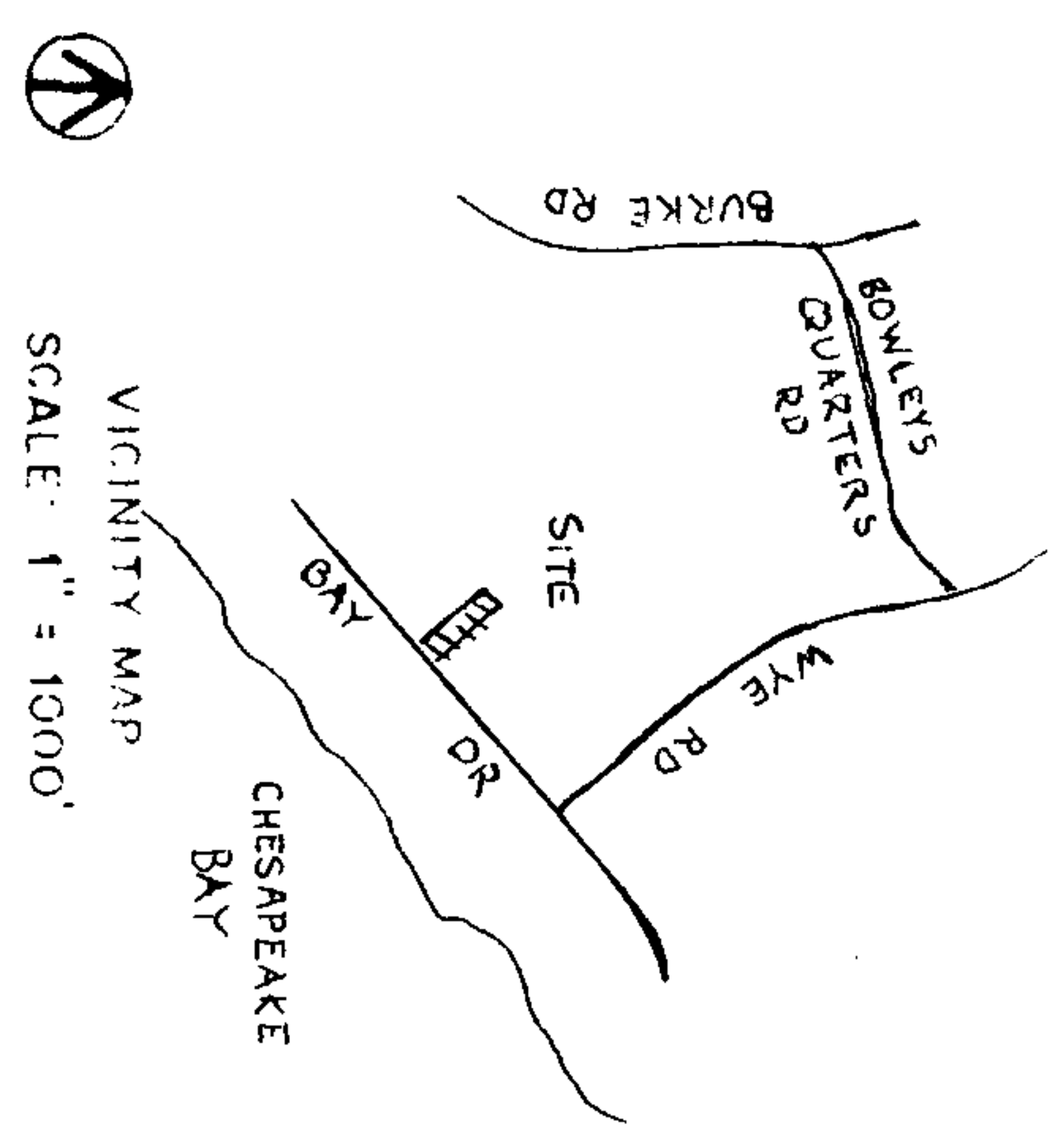
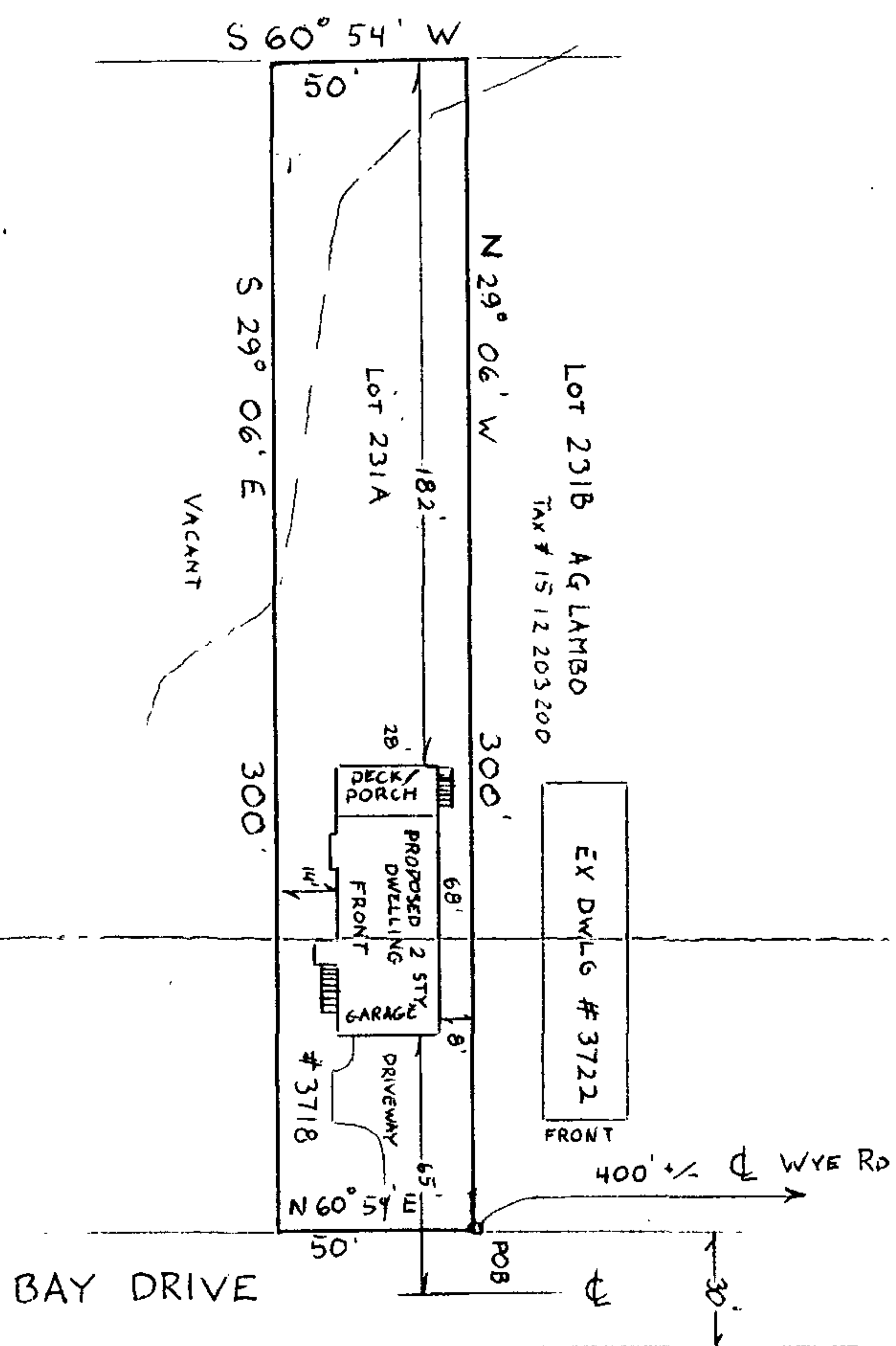
PROPERTY ADDRESS 3718 Bay Drive SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BOWLEYS QUARTERS

PLAT BOOK # 8 FOLIO # 73 LOT # 231A SECTION #

OWNER WILLIAM AND JENNIFER BOHNS

TAX # 15 12 200 000



LOCATION INFORMATION

ELECTION DISTRICT 15TH

COUNCILMANIC DISTRICT 6TH

1"=200' SCALE MAP # 098C2

ZONING RC 5

LOT SIZE 0.34 15,000
ACREAGE SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☒ YES ☐ NO

100 YEAR FLOOD PLAIN ☒ ☐

HISTORIC PROPERTY/BUILDING ☐ ☒

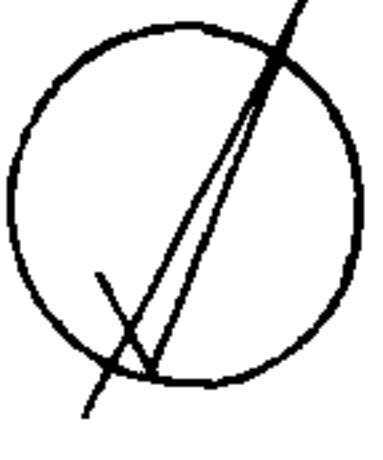
PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

08-112-A

PREPARED BY

NORTH



SCALE OF DRAWING: 1" = 50'

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

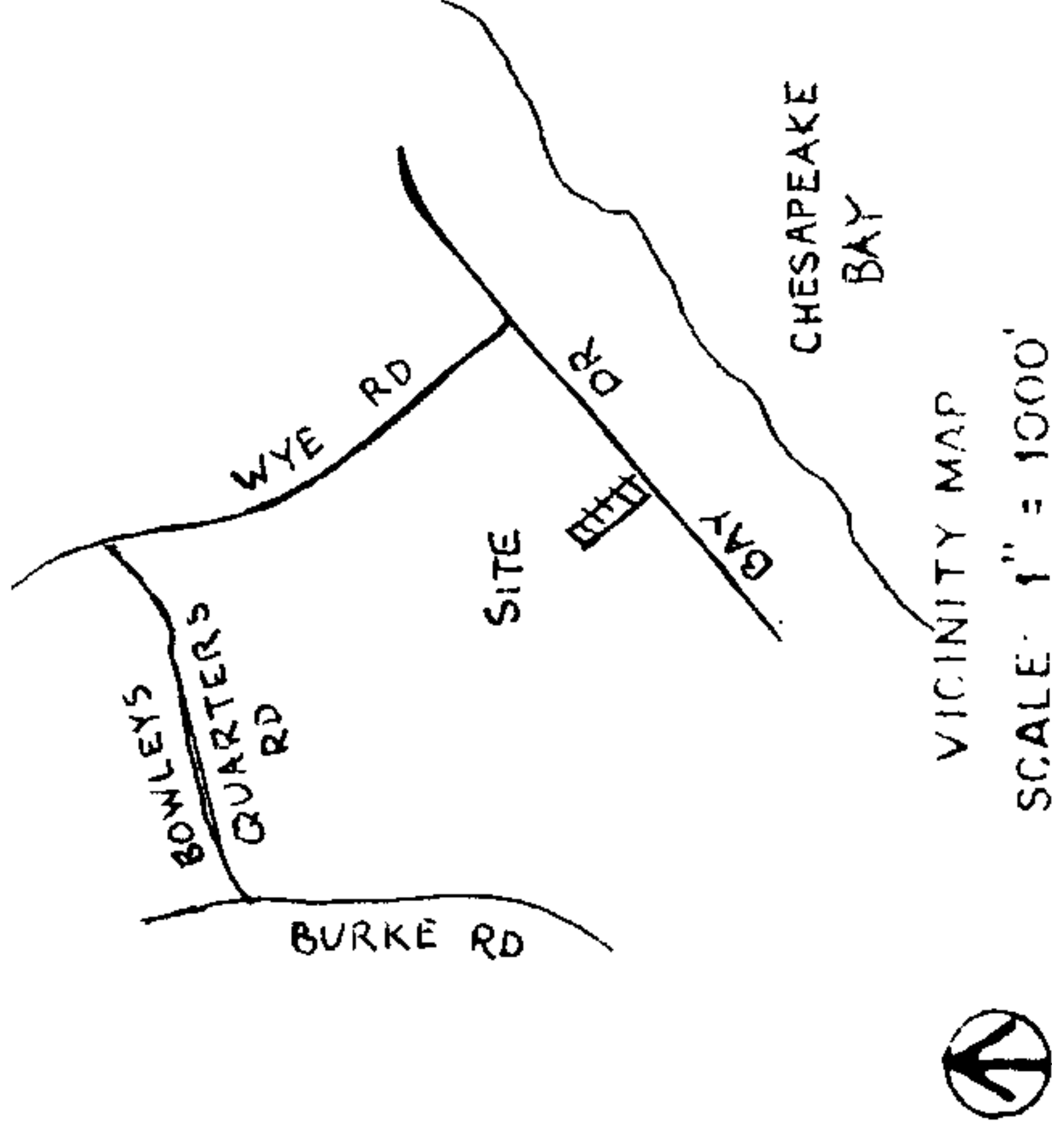
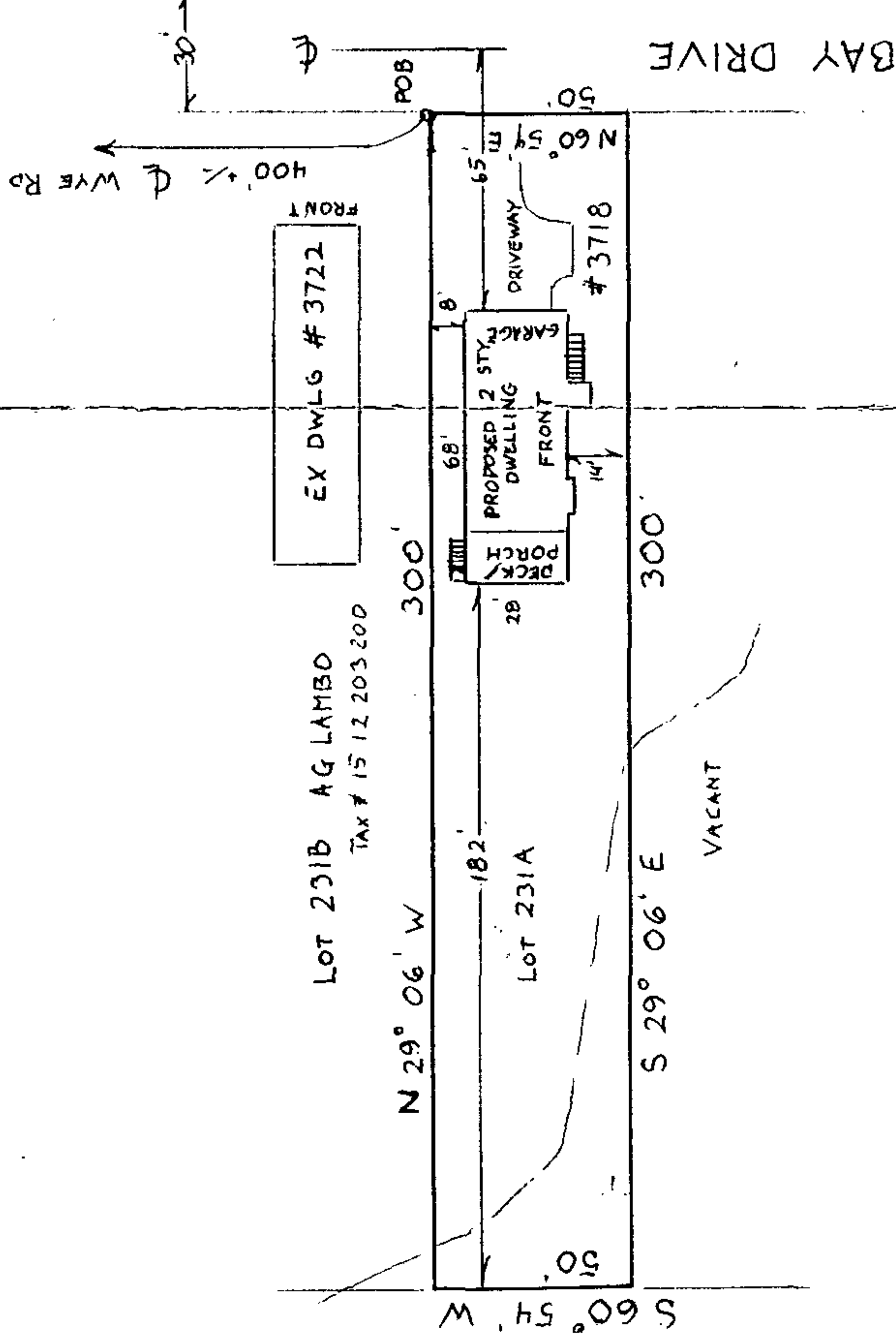
PROPERTY ADDRESS 3718 BAY DRIVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME BOWLEYS QUARTERS

PLAT BOOK # 8 FOLIO # 73 LOT # 231A SECTION #

OWNER WILLIAM AND JENNIFER BOHNS

TAX # 15 12 200 000



LOCATION INFORMATION

ELECTION DISTRICT 15TH
COUNCILMANIC DISTRICT 6TH
1"=200' SCALE MAP # 098C2
ZONING RC 5

LOT SIZE 0.34 ACRES 15,000 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

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

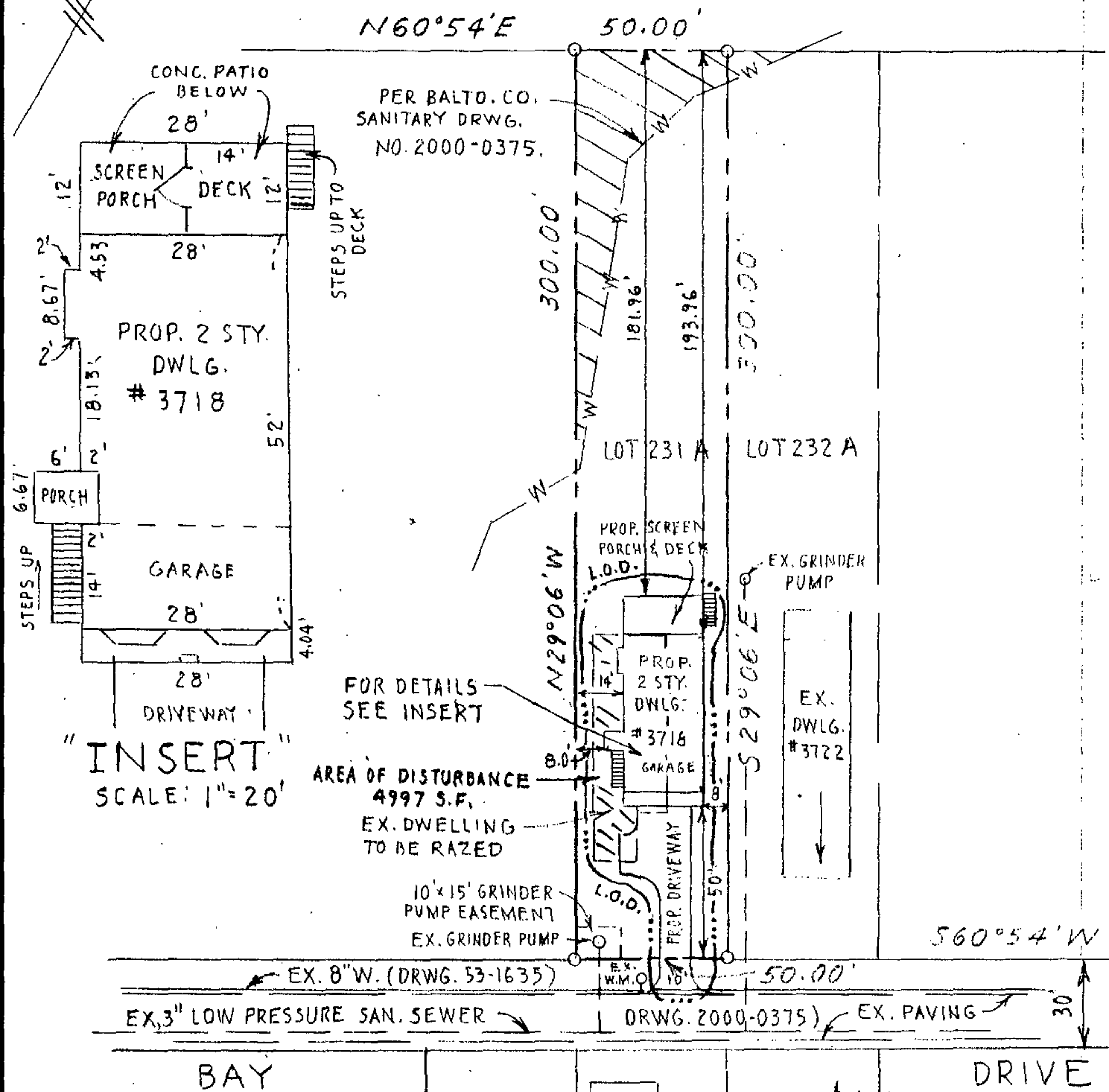
ZONING OFFICE USE ONLY
REVIEWED BY KJP ITEM # 08-112-A CASE #

PETITIONER'S



PREPARED BY

SCALE OF DRAWING: 1" = 50'



OWNER
 WILLIAM E. BOHNS
 JENNIFER L. BOHNS
 7115 OLIVER BEACH RD.
 BALTIMORE, MD. 21220
 DEED REF. 13892-516
 TAX ACCT. # 1512200000

LOT 230 | LOT 231
 SECOND ADDITION
 BOWLEYS QUARTER
 W.P.C. 8/73

LOT 232

PLOT PLAN
 NO. 3718 BAY DRIVE
 LOT 231 A
 15TH. ELECTION DISTRICT
 BALTIMORE COUNTY, MD.

SCALE: 1"=50'

FEB. 26, 2007

9503

site

rite SURVEYING, INC.

200 E. JOPPA ROAD RM. 101
 TOWSON, MARYLAND 21286
 PHONE: 410-828-9060
 FAX: 410-828-9066

Item #112

PETITIONER'S

EXHIBIT NO. 2

RC 20

098C1

WYE ROAD

6 CD

NE 1-L RC 5

15 ED

098C2

PETITIONER'S
EXHIBIT NO. 3

Item #112

