

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side Wye Road, 450 feet S of c/l		
Middleborough Road	*	DEPUTY ZONING
15 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(328 Wye Road)		
	*	FOR BALTIMORE COUNTY
Kim Robinson		
<i>Petitioner</i>	*	Case No. 08-364-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Kim Robinson. Petitioner is requesting Administrative Variance relief from Sections 1B02.3.A.5, 1B02.3.B and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with a six foot and nine foot side yard setback and 15 foot combination in lieu of the required 10 foot and 15 foot with a 25 foot combination, and to permit an accessory structure (garage) in the front yard in lieu of the required rear yard. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Although there was no request for hearing by any interested citizens during the posting period, on March 11, 2008 the undersigned called for a public hearing on this matter because new waterfront homes can have a significant community, as well as environmental, impacts. Administrative variances are generally limited to requests for minor additions, garages, decks, porches, etc., that do not meet current regulations. Variance relief for a new dwelling can have considerable impact on neighboring properties and the community. The hearing was subsequently

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 [Signature]

scheduled for Monday, May 5, 2008 at 9:00 AM, in Room 407 of the County Courts Building, located at 401 Bosley Avenue, Towson, Maryland.

Appearing at the public hearing in support of the requested relief was Petitioner Kim Robinson. Also appearing with Mr. Robinson in support of the requested relief was his colleague, Bob Raphel. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular-shaped and contains 12,896 square feet, or .32 acre, zoned D.R.3.5. The subject property is approximately 50 feet wide by 260 feet deep at the north side property line and 237 feet deep at the south side property line. It is improved with an existing 1½-story dwelling measuring 33 feet wide by 27 feet deep with a back deck measuring 20 feet wide by 10 feet deep, as well as a shed measuring 16 feet by 10 feet in size. The property fronts Norman Creek and is located south of Middleborough Road and east of Back River Neck Road in the Essex area of Baltimore County. Petitioner indicated he purchased the property approximately six months ago; however, the existing home was built in the 1920's and is in quite a state of disrepair. The existing foundation is faulty and has been poorly repaired over the years. As a result, according to Petitioner, one inch of rain often yields six inches of water in the basement. In addition, the house has extensive wood rot and termite damage, uneven floors and a sagging ceiling, and a dangerous set of interior steps.

Based on the age and appearance of the home, Petitioner believes that replacing the existing dwelling with a new, updated home would be far more efficient than attempting to repair the home. As such, Petitioner proposes to raze the existing dwelling and replace it with a new home in essentially the same footprint. As shown on the site plan, the new dwelling will be two stories, in addition to the first floor flood protection elevation. In addition, Petitioner plans to add three feet to the front of the new dwelling for a total size of 33 feet wide by 30 feet deep, as well

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BY [signature]

as a 4 foot by 10 foot front porch. He plans to replace the existing back deck with one of the same size and shape. As shown on the site plan which was marked and accepted into evidence as Petitioner's 1A, he also plans to construct a 24 foot wide by 30 foot deep two-car garage on the property. The proposed garage will be located 80 feet off Wye Road and will have a one-car driveway that flares out for two cars near the front of the garage.

In support of the variance requests, Petitioner noted that the existing dwelling, constructed long before the zoning regulations took effect, currently encroaches within the allowable side yard setback requirements. Although Petitioner is not requesting to legitimize an existing condition per se, he also does not seek to change the side yard setbacks in any appreciable way. He wishes to utilize the existing side yard setbacks with one minor exception. The existing home is placed such that the side yard setbacks toward the front of the existing home are nine and seven feet, respectively, and toward the rear of the home are 10 and six feet respectively. Petitioner wishes to "square up" the home by making the side yard setbacks nine and six feet, respectively.

Further testimony from Petitioner revealed that the property is only 50 feet wide, which severely limits Petitioner's ability to meet the minimum side yard setback requirements of 10 feet and 15 feet, and 25 feet in combination. This would allow for a home width of only 25 feet, which would not be practical and would not allow for a home that would fit in with others in the community. Petitioner also pointed out that the property to the immediate south has only about an eight foot side yard setback on his side, with a small bump-out that makes it only four feet. In addition, the property owner to the north has a double lot, allowing his dwelling to have an 18 foot side yard setback. Hence, Petitioner indicated his plan for a replacement dwelling will not have any negative impacts on the existing properties; in fact, the new dwelling will add to the overall appearance of the neighborhood, and will be consistent with the revitalization and rebuilding that

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is occurring in these nearby Essex and Middle River waterfront communities. Petitioner submitted a number of photographs which were marked and accepted into evidence as Petitioner's Exhibits 3A through 3I. These photographs depict the current appearance and location of Petitioner's existing dwelling and shed, as well as the two neighboring properties.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Department of Environmental Protection and Resource Management dated March 6, 2008 indicate that the property must comply with the Chesapeake Bay Critical Area Regulations, is subject to limits on impervious surface area, construction within the 100 foot tidal buffer, and forest cover requirements. Additional comments received from the Bureau of Development Plans Review dated February 21, 2008 indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building should 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.

Considering all the testimony and evidence presented, I am persuaded to grant the variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. In particular, the existing dwelling's current location encroaches on the side yard setback requirements. If Petitioner were merely repairing the existing structure, he would not need zoning relief; however, because Petitioner wishes to improve the property with a replacement dwelling in essentially the same footprint, variance relief is needed. Further, the original home was constructed prior to the current zoning regulations; therefore I find

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that the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship, and would render a property unable to be developed to its current and best use. Therefore I find the property unique in a zoning sense. Constructing a new home on a 50 foot wide lot requires a variance. Because of the 50 foot lot width, without the requested side yard variances, Petitioner would be denied the right to construct a dwelling of practical width. The existing dwelling is considered a "shore shack" as that term is often used, and the new dwelling will be an improvement for the neighborhood.

As to the request to erect the garage in the front yard in lieu of the rear yard, this request may be merely an issue of semantics. The "front" yard of waterfront properties is often referred to as the side that faces the water and the "rear" yard the side that faces the street. Petitioner desires to erect a two-car garage on the street side of the property. In an abundance of caution, the Zoning Review Office directed Petitioner to seek variance relief in the event the street side of the property is considered the "front" yard. In just about every case the undersigned has heard regarding waterfront properties, the "front" yard has always referred to the waterfront side. In addition, garages on these waterfront properties are almost universally placed on the street side. As such, in order to keep the location of accessory structures consistent, I will grant this variance request to the extent the street side of this waterfront property is considered the "front" yard.

Finally, I find these variances can be granted in strict harmony with the spirit and intent of the zoning regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The proposed dwelling and garage will be compatible in size and architectural detail as that of existing dwellings and accessory structures in the area.

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RM

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's Administrative Variance request should be granted.

THEREFORE, IT IS ORDERED this 19th day of May, 2008 by this Deputy Zoning Commissioner, that Petitioner's Administrative Variance request from Sections 1B02.3.A.5, 1B02.3.B and 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a dwelling with a six foot and nine foot side yard setback and 15 foot combination in lieu of the required 10 foot and 15 foot with a 25 foot combination, and to permit an accessory structure (garage) in the front yard in lieu of the required rear yard, be and are hereby GRANTED subject to the following:

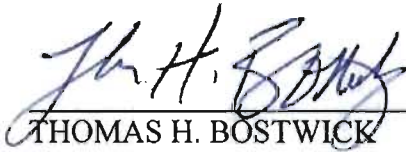
1. Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. 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).
3. The property is located in the Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area and must comply with limits on impervious surface area for the entire site, and limits on construction within the 100 foot tidal buffer. A 15% forest cover requirement and possible mitigation for any new impervious proposed within the tidal buffer must also be met.
4. 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.
5. 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.
6. 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.
7. The building engineer shall require a permit for this project.

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8. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
9. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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SEE EXHIBIT
1A REF PAGE 3



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

May 19, 2008

KIM ROBINSON
328 WYE ROAD
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 08-364-A
Property: 328 Wye Road

Dear Mr. Robinson:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Th H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

c: Bob Raphel, 1135 Beach Drive, Baltimore MD 21220

CBCA

TAX. ACCOUNT #

1519641380



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 328 Wye Rd Balto, Md. 21221
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3A.5., 1802.3B., 400.1 (BCZR)

To permit a dwelling with a 6-foot and 9-foot side setback and 15-foot combination in lieu of the required 10-foot and 15-foot with a 25-foot combination and to permit accessory structures in the front yard in lieu of the required rear yard.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO.

08-364-A

Reviewed By D.T.

Date 2/13/08

REV 10/25/01

Estimated Posting Date

2/24/08

5-15-08

PS

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 328 Wye Rd
Address
Balto md 21221
City State Zip Code

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

Existing Side Setbacks do not meet current zoning requirements. Existing foundation is faulty, and has been poorly repaired. One inch of rain allows six inches of water in basement. House has extensive rot & termite damage. Second floor has only 6 foot 3 inches of ceiling height and a dangerous set of sub par steps. Rebuilding is far more efficient than repair. Floors are unlevel and ceiling sags

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

R. Robinson
Signature
Kim Robinson
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of Feb 2009, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kim Robinson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public
Notary Public

My Commission Expires 12-1-10

1080

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at 328 Wye Rd.
Address
Balto Md. 21221
City State Zip Code

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

Existing side setbacks do not meet current zoning requirements. Existing foundation is faulty, and has been poorly repaired. One inch of rain allows six inches of water in basement. House has extensive rot & termite damage. Second floor has only 6 foot 3 inches of ceiling height and a dangerous set of sub par steps. Rebuilding is far more efficient than repairs. Floors are unlevel & ceiling sags.

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

Kim Robinson
Signature
Kim Robinson
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of Feb, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Kim Robinson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public
Notary Public
My Commission Expires 12-1-10



CBCA

TAX. ACCOUNT #

1519641380

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 328 Wye Rd.
which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1002.3A.5., 1002.3B., 400.1 (BCZR)

To permit a dwelling with a 6-foot and 9-foot side setback and 15-foot combination in lieu of the required 10-foot and 15-foot with a 25-foot combination and to permit accessory structures in the front yard in lieu of the required rear yard.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 13 day of February, 2008, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 08-364-A

Reviewed By D.T. Date 2/13/08

REV 10/25/01

STAMP RECEIVED FOR PLANNING

Estimated Posting Date 2/24/08

5-19-08

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Zoning Description for 328 Wye Rd.

Beginning at a Point on the west side of Wye Rd. which 45' wide at the distance of 450 ft. South of the centerline of Middleborough Rd. which is 45' wide. Being lot # 154 in the Subdivision of Middleborough as recorded in Baltimore County Plat book #4, Folio # 191 containing 12,846 square feet, Also known as 328 Wye Rd. and located in the 15th Election District, 1st Councilman 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: #08-364-A

328 Wye Road

W/side of Wye Road, 450 feet south of centerline of Middleborough Road

15th Election District - 6th Councilmanic District

Legal Owner: Kim Robinson

Variance: to permit a dwelling with a 6 foot and 9 foot side setback and 15 foot combination in lieu of the required 10 foot and 15 foot with a 25 foot combination and to permit accessory structures in the front yard in lieu of the required rear yard.

Hearing: Monday, May 5, 2008 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) 887-4386.

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

4/29/08 April 17

170307

CERTIFICATE OF PUBLICATION

4/18/2008

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 4/17/2008.

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

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09799**

Date: **2/13/2008**

PAID RECEIPT

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				65.00
Total:								65.00

Rec

From: **KIM ROBINSON**

For: **08-264-A 928 WINE RD.**

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

BUSINESS ACTUAL DATE
 2/13/2008 2/13/2008 10:22:41
 RECEIPT # 43720 2/13/2008
 5 520 FUNDING VERIFICATION
 Receipt Tot 65.00
 65.00 0.00
 Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: Case No.: 08-364-A

Petitioner/Developer: ROBINSON

Date of Hearing/Closing: 3-10-08

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:

328 WYE RD

The sign(s) were posted on

2-24-08

(Month, Day, Year)

Sincerely,

Robert Black 2-26-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dandalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



PHOTOGRAPHIC RECORD

Citation/Case No.: Posting Zoning Sign
Date of Photographs: 4-17-08 328 Wyes RR



I HEREBY CERTIFY that I took the 3 photographs set out above, and that these photographs
(number of photos)
fairly and accurately depict the condition of the property that is the subject of the above-referenced
citation/case number on the date set out above.

Robert Kelly

Enforcement Officer

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 08- 364 -A Address 328 WYE RD.

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/13/08 Posting Date: 2/24/08 Closing Date: 3/10/08

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 08- 364 -A Address 328 WYE RD.

Petitioner's Name ROBINSON Telephone 410-236-2711

Posting Date: 2/24/08 Closing Date: 3/10/08

Wording for Sign: To Permit A DWELLING WITH A 6-FOOT AND 9-FOOT SIDE
SETBACK AND 15-FOOT COMBINATION IN LIEU OF THE REQUIRED 10-FOOT
AND 15-FOOT WITH A 25-FOOT COMBINATION AND TO PERMIT ACCESSORY
STRUCTURES IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD.

WCR - Revised 6/25/04

**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: 08-364-A

Petitioner: ROBINSON

Address or Location: 328 WYE RD.

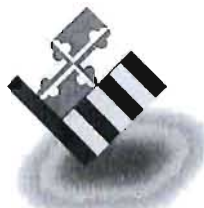
PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. KIM ROBINSON

Address: 328 WYE RD.

BALTO. MD 21221

Telephone Number: 410-236-2711



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 28, 2008
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: 08-364-A

328 Wye Road

W/side of Wye Road, 450 feet south of centerline of Middleborough Road

15th Election District – 6th Councilmanic District

Legal Owner: Kim Robinson

Variance to permit a dwelling with a 6 foot and 9 foot side setback and 15 foot combination in lieu of the required 10 foot and 15 foot with a 25 foot combination and to permit accessory structures in the front yard in lieu of the required rear yard.

Hearing: Monday, May 5, 2008 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Kim Robinson, 328 Wye Road, Baltimore 21221

- NOTES: (1) **THE ZONING NOTICE SIGN WILL BE POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 19, 2008 HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 17, 2008 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 08-364-A

328 Wye Road

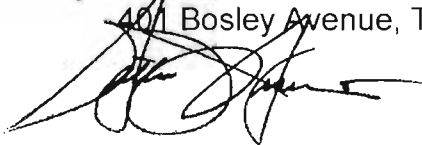
W/side of Wye Road, 450 feet south of centerline of Middleborough Road

15th Election District – 6th Councilmanic District

Legal Owner: Kim Robinson

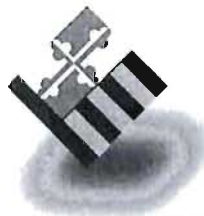
Variance to permit a dwelling with a 6 foot and 9 foot side setback and 15 foot combination in lieu of the required 10 foot and 15 foot with a 25 foot combination and to permit accessory structures in the front yard in lieu of the required rear yard.

Hearing: Monday, May 5, 2008 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.



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

March 10, 2008

Kim Robinson
328 Wye Road
Baltimore, MD 21221

Dear Ms. Robinson:

RE: Case Number: 08-364-A, 328 Wye Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 13, 2008. 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2008

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

RECEIVED
MAR 04 2008

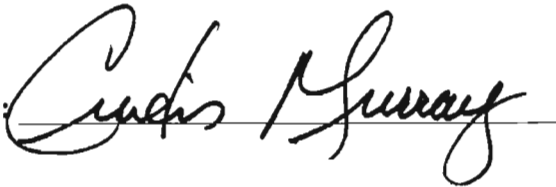
BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-364- Administrative Variance**

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

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

Prepared By:



CM/LL

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAR 06 2008

BY:

TO: Timothy M. Kotroco

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

DATE: March 6, 2008

SUBJECT: Zoning Item # 08-364-A
Address 328 Wye Rd.
Baltimore MD 21221

Zoning Advisory Committee Meeting of February 18, 2008

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

X _____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

Additional Comments: The property is located within the Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area and must comply with limits on impervious surface area for the entire site, and limits on construction within the 100-foot tidal buffer. A 15% forest cover requirement, and possible mitigation for any new impervious proposed within the tidal buffer, must also be met.

Reviewer: Paul A. Dennis

Date: February 25, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 21, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 25, 2008
Item No. 08-364

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 08-364-02212008.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 2/21/2008

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

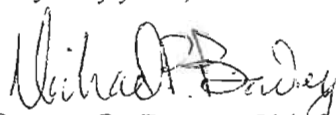
RE: Baltimore County
Item No. E-364-A
328 WYE ROAD
ROBINSON PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. E-364-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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 25, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 18, 2008

Item Number: 337,348,355,356,357,359,360,361,362,363,364,365,366,367,368,369
373

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4880 (C) 443-829-2946
MS-1102F

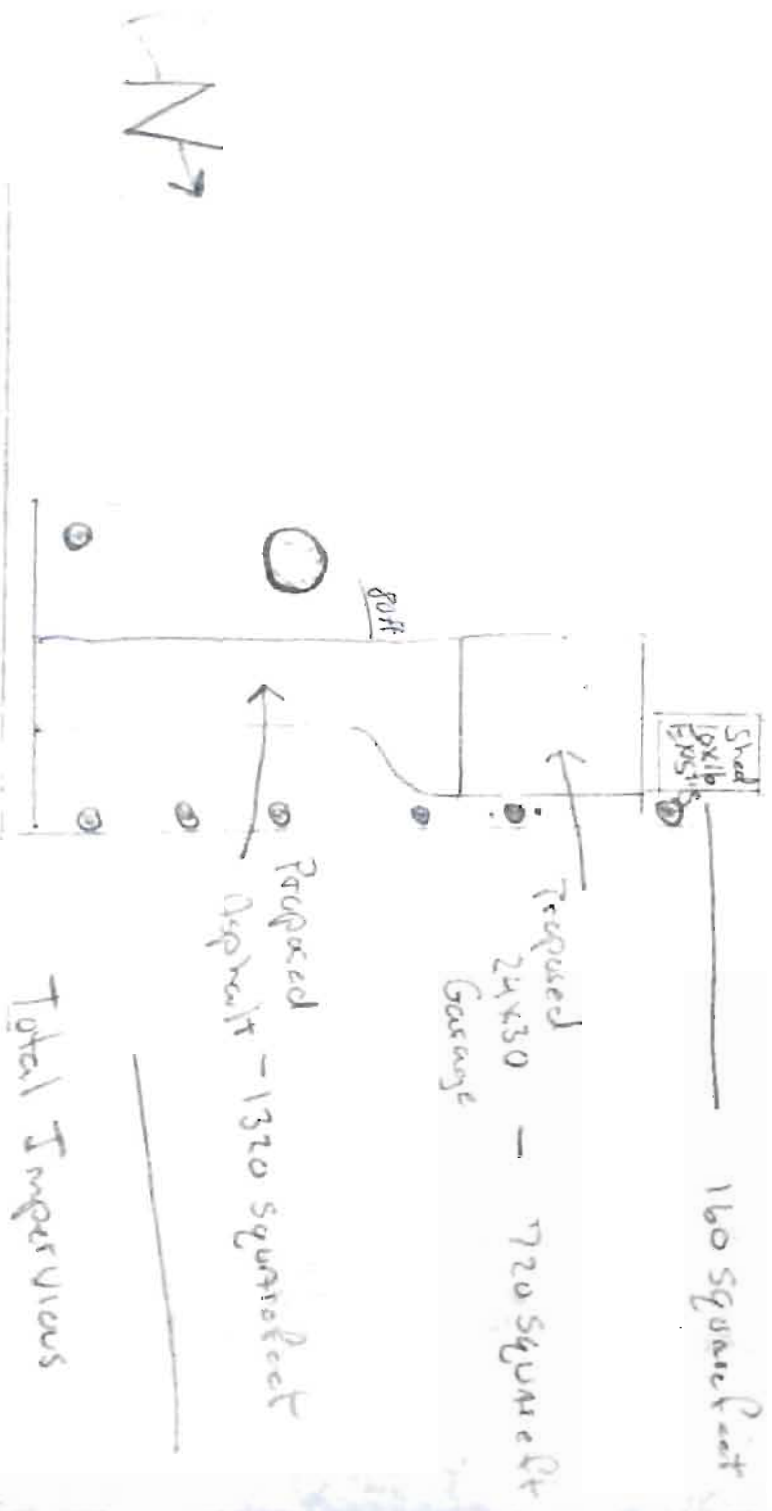
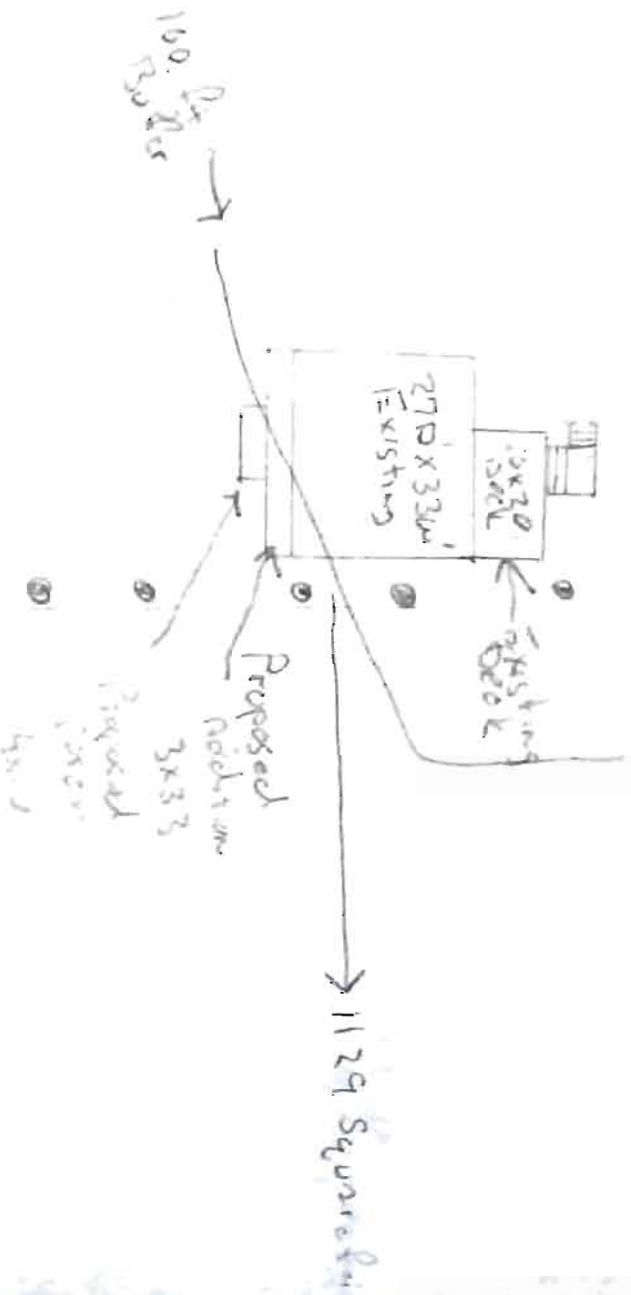
cc: File

CASE NAME _____
CASE NUMBER 08-364-A
DATE _____

[illegible]

A hand-drawn map showing a dashed line, possibly a boundary or road. To the right of the line, the words "North Creek" are written vertically. To the left of the line, there are several small circles, likely representing trees or markers. A small dot is also visible near the center of the map.

1
PETITIONER'S
EXHIBIT NO. A



11

2012 Feb

Total Interviews

3329 square ft.

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

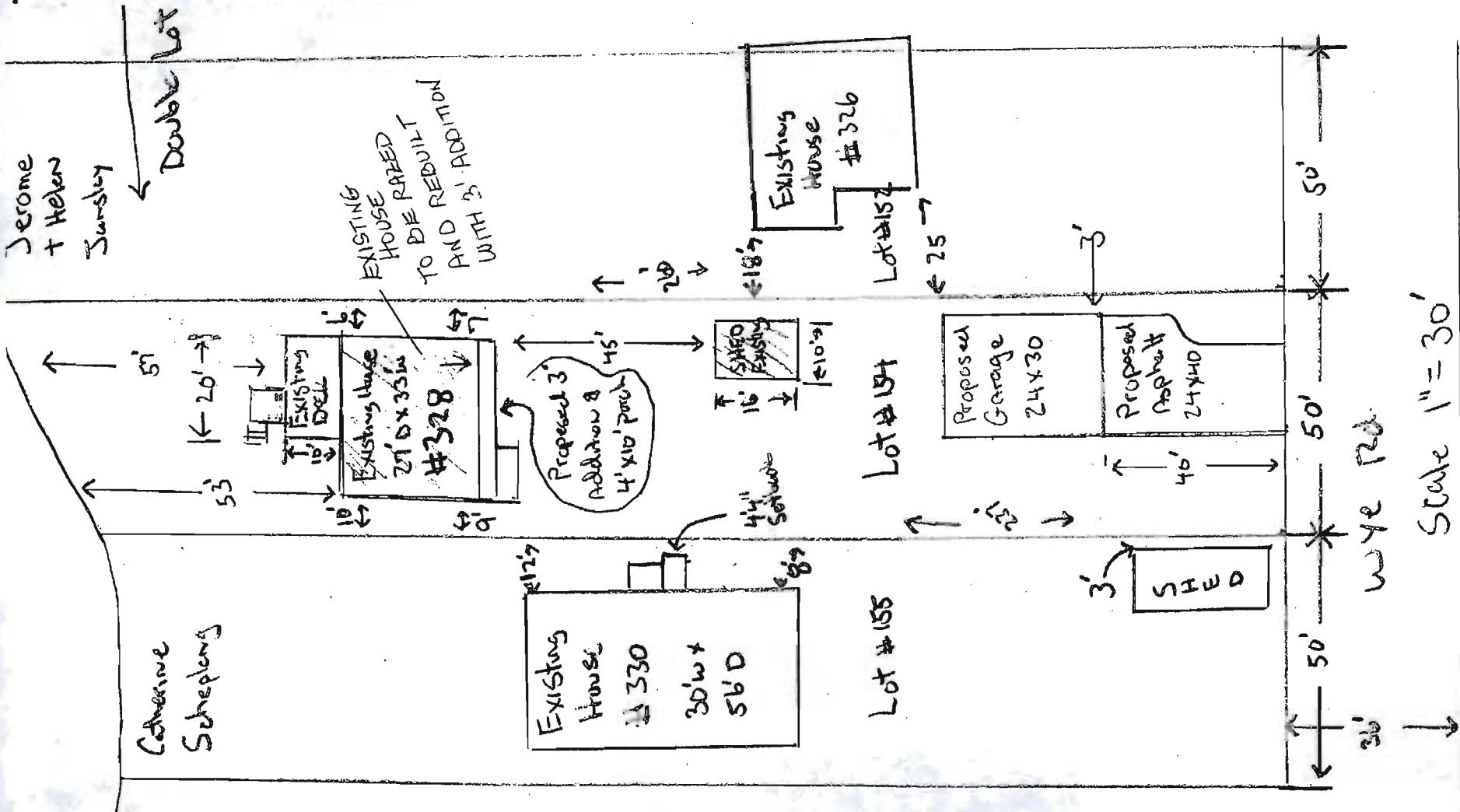
PROPERTY ADDRESS 328 Wye Rd.

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Middleborough

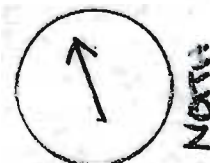
PLAT BOOK # 4 FOLIO # 191 LOT # 154 SECTION #

OWNER Kim Robinson



PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION			
ELECTION DISTRICT	15		
COUNCILMANIC DISTRICT	6		
1" = 200' SCALE MAP #	098A1		
ZONING	DR 3.5		
LOT SIZE	.32	12,096	
	ACREAGE	SQUARE FEET	
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒ PUBLIC	☐ PRIVATE	
CHESAPEAKE BAY CRITICAL AREA	☒ YES	☐ NO	
100 YEAR FLOOD PLAIN	☒ SEE SURVEY	☐	
HISTORIC PROPERTY/BUILDING	☐	☒	
PRIOR ZONING HEARING	NONE		

ZONING OFFICE USE ONLY		
REVIEWED BY	ITEM #	CASE #
D.T.	364	08-364-A



I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS INDICATED HEREON ARE CONTAINED WITHIN THE OUTLINES OF THE LOT UPON WHICH THEY ARE ERECTED UNLESS OTHERWISE NOTED AND IS NOT TO BE USED TO ESTABLISH PROPERTY LINES, SETBACKS OR PROPERTY CORNERS. ONLY EASEMENTS, RIGHTS OF WAYS, AND RESTRICTIONS DESCRIBED IN SUBJECT DEED ARE SHOWN. THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY.

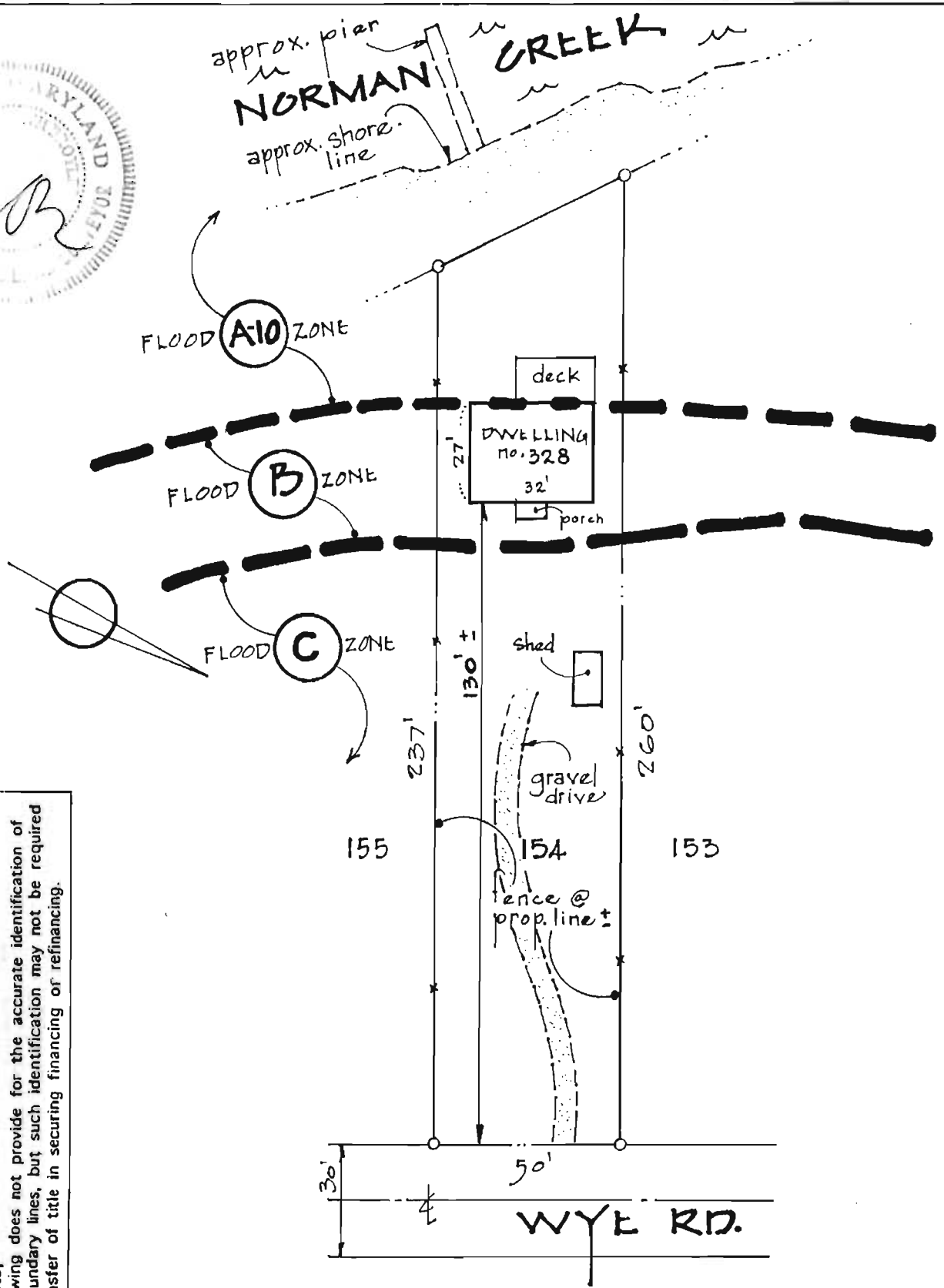
Steven K. Broyles

STEVEN K. BROYLES
MARYLAND PROFESSIONAL LAND SURVEYOR REGISTRATION NO. 10860



"Flood Zone" shown is as identified on F.I.R.M.
Community Panel No.: 240010 0445C
Effective Date: Nov. 17, 1993
Map interpretation though believed accurate is not guaranteed.

drawing is of benefit to a consumer only insofar as it is
d by a Lender or a Title Insurance company or its agent in
tion with a contemplated transfer, financing or re-financing;
drawing is NOT to be relied upon for the establishment or
of fences, garages, buildings or other existing or future
ements;
drawing does not provide for the accurate identification of
y boundary lines, but such identification may not be required
transfer of title in securing financing or refinancing.

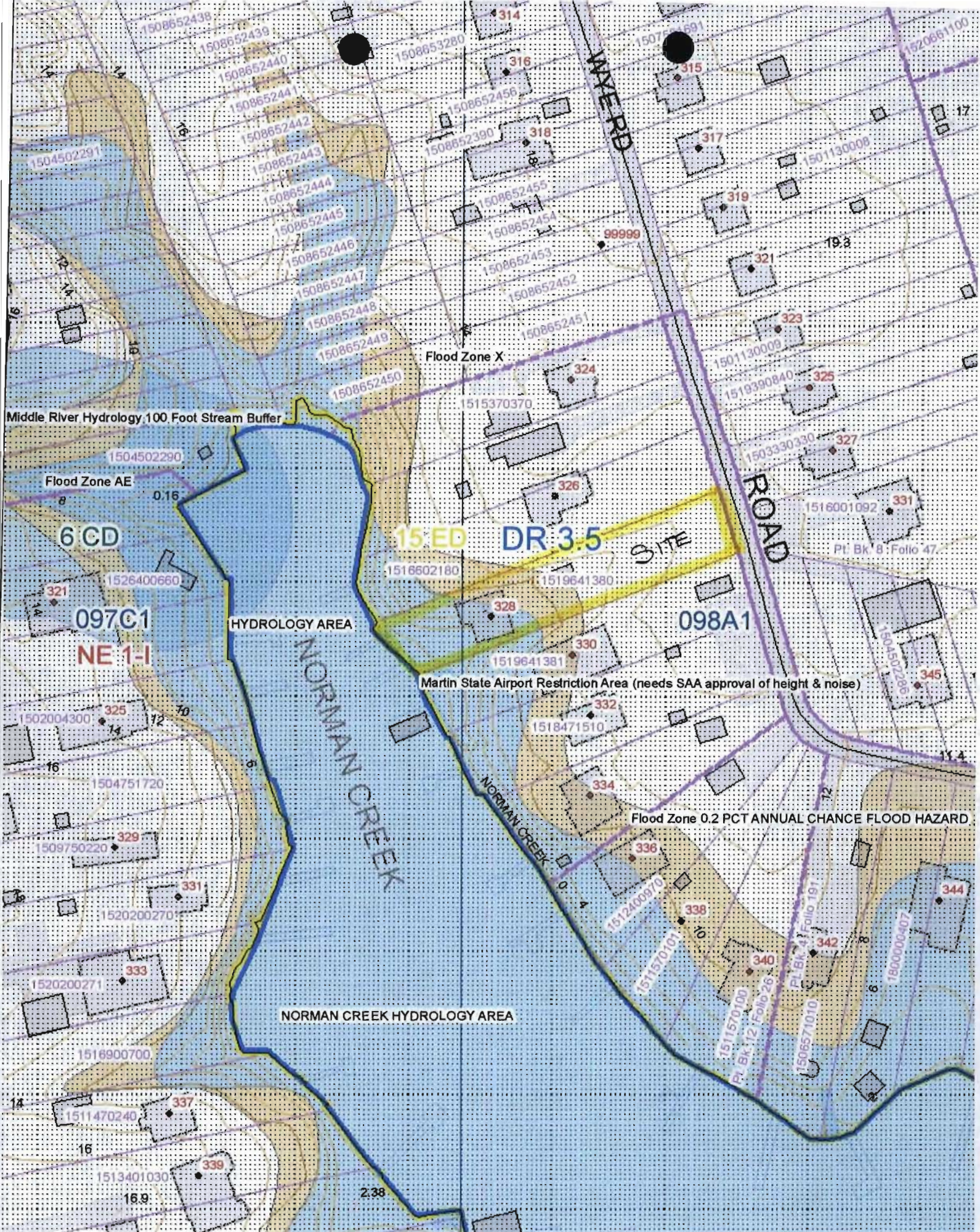


PETITIONER'S

EXHIBIT NO.

2

08-364-A



08-364-A



PETITIONER'S

EXHIBIT NO. 3A-I

08-364-A



08-364-A



08-364-A



08-364-A



08-364-A



08-564-A



08-364-A



08-364-A



08-364-A