

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

E side of Bay Drive, 200 feet N of c/l
of Miami Beach Road
15th Election District
6th Councilmanic District
(4011 Bay Drive)

Russell T. Musgrave
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

* **Case No. 2008-0455-SPHA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Russell T. Musgrave, the legal owner of the subject property. The Special Hearing request was filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory building (proposed two-story detached garage attached to existing one-story detached garage) with an area of 1,248 square feet where the existing dwelling has an area of 1,225 square feet. The Variance request is from Section 400.3 of the Baltimore County Zoning Regulations to permit an accessory building (proposed two-story detached garage) with a height of 23 feet in lieu of the allowed 15 feet on the rear of the existing dwelling. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special hearing and variance relief was Petitioner Russell T. Musgrave. Also appearing in support of the requested relief was William Bissell of 4009 Bay Drive and Alfred Nida of 4003 Bay Drive. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is irregular-shaped and consists of approximately .407 acre or 20,475 square feet and zoned R.C.5. The property is

SPHA RECEIVED FOR FILING

7-29-08

P3

located on the southeast side of Bay Drive, east of Miami Beach Road, in the Bowleys Quarters area of Baltimore County. It is improved with an existing single-family dwelling as well as several other structures. These include an existing shed located at the end of the driveway near Bay Drive and two existing one-story, one-car garages located near the side yards of the property near Bay Drive. Filling in the area between the garages is a one-story carport. Photographs of the garages and carport were marked and accepted into evidence as Petitioner's Exhibits 2A and 2B.

Petitioner indicated that his parents owned the property for approximately 30 years until he purchased the property from them in 2002. The existing dwelling was built in 1963. When Petitioner's parents purchased the property 30 years ago, it was also improved with one of the single garages and the carport. Petitioner's parents then added the second single garage shortly after purchasing the property. Due to the relative small size of the dwelling and the need for additional storage areas, Petitioner desires to expand the existing garage space by enlarging the size of the single garage on the left side of the property (looking at the property from Bay Drive) and adding a second story to the garage. Part of the carport and the single garage on the right side of the property will remain essentially unchanged.

In support of the requested relief, Petitioner submitted photographs of his neighbors' accessory structures at 4009 and 4007 Bay Drive, which were marked and accepted into evidence as Petitioner's Exhibits 3A and 3B, respectively. These photographs show two very large, substantial accessory structures on these properties. In addition, Petitioner submitted additional photographs of the properties located at 4015, 4017, 4019, 4021, and 4023 Bay Drive, which were marked and accepted into evidence as Petitioner's Exhibits 4A through 4E, again to show the rather substantial accessory structures on these properties as well.

STORY RESERVED FOR FILE

7-29-08
pm

Both Mr. Bissell and Mr. Nida testified in support of Petitioner's requested relief. Mr. Bissell lives next door to Petitioner and Mr. Nida lives nearby. They observed that Petitioner has made some improvements to the property and that everything Petitioner has undertaken has been well done. They believe Petitioner's latest plan for the two-story garage will also result in a beneficial improvement to the property.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated May 20, 2008 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations. The property is in a Limited Development Area and Buffer Management Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100 foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met. Comments were received from the Bureau of Development Plans Review dated April 23, 2008. The comments indicate that the first floor or basement must be at least one foot above the flood plane 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.

In regard to the requested special hearing, based on the testimony and evidence, I am persuaded to grant the relief. Although the new accessory structure will be large, I believe it will be a substantial improvement over the current state of the garages and carport that exist presently. The new structure will also give Petitioner more storage areas and enable him to better organize the property and keep it well maintained.

RECEIVED FOR PLANNING
7-29-08
B3

In regard to the request for variance, considering all the testimony and evidence presented, I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The property is irregular-shaped compared with others nearby. While most of the other properties have a consistent width from the road to the waterfront, the subject property flairs out towards the waterfront, making it somewhat pie-shaped. In addition, the property is improved with several small accessory structures, including a detached enclosed sunroom located close to the waterfront that is nonconforming. Hence, I find the property unique in a zoning sense. I also find that the imposition of zoning on this property disproportionately impacts the subject property as compared with other properties in the area.

I also find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. If not granted the requested relief, Petitioner would not be able to make the desired improvements and would be left with unattractive, dilapidated structures with very limited uses.

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations and in a manner so as to grant relief without injury to the public health, safety and general welfare.

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 special hearing and variance requests should be granted with conditions.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 29th day of July, 2008 that Petitioner's request for Special Hearing relief filed in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an accessory building (proposed two-story detached garage attached to existing one-story

detached garage) with an area of 1,248 square feet where the existing dwelling has an area of 1,225 square feet be and is hereby GRANTED; and

IT IS FURTHER ORDERED that Petitioner's request for Variance from Section 400.3 of the Baltimore County Zoning Regulations to permit an accessory building (proposed two-story detached garage) with a height of 23 feet in lieu of the allowed 15 feet on the rear of the existing dwelling be and is hereby GRANTED, subject to the following:

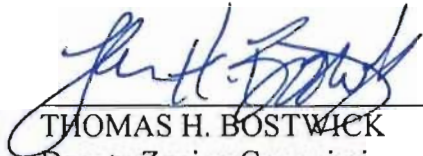
1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner 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 in a Limited Development Area and Buffer Management Area of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100 foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.
4. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
5. The flood protection elevation for this site is 11.2 feet.
6. 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.
7. 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.
8. The building engineer shall require a permit for this project.
9. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

STATION RECEIVED FOR FILING

7.29.08

10. 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

COPIES RESERVED FOR FILING

100

7-29-08

p2



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 29, 2008

RUSSELL T. MUSGRAVE
4011 BAY DRIVE
BALTIMORE MD 21220

Re: Petition for Special Hearing and Variance
Case No. 2008-0455-SPHA
Property: 4011 Bay Drive

Dear Mr. Musgrave:

Enclosed please find the decision rendered in the above-captioned case.

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

Enclosure

c: William Bissell, 4009 Bay Drive, Baltimore MD 21220
Alfred Nida, 4003 Bay Drive, Baltimore MD 21220



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4011 Bay Dr
which is presently zoned RC 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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An accessory building (Proposed 2-STY Detached Garage attached to existing 1-STY detached garage) with an area 1248 SQ FT (Ex Dwelling 1225 SQ FT) and a height of 23 Feet per ^{SECTION} 101 and 400 of BCZR

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Russell T Musgrave

Name - Type or Print

Signature

Name - Type or Print

Signature

4011 Bay Dr 410 2586667

Address

Telephone No

Baltimore 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 _____

Reviewed By A-Tell Date 03/31/08

REV 9/15/98

STAMP RECEIVED FOR FILING

7-29-08

pp



CBA Flood

TAX. ACCOUNT #

1513856550

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4011 Bay Dr

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) 400.3 of BCZR

To permit an accessory building (proposed 2-sty detached garage with a height of 23 feet in lieu of the allowed 15 feet ON REAR OF EXISTING DWELLING)

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

T/b presented in 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:

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):

Russell T Musgrave

Name - Type or Print

Russell T Musgrave

Signature

Name - Type or Print

Signature

4011 Bay Dr 410 258 6667

Address

Telephone No.

Baltimore MD 21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

Case No. 08-0455-SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By A-TSM

Date 3/31/08

REV 9/15/98

7-29-08

pm

Zoning Description for 4011 Bay Drive, Baltimore, MD 21220:

Beginning at a point on the east side of Bay Drive, which is 30 feet wide at the distance of 200 feet north of the centerline of the nearest improved intersecting street: Miami Beach Road, which is 30 feet wide. Being Lot #310 in the subdivision of Bowley's Quarters, as recorded in Baltimore County Plat Book #8, Folio #10 containing 20,475 sq. ft. Also known as 4011 Bay Drive and located in the 15th Election District, 6th Councilmanic District.

08-0455-SPHX

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: 2008-0455-SPHA

4011 Bay Drive

E/side of Bay Drive, 200 ft. north of centerline of Miami Beach Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Russell Musgrave

Special Hearing: to approve an accessory building (proposed two-story detached garage attached to existing one-story detached garage) with an area 1248 square feet (existing dwelling 1225 square feet) and a height of 23 feet. **Variance:** to permit an accessory building (proposed two-story detached garage) with a height of 23 feet in lieu of the allowed 15 feet on rear of existing dwelling.

Hearing: Wednesday, June 4, 2008 at 9:00 a.m. in Room 108, County Office Building, 111 West Chesapeake 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.

JT 5/697 May 20

173595

CERTIFICATE OF PUBLICATION

5/22/2008

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 5/20/2008.

- ☒ 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. 12123

Date: 03/31/2008

PAID RECEIPT

BUSINESS ACTUAL TIME 4PM
 3/31/2008 10:12:17

SEC 505 WALTON 100L 780

>>RECEIPT # 438761 3/31/2008 16L

Dept 5 528 ZONING VERIFICATION

012123

Receipt Tot \$130.00

\$130.00 DE \$0.00

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				130--

Total: 130--

Rec
From:

RUSSELL MUSGRAVE

For:

4011 BAY DR. 21220

08-0455-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008-0455 SPHA

Petitioner/Developer: Russell

MUSGRAVE

Date of Hearing/Closing: June 4, 2008

**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: _____

4011 BAY DRIVE

The sign(s) were posted on

5-18-08
(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

5-20-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



**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 - 0455 - SPHA
Petitioner: RUSSELL MUSGRAVE
Address or Location: 4011 BAY DRIVE, BALTO MD 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: RUSSELL MUSGRAVE
Address: 4011 BAY DRIVE
BALTIMORE, MD 21220
Telephone Number: (410) 258-6667

Revised 2/20/98 - SCJ

REVIEW AGENCIES:

Prior to preparing the required plat, the petitioner or his engineer should contact the following agencies for pertinent data that may be required by that particular agency.

- | | | |
|-----|---|--------------|
| 1. | Assessments | 410-512-4906 |
| 2. | Bureau of Capital Projects (traffic issues) | 410-887-3751 |
| 3. | Fire Department | 410-887-3998 |
| 4. | State Highway Administration | 410-545-5600 |
| 5. | County Roads | 410-887-3739 |
| 6. | Planning (design, screening, landscaping | 410-887-3211 |
| 7. | Building Engineer (plans) | 410-887-3987 |
| 8. | Department of Environmental Protection
and Resource Management (DEPRM) | 410-887-3980 |
| 9. | <i>If floodplain</i> , Dept. of Natural Resources | 410-631-3902 |
| 10. | <i>If critical area</i> , Maryland Office of Planning | 410-767-4485 |

NOTE: The petitioner has the responsibility to verify the location of the subject site in regards to the Chesapeake Bay Critical Area (CBCA). A critical area map is available for reference in PDM. Should the site be located in this area, the petitioner is required to meet DEPRM critical area requirements regarding the site. PDM must have the DEPRM comments on the petitioner's request prior to the public hearing.

Also, floodplains and historic buildings should be identified. (See pages 16 and 17.)



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 18, 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: 2008-0455-SPHA

4011 Bay Drive

E/side of Bay Drive, 200 ft. north of centerline of Miami Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Russell Musgrave

Special Hearing to approve an accessory building (proposed two-story detached garage attached to existing one-story detached garage) with an area 1248 square feet (existing dwelling 1225 square feet) and a height of 23 feet. Variance to permit an accessory building (proposed two-story detached garage) with a height of 23 feet in lieu of the allowed 15 feet on rear of existing dwelling.

Hearing: Wednesday, June 4, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Russell Musgrave, 4011 Bay Drive, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 20, 2008.**
- (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, May 20, 2008 Issue - Jeffersonian

Please forward billing to:
Russell Musgrave
4011 Bay Drive
Baltimore, MD 21220

410-285-6667

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: 2008-0455-SPHA

4011 Bay Drive

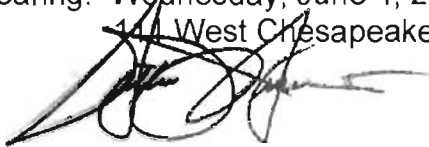
E/side of Bay Drive, 200 ft. north of centerline of Miami Beach Road

15th Election District – 6th Councilmanic District

Legal Owners: Russell Musgrave

Special Hearing to approve an accessory building (proposed two-story detached garage attached to existing one-story detached garage) with an area 1248 square feet (existing dwelling 1225 square feet) and a height of 23 feet. Variance to permit an accessory building (proposed two-story detached garage) with a height of 23 feet in lieu of the allowed 15 feet on rear of existing dwelling.

Hearing: Wednesday, June 4, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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
Russell T Musgrave
4011 Bay Dr.
Baltimore, MD 21220

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 28, 2008

Dear: Russell T Musgrave

RE: Case Number 2008-0455-SPHA, Address: 4011 Bay Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 31, 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

TB
6-4-08

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 20 2008

BY:

TO: Timothy M. Kotroco

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

DATE: May 20, 2008

SUBJECT: Zoning Item #08-455-SPHA
Address 4011 Bay Drive
(Musgrave Property)

Zoning Advisory Committee Meeting of April 14, 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 in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Impervious surfaces are limited to 31.25%. Any impervious surface within the 100-foot buffer must meet all BMA provisions and will require mitigation or fee-in-lieu. In addition, the 15% afforestation requirement must be met.

Reviewer: Regina Esslinger

Date: May 9, 2008

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 23, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For April 21, 2008
Item No. 08-455

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:lrk

cc: File

ZAC-ITEM NO 08-455-04162008.doc



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

State Highway
Administration

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

Maryland Department of Transportation

Date: **APRIL 4, 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. **8-455-SPHA**
4011 BAY DRIVE
MUSGRAVE PROPERTY
SPECIAL HEARING

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. **8-455-SPHA**.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster 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

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

DATE: June 3, 2008

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

SUBJECT: 4011 Bay Drive

INFORMATION:

Item Number: 8-455

Petitioner: Russell T. Musgrave

Zoning: RC 5

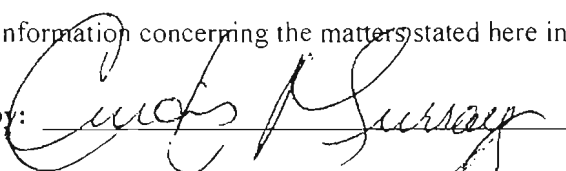
Requested Action: Special Hearing and Variance

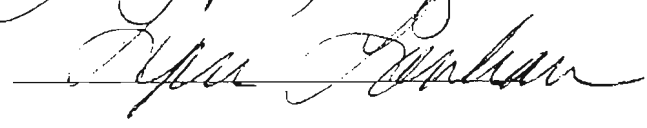
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and does not oppose the granting of a waiver to allow the proposed garage to exceed the height and area limitations outlined in Section 101 and 400 of the BCZR, provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Reviewed by: 

Division Chief: 
AFK/LL: CM

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-455-SPHA

ENTRY OF APPEARANCE

Peter Max Zimmerman

Cook S. Jemison

RECEIVED

APR 24 2008

Per.....

CERTIFICATE OF SERVICE

Peter Max Zuzmajer

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 8, 2008

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

RUSSELL T. MUSGRAVE
4011 BAY DRIVE
BALTIMORE MD 21220

Re: Petition for Special Hearing and Variance
Case No. 2008-0455-SPHA
Property: 4011 Bay Drive

Dear Mr. Musgrave:

As you are aware, on July 29, 2008, I granted your Petitions for Special Hearing and Variance in the above-referenced case. In so doing, I also imposed certain conditions on the granting of the relief which were requested by the County's Department of Environmental Protection and Resource Management and by the County's Bureau of Development Plans Review; however, I neglected to include the requested conditions from the County's Office of Planning (a copy of their comments is attached).

Therefore, please be advised that in addition to the 10 conditions imposed with the original Order on July 29, 2008, the following conditions shall be added and incorporated into the July 29, 2008 Order as if set forth therein:

- 11) The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 12) The accessory structure shall not be used for commercial purposes.

Please be advised that this does not change the original granting of the relief in your case. It only adds the above conditions to the original Order. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Attachment

c: William Bissell, 4009 Bay Drive, Baltimore MD 21220
Alfred Nida, 4003 Bay Drive, Baltimore MD 21220
Case File 2008-0455-SPHA

CASE NAME _____
CASE NUMBER 2008-0455-SPHA
DATE _____

PETITIONER'S

CITIZEN'S SIGN-IN SHEET

[illegible]

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 4011 Bay Drive

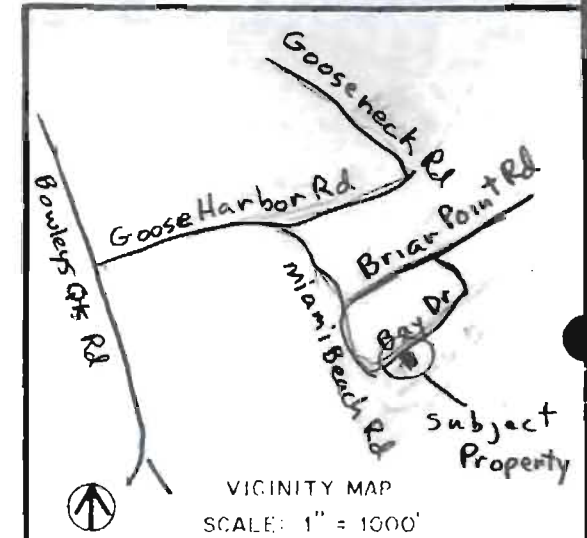
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bowleys Qts

PLAT BOOK # 8/10 FOLIO # 16764 LOT # 310 SECTION # 350

OWNER Russell T Musgrave

Tax # 1513856550



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 098C1

ZONING RC5

LOT SIZE .407 20475
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☒	☐

	YES	NO
100 YEAR FLOOD PLAIN	☒	☐

	YES	NO
HISTORIC PROPERTY/BUILDING	☐	☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

A. Tsui | 0455 | 08-0455-SHA

Mathue & France
Box
20962/292

(312)

(311)

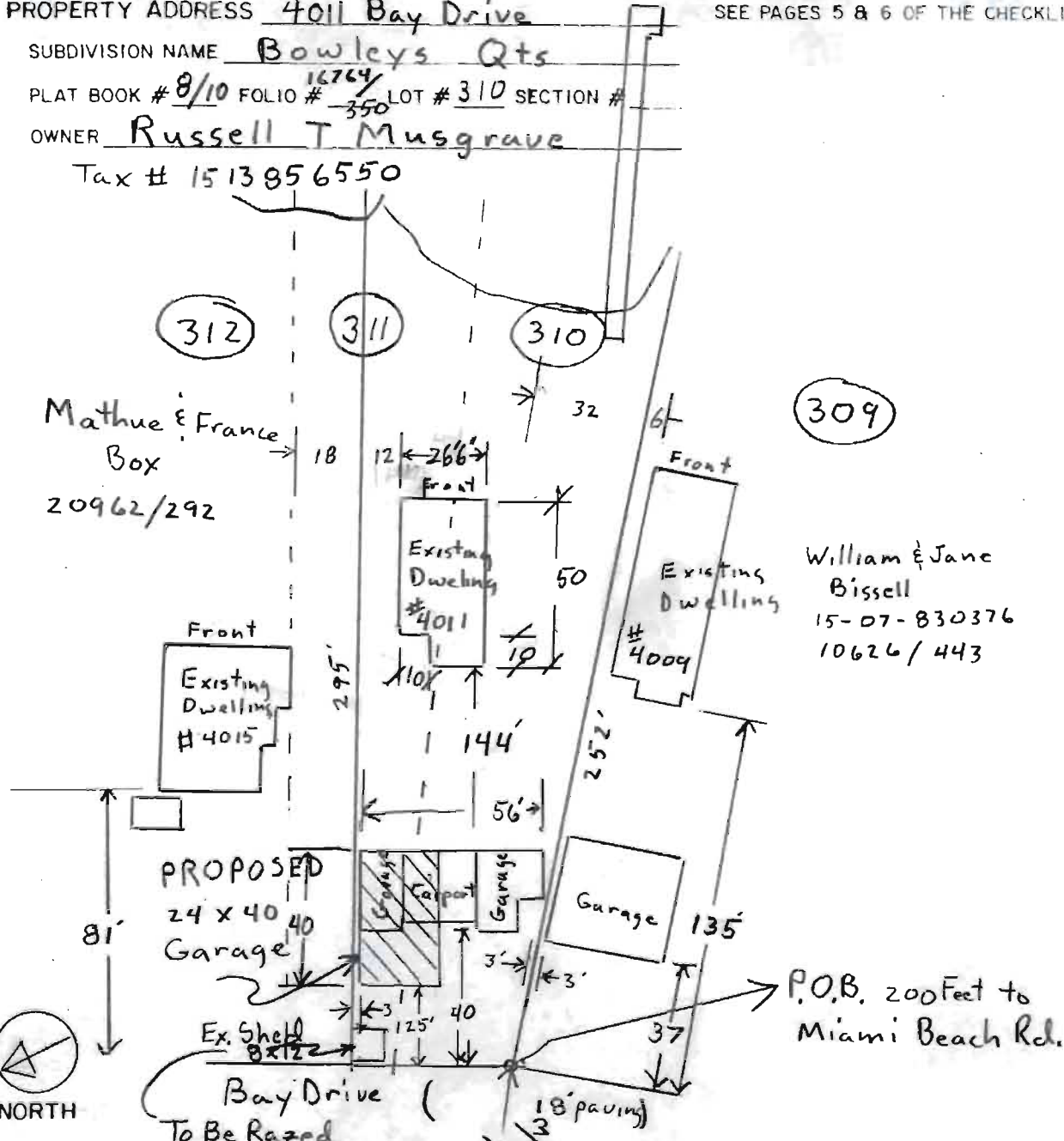
(310)

(309)



PREPARED BY RTM

SCALE OF DRAWING: 1" = 50'





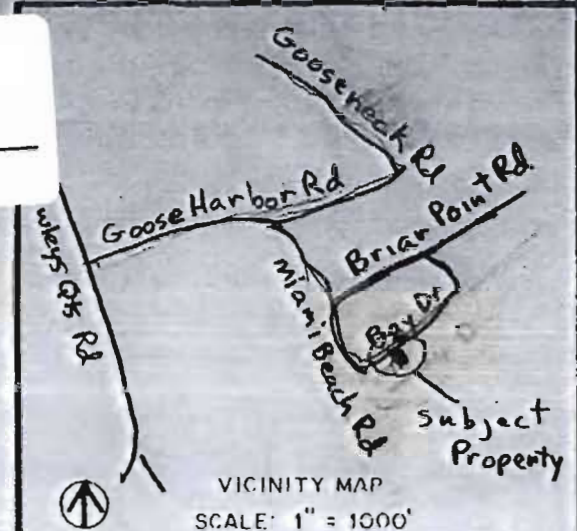
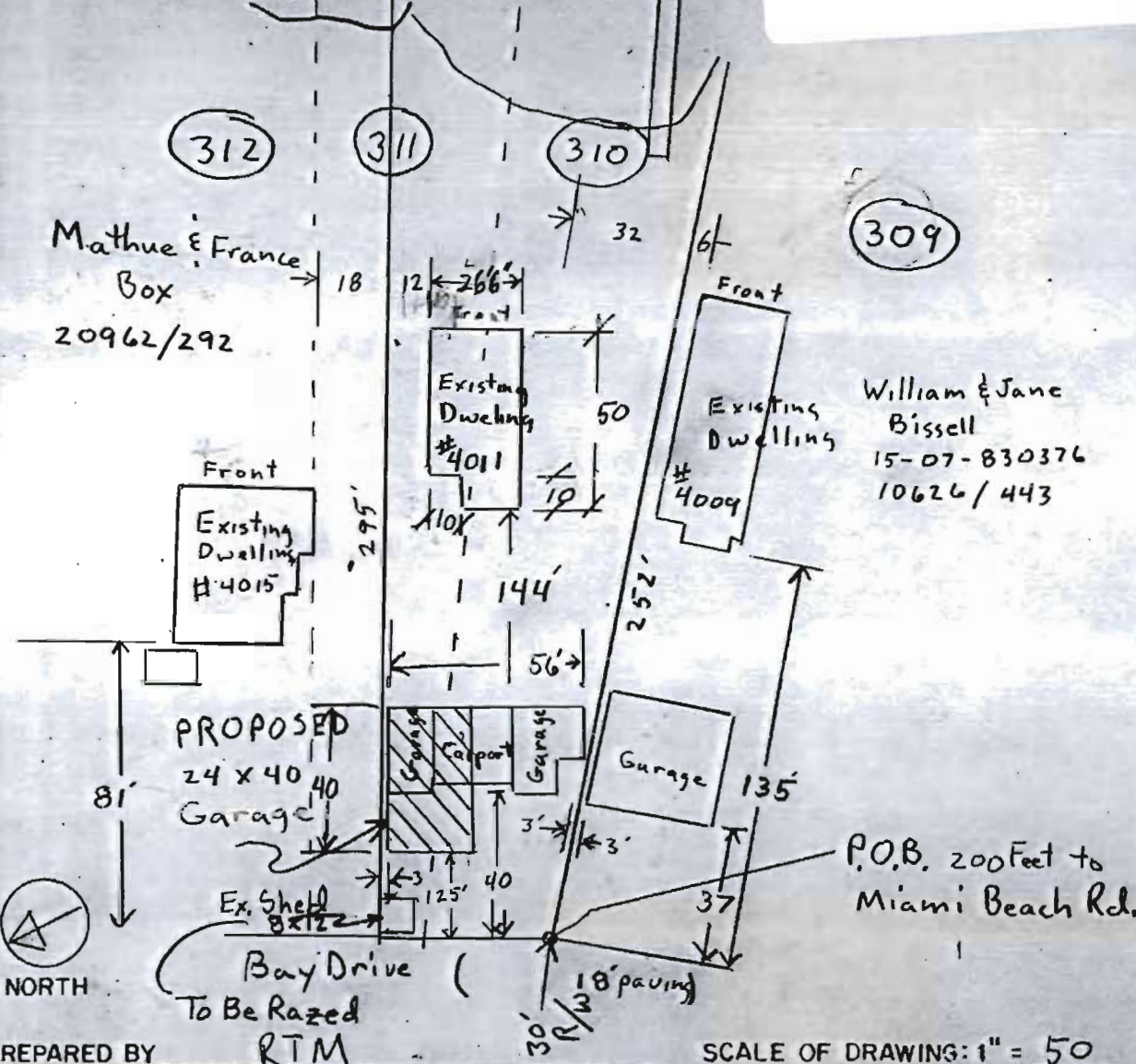
PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 4011 Bay Drive
 SUBDIVISION NAME Bowleys Qts
 PLAT BOOK # 8/10 FOLIO # 16764 LOT # 310 SECTION # 350
 OWNER Russell T Musgrave
 Tax # 1513856550

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

PETITIONER'S

EXHIBIT NO. 1



LOCATION INFORMATION

ELECTION DISTRICT 15
 COUNCILMANIC DISTRICT 6
 1" = 200' SCALE MAP # 098C1
 ZONING RC5
 LOT SIZE .407 20475
 ACREAGE 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 ATM ITEM # 0455 CASE # 08-0455-STA

4011

PETITIONER'S

EXHIBIT NO.

2A+B

4011



4009

PETITIONER' S

EXHIBIT NO.

3A+D

4007



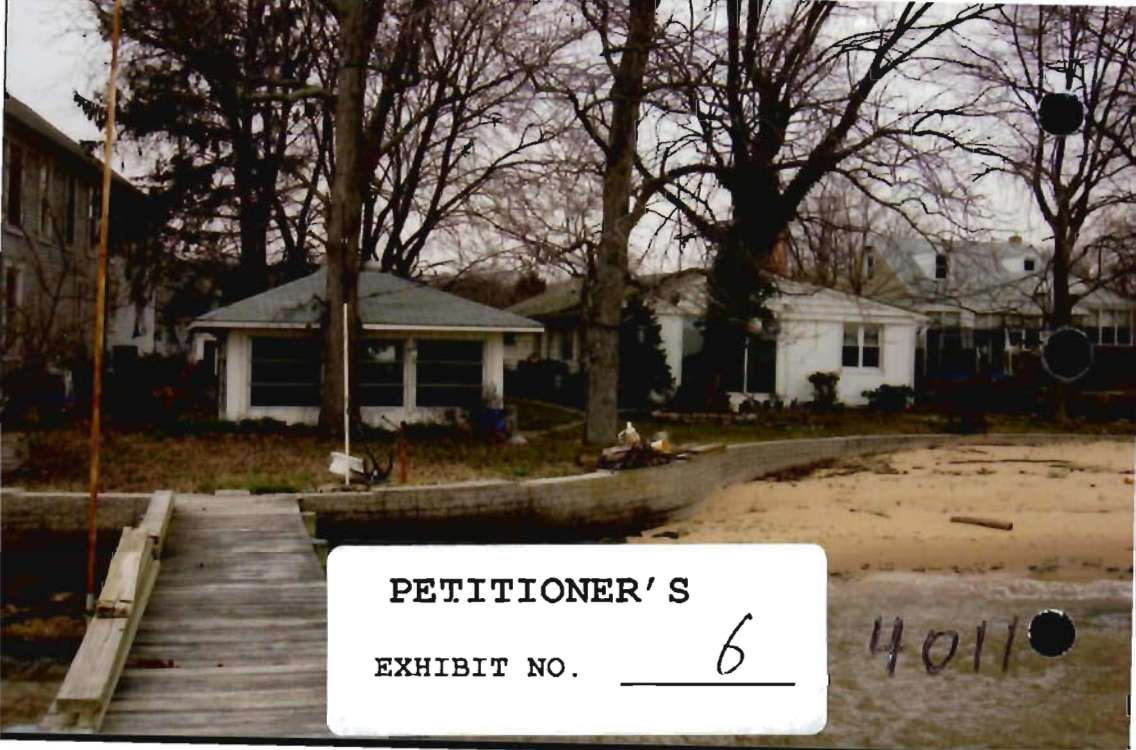
4011



4011







PETITIONER' S

EXHIBIT NO. _____

6

4011

4021



4023



4011

PETITIONER' S

EXHIBIT NO. 5A-D

4015



PETITIONER' S

EXHIBIT NO.

4A-E

4017



4019

