

**IN RE: PETITION FOR ADMIN. VARIANCE**

SE side of Briar Point Road, 225 feet NE  
from Briar Point Road  
15<sup>th</sup> Election District  
6<sup>th</sup> Councilmanic District  
**(4021 Briar Point Road)**

Kimberly Jane Dugan  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0075-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Kimberly Jane Dugan for property located at 4021 Briar Point Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing accessory structure (garage) in the front and side yard in lieu of the required rear yard, and a height of 20 feet in lieu if the required 15 feet for a new accessory structure. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. Petitioner desires to construct a detached garage measuring 24 feet x 36 feet x 20 feet on the street side of the dwelling. The side yard contains a swimming pool and the year yard contains an existing shed. The rear yard is 140 feet from the dwelling to the Chesapeake Bay. The additional garage height is necessary for storage of the family's belongings. Photographs submitted by the Petitioner demonstrate that there are many similar detached garages in the front/side yards of dwellings in the neighborhood. These garages also appear to be higher than 15 feet.

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 October 17, 2008, which indicates that the property must comply

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Date 10-27-08  
By DD

with the Chesapeake Bay Critical Area Regulations. The property is within the Limited Development Area and a Buffer Management Area (BMA). Lot coverage is limited to 5,445 square feet and the 15% afforestation must be met. In addition, any proposed development in the 100 foot buffer must meet all BMA provisions. Comments were received from the Bureau of Development Plans Review dated September 24, 2008. The comments 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. Although the Office of Planning did not make any recommendations related to the garage height and usage, I will impose conditions that the accessory structure not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 28, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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Date 10-27-08  
By: [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 27<sup>th</sup> day of October, 2008 that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing accessory structure (garage) in the front and side yard in lieu of the required rear yard, and a height of 20 feet in lieu of the required 15 feet for a new accessory structure is hereby GRANTED, subject to the following:

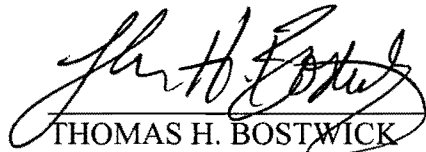
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. 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.
3. The accessory structure shall not be used for commercial purposes.
4. 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).
5. The property is within the Limited Development Area and a Buffer Management Area (BMA). Lot coverage is limited to 5,445 square feet and the 15% afforestation must be met. In addition, any proposed development in the 100 foot buffer must meet all BMA provisions.
6. The base flood elevation for this site is 10.2 feet Baltimore County Datum.
7. The flood protection elevation for this site is 11.2 feet.
8. 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.
9. 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

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Date 10-27-08  
By: [Signature]

elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

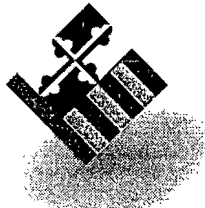
10. The building engineer shall require a permit for this project.
11. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
12. Flood-resistant construction shall be in accordance with the Baltimore 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

ORDER RECEIVED FOR FILING  
Date 10-27-08  
By [Signature]



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

October 27, 2008

KIMBERLY JANE DUGAN  
4021 BRIAR POINT ROAD  
BALTIMORE MD 21220

Re: Petition for Administrative Variance  
Case No. 2009-75-A  
Property: 4021 Briar Point Road

Dear Ms. Dugan:

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 "Thomas H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure



# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4021 Brian Point Rd Baltimore Md  
21220  
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 Variance from Section(s) 400.1 TO ALLOW ACCESSORY

STRUCTURES IN THE FRONT AND SIDE YARDS EXISTING IN LIEU OF THE  
REQUIRED REAR YARD AND A HEIGHT OF 20 FEET IN LIEU  
OF THE REQUIRED 15 FEET FOR NEW ACCESSORY STRUCTURE

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

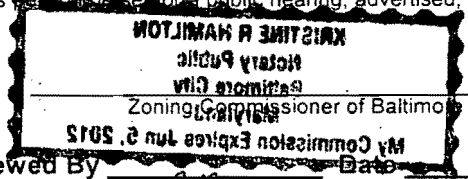
### Legal Owner(s):

Kimberly Jane Dugan  
Name - Type or Print  
Kimberly Jane Dugan  
Signature  
Name - Type or Print  
Signature  
4021 Brian Point Rd  
Address Telephone No.  
Baltimore Md 21220  
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.



CASE NO. 2009-0075-A

Reviewed By \_\_\_\_\_ Date 9-16-08

REV 10/25/01

**COPIES RECEIVED FOR FILING**  
Date 10-27-08  
By [Signature]

Estimated Posting Date 9-28-08

# 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 4021 Briar Point Rd  
Address  
Baltimore Md 21220  
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):

I request an Administrative Variance for a 24x36x<sup>20</sup> garage to be built on my property at 4021 Briar Point Rd. I have a large family with four children. We have moved from a three level single family home with a two car garage and a four car driveway to a one and a half story home with no attic or basement for storage and not enough room for parking. We have been forced to rent storage space for our personal items which has become a financial burden and parking on the main street which has become not only a safety issue but makes it difficult for other vehicles to pass on the narrow road.

① Storage space  
② Parking

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.

Kimberly Jane Duga  
Signature  
Kimberly Jane Duga  
Name - Type or Print

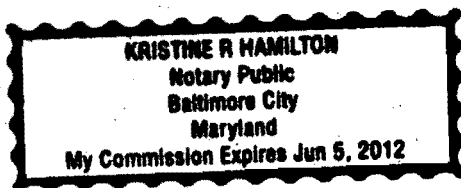
\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15<sup>th</sup> day of September, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Kimberly Jane Duga  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Kristine Hamilton  
Notary Public  
My Commission Expires June 5, 2012

# 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 4021 Brian Point Rd  
Address  
Baltimore Md 21220  
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):

I request an Administrative Variance for a 24x36x<sup>20</sup> garage to be built on my property at 4021 Brian Point Rd. I have a large family with four children. We have moved from a three level single family home with a two car garage and a four car driveway to a one and a half story home with no attic or basement for storage and not enough room for parking. We have been forced to rent storage space for our personal items which has become a financial burden and parking on the main street which has become not only a safety issue but makes it difficult for other vehicles to pass on the narrow road.

- ① Storage space
- ② Parking

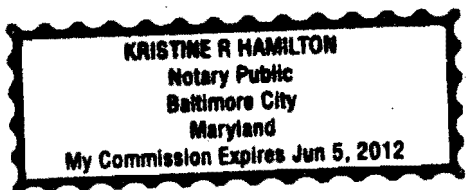
That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Kimberly Jane Dugan  
Signature  
Kimberly Jane Dugan  
Name - Type or Print

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 15<sup>th</sup> day of September, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
Kimberly Jane Dugan  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Kristine Hamilton  
Notary Public  
My Commission Expires June 5, 2012



# HOMEOWNERS POLICY OF TITLE INSURANCE

## LEGAL DESCRIPTION

Policy No. 72307-76203099

File No. 15681-08-00392

ALL THAT LOT OR PARCEL of land lying and being situate in the Fifteenth Election District, Baltimore County, State of Maryland, described as follows: BEGINNING FOR THE SAME on the Southeast side of a road, 20 feet wide, leading to Briar Point, Bowleys Quarters, through the lot of ground described in a Deed recorded among the Land Records of Baltimore County in Liber WPC No. 573, folio 512, et seq; where it would be intersected by a line drawn North 53 degrees 49 minutes West parallel with and 75 feet Southwesterly as right angles from the South 53 degrees 49 minutes East 334.7 foot line of the lot described in the above mentioned Deed; running thence South 63 degrees 35 minutes West binding on said road, 84.37 feet to a stake; thence leaving said road and running by a line drawn parallel with and one hundred fifty feet Southwesterly at right angles from said South 53 degrees 49 minutes East 334.7 foot line South 53 degrees 49 minutes East 319 feet, to the waters of Chesapeake Bay; thence Northeasterly binding thereon, 75 feet, to intersect a line drawn from the place of beginning southeasterly parallel with said South 53 degrees 49 minutes East 334.7 foot line; and thence North 53 degrees 49 minutes West binding on said line reversely, 284 feet, to the place of beginning. The improvements thereon being known as 4021 Briar Point Road, Baltimore, MD 21220 (formerly known as 613 Burke Avenue). (for informational purposes only)

MARYLAND  
 RECEIPTS AND FINANCE  
 MISCELLANEOUS RECEIPT

No. 26591  
 Date: 9-16-08

PAID RECEIPT

BUSINESS ACTUAL TIME DRWJ  
 9/17/2008 9/16/2008 09:10:57  
 REC MSD: NALGIN JEVA JEE  
 RECEIPT N 603496 9/16/2008 CELN  
 5 328 ZONING VERIFICATION  
 NO. 026591  
 Rept Tot \$65.00  
 \$ .00 CR \$65.00 CR  
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount	Debit
001				1150				65.00	CR

Total: 65.00

Rec From: P. Dorian  
 For: 41070 Bulmar Power 12  
21220  
6009-0675-A  
Act. Var.

DISTRIBUTION  
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING  
 PLEASE PRESS HARD!!!!

CASHIER'S  
 VALIDATION

# CERTIFICATE OF POSTING

RE: Case No.: 2009-0075-A

Petitioner/Developer: \_\_\_\_\_

Kimberly Dugan

Date of Hearing/Closing: Oct 13, 08

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ATTN: Kristen Matthews

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: \_\_\_\_\_

- 4021 Briar Point Rd

The sign(s) were posted on sept 28, 2008  
(Month, Day, Year)

Sincerely,

Robert Black Sept 29, 08  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

# ZONING NOTICE

## ADMINISTRATIVE VARIANCE

CASE # 2009-0075-A

TO PERMIT EXISTING ACCESSORY STRUCTURES IN THE  
SIDE AND FRONT YARDS OF EX SFD IN LIEU OF THE REQUIRED  
REAR YARD AND A HEIGHT OF 20 FEET IN LIEU OF THE REQUIRED  
15 FT.

### PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE  
AN ELIGIBLE INDIVIDUAL OR GROUP MAY  
REQUEST A PUBLIC HEARING CONCERNING  
THE PROPOSED VARIANCE, PROVIDED IT  
IS DONE IN THE ZONING OFFICE BEFORE  
4:30 p.m. ON 10-13-08

ADDITIONAL INFORMATION IS AVAILABLE AT  
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT  
111 W. CHESAPEAKE AVE. TEL. 887-3391  
TOWSON, MD. 21284

DO NOT REMOVE THIS SIGN AND PLEASE REPLY AFTER ABOUT 10:00 AM. PLEASE CONTACT US IN RETURN BOTH TO 26PM, 800, 303

MEETING IS HANDICAP ACCESSIBLE

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2009- 0075 -A Address 4021 BRIAR POINT RD

Contact Person: CRAIG Mc GRAW Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 9-16-08 Posting Date: 9-28-08 Closing Date: 10-13-08

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

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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**

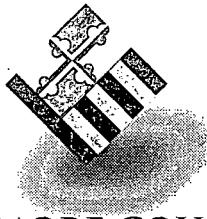
Case Number 2009- 0075 -A Address 4021 BRIAR POINT RD

Petitioner's Name KIMBERLY DUBAN Telephone \_\_\_\_\_

Posting Date: 9-28-08 Closing Date: 10-13-08

Wording for Sign: To Permit <sup>EXISTING</sup> ACCESSORY STRUCTURES IN THE SIDE AND FRONT YARDS OF EX SFD IN LIEU OF THE REQUIRED REAR YARD AND A HEIGHT OF 20 FEET IN LIEU OF THE REQUIRED 15 FEET.

WCR - Revised 7/7/08



**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*

October 14, 2008

Kimberly Jane Dugon  
4021 Briar Point Rd.  
Baltimore, MD 21220

Dear: Kimberly Jane Dugon

RE: Case Number 2009-0075-A, 4021 Briar Point Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 16, 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,

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

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



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

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

Maryland Department of Transportation

Date: SEPT. 23, 2008

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

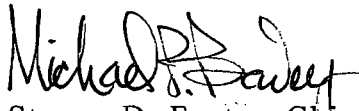
RE: Baltimore County  
Item No 2009-0075-A  
4021 BRIAR POINT RD  
DUGAN PROPERTY  
ADMINISTRATIVE VARIANCE

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. 2009-0075-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,

  
Steven D. Foster, Chief  
Engineering Access Permits  
Division

SDF/MB



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** October 20, 2008

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

RECEIVED  
OCT 24 2008

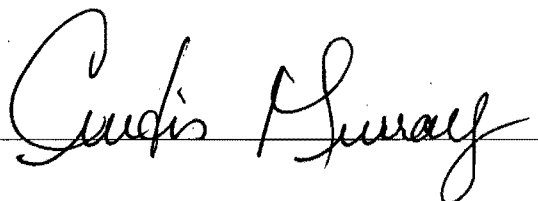
BY:.....

**SUBJECT:** Zoning Advisory Petition(s): **Case(s) 09-075- 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  
OCT 17 2008

BY:.....

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: October 17, 2008  
SUBJECT: Zoning Item # 09-075-A  
Address 4021 Briar Point Road  
(Dugan Property)

Zoning Advisory Committee Meeting of September 22, 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 within the Limited Development Area (LDA) and a Buffer Management Area (BMA). Lot coverage is limited to 5,445 square feet, and the 15% afforestation must be met. In addition, any proposed development in the 100-foot buffer must meet all BMA provisions.

Reviewer: Regina Esslinger Date: October 8, 2008

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** September 24, 2008

**FROM:** Dennis A. Kennedy, <sup>DAK</sup> Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For September 29, 2008  
Item No. 2009-0075-A

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:CEM:lrk  
cc: File  
ZAC-ITEM NO 0075-09232008

**Patricia Zook - 2009-0075-A - need Planning comments (administrative variance)**

---

**From:** Patricia Zook  
**To:** Murray, Curtis; Wiley, Debra  
**Date:** 10/21/2008 11:18 AM  
**Subject:** 2009-0075-A - need Planning comments (administrative variance)

---

Curtis -

This administrative variance closed on October 13 and we still need comments from the Planning Office. Petitioner called this morning asking about the status of the Order.

Patti Zook  
Baltimore County  
Office of the Zoning Commissioner  
Jefferson Building, Suite 103  
105 West Chesapeake Avenue  
Towson MD 21204

410-887-3868

[pzook@baltimorecountymd.gov](mailto:pzook@baltimorecountymd.gov)

**From:** Debra Wiley  
**To:** Kennedy, Dennis; Murray, Curtis  
**Date:** 10/16/08 9:27:15 AM  
**Subject:** Comment Needed

OP + DPR

Good Morning Gentlemen,

I have received an Administrative Variance with a closing date of 10/13/08 and the file does not contain a comment from your office(s). I have provided a case description for your convenience as follows:

**Case No. 2009-0075-A**

4021 Briar Point Road (CBCA & Flood)

15th Election District, 6th Council District

Location: SE Side of Briar Point Road, 225 feet NE from Briar Point Road

**Legal Owner(s): Kimberly Jane Dugan**

**Closing Date: 10/13/08**

**ADMINISTRATIVE VARIANCE** to allow an existing accessory structure in the front and side yard in lieu of the required rear yard, and a height of 20 feet in lieu of the required 15 feet for a new accessory structure.

Thanking you in advance for your usual cooperation and have a great day !

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

**From:** Debra Wiley  
**To:** Livingston, Jeffrey  
**Date:** 10/16/08 9:22:17 AM  
**Subject:** Comments Needed

DEPRM

Good Morning Jeff,

I have received two (2) Administrative Variances with closing dates of 10/13/08 that are CBCA and we are missing comments from your office. I have provided case descriptions for your convenience as follows:

**Case No. 2009-0075-A**

4021 Briar Point Road (CBCA & Flood)

15th Election District, 6th Council District

Location: SE Side of Briar Point Road, 225 feet NE from Briar Point Road

**Legal Owner(s):** Kimberly Jane Dugan

**Closing Date:** 10/13/08

**ADMINISTRATIVE VARIANCE** to allow an existing accessory structure in the front and side yard in lieu of the required rear yard, and a height of 20 feet in lieu of the required 15 feet for a new accessory structure

**Case No. 2009-0082-A**

2315 Ruth Avenue (CBCA)

15th Election District, 7th Council District

Location: N Side of Ruth Avenue, 797 feet NW of Lodge Farm Road

**Legal Owner(s):** Cecilia C. Kisielewski and Deborah A. Berdych

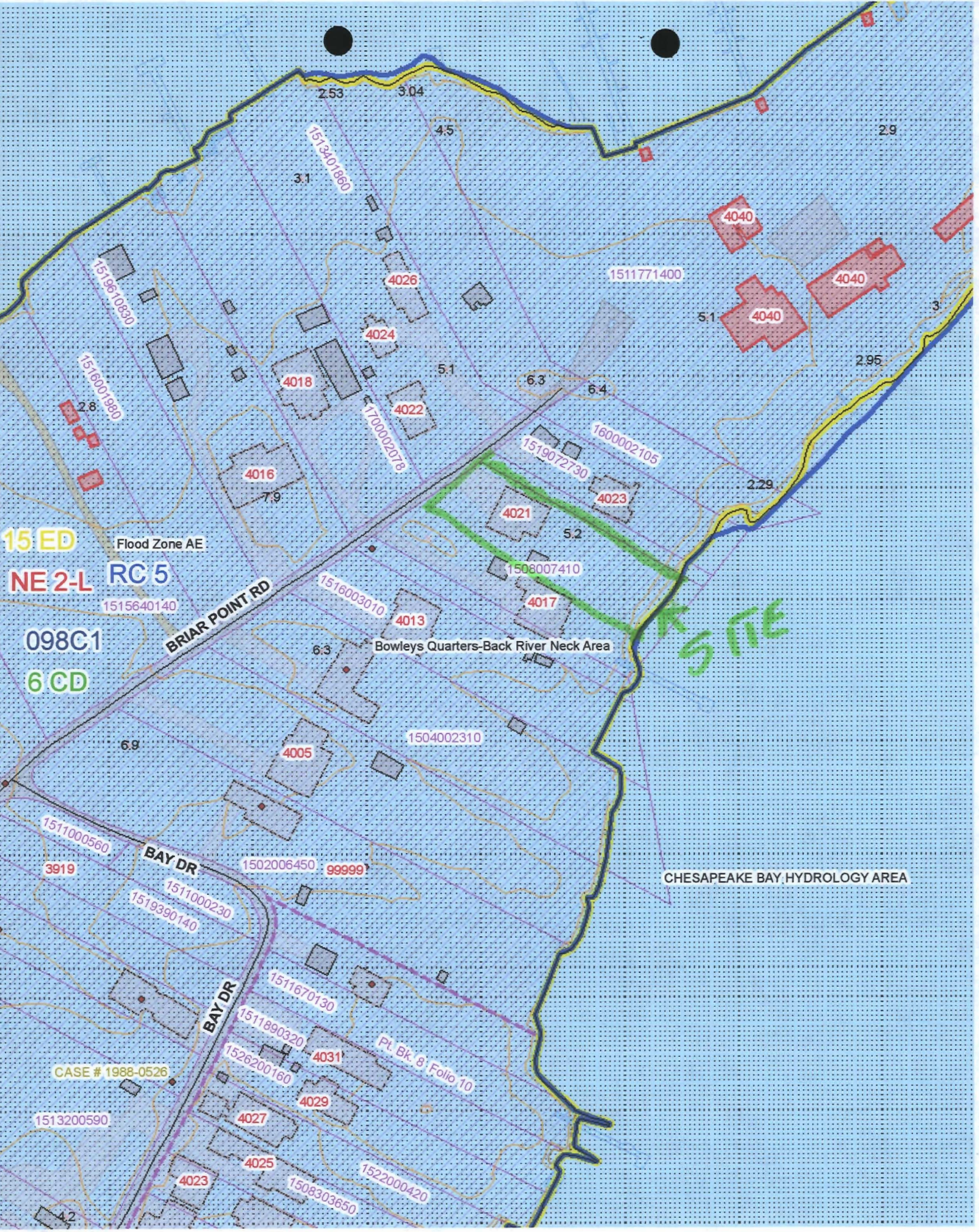
**Closing Date:** 10/13/08

**ADMINISTRATIVE VARIANCE** to permit a roof addition over an existing 1 story detached garage with a height of 26 feet in lieu of the maximum allowed 15 feet height.

Thanks and have a great day !

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

15 ED  
NE 2-L RC 5  
098C1  
6 CD  
Flood Zone AE



0075

PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HEARING

PROPERTY ADDRESS 4021 Briar Point Rd

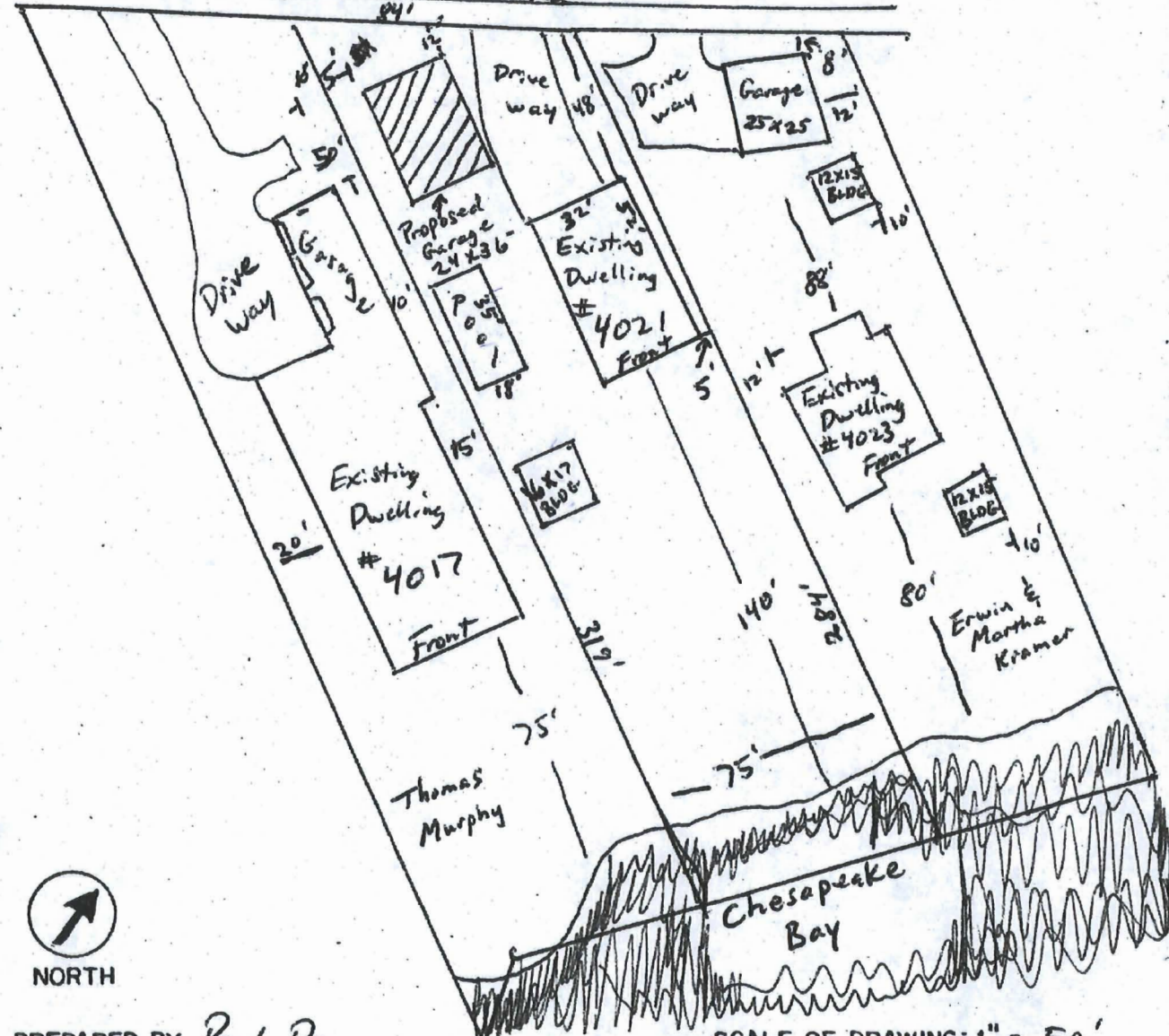
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME N/A

PLAT BOOK # \_\_\_\_\_ FOLIO # \_\_\_\_\_ LOT # \_\_\_\_\_ SECTION # \_\_\_\_\_

OWNER Paul + Kimberly Dugan

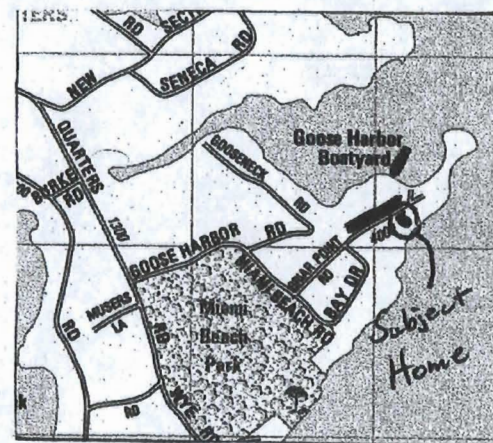
Briar Point Rd



NORTH

PREPARED BY Paul Dugan

SCALE OF DRAWING: 1" = 50'



VICINITY MAP  
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 15  
 COUNCILMANIC DISTRICT 6  
 1"=200' SCALE MAP # 098C1  
 ZONING RC-5  
 LOT SIZE 5.458 23,779.09  
 ACREAGE SQUARE FEET

	PUBLIC	PRIVATE		
SEWER	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
WATER	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
CHESAPEAKE BAY CRITICAL AREA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES	NO
100 YEAR FLOOD PLAIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
HISTORIC PROPERTY/ BUILDING	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
PRIOR ZONING HEARING	<u>NONE</u>			

ZONING OFFICE USE ONLY  
 REVIEWED BY \_\_\_\_\_ ITEM # \_\_\_\_\_ CASE # \_\_\_\_\_

CM | 0075 | 2009-0075-A

● Subject Home ●

4021 Briar Point

Rear View  
/Side



0075



Subject Home  
4021 Briar Point

Rear/Side View



0075

Subject Home

4021 Briar Point

Front/side ~~to~~  
View



0075

Subject Home  
4021 Briar Point  
Front to Water



0075

Subject Home  
4021 Briar Point

Front of House



0075

Erwin & Ma Kramer

4023 Briar Point

Rear View



0015

Thomas Murphy

4017 Briar Point

Rear View



0075

Thomas Murphy

4017 Briar Point

Rear View



0075

Rear View  
Other homes on  
Connecting Street  
Bay Drive



0075



Rear View of  
other homes on Connetquot Street  
Bay Drive



0075

Rear View  
Picture of other  
home on Connecting Water front  
property Bay Drive.



0075


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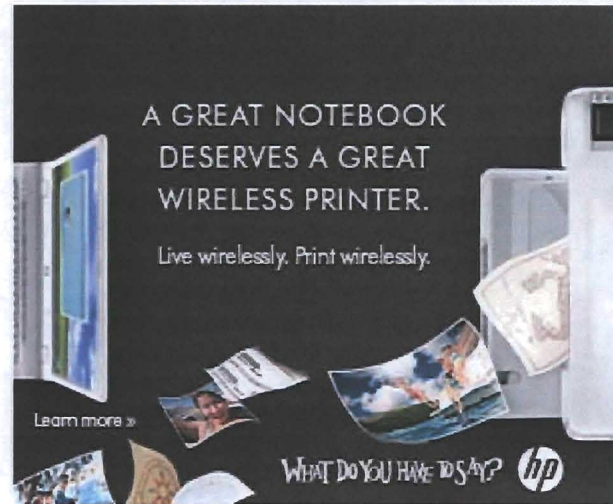
# MAPQUEST.

A GREAT NOTEBOOK  
DESERVES A GREAT  
WIRELESS PRINTER.

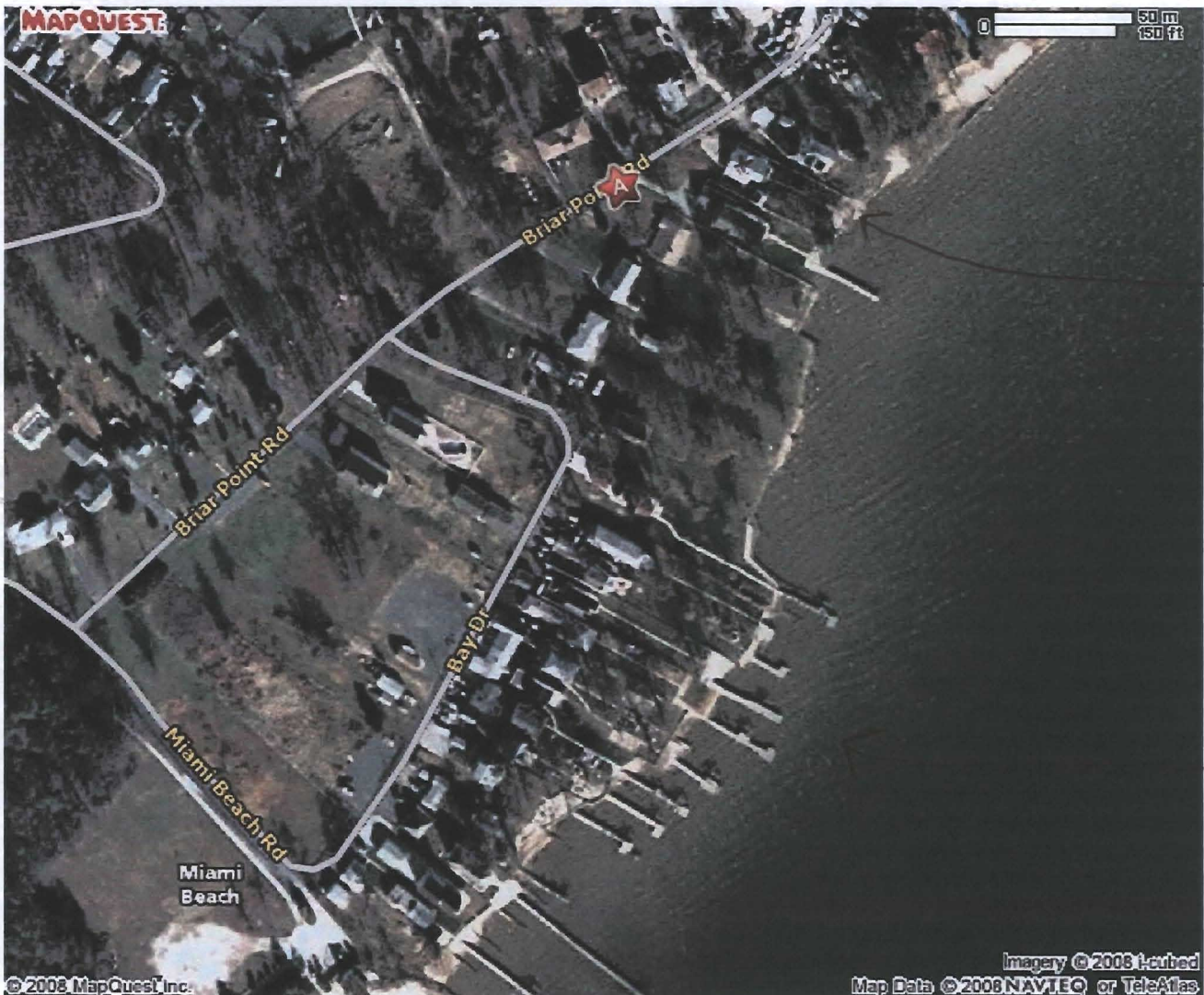
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WHAT DO YOU HAVE TO SAY? 



**A: 4021 Briar Point Rd, Middle River, MD 21220-4019**



*Subject  
Horns  
Drive  
Bay*

*4021  
Horns  
Briar  
point*