

IN RE: PETITION FOR VARIANCE
W side of Healand Road, 300 feet S
of Bay Front Road
15th Election District
7th Councilmanic District
(7421 Bay Front Road)

Gloria B. Westerman
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FORBALTIMORE COUNTY
* CASE NO. 2009-0196-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Gloria B. Westerman. Petitioner is requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard of 1 foot in lieu of the required 10 feet for a proposed attached garage. The subject property and requested relief are more fully depicted 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 variance requests was Petitioners Gloria B. Westerman and George Westerman and David Billingsley with Central Drafting & Design, the land use consultant hired by the Petitioners to prepare the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular in size and contains approximately 0.49 acre, more or less, zoned D.R.5.5. This waterfront property fronts Old Road Bay and is located on the south side of Bay Front Road, southeast of North Point Blvd. and situated between the Sparrows Point Industrial Complex to the west and North Point State Park to the east, in the Edgemere area of Baltimore County. Access to the property is by way of a 10 foot wide right-of-way leading from Bay Front Road to the property located

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approximately 250 feet south of the road. Said property is presently improved with an existing one-story dwelling that is uninhabitable as the property was previously damaged by fire and was acquired by Petitioners in an estate sale in 2004. A copy of the Deed was marked and accepted into evidence as Petitioners' Exhibit 3. Petitioners desire is to raze the existing dwelling and construct a replacement dwelling on the same foundation. Petitioners also wish to preserve an existing deck as well as an existing boathouse located at the southeast corner of the property near the water.

Along with a new dwelling, Petitioners also desire to construct an attached garage to the east side of the new dwelling, on the same side as the right-of-way driveway access. Petitioners indicate that with their advanced age, they wish to have a garage attached to the house so they can enter and exit their vehicles free from the effects of inclement weather, as well as reducing the walking distance from the home. They also believe the subject location, as depicted on the site plan, is an ideal location because there is already a concrete parking pad in the exact spot where the attached garage would be placed. In order to construct the attached garage, Petitioners are in need of variance relief from the 10 foot side yard setback requirement. This is because the garage would be located 1 foot from the property line. It should also be noted, however, that the garage would be located next to the 10 foot wide right-of-way, giving the appearance of sufficient distance between the garage and the adjacent property at 7427 Bay Front Road.

In support the variance request, Mr. Billingsley proffered that the property has some unusual characteristics that necessitate the requested relief. As indicated in the Deed, the property was previously conveyed pursuant to a Deed dated July 12, 1928, indicating that the property was laid out prior to the adoption of the Zoning Regulations. Also, the home is existing and Petitioners desire to utilize the same foundation for the new home. This substantially limits

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~~CONFIDENTIAL~~

Petitioners' options regarding the location of an accessory structure on the property, and dictates that Petitioners construct an attached garage rather than detached.¹ In addition to the existing home, there is already an existing concrete pad used for parking located right next to the foundation which provides a ready-made, ideal spot for the proposed garage. The existing macadam driveway that extends from the 10 foot wide right-of-way proceeds around the front of the existing dwelling to the other side of the property, as shown in the aerial photograph which was marked and accepted into evidence as Petitioners' Exhibit 5. In short, these existing conditions make it very difficult and burdensome to place the garage in another location. Mr. Billingsley also indicated that the right-of-way driveway has an end at Petitioners' property, near where the boathouse is located. As a result, this is a very practical location for the garage on that same side of the property attached to the planned new dwelling.

In further support of the various requests, Petitioners submitted a letter of support that was marked and accepted into evidence as Petitioners' Exhibit 6. This letter was signed by the adjacent property owners William White at 7419 Bay Front Road, Paul Gietka of 7427 Bay Front Road, and Delbert Fyer of 2007 Headland Road, respectively, and indicates they have no objection to the variance request.

Finally, Mr. Billingsley submitted photographs of the subject property and adjacent properties which were marked and accepted into evidence as Petitioners' Exhibits 7A through 7I. These photographs show the dilapidated condition of the dwelling, the location of the concrete pad, and the location of the basement side entrance of the property located on the other side of the 10 foot wide right-of-way.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated March 4,

¹ A detached garage would subject the Petitioners to a lesser setback requirement of 7.5 feet.

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3-25-09
[Signature]

2009 which indicates that the house is vacant, boarded up and partially deconstructed inside and out. It sits at a low point on the shore in a cluster of other houses. The proposed garage will be very close to the house on the east side of the property, probably blocking ingress and egress from the side door of that house. If the principal house is to be razed, then the new two-story replacement house could be shifted to the western side and a variance would not be required. Another alternative on this double frontage lot is a detached garage on the road side of the proposed house like his neighbors have. An attached garage could be constructed on the street side of the new house. The Planning Office recommends one of the alternatives to the proposed garage for which a variance is required. Comments were received from the Bureau of Development Plans Review dated February 4, 2009. 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. Comments were received from the Department of Environmental Protection and Resource Management dated March 24, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area Regulations.

Considering of all the testimony and evidence presented, I find 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 request. The layout of the existing right-of-way access lends itself to locating the proposed garage at the terminus of this driveway. The location of the existing concrete pad also provides an ideal location for the garage. In addition, the existing boathouse limits where the garage can be placed; moreover, placing the garage on the

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other side of the new dwelling is prohibitive, given the close proximity to the adjacent property, as well as the substantial difference in the elevations of the properties, as shown in Petitioners' Exhibits 7F and 7H.

Hence, I find the property to be unique in a zoning sense. In addition, I find that practical difficulty or unreasonable hardship would befall Petitioners if the relief were not granted. Finally, I find the variance request can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In fact, the neighbors that could be potentially impacted by the variance request have expressed their support for Petitioners' plans.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED this 25th day of March, 2009 by this Deputy Zoning Commissioner, that Petitioners' Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard of 1 foot in lieu of the required 10 feet for a proposed attached garage be and is hereby GRANTED. The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The base flood elevation for this site is 9.4 feet Baltimore County Datum.
3. The flood protection elevation for this site is 10.4 feet.

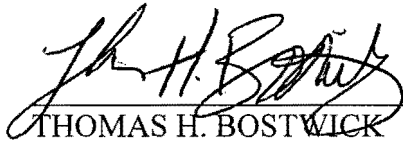
~~NOT FOR PUBLIC RELEASE~~

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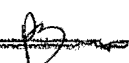
4. In conformance with Federal Flood Insurance Requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.
5. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
6. The building engineer shall require a permit for this project.
7. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
8. Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the International Building Code.
9. 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).

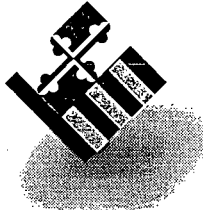
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

FORM RECEIVED FOR PLANS

3-25-09 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 25, 2009

GLORIA B. WESTERMAN
2208 HARFORD ROAD
FALLSTON MD 21047

Re: Petition for Variance
Case No. 2009-0196-A
Property: 7421 Bay Front Road

Dear Ms. Westerman:

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 dark ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Court, Edgewood MD 21040



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property

located at 7421 BAYFRONT ROAD

which is presently zoned DR 5.5

Deed Reference: 20893 / 400 Tax Account # 1513751501

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)

SEE ATTACHED

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

TO BE PRESENTED AT 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):

GLORIA B. WESTERMAN

Name - Type or Print

Signature

Name - Type or Print

Signature

2208 HARFORD ROAD

(410) 877-1834

Address

Telephone No.

FALLSTON

MD

21047

City

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY

Name

601 CHARWOOD COURT

(410) 679-8719

Address

Telephone No.

EDGEWOOD

MD

21040

City

State

Zip Code

Case No. 2009-0196-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by

Date 1.23.09

REV 8/20/07

RECEIVED FOR FILING

3.25.09

PM

ATTACHMENT TO PETITION FOR VARIANCE

7421 BAY FRONT DRIVE

SECTION 1B02.3.C.1 TO PERMIT A SIDE YARD OF 1 FOOT IN LIEU
OF THE REQUIRED 10 FEET FOR A PROPOSED GARAGE
ATTACHED

ZONING DESCRIPTION

7421 BAY FRONT DRIVE

Beginning at a point on the west side of Headland Road (20 feet wide) distant 300 feet southerly from it's intersection with the south side of Bay Front Road (20 feet wide) thence (1) S 84 32 50 E 90.15 feet, thence (2) S 05 27 01 W 231.08 feet, thence (3) N 87 50 28 W 94.88 feet, thence (4) N 06 30 01 E 237.08 feet.

Containing 21,243 square feet or 0.49 acre of land, more or less.

Being known as 7421 Bay Front Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

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: #2009-0196-A

7421 Bayfront Road

W/side of Headland Road, 300 feet +/- south of Bayfront Road

15th Election District — 7th Councilmanic District

Legal Owner(s): Gloria Westerman

Variance: to permit a side yard of 1 foot in lieu of the required 10 feet for a proposed attached garage.

Hearing: Thursday, March 19, 2009 at 11:00 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 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_3/632_Mar_3

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CERTIFICATE OF PUBLICATION

3/5/2009

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 3/3/2009.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2009-0196-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing: 3/19/09

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

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 7421 BAYFRONT RD

This sign(s) were posted on March 3, 2009

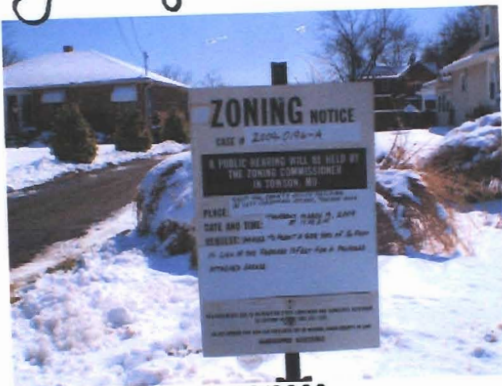
Month, Day, Year

Sincerely,

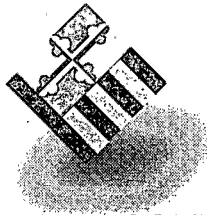
Martin Ogle 3/3/09
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

Martin Ogle 3/3/09



03/03/2009



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 23, 2009
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: 2009-0196-A

7421 Bayfront Road

W/side of Headland Road, 300 feet +/- south of Bayfront Road

15th Election District – 7th Councilmanic District

Legal Owners: Gloria Westerman

Variance to permit a side yard of 1 foot in lieu of the required 10 feet for a proposed attached garage.

Hearing: Thursday, March 19, 2009 at 11:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Gloria Westerman, 2208 Harford Road, Fallston 21047
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDN., MARCH 4, 2009.**
- (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, March 3, 2009 Issue - Jeffersonian

Please forward billing to:
Gloria Westerman
2208 Harford Road
Fallston, MD 21047

410-877-1834

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: 2009-0196-A

7421 Bayfront Road
W/side of Headland Road, 300 feet +/- south of Bayfront Road
15th Election District – 7th Councilmanic District
Legal Owners: Gloria Westerman

Variance to permit a side yard of 1 foot in lieu of the required 10 feet for a proposed attached garage.

Hearing: Thursday, March 19, 2009 at 11:00 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.

**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.

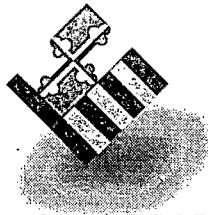
For Newspaper Advertising:

Item Number or Case Number: 0196
Petitioner: GLORIA B. WESTERMAN
Address or Location: 7421 BAY FRONT ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GLORIA B. WESTERMAN
Address: 2208 HARFORD ROAD
FALLSTON, MD. 21047

Telephone Number: (410) 877-1834



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 12, 2009

Gloria B. Westerman
2208 Harford Rd.
Fallston, MD 21047

Dear: Gloria B. Westerman

RE: Case Number 2009-0196-A, 7421 Bayfront Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 23, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David Billingsley; 601 Charwood Ct.; Edgewood, MD 21040

TB 3-19
11 Am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 4, 2009

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

SUBJECT: 7421 Bayfront Road

INFORMATION:

Item Number: 9-196

Petitioner: Gloria Westerman

Zoning: DR 5.5

Requested Action: Variance

RECEIVED

MAR 06 2009

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

Currently, the house is vacant, boarded up and partially deconstructed inside and out. It sits at a low point on the shore in a cluster of other houses. Two houses exist between the subject property and the street. The rear of those houses, face the front of the subject house. For that reason the front of the subject house could just as appropriately face the water. The proposed garage will be very close to the house on the east side of the property, probably blocking ingress and egress from the side door of that house. Like many waterfront houses, the neighboring houses are double frontage in design.

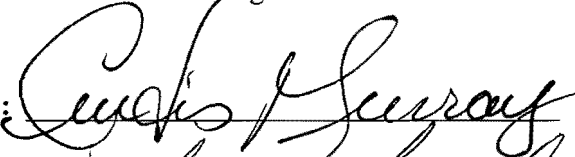
As an additional note the structure described as an existing boathouse is a two-storey structure that appears to have living space on both floors.

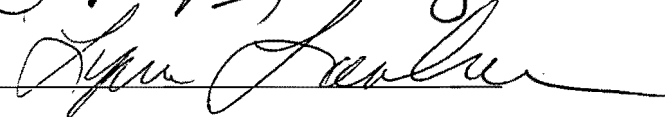
If the principal house is to be razed, then the new 2-story replacement house could be shifted to the western side and a variance would not be required.

Another alternative on this double frontage lot is a detached garage on the roadside of the proposed house like his neighbors have. An attached garage could be constructed on the street side of the 'new' house.

This office recommends one of the alternatives to the proposed garage for which a variance is required.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 4, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For February 9, 2009
Item No. 2009-0196-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 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:lrk

cc: File

ZAC-ITEM NO 2009-0196-A-02092009

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 24 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

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

DATE: March 24, 2009

SUBJECT: Zoning Item # 09-196-A
Address 7421 Bayfront Road
(Westerman Property)

Zoning Advisory Committee Meeting of February 2, 2009

_____ 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).

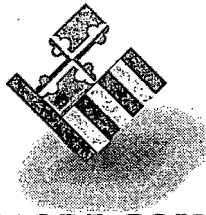
_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

 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:

Reviewer: Thomas Panzarella

Date: March 9, 2009



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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 2, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 2, 2009

Item Numbers 0166, 0190, 0191, 0192, 0193, 0194, 0195, 0196

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



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: FEB. 6, 2009

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

RE: Baltimore County
Item No 2009-0196-A
7421 BAYFRONT RD.
WESTERMAN PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0196-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



RE: PETITION FOR VARIANCE
7421 Bayfront Road; W/S Healand Road,
300' S of Bayfront Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Gloria Westerman
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 09-196-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

FEB 04 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of February, 2009, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Patricia Zook - 2009-0196--A - comments needed - Order ready to be issued

From: Patricia Zook
To: Livingston, Jeffrey
Date: 3/23/2009 12:02 PM
Subject: 2009-0196--A - comments needed - Order ready to be issued
CC: Bostwick, Thomas

Hello Jeff -

My original e-mail was dated March 16, 2009. We had a hearing for case 2009-0196-A on Thursday, March 19, 2009 at 11 am. Tom is now ready to issue the Order; however, we would like to incorporate DEPRM comments, if any, into the Order.

Please let me know if DEPRM has comments.

CASE NUMBER: 2009-0196--A

7421 Bayfront Road

Location: W side of Healand Road, 300 feet S of Bayfront Road.

15th Election District, 7th Councilmanic District

Legal Owner: Gloria B. Westerman

VARIANCE to permit a side yard of 1 foot in lieu of the required 10 feet for a proposed attached garage.

Hearing: Thursday, 3/19/2009 at 11:00:00 AM County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

Patti Zook

Baltimore County

Office of the Zoning Commissioner

105 West Chesapeake Avenue, Suite 103

Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

Patricia Zook - Comments needed - hearings on Thursday, March 19

From: Patricia Zook
To: Livingston, Jeffrey
Date: 3/16/2009 12:15 PM
Subject: Comments needed - hearings on Thursday, March 19
CC: Bostwick, Thomas

Hello Jeff -

We need DEPRM comments for the below described cases that are scheduled for hearings on Thursday, March 19.

CASE NUMBER: 2009-0195--A

6868 Leslie Road
Location: E side of Leslie Road, 30 feet S of Leslie Road.
15th Election District, 6th Councilmanic District
Legal Owner: Linda Harrington & Dawn Lichty

VARIANCE to permit a side yard setback of 19 feet in lieu of the required 35 feet for a replacement dwelling on existing lots on record.

Hearing: Thursday, 3/19/2009 at 10:00:00 AM County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

CASE NUMBER: 2009-0196--A

7421 Bayfront Road
Location: W side of Healand Road, 300 feet S of Bayfront Road.
15th Election District, 7th Councilmanic District
Legal Owner: Gloria B. Westerman

VARIANCE to permit a side yard of 1 foot in lieu of the required 10 feet for a proposed attached garage.

Hearing: Thursday, 3/19/2009 at 11:00:00 AM County Office Building, 111 West Chesapeake Avenue, Room 106, Towson, MD 21204

Thanks for your help.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov

CASE NAME 7421 BAYFRONT RD
CASE NUMBER 2009-0196 A
DATE 3/19/09

~~CITIZENS~~ SIGN-IN SHEET

[illegible]

PETITIONER'S EXHIBITS

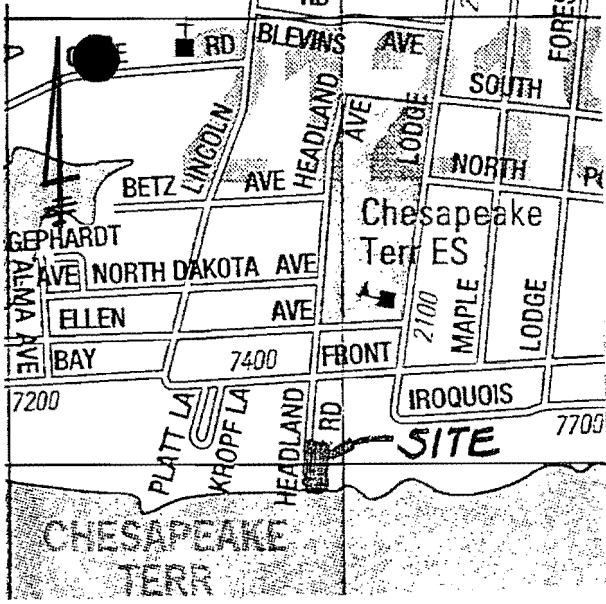
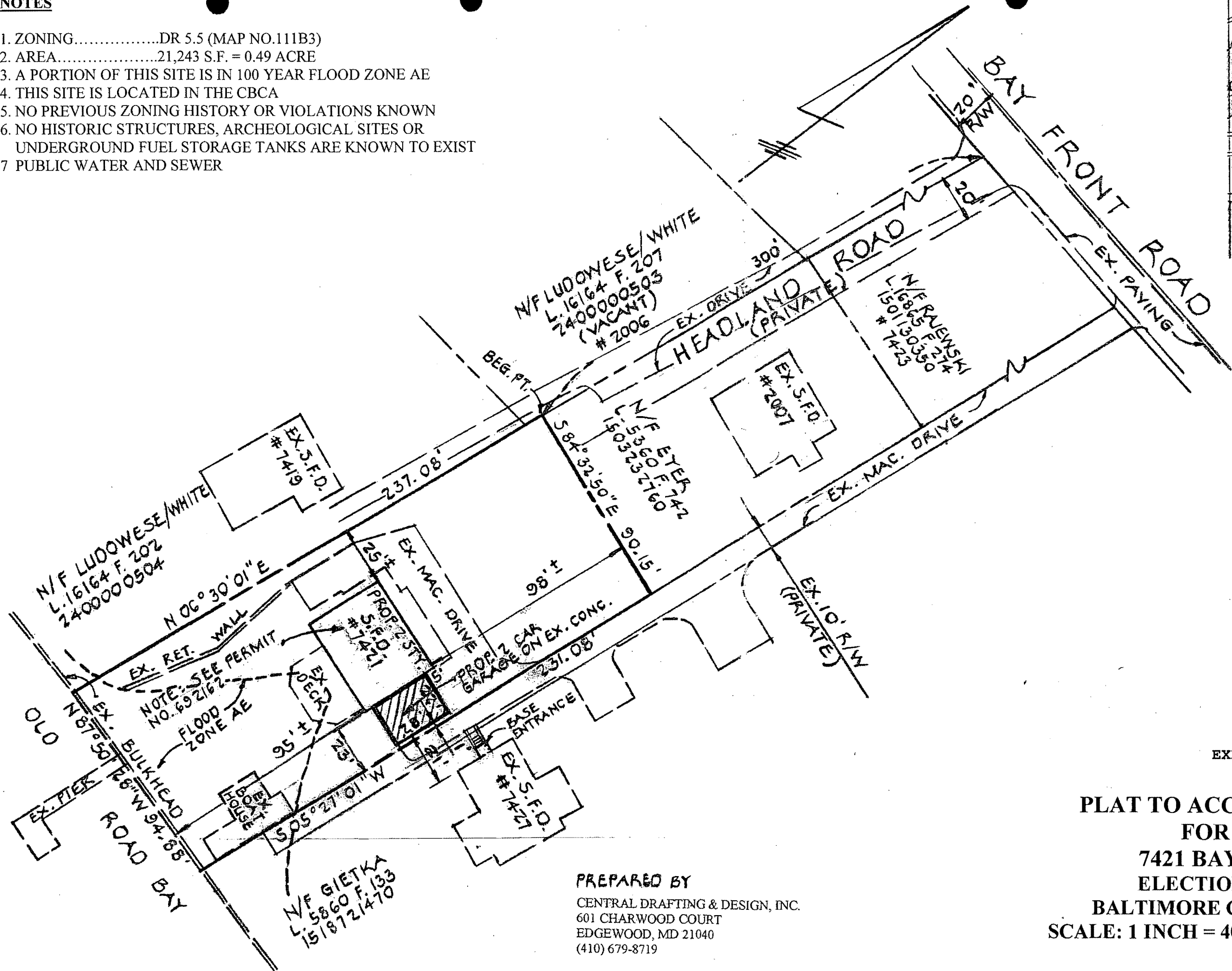
7421 BAYFRONT ROAD

CASE NO. 2009-0196-A

- 1. SITE PLAN DATED JANUARY 19, 2009 (*REV 3-16-09*)**
- 2. SDAT REAL PROPERTY DATA SEARCH**
- 3. DEED OF RECORD**
- 4. BOUNDARY SURVEY (12-22-2004) BY APR ASSOCIATES**
- 5. AERIAL PHOTO**
- 6. LETTER OF NO OBJECTION SIGNED BY THREE
ADJACENT PROPERTY OWNERS**
- 7. PHOTOS (*a-l*)**

NOTES

- 1. ZONING.....DR 5.5 (MAP NO.111B3)
- 2. AREA.....21,243 S.F. = 0.49 ACRE
- 3. A PORTION OF THIS SITE IS IN 100 YEAR FLOOD ZONE AE
- 4. THIS SITE IS LOCATED IN THE CBCA
- 5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
- 6. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND FUEL STORAGE TANKS ARE KNOWN TO EXIST
- 7 PUBLIC WATER AND SEWER



VICINITY MAP
SCALE: 1"=1000'

OWNER
GLORIA B. WESTERMAN
2208 HARFORD ROAD
FALLSTON, MD. 21047
L.20893 F.400
PROP. NO. 1513751501

2009-0196-A

PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION
FOR VARIANCE
7421 BAY FRONT ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET JANUARY 19, 2009
REV. MARCH 16, 2009

PREPARED BY
CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1)

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

Account Identifier: District - 15 **Account Number -** 1513751501

Owner Information

Owner Name: WESTERMAN GLORIA B **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 7421 BAYFRONT RD **Deed Reference:** 1) /20893/ 400
 BALTIMORE MD 21219-2154 2)

Location & Structure Information

Premises Address **Legal Description**
 7421 BAY FRONT RD 7425 SS BAY RD
 J W HINSON
 WATERFRONT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
111	16	200						3	Plat Ref: 10/ 97

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		21,243.00 SF	34

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments		
			As Of	As Of	As Of
			01/01/2009	07/01/2008	07/01/2009
Land	164,810	164,810			
Improvements:	24,730	28,430			
Total:	189,540	193,240	189,540		190,773
Preferential Land:	0	0	0		0

Transfer Information

Seller: KROLL RICHARD E	Date: 10/27/2004	Price: \$326,000
Type: NOT ARMS-LENGTH	Deed1: /20893/ 400	Deed2:
Seller: MOXEY WILLIAM J, JR	Date: 11/21/2001	Price: \$377,000
Type: NOT ARMS-LENGTH	Deed1: /15785/ 210	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PETITIONER' S

EXHIBIT NO. 2

THIS DEED, made this 8th day of October, 2004 by and between
DAWN CARTER, Successor Personal Representative of the Estate of Richard E. Kroll, of the
first part, and GLORIA B. WESTERMAN, of the second part.

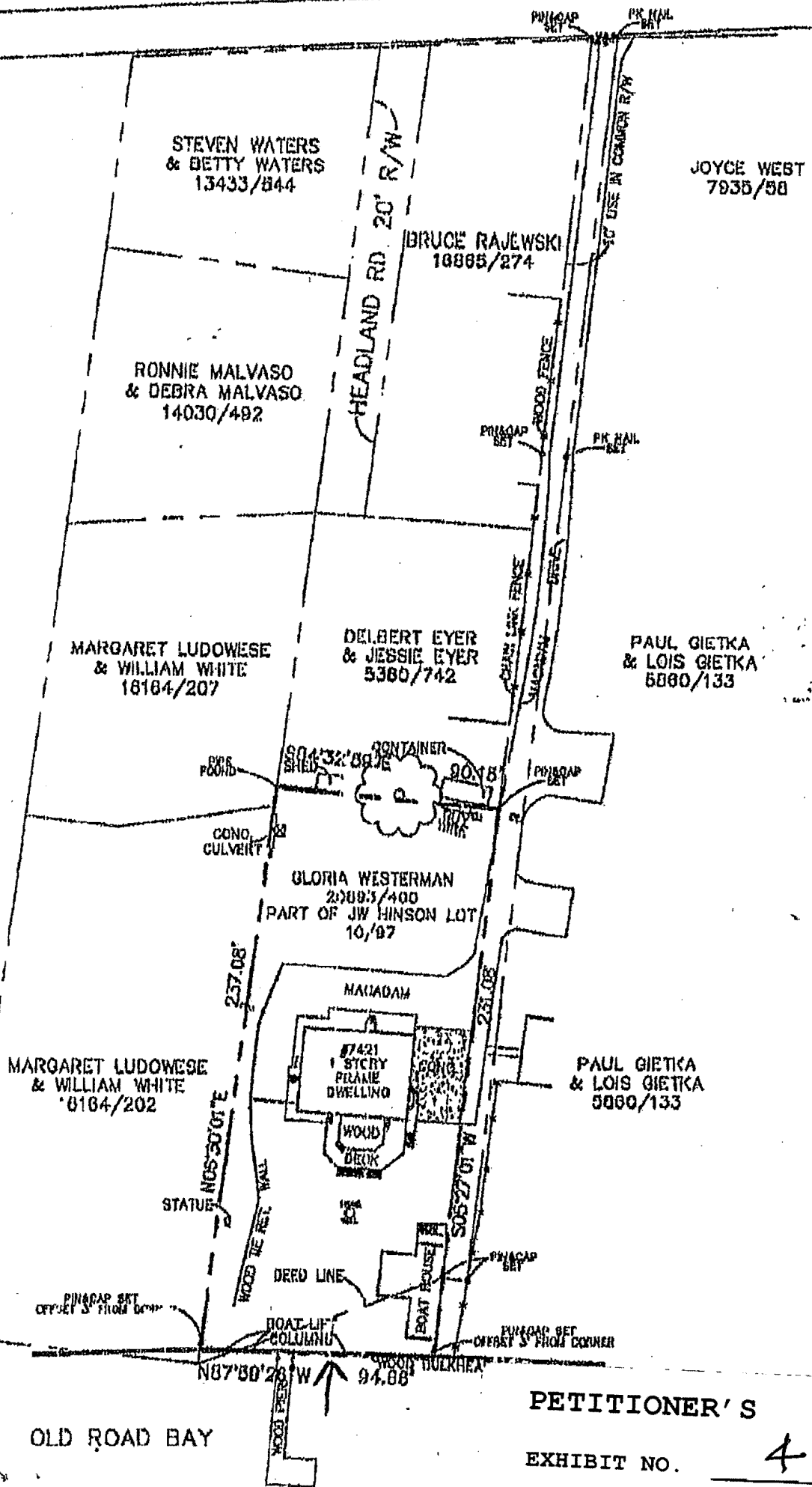
WITNESSETH, that in consideration of the sum of \$326,000.00 and other good
and valuable consideration, the receipt of which is hereby acknowledged, the said DAWN
CARTER, Successor Personal Representative does grant and convey unto the said GLORIA B.
WESTERMAN, her heirs and assigns, in fee simple, all that lot of ground, situate, lying and
being in the 15th Election District of Baltimore County, aforesaid, and described as follows,
that is to say:

BEGINNING FOR THE SAME IN THE LAST OR NORTH 12 DEGREES ZERO
MINUTES EAST 572.66 FOOT LINE OF THE LAND LEASED BY HERMAN M.
PERKINS AND WIFE TO CHARLES J. CARROLL BY A DEED DATED JULY 12, 1928,
AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN
LIBER W.H.M. NO. 657 FOLIO 358&C., SAID BEGINNING POINT BEING AT THE END
OF THE FOURTH OR NORTH 79 DEGREES 03 MINUTES WEST 90.15 FOOT LINE OF
THE LAND CONVEYED BY CHARLES J. CARROLL AND WIFE TO JOHN T.
CARROLL AND WIFE BY A DEED DATED DECEMBER 12, 1949 AND RECORDED
AMONG SAID LAND RECORDS IN LIBER T.B.S. NO. 1796 FOLIO 496&C., RUNNING
THENCE AND BINDING REVERSELY ON SAID FOURTH LINE IN THE LAST

1

PETITIONER'S**EXHIBIT NO.**3

BAY FRONT ROAD



APR ASSOCIATES, INC.

LAND-SURVEYORS
7427 Harford Road, Baltimore, Maryland 21143-7100
(410) 444-4312 FAX:(410) 444-1047
E mail : apr444@aol.com

BOUNDARY SURVEY

7421 BAY FRONT ROAD

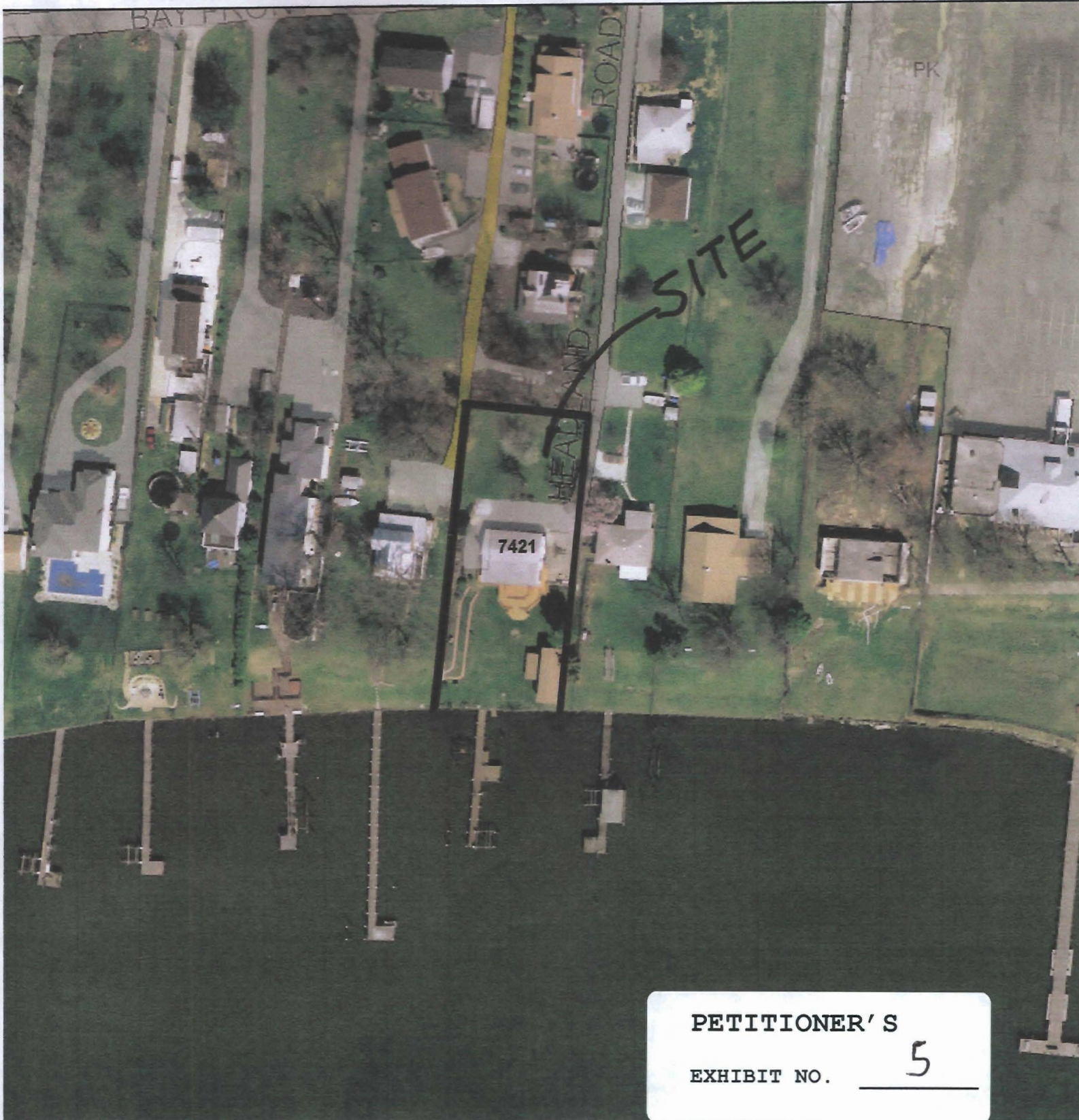
15th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

DATE: DECEMBER 22, 2004 SCALE: 1"=60'

24101

AERIAL MAP FOR 7421 BAYFRONT ROAD



PETITIONER' S

EXHIBIT NO. _____

5

itary sewer and/or storm drain) location
is not guaranteed correct and should only
rence. Locations of appurtenances should
construction drawings, which are available
the Baltimore County Office Building, or,
ugh actual field investigations.

Note:
Floodplain elevation data from
FEMA Flood Insurance Rate Map
240010-0555F is based on
NAVD 88.



BALTIMORE COUNTY
MARYLAND

Baltimore County, MD
Department of Public Works
GIS Services

For internal use only
The cadastral information on this pl
from existing deed information. Thi
not to be considered authoritative
information was not field checked at
licensed land surveye

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY

RE: PROPERTY OF GLORIA WESTERMAN
7421 BAY FRONT ROAD

WE, THE UNDERSIGNED, HAVE REVIEWED THE REQUEST OF GLORIA
WESTERMAN TO CONSTRUCT A GARAGE WITHIN ONE (1) FOOT OF THE
SIDE PROPERTY LINE AND HAVE NO OBJECTION TO THE APPROVAL OF
SAME.

William J. White 7419 Bayfront Rd
NAME ADDRESS

Paul M. Galt 7421 Bayfront Rd
NAME ADDRESS

Deborah W. Eger 3007 Heather Rd
NAME ADDRESS

NAME ADDRESS

PETITIONER'S

EXHIBIT NO. 6

1. ZONING.....DR 5.5 (MAP NO.111B3)
2. AREA.....21,243 S.F. = 0.49 ACRE
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- 7 PUBLIC WATER AND SEWER



OWNER
GLORIA B. WESTERMAN
2208 HARFORD ROAD
FALLSTON, MD. 21047
L.20893 F.400
PROP. NO. 1513751501

PETITIONER' S

PETITIONER'S
EXHIBIT NO. ~~601~~ (7 a-i)

PHOTO5

PLAT TO ACCOMPANY PETITION FOR VARIANCE

7421 BAY FRONT ROAD

BALTIMORE COUNTY, MARYLAND

SCALE: 1 INCH = 40 FEET JANUARY 19, 2009

PREPARED BY
CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
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a



b



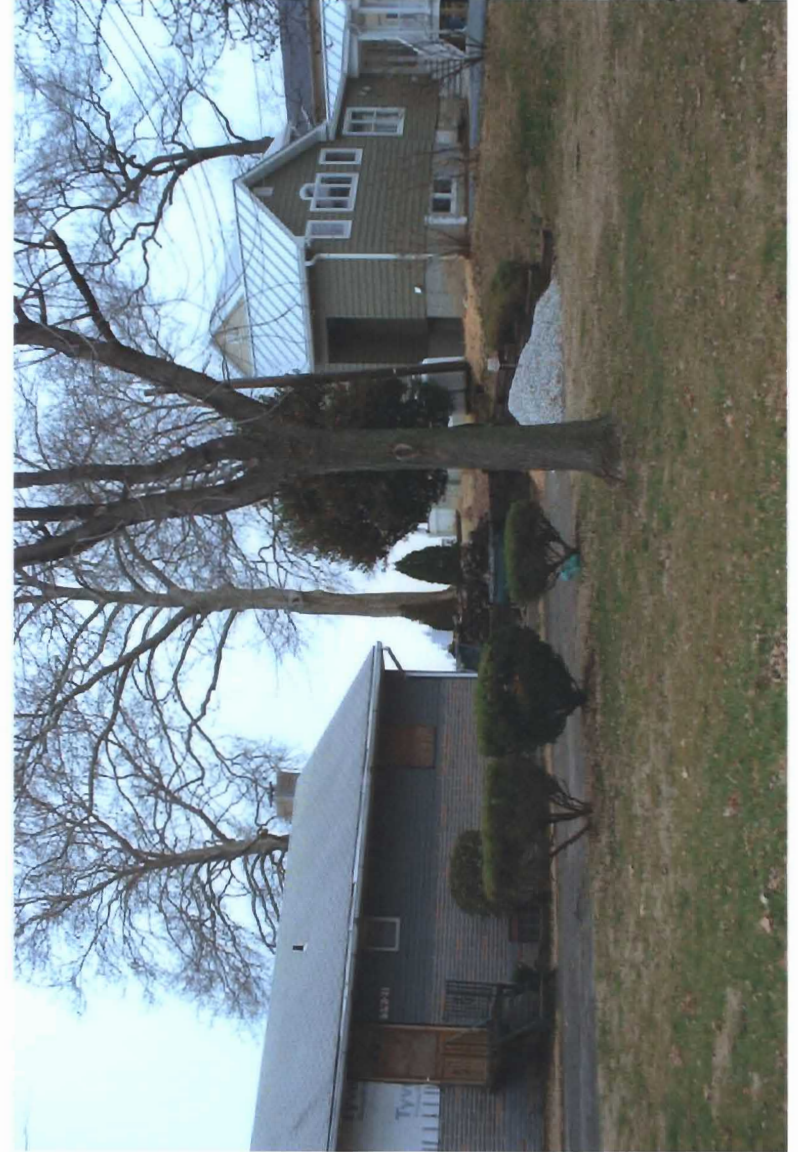
c



d



e



f



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h

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