

|                                     |   |                                        |
|-------------------------------------|---|----------------------------------------|
| IN RE: PETITIONS FOR VARIANCE       | * | BEFORE THE                             |
| N/S Bay Front Road, 60' & 110' E of |   |                                        |
| Alma Avenue                         | * | ZONING COMMISSIONER                    |
| (7302 & 7304 Bay Front Road)        |   |                                        |
| 15 <sup>th</sup> Election District  | * | OF                                     |
| 7 <sup>th</sup> Council District    |   |                                        |
|                                     | * | BALTIMORE COUNTY                       |
| Andrew L. Straka, et ux             |   |                                        |
| Petitioners                         | * | Case Nos. 2010-0131-A &<br>2010-0132-A |

\* \* \* \* \*

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

These matters come before this Zoning Commissioner for consideration of Petitions for Variance filed by the owners of the subject adjacent properties, Andrew L. Straka, and his wife, Frances P. Straka. Since the properties are under common ownership and are adjacent to one another, the two (2) cases were heard contemporaneously. In both cases, the Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width(s) of 50 feet in lieu of the required 55 feet. The subject properties and requested relief are more particularly shown on the site plan submitted in each case and marked into evidence as Petitioners' Exhibits 1, respectively.

Appearing at the requisite public hearing on behalf of the Petitions were Andrew and Frances Straka. It is to be noted that letters of support were received from the adjoining and adjacent neighbors, namely Joseph Hickman (2107 Alma Avenue) and Frank Maddox (7306 Bay Front Road) and marked as Petitioners' Exhibit 2. There were no Protestants or other interested persons in attendance nor were there any adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies.

Testimony indicated that the subject properties, known as 7302 and 7304 Bay Front Road, are each 50' wide x 200' deep consisting of area(s) of 10,000 square feet, zoned D.R.5.5

COPIES RECEIVED FOR FILING  
 Date 12-14-08  
 By [Signature]

and located within the Chesapeake Bay Critical Area (CBCA) near Old Road Bay at the mouth of the Patapsco River. Vehicular access is by way of Bay Front Road. On the south side of the road towards Anna Avenue (to the west) is the Old Bay Marina – directly across Bay Front Road in front of the Petitioners property is a critical area easement created as part of the Plantation Landing subdivision (PDM No. MS 05032). The wetlands will feature unobstructed water views from the subject properties. The Straka's seek the necessary zoning approval to construct new dwellings on the properties in accordance with Petitioners' Exhibit 1 that will be compatible in both size and architectural detail with those other homes existing in the area. Mr. and Mrs. Straka will reside in the new home built on 7304 Bay Front Road; their daughter, Heather Pecoraro and her husband, at 7302 Bay Front Road, that had previously been improved with two (2) dwellings built in the 1920's. Mr. Straka stated that following the purchase of the properties in 2008, he had a structural inspection performed that disclosed the larger home (on the front of Lot 15) was devastated with termite infestation and he applied for a permit and had it taken down. The second home at the rear of the lot is in good condition but only 650 square feet in size. The Straka's will convert the structure to an accessory building for storage. Due to the history of the properties and narrow width of the lots, the relief requested as set forth above is necessary.

As noted above, the properties are zoned D.R.5.5. The D.R.5.5 zoning classification imposes a number of requirements for the construction of single-family dwellings thereon. First, each lot must be a minimum 6,000 square feet in area, a requirement which is easily met in this case. Secondly, for any single-family dwelling on a D.R.5.5 lot, the minimum front property line setback is 25 feet and a 30-foot rear property line setback must be maintained. Finally, 10-foot side yard setbacks must be maintained on each side. In this regard, the Petitioners proposal

UNRECEIVED FOR FILE  
Date 12-14-09  
By [signature]

meets or exceeds all of these requirements. The only deficiency under the current regulations relates to the lot widths. Under the D.R.5.5 zoning regulations, a minimum lot width of 55 feet is required. As noted above, these lots were originally laid out as 50-foot wide lots. Although recorded well prior to the adoption of the zoning regulations, the current requirements must be maintained or variance relief acquired before building permits can be approved. Finally, Mr. Straka noted that many of the houses in the immediate vicinity are situated on 50-foot wide lots. This fact was confirmed during a site visit by the Office of Planning. Indeed, this Commission has approved similar variance relief in this area. *See Case Nos.:* 92-382-A (7610 Bay Front Road), 96-040-A (7413 Bay Front Road), and 07-288-SPH (7320 Bay Front Road).

Based upon the cumulative testimony and evidence offered, I am persuaded that variance relief should be granted. In my judgment, relief is justified particularly given the age of the Chesapeake Terrace subdivision and the original configuration of the properties under consideration. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. and that variance relief should be granted. The new homes will be served by public water and sewer. I also note that the Office of Planning (OP) issued a favorable Zoning Advisory Committee (ZAC) comment as to the proposal. That agency no doubt concluded that the side-by-side orientation of two (2) new dwellings in this neighborhood will not increase residential density beyond that otherwise allowed by the zoning regulations. Each lot exceeds the minimum lot size of 6,000 square feet. Strict compliance with the regulations would result in a practical difficulty or unreasonable hardship. As indicated above, I find that the request fits the pattern of development in the neighborhood and will not adversely impact the surrounding locale.

Both properties are located within the Chesapeake Bay Critical Area and as such are subject to compliance with any recommendations made by the Department of Environmental Protection and Resource Management (DEPRM) and the Bureau of Development Plans Review (DPR) concerning Federal flood insurance requirements. The granting of the relief requested herein is contingent upon Petitioners' compliance with these recommendations.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14<sup>th</sup> day of December 2009 that the Petition for Variance filed in Case No. 2010-0131-A seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet, for a replacement dwelling to be built on Lot 15 at 7302 Bay Front Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 2010-0132-A seeking similar relief from Section 1B02.3.C.1 of the B.C.Z.R. to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling on Lot 16 at 7304 Bay Front Road, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions imposed in both cases:

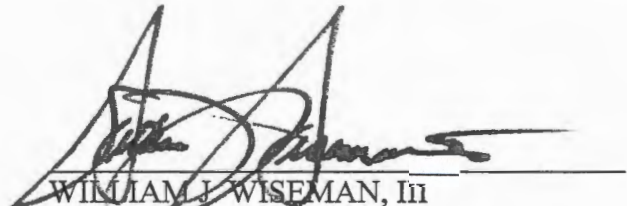
1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
2. Petitioners shall comply with the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning, dated November 13, 2009, Department of Environmental Protection and Resource Management

RECEIVED FOR FILING  
Date 12-14-09  
BY

(DEPRM), dated November 27, 2009, and the Bureau of Development Plans Review (DPR), dated October 21, 2009. Copies of these comments have been attached hereto and are made a part hereof.

3. The Petitioners shall permit a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) reasonable access to the previously used second dwelling on Lot 15 to confirm its conversion to an accessory storage shed. There shall be no living quarters, kitchen or commercial uses permitted in the 25' x 25' structure following the issuance of building permits for the proposed single-family dwellings.

Any appeal of this decision shall be taken in accordance with the Baltimore County Code Section 32-3-401.

  
WILLIAM J. WISEMAN, III  
Zoning Commissioner  
For Baltimore County

PROJECT RECEIVED FOR FILING  
Date 12-14-09  
By [signature]



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

WILLIAM J. WISEMAN III  
Zoning Commissioner

December 14, 2009

Andrew L. Straka  
Frances P. Straka  
7513 Iroquois Avenue  
Baltimore, Maryland 21219

**RE: PETITIONS FOR VARIANCE**  
N/S Bay Front Road, 60' & 110' E of Alma Avenue  
**(7302 & 7304 Bay Front Road)**  
15<sup>th</sup> Election District - 7<sup>th</sup> Council District  
Andrew Straka, et ux - Petitioners  
**Case Nos. 2010-0131-A & 2010-0132-A**

Dear Mr. and Mrs. Straka:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted with restrictions, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,  
Annapolis, MD 21401  
People's Counsel; Office of Planning; DEPRM; DPR; File  
*Code Enforcement*



TAX ACCOUNT # 1515043507

# Petition for Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 7304 BAYFRONT RD. (LOT 16)  
which is presently zoned OR 5.5

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)

*1B02.3.C.1; BC2R, to permit a single family dwelling on a 50ft lot with contiguous ownership, in lieu of the required 55ft.*

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 provided @ 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):

*ANDREW L. STRAKA*

Name - Type or Print

*Andrew L. Straka*

Signature

*FRANCIS P. STRAKA*

Name - Type or Print

*Francis P. Straka*

Signature

*7513 IROQUOIS AVE 4104772270*

Address

Telephone No.

*BALTO.*

City

*MD*

State

*21219*

Zip Code

### Representative to be Contacted:

*Andrew L. Straka*

Name

*7513 IROQUOIS AVE*

Address

Telephone No.

*BALTO*

City

*MD*

State

*4104772270*

Zip Code

### OFFICE USE ONLY

Case No.

*2810-0132-A*

ESTIMATED LENGTH OF HEARING

REV 9/15/98

Date

*12-14-09*

Reviewed By

UNAVAILABLE FOR HEARING

*JNP*

Date

*10/14/09*

By

*[Signature]*

ZONING DESCRIPTION FOR:  
1304 BAYFRONT RD  
BALTIMORE, MD 21219

Beginning at a point on the North  
side of BayFront Road, which is  
30ft. wide at the distance of  
160ft. East of the centerline  
of the nearest improved street,  
Alma Ave which is 30ft. wide.  
Being Lot #16, section #A  
in the subdivision of Chesapeake  
Terrace as recorded in Baltimore  
County Plat Book #5, Folio #34  
containing 10,000 sq Feet. Also  
Known as 1304 BayFront Rd.  
and located in the 15 Election  
District, 7 Councilmanic District.

# 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/neighbor 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 2010-0132-A  
Petitioner: ANDREW & PRANCES STRAKA  
Address or Location: 7304 BAY FRONT ROAD (LOT 16)

PLEASE FORWARD ADVERTISING BILL TO

Name: ANDREW L. STRAKA  
Address: 7513 IROQUOIS AVE.  
BALTO., MD 21219  
Telephone Number: 410-477-2270

**BALTIMORE COUNTY, MARYLAND**  
**OFFICE OF BUDGET AND FINANCE**  
**MISCELLANEOUS CASH RECEIPT**

No. **47520**

Date: **10/14/09**

**PAID RECEIPT**

| Fund | Dept | Unit | Sub Unit | Rev     | Sub  | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|---------|------|------|-----|---------|--------|
|      |      |      |          | Source/ | Rev/ |      |     |         |        |
| 001  | 806  | 0000 |          | 6150    |      |      |     |         | 65.00  |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |
|      |      |      |          |         |      |      |     |         |        |

Total: **65.00**

Rec  
From:

**A. STRAKA Lot #16**

For:

**2010-0132-A (7304 BAYFRONT ROAD)  
 VARIANCE**

**DISTRIBUTION**

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

REGRESS ACTUAL TIME DRW  
 10/14/2009 10/14/2009 10:40:34 2  
 REG MSG: WALTON JEVA JEE  
 RECEIPT # 458613 10/14/2009 OFLN  
 5 528 ZONING VERIFICATION  
 CR NO. 047520  
 Recpt Tot \$65.00  
 \$65.00 CR \$140.00 CA  
 \$10.00 CR  
 Baltimore County, Maryland

**CASHIER'S  
 VALIDATION**

**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: # 2010-0132-A**  
7304 Bay Front Road  
N/side of Bay Front Road, 110  
feet east of Alma Avenue  
15th Election District  
7th Councilmanic District  
Legal Owner(s): Andrew &  
Frances Straka

**Variance:** to permit a single family dwelling on a 50 foot lot with contiguous ownership, in lieu of the required 55 feet.

**Hearing: Tuesday, December 8, 2009 at 10:00 a.m.**  
in Room 104, Jefferson  
Building, 105 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.

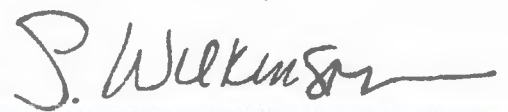
JT/11/904 No24 222418

# CERTIFICATE OF PUBLICATION

11/26/, 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 11/24/, 2009.

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



LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE Proposed 2010-0132-A

Petitioner/Developer:         
Andrew and Frances Straka

Date of Hearing/closing: December 8, 2009

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

Attn; Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were  
7304 Bay Front Road

The sign(s) were posted on November 23 2009  
(Month, Day, Year)

Sincerely,

Robert Black Nov28 2009

(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

CASE # 2010-0132-A

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

**PLACE:**

Room 104. JEFFERSON BUILDING 21204  
105 WEST CHESAPEAKE AVE. TOWSON

**DATE AND TIME**

TUESDAY, DECEMBER 8, 2009 AT 10:00 A.M.

**REQUEST:**

VARIANCE TO PERMIT A SINGLE FAMILY DWELLING  
ON A 50 FOOT LOT WITH CONTIGUOUS OWNERSHIP, IN LIEU  
OF THE REQUIRED 55 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887 3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

**HANDICAPPED ACCESSIBLE**



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*  
November 12, 2009

**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: 2010-0132-A**

7304 Bay Front Road  
N/side of Bay Front Road, 110 feet east of Alma Avenue  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: Andrew & Frances Straka

Variance to permit a single family dwelling on a 50 foot lot with contiguous ownership, in lieu of the required 55 feet.

Hearing: Tuesday, December 8, 2009 at 10:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Andrew Straka, 7513 Iroquois Avenue, Baltimore 21219

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 23, 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, November 24, 2009 Issue - Jeffersonian

Please forward billing to:  
Andrew Straka  
7513 Iroquois Avenue  
Baltimore, MD 21219

410-477-2270

---

## NOTICE OF ZONING HEARING

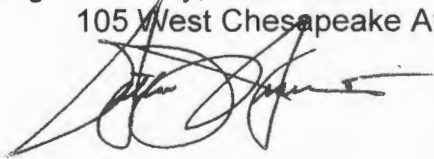
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**CASE NUMBER: 2010-0132-A**

7304 Bay Front Road  
N/side of Bay Front Road, 110 feet east of Alma Avenue  
15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District  
Legal Owners: Andrew & Frances Straka

Variance to permit a single family dwelling on a 50 foot lot with contiguous ownership, in lieu of the required 55 feet.

Hearing: Tuesday, December 8, 2009 at 10:00 a.m. in Room 104, Jefferson Building,  
105 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.



JAMES T. SMITH, JR.  
County Executive

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

December 2, 2009

Andrew Straka  
7513 Iroquois Ave.  
Baltimore, MD 21219

Dear: Andrew Straka

RE: Case Number 2010-0132-A, 7304 Bay Front Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 14, 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,

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BW 1218  
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 27 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: November 27, 2009  
SUBJECT: Zoning Item # 10-131-A  
Address 7302 Bay Front Road  
(Straka Property)

Zoning Advisory Committee Meeting of October 19, 2009

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

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

Additional Comments:

The property is located in a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 25% (2,500 square feet) and may be increased to 31.25% (3,125 square feet) with mitigation. In addition, the 15% afforestation requirement must be met; this equates to 2 trees. All other LDA regulations will apply to development on this property.

Reviewer: Adriene Metzbower

Date: 11/10/2009

UNDER REEIVED FOR FILING  
Date 12-14-09  
By [Signature]

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 21, 2009

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

SUBJECT: Zoning Advisory Committee Meeting  
For November 2, 2009  
Item No.: 10-131

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:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-Item no 2010-0131.11.02.2009.doc

RECEIVED FOR FILING

Date 12-14-09

By [Signature]

BW 12/8  
9:10 AM

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** November 13, 2009

RECEIVED

NOV 17 2009

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

ZONING COMMISSIONER

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 10-131 and 10-132-Variance

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR. However, there appears to be several existing undersized lots in the neighborhood. As such, this office does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling and site:

1. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
2. Provide landscaping along the public road, if consistent with the existing streetscape.
3. Either remove second dwelling or convert to shed prior to the application for building permit as noted on the plan.

For further questions or additional information concerning the matters stated herein, please contact John Alexander with the Office of Planning at 410-887-3480.

Prepared By:

*Curtis R. Lundy*

Division Chief:

*Lynne Larkman*

CM/LL

ORDER RECEIVED FOR FILING

Date 12-14-09

By [Signature]

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



Beverley K. Swaim-Staley, Secretary  
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-30-2009

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

RE: Baltimore County  
Item No. 2010-0132-A  
7304 Bay Front Rd  
STRAKA 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. 2010-0132-A.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

For <sup>1</sup> 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.sha.maryland.gov](http://www.sha.maryland.gov)

RE: PETITION FOR VARIANCE \* BEFORE THE  
7304 Bay Front Road; N/S Bay Front Road, \* ZONING COMMISSIONER  
110' E of Alma Avenue \*  
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): Andrew & Frances Straka \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 10-132-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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

OCT 28 2009

.....

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 28th day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to Andrew L. Straka, 7513 Iroquois Avenue, Baltimore, MD 21219, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Case No.: 2010-0132-A 7304 BAY FRONT RD

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                              |  |
|--------|------------------------------|--|
| No. 1  | Site Plan                    |  |
| No. 2  | adjacent Neighbor<br>Support |  |
| No. 3  |                              |  |
| No. 4  |                              |  |
| No. 5  |                              |  |
| No. 6  |                              |  |
| No. 7  |                              |  |
| No. 8  |                              |  |
| No. 9  |                              |  |
| No. 10 |                              |  |
| No. 11 |                              |  |
| No. 12 |                              |  |



Andrew L. & Frances P. Straka  
7513 Iroquois Avenue  
Baltimore, MD 21219  
December 14, 2009

RE: Case Number 2010-0132-A  
7304 Bayfront Road, Baltimore, MD 21219

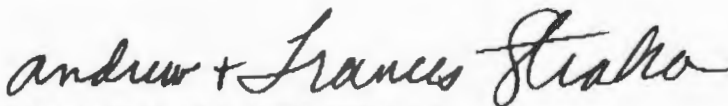
RECEIVED

DEC 14 2009

TO: Mr. William J. Wiseman, III  
Zoning Commissioner

ZONING COMMISSIONER

Attached is a statement from the closest neighbor to the above-mentioned property,  
7302 Bayfront Road, 21219. Mr. & Mrs. Joseph Hickman, 2107 Alma Avenue,  
Baltimore, MD 21219, do not have any objection to our proposal to build on a 50'  
Lot (7302 Bayfront Road) and as stated, look forward to the improvement to the  
Neighborhood.

  
ANDREW & FRANCES STRAKA

PETITIONER'S

EXHIBIT NO. 2

*Return*

ANDREW & FRANCES STRAKA HAVE SHARED WITH US THEIR PLANS TO BUILD TWO NEW HOMES ON THE 50' LOTS NOW KNOWN AS 7302 BAYFRONT AND 7304 BAYFRONT ROAD. THEIR PRESENT PLANS INCLUDE ONE HOME AT 7302 BAYFRONT FOR THEIR DAUGHTER, HEATHER PECORARO, AND ANOTHER HOME FOR THEMSELVES OR ANOTHER MEMBER OF THEIR FAMILY AT 7304 BAYFRONT ROAD.

WE DO NOT HAVE ANY OBJECTION TO THIS PROPOSAL, AND LOOK FORWARD TO THE IMPROVEMENT TO THE NEIGHBORHOOD.

FRANKLIN MADDOX

PRINT NAME

7306 Bayfront Rd  
21219*Frank J. Maddox*  
SIGNATURE & DATECAROLYN MADDOX

PRINT NAME

7306 Bayfront Rd  
21219*Carolyn Maddox* 12-13-09  
SIGNATURE & DATE



19522227

Lot # 45

19730183

1519322250

NORTH DAKOTA AVE

NORTH DAKOTA AVE

2114

Lot # 44

1506450020

ALMA AVE

2117

688110081

Lot # 1

Pt. Bk. 45 Folio 58

1800011890

2111

7305

7307

7309

7311

7313

7317

7319

Pt. Bk. 5 Folio 34

1510001935

Lot # 8

2111

7222

1002101110W

2112

2110

Lot # 41

1510451660

2116

19890343

LIGMAN AVE

SE 7-H

2107

2106

Lot # 13

1526000330

1507583020

1510250840

1518101350

Lot # 9

7220

7222

7224

7226

7228

ALMA AVE

Lot # 14

2107

1504350700

Lot # 15

7304

Lot # 16

7302

7306

1501850140

7308

7310

1503670210

7310

1506000070

7312

1520001050

7314

19800012

19481194

BAY FRONT RD

BAY FRONT RD

BAY FRONT RD

2400002725

15 ED

BMB

250000052

Lot # 2

7 CD

111B3

SITE

PDM # 150857

PLANTATION LANDING (PDM File/Project # MS 05032)

2500006133

SE 8-H

7221

Pt. Bk. 78 Folio 500

Lot # 3

2010-0132-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

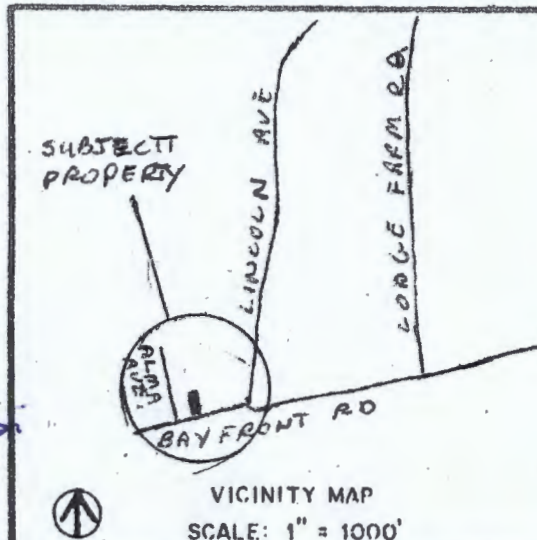
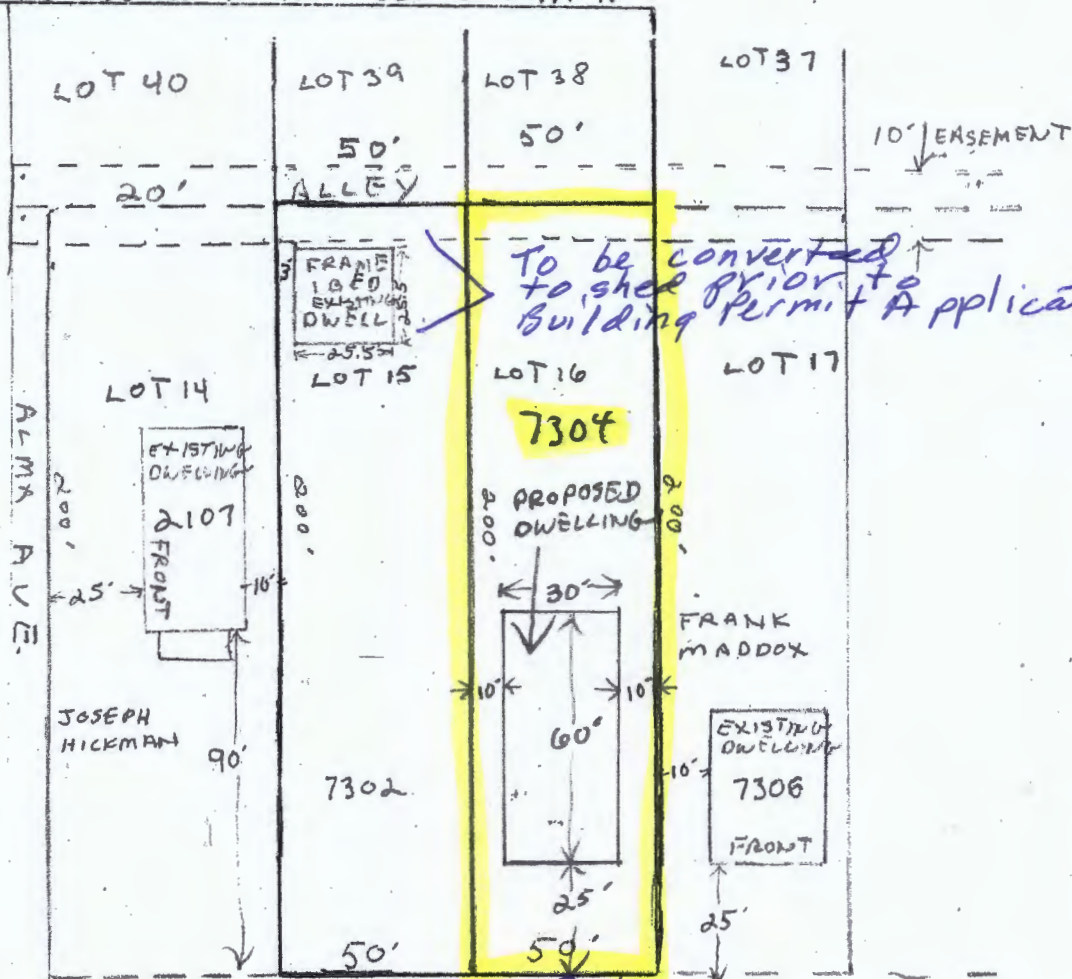
PROPERTY ADDRESS 7302<sup>1</sup> BAY FRONT RD

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

SUBDIVISION NAME CHESEAPEAKE TERRACE

PLAT BOOK # 5 FOLIO # 34 LOT # 15 \* 16 SECTION # B

OWNER ANDREW + FRANCES STRAKA



### LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 11B3

ZONING ~~DR 5.5~~ DR 5.5

LOT SIZE 1/2 20,000  
ACREAGE SQUARE FEET

|       |                                     |                          |
|-------|-------------------------------------|--------------------------|
|       | PUBLIC                              | PRIVATE                  |
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

WATER ☒ ☐

CHESAPEAKE BAY  
CRITICAL AREA

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/  
BUILDING ☐ ☒

PRIOR ZONING HEARING *None*

**ZONING OFFICE USE ONLY**

JNP | 0132 | 2010-  
0132-A



NORTH

PREPARED BY ANDREW STRAKA

SCALE OF DRAWING: 1" = 50'

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

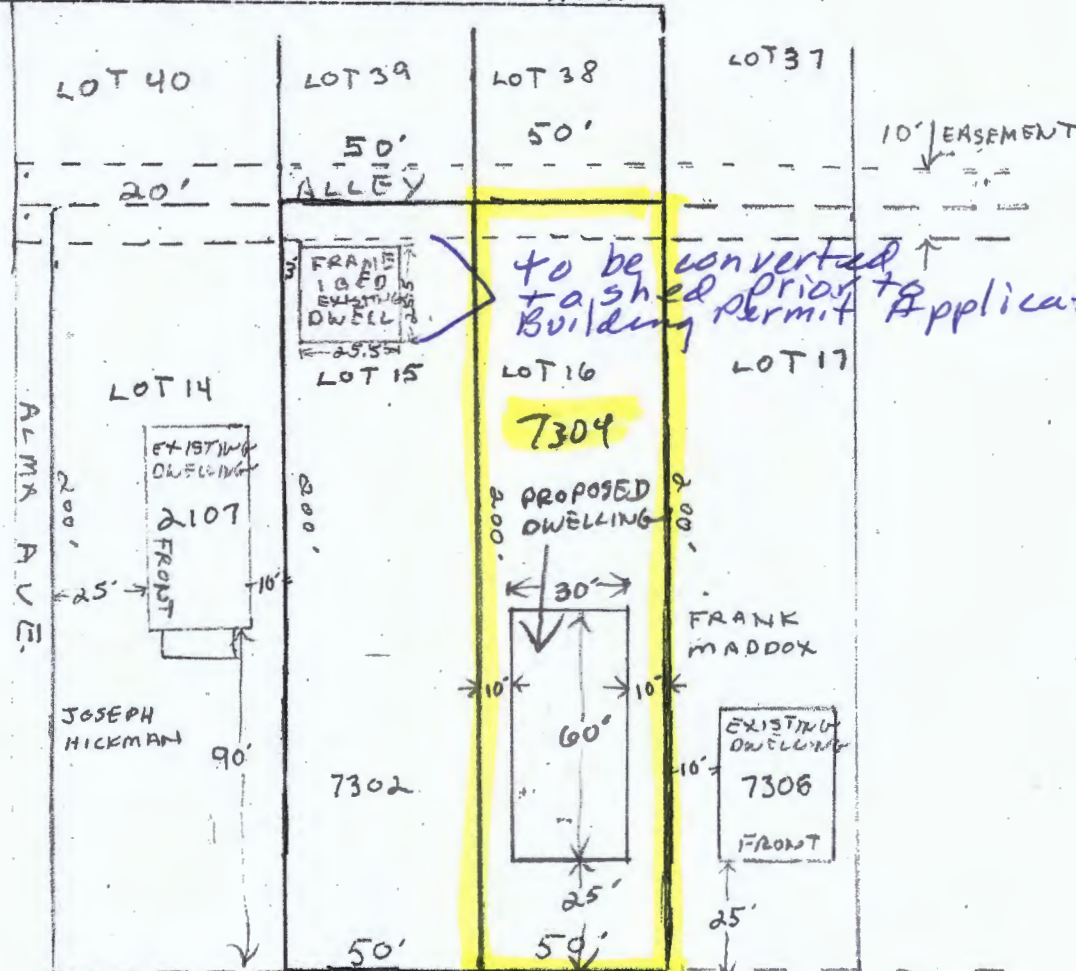
PROPERTY ADDRESS 7302 BAYFRONT RD

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

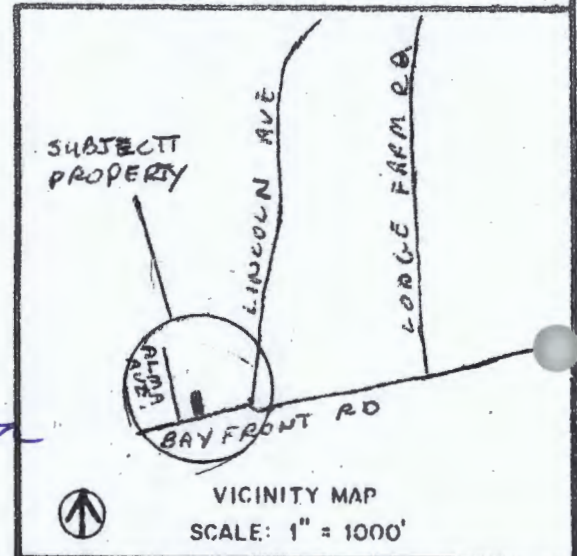
SUBDIVISION NAME CHESAPEAKE TERRACE

PLAT BOOK # 5 FOLIO # 34 LOT # 15 SECTION # B

OWNER ANDREW & FRANCES STRAKA



*to be converted to a shed prior to Building Permit Application*



## LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 11B3

ZONING DR 5.5

LOT SIZE 1/2 ACREAGE 20,000 SQUARE FEET

|       |                                     |                          |
|-------|-------------------------------------|--------------------------|
|       | PUBLIC                              | PRIVATE                  |
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              |                              |                                        |
|------------------------------|------------------------------|----------------------------------------|
| CHESAPEAKE BAY CRITICAL AREA | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
|------------------------------|------------------------------|----------------------------------------|

|                      |                          |                                     |
|----------------------|--------------------------|-------------------------------------|
| 100 YEAR FLOOD PLAIN | <input type="checkbox"/> | <input checked="" 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 #             |
| <u>JNP</u>  | <u>0132</u> | <u>2010-0132-A</u> |



PREPARED BY ANDREW STRAKA

SCALE OF DRAWING: 1" = 50'

PETITIONER'S

EXHIBIT NO. 1