

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Bay Drive; 113 feet NE of the		
c/l of Bay Drive	*	ZONING COMMISSIONER
(3518 Bay Drive)		
15 th Election District	*	OF
6 th Council District		
	*	BALTIMORE COUNTY
Michael C. Hawk		
<i>Petitioner</i>	*	Case No. 2010-0226-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Michael C. Hawk for property located at 3518 Bay Drive. The Petitioner requests a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with side setbacks of 4 feet and 16 feet in lieu of the required 50 feet and to confirm previous zoning Case No. 2009-0210-A. The subject property and requested relief are more particularly described on the site plan which was accepted into evidence and marked as Petitioner's Exhibit 1. Petitioner's existing dwelling has substantial structural defects. The only change in the subject variance case is to move the proposed dwelling 6 feet further away from the residential neighbor at 3516 Bay Drive to give both parties more space and privacy. Petitioner's other neighbor is the Bowleys Quarters Condomarina, Inc.

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 April 15, 2010 which indicates that development of the property must comply with the Chesapeake Bay Critical Area Regulations. This property is in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. All lot coverage limits, buffer management requirements, and afforestation requirements

ORDER RECEIVED FOR FILING

Date 4.19.10

By PM

must comply with DEPRM's 12/10/09 letter to the property owner. Comments were received from the Bureau of Development Plans Review dated March 10, 2010 which 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.

The property was the subject of previous Variance request in Case No. 2009-0210-A. In that case, Petitioner requested the following relief:

- To allow 10 foot side yard setbacks in lieu of the required 50 foot side yard setbacks in an R.C.5 Zone pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and;
- To allow 17% building coverage in lieu of the required 15% building coverage in an R.C.5 Zone pursuant to Section 1A04.3.B.3 of the B.C.Z.R. and;
- To allow an undersized lot of 0.307 acre in lieu of the required 1.5 acres of land in an R.C.5 Zone pursuant to Section 1A04.3.B.1.a of the B.C.Z.R. and;
- To allow a 38 foot building height in lieu of the required 35 foot building height in an R.C.5 Zone pursuant to Section 1A04.3.A of the B.C.Z.R.

Case No. 2009-0210-A was granted with conditions on May 7, 2009 by the Undersigned. Petitioner now comes before this Deputy Zoning Commissioner seeking additional relief from the required setbacks.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 7, 2010 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

ORDER RECEIVED FOR FILING

Date 4.19.10 2

By js

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.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. I find the property unique in a zoning sense in that the setback and height constraints cause the subject property to be disproportionately impacted by the Zoning Regulations as compared with other surrounding properties, making it virtually impossible for Petitioner to have any dwelling erected on the property. The property is only 50 feet wide and the setback for each side is 50 feet.

Finally, I find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. In the subject case, Petitioner proposes only to move the proposed dwelling six feet further away from the only neighbor thereby providing more space and privacy for both properties.

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 Zoning Commissioner of Baltimore County this 19th day of April 2010, that the Petition for Administrative Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling with side setbacks of 4 feet and 16 feet in lieu of the required 50 feet and to confirm previous zoning Case No. 2009-0210-A be and is hereby GRANTED, subject to the following restriction:

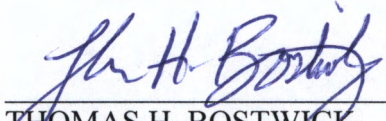
ORDER RECEIVED FOR FILING

Date 4.19.10 3

By pm

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. All lot coverage limits, buffer management requirements, and afforestation requirements must comply with the Department of Environmental Protection and Resource Management's (DEPRM) letter of 12/10/09 to the property owner.
4. 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.
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. The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.
7. 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 4-19-10

By pzz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 19, 2010

MICHAEL C. HAWK
3518 BAY DRIVE
BALTIMORE MD 21220

Re: Petition for Administrative Variance
Case No. 2010-0226-A
Property: 3518 Bay Drive

Dear Mr. Hawk:

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".

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 3518 Bay Dr 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) 1A04.3B.2.b. (RCZR)

TO PERMIT A PROPOSED DWELLING WITH A SIDE SETBACK OF 4- FEET AND 16- FEET IN LIEU OF THE REQUIRED 50- FEET AND TO CONFIRM PREVIOUS ZONING CASE 2009-0210-A.

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 _____

Date 4.19.10 Address _____ Telephone No. _____

By [Signature] City _____ State _____ Zip Code _____

Legal Owner(s):

Michael Hawk
Name - Type or Print _____

Michael Hawk
Signature _____

Name - Type or Print _____

Signature _____

3518 Bay Dr 410-409-5148
Address _____ Telephone No. _____

Balto 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.

Zoning Commissioner of Baltimore County

CASE NO. 2010-0226-A

Reviewed By D.T. Date 2/25/10

REV 10/25/01

Estimated Posting Date 3/7/10

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 3518 Bay Dr
Address
Balto 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):

The house has substantial structural defects.
The only change is to move the house six feet further away from my only neighbor to give both of us more space and privacy.

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.

Michael Hawk
Signature
Michael Hawk
Name - Type or Print

N/A
Signature
N/A
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of February, 2010 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Kimberly Thundt
Notary Public
My Commission Expires 9/22/2013

**ZONING DESCRIPTION
FOR
3518 BAY DRIVE
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

Beginning for same at a point on the Westside of Bay Drive 25' wide and 113'±
Northeasterly from the centerline intersection of Bay Drive 25' wide;

1. Thence leaving said point of beginning North 88°-04'-58" West 258.60' to a point
in the waters of Middle River;
2. Thence running with the waters of Middle River Northwesterly at 54'± to a point;
3. Thence leaving said waters South 88°-04'-58" East 278.00' to a point on the
Westside of Bay Drive;
4. Thence running along said road South 01°-55'-02" West 50.00' to the place of
beginning.

Containing 13,388 s.f. or 0.307 ac.± more or less.

Being known as lot 2 shown on a plat entitled, "Plat 3 of Bowley's Quarters" Book 09
Folio 56, recorded among the Land Records of Baltimore County, Maryland.

2010-0226-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0226 -A Address 3518 BAY DRIVE

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

Filing Date: 2/25/10 Posting Date: 3/7/10 Closing Date: 3/22/10

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 2010- 0226 -A Address 3518 BAY DRIVE

Petitioner's Name HAWK Telephone 410-409-5148

Posting Date: 3/7/10 Closing Date: 3/22/10

Wording for Sign: To Permit A PROPOSED DWELLING WITH A SIDE SETBACK

OF 4- FEET AND 16- FEET IN LIEU OF THE REQUIRED 50- FEET AND

TO CONFIRM PREVIOUS ZONING CASE 2009- ~~0226~~ 0210-A.

Revised 8/20/09

**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: 2010-0226-A

Petitioner: HAWK

Address or Location: 3518 BAY DR., 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. MICHAEL HAWK

Address: 3518 BAY DRIVE

BALTO. MD 21220

Telephone Number: 410-409-5148

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

No. 50646

Date: 2/25/10

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

Total: 65.00

Rec From: MICHAEL HALUK
For: 2010-0226-A
3518 DAY DRIVE
D. THOMPSON

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DOW
2/24/2010 2/25/2010 11:33:50 5
REF: 003 BALANCE 1805 180
RECEIPT # 49406 2/25/2010 OFLN
5 528 34406 1801 (CATTN)
050646
Receipt for \$65.00
\$65.00 00 1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

RE: Case No 2010-0226-A

Petitioner/Developer MICHAEL
HAWK

Date Of Hearing/Closing 3/22/10

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 3518 BAY DRIVE

This sign(s) were posted on March 7, 2010
Month, Day, Year

Sincerely,

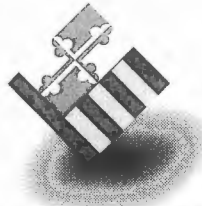
Martin Ogle 3/7/10
Signature of Sign Poster and Date
Martin Ogle

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

Martin Ogle 3/7/10



03/07/2010



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 23, 2010

Michael Hawk
3518 Bay Dr.
Baltimore, MD 21220

Dear: Michael Hawk

RE: Case Number 2010-0226-A, 3518 Bay Dr.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 25, 2010. 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



BALTIMORE COUNTY
MARYLAND

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

March 9, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 8, 2010

Item Numbers: 0226, 0228, 0229, 0230, 0231 and 0232

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 22, 2010

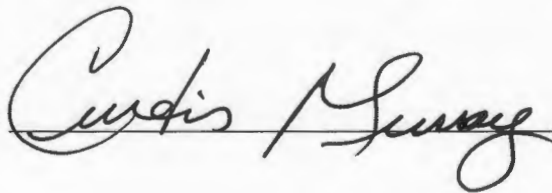
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-226- 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



RECEIVED

MAR 22 2010

ZONING COMMISSIONER

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: MARCH 9, 2010

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

RE: Baltimore County
Item No. 2010-0226-A
3518 BAY DRIVE
HAWK PROPERTY
ADMIN. 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. 2010-0226-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 "Michael Bailey" or "Steven D. Foster".

FOD 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 10, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For March 22, 2010
Item No.: 2010-226

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0226-03222010.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

APR 16 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: April 15, 2010
SUBJECT: Zoning Item # 10-226-A
Address 3518 Bay Drive
(Hawk Property)

Zoning Advisory Committee Meeting of March 8, 2010

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 in a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. All lot coverage limits, buffer management requirements, and afforestation requirements must comply with DEPRM's 12/10/09 letter to the property owner.

Reviewer: Regina Esslinger

Date: April 15, 2010



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

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

Account Identifier: District - 15 Account Number - 1519000190

Owner Information

Owner Name: HAWK MICHAEL C **Use:** RESIDENTIAL
Mailing Address: 3518 BAY DR **Principal Residence:** YES
 BALTIMORE MD 21220-4403 **Deed Reference:** 1) /21023/ 315
 2)

Location & Structure Information

Premises Address
 3518 BAY DR

Legal Description

WATERFRONT

3518 BAY DR
 BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	3
98	11	16					2	3	Plat Ref:	9/ 56

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

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	2,184 SF	13,400.00 SF	34
Stories	Basement	Type	Exterior
2	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	322,350	322,350		
Improvements:	264,190	214,070		
Total:	586,540	536,420	536,420	536,420
Preferential Land:	0	0	0	0

Transfer Information

Seller: MARR LESLIE	Date: 11/23/2004	Price: \$425,000
Type: NOT ARMS-LENGTH	Deed1: /21023/ 315	Deed2:
Seller: CAMPBELL KEVIN C	Date: 06/15/2002	Price: \$310,000
Type: IMPROVED ARMS-LENGTH	Deed1: /16518/ 710	Deed2:
Seller: BISHOP JAMES E,JR CROUSE DIANE J	Date: 09/26/2000	Price: \$268,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14715/ 541	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

MARINE
COMPANY 1

Pt. Bk./Folio # 007078

1507150500 Lot # 1

1700

1700

Pt. Bk. 7, Folio 78

BM

DRIVEWAY DRIVEWAY

1700

1700

6 CD 15 ED

Martin State Airport Restriction Area (needs SAA approval of height & noise)

1519000190

Lot # 2

3518

Lot # 3

3516

1501920114

RC 5

3512

1507000490

Lot # 4

Pt. Bk. 9, Folio 56

3508

1502655110

Lot # 5

Pt. Bk./Folio # 009056

Bowleys Quarters-Back River Neck Area

BAY DR

BAY DR

NE-1-L

BAY DR

19960465

Lot # 8
1503770730

Lot # 8
1503770730

Lot # 8
1503770730

Lot # 11
1513752330

Lot # 11
1513752330

1522350090

Lot # 13

Lot # 14
1508800090

Lot # 15
1508800090

Lot # 16
1512590010

Lot # 16
1507150440

Lot # 18
1503471330

BNM Permit Hold 1 over (See Note)

20060415

2010-0226-A

IN RE: PETITION FOR VARIANCE

W side of Bay Drive, 113 feet N of the
c/l intersection of Bay Drive
15th Election District
6th Councilmanic District
(3518 Bay Drive)

Michael Hawk
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2009-0210-A**

*previous
order*

* * * * *

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, Michael Hawk. Petitioner is requesting variance relief as follows:

- To allow 10 foot side yard setbacks in lieu of the required 50 foot side yard setbacks in an R.C.5 Zone pursuant to Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) and;
- To allow 17% building coverage in lieu of the required 15% building coverage in an R.C.5 Zone pursuant to Section 1A04.3.B.3 of the B.C.Z.R. and;
- To allow an undersized lot of 0.307 acre in lieu of the required 1.5 acres of land in an R.C.5 Zone pursuant to Section 1A04.3.B.1.a of the B.C.Z.R. and;
- To allow a 38 foot building height in lieu of the required 35 foot building height in an R.C.5 Zone pursuant to Section 1A04.3.A of the B.C.Z.R.

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 Petitioner Michael Hawk, as well as William N. Bafitis with Bafitis & Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested citizens in attendance at the hearing.

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structural floor areas are rotted. In addition, Petitioner has noticed that the height of some walls is uneven inside the home, going beyond mere settling.

As a result of these problems, Petitioner hired a structural engineer to look at the home and a soils engineer to observe the property's sub-surface characteristics. As a result of these analyses, the engineers came up with a plan to reinforce the home's foundation and to strengthen the walls to adequately hold up the second floor. Several contractors reviewed the engineers' plan and the average price to perform the work was in excess of \$150,000. However, Petitioner indicated he realized that these fixes might not be the end of his problems with the home and that other issues would likely crop up in the future, with more "good" money being spent after "bad." Hence, Petitioner desires to "start over" and construct a new home with today's materials and workmanship. Unfortunately for Petitioner, this endeavor also involves compliance with today's R.C.5 zoning requirements.

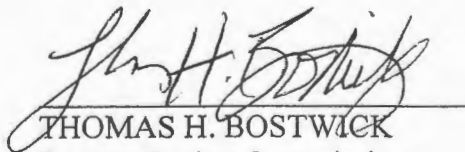
The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment received from the Office of Planning dated March 4, 2009 indicates it does not oppose Petitioner's request, provided the construction complies with the current R.C.5 performance standards. In order to make this determination, the Office of Planning will require the submission of additional information, which will be expounded on further in this Order. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM) dated April 3, 2009 which indicates that the property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations, and that the property is within the CBCA and is designated a Limited Development Area (LDA) and Buffer Management Area (BMA). Lot coverage is limited to 31.25% with mitigation and the 15% afforestation requirement must be met. In addition, any development within the 100 foot buffer must meet all BMA provisions. Comments were also received from the Bureau of Development Plans Review dated February 18, 2009. The

purpose of the R.C.5 zoning classification, and therefore meets the spirit and intent of the Zoning Regulations. As to the concern over the provision of basic services and adequate area for on-site sewer and water systems; in this case the property does have access to existing public water and sewer services. As to the issue of scattered and generally disorderly patterns of future rural-residential development, that is also not impacted here. This property is a lot of record and has been in existence for almost 80 years. As depicted in the record plat accepted into evidence as Petitioners' Exhibit 5, it was platted and recorded as part of a planned layout of waterfront properties in Bowleys Quarters. Regarding the encroachments onto productive or critical natural resource areas, this property is situated in the Chesapeake Bay Critical Area and is subject to stringent regulations at the State and local level, including lot coverage requirements, afforestation, and mitigation in environmentally sensitive areas. DEPRM's careful watch over these issues will minimize the potential impact of this development in those areas. In addition, it is noteworthy that the existing home currently has a building coverage of 18%; however, with the proposed new dwelling, lot coverage will actually be reduced to 17%.

I also find the property unique in a zoning sense in that the setback and height constraints cause the subject property to be disproportionately impacted by the Zoning Regulations as compared with other surrounding properties, making it virtually impossible for Petitioner to have any dwelling erected on the property. The property is only 50 feet wide and the setback for each side is 50 feet. Moreover, the base flood and flood protection elevation requirements almost automatically dictate that a proposed dwelling will begin with a 10 or 11 foot height above ground level, leaving perhaps only 25 feet for the enclosed living areas of the dwelling height, including an adequate roof pitch.

- architectural details on the front, side and rear elevations. Use of quality material such as brick, stone or cedar is encouraged.
- c. Design all decks, balconies, windows, dormers, chimneys and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
 - d. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building, on the site, providing consistency in materials, colors, roof pitch and style.
 - e. Provide landscaping along the public road, if it is consistent with the existing streetscape.
3. 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).
 4. The property is within the CBCA and is designated a Limited Development Area (LDA) and Buffer Management Area (BMA). Lot coverage is limited to 31.25% with mitigation and the 15% afforestation requirement must be met. In addition, any development within the 100 foot buffer must meet all BMA provisions.
 5. 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.
 6. The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.
 7. The building engineer shall require a permit for this project. 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.

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



Photo A



Photo B

PETITIONER'S

EXHIBIT NO. 3A-K

2010-0226-A



Photo B



Photo A



Photo 6



Photo 15



Photo G



Photo H



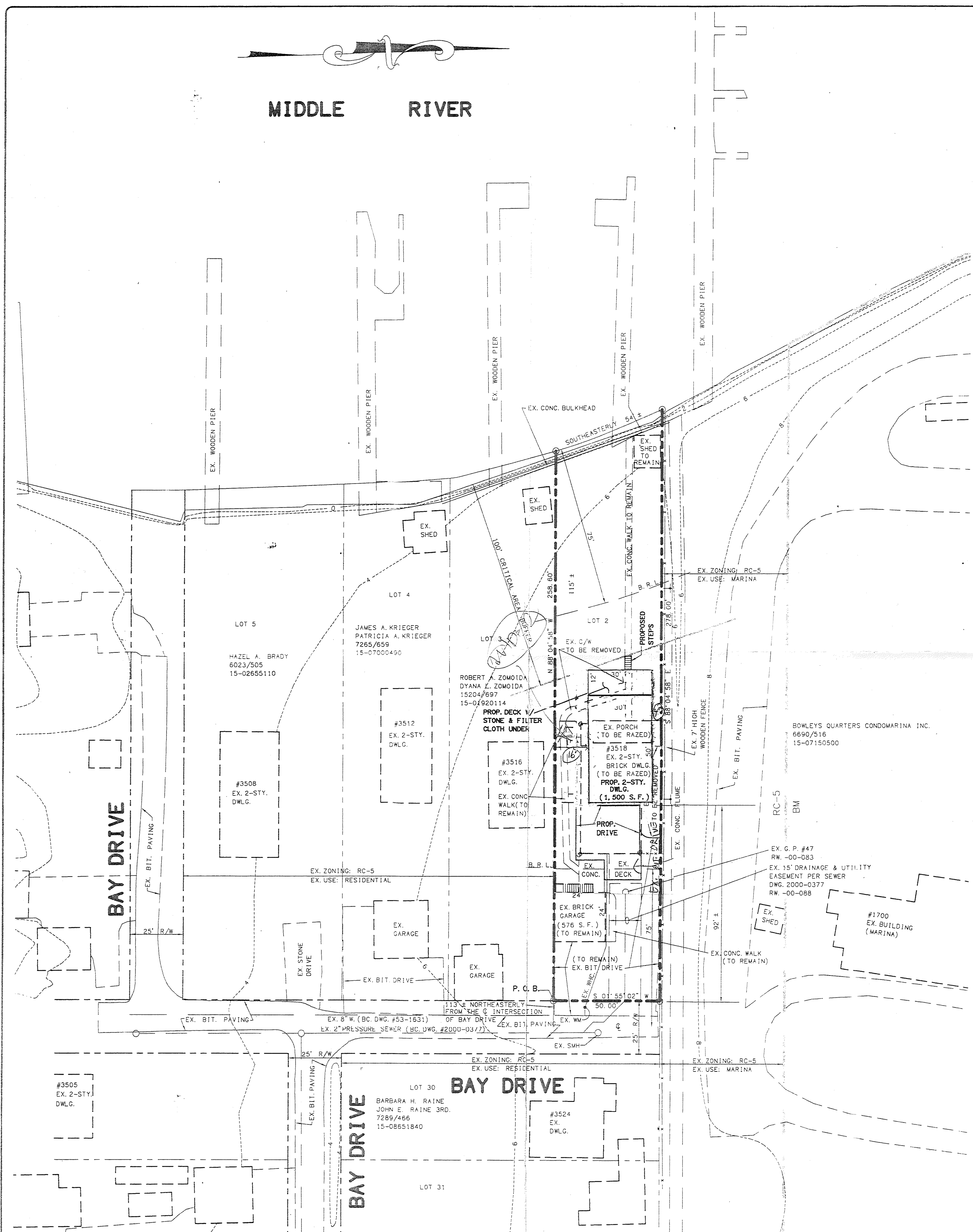
Photo A



Photo B



Photo K



NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography.
- The Firm Insurance Rate Map, Panel 445 of 575 indicates this site is situated within flood Zones AE with a Flood Elevation of 9.0 (NAVD 88) for this site. Baltimore County requires a minimum first floor elevation of 9.5 NAVD 88.
- Property lines shown hereon were established by public records.
- This site is situated within the Chesapeake Bay Critical Area and is classified by land use as Limited Development Area (LDA) (MAP 98).
- There shall be no clearing, grading, construction or disturbance of vegetation within the Buffer Management Area except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.
- Any Critical Area easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.
- This site is situated within a Mapped Buffer Management Area of the Chesapeake Bay Critical Areas.
- There are no forest or developed woodlands on this site.
- There are no Tidal or Non-Tidal wetlands on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7-Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- The site has 54'± of water frontage.
- Public Water and sewer serve this site.
- This site has not been the subject of the CRG, DRC, or Waiver Processes.
- Caution underground utilities may exist in Bay Drive & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- Proposed dwelling height 38'.
- All roof downspouts must discharge rainwater runoff on-to a pervious surface.
- All proposed work for this site is outside the 100' critical area buffer.

IMPERVIOUS AREAS

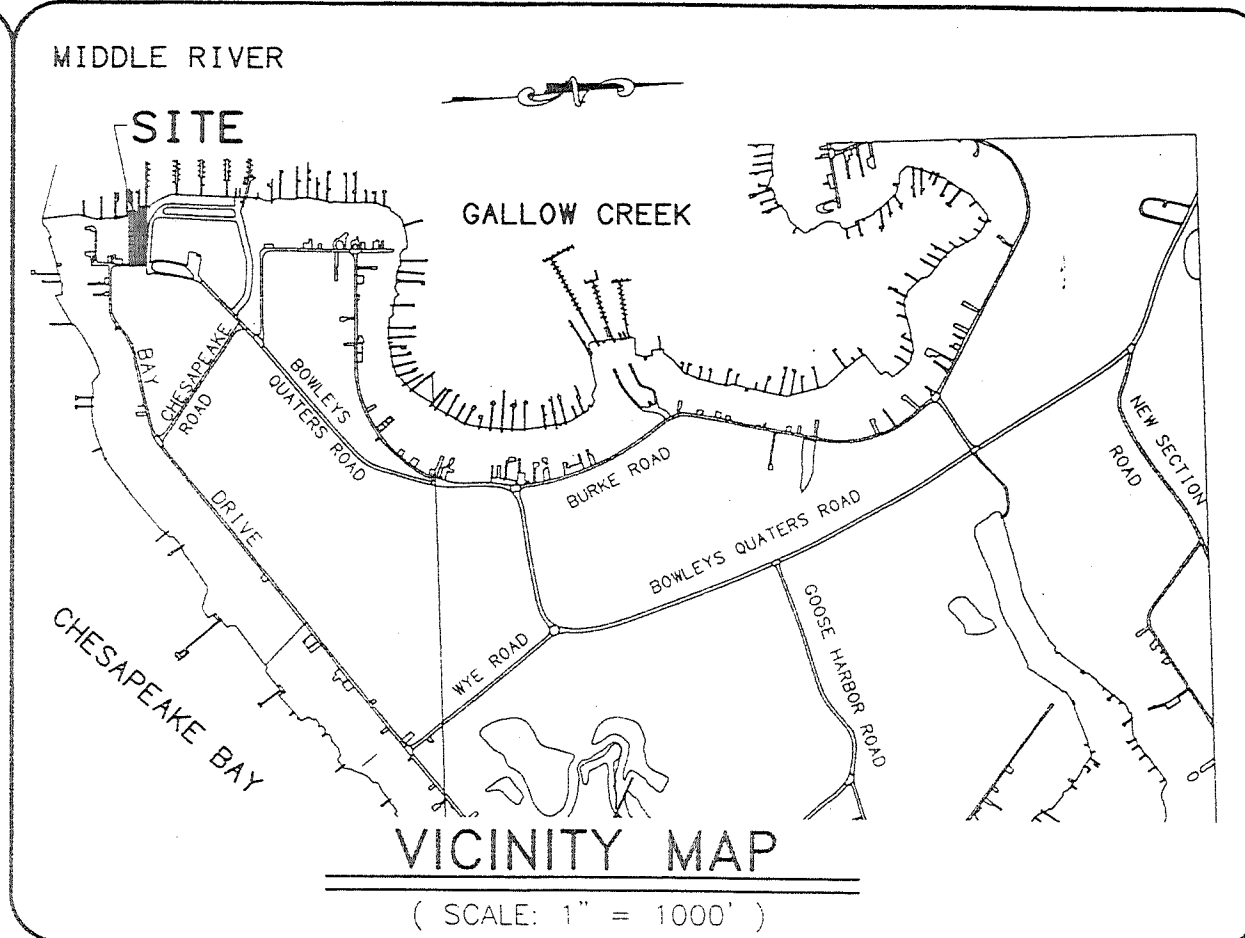
EXISTING	
DWELLING & PORCH	1,725 S.F.
GARAGE	576 S.F.
DRIVEWAY	2,840 S.F.
WOODEN DECK	180 S.F.
CONC. PAD	180 S.F.
CONC. WALK	720 S.F.
SHED	187 S.F.
CONC. BULKHEAD	54 S.F.
TOTAL	6,462 S.F.
	13,255 S.F. = 48.8%
PROPOSED	
DWELLING	1,500 S.F.
GARAGE	576 S.F.
DRIVEWAY	3,553 S.F.
SHED	187 S.F.
NEW WALK	406 S.F.
CONC. BULKHEAD	54 S.F.
TOTAL	6,276 S.F.
	13,255 S.F. = 47.3%

ZONING HISTORY

THERE ARE NO ZONING CASES FOR THIS SITE.

ZONING VARIANCES

- TO ALLOW 10' SIDEYARD SETBACKS IN LIEU OF THE REQUIRED 50' SIDEYARD SETBACKS IN A RC-5 ZONE PER SECTION 1A04.3 B2b. (B.C.Z.R.).
- TO ALLOW 17% BUILDING COVERAGE IN LIEU OF THE REQUIRED 15% BUILDING COVERAGE IN A RC-5 ZONE PER SECTION 1A04.3 B1c. (B.C.Z.R.).
- TO ALLOW UNDERSIZED LOT OF 0.307 ACRES IN LIEU OF THE REQUIRED 1 1/2 ACRES OF LAND IN A RC-5 ZONE PER SECTION 1A04.3 B1a. (B.C.Z.R.).
- TO ALLOW A 38' BUILDING HEIGHT IN LIEU OF THE REQUIRED 35' BUILDING HEIGHT IN A RC-5 ZONE PER SECTION 1A04.3A. (B.C.Z.R.).



SITE DATA

- OWNER: MICHAEL C. HAWK
#3518 BAY DRIVE
BALTIMORE, MARYLAND 21220
- DEED REF: 21023/315
- TAX ACC. NO.: 15-19000190
- TAX MAP: 98 PARCEL: 16 LOT: 2
- PLAT REF: PLAT 3 OF BOWLEYS QUARTERS BOOK 09 FOLIO 56
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 6TH
- REGIONAL PLANNING DISTRICT: 322B
- CENSUS TRACT: 4518.02
- ZONING: RC-5
- ZONING MAP: 098C1 & 098C2
- USE: EXISTING: RESIDENTIAL 2-STY. DWELLING
PROPOSED: RESIDENTIAL 2-STY. DWELLING
- SITE AREA:

LAND AREA	=	13,255 S.F. OR 0.304 AC.
WATER AREA	=	133 S.F. OR 0.003 AC.
TOTAL AREA	=	13,388 S.F. OR 0.307 AC.

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCES FOR #3518 BAY DRIVE

15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

SCALE:
1" = 30'