

IN RE: **PETITION FOR VARIANCE**

S/S Middle River Avenue, 62' NE c/line
Patapsco Avenue
(3721 Middle River Avenue)
15th Election District
6th Council District

Craig R. Dranbauer
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

ZONING COMMISSIONER

Case No. 2011-0105-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Craig R. Dranbauer. The Petitioner requests variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling with side yard setbacks of 10 feet and 20 feet total side yard setback in lieu of the 10 feet and 25 feet required on a lot with a width of 50 feet in lieu of the required 70 feet¹, and from Section 400.3 of the B.C.Z.R. to permit an accessory structure (detached garage) with a height of 25 feet in lieu of the permitted 15 feet. The subject property and requested relief are more fully described on the site plan submitted which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Craig Dranbauer, owner of the property, and Patrick (Rick) Richardson, P.E. with Richardson Engineering, LLC, the professional engineering firm that prepared the site plan for this property. There were no

¹ The subject property is a water-oriented lot with 50 feet of frontage at the stone bulkhead abutting on Middle River and a width of 51 feet on Middle River Avenue. The applicable development standards for small lots set forth in the Chart found in Section 1B02.3.C.1, in addition to area and yard setbacks, require a lot width of 70 feet in the D.R.3.5 zone. Perhaps the Zoning Review Office preferred a public hearing rather than place its reliance upon B.C.Z.R. Section 304.1 (undersized single-family lots). The subject property, Lot 69 in the subdivision of Long Beach Estates, has been a lot of record since 1919, meets all height and area requirements and Mr. Dranbauer does not own sufficient adjoining land to conform to the width requirements. The property and improvements have been in the Petitioner's family since 1953.

ORDER RECEIVED FOR FILING

Date

By

11-10-10

23

Protestants nor were there any adverse comments from any of the County's reviewing agencies.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the south side of Middle River Avenue just west of Chesapeake Avenue in the Bowleys Quarters area of eastern Baltimore County. As noted, the property is also known as Lot 69 in the subdivision of Long Beach Estates, an older subdivision which was recorded in the Land Records of Baltimore County some 91 years ago, well prior to the effective date of the zoning regulations. As is often the case with older subdivisions, many of the lots do not meet current width requirements. In this regard, the subject property is 50 feet wide and 331 feet deep and cannot meet current lot width requirements, however, is served by public water and sewer.

The property contains a gross area of 17,509 square feet or 0.40 acres, more or less, zoned D.R.3.5 and is presently improved with a two-story, single-family dwelling with a basement built in 1929, a 200' wooden pier, and a 20' x 26' detached garage. The property was acquired by the Petitioner's grandfather in 1953 and has been used as the family's summer home ever since. Following the death of his parents in 2002, Mr. Dranbauer purchased the property. He states the home, which is very old, needs replacement. Its current size is 25' wide x 60' deep and is positioned as close as 9 feet from the east side property line. The proposed three-story dwelling will be built in the existing footprint but will be realigned on the lot so as to allow 10 foot setbacks (east and west sides). The new home will be 30' wide x 60' deep with a front porch. Additionally, the new building will be located approximately 66 feet from the bulkhead, consistent with the existing location. This is significant in that the new house will not block the view of the water from adjacent properties. Mr. Richardson points to B.C.Z.R. Section 4A03.4B.1 and 3 that would allow a building permit to be issued for the construction of a dwelling on this undersized lot.

Turning next to Petitioner's desire to refurbish the existing detached garage and increase its height to 25 feet, I will also grant this request and find that it complies with the spirit and intent of these regulations. In this regard, Mr. Dranbauer stated that he wants additional storage space to accommodate his boating equipment. The increased height will allow full access to a second floor above the garage for storage of this equipment and other personal property as the next home will have no basement. Section 400.3 of the B.C.Z.R. limits the height of accessory buildings to 15 feet. Mr. Dranbauer provided Petitioner's Exhibit 2B through 2D (Photographs) of other accessory structures in the immediate area that are over 15 feet in height. He believes that the garage would be aesthetically pleasing and in keeping with the characteristics of the neighborhood. As evidenced by the Zoning Advisory Committee (ZAC) comment received from the Department of Environmental Protection and Resource Management (DEPRM), the subject lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Raising the height of the garage to provide needed storage space is preferable to enlarging the structure's 20' x 26' impervious footprint or building additional accessory structures. DEPRM asks that lot coverage limits be minimized to reduce adverse impacts to water quality. Thus, I am persuaded that relief can be granted, subject to the restrictions set forth hereinafter.

In my judgment, the Petitioner has satisfied the requirements of Section 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). The variance in this case is driven by the configuration and size of the lot. Moreover, this property is served by public water and public sewer, which has been made available in the area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioner in that a reasonable use of the land would not be permitted. Thus, I find that relief can be granted without detrimental impact to adjacent

properties. The neighbors are not opposed to the proposal and it is noted that many of the other houses in the community are built on similarly sized lots with accessory structures in excess of 15 feet. However, in granting the relief, I will impose conditions and remind Petitioner that he needs to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM) and with Federal flood insurance requirements mandated in the CBCA.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

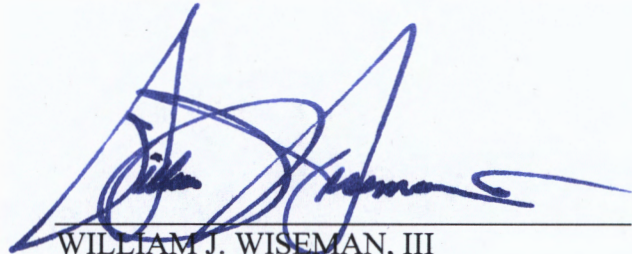
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of November 2010 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a replacement dwelling on a lot with a width of 50 feet and a sum of side yards of 20 feet in lieu of the required 70 feet and 25 feet respectively, and from Section 400.3 of the B.C.Z.R. to permit an accessory structure (detached garage) with a height of 25 feet in lieu of the permitted 15 feet, in accordance with Petitioner's Exhibit 1, be and the same is hereby GRANTED; subject to the following restrictions:

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 thirty (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. Compliance with the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and the Development Plans Review Division of the Department of Permits and Development Management (DPDM) relative to the Chesapeake Bay Critical Area (CBCA) regulations and all other appropriate environmental, floodplain and BOCA regulations relative to the protection and water quality, streams, wetlands and floodplains. Copies of these comments, dated October 25, 2010 and

October 5, 2010, respectively, have been attached hereto and made a part hereof.

3. The proposed garage with storage space for boating equipment shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners, their heirs and assigns shall not allow or cause the structure to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).



WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 11-10-10

By WJW

BW 11/5 10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM – Development Coordination
DATE: October 25, 2010
SUBJECT: Zoning Item #11-105-A
Address 3721 Middle River Avenue
(Dranbauer Property)

RECEIVED

OCT 26 2010

ZONING COMMISSIONER

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Mitigation necessary to address the lot coverage limits and BMA requirements will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the minimization of impacts within the 100-foot Critical Area Buffer and lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Regina Esslinger

Date: October 15, 2010

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ORDER RECEIVED FOR FILING

Date 11-10-10

By [Signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2010
Item No. 2011-105

DATE: October 5, 2010

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 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
ZAC-ITEM NO 11-105-10122010.doc

ORDER RECEIVED FOR FILING

Date

11-10-10

By

23



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

November 10, 2010

Craig R. Dranbauer
4 Brooke Court
Baltimore, Maryland 21212

RE: **PETITION FOR VARIANCE**
S/S Middle River Avenue, 62' NE c/line Patapsco Avenue
(3721 Middle River Avenue)
15th Election District - 6th Council District
Craig R. Dranbauer – Petitioner
Case No. 2010-0105-A

Dear Mr. Dranbauer:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Patrick (Rick) Richardson, P.E., Richardson Engineering, LLC, 30 East Padonia Road,
Suite 500, Timonium, MD 21093
People's Counsel; DEPRM; DPR; Office of Planning; File



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 3721 Middle River Avenue
which is presently zoned DR 3.5

Deed Reference: 16853 / 435 Tax Account # 1504650690

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 to permit a dwelling with a setback of 10' minimum and 20' total side yard setback in lieu of the required 10' and 25' required on a lot with a width of 50' in lieu of the required 70'.

Section 400.3 to permit an accessory structure with a height of 25' in lieu of the permitted 15'.

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

The size of the lot and Critical Area regulations restrict the development of this property. Other such information that will be supplied at the hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Craig R. Dranbauer

Name - Type or Print

Signature

Name - Type or Print

Signature

4 Brooke Court

Address

Telephone No.

Baltimore

MD

21212-1203

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500 410-560-1502

Address

Telephone No.

Timonium,

MD

21093

City

State

Zip Code

Office Use Only

Case No. 2011-0105-A
ORDER RECEIVED FOR FILING

Estimated Length of Hearing
Unavailable For Hearing

REV 8/20/07

Date 11-10-10

Reviewed by A-TSUI

Date 9/16/2010

By WJ

30 East Padonia Road, Suite 500
Timonium, Maryland 21093

410-560-1502, fax 443-901-1208

**ZONING DESCRIPTION
3721 MIDDLE RIVER AVENUE
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the South side of Middle River Avenue which is 40 feet wide at the distance of 62 feet Northeast of the centerline of the nearest improved intersecting street Patapsco Avenue which is 20 feet wide. Being lot #69 in the subdivision of Long Beach Estates as recorded in Baltimore County Plat Book #3, Folio #131, containing 16,478 square feet or 0.378 acres. Also known as 3721 Middle River Avenue and located in the 15TH Election District, 6TH Councilmanic District.

2011-0105-A

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

No. **59509**

Date: **9/16/10**

PAID RECEIPT

BUSINESS ACTUAL TIME
 9/20/2010 9/16/2010 14:12:32

REG 0803 WALKIN ROAD LRD
 >> RECEIPT # 429534 9/16/2010 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$65-

Total: **\$65-**

Rec From:

For:

3721 MIDDLE RIVER RD

2011-0105-A

Dept: 5 528 ZONING VERIFICATION

CR NO. 059509
 Recpt Tot: \$45.00
 \$45.00 CR \$1.00 CA
 Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: # 2011-0105-A

3721 Middle River Avenue

S/side of Middle River Road, 62 feet n/east of the centerline of Patapsco Avenue

15th Election District — 6th Councilmanic District

Legal Owner(s): Craig Branbauer

Variance: to permit a dwelling with a setback of 10 feet minimum and 20 feet total side yard setback in lieu of the required 10 feet and 25 feet required on a lot with a width of 50 feet in lieu of the required 70 feet. To permit an accessory structure with a height of 25 feet in lieu of the permitted 15 feet.

Hearing: Friday, November 5, 2010 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.

10/27/2010 October 21

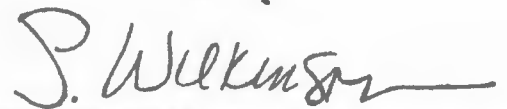
258554

CERTIFICATE OF PUBLICATION

10/21, 2010

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 10/21, 2010.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0105-A

RE: Case No.: _____

Petitioner/Developer: _____
Craig Branbauer

Nov.5 2010

Date of Hearing/Closing: _____

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

Attn: KtistinMatthews;

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
posted conspicuously
3721 Middle River Avenue

October 21, 2010

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

 _____
(Signature of Sign Poster) October 22 2010
(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 #2011-0105-A

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

Room 104, JEFFERSON BUILDING

PLACE: 105 WEST CHESAPEAKE AVE. Towson 21204

DATE AND TIME: Friday, November 5, 2010 at 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A DWELLING WITH A SETBACK
OF 10 FEET MINIMUM AND 20 FEET TOTAL SIDE YARD SETBACK
IN LIEU OF THE REQUIRED 10 FEET AND 25 FEET REQUIRED ON A LOT
WITH A WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 70 FEET TO
PERMIT AN ACCESSORY STRUCTURE WITH A HEIGHT OF 25 FEET IN LIEU OF
THE PERMITTED 15 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 867-3391

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, October 21, 2010 Issue - Jeffersonian

Please forward billing to:

Craig Dranbauer
4 Brooke Court
Baltimore, MD 21212-1203

443-253-1637

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: 2011-0105-A

3721 Middle River Avenue

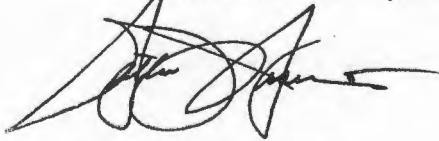
S/side of Middle River Road, 62 feet n/east of the centerline of Patapsco Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Craig Branbauer

Variance to permit a dwelling with a setback of 10 feet minimum and 20 feet total side yard setback in lieu of the required 10 feet and 25 feet required on a lot with a width of 50 feet in lieu of the required 70 feet. To permit an accessory structure with a height of 25 feet in lieu of the permitted 15 feet.

Hearing: Friday, November 5, 2010 at 10:00 a.m. at 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.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

October 6, 2010

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: 2011-0105-A

3721 Middle River Avenue

S/side of Middle River Road, 62 feet n/east of the centerline of Patapsco Avenue

15th Election District – 6th Councilmanic District

Legal Owners: Craig Branbauer

Variance to permit a dwelling with a setback of 10 feet minimum and 20 feet total side yard setback in lieu of the required 10 feet and 25 feet required on a lot with a width of 50 feet in lieu of the required 70 feet. To permit an accessory structure with a height of 25 feet in lieu of the permitted 15 feet.

Hearing: Friday, November 5, 2010 at 10:00 a.m. at Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:kll

C: Craig Dranbauer, 4 Brooke Court, Baltimore 21212
Richardson Engineering, LLC, 30 E. Padonia Road, Ste. 500, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, OCTOBER 21, 2010.**
- (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.

**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: 2011-0105-X
Petitioner: CRAIG DRANBAUER
Address or Location: 3721 MIDDLE RIVER RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CRAIG DRANBAUER
Address: 4 BROOKE CT
BALT. MD 21212-1203
Telephone Number: 443-253-1637



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

October 27, 2010

Craig Dranbauer
4 Brook Court
Baltimore, MD 21212

Dear: Craig Dranbauer

RE: Case Number 2011-0105-A, 3721 Middle River Ave.

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Richardson Engineering, LLC; 30 E. Padonia Rd. Ste. 500; Timonium, MD 21093

BW 11/5 10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM – Development Coordination
DATE: October 25, 2010
SUBJECT: Zoning Item #11-105-A
Address 3721 Middle River Avenue
(Dranbauer Property)

RECEIVED

OCT 26 2010

ZONING COMMISSIONER

DEPRM has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. This lot is located within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area (CBCA). Mitigation necessary to address the lot coverage limits and BMA requirements will minimize adverse impacts on water quality that result from development activities.
2. The proposed development must comply with all LDA and BMA requirements, including the minimization of impacts within the 100-foot Critical Area Buffer and lot coverage requirements, prior to building permit approval. Therefore the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development will be required to meet all LDA and BMA requirements and therefore will be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: Regina Esslinger

Date: October 15, 2010

11-5 10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 5, 2010

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

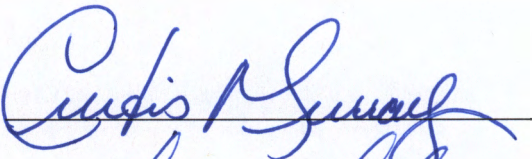
SUBJECT: 11-105 -Variance

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office does not oppose the setback requests for the proposed dwelling and for it to be located on a 50' wide lot in lieu of the required 70' width. Furthermore this office does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 25 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

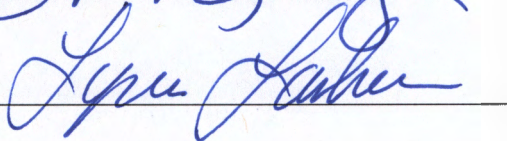
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

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

Prepared by:



Division Chief:



AFK/LL: CM

RECEIVED

OCT 12 2010

ZONING COMMISSIONER

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

October 4, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 27, 2010

Item Number: 2011-0105-A

The Baltimore County Fire Department has no comments.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 5, 2010

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

SUBJECT: Zoning Advisory Committee Meeting
For October 12, 2010
Item No. 2011-105

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 8.5 feet [NAVD 88].

The flood protection elevation is 9.5 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

ZAC-ITEM NO 11-105-10122010.doc

RE: PETITION FOR VARIANCE * BEFORE THE
3721 Middle River Avenue; S/S Middle
River Avenue, 62' NE c/line Patapsco Avenue* ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts
Legal Owner(s): Craig Dranbauer * FOR
Petitioner(s) * BALTIMORE COUNTY
* 2011-105-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

RECEIVED

OCT 06 2010

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of October, 2010, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

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

Account Identifier: District - 15 Account Number - 1504650690

Owner Information

Owner Name: DRANBAUER CRAIG R Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 4 BROOKE CT Deed Reference: 1)/16853/435
BALTIMORE MD 21212-1203 2)

Location & Structure Information

Premises Address Legal Description
3721 MIDDLE RIVER AVE WATERFRONT LONG BEACH ESTATES

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	4	203					69	3	Plat Ref: 4/ 131

Special Tax Areas Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1929	1,536 SF	16,200.00 SF	34

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT SIDING	

Value Information

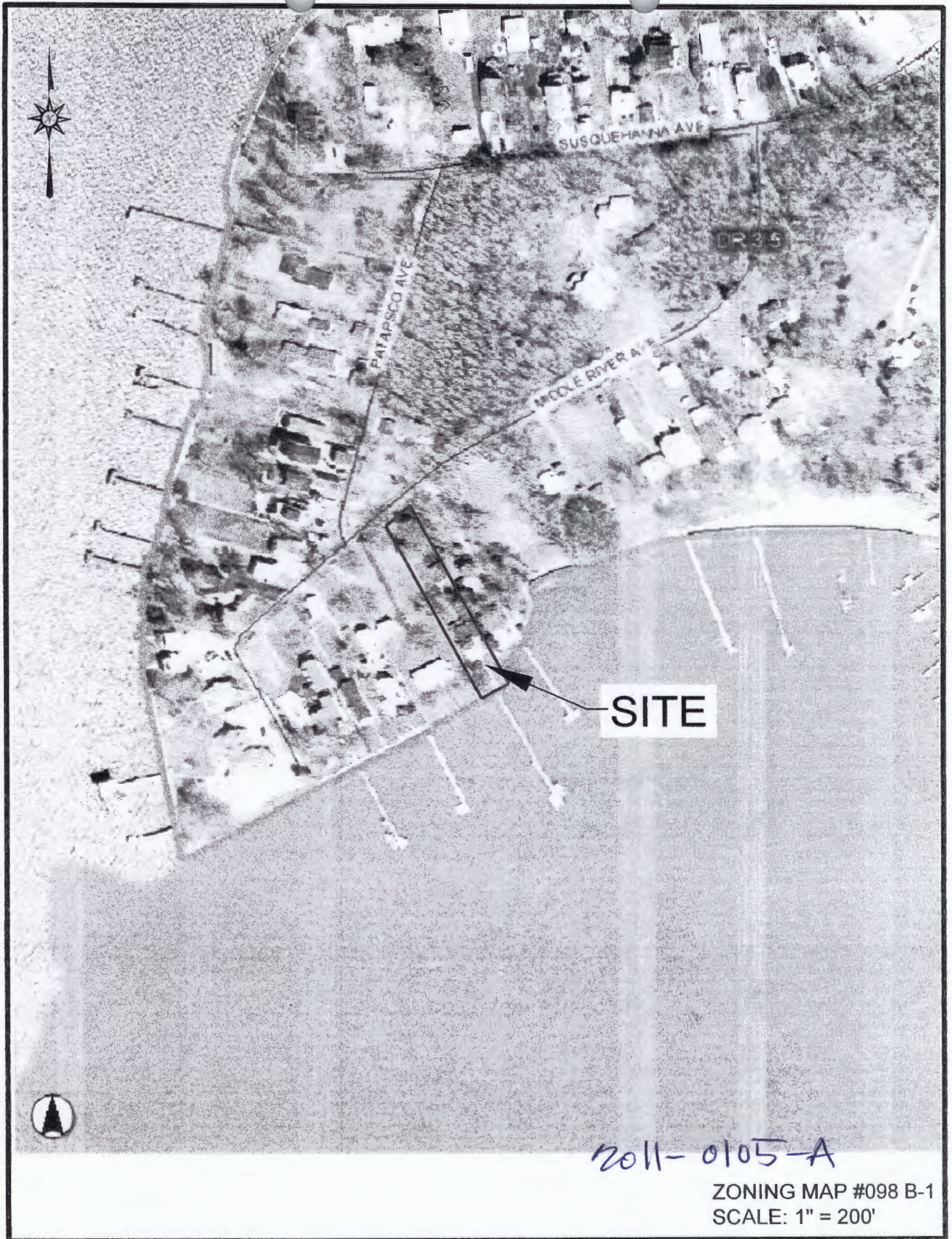
	Base Value	Value As Of 01/01/2009	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	323,050	244,520		
Improvements:	84,340	80,480		
Total:	407,390	325,000	325,000	325,000
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DRANBAUER LOUIS F	Date:	09/23/2002	Price:	\$0
Type:	NOT ARMS-LENGTH	Deed1:	/16853/435	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	

CASE NAME DRAUBRAUER
CASE NUMBER 2011-0105A
DATE 11/5/10

[illegible]



2011-0105-A

ZONING MAP #098 B-1
SCALE: 1" = 200'

Case No.: 2011-0105-A 3721 Middle River Avenue

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	2 A Pattern of Development 2 B thru 2D - other accessory structures - over 15 feet	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

EXHIBIT NO. 2

ZONING MAP #098 B-1
SCALE: 1" = 200'



Water side view of existing house 3721 Middle River Road



Roadside view of property. Two story garage on 3715 Middle River Rd on right

PETITIONER' S

EXHIBIT NO. 2
A thru D

2B



Two story garage on 3715 Middle River Rd on right. 3721 on left



3709 Middle River Road garage and 3715 Middle River Road on left



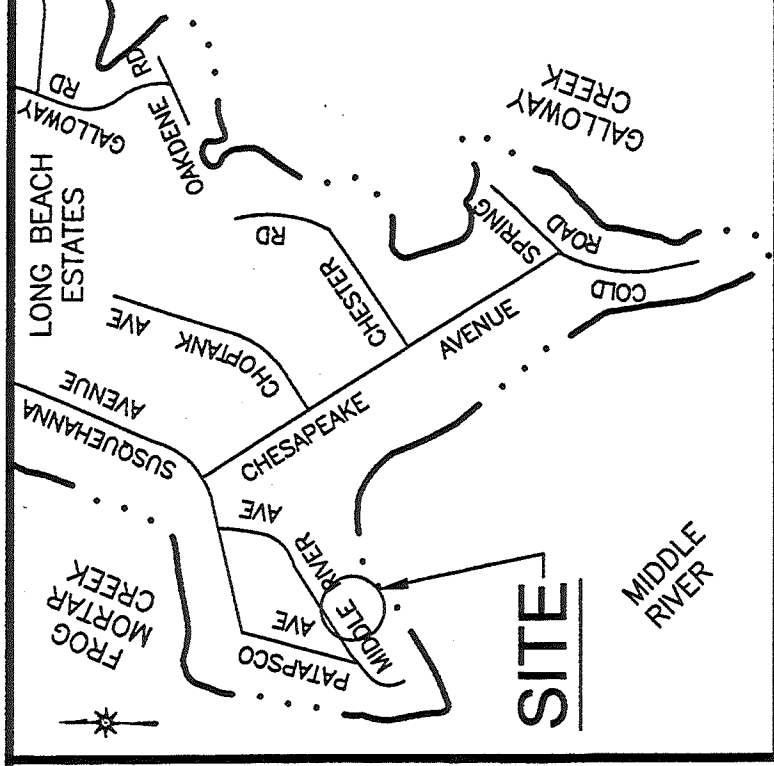
3714 Middle River Road garage



3805 Middle River Road garage



3811 Middle River Road garage



LOCATION MAP

GENERAL NOTES:

1. OWNER: CRAG R. DRANBAUER
#3721 MODEL RIVER AVENUE
BALTIMORE, MARYLAND 21201-1203
2. SITE AREA: 12,509 Sq Ft., or 0.402 Ac.+
CRICKS: 16,478 Sq Ft. or 0.378 Ac.+
NET: 16,478 Sq Ft. or 0.378 Ac.+
3. EXISTING: 2 STORY RESIDENTIAL DWELLING
PROPOSED: 3 STORY DWELLING
(EX. DWELLING TO BE REMOVED)
4. PUBLIC WATER & SEWER
5. DEED REF: 18B53/J453
6. TAX ACCOUNT #150460980
7. ZONING MAP REF: 18B53/J453
8. CONULC/MANC DISTRICT #TH 08B11
9. TAX MAP P&G PARCEL #P03, LOT #69,
SUBDIVISION OF THE CITY OF BALTIMORE
10. INSURANCE DATE: JULY 2008
11. SITES ARE ENTIRELY WITHIN ZONE AE (E.L. 0) 4445 F
INSUREANCE DATE MAY (FIRM) PANEL, D2A0010 4445 F
PARCEL #45 OF 800 DATED SEPT. 26, 2008.
THEIR USE IS NOT YET DETERMINED.
12. PREVIOUS ZONING CASES: NONE ON FILE
13. PREVIOUS PERMITS: NONE ON FILE
14. SITES WITHIN THE CHESEBAKE BAY CRITICAL AREA
ARE PROTECTED BY A 10' BUFFER PLANT CONC.
15. ALL CONSTRUCTION WILL BE PER FLOOD PLAN CONC.
REGULATIONS.
16. ALL CONSTRUCTION WITHIN THE BUFFERS MARSHAL AREA (BMA)
WILL BE IN ACCORDANCE WITH THE FLOOD DAMAGE PREVENTION ACT (FDPA)
AND THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP). IF AN IMPERMEOUS AREA IS
PROPOSED IN THE 100' CRITICAL AREA BUFFER.)
18. AREAS:

DWELLING = 1,477 Sq Ft.
GARAGE = 523 Sq Ft.
DRIVE = 1,672 Sq Ft.
PORCH = 2,238 Sq Ft.
TOTAL = 4,613 Sq Ft.
- PROPOSED—

DWELLING = 1,844 Sq Ft.
PORCH = 2,238 Sq Ft.
DRIVE = 2,238 Sq Ft.
EX. GARAGE = 523 Sq Ft.
TOTAL = 6,843 Sq Ft.
19. IMPERMEOUS AREAS:

EXISTING = 4,613 Sq Ft. or 28.0%
PROPOSED = 6,843 Sq Ft. or 28.8%
20. SETBACKS FOR TR. 3.5' PROVIDED

FRONT:	30'	60'
SIDE:	30'	20'+
REAR:	(SUM OF 75')	185'+

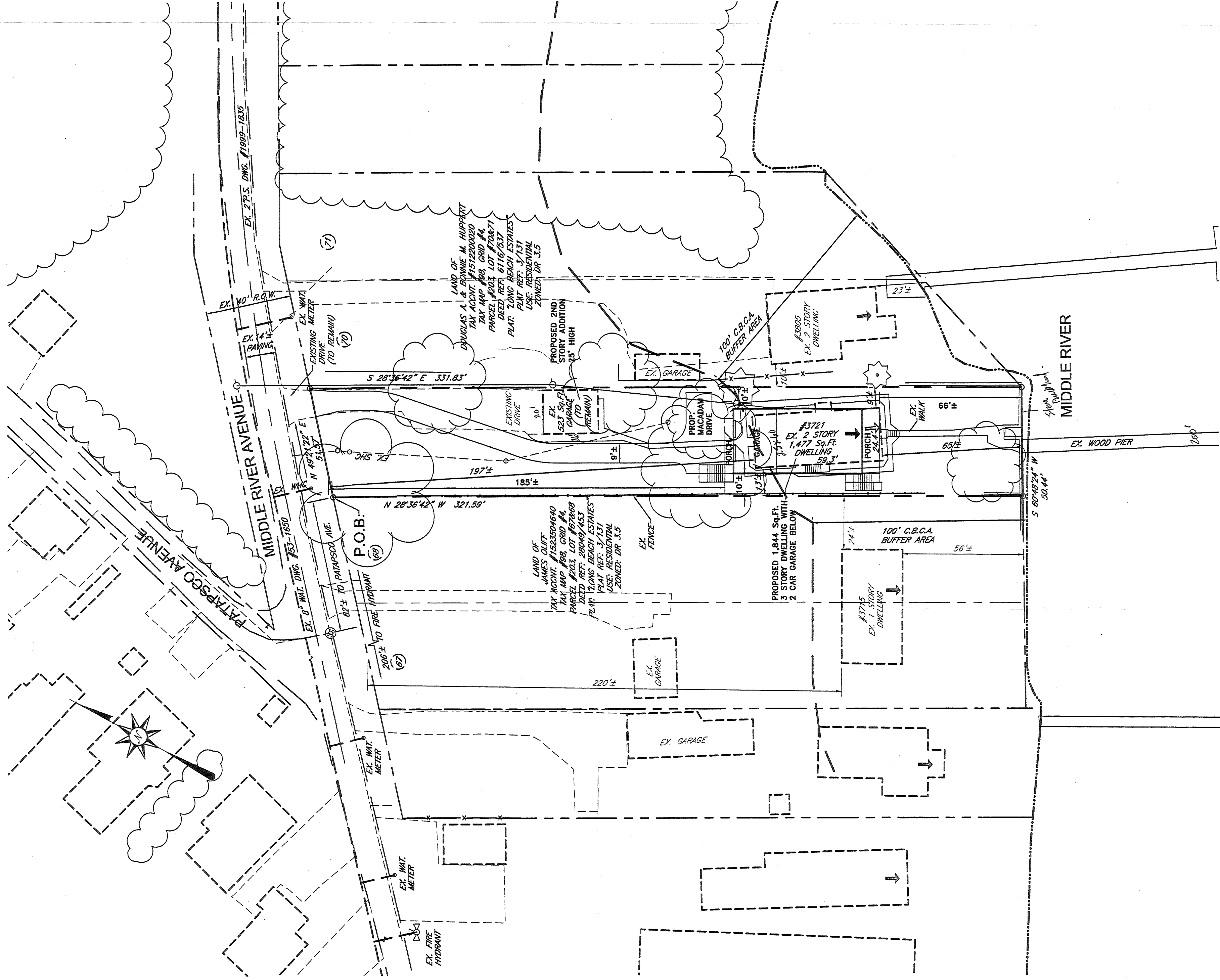
Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

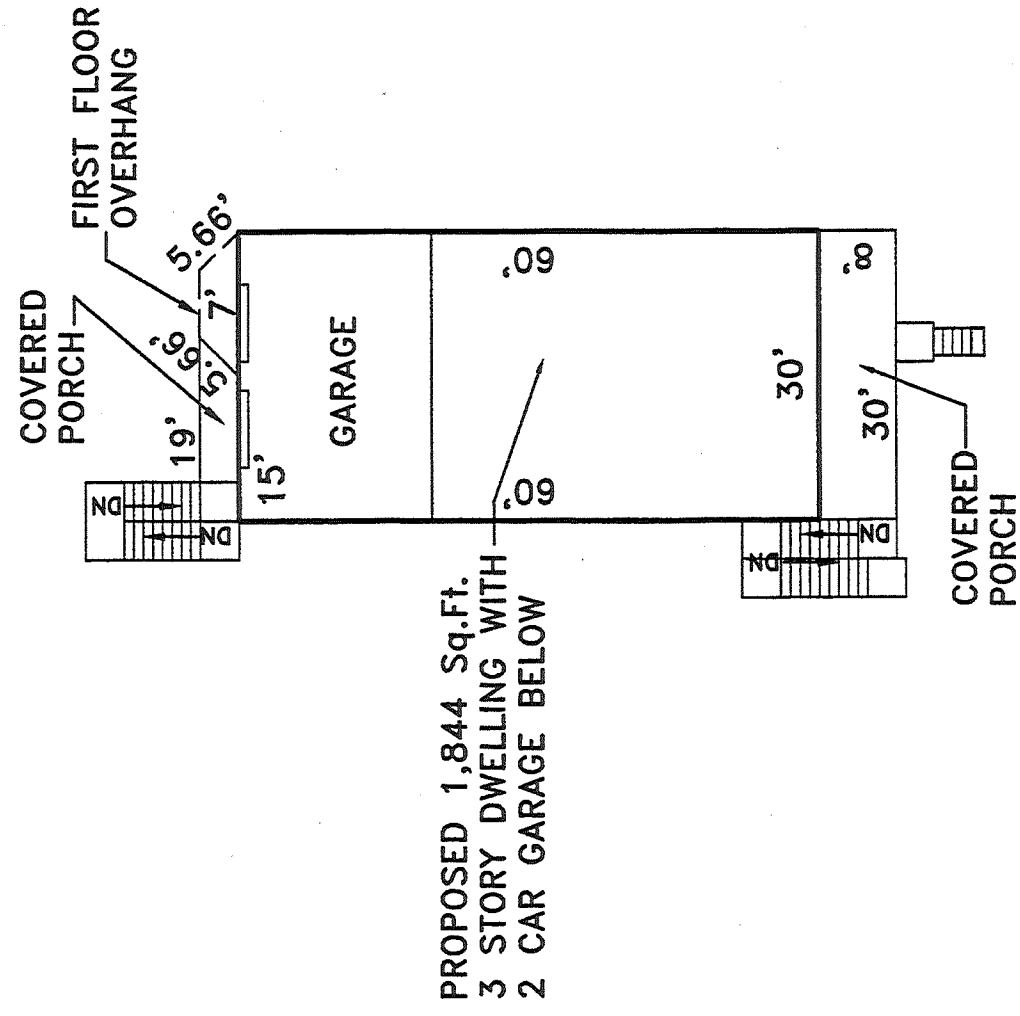
PLAN TO ACCOMPANY
ZONING PETITION
FOR THE

DRANBAUER RESIDENCE
LOT 69
3721 MIDDLE RIVER AVENUE

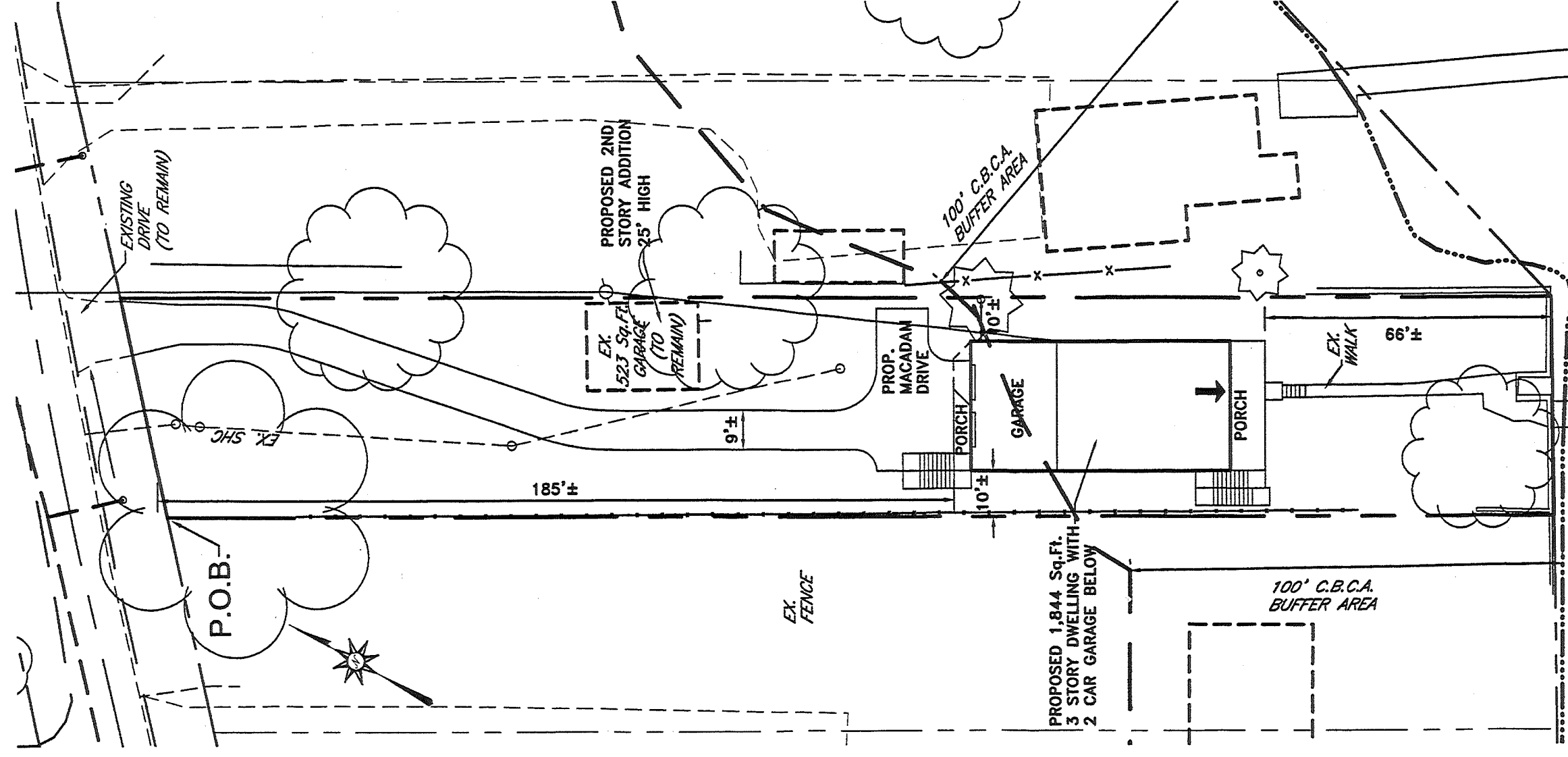
15TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND	
REVISIONS PETITIONER'S EXHIBIT NO. <u>1</u> DRAWN BY: CND DESIGNED BY: PCR SCALE: 1" = 30'			
		DATE: 09-13-10	SHEET NO.: 1 OF 1



SITE PLAN



DWELLING DETAIL



SCALE: 1" = 20'