

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W side of Bay Drive; 67 feet N of the	*	OFFICE OF ADMINISTRATIVE
c/l of Bay Drive	*	HEARINGS FOR
15 th Election District	*	BALTIMORE COUNTY
6 th Council District	*	CASE NO. 2012-0251-A
(3516 Bay Drive)		
Robert A. and Dyana L. Zomoida		
<i>Petitioners</i>		

* * * * *

ORDER AND OPINION

This matter comes before the Administrative Law Judge as a Petition for Administrative Variance filed by the legal owners of the property, Robert A. and Dyana L. Zomoida. The Petitioners are requesting Variance relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (detached pool and brick decking) in the side yard in lieu of the required rear yard only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Bureau of Development Plans Review dated April 26, 2012. The comments indicate that the first floor or basement must be at least one foot above the flood plain elevation in all construction, the building must be designed and adequately anchored to prevent flotation or collapse and constructed of 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. Comments were received from the Department of Environmental Protection and Sustainability dated May 4, 2012, which state:

ORDER RECEIVED FOR FILING

Date 5-16-12

By pm

EPS 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 waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area (CBCA). Development of this property must comply with maximum lot coverage limits, must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of existing lot coverage, and the planting of native trees and shrubs.
2. The proposed development must comply with all LDA and BMA requirements prior to building permit approval. This includes the 15% afforestation requirement and CBCA lot coverage requirements. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the CBCA 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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 22, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, 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.

ORDER RECEIVED FOR FILING

Date 5-16-12 2

By [Signature]

would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

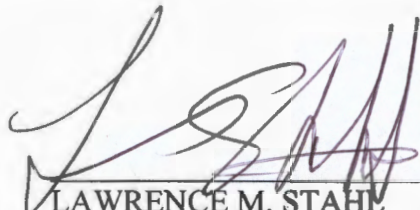
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 16th day of May, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (detached pool and brick decking) in the side yard in lieu of the required rear yard only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated April 26, 2012, a copy of which is attached hereto and made a part hereof.
3. Compliance with the ZAC comments made by the Department of Environmental Protection and Sustainability dated May 4, 2012, a copy of which is attached hereto and made a part hereof.

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



LAWRENCE M. STAHL
Managing Administrative Law Judge for
Baltimore County

LMS:pz

ORDER RECEIVED FOR FILING

3 Date 5-16-12
By [Signature]



CBCK FLOODPLAIN

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3516 Bay Dr Balto 21220 which is presently zoned RC5

Deed Reference 15264 1997

10 Digit Tax Account # 1501920114

Property Owner(s) Printed Name(s) Robert A & Diana L Zomoida

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

- X **ADMINISTRATIVE VARIANCE** from section(s) 400.1, BC2R, to permit a proposed accessory structure (detached pool & brick decking) in the side yard in lieu of the required rear yard only.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners:

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0251-A

Filing Date 4, 11, 2012

Estimated Posting Date 4, 27, 2012

Reviewer JNP/GH

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 3516 Bay Dr Baltimore MD 21220
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We would like to install an inground pool in the front yard of our waterfront home. There is not enough room available in the rear or street side of our house to install the pool, decking & fencing required by Baltimore County and maintain any area to serve as our driveway and primary house access. The waterfront side of our property provides all the space necessary to meet the needs and requirements that goes with the pool while leaving the rear available for driveway and main house access. There is also a large detached garage in the rear also. A front yard pool also adds a level of safety & privacy needed for our young family. We would like to install as soon as possible please. Also, all of our utilities are underground, running through the rear driveway area.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Robert A. Zomoida
Signature of Affiant
Robert A. Zomoida
Name- Print or Type

Dyana L. Zomoida
Signature of Affiant
Dyana L. Zomoida
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

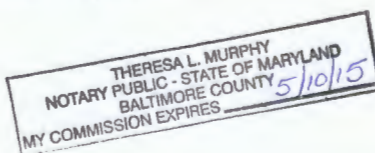
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9th day of April, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Robert A. Zomoida & Dyana L. Zomoida
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Theresa L. Murphy
Notary Public
5/10/15
My Commission Expires



REV. 10/12/11

2012-0251-A

Zoning Description for: 3516 Bay Dr Balto., MD 21220

West side of Bay Drive which is twenty-five feet wide, 67 feet north of the intersection with Bay Drive, which is twenty-five feet wide.

Beginning for the same on the westernmost side of a road twenty-five feet wide at the distance of one hundred twenty-five feet north ten degrees twelve minutes east from the intersection of the westernmost side of said road and the north side of another road twenty-five feet wide leading from the above mentioned road to the waters of Chesapeake Bay and running thence and binding on the westernmost side of said road twenty-five feet first above mentioned north ten degrees twelve minutes east fifty feet; thence parallel with and twenty-five foot road secondly above mentioned north seventy-nine degrees forty-eight minutes west two hundred fifty-eight and six-tenths feet to the waters of Middle River thence binding on the waters of said river southwesterly to the intersect a line drawn north seventy-nine degrees forty-eight minutes west from the place of beginning and thence reversing said line so drawn and binding thereon south seventy-nine degrees forty-eight minutes east two hundred forty-five and eight-tenths feet to the place of beginning. Being Lot 3, Plat 3, sub-division of Lot 197 of Plat 1 of Bowleys Quarters and recorded in Plat Book WPC No. 7 folio 78. Also known as 3516 Bay Drive and located in the 15th Election District, 8th Councilmanic District.

6th

2012-0251-A

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

No.

82120

Date:

4/11/12

PAID RECEIPT

BUSINESS ACTUAL TIME INW
 4/12/2012 4/11/2012 10:53:45 5

NO 0503 WALKIN ROOS LRS
 RECEIPT # 584695 4/11/2012 OFLH

Dept 5 528 ZONING VERIFICATION

82120

Receipt Tot \$75.00

\$75.00 EX 4.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: 75.00

Rec

From:

Robert & Dyana Zomoida

For:

Variance 2012- 0251-A
 3516 BAY DRIVE (ZOMOIDA)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: CASE NO: 2012-001-A

PETITIONER/DEVELOPER ROBERT

DIANA ZOMOIDA

DATE OF HEARING/CLOSING: _____

5/7/12

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 THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT 3516 BAY DRIVE

THIS SIGN(S) WERE POSTED ON April 22, 2012
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 4/22/12
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2012-0251-A

TO PERMIT A PROPOSED ACCESSORY STRUCTURE
(DETACHED POOL AND BRICK DECKING) IN THE SIDE YARD IN
LIEU OF THE REQUIRED REAR YARD ONLY

PUBLIC HEARING ?

PURSUANT TO SECTION 24-1270X(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE. PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON
MONDAY MAY 7, 2012
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-587-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER THE MEETING UNDER PENALTY OF LAW
MEETING IS HANDICAP ACCESSIBLE

04/22/2012

myalw 4/22/12

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 0251 -A Address 3516 Bay Drive
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/11/2012 Posting Date: 4/22/2012 Closing Date: 5/7/2012

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

1. **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.
2. **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.
3. **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.
4. **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 2012- 0251 -A Address 3516 Bay Drive
Petitioner's Name Robert & Dyara Zomaida Telephone 410-335-1257
Posting Date: 4/22/2012 Closing Date: 5/7/2012
Wording for Sign: To Permit a proposed a proposed accessory structure (detached pool and brick decking) in the side yard in lieu of the required rear yard only.

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

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

SUBJECT: Zoning Advisory Committee Meeting
For April 30, 2012
Item No. 2012-0251

DATE: April 26, 2012

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 9.5feet.

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
cc: File
ZAC-ITEM NO 12-0251-04302012.doc

ORDER RECEIVED FOR FILING

Date 5-16-12

By pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 04 2012
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(EPS) - Development Coordination

DATE: May 4, 2012

SUBJECT: EPS Comment for Zoning Item # 2012-0251-A
Address 3516 Bay Drive
(Zomoida Property)

Zoning Advisory Committee Meeting of April 16, 2012.

EPS 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 waterfront property is located in a Limited Development Area (LDA) and a Buffer Management Area (BMA) within the Chesapeake Bay Critical Area (CBCA). Development of this property must comply with maximum lot coverage limits, must meet BMA requirements for development within the 100-foot tidal buffer, and must meet a 15% tree cover requirement. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with compliance and mitigation pursuant to Critical Area requirements. Mitigation requirements may include removal of existing lot coverage, and the planting of native trees and shrubs.
2. The proposed development must comply with all LDA and BMA requirements prior to building permit approval. This includes the 15% afforestation requirement and CBCA lot coverage requirements. Therefore, the subject zoning petition will conserve fish, wildlife, and plant habitat.
3. The proposed development is permitted under the State-mandated Critical Area regulations provided that development is in compliance with all Critical Area requirements. Lot coverage on the property is limited. Compliance with the Critical Area requirements, and mitigation can allow the subject development to be consistent with established land use policy for development in the CBCA which accommodate growth and also address the fact that, even if pollution is

ORDER RECEIVED FOR FILING

Date

By

5-16-12

A handwritten signature in blue ink, appearing to be "J. Lykens", written over a horizontal line.

Hon. Lawrence M. Stahl, Managing Administrative Law Judge
EPS Comments, Zoning Item # 2012-0251-A
3516 Bay Drive 21220
Page 2

controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

Reviewer: *Paul Dennis; Environmental Impact Review*

ORDER RECEIVED FOR FILING

Date 5-16-12

By pd



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 16, 2010

ROBERT A. AND DYANA L. ZOMOIDA
3516 BAY DRIVE
BALTIMORE MD 21220

RE: Petition For Administrative Variance
Case No. 2012-0251-A
Property: 3516 Bay Drive

Dear Mr. and Mrs. Zomoida:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Stahl", is written over the typed name "LAWRENCE M. STAHL".

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:pz

Enclosure

Case No.: 2012-0257-A

Exhibit Sheet

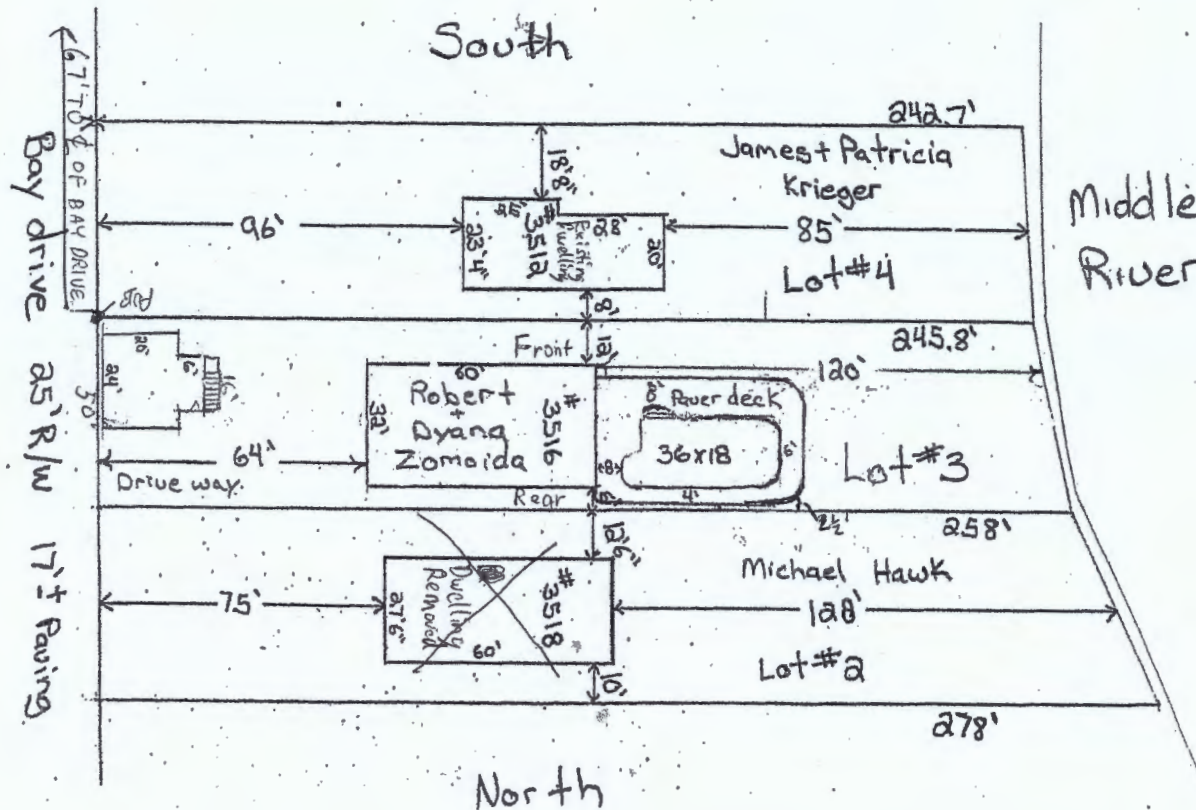
193 6/18/12
6/18/12
J

Petitioner/Developer

Protestants

No. 1	site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH ☒)
 ADDRESS 3516 Bay drive OWNER(S) NAME(S) Robert + Dyana Zomaida
 SUBDIVISION NAME Bowley's Quarters LOT # 3 BLOCK # _____ SECTION # _____
 PLAT BOOK # 9 FOLIO # 56 10 DIGIT TAX # 1501920114 DEED REF. # 15204/00697



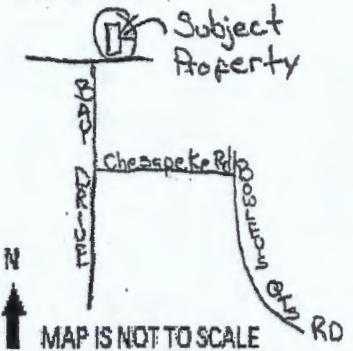
PLAN DRAWN BY RAZ

DATE 4/11/2012 SCALE: 1 INCH = 50 FEET

2012-0251-A

Exhibit 1

SITE VICINITY MAP



ZONING MAP # 098C2

SITE ZONED R.C.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE .287

OR SQUARE FEET 12,500

HISTORIC? NO

IN CBCA? yes

IN FLOOD PLAIN? yes

UTILITIES? MARK WITH ☒

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? yes

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2002-0339-A

VIOLATION CASE INFO:

NONE

M E M O R A N D U M

DATE: June 18, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0251-A - Appeal Period Expired

The appeal period for the above-referenced case expired on June 15, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment4-26

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

Comments5-4

DEPS

(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

4-19

STATE HIGHWAY ADMINISTRATION

nc

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2002-0339-A)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 4-22by Ogle

PEOPLE'S COUNSEL APPEARANCE

Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes ☐ No ☐

Comments, if any:

2002-0339-A previous case



View of yard from porch



View of yard from bulkhead

2012-025/11



View of driveway from porch



View of driveway from street

2012-0251-A



View of porch from neighbor's property



View of porch from neighbors property

2012-0251-A



View from neighbor's property street side



View from neighbors property water side

2012-0251-4

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

2012-0251-A

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier:

District - 15 Account Number - 1501920114

Owner Information

Owner Name: ZOMOIDA ROBERT A
ZOMOIDA DYANA L
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 3516 BAY DR
BALTIMORE MD 21220-4403
Deed Reference: 1)/15204/ 00697
2)

Location & Structure Information**Premises Address**

3516 BAY DR
0-0000

Legal Description

BAY DR
Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	3
0098	0011	0016		0000			3	3	Plat Ref:	0009/ 0056

Town NONE

Special Tax Areas**Ad Valorem****Tax Class****Primary Structure Built**

2004

Enclosed Area

3,204 SF

Property Land Area

12,550 SF

County Use

34

Stories 2.000000
Basement NO
Type STANDARD UNIT FRAME
Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2011	07/01/2012
Land	322,100	262,100		
Improvements:	343,300	239,100		
Total:	665,400	501,200	665,400	501,200
Preferential Land:	0			0

Transfer Information

Seller: ZOMOIDA ROBERT A	Date: 05/15/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15204/ 00697	Deed2:
Seller: AUSTEN NELSON EUGENE	Date: 08/15/1994	Price: \$132,000
Type: NON-ARMS LENGTH OTHER	Deed1: /10703/ 00702	Deed2:
Seller: AUSTEN W EDWARD	Date: 12/05/1990	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08665/ 00807	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:**Exempt Class:****Special Tax Recapture:**

NONE

Homestead Application Information

Homestead Application Status: Approved 01/13/2009

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
W/S Bay Drive, 125' N		
of Bay Drive	*	DEPUTY ZONING COMMISSIONER
15th Election District		
5th Councilmanic District	*	OF BALTIMORE COUNTY
(3516 Bay Drive)		
	*	CASE NO. 02-339-A
Dyana L. & Robert A. Zomoida		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by Dyana L. and Robert A. Zomoida, the legal owners of the subject property. The variance request is for property located at in the eastern area of Baltimore County. The Petitioners herein seek a variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a setback of 13 ft. and 5 ft. in lieu of the required 50 ft. respectively and to approve an undersized lot per Section 304 of the B.C.Z.R. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

MEMORANDUM

TO: Kristen Lewis
Office of Zoning Review

FROM: Timothy M. Kotroco, Administrative Law Judge
Office of Administrative Hearings

DATE: June 10, 2011

SUBJECT: Case No. 2011-0330-SPH (Scheduled for June 14, 2011)

The above-referenced case was scheduled before the undersigned on June 14, 2011 at 10:00 AM in Room 205 of the Jefferson Building. It had been properly posted and advertised prior to the hearing. On Friday, June 10, 2011, Michael Hawk, Petitioner, visited our Office and requested a postponement for approximately thirty (30) days to allow a possible resolution with the Zomoida family located at 3516 Bay Drive.

The request was then granted (postponed) and both Mr. Hawk and Mrs. Zomoida family were advised of same via telephone today.

When this matter is rescheduled, please assign me to this case. Thanks.

TMK:dlw

c: File

*This case
never came
back for a
hearing*

*previous
case*



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 7, 2012

Robert & Dyana Zomoida
3516 Bay Drive
Baltimore MD 21220

RE: Case Number: 2012-0251-A, Address: 3516 Bay Drive, 21220

Dear Mr & Ms. Zomoida:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 11, 2012. 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: jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-19-12

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

RE: Baltimore County
Item No 2012-0251-A
Administrative Variance
Robert A. & Dyma L. Zomoida
3516 Bay Drive.

Dear Ms. Lewis:

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. 2012-0251-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller', is written over the typed name 'Steven D. Foster'.

Steven D. Foster, Chief
Access Management Division

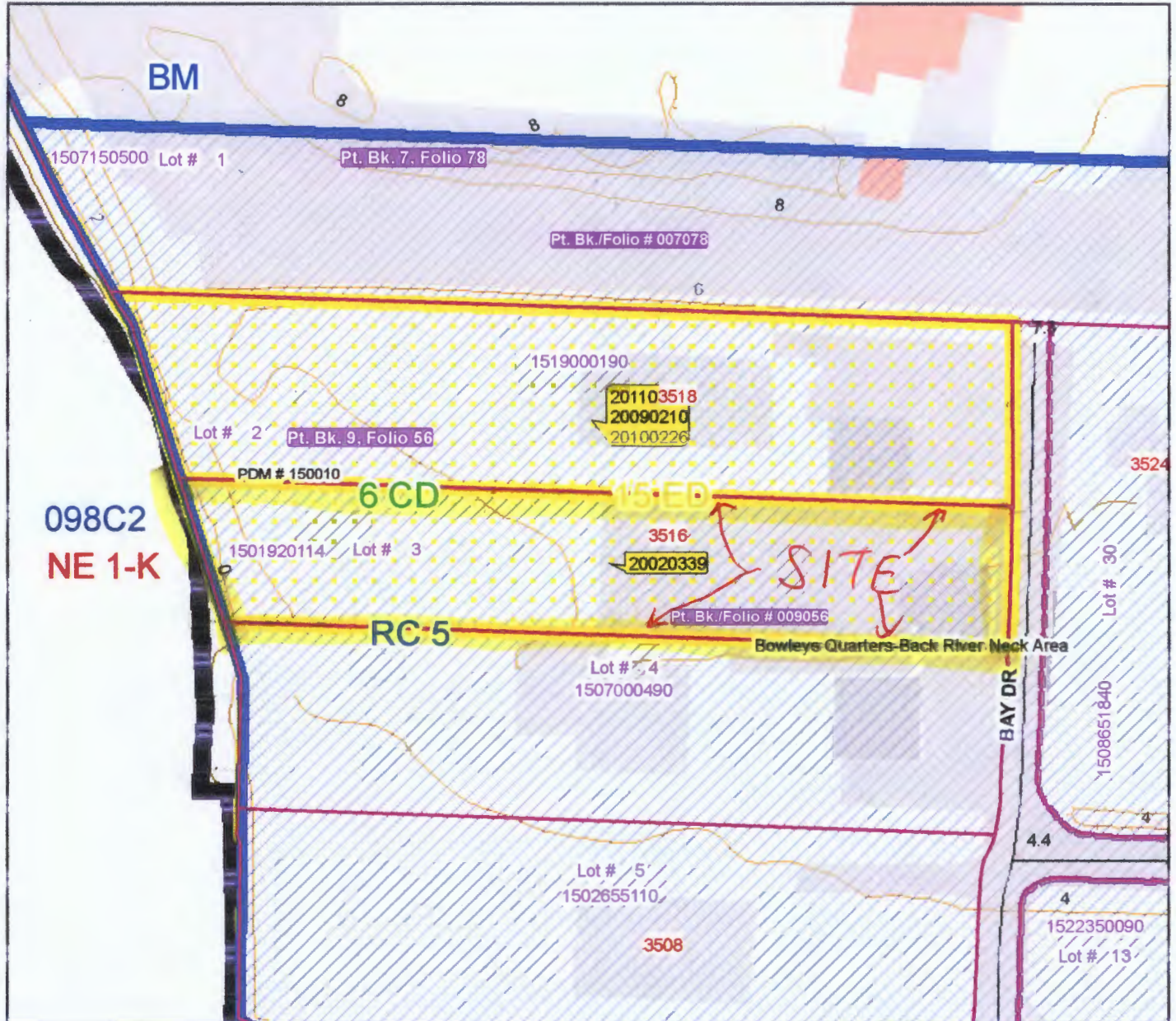
SDF/raz

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.roads.maryland.gov

3516 Bay Drive



Publication Date: April 11, 2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

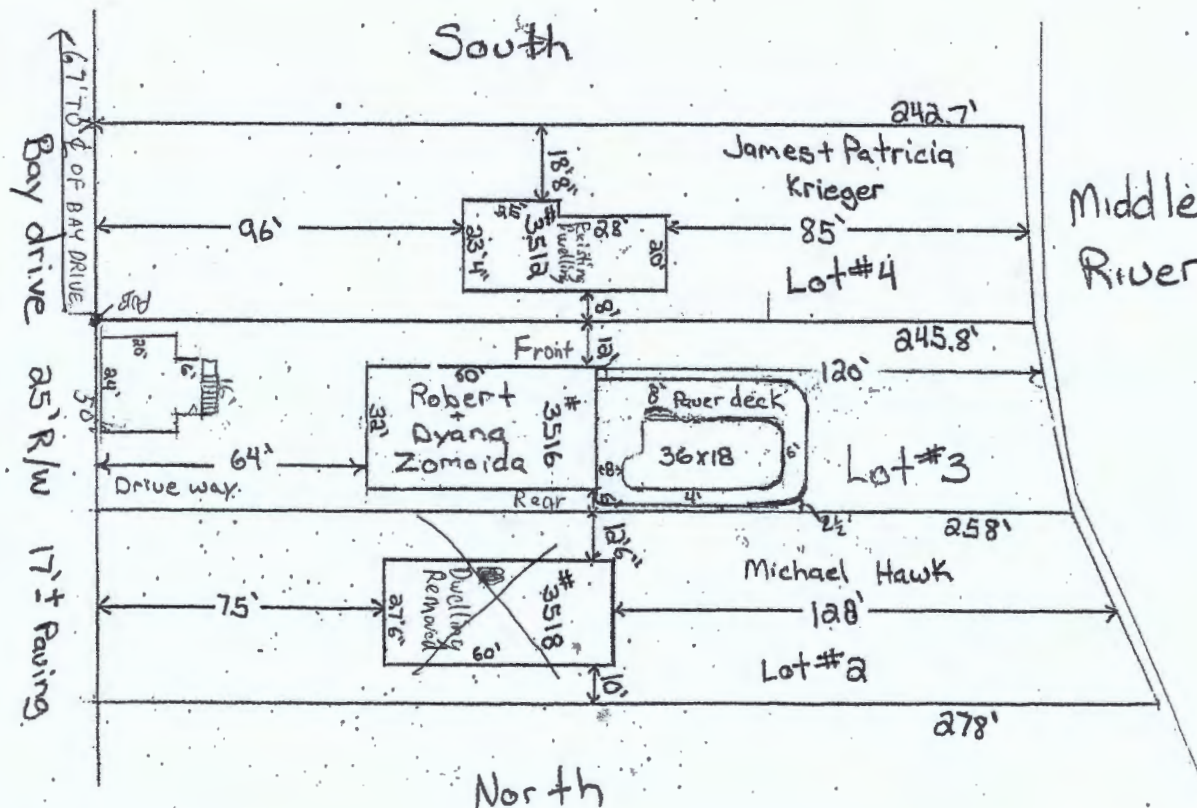


0 50 100
Feet

1 inch = 50 feet

2012-0251-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 3516 Bay drive OWNER(S) NAME(S) Robert + Dyana Zomaida
 SUBDIVISION NAME Bowley's Quarters LOT# 3 BLOCK# _____ SECTION# _____
 PLAT BOOK # 9 FOLIO # 56 10 DIGIT TAX # 1501920114 DEED REF. # 15204100692

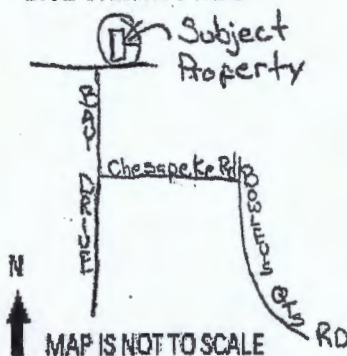


PLAN DRAWN BY RAZ

DATE 4/11/2012 SCALE: 1 INCH = 50 FEET

2012-0251-A

SITE VICINITY MAP



ZONING MAP# 098C2

SITE ZONED R.C.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE .287

OR SQUARE FEET 12,500

HISTORIC? NO

IN CBCA? yes

IN FLOOD PLAIN? yes

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? yes

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2002-0339-A

VIOLATION CASE INFO:

NONE
