

IN RE: PETITION FOR VARIANCE
SE side of Bay Drive, 975' NE of
Chesapeake Road
15th Election District
6th Council District
(3643 Bay Drive)

Timothy W. Starkey
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0300-A**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Timothy W. Starkey. The Petitioner is requesting Variance relief from §§ 1A04.3.A and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a replacement dwelling with a height of 44'¹ in lieu of the maximum allowed 35', and to permit an accessory structure (gazebo) to be located in the side yard in lieu of the permitted 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 Petitioner's Exhibit 1.

Appearing at the public hearing in support for this case was Petitioner Timothy W. Starkey, Bernadette Moskunus of Site Rite Surveying, the professional land surveyor who prepared the site plan, Ben Battaglia with Battaglia Homes, and John Schmidt, Zoning Chairman of the Bowleys Quarters Improvement Association. Lawrence E. Schmidt, Esquire, attended as attorney for the Petitioner. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. Appearing in

¹ Although the petition as filed sought relief for a 52' height, Petitioner's counsel explained that the height of the proposed dwelling was in fact 44', and the petition was amended accordingly. As noted later in this Opinion, this amendment was pivotal in gaining the support of the Bowleys Quarters Community Association, one of the community groups representing Bowleys Quarters. See Protestant's Exhibit 1.

ORDER RECEIVED FOR FILING

Date 7-12-12

opposition to the request was Janet Walper, President of the Bowleys Quarters Community Association.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. A ZAC comment was received from the Department of Planning on June 22, 2012, indicating that Petitioner needed to submit to that Department the following information, so that the agency can make the requisite findings, as required in the RC 5 zone:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. 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.
4. 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.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

In addition, ZAC comments were submitted from the Department of Environmental Protection and Sustainability (DEPS) dated June 15, 2012, indicating that Petitioner was obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. § 500.14.

A ZAC comment was also received from the Bureau of Development Plans Review dated May 31, 2012 indicating that Petitioner must comply with Baltimore County's various floodplain regulations and building code requirements.

Testimony and evidence revealed that the subject property is 2.0+/- acres (87,555 square feet) and zoned RC 5. At present, the property is vacant, although it was improved with a single

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Date 7-12-12

2

By mt

family dwelling that was razed some time after Hurricane Isabel. The Petitioner acquired the lot last year, and would like to construct a large single family dwelling on the site, as shown in Petitioner's Exhibit 4. Though no setback variances are required, the Petitioner does require a height variance and an accessory structure (gazebo) location variance to build the home as proposed.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test.

As shown on Petitioner's Exhibit 2, the Bowleys Quarters area was designed and developed (with rare exceptions) with 50' lot widths and small size lots. This case presents one of the rare exceptions: Petitioner's lot is two acres in size, and is 250' wide at Bay Drive, and 300' wide at the waterfront. In addition, the lot has an irregular shape, with a small "appendage" on the southeast side of the lot. These factors are more than sufficient to render the property unique.

The Petitioner would experience a practical difficulty if the regulations were strictly enforced, since he would be unable to construct the home as planned. Finally, I do not believe the zoning relief will be detrimental to the community's health, safety and welfare. Petitioner indicated his immediate neighbors are supportive of his request and both community associations in the area as well. Originally, the Bowleys Quarters Community Association was opposed to the proposed height, but Ms. Walper (President of Bowleys Quarters Community Association) explained that after reviewing the elevation drawings her Association could support the request.

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Date 7-12-12
By ms

The Petitioner mistakenly included the cupola in the calculation of the dwelling's height, and in fact the proposed height of the structure is 44'. See B.C.Z.R. § 300.1 ("height limitations of these regulations shall not apply to...cupolas"). With respect to the gazebo, the side yard placement greatly benefits the adjoining neighbors, whose views of the waterfront will not be blocked, as shown on Exhibit 1.

One final note is in order, concerning the ZAC comment submitted by the Department of Planning. Unfortunately, I think that Department has received conflicting advice from this Office concerning the standards and findings required for new construction in the RC 5 zone. While it may be that in a Hearing Officer's Hearing on a development plan the Department of Planning would submit such findings to the Office of Administrative Hearings prior to the issuance of an order in the case, that is not practical (or maybe even possible) in the context of a zoning hearing involving a single lot of record. Petitioners in such hearings simply have not prepared detailed plans and/or elevations with sufficient detail (nor should they go to such expense until they know they have been granted zoning relief) to enable the Department of Planning to undertake this review. As such, the relief granted herein will be conditioned upon Petitioner's compliance with these Performance Standards at the time of building permit approval.

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 12 day of July, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from §§ 1A04.3.A and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a replacement dwelling with a height of 44' in lieu of the maximum allowed 35', and to permit an accessory structure (gazebo) to

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Date 7-12-12
By pm 4

be located in the side yard in lieu of the permitted rear yard only, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for a building permit and may 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 such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.
2. Petitioner must comply with the ZAC comments Bureau of Development Plans Review dated May 31, 2012, and the Department of Environmental Protection and Sustainability dated June 15, 2012, copies of which are attached hereto and made a part hereof.
3. Prior to obtaining a building permit, the Petitioner shall comply with the ZAC comments made by the Department of Planning (relative to the RC5 Performance Standards) dated June 22, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 7-12-12

By [signature]

MEMORANDUM

DATE: August 15, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0300-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 13, 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

**CBCA****PETITION FOR ZONING HEARING(S)****FLOOD PLAIN**

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 3643 Bay Dr. which is presently zoned RC5
Deed References: 31402/420 10 Digit Tax Account # 1521400041
Property Owner(s) Printed Name(s) Tim Starkey(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for3. X a Variance from Section(s) AO4.3.A BCZR & 400.1, BCZR, to permit a replacement dwelling with a height of 44 feet in lieu of the maximum allowed 35 feet, and to permit an accessory structure (gazebo) to be located in the side yard in lieu of the permitted rear yard only.of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)**TO BE PRESENTED AT HEARING**

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

I, or we, agree to pay expenses of above 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

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

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

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2012-0300-A Filing Date 5/22/12

Do Not Schedule Dates: _____

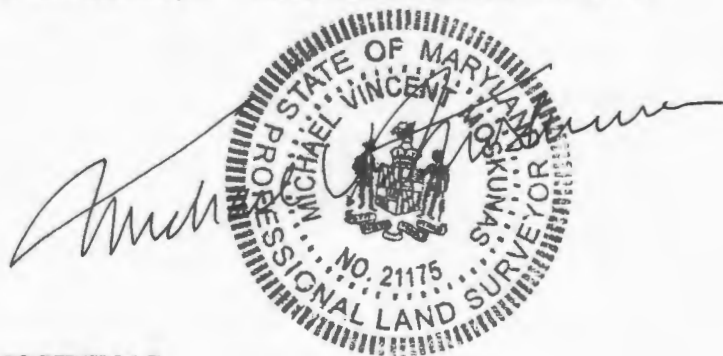
Reviewer JS/JP

REV. 10/4/11

ORDER RECEIVED FOR FILINGDate 7-12-12By JS

ZONING PROPERTY DESCRIPTION FOR #3643 BAY DRIVE

BEGINNING AT A POINT ON THE SOUTHEAST SIDE OF BAY DRIVE WHICH IS 30 FEET WIDE AT A DISTANCE OF 975 FEET NORTHEAST OF THE CENTERLINE OF CHESAPEAKE ROAD WHICH IS 30 FEET WIDE; THENCE BINDING ALONG BAY DRIVE NORTH 52 DEGREES 46 MINUTES 30 SECONDS EAST, 250.00 FEET; THENCE LEAVING BAY DRIVE AND RUNNING SOUTH 37 DEGREES 13 MINUTES 30 SECONDS EAST, 300.00 FEET; THENCE NORTH 52 DEGREES 31 MINUTES 42 SECONDS EAST, 50.00 FEET; THENCE SOUTH 37 DEGREES 28 MINUTES 18 SECONDS EAST, 50.00 FEET TO THE WATERS OF THE CHESAPEAKE BAY; THENCE SOUTH 52 DEGREES 46 MINUTES 30 SECONDS WEST, 300.00 FEET ALONG SAID WATERS AND THENCE NORTH 37 DEGREES 13 MINUTES 30 SECONDS WEST, 350.00 FEET TO THE PLACE OF BEGINNING AS RECORDED IN DEED LIBER 31402, FOLIO 420, CONTAINING 2 ACRES OF LAND, MORE OR LESS. LOCATED IN THE 15TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT.



**MICHAEL V. MOSKUNAS
PROFESSIONAL LAND SURVEYOR
REG. NO. 21175
SITE RITE SURVEYING, INC.
200 E. JOPPA ROAD
ROOM 101
TOWSON, MD 21286**

2012-0300-A



KEVIN KAMENETZ
County Executive

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

July 12, 2012

LAWRENCE E. SCHMIDT, ESQUIRE
SMITH, GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

RE: Petition for Variance
Case No.: 2012-0300-A
Property: 3643 Bay Drive

Dear Mr. Schmidt:

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 "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: John Schmidt, Zoning Chairman, Bowleys Quarters Improvement Association, 1124 Bowleys
Quarters Road, Middle River MD 21220
Janet Walper, President, Bowleys Quarters Community Association, PO Box 484, Chase MD 21027

No. 83476
Date: 5-72-16

[illegible]

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

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2012-0300-A

Petitioner/Developer SITE ZITE
SURVEYING INC

Date Of Hearing/Closing: 7/11/12

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 3643 BAY DRIVE

This sign(s) were posted on June 20, 2012

Month, Day, Year

Sincerely,

Martin Ogle 6/20/12
Signature of Sign Poster and Date

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

ZONING NOTICE

CASE # 2012-0300-A

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

PLACE: ROOM 205 JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: WEDNESDAY, JULY 11, 2012
AT 10:00 A.M.

REQUEST:

VARIANCE TO PERMIT A REPLACEMENT DWELLING
WITH A HEIGHT OF 52 FEET IN LIEU OF THE MAXIMUM
ALLOWED 35 FEET AND TO PERMIT AN ACCESSORY
STRUCTURE (GAZEBO) TO BE LOCATED IN THE SIDE
YARD IN LIEU OF THE PERMITTED REAR YARD ONLY

POORWEATHERS DUE TO WEATHER AND OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CANCEL HEARING CALL 410-331-5391

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

MEETING IS HANDICAP ACCESSIBLE

Y. J. G. 6/20/12

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2012-0300-A

3643 Bay Drive

SE/S of Bay Drive, 975 N/e of Chesapeake Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Tim Starkey

Variance: to permit a replacement dwelling with a height of 52 feet in lieu of the maximum allowed 35 feet and to permit an accessory (gazebo) to be located in the side yard in lieu of the permitted rear yard only.

Hearing: Wednesday, July 11, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

8/29/12 JMT

304469

CERTIFICATE OF PUBLICATION

6/21/, 2012

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 6/21/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING



KEVIN KAMENETZ
County Executive

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

June 13, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0300-A

3643 Bay Drive
SE/S of Bay Drive, 975 N/e of Chesapeake Road
15th Election District – 6th Councilmanic District
Legal Owners: Tim Starkey

Variance to permit a replacement dwelling with a height of 52 feet in lieu of the maximum allowed 35 feet and to permit an accessory structure (gazebo) to be located in the side yard in lieu of the permitted rear yard only.

Hearing: Wednesday, July 11, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Tim Starkey, 232 Cockeysville Road, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 21, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 21, 2012 Issue - Jeffersonian

Please forward billing to:

Tim Starkey
232 Cockeysville Road
Cockeysville, MD 21030

410-375-6000

NOTICE OF ZONING HEARING

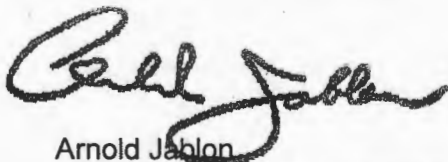
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SE/S of Bay Drive, 975 N/e of Chesapeake Road
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Hearing: Wednesday, July 11, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
3641 Bay Drive; SE/S Bay Drive, 975'
N/E of Chesapeake Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Tim Starkey
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-300-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAY 30 2012

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of May, 2012, a copy of the foregoing Entry of Appearance was mailed to Tim Starkey, 232 Cockeysville Road, Cockeysville, MD 21030, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0300-A

Petitioner: TIM STARKEY

Address or Location: 3643 Bay Dr

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tim Starkey

Address: 232 Cockeysville Cockeysville MD 21030

Telephone Number: 410 375-6000

Revised 2/17/11 DT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 22, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3641 Bay Drive

Item Number: 12-300

Petitioner: Tim Starkey

Zoning: RC 5

Requested Action: Variance

RECEIVED

JUN 28 2012

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request. However, this department is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this department:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. 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.
4. 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.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Department of Planning at 410-887-3480.

Prepared by:

Division Chief:
AVA/LL: CM

ORDER RECEIVED FOR FILING

Date

7-12-12

By

ps

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JUN 16 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
(DEPS) - Development Coordination

DATE: June 15, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0300-A
Address 3641 Bay Drive
(Starkey Property)

Zoning Advisory Committee Meeting of May 28, 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. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to construct a single family dwelling with greater height than permitted and to allow an accessory structure in the side yard. The lot is waterfront and is currently undeveloped. The proposed dwelling and gazebo are partially within the 100-foot buffer. Lot coverage on the entirety of this property is limited to 15%; proposed lot coverage is shown at 12.8%. If the applicant can also meet the BMA requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.
2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.
3. This office is unable to determine whether the applicant's proposal is consistent with this goal. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger; Environmental Impact Review

ORDER RECEIVED FOR FILING

Date

7-12-12

By

PS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 11, 2012
Item No. 2012-0300

DATE: May 31, 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 7.7 feet [NAVD 88].

The flood protection elevation is 8.7feet.

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 12-0300-06112012.doc

ORDER RECEIVED FOR FILING

Date 7-12-12

By AK

Case No.:

2012-300-A

10/8-15-12

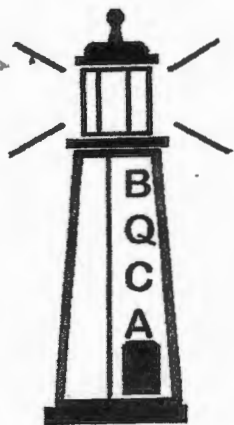
7/12/12
B

Exhibit Sheet

Petitioner/Developer

Protestant / CITIZEN

No. 1	Sitz Plan	Letter BCQA dated 7-10-12
No. 2	Bowley's Quarters Plat 1	
No. 3	Ba Ho. Co. DPW Sewer System Drawing	
No. 4	Elevation drawing	
No. 5	Letter John Schmidt dated 7-11-12	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Bowleys Quarters Community Association

July 10, 2012

To the Hearing Officer of Baltimore County,

I am writing on behalf of the Bowleys Quarters Community Association to address the Variance Request with case number 2012-0300A for 3641 Bay Drive in Bowleys Quarters. The owners are requesting a variance to allow a height of 52 feet for the proposed residence and a side yard variance to allow a gazebo.

We support their application to build a home on their property; however we oppose their request for a variance to allow it to be built 52 feet high. The area is zoned RC 5 and the buildings are limited to a height of 35 feet. With the rebuilding of homes after hurricane Isabelle, Baltimore County has been providing variances of up to ten feet to allow building heights of 45 feet. We feel that this variance of ten feet would be appropriate for this property in order to provide the building rights that are enjoyed by others. We oppose increasing the building height to go beyond 45 feet and wish to avoid additional homes requesting a few feet more than their last neighbor's request which would eventually lead to the elimination of height limits. We do not oppose the side yard location of their gazebo as long as the location does not obstruct the neighbor's waterfront panoramic view.

Respectfully Submitted,

Janet Walper

President, Bowleys Quarters Community Association

P. O. Box 484

Chase, Maryland 21027

www.BQCA.org

Citizens' # 1

CASE NAME STANLEY
CASE NUMBER 12-300 ^{1A}
DATE 7/11/

CASE NAME STANLEY
CASE NUMBER 12-300 ^{1A}
DATE 7/11/

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Starkey
CASE NUMBER 2012-0300A
DATE 6/11/12

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

JANET WALPER

1123 CHESTER RD

SALTO COUNTY MD. 21220

JANETO@QCA.org

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment5-31DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comments6-15DEPS
(if not received, date e-mail sent _____)Sw/Cond

FIRE DEPARTMENT

6-22PLANNING
(if not received, date e-mail sent _____)Comments6-1

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

6-21-12

SIGN POSTING

Date:

6-20-12by Dgle21 days ✓

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

SDAT: Real Property Search

Maryland Department of Assessments and Taxation
Real Property Data Search (vfw6.2A)
BALTIMORE COUNTY

View
New Search
GroundRent
Redemption
GroundRent
Registration

Account Identifier:
Owner Name:
Mailing Address:

District - 15 Account Number - 1521400041
STARKEY TIMOTHY W
STARKEY SANDRA J
SUITE C1
232 COCKEYSVILLE RD
COCKEYSVILLE MD 21030-

RESIDENTIAL
NO
1) /31402/ 00420
2)

Use:
Principal Residence:
Deed Reference:

Location & Structure Information
Legal Description
2.0087 AC
SES BAY DR
Waterfront 830FT SW WYE RD

Assessment Area
3

Plat No:
Plat Ref:

Premises Address
3643 BAY DR
0-0000

Map
0098
Grid
0011
Parcel
0510

Sub District
Town
Ad Valorem
Tax Class

Enclosed Area

Property Land Area
2.0000 AC

County Use
34

Special Tax Areas

Primary Structure Built
Basement

Type
Exterior

Value Information
Phase-in Assessments
As Of
07/01/2011

Stories

Base Value

Value
As Of
01/01/2012
321,000
0
321,000

363,000
0
321,000

Transfer Information

Date:
Deed1:
Date:
Deed1:
Date:
Deed1:

Price:
Deed1:
Pri
D

Land
Improvements:
Total:
Preferential Land:

Seller:
Type:
Seller:
Type:
Seller:
Type:

UMERLEY WANDA
ARMS LENGTH VACANT
UMERLEY LEO JR DALY BARBARA
NON-ARMS LENGTH OTHER
UMERLEY LEO J
NON-ARMS LENGTH OTHER

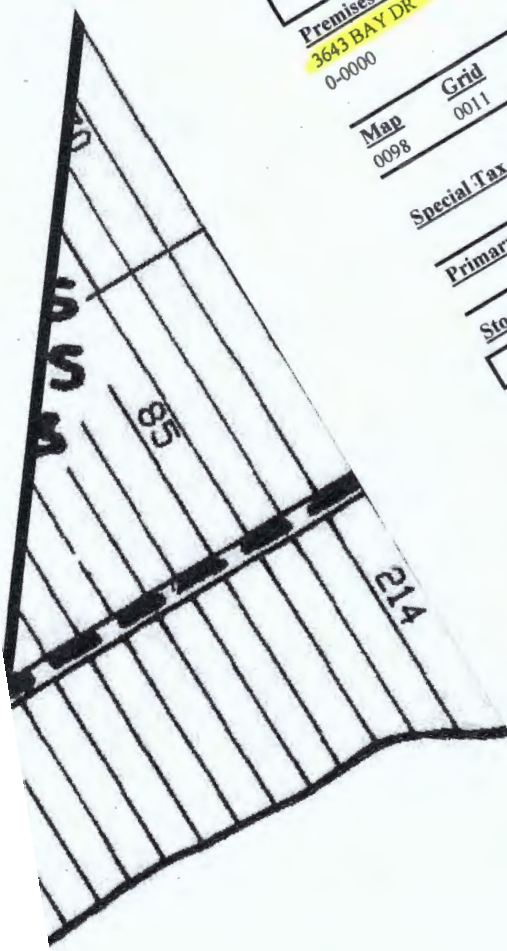
Exemption Information
Class
000
000
000

Partial Exempt Assessments
County
State
Municipal

Tax Exempt:
Exempt Class:

Homestead Application Information
No Application

Homestead Application Status:



Debra Wiley - ZAC Comments - Distribution Mtg. of May 28, 2012

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 6/11/2012 1:36 PM
Subject: ZAC Comments - Distribution Mtg. of May 28, 2012

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2008-0531-SPHX - 810 Back River Neck Road
No hearing date in data base as of 6/11/12

2012-0295-A - 12628 Fork Road
Administrative Variance - Closing Date: 6/11/12

2012-0296-A - 1228 Birch Avenue
Administrative Variance - Closing Date: 6/16/12

2012-0297-A - 2919 Cornwall Road
No hearing date in data base as of 6/11/12

2012-0299-A - 6701 North Point Road
Administrative Variance - Closing Date: 6/18/12

2012-0300-A - 3641 Bay Drive
No hearing date in data base as of 6/11/12

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - ZAC Comments - Distribution Meeting of June 4th

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 6/11/2012 1:52 PM
Subject: ZAC Comments - Distribution Meeting of June 4th

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0301-SPHA- 411 Lorraine Avenue
No hearing date per data base as of 6/11/12

2012-0302-A - 4017 Klausmier Road
Administrative Variance - Closing Date: 6/25/12

2012-0303-SPHA - 950 York Road
No hearing date in data base as of 6/11/12

2012-0304-A - 4020 Old Court Road
No hearing date in data base as of 6/11/12

2012-0305-A - 16 Betlou James Place
No hearing date in data base as of 6/11/12

2012-0306-SPHA - 6732 Fox Meadow Place
Administrative Variance - Closing Date: 5/7/12

2012-0307-SPH - 8044 Bradshaw Road
No hearing date in data base as of 6/11/12

2012-0308-A - 7801 Doe Ridge Drive
Administrative Variance - Closing Date: 7/2/12

2012-0309-A - 7208 Bridgewood Drive
Administrative Variance - Closing Date: 7/2/12

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

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

July 5, 2012

Tim Starkey
232 Cockeysville Road
Cockeysville, MD 21030

RE: Case Number: 2012-0300 A, Address: 3642 Bay Drive

Dear Mr. Starkey:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 22, 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: 6-1-12

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

RE: Baltimore County
Item No 2012-0300-A
Variance
Tim Starkey
3641 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. 2012-0300-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,

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 22, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 3641 Bay Drive

Item Number: 12-300

Petitioner: Tim Starkey

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request. However, this department is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this department:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. 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.
4. 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.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Department of Planning at 410-887-3480.

Prepared by:

Division Chief:
AVA/LL: CM

Case No.:

2012-300-A

1928-15-12

7/12/12
Bj

Exhibit Sheet

Petitioner/Developer

Protestant

/CITIZEN

No. 1	Site Plan	Letter BCQA dated 7-10-12
No. 2	Bowley's Quarters Plat 1	
No. 3	BaHo. Co. DPW Sewer System Drawing	
No. 4	Elevation drawing	
No. 5	Letter John Schmidt dated 7-11-12	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Bowley's Quarters Improvement Association
1124 Bowley's Quarters Rd.
Middle River, Md. 21220

7-11-12

Baltimore County : Administrative Law Judge
Variance #12-300
3641 Bay Drive

The Bowley's Quarters Improvement Association was founded in 1938, 74 years ago. We have been instrumental in much of the development of the Community over those years.

The variance #12-300 being discussed today, has become an issue due to the size of the house being requested by the petitioner.

It has always been the position of our Association that if adjoining neighbors of the issue, are in agreement with the petitioner, the Association does not participate in the hearing.

However this issue is slightly different.

The adjoining neighbors Mr. George Dorn 3637 Bay Drive, and Mr. Ronald Wriston 3701 Bay Drive were contacted by our president Mr. Mike Vivirito concerning this variance. Mr. George Dorn stated he was not opposed to the project. Mr. Wriston stated he would like to meet the developer Mr. Starkey and discuss in further detail the variance.

The meeting with Mr. Wriston and Mr. Starkey took place yesterday at the site 3641 Bay Drive, also in attendance were Mr. Vivirito, and myself.

Mr. Starkey displayed the construction plans for the house, and answered all of the questions asked by the attendees.

Mr. Wriston left the meeting stating that he felt he would not oppose the project and he would discuss it with some of the neighbors.

Let me say that I believe the project would be an asset to the community for the following reasons.

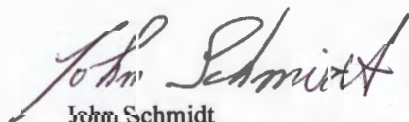
The lot is very large over 2 acres, with approximately 300 ft. of waterfront on the Chesapeake Bay.

The house proposed yes is very large, but is appropriate due to the size of the lot.

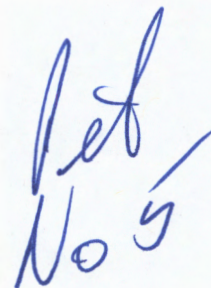
The house proposed is set back from the water the same distance as the adjoining houses to avoid obstructing, the views of the neighbors.

There are no houses on the opposite side of Bay Drive, as that property is zoned RC 20, is very low and prone to flooding, and will probably never be built upon.

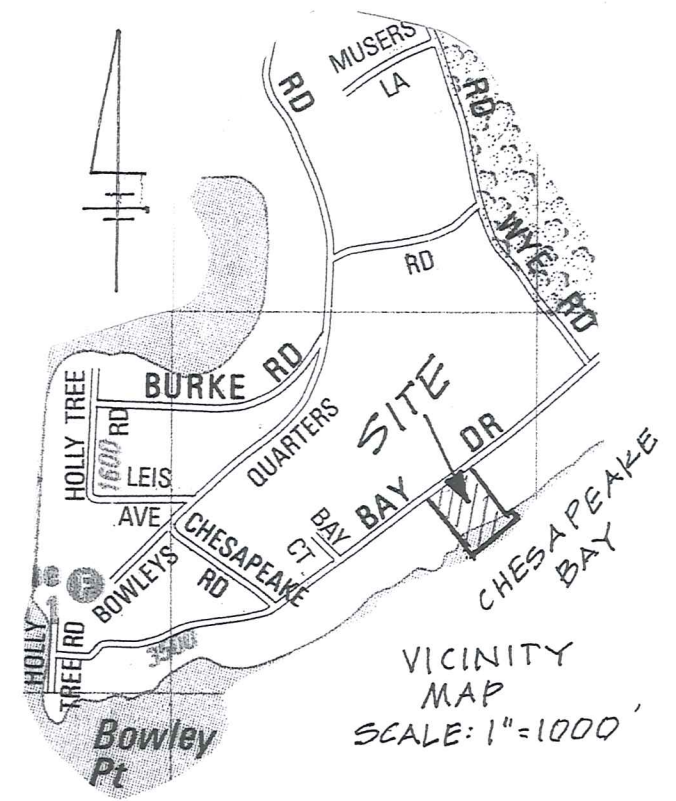
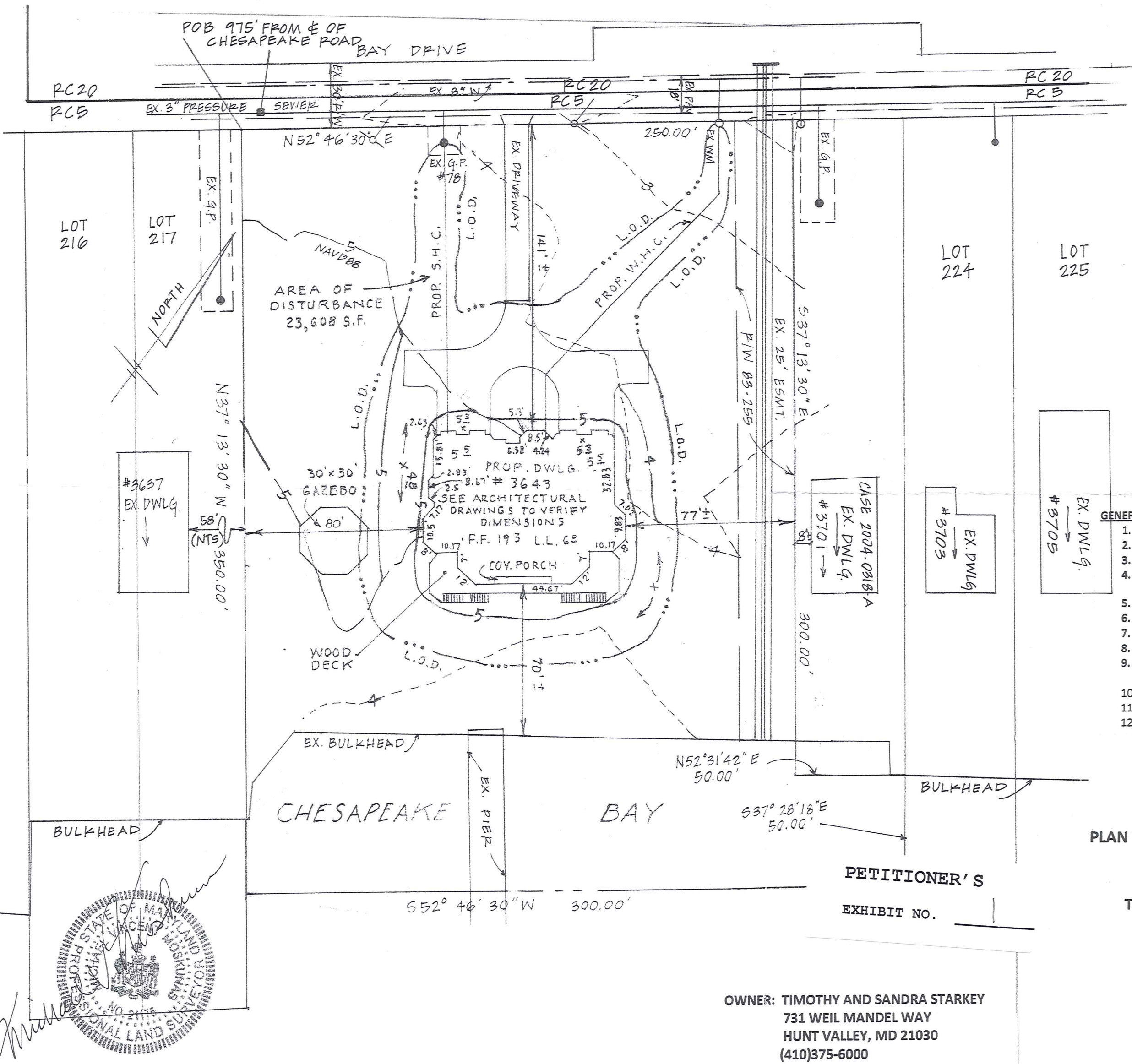
Therefore our association does not oppose this development.



John Schmidt
Zoning Chairman, Bowleys Quarters Improvement Association







GENERAL NOTES:

1. EXISTING ZONING: RC5 (098C2)
2. LOT AREA: 2 AC. +/- OR 87,555.60 SQ. FT.
3. THE PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
4. THERE WAS AN EXISTING DWELLING ON THE PROPERTY AT ONE TIME AS EVIDENCED BY THE SEWER DRWG. NO. 2000-0375
5. THIS PROPERTY IS LOCATED IN THE CBCA (LDA)
6. ALLOWABLE LOT COVERAGE: 15% (13,068 SQ. FT.)
7. PROPOSED LOT COVERAGE: 11,225 SQ. FT.
8. LOCATED WITHIN 100 YEAR FLOOD PLAIN: 2400100445F "AE"
9. CONTRACTOR TO MAINTAIN POSITIVE DRAINAGE AWAY FROM THE FOUNDATION AT ALL TIMES
10. TOPOGRAPHY SHOWN HEREON IS FIELD RUN BY OTHERS (McKEE & ASSOC.)
11. NOT LOCATED IN THE HISTORIC DISTRICT
12. THERE IS NOT PRIOR ZONING HISTORY

**PLAN TO ACCOMPANY PETITION FOR VARIANCE
"STARKEY RESIDENCE"**

#3643 BAY DRIVE

TAX MAP: 98 GRID: 11 PARCEL: 510

TAX ACCT. NO. 152140041

DEED REF.: 31402/420

ELECTION DISTRICT NO. 15 C6

BALTIMORE COUNTY, MD

SCALE: 1"=40'

MAY 18, 2012

10068

PETITIONER'S

EXHIBIT NO. 1

OWNER: TIMOTHY AND SANDRA STARKEY
731 WEIL MANDEL WAY
HUNT VALLEY, MD 21030
(410)375-6000

M I D D L E

C R E E K

EALLOWAY

Galloway
Creek,
Mann

HOLI

147
LONDON

245' ROAD

101-1

REC 10/03
7401 Burke 12

7.

///

A hand-drawn diagram of a cell. It features a large, irregular outer boundary representing the cell membrane. Inside, there is a smaller, roughly circular nucleus. Surrounding the nucleus is a network of lines representing the rough endoplasmic reticulum, with small dots indicating ribosomes.

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

C I E S A P E R K W

RAY

Put in Brooklyn quarter
Grewed for record May 27, 1921
Test — 14 mg. Cole Pink

1
PETITIONER'S
EXHIBIT NO. 1

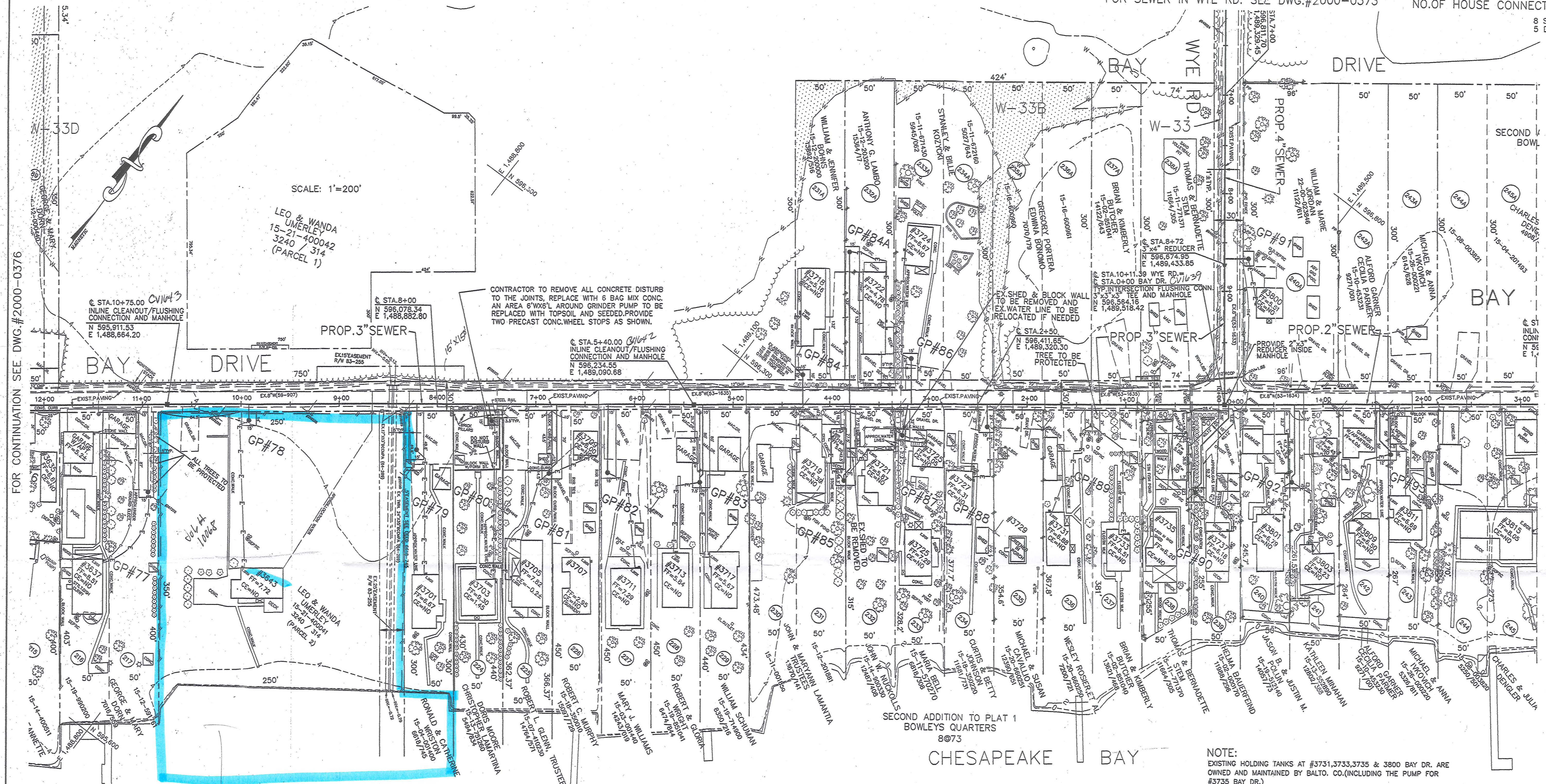
BOWLEYS QUARTER
PLAT NO.1

Scale 1"=200. April 5, 1921.
Edward V. Coonan and Company
Surveyors and Civil Engineers
Baltimore, Md.

- Indicates Location of Stake

J.W.D.A.-5-21.

W.P.C. Nº 7 PART 1 - 12



GP#	ADDRESS	EX.GROUND ELEV. 4" INVELEV. 6" GRINDER PUMP/GRINDER PUMP	GP STA.	NORTH	EAST
GP#79	3701 BAY DR.	3.5±	-2.75	Simplex	596,028.49 1,488,894.41
GP#80	3703 BAY DR.	4.3±	-1.95	Simplex	596,096.02 1,488,937.16
GP#81	3705 BAY DR.	5.0±	-4.50	***Duplex	596,090.40 1,489,016.20
GP#82	3711 BAY DR.	4.0±	-3.25	Simplex	596,126.50 1,489,063.30
GP#83	3713 BAY DR.	4.0±	-2.83	***Duplex	596,175.50 1,489,143.60
GP#84	3718 BAY DR.	4.0±	-2.25	Simplex	596,327.18 1,489,161.61
GP#84A	3722 BAY DR.	4.0±	-3.83	Simplex	596,452.36 1,489,255.54
GP#85	3721 BAY DR.	4.0±	-2.83	***Duplex	596,267.12 1,489,259.84
GP#86	3724 BAY DR.	4.0±	-3.25	Simplex	596,406.60 1,489,239.20

GP#	ADDRESS	EX.GROUND ELEV. 4" INVELEV. 6" GRINDER PUMP/GRINDER PUMP	GP STA.	NORTH	EAST
GP#87	3725 BAY DR.	3.5±	-5.08	Simplex	596,339.66 1,489,278.92
GP#88	3727 BAY DR.	3.0±	-3.25	Simplex	596,399.39 1,489,341.81
GP#89	3731 BAY DR.	3.0±	-4.83	***Duplex	596,465.50 1,489,424.70
GP#90	3735 BAY DR.	3.0±	-3.83	***Duplex	596,475.20 1,489,549.20
GP#91	3800 BAY DR.			FOR GRINDER PUMP INFORMATION SEE DWG #2000-373	

PROPOSED ELECTRIC CABLE FOR PROPOSED GRINDER PUMP.

*** EXIST. ELECT. METER TO BE RELOCATED TO OUTSIDE OF HOUSE BY OTHERS.

*** DUPLEX PUMP MUST BE USED AT THIS LOCATION, TWO SIMPLEXES WILL NOT BE ACCEPTED

NOTE:

EXISTING HOLDING TANKS AT #3731, 3733, 3735 & 3800 BAY DR. ARE OWNED AND MAINTAINED BY BALTO. CO. (INCLUDING THE PUMP FOR #3735 BAY DR.)

CONTRACTOR TO ABANDON THE EXIST. HOLDING TANKS AND PUMP AND PUMP PIT AFTER THE COMPLETION OF THE ENTIRE LOW PRESSURE SEWER SYSTEM. EXIST. TANKS AND PUMP PIT TO BE PUMPED OUT, TOPS TO BE CRUSHED OR REMOVED AND DISPOSED OF. TANKS/PITS TO BE FILLED WITH SAND, TO WITHIN 6" OF EXIST. GRADE. TOP 6" TO BE FILLED WITH TOPSOIL AND THEN SEEDED. EXIST. ALARM SYSTEM AND WIRING FROM EXIST. BOX IN HOUSE TO TANKS/PUMP ARE TO BE REMOVED AND DISPOSED OF. UNDER GROUND WIRE AND PIPE CAN BE ABANDONED IN PLACE. REMOVE AND DISPOSE OF THE EXIST. PUMP.

CONTRACTOR TO TIE THE ABOVE HOMES INTO THE NEW GRINDER PUMP AFTER THE COMPLETION OF THE ENTIRE LOW PRESSURE SEWER SYSTEM AND THE ABOVE WORK. COST FOR ALL ABOVE WORK INCLUDING ALL LABOR, MATERIALS, EQUIPMENT, PERMITS, ETC TO BE INCLUDED IN UNIT PRICE BID FOR "ABANDON EXIST. HOLDING TANKS/PITS" AND "TIE EXIST. HOME INTO NEW GRINDER PUMP SYSTEM"

NO HOUSE SHALL BE WITHOUT SEWER SERVICE FOR MORE THAN 8 HOURS.

PETITIONER'S

EXHIBIT NO. 3

FOR SEWER PROFILE IN BAY DR. SEE DWG.2000-0383

ROAD PERMIT AND GRADES		REVISED AS PER RECORD PRINT		DATE	REVISION	BY
PERMIT REQUESTED		DRAFTSMAN		DATE		
PERMIT NUMBER						
GRADE ESTABLISHED 11-2-93						
PROFILE NUMBER 63-1728						
BALTIMORE COUNTY		DESIGNED RFP		DATE		
ENGINEER		DRAWN RFP		DATE		
DATE 7/29/02		CHECKED JER		DATE		
LIC. NO. 14187						

SEWER	WATER	FIELD ENGINEER	BUR. OF ENGINEERING & CONSTRUCTION	DEPARTMENT OF PUBLIC WORKS	P. W. A. DIR. NO.	KEY SHEET	SCALE	BALTIMORE COUNTY	DEPARTMENT OF PUBLIC WORKS	BUREAU OF ENGINEERING & CONSTRUCTION
SAW	AFK	YCK	APPROVED William Knapman	APPROVED Paul C. Allen		Z-SW	PLAN: 1"=50'	MIAMI BEACH LOW PRESSURE SANITARY SEWER SYSTEM		
7/30/02	7/29/02	7/29/02	DATE 8/6/02	DATE 8-6-02		POSITION SHEET	PROFILE HOR. 1"=50' VERT. 1"=5'	BAY DRIVE	SCANNE	
						R/W 00-083	2 NE 46	FROM 3701 BAY DR. TO 3811 BAY DR.	EL. DISTRICT NO. 15.05	

CONTRACT NO.		02292 SXO	
JOB ORDER NO.		1-85-14	
SHEET 18 OF 28		DWG. NO.	
2000-0375		FILE: 1	



STREET ELEVATION

SCALE: 1/4" = 1'-0"

GENERAL NOTE
1. ALL MATERIALS AND DIMENSIONS
ARE SHOWN ON WATERFRONT ELEVATION

PETITIONER'S
EXHIBIT NO. 4

PROFESSIONAL CERTIFICATION

CERTIFICATION FOR BUILDING STRUCTURAL ELEMENTS ONLY.

Ret
No 4

PROFESSIONAL CERTIFICATION.
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND I AM A DUTY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE
STATE OF MARYLAND. LICENSE NO. 15453.
EXPIRATION DATE: JULY 2, 2013.

ARCHITECTURAL / INTERIOR
DESIGN SERVICES
JAMES W. BOYCE
6 BEECH DRIVE SUITE F
MIDDLE RIVER, MD. 21220

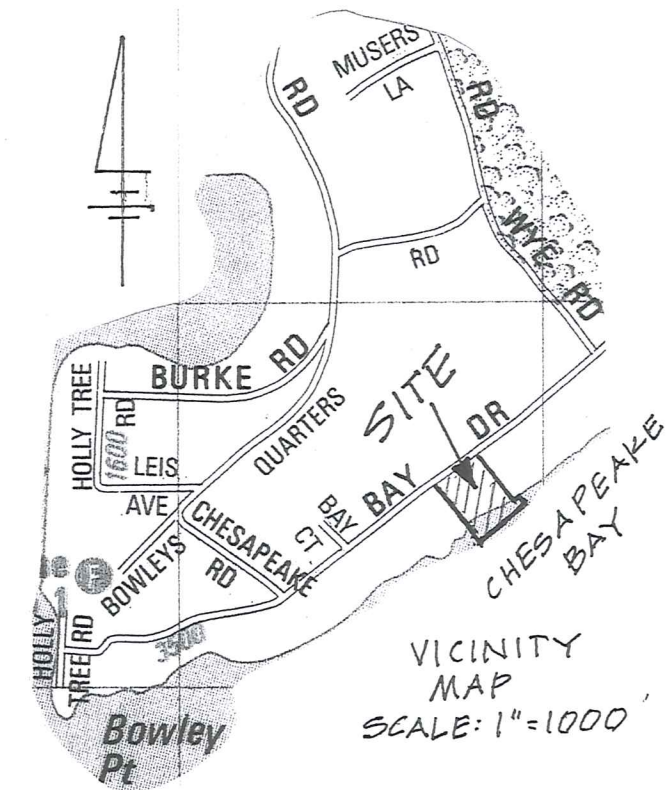
GEOFFREY A. TIZARD, P.E.
5 LEADBURN COURT
TOWSON MD 21204

NEW RESIDENCE FOR:
MR. & MRS. STARKEY
3643 BAY DRIVE
BOWLEY'S QUARTERS MD. 21220

STREET ELEVATION

DATE: APRIL 17, 2012
SCALE: 1/4" = 1'-0"
REV:
JOB NO: 2012-01

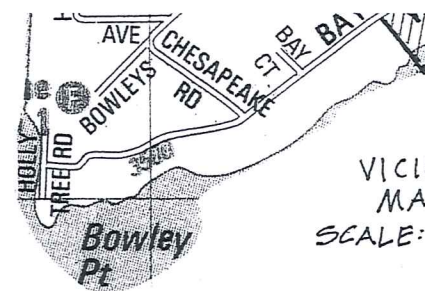
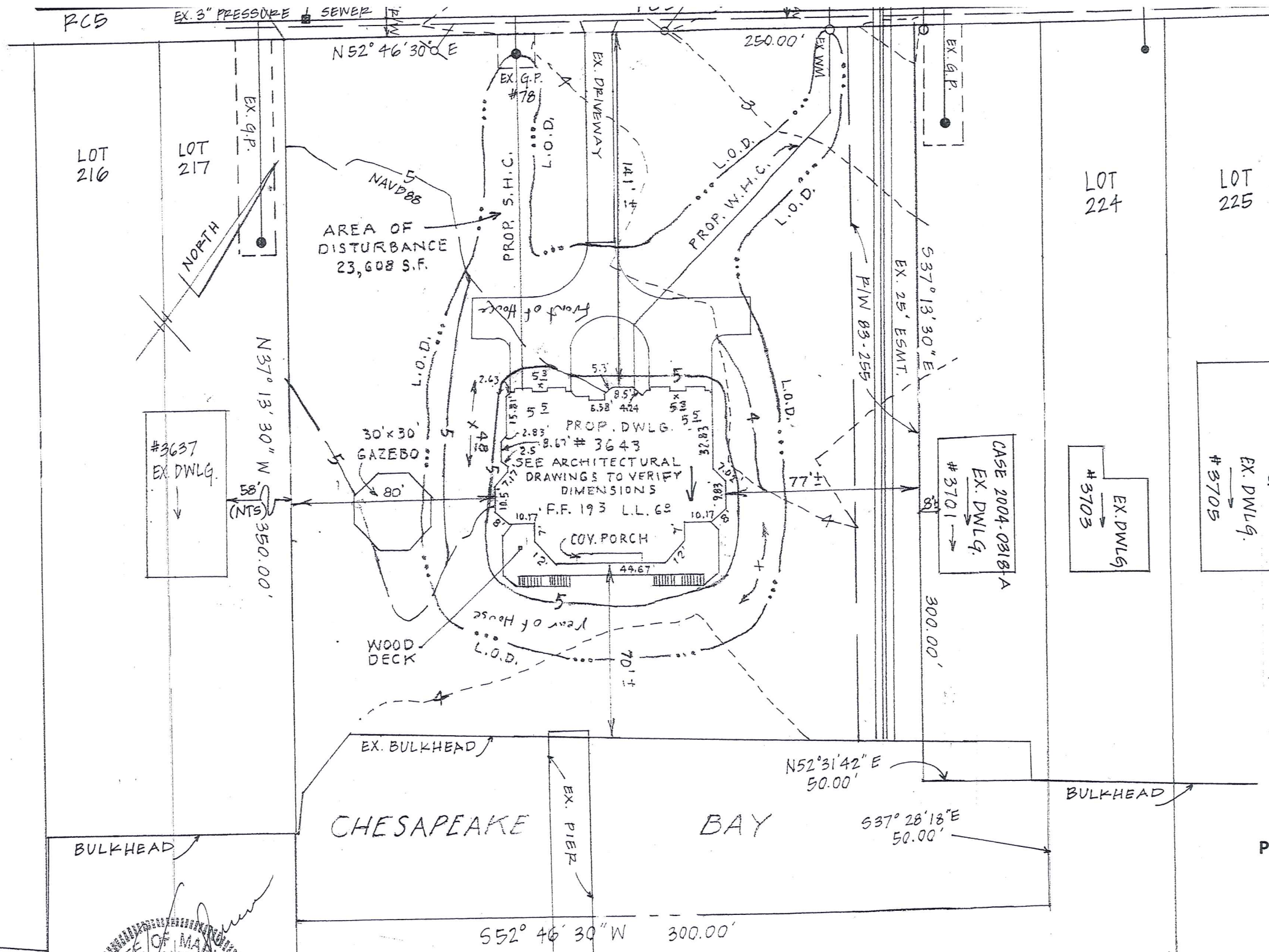
A4



1. EXISTING ZONING: RC5 (098C2)
2. LOT AREA: 2 AC.+/- OR 87,555.60 SQ. FT.
3. THE PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
4. THERE WAS AN EXISTING DWELLING ON THE PROPERTY AT ONE TIME AS EVIDENCED BY THE SEWER DRWG. NO. 2000-0375
5. THIS PROPERTY IS LOCATED IN THE CBCA (LDA)
6. ALLOWABLE LOT COVERAGE: 15% (13,068 SQ. FT.)
7. PROPOSED LOT COVERAGE: 11,225 SQ. FT.
8. LOCATED WITHIN 100 YEAR FLOOD PLAIN: 2400100445F "AE"
9. CONTRACTOR TO MAINTAIN POSITIVE DRAINAGE AWAY FROM THE FOUNDATION AT ALL TIMES
10. TOPOGRAPHY SHOWN HEREON IS FIELD RUN BY OTHERS (McKEE & ASSOC.)
11. NOT LOCATED IN THE HISTORIC DISTRICT
12. THERE IS NOT PRIOR ZONING HISTORY

**#3643 BAY DRIVE
TAX MAP: 98 GRID: 11 PARCEL: 510
TAX ACCT. NO. 152140041
DEED REF.: 31402/420
ELECTION DISTRICT NO. 15 C6
BALTIMORE COUNTY, MD
SCALE: 1"=40'
MAY 18,2012
10068**

2012-0300-A



GENERAL NOTES:

1. EXISTING ZONING: RC5 (098C2)
2. LOT AREA: 2 AC. +/- OR 87,555.60 SQ. FT.
3. THE PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
4. THERE WAS AN EXISTING DWELLING ON THE PROPERTY AT AS EVIDENCED BY THE SEWER DRWG. NO. 2000-0375
5. THIS PROPERTY IS LOCATED IN THE CBCA (LDA)
6. ALLOWABLE LOT COVERAGE: 15% (13,068 SQ. FT.)
7. PROPOSED LOT COVERAGE: 11,225 SQ. FT.
8. LOCATED WITHIN 100 YEAR FLOOD PLAIN: 2400100445F "
9. CONTRACTOR TO MAINTAIN POSITIVE DRAINAGE AWAY FROM THE FOUNDATION AT ALL TIMES
10. TOPOGRAPHY SHOWN HEREON IS FIELD RUN BY OTHERS (N
11. NOT LOCATED IN THE HISTORIC DISTRICT
12. THERE IS NOT PRIOR ZONING HISTORY

**PLAN TO ACCOMPANY PETITION FOR VARIANCE
"STARKEY RESIDENCE"**

#3643 BAY DRIVE
TAX MAP: 98 GRID: 11 PARCEL: 510
TAX ACCT. NO. 152140041
DEED REF.: 31402/420
ELECTION DISTRICT NO. 15 C6
BALTIMORE COUNTY, MD
SCALE: 1"=40'
MAY 18, 2012
10062

OWNER: TIMOTHY AND SANDRA STARKEY
731 WEIL MANDEL WAY
HUNT VALLEY, MD 21030
4401275 6000

