

IN RE: PETITION FOR ADMIN. VARIANCE *
(4025 Bay Drive)
15th Election District *
6th Council District *
Lydia T. Helmer *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2013-0205-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Lydia T. Helmer. The Petitioner is requesting Variance relief from Sections 1A04.3.A, 1A04.3.B.2.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement dwelling and accessory (in-law) apartment with a street centerline setback of 65 ft., a side yard setback as close as 4 ft. and a height of 42 ft., in lieu of the minimum required 75 ft., 50 ft. and maximum allowed 35 ft., and to permit an open projection (deck) with a side yard setback of 5 ft. in lieu of the minimum required 37.5 ft. 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.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Planning (DOP) dated April 4, 2013, indicating that the petition does not seek approval to operate a "boarding house," that Petitioner will comply with B.C.Z.R. Sections 101 and 400.4, and that the occupants of the accessory apartment and principal single-family dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption. A ZAC comment was also received from the Department of Environmental Protection and Sustainability

ORDER RECEIVED FOR FILING

Date 4-16-13

By RW

(DEPS) dated March 26, 2013, indicating that Petitioners were obliged to comply with certain Critical Area regulations, as set forth in B.C.Z.R. Section 500.14. In addition, a ZAC comment was received from the Bureau of Development Plans Review (DPR) dated March 22, 2013, indicating that the base flood elevation for the site is 8.5 feet [NAVD 88], and the flood protection elevation is 9.5 feet.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on March 24, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). 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. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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, variance relief should be granted.

THEREFORE, IT IS ORDERED, this 16th day of April, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 1A04.3.A, 1A04.3.B.2.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a replacement dwelling with a street centerline setback of 65 ft., a side yard setback as close as 4

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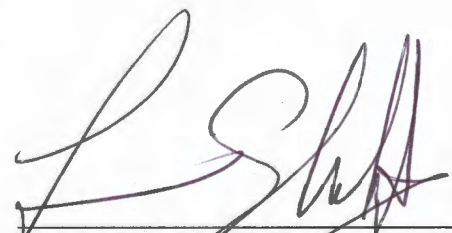
By aw

ft. and a height of 42 ft., in lieu of the minimum required 75 ft., 50 ft. and maximum allowed 35 ft., and to permit an open projection (deck) with a side yard setback of 5 ft. in lieu of the minimum required 37.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The relief granted herein pertains only to the street centerline, side yard setbacks and height requirements of the RC 5 zone. The administrative special hearing procedure can only be utilized for variances of height and area regulations. As such, approval for an in-law apartment will require a use permit and/or special hearing in the OAH, as set forth in Baltimore County Council Bill No. 49-11.
3. The Petitioner must comply with the ZAC comments submitted from DPR, DEPS, and DOP; copies of which are 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:dlw

ORDER RECEIVED FOR FILING

Date 4-16-13

By [Signature]



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 16, 2013

Lydia T. Helmer
4025 Bay Drive
Middle River, Maryland 21220

RE: PETITION FOR ADMINISTRATIVE VARIANCE
(4025 Bay Drive)
Case No. 2013-0205-A

Dear Ms. Helmer:

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.

Very truly yours,

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:dlw
Enclosure

c: Ryan Behneman, Penza & Bailey Architects, 401 Woodbourne Avenue,
Baltimore, MD 21212



OBCK

FLOOD PLAIN

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 4025 BAY DRIVEwhich is presently zoned RC-5Deed Reference 32205/0003910 Digit Tax Account # 1508303650Property Owner(s) Printed Name(s) LYDIA T. HELMER(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

1. X ADMINISTRATIVE VARIANCE from section(s) 1 A04.3.A, 1 A04.3.B.2.5, 3 30.1 BCZR TO PERMIT A REPLACEMENT DWELLING AND ACCESS/ATTACHMENT WITH A STREET CENTERLINE SETBACK OF 65 FEET, A SIDEYARD SETBACK AS CLOSE AS 4 FEET, AND A HEIGHT OF 42 FEET, WHERE OF THE MINIMUM REQUIRED 75 FEET, 50 FEET AND MAXIMUM ALLOWED 35 FEET, AND TO PERMIT AN OPEN PORCH (DECK) WITH A SIDEYARD SETBACK OF 5 FEET IN LIEU OF the zoning regulations of Baltimore County, to the zoning law of Baltimore County. THE MINIMUM REQUIRED 37 1/2 FEET

2. _____ 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:

LYDIA T HELMER

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4025 BAY DRIVE MIDDLE RIVER, MD

Mailing Address City State

21220 410-335-3983

Zip Code Telephone # Email Address

Representative to be contacted:

RYAN BEHNEMAN, PENZA BAILEY ARCHITECTS

Name - Type or Print

Signature

401 WOODBOURNE AVE. BALTIMORE, MD

Mailing Address City State

21212 (410)-435-6677 rbehnenman@penzabailey.com

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 2013-0205-AFiling Date 3/11/2013Estimated Posting Date 3/24/2013Reviewer JNP

Rev 10/12/11

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: 4025 BAY DRIVE MIDDLE RIVER, 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)

HEIGHT REGULATION The variance requested is to allow the space described as the "crow's nest" on the drawings to extend not more than 7' above the limiting height, for a horizontal area of 13.37% of the total roof area. The proposed roof with the approved variance would be approximately level with the ridge of the existing neighboring dwelling to the north. Additionally a variance is requested to allow the eave at the east end of the structure to slope to a height 3-6" above the limiting height. This area comprises 21.09% of the horizontal roof area. The required flood elevation of 9' AMSL places the first habitable floor at a minimum of 6' above grade. At which point it is logical to elevate the floor a few more feet so that the space below can be utilized for storage and a garage. The combination of the flood elevation requirement, and the building height limit, ostensibly limits the structure to two habitable floors where otherwise it would allow for three.

BUILDING SETBACKS (SIDE YARD) The property is a single lot of record that does not meet the minimum lot areas or required setbacks. The required side yard setbacks are 50' from the property line, and given that the lot is only 50' wide, compliance is impossible. The adjacent dwelling is 4' from the shared property line. The variance requested for a reduction in side yard setback to 4' from the property line.

AREA REGULATION (MINIMUM LOT SIZE) The property is a single .42 acre lot of record that does not meet the minimum lot area requirement of 1.5 acres.

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

Signature of Affiant

Lydia T. Helmer

Signature of Affiant

Name- Print or Type

Lydia T. Helmer

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 4th day of March, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Lydia T. Helmer

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

Notary Public

Katharine Lina Smith

My Commission Expires

5/1/2014

Affidavit in Support of Administrative Variance

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Signature of Affiant

Name- Print or Type

Name- Print or Type

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Lydia T Helmer
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

Notary Public

My Commission Expires

ZONING PROPERTY DESCRIPTION FOR 4025 Bay Drive

Beginning at a point on the east side of Bay Drive, which is 30 feet wide at the distance of 540 feet north of the centerline of the nearest improved intersecting street Miami Beach Road, which is 20 feet wide.

Being lot # 317 in the subdivision of Bowleys Quarters- Back River Neck Area as recorded in Baltimore County Plat Book # 0000008, Folio # 0010, containing 18,398 square feet (.42 acres). Located in the 15th Election District and the 6th Council District.

2013-0205-A

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: 2013-0205-A

Petitioner: Lydia T Helmer

Address or Location: 4025 Bay Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Elizabeth Helmer

Address: 4025 Bay Drive

Middle River, MD 21220

Telephone Number: (410)-335-3983

94133 No

Z

Date _____

17/03

[illegible]

Little Helen

1
Vox case - 4025 Bay Drive
2013-0805-A (Helm)

DISTRIBUTION

WHITE CASHIER

PINK-AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

No.

Date: _____

7/3/13

BUSINESS	ACTUAL	TIME	DRW
7/03/2013	7/03/2013	11:53:14	6

REC MSG6 WALKIN TAY TET
X RECEIPT # 684597 7/03/2013 UFLN

Dept 5 528 ZONING VERIFICATION
CE NO. 101463

Recpt Tot \$60.00
\$60.00 CR \$.00 CA
Baltimore County, Maryland

[illegible]

Total:

\$60-

For

PENZA BAILEY
4025 BAY DR
IN-LAW APT

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2013-0205-A

Petitioner: Lydia T. Helmer

Hearing / Closing Date: 4/8/13

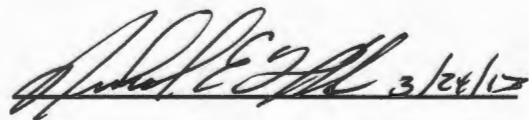
Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

4025 Bay Drive

_____ on 3/24/13

Sincerely,

 3/24/13

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

Certificate of Posting

Case No. 2013-0205-A



4025 Bay Road

(posted 3/24/13)

 3/24/13

Richard E. Hoffman

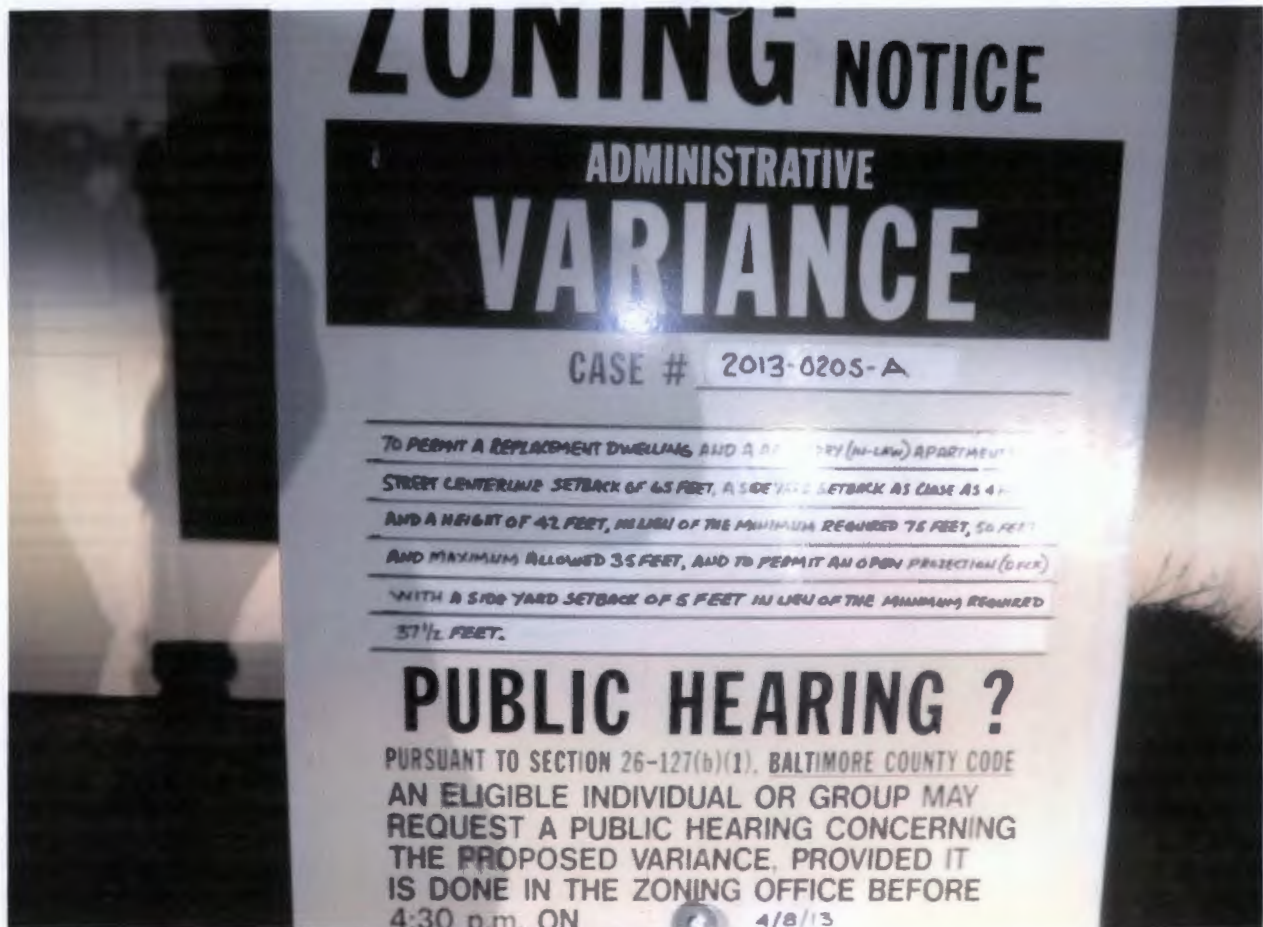
904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

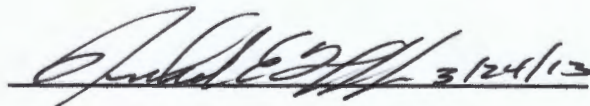
Certificate of Posting

Case No. 2013-0205-A



4025 Bay Road

(posted 3/24/13)

 3/24/13

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(410) 879-3122

MEMORANDUM

DATE: May 20, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0205-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 16, 2013. 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

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>3-22</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>C</u>
<u>3-26</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>4-4</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
<u>3-20</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>3-24</u> by <u>H. G. Green</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

In-law apt.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 13

Bill No. 49-11

Councilmembers Olszewski, Oliver & Bevins

By the County Council, August 1, 2011

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Accessory Apartments

FOR the purpose of defining accessory apartment and permitting an accessory apartment in certain areas under certain conditions; providing for the issuance of a use permit and renewal thereof; providing for the application of the Act; and generally relating to accessory apartments.

BY adding

Section 101.1, the Definition of "Accessory Apartment," and
Section 400.4
Baltimore County Zoning Regulations, as amended

WHEREAS, for a number of years, the County has permitted "in-law apartments" under certain limited circumstances within an existing single-family dwelling or within an accessory building; and

WHEREAS, there currently are no such provisions in the Zoning Regulations or the County Code specifically pertaining to in-law apartments; and

WHEREAS, the County has heretofore addressed such requests whereby if a request for an in-law apartment is within an existing single-family detached dwelling, it is generally processed and approved administratively with certain documentation required by the Department of Permits,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.

1 COMPENSATION; AND (D) THE ACCESSORY APARTMENT, WHETHER LOCATED
2 WITHIN THE PRINCIPAL DWELLING OR IN THE ACCESSORY BUILDING, SHALL
3 COMPLY WITH ALL LAWS, REGULATIONS, AND CODES AFFECTING RESIDENTIAL
4 OCCUPANCY.

5 400.4. ACCESSORY APARTMENT.

6 AN ACCESSORY APARTMENT IS PERMITTED AS A TEMPORARY USE WITHIN A
7 PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY
8 BUILDING SITUATED ON THE SAME OWNER-OCCUPIED LOT AS THE PRINCIPAL
9 DWELLING IN ANY ZONE THAT PERMITS SINGLE-FAMILY DWELLINGS, SUBJECT TO
10 THE FOLLOWING REQUIREMENTS:

11 A. IF LOCATED WITHIN AN EXISTING SINGLE-FAMILY DETACHED DWELLING:

12 1. AN APPLICANT SHALL FILE WITH THE DEPARTMENT OF PERMITS,
13 APPROVALS AND INSPECTIONS AN APPLICATION FOR A USE PERMIT FOR AN
14 ACCESSORY APARTMENT, ON A FORM APPROVED BY THE DEPARTMENT. WITH THE
15 APPLICATION, THE APPLICANT SHALL SUBMIT A DECLARATION OF
16 UNDERSTANDING, ON A FORM APPROVED BY THE DEPARTMENT, INCLUDING BUT
17 NOT NECESSARILY LIMITED TO THE FOLLOWING TERMS AND CONDITIONS:

18 A. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED ONE
19 THIRD OF THE OVERALL FLOOR AREA OF THE DWELLING OR 2,000 SQUARE FEET,
20 WHICHEVER IS LESS;

21 B. ANY AND ALL IMPROVEMENTS TO BE DEDICATED AS AN ACCESSORY
22 APARTMENT SHALL BE USED SOLELY AS A SINGLE-FAMILY RESIDENCE; AND

23 C. THE ACCESSORY APARTMENT MAY NOT HAVE SEPARATE UTILITY
24 METERS, SUCH AS GAS AND ELECTRIC SERVICE.

25 2. THE DIRECTOR MAY APPROVE THE APPLICATION UPON A FINDING THAT
26 THE SIZE, LOCATION, AND PURPOSE OF THE ACCESSORY STRUCTURE WILL NOT
27 NEGATIVELY AFFECT THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE
28 SURROUNDING COMMUNITY.

29 B. IF LOCATED WITHIN AN ACCESSORY BUILDING ON THE SAME OWNER-OCCUPIED
30 PROPERTY AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING:

1 1. AN APPLICANT SHALL FILE A REQUEST FOR SPECIAL HEARING AND USE
2 PERMIT WITH THE DEPARTMENT, TOGETHER WITH A DECLARATION OF
3 UNDERSTANDING AS REQUIRED BY SUBSECTION A.1 OF THIS SECTION, AND A
4 PUBLIC HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS IS
5 REQUIRED.

6 2. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED 1,200 SQUARE
7 FEET, AND THE ACCESSORY BUILDING SHALL COMPLY WITH THE REQUIREMENTS
8 OF SECTION 400.

9 3. FOLLOWING A PUBLIC HEARING, THE OFFICE OF ADMINISTRATIVE
10 HEARINGS MAY GRANT A REQUEST UPON A FINDING THAT THE SIZE, LOCATION,
11 AND PURPOSE OF THE ACCESSORY APARTMENT CONFORMS WITH SECTION 502.1-A;
12 ~~B, C, D, E, AND F~~; AND MAY IMPOSE SUCH CONDITIONS, RESTRICTIONS OR
13 REGULATIONS CONSISTENT WITH SECTION 502.2 AS MAY BE DEEMED NECESSARY
14 OR ADVISABLE FOR THE PROTECTION OF SURROUNDING AND NEIGHBORING
15 PROPERTIES, INCLUDING THE EXPRESS PROHIBITION THAT THE ACCESSORY
16 APARTMENT NOT BE CONVERTED TO A SECOND DWELLING BEYOND THE SCOPE OF
17 THIS SECTION.

18 4. THE ACCESSORY APARTMENT MAY ~~ONLY~~ NOT HAVE SEPARATE UTILITY
19 METERS OR WATER AND SEWERAGE SERVICES ~~IF~~ UNLESS APPROVED BY THE
20 OFFICE OF ADMINISTRATIVE HEARINGS BASED ON SPECIFIC FINDINGS OF
21 NECESSITY FOR THE ACCESSORY BUILDING.

22 C. APPROVAL; RENEWAL.

23 1. APPROVAL. THE APPROVAL OF AN APPLICATION FOR USE PERMIT IN
24 SUBSECTION A. OR REQUEST FOR SPECIAL HEARING AND USE PERMIT IN
25 SUBSECTION B. SHALL BE SUBJECT TO THE FOLLOWING:

26 A. THE DECLARATION OF UNDERSTANDING AND PROPERTY
27 DESCRIPTION, INCLUDING ANY CONDITIONS, RESTRICTIONS, OR REGULATIONS
28 IMPOSED BY THE DEPARTMENT OR THE OFFICE OF ADMINISTRATIVE HEARINGS,
29 SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AND A COPY
30 FILED WITH THE DEPARTMENT; AND

1 B. THE ACCESSORY APARTMENT SHALL ONLY BE UTILIZED BY
2 IMMEDIATE FAMILY MEMBERS AS DEFINED IN SECTION 101 AND MAY NOT BE
3 ~~LEASED OR RENTED OR~~ USED BY ANY PERSON OTHER THAN AN IMMEDIATE
4 FAMILY MEMBER FOR ANY OTHER REASON.

5 C. IF THE ACCESSORY APARTMENT IS NO LONGER OCCUPIED BY ANY
6 PERSON NAMED IN THE USE PERMIT OR IF THE PROPERTY IS SOLD, THE USE PERMIT
7 SHALL TERMINATE, AND ANY PROPOSED CHANGES IN OCCUPANCY TO THE
8 ACCESSORY APARTMENT BY THE PROPERTY OWNER OR SUBSEQUENT PURCHASER
9 SHALL REQUIRE A NEW REQUEST FOR USE PERMIT AS APPLICABLE UNDER
10 SUBSECTIONS A. OR B.

11 2. RENEWAL. THE APPLICANT SHALL RENEW THE USE PERMIT WITH THE
12 DEPARTMENT EVERY TWO YEARS BY FILING A RENEWAL ON A FORM APPROVED
13 BY THE DEPARTMENT, TO BE DATED FROM THE MONTH OF THE INITIAL APPROVAL,
14 AND SHALL ~~NOTE ANY PROPOSED CHANGES IN OCCUPANCY TO~~ LIST THE NAME OF
15 ANY PERSON OCCUPYING THE ACCESSORY APARTMENT.

16 SECTION 2. AND BE IT FURTHER ENACTED, that a property owner with an in-law
17 apartment lawfully approved prior to the effective date of this Act shall obtain a use permit required
18 by this Act on or before October 1, 2012.

19 SECTION 3. AND BE IT FURTHER ENACTED, that the Department of Permits,
20 Approvals and Inspections shall publish notice of the requirement of Section 2 of this Act in one
21 newspaper of general circulation in the County one time per month each month prior to October 1,
22 2012.

23 ~~SECTION 2.~~ SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take
24 effect forty-five (45) days after its enactment, and shall apply retroactively to a request for in-law
25 apartment filed on or after August 1, 2010.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0205 -A Address 4025 Bay Drive
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/18/2013 Posting Date: 3/24/2013 Closing Date: 4/8/2013

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2013- 0205 -A Address 4025 Bay Drive
Petitioner's Name Lydia T. Helmer Telephone 410-335-3983
Posting Date: 3/24/2013 Closing Date: 4/8/2013

Wording for Sign: To Permit a replacement dwelling and a accessory (in-law) apartment with a street centerline setback of 65 feet, a side yard setback as close as 4 feet, and a height of 42 feet, in lieu of the minimum required 75 feet, 50 feet and maximum allowed 35 feet, and to permit an open projection (deck) with a side yard setback of 5 feet in lieu of the minimum required 37½ feet.

Revised 7/06/11

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 25, 2013
Item No. 2013-0205

DATE: March 22, 2013

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.

Cc: file.

ZAC-ITEM NO 13-0205-03252013.doc

ORDER RECEIVED FOR FILING

Date 4-16-13

By DAK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 4, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

INFORMATION:

SUBJECT: 4025 Bay Drive

Item Number: 13-205

Petitioner: Lydia T. Helmer

Zoning: RC 5

Requested Action: Administrative Variance

RECEIVED

APR 09 2013

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. It is our understanding that the proposal is not a boarding house and will comply with BCZR Section 101, Definitions, Accessory Apartment, and BCZR Section 400.4 Accessory Apartments. As such the occupant(s) of the accessory apartment and the occupants(s) of the principal single-family detached dwelling shall be immediate family, related as grandparents, parents, or parents' children by blood, marriage or adoption.

Per BCZR Section 400.4.:

"An accessory apartment is permitted as a temporary use within a principal single-family detached dwelling or within an accessory building situated on the same owner-occupied lot as the principal dwelling in any zone that permits single-family dwellings, subject to the following requirements:

A. If located within an existing single-family detached dwelling:

1. An applicant shall file with the Department of Permits, Approvals and Inspections an application for a use permit for an accessory apartment, on a form approved by the Department. With the application, the applicant shall submit a declaration of understanding, on a form approved by the Department, including but not necessarily limited to the following terms and conditions:

- a. The size of the accessory apartment may not exceed 1/3 of the overall floor area of the dwelling or 2,000 square feet, whichever is less;*
- b. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single-family residence; and*

ORDER RECEIVED FOR FILING

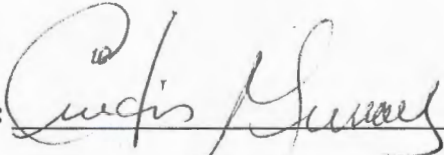
Date

4-16-13

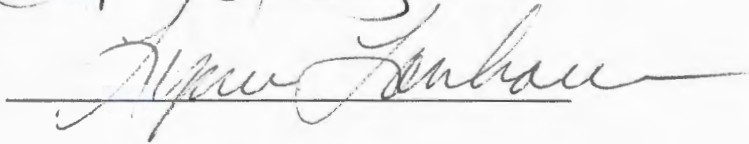
- c. The accessory apartment may not have separate utility meters, such as gas and electric service.*
- 2. The Director may approve the application upon a finding that the size, location, and purpose of the accessory structure will not negatively affect the health, safety, or general welfare of the surrounding community."*

For further information concerning the matters stated here in, please contact Lynn Lanham at 410-887-3480.

Prepared By:



Division Chief:
AVA/LL:cjm



ORDER RECEIVED FOR FILING

Date 4-16-13

By aw

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAR 26 2013



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: March 26, 2013

SUBJECT: DEPS Comment for Zoning Item # 2013-0205-A
Address 4025 Bay Drive
(Helmer Property)

Zoning Advisory Committee Meeting of March 18, 2013.

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. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is requesting approval for reduced side yard, street center line, and height setbacks for a replacement dwelling on a single lot. The lot is waterfront but no new development is proposed in the 100-foot buffer. Lot coverage is proposed to be under the 31.25% limit and reduced from the current amount by 2,200 square feet. Because nothing new is proposed in the buffer and lot coverage will be reduced by 2,200 square feet, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront but no new construction is proposed within the buffer. Because there are no buffer impacts and lot coverage will be reduced, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

C:\DOCUME~1\snufer.BCG\LOCALS~1\Temp\XPgrpwise\ZAC 13-0205-A 4025 Bay Drive.doc

ORDER RECEIVED FOR FILING

Date

By

4-16-13

DL

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The proposed replacement dwelling meets lot coverage and buffer requirements in the Critical Area. Therefore, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review*

ORDER RECEIVED FOR FILING

Date 4-16-13

By lw



KEVIN KAMENETZ
County Executive

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

July 9, 2013

Penza & Bailey
401 Woodbourne Avenue
Baltimore, Maryland 21212

Dear Sir/Madam:

Re: Declaration of Understanding
4025 Bay Drive, 15th Election District

Enclosed please find the "Declaration of Understanding" document, for the proposed "In-Law Apartment" located at the referenced address, duly signed by Mr. Arnold Jablon, Director of Permits, Approvals, and Inspections.

Be advised that this original document must be filed with the Office of Land Records located in 401 Bosley Avenue in Towson. Please make copies of the original for your records and future processing of permits with the County as needed. When applying for permit in the future, please bring receipt of recordation that will be given to you from the Office of Land Records, and a copy of the original "Declaration of Understanding" bearing Mr. Jablon's signature.

Should you have any questions, please feel free to contact this Office at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Tsui".

Aaron Tsui
Planner II, Zoning Review

File:G/Zoning Review
enclosure

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 28th day of June 2013, by and between Elizabeth L. Helmer (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

- A. The Declarant who is also the owner of this property has filed an application for a use permit to include an accessory apartment for her mother within the new construction of a single-family dwelling on this property. The 994 SF Accessory Apartment will be located on the west end of the first habitable floor of the structure directly above the shared garage.

The property being located at 4025 Bay Drive and is more particularly described by the metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The Site Plan) attached hereto and made a part hereof. The property is zoned RC-5, which is the particular zone in which the property is located.

- B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property.

The accessory apartment will be the housing for:
Lydia T. Helmer (Mother).

The other residents are:
Elizabeth L. Helmer (Declarant), Southeast end of First Floor
Mark Sementilli (Husband), Southeast end of First Floor
Max Sementilli (Son), South middle of First Floor
Leo Sementilli (Son), South middle of First Floor

The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

- C. As a condition of approval of the Declarant's request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS: Michael J. Haley Elizabeth Helmer
Michael J. Haley Elizabeth Helmer

ANNE ARUNDEL
State of Maryland, County of ~~Baltimore~~ to wit:

I HEREBY CERTIFY that on this 28 day of ^{June} 2013, before the Subscriber, an Notary Public of the State of Maryland, personally appeared

ELIZABETH HELMER

The declarant herein, who is the owner of this property, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and who acknowledged that she executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 3/12/2017

Melinda Gretzinger
Notary Public
MELINDA GRETSINGER

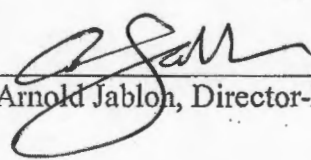


The Declaration of Understanding for the Accessory Apartment at:

4025 BAY DRIVE,

Address of property

is approved: _____


Arnold Jablon, Director-PAI

7/9/13

Date

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 4 day of March 2013, by and between Lydia T. Helmer (hereinafter referred to as the "Declarant") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

- A. The Declarant who is also the owner of this property has filed an application for a use permit to include an accessory apartment for herself within the new construction of a single-family dwelling on this property to be used primarily by her daughter, son-in-law, and two grandsons. The 1,020 SF Accessory Apartment will be located on the west end of the first habitable floor of the structure directly above the shared garage.

The property being located at 4025 Bay Drive and is more particularly described by the metes and bounds in **Exhibit A** (The Property) and **Exhibit B** (The Hearing Plan) attached hereto and made a part hereof. The property is zoned RC-5, which is the particular zone in which the property is located.

- B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property.

The accessory apartment will be the housing for:
Lydia T. Helmer (Declarant).

The other residents are:
Elizabeth L. Helmer (Daughter), Southeast end of First Floor
Mark Sementilli (Son-in-Law), Southeast end of First Floor
Max Sementilli (Grandson), South middle of First Floor
Leo Sementilli (Grandson), South middle of First Floor

The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

- C. As a condition of approval of the Declarant's request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS: Brian Bennett

Brian Bennett

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 4th ^{March} day of 20 13, before the Subscriber, an Notary Public of the State of Maryland, personally appeared

Lynette T. Helmer

The declarant herein, who is the owner of this property, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and who acknowledged that she executed for the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

My Commission Expires: 5/11/2014

William Louis Spivey
Notary Public

NO CONSIDERATION-
NO TITLE SEARCH REQUESTED

THIS DEED, made this 17 day of May, 2012, by and between
LYDIA T. HELMER, SURVIVING TENANT BY THE ENTIRETY, of BALTIMORE
County, in the State of Maryland, party of the first part, and **ELIZABETH L. HELMER**
(DAUGHTER), party of the second part.

WITNESSETH that for no actual consideration, the said **LYDIA T. HELMER** does
hereby grant and convey unto the said **ELIZABETH L. HELMER**, Remainderman, her
personal representatives and assigns, reserving, however, unto the said **LYDIA T. HELMER**,
Life Tenant, a life estate with power of disposition as hereinafter recited, a fee simple interest in
all that lot of ground and premises situate, lying and being in BALTIMORE County, State of
Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME AND BEING LOT NUMBER 317 FIRST ADDITION
TO PLAT NUMBERED 1 ON THE PROPERTY OF BOWLEY'S QUARTER, COUNTY OF
BALTIMORE AND RECORDED AMONG THE PLAT RECORDS OF BALTIMORE
COUNTY IN PLAT BOOK NO. W.P.C. NO. 8, FOLIO 10. THE IMPROVEMENTS
THEREON BEING KNOWN AS NUMBER 313 BAY DRIVE.

BEING THE SAME LOT OF GROUND AS DESCRIBED IN A DEED DATED
AUGUST 6, 1968, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE
COUNTY, MARYLAND IN LIBER 4908, FOLIO 400 FROM THOMAS DOXANAS AND
VIRGINIA DOXANAS AND JOHN FANGIKIS AND CYNTHIA FANGIKIS UNTO JOHN A.
HELMER AND LYDIA T. HELMER.

THE SAID JOHN A. HELMER, HAVING DEPARTED THIS LIFE ON OR ABOUT APRIL 6,
2011, THEREBY VESTING TITLE SOLELY UNTO LYDIA T. HELMER.

TOGETHER with the buildings and improvements thereupon erected, made or being
and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the
same belonging or anyway appertaining.

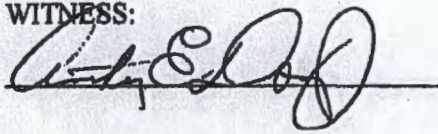
TO HAVE AND TO HOLD the above granted property unto the said **ELIZABETH L. HELMER**, Remainderman, her personal representatives and assigns, reserving, however, unto the said **LYDIA T. HELMER**, Life Tenant, for and during the term of her natural life, with full power unto her, the said **LIFE TENANT**, without the consent of any person or persons whatsoever, to sell, lease, convey, mortgage or otherwise dispose of, (except by Last Will and Testament) or encumber the whole or entire fee simple estate in and to the property hereinabove described, or any part thereof, and to apply the proceeds of any such sale, conveyance, lease, mortgage or disposal to her own use, the purchaser or purchasers, grantee or grantees, lessee or lessees, mortgagee or mortgagees, hereby being relieved from seeing to the application of the purchase or mortgage money; it being the intention that the powers aforesaid, when exercised, shall operate not only upon the life estate hereby reserved unto the **LIFE TENANT** but also upon the remainder, to the end and intent that the purchaser or purchasers, the grantee or grantees, lessee or lessees, mortgagee or mortgagees under the instruments or instrument executed in the exercise of the power of sale herein reserved unto the said **LIFE TENANT** shall obtain the whole or entire fee simple estate free of any and all rights, title or interest of any of the parties to these presents or those claiming by, through or under them, and from and immediately after the death of the said **LIFE TENANT**, in the event of the failure of the said **LIFE TENANT** to exercise the powers in her vested as hereinbefore provided, or as to so much of said property as has not been disposed of in the exercise of said powers, then unto the said **REMAINDERMAN**, her personal representatives and assigns, in fee simple, forever.

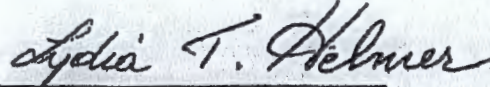
AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter of thing whatsoever to encumber the property hereby conveyed and that he/she will execute such further assurances of the same as may be requisite.

AND the said party of the first part hereby certifies under the penalties of perjury that she is a resident of the State of Maryland.

AS WITNESS the hand and seal of the grantor herein.

WITNESS:

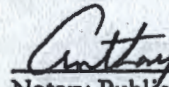



 LYDIA T. HELMER

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 17 day of May, 2012, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **LYDIA T. HELMER**, the grantor named in the foregoing Deed, and she acknowledged the foregoing Deed to be her act.

AS WITNESS my hand and Notarial Seal.

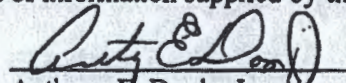

 Notary Public



My Commission expires:

11/18/12

I CERTIFY that this Deed was prepared by an attorney admitted to practice before the Court of Appeals or under his supervision. At the request of the Grantor no title search was made and the Deed was prepared solely on the basis of information supplied by the Grantor.


 Anthony E. Doyle, Jr.

Please return to:

Anthony E. Doyle, Jr.
 Attorney at Law
 1002 Frederick Rd.
 Catonsville, MD 21228



KEVIN KAMENETZ
County Executive

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

April 9, 2013

Lydia T. Helmer
4025 Bay Drive
Middle River MD 21220

RE: Case Number: 2013-0205 A, Address: 4205 Bay Drive

Dear Ms. Helmer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 11, 2013. 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
Ryan Behneman, Penza Bailey Architects, 401 Woodbourne Avenue, Baltimore MD 21212

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 3-20-13

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

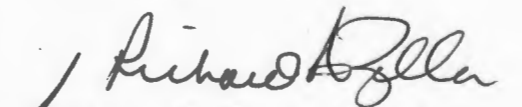
RE: Baltimore County
Item No 2013-0205-A
Administrative Variance
Lydia T. Helmer
4025 Bay Drive

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. 2013-0205-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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1508303650

Owner Information

Owner Name: HELMER LYDIA T **Use:** RESIDENTIAL
Mailing Address: 4025 BAY DR **Principal Residence:** YES
BALTIMORE MD 21220-4036 **Deed Reference:** 1)/32205/ 00039
2)

Location & Structure Information

Premises Address

4025 BAY DR
BALTIMORE 21220-4036

Legal Description

Waterfront BOWLEYS QUARTERS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0098	0006	0015		0000			317	3	Plat Ref:	0008/ 0010

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	3,022 SF	20,700 SF	34

Stories	Basement	Type	Exterior
2.000000	NO	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	324,100	264,100		
Improvements:	256,100	170,800		
Total:	580,200	434,900	434,900	434,900
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
Type: NON-ARMS LENGTH OTHER	06/19/2012	\$0
	Deed1: /32205/ 00039	Deed2:
Seller:	Date: 12/30/1899	Price: \$0
Type:	Deed1: /04908/ 00400	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: Approved 04/01/2011



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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

District - 15 Account Number - 1508303650



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot Number 317 First Addition to Plat Numbered 1 on the Property of Bowley's Quarter, County of Baltimore and recorded among the Plat Records of Baltimore County in Plat Book No. W.P.C. No. 8, Folio 10.

The Improvements thereon being known as Number 4025 Bay Drive

BEING THE SAME lot of ground as described in a Deed dated May 15, 2013, and recorded among the Land Records of Baltimore County, Maryland in Liber 336.17, Folio 336.17 from Lydia T. Helmer unto Lydia T. Helmer, and Elizabeth L. Helmer.

EXHIBIT A

BEING KNOWN AND DESIGNATED as Lot Number 317 First Addition to Plat Numbered 1 on the Property of Bowley's Quarter, County of Baltimore and recorded among the Plat Records of Baltimore County in Plat Book No. W.P.C. No. 8, Folio 10.

The Improvements thereon being known as Number 4025 Bay Drive

BEING THE SAME lot of ground as described in a Deed dated August 6, 1968, and recorded among the Land Records of Baltimore County, Maryland in Liber 4908, Folio 400 from Thomas Doxanas and Virginia Doxanas and John Fangikis and Cynthia Fangikis unto John A. Helmer, and Lydia T. Helmer.

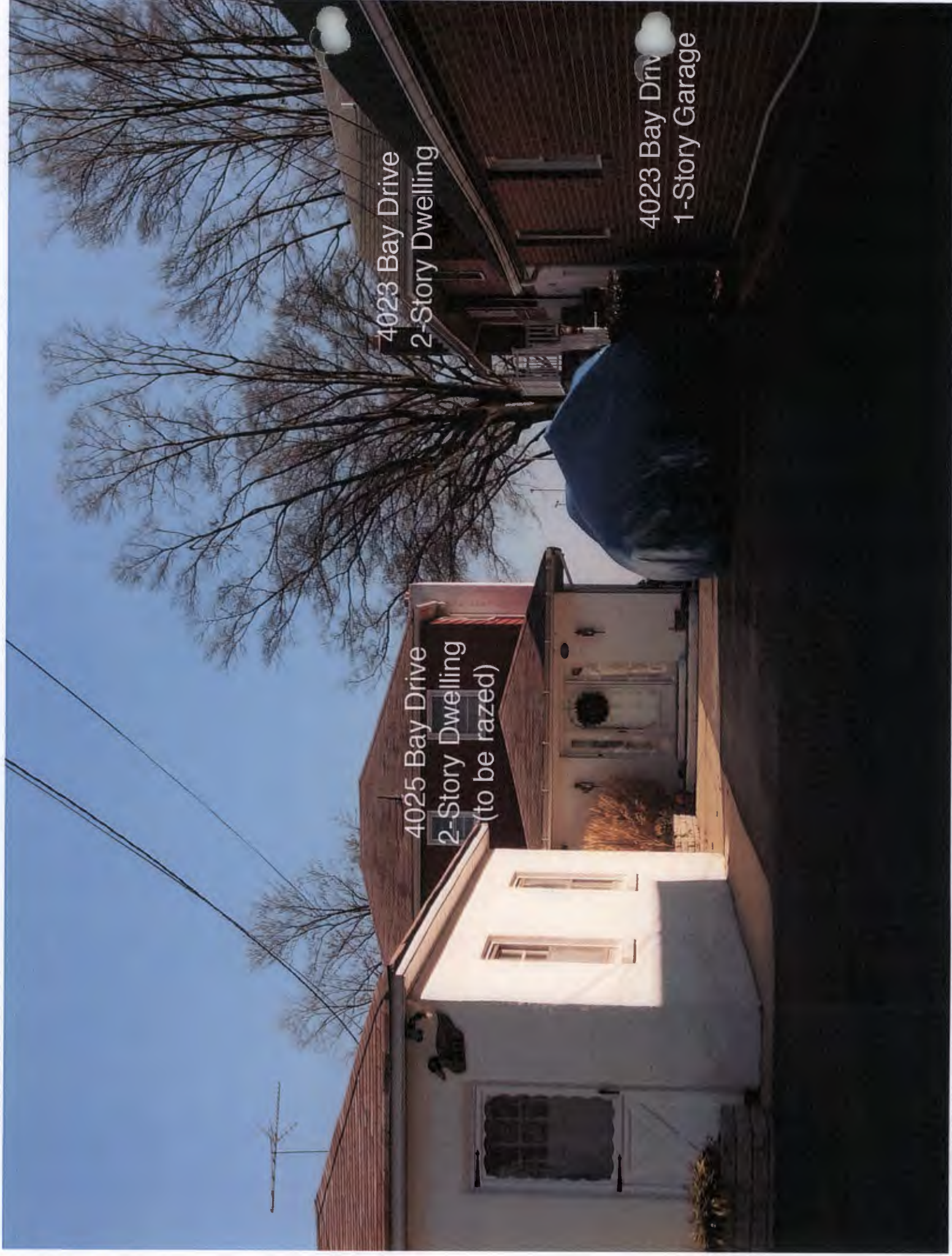
The said John A. Helmer, Having Departed this life on or about April 6, 2011, Thereby vesting title soley unto Lydia T. Helmer, the grantor herein.

4025 Bay Drive
Exist. 2-Story Dwelling
(to be razed)

4025 Bay Drive
Exist. 2-Story Dwelling
(to be razed)







4023 Bay Drive
2-Story Dwelling

4023 Bay Drive
1-Story Garage

4025 Bay Drive
2-Story Dwelling
(to be razed)

4027 Bay Drive

4025 Bay Drive
Exist 1-Story Attached Garage
(to be razed)

2013-0205-A

4027 Bay Drive
Elevated 2-Story Dwelling

4027 Bay Drive
1 Story Garage



4027 Bay Drive
Elevated 2-Story Dwelling

4027 Bay Drive
1-Story Garage

4025 Bay Drive
Attached Garage (to be razed)



4027 Bay Drive Elevated 2-Story Dwelling

4023 Bay Drive

4025 Bay Drive 2-Story Dwelling



4027 Bay Drive
2-Story Dwelling

4025
Bay Drive

4027 Bay Drive 1-Story Garage



4023 Bay Drive 1-Story Garage

4023 Bay Drive
2-Story Dwelling

4025 Bay Drive
Exist. Dwelling
To Be Razed

2013-0205-4

4025
Bay
Drive

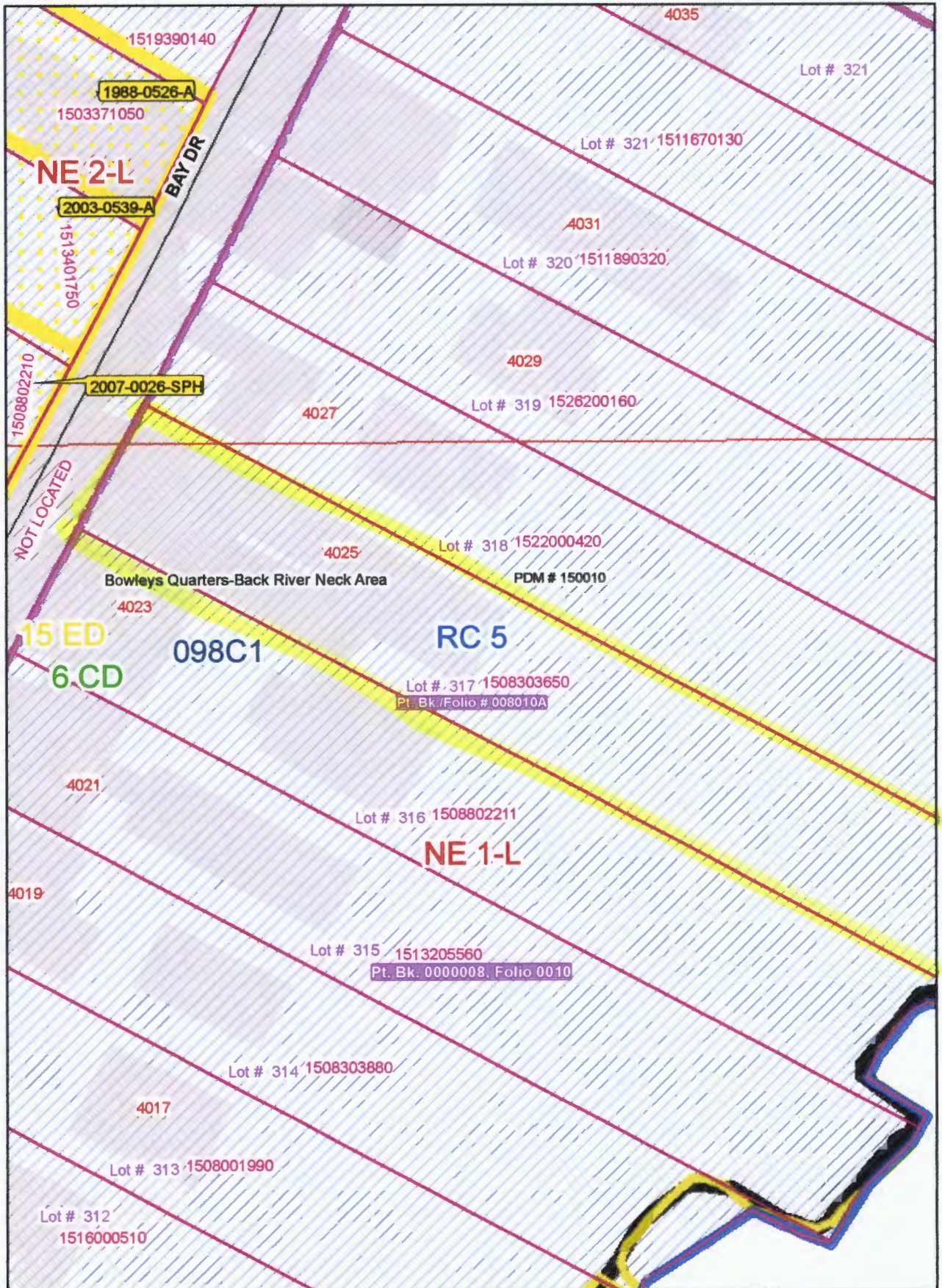
4023 Bay Drive 1-Story Garage



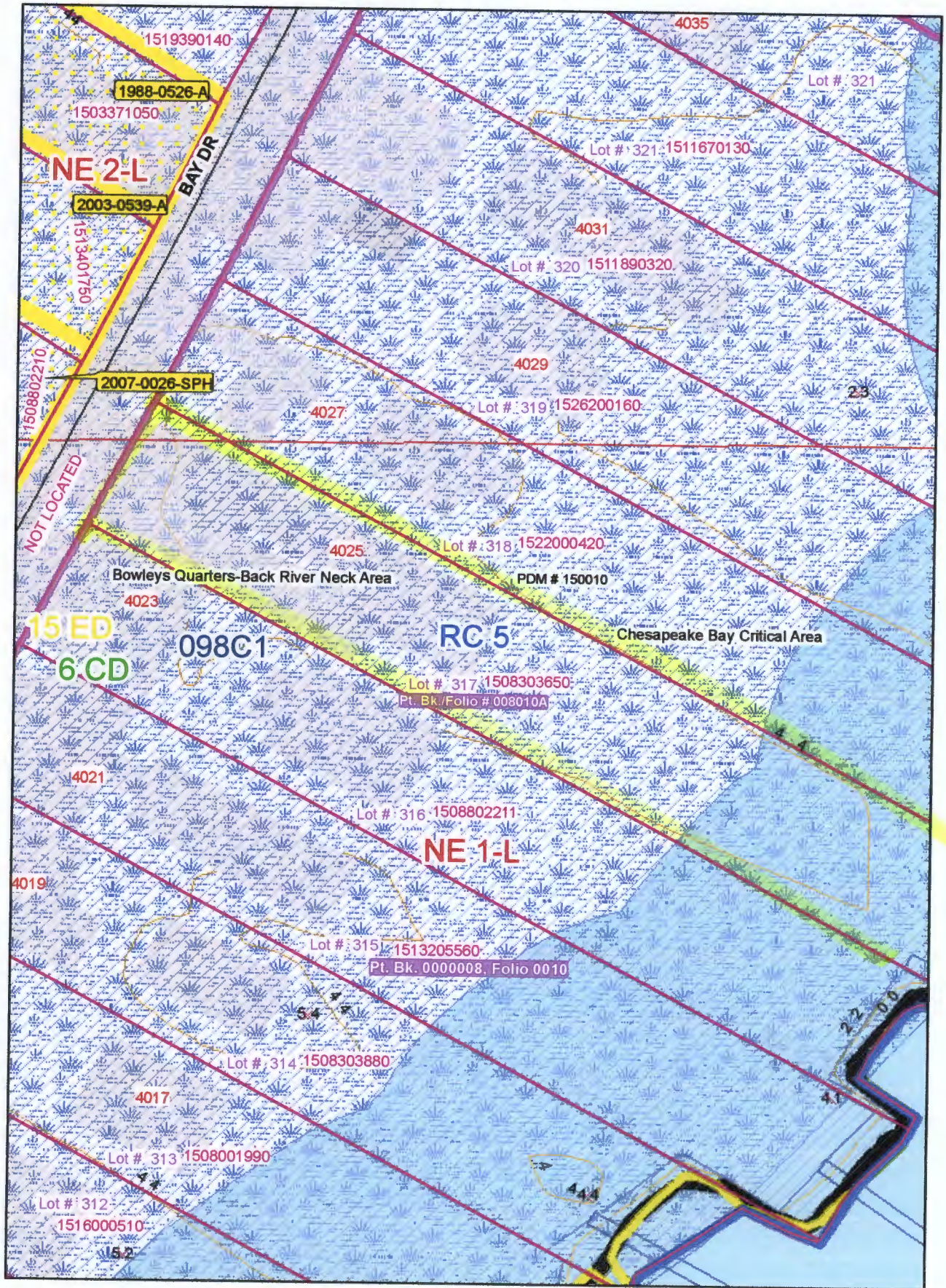
4023 Bay Drive 1-Story Garage/ Carport

4023 Bay Drive 2-Story welling



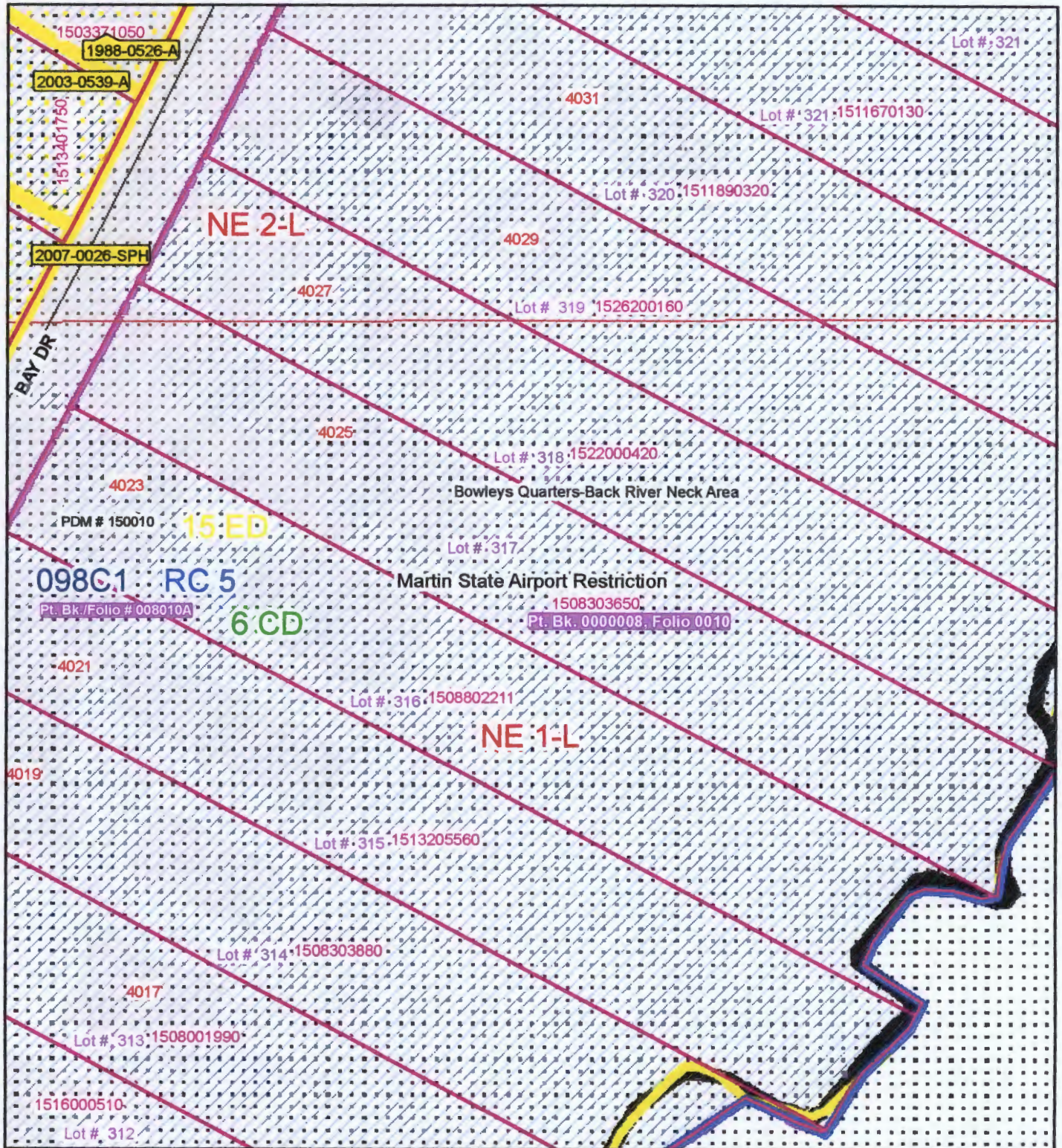


2013-0205-A



2013-0205-A

4025 Bay Road



Publication Date: 3/5/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

2013-0205-A

Z6-1

ROOM USE SCHEDULE

SCALE:

DATE: 03.04.2013

PROJECT NO.: 12039

NEW CONSTRUCTION

HELMER RESIDENCE

4025 Bay Drive
Middle River, MD 21220

PENZA+BAILEY
ARCHITECTS

401 Woodborne Avenue
Baltimore, Maryland 21212
T 410-551-4471 F 410-551-4444
www.penzabailey.com

ROOM USE SCHEDULE

Number	Name	Level	Area	Department	%
101	BEDROOM	FIRST FLOOR	259 SF	Accessory Apartment	6%
102	SITTING	FIRST FLOOR	260 SF	Accessory Apartment	6%
103	APT. KITCHEN	FIRST FLOOR	146 SF	Accessory Apartment	3%
104	FOYER	FIRST FLOOR	50 SF	Accessory Apartment	1%
105	DRESSING	FIRST FLOOR	53 SF	Accessory Apartment	1%
106	W.I. CLOSET	FIRST FLOOR	103 SF	Accessory Apartment	2%
107	APT. BATH	FIRST FLOOR	100 SF	Accessory Apartment	2%
108	GALLERY	FIRST FLOOR	48 SF	Accessory Apartment	1%

FIRST FLOOR: 8 1020 SF 23%
Accessory Apartment: 8 for Parent (Mother) 1020 SF 23%

003	STAIR TOWER	GRADE	163 SF	Principal Dwelling	4%
004	ELEV	GRADE	24 SF	Principal Dwelling	1%
005	ENTRY RAMP	GRADE	49 SF	Principal Dwelling	1%
GRADE: 3			235 SF		5%

109	STAIR TOWER	FIRST FLOOR	174 SF	Principal Dwelling	4%
110	ELEV	FIRST FLOOR	24 SF	Principal Dwelling	1%
111	LAUNDRY	FIRST FLOOR	90 SF	Principal Dwelling	2%
112	HALL	FIRST FLOOR	116 SF	Principal Dwelling	3%
113	BATH	FIRST FLOOR	112 SF	Principal Dwelling	3%
114	BEDROOM	FIRST FLOOR	180 SF	Principal Dwelling	4%
115	BEDROOM	FIRST FLOOR	180 SF	Principal Dwelling	4%
116	MASTER BED	FIRST FLOOR	297 SF	Principal Dwelling	7%
117	W.I. CLOSET	FIRST FLOOR	167 SF	Principal Dwelling	4%
118	M. BATH	FIRST FLOOR	143 SF	Principal Dwelling	3%
FIRST FLOOR: 10			1483 SF		33%

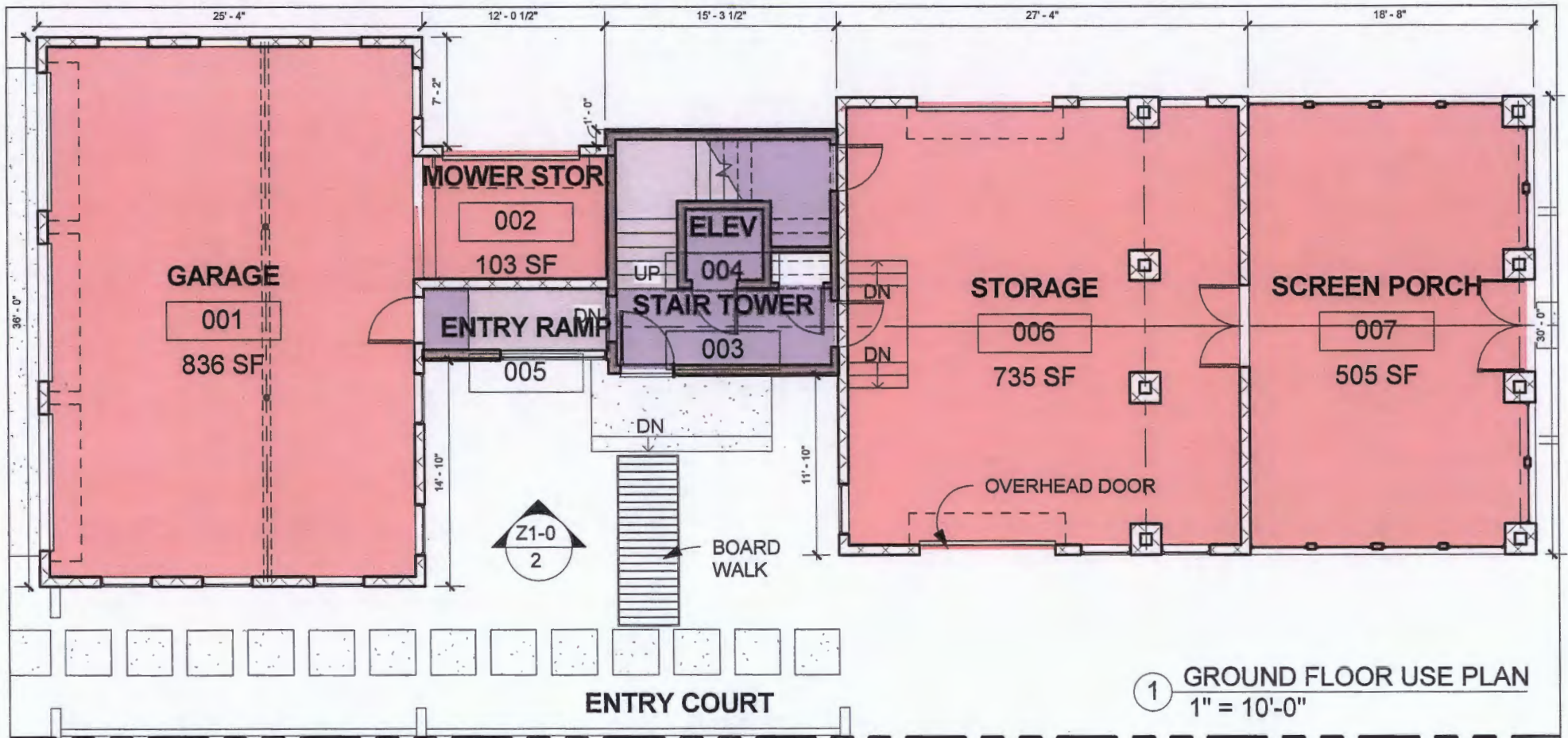
201	STAIR TOWER	SECOND FLOOR	174 SF	Principal Dwelling	4%
202	ELEV	SECOND FLOOR	24 SF	Principal Dwelling	1%
203	HALL	SECOND FLOOR	148 SF	Principal Dwelling	3%
204	MECH	SECOND FLOOR	108 SF	Principal Dwelling	2%
205	P.R.	SECOND FLOOR	36 SF	Principal Dwelling	1%
206	OFFICE	SECOND FLOOR	193 SF	Principal Dwelling	4%
207	STOR.	SECOND FLOOR	99 SF	Principal Dwelling	2%
208	KITCHEN	SECOND FLOOR	183 SF	Principal Dwelling	4%
209	DINING	SECOND FLOOR	151 SF	Principal Dwelling	3%
210	SITTING	SECOND FLOOR	404 SF	Principal Dwelling	9%
SECOND FLOOR: 10			1522 SF		34%

301	CROW'S NEST	CROW'S NEST	209 SF	Principal Dwelling	5%
CROW'S NEST: 1			209 SF		5%
Principal Dwelling: 24 for Daughter, Son-in-Law			3449 SF		77%
Grand total: 32 & Grandsons			4469 SF		100%

The Accessory Apartment is within a Single-Family Detached Dwelling.

The Accessory Apartment is 1,020 SF, which is less than the 2,000 SF limit.

The Accessory Apartment comprises 23% of the overall floor area of the dwelling,
which is less than the 33% (or 1/3) of the overall floor area of the dwelling limit



ROOM USE SCHEDULE GROUND FLOOR				
Number	Name	Level	Area	Department
003	STAIR TOWER	GRADE	163 SF	Principal Dwelling
004	ELEV	GRADE	24 SF	Principal Dwelling
005	ENTRY RAMP	GRADE	49 SF	Principal Dwelling
GRADE: 3			235 SF	
Principal Dwelling: 3			235 SF	

ROOM USE SCHEDULE GROUND FLOOR				
Number	Name	Level	Area	Department
001	GARAGE	GRADE	836 SF	Unconditioned
002	MOWER STOR.	GRADE	103 SF	Unconditioned
006	STORAGE	GRADE	735 SF	Unconditioned
007	SCREEN PORCH	GRADE	505 SF	Unconditioned
GRADE: 4			2178 SF	
Unconditioned: 4			2178 SF	
Grand total: 7			2414 SF	

Use Legend

- Principal Dwelling
- Unconditioned

Z1-1

GROUND FLOOR USE PLAN

SCALE: 1" = 10'-0"

DATE: 03.01.2013

PROJECT NO.: 12039

NEW CONSTRUCTION

HELMER RESIDENCE

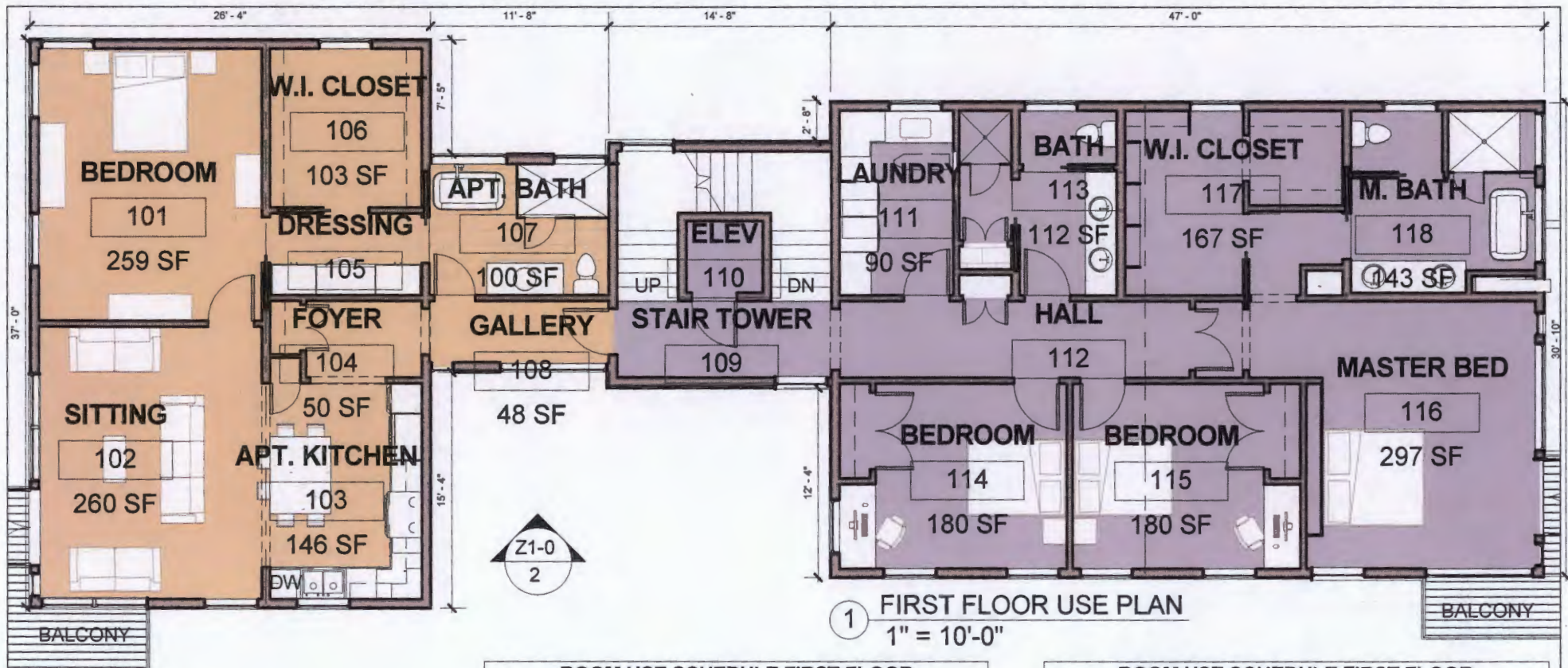
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Middle River, MD 21220

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ARCHITECTS

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T 410-435-6677 | F 410-435-6666
www.PenzaBailey.com

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Use Legend

- Accessory Apartment for Parent (Mother)
- Principal Dwelling

ROOM USE SCHEDULE FIRST FLOOR				
Number	Name	Level	Area	Department
101	BEDROOM	FIRST FLOOR	259 SF	Accessory Apartment
102	SITTING	FIRST FLOOR	260 SF	Accessory Apartment
103	APT. KITCHEN	FIRST FLOOR	146 SF	Accessory Apartment
104	FOYER	FIRST FLOOR	50 SF	Accessory Apartment
105	DRESSING	FIRST FLOOR	53 SF	Accessory Apartment
106	W.I. CLOSET	FIRST FLOOR	103 SF	Accessory Apartment
107	APT. BATH	FIRST FLOOR	100 SF	Accessory Apartment
108	GALLERY	FIRST FLOOR	48 SF	Accessory Apartment
FIRST FLOOR: 8			1020 SF	
Accessory Apartment: 8			1020 SF	

ROOM USE SCHEDULE FIRST FLOOR				
Number	Name	Level	Area	Department
109	STAIR TOWER	FIRST FLOOR	174 SF	Principal Dwelling
110	ELEV	FIRST FLOOR	24 SF	Principal Dwelling
111	LAUNDRY	FIRST FLOOR	90 SF	Principal Dwelling
112	HALL	FIRST FLOOR	116 SF	Principal Dwelling
113	BATH	FIRST FLOOR	112 SF	Principal Dwelling
114	BEDROOM	FIRST FLOOR	180 SF	Principal Dwelling
115	BEDROOM	FIRST FLOOR	180 SF	Principal Dwelling
116	MASTER BED	FIRST FLOOR	297 SF	Principal Dwelling
117	W.I. CLOSET	FIRST FLOOR	167 SF	Principal Dwelling
118	M. BATH	FIRST FLOOR	143 SF	Principal Dwelling
FIRST FLOOR: 10			1483 SF	
Principal Dwelling: 10			1483 SF	
Grand total: 18			2503 SF	

Z1-2

FIRST FLOOR USE PLAN

SCALE: 1" = 10'-0"

DATE: 03.04.2013

PROJECT NO.: 12039

NEW CONSTRUCTION

HELMER RESIDENCE

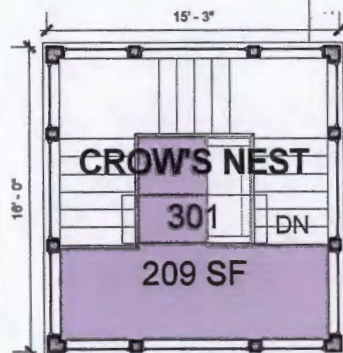
4025 Bay Drive
Middle River, MD 21220

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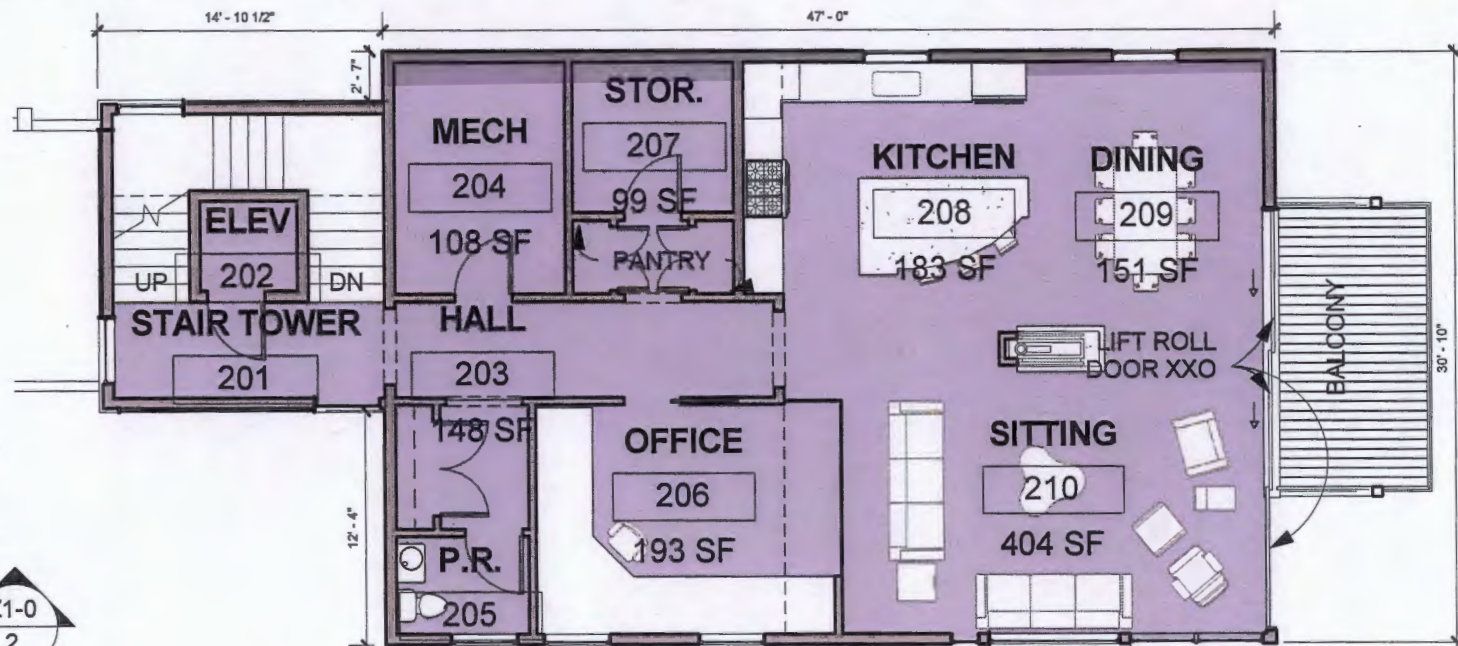
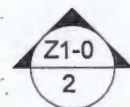
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2 CROW'S NEST USE PLAN
1" = 10'-0"



1 SECOND FLOOR USE PLAN
1" = 10'-0"

ROOM USE SCHEDULE UPPER FLOORS

Number	Name	Level	Area	Department
--------	------	-------	------	------------

201	STAIR TOWER	SECOND FLOOR	174 SF	Principal Dwelling
202	ELEV	SECOND FLOOR	24 SF	Principal Dwelling
203	HALL	SECOND FLOOR	148 SF	Principal Dwelling
204	MECH	SECOND FLOOR	108 SF	Principal Dwelling
205	P.R.	SECOND FLOOR	36 SF	Principal Dwelling
206	OFFICE	SECOND FLOOR	193 SF	Principal Dwelling
207	STOR.	SECOND FLOOR	99 SF	Principal Dwelling
208	KITCHEN	SECOND FLOOR	183 SF	Principal Dwelling

ROOM USE SCHEDULE UPPER FLOORS

Number	Name	Level	Area	Department
--------	------	-------	------	------------

209	DINING	SECOND FLOOR	151 SF	Principal Dwelling
210	SITTING	SECOND FLOOR	404 SF	Principal Dwelling
SECOND FLOOR: 10			1522 SF	
301	CROW'S NEST	CROW'S NEST	209 SF	Principal Dwelling
CROW'S NEST: 1			209 SF	
Principal Dwelling: 11			1731 SF	
Grand total: 11			1731 SF	

Use Legend

 Principal Dwelling

Z1-3

UPPER FLOORS USE PLAN

SCALE: 1" = 10'-0"

DATE: 03.01.2013

PROJECT NO.: 12039

NEW CONSTRUCTION

HELMER RESIDENCE

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NEW CONSTRUCTION

HELMER RESIDENCE

4025 Bay Drive
Middle River, MD 21220

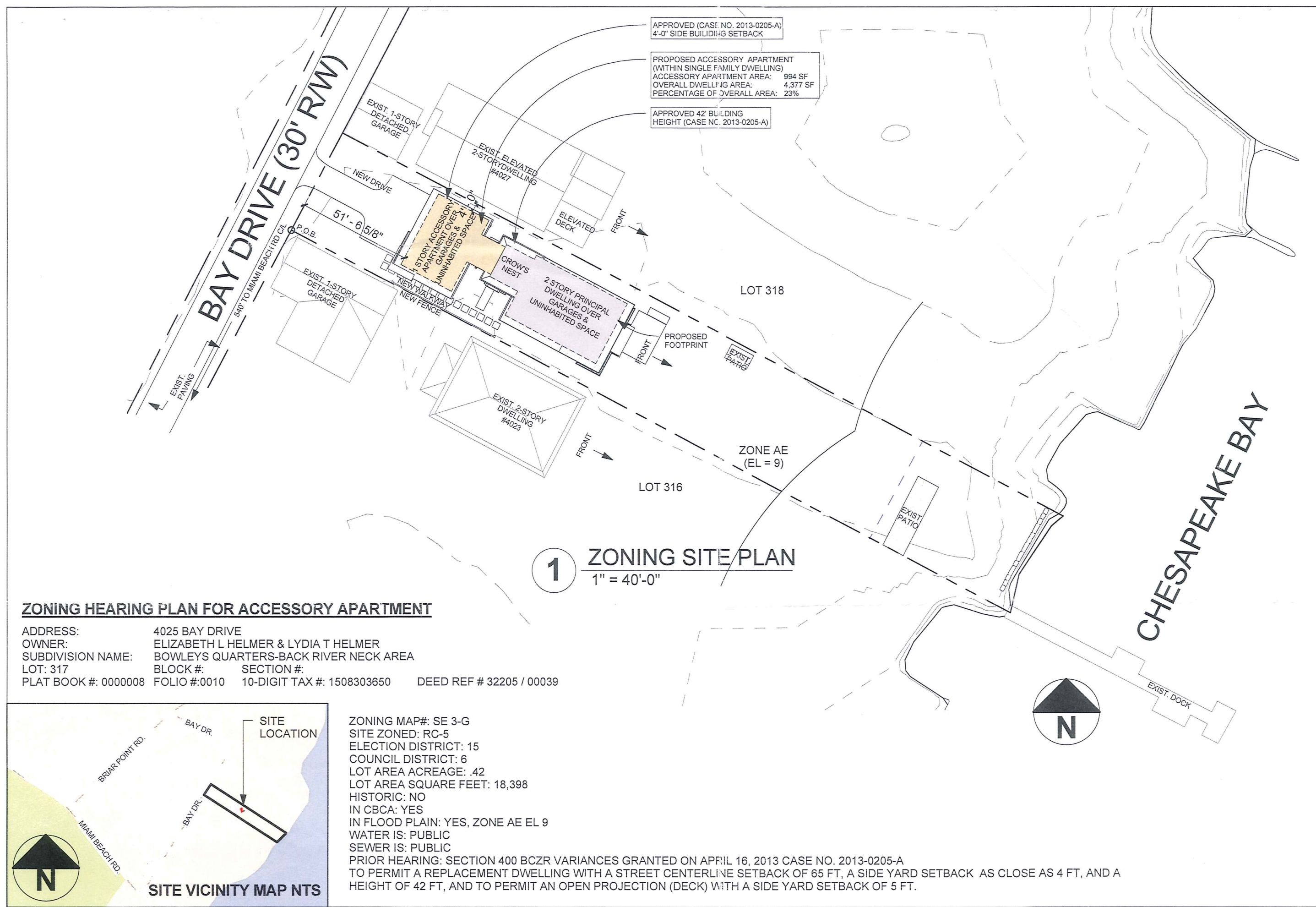
PROJECT NO.: 12039

SITE PLAN

SCALE: 1" = 40'-0"

DATE: 06.21.2013

Z1-0



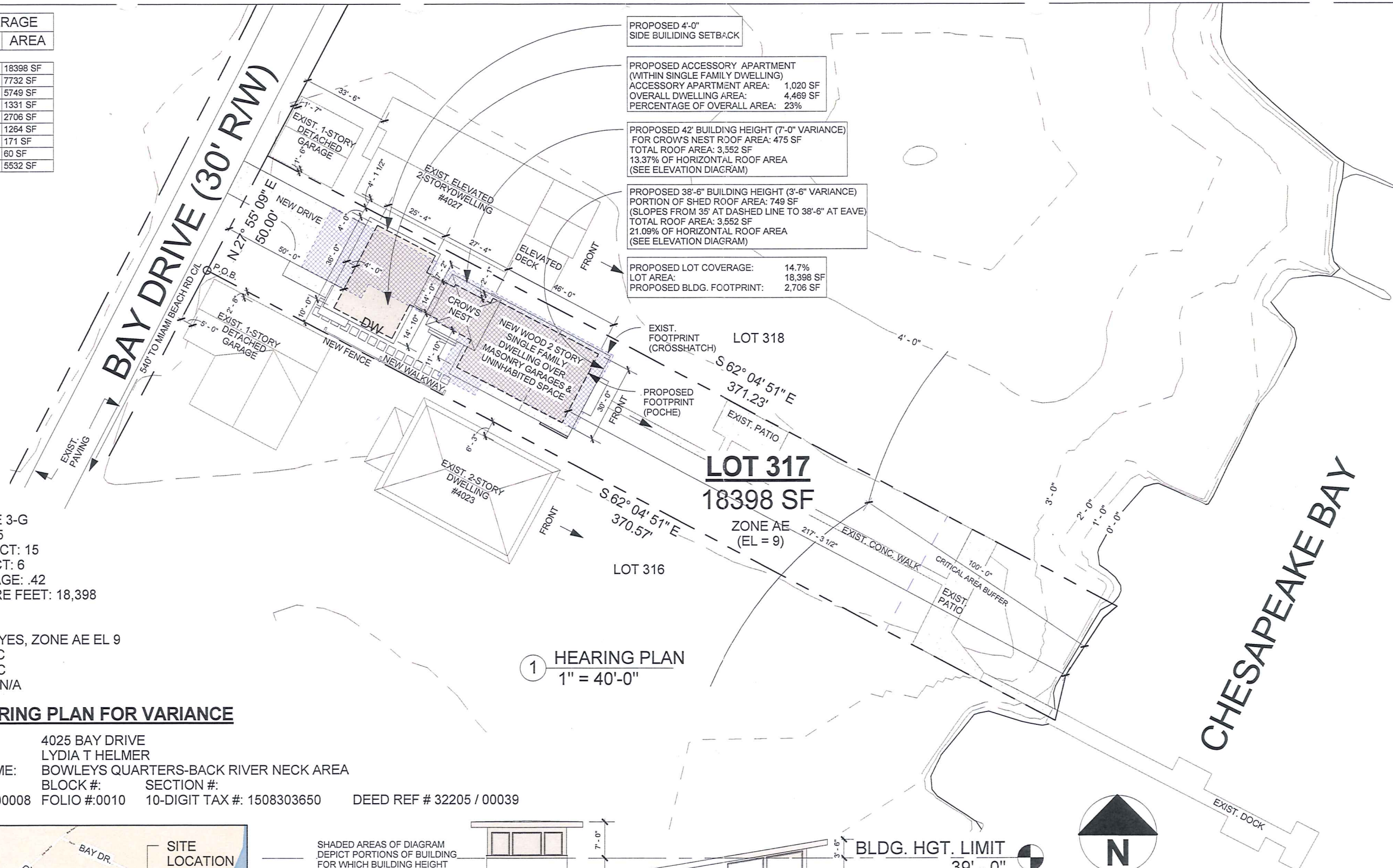
ZONING HEARING PLAN FOR ACCESSORY APARTMENT

ADDRESS: 4025 BAY DRIVE
OWNER: ELIZABETH L HELMER & LYDIA T HELMER
SUBDIVISION NAME: BOWLEYS QUARTERS-BACK RIVER NECK AREA
LOT: 317 BLOCK #: SECTION #:
PLAT BOOK #: 0000008 FOLIO #:0010 10-DIGIT TAX #: 1508303650 DEED REF # 32205 / 00039

ZONING MAP#: SE 3-G
SITE ZONED: RC-5
ELECTION DISTRICT: 15
COUNCIL DISTRICT: 6
LOT AREA ACREAGE: .42
LOT AREA SQUARE FEET: 18,398
HISTORIC: NO
IN CBCA: YES
IN FLOOD PLAIN: YES, ZONE AE EL 9
WATER IS: PUBLIC
SEWER IS: PUBLIC
PRIOR HEARING: SECTION 400 BCZR VARIANCES GRANTED ON APRIL 16, 2013 CASE NO. 2013-0205-A
TO PERMIT A REPLACEMENT DWELLING WITH A STREET CENTERLINE SETBACK OF 65 FT, A SIDE YARD SETBACK AS CLOSE AS 4 FT, AND A HEIGHT OF 42 FT, AND TO PERMIT AN OPEN PROJECTION (DECK) WITH A SIDE YARD SETBACK OF 5 FT.

SITE VICINITY MAP NTS

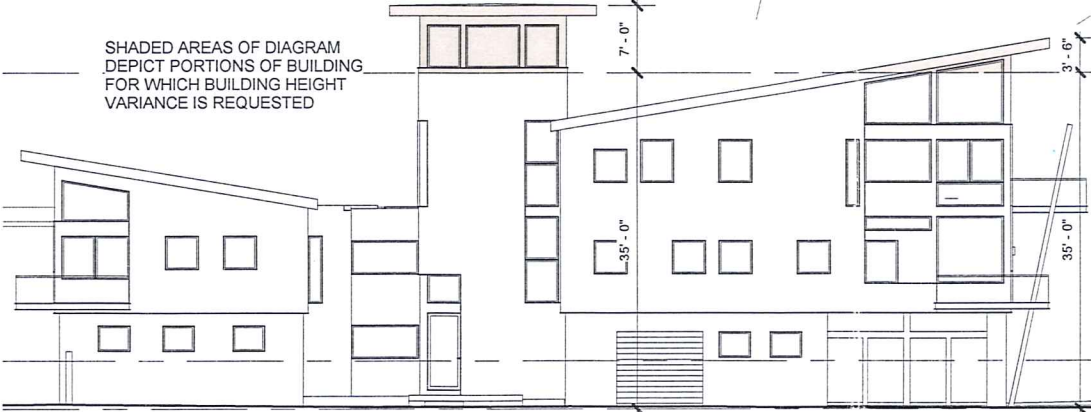
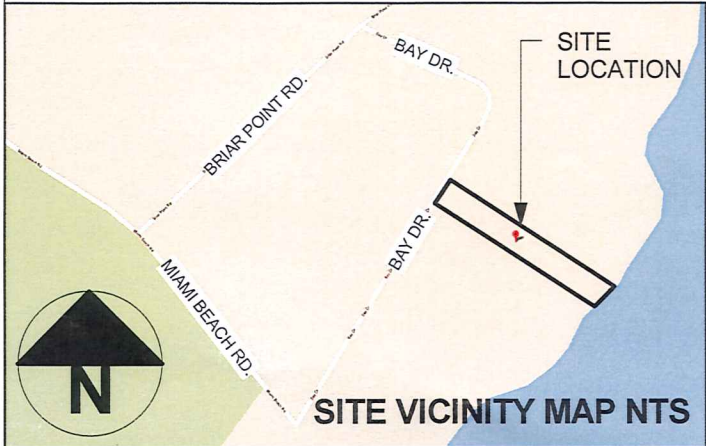
CBCA LOT COVERAGE	
SURFACE	AREA
Lot / Parcel Size	18398 SF
Exist. Coverage 42%	7732 SF
Allowable Coverage 31.25%	5749 SF
Exist. Walk & Patios	1331 SF
Building Footprint	2706 SF
New Driveway & Parking	1264 SF
Walk Pads 19 @ 9 SF Ea.	171 SF
Entry Landing	60 SF
Proposed Coverage 30%	5532 SF



ZONING MAP#: SE 3-G
SITE ZONED: RC-5
ELECTION DISTRICT: 15
COUNCIL DISTRICT: 6
LOT AREA ACREAGE: .42
LOT AREA SQUARE FEET: 18,398
HISTORIC: NO
IN CBCA: YES
IN FLOOD PLAIN: YES, ZONE AE EL 9
WATER IS: PUBLIC
SEWER IS: PUBLIC
PRIOR HEARING: N/A

ZONING HEARING PLAN FOR VARIANCE

ADDRESS: 4025 BAY DRIVE
OWNER: LYDIA T HELMER
SUBDIVISION NAME: BOWLEYS QUARTERS-BACK RIVER NECK AREA
LOT: 317 BLOCK #: SECTION #:
PLAT BOOK #: 0000008 FOLIO #:0010 10-DIGIT TAX #: 1508303650 DEED REF # 32205 / 00039



SOUTH ELEVATION DIAGRAM

BLDG. HGT. LIMIT
39' - 0"

AE
9' - 0"

GRADE
4' - 0"



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NEW CONSTRUCTION
HELMER RESIDENCE
4025 Bay Drive
Middle River, MD 21220

PROJECT NO.: 12039

HEARING PLAN
DRAWN BY: Ryan Behneman, Assoc. AIA
SCALE: As indicated
DATE: 03.04.2013

Z1-0

2013-0205-A

Per. Exh. 1