



KEVIN KAMENETZ  
*County Executive*

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

September 29, 2014

J. Scott Dallas  
P.O. Box 26  
Baldwin, Maryland 21013

RE: Petition for Variance  
Property: 3628 Bay Drive  
Case No. 2015-0031-A

Dear Mr. Dallas:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name of John E. Beverungen.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw  
Enclosure

**IN RE: PETITION FOR VARIANCE**  
**(3628 Bay Dr.)**  
15<sup>th</sup> Election District  
6<sup>th</sup> Council District  
D. Carey Development, LLC  
Petitioner

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* **CASE NO. 2015-0031-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1A04.3.B.2.b to permit side yard setbacks of 20 ft. for each side in lieu of the required 50 ft. on a lot of record with a dwelling which has been previously razed. 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 of the request was Scott Dallas, a licensed surveyor whose firm prepared the site plan. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Department of Environmental Protection and Sustainability (DEPS), and the Bureau of Development Plans Review (DPR). The DOP did not oppose the relief, and noted in its September 9, 2014 memorandum that the architectural elevations submitted by the Petitioner satisfy the RC 5 zone performance standards. The DPR indicated that the flood protection elevation would need to be set at the building permit stage, while the DEPS noted Petitioner must comply with the Critical Area regulations.

**ORDER RECEIVED FOR FILING**

Date 9-29-14

By DW

The subject property is approximately 0.803 acres and is zoned RC 5. The property is comprised of two lots, shown as Lot Nos. 87 & 88 on Plat No. 3 of Bowleys Quarters, dated April 25, 1930. Exhibit 2. Each lot measures 50' x 350', so in the aggregate the lots total 35,000 sq. ft. or 0.8 acres. A single family dwelling existed on site, but was razed approximately 5 years ago. Petitioner would like to construct a single family dwelling on the property, but cannot satisfy the RC 5 area regulations.

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. The lots were created by a plat recorded in 1930, and the prior dwelling complied with then-existing regulations. It was only upon the adoption of the RC 5 regulations that the property became nonconforming, and without relief the lots are unbuildable, given the zone setback and area requirements. As such, the property is unique. The Petitioner would experience a practical difficulty if the regulations were strictly interpreted, since it could not construct a dwelling on the lots. Relief can be granted without negatively impacting the community's health, safety and welfare, which is demonstrated by the support of the DOP and the absence of community opposition.

Mr. Dallas explained County Zoning staff did not feel special hearing relief was needed for the deficient lot size, given that Petitioner owned existing lots of record that were previously improved with a single family dwelling. The RC 5 area regulations (B.C.Z.R. §1A04.3.B.1) appear to require special hearing relief in this scenario, and I believe the prudent course is to permit an amendment to the Petition to seek this relief. The Petition was properly advertised and

**ORDER RECEIVED FOR FILING**

Date 9-29-14

By [Signature]

posted, and I believe the notice provided was sufficient to alert interested parties to the fact that Petitioner intended to construct a single family dwelling on the property, whether or not the deficient lot size was specifically enumerated.

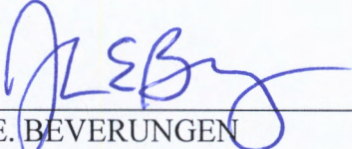
THEREFORE, IT IS ORDERED, this 29<sup>th</sup> day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit side yard setbacks of 20 ft. in lieu of the required 50 ft. on a lot of record with a dwelling which has been previously razed, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Hearing, to approve a lot size of 35,000 sq. ft. or 0.8 acre, in lieu of the required 1.5 acres, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own 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.
- Petitioner must comply with the Critical Area regulations prior to approval of a building permit.

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:slh

**ORDER RECEIVED FOR FILING**

Date 9-29-14 \_\_\_\_\_ 3

By ws \_\_\_\_\_



**CBCA**

**FLOOD**

# PETITION FOR ZONING HEARING(S)

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 3628 Bay Drive which is presently zoned RC5

Deed References: 34873-330 10 Digit Tax Account # 1519990230

Property Owner(s) Printed Name(s) D. Carey Development, LLC

(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 approve

2.  a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3.  a **Variance** from Section(s)

*see attached*

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)

The present zoning prevents construction of any dwelling on the subject property.

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 (Petitioners):

D. Carey Development, LLC

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

3211 Eastern Avenue Balto. MD  
Mailing Address City State

21224 / 410-288-2151 / Canton203k@aol.com  
Zip Code Telephone # Email Address

### Representative to be contacted:

J. Scott Dallas

Name - Type or Print

Signature

P.O. Box 26 Baldwin MD  
Mailing Address City State

21013 / 410-817-4600 / jsdinc@aol.com  
Zip Code Telephone # Email Address

CASE NUMBER 2015-0031-A Filing Date 8/7/14

Do Not Schedule Dates: \_\_\_\_\_

Reviewer BK

**ORDER RECEIVED FOR FILING**  
9-29-14  
100

1A04.3.B.2.b to permit side yard setbacks of 20 ft. for each side in lieu of the required 50 ft. on a lot of record with a dwelling which has been previously razed.

# J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26  
Baldwin, MD 21013  
(410)817-4600  
FAX (410)817-4602

## **ZONING DESCRIPTION OF # 3628 BAY DRIVE**

**BEGINNING** at a point on the northwest side of Bay Drive, 30' wide, at the distance of 713', more or less, northeast from the centerline of Chesapeake Road, 30' wide.

**BEING** Lots # 87 and 88 as shown on Plat No. 3 of Bowleys Quarters as recorded in Baltimore County Plat Book Number 9 folio 56.

**CONTAINING** 35,000 square feet or 0.803 acres of land, more or less.

**LOCATED** the 15th Election District, 6th Councilmanic District.



#0031

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

No. **116216**

Date: **5/7/14**

**PAID RECEIPT**

BUSINESS ACTUAL TIME  
 8/07/2014 8/07/2014 11:25:15  
 REG #002 MAIL JENK REF  
 >> RECEIPT # 815634 7/31/2014 0114  
 Dept 5 528 ZONING VERIFICATION  
 CR NO. 116216  
 Recpt Tot. \$75.00  
 \$75.00 CR 1.00 CA  
 Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount   |
|------|------|------|----------|-----------------|------------------|----------|---------|----------|
| 001  | 026  | 0000 |          | 6150            |                  |          |         | \$ 75.00 |
|      |      |      |          |                 |                  |          |         |          |
|      |      |      |          |                 |                  |          |         |          |
|      |      |      |          |                 |                  |          |         |          |

Total: \$ 75.00

Rec From: J.S. Dallas, Inc.

For: Zoning Variance

**DISTRIBUTION**

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

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

2015-0031-4



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS  
ZONING REVIEW OFFICE

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 legal owner/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 legal owner/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.**

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**For Newspaper Advertising:**

Case Number: 2015-0031-A  
Property Address: #3628 Bay Drive  
Property Description: Lots 87 & 88 Plat No. 3  
Bowleys Quarters (9-56)  
Legal Owners (Petitioners): D. Carey Development, LLC  
Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO: David Carey  
Name: D. Carey Development, LLC  
Company/Firm (if applicable): \_\_\_\_\_  
Address: #3211 Eastern Ave.  
Baltimore, MD. 21220  
Telephone Number: 443-829-2209

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS

**DATE:** 9/2/2014

**Case Number:** 2015-0031-A

**Petitioner / Developer:** J.SCOTT DALLAS, INC.~DAVID CAREY

**Date of Hearing (Closing):** SEPTEMBER 26, 2014

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:  
3628 BAY DRIVE

**The sign(s) were posted on:** AUGUST 31, 2014



Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030  
(City, State, Zip of Sign Poster)

410 - 666 - 5366  
(Telephone Number of Sign Poster)



**THE BALTIMORE SUN  
MEDIA GROUP**

Baltimore, Maryland 21278-0001

September 4, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on September 4, 2014

The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

*Susan Wilkinson*

**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: #2015-0031-A**

3628 Bay Drive

NW/s Bay Drive, 713 ft. NE. of centerline of Chesapeake Road

15th Election District - 6th Councilmanic District

Legal Owner(s): D. Carey Development, LLC

**Variance** to permit side yard setbacks of 20 feet for each side in lieu of the required 50 feet on a lot of record with a dwelling which has been previously razed.

**Hearing: Friday, September 26, 2014 at 11:00 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.

9/008 September 4

992568

TO: PATUXENT PUBLISHING COMPANY  
Thursday, September 4, 2014 Issue - Jeffersonian

Please forward billing to:

David Carey  
D. Carey Development, LLC  
3211 Eastern Avenue  
Baltimore, MD 21220

443-829-2209

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## NOTICE OF ZONING HEARING

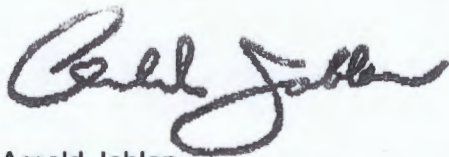
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**CASE NUMBER: 2015-0031-A**

3628 Bay Drive  
NW/s Bay Drive, 713 ft. NE of centerline of Chesapeake Road  
15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District  
Legal Owners: D. Carey Development, LLC

Variance to permit side yard setbacks of 20 feet for each side in lieu of the required 50 feet on a lot of record with a dwelling which has been previously razed.

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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.



KEVIN KAMENETZ  
County Executive

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

August 19, 2014

## 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: 2015-0031-A**

3628 Bay Drive

NW/s Bay Drive, 713 ft. NE of centerline of Chesapeake Road

15<sup>th</sup> Election District – 6<sup>th</sup> Councilmanic District

Legal Owners: D. Carey Development, LLC

Variance to permit side yard setbacks of 20 feet for each side in lieu of the required 50 feet on a lot of record with a dwelling which has been previously razed.

Hearing: Friday, September 26, 2014 at 11:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon  
Director

AJ:kl

C: David Carey, 3211 Eastern Avenue, Baltimore 21224  
J. Scott Dallas, P.O. Box 26, Baldwin 21013

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 6, 2014.**
- (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.

RE: PETITION FOR VARIANCE  
3628 Bay Drive; NW/S of Bay Drive,  
713' NE c/line of Chesapeake Road  
15<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts  
Legal Owner(s): D. Carey Development, LLC  
Petitioner(s)

\* BEFORE THE OFFICE  
\* OF ADMINISTRATIVE  
\* HEARINGS FOR  
\* BALTIMORE COUNTY  
\* 2015-031-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

AUG 18 2014

.....

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 18<sup>th</sup> day of August, 2014, a copy of the foregoing Entry of Appearance was mailed to J. Scott Dallas, P.O. Box 26, Baldwin, Maryland 21013, Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

**M E M O R A N D U M**

DATE: October 30, 2014  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2015-0031-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on October 29, 2014. 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





**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

**RECEIVED**

**SEP 26 2014**

**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:** September 26, 2014

**SUBJECT:** DEPS Comment for Zoning Item # 2015-0031-A  
Address 3628 Bay Drive  
(D. Carey Development, LLC Property)

Zoning Advisory Committee Meeting of August 11, 2014.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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 lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:*

*(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:*

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

*(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.*

*(iii) "Lot coverage" does not include:*

1. *A fence or wall that is less than 1 foot in width that has not been constructed with a footer;*
2. *A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;*
3. *A wood mulch pathway; or*
4. *A deck with gaps to allow the water to pass freely.*

*The petitioner is requesting sideyard setbacks of 20 feet. In order to minimize impacts to water quality, the applicant should comply with the LDA lot coverage requirement, which, for a property this size (35,000 sf), is 5,445 sf, with approval and mitigation for any lot coverage between 15% (5,250 sf) and 5,445 sf. According to the plan submitted for this review, the proposed lot coverage is below 15%.*

*Soil types on the property are Fallsington, which are poorly drained and listed as hydric. Hydric soils are one indicator of the possible presence of wetlands. In addition, the plan shows that wetlands are present on adjoining properties and on a small portion of the subject site. A Critical Area Easement was required on an adjoining property. Prior to approval of any permits, a wetland investigation must be conducted. Should wetlands be located on site, a wetland delineation must be completed in accordance with the Army Corps of Engineers delineation methodology. The presence of wetlands may require a Critical Area Administrative Variance, for which there is no guarantee of approval, and recordation of a Critical Area Easement in the Land Records of Baltimore County along with a Declaration of Protective Covenants via the Exhibit A process. A Critical Area Administrative Variance will be required for the continued existing use of the shed within the 25-foot nontidal wetland buffer if the wetland limit shown on the plan is accurate.*

*By allowing the items requested by the petitioner, impacts on water quality will be minimized by addressing any LDA requirements.*

2. *Conserve fish, wildlife, and plant habitat; and*

*The current development proposal for the property will be reviewed for application of the LDA requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Galloway Creek.*

3. *Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.*

*The sideyard setbacks and lot coverage areas requested will be consistent with established land use policies, provided that the applicants meet any LDA requirements applicable to the proposal. The request, if granted, will avoid environmental impacts.*

Reviewer: Thomas Panzarella; Environmental Impact Review(EIR)

**CHECKLIST**

**Comment Received**

**Department**

**Support/Oppose/ Conditions/ Comments/ No Comment**

8/15/14

DEVELOPMENT PLANS REVIEW  
(if not received, date e-mail sent \_\_\_\_\_)

C

\_\_\_\_\_

DEPS  
(if not received, date e-mail sent 9/18)

\_\_\_\_\_

\_\_\_\_\_

FIRE DEPARTMENT

\_\_\_\_\_

9/9/14

PLANNING  
(if not received, date e-mail sent \_\_\_\_\_)

C

8/13/14

STATE HIGHWAY ADMINISTRATION

No Obj

\_\_\_\_\_

TRAFFIC ENGINEERING

\_\_\_\_\_

\_\_\_\_\_

COMMUNITY ASSOCIATION

\_\_\_\_\_

\_\_\_\_\_

ADJACENT PROPERTY OWNERS

\_\_\_\_\_

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT Date: 9/4/14

SIGN POSTING Date: 8/31/14 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes  No

PEOPLE'S COUNSEL COMMENT LETTER Yes  No

Comments, if any: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sherry Nuffer - Re: I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised**

---

**From:** Jeffrey Livingston

**To:** Nuffer, Sherry

**Date:** 9/22/2014 3:20 PM

**Subject:** Re: I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised

---

Just letting you know that we're working on it. You should have comments prior to Friday.

Jeff

>>> Sherry Nuffer 9/18/2014 3:31 PM >>>

I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised

Thank you,

Sherry

Sherry Nuffer  
Legal Assistant  
Office of Administrative Hearings  
105 W. Chesapeake Avenue  
Room 103  
Towson, Maryland 21204  
410-887-3868  
Fax: 410-877-3468

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---

**From:** Sherry Nuffer  
**To:** Livingston, Jeffrey; Lykens, David  
**Date:** 9/18/2014 3:31 PM  
**Subject:** I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised

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I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised


Thank you,

Sherry

Sherry Nuffer  
Legal Assistant  
Office of Administrative Hearings  
105 W. Chesapeake Avenue  
Room 103  
Towson, Maryland 21204  
410-887-3868  
Fax: 410-877-3468

**Message Id:** 541B331F.1F7 : 210 : 21833  
**Subject:** I received files for case No.: 2015-0031-A and 2015-0038-A that are scheduled for a hearings on Friday September 26, 2014 @ 11am and 1:30pm. They are located in CBCA area and there are no DEPS ZAC comment. Please advised snuffer@baltimorecountymd.gov  
**Created By:**  
**Scheduled Date:**  
**Creation Date:** 9/18/2014 3:31 PM  
**From:** Sherry Nuffer

**Recipients:**

| Recipient  | Action    | Date & Time       | Comment |
|--|-----------|-------------------|---------|
|  NCH_PO.NCH_DOM | Delivered | 9/18/2014 3:31 PM |         |
| To: David Lykens (dlykens@baltimorecountymd.gov)   |           |                   |         |
| To: Jeffrey Livingston (jlivingston@baltimorecountymd.gov)                                       |           |                   |         |

**Post Offices**

| Post Office    | Delivered         | Route                 |
|----------------|-------------------|-----------------------|
| NCH_PO.NCH_DOM | 9/18/2014 3:31 PM | baltimorecountymd.gov |

**Files**

| File     | Size | Date & Time       |
|----------|------|-------------------|
| MESSAGE  | 1331 | 9/18/2014 3:31 PM |
| TEXT.htm | 1381 | 9/18/2014 3:31 PM |

**Options**

**Auto Delete:** No  
**Concealed Subject:** No  
**Expiration Date:** None  
**Notify Recipients:** Yes  
**Priority:** Standard  
**Reply requested by** None  
**Security:** Standard  
**To Be Delivered:** Immediate

**Record Id**

|                          |   |
|--------------------------|---|
| <b>Record Id:</b>        | 541AFADF.NCH_DOM.NCH_PO.100.1696736.1.33D9.1  |
| <b>Common Record Id:</b> | 541AFADF.NCH_DOM.NCH_PO.200.20000D2.1.31DFB.1 |

#0031

PETITIONER'S

EXHIBIT NO.

2

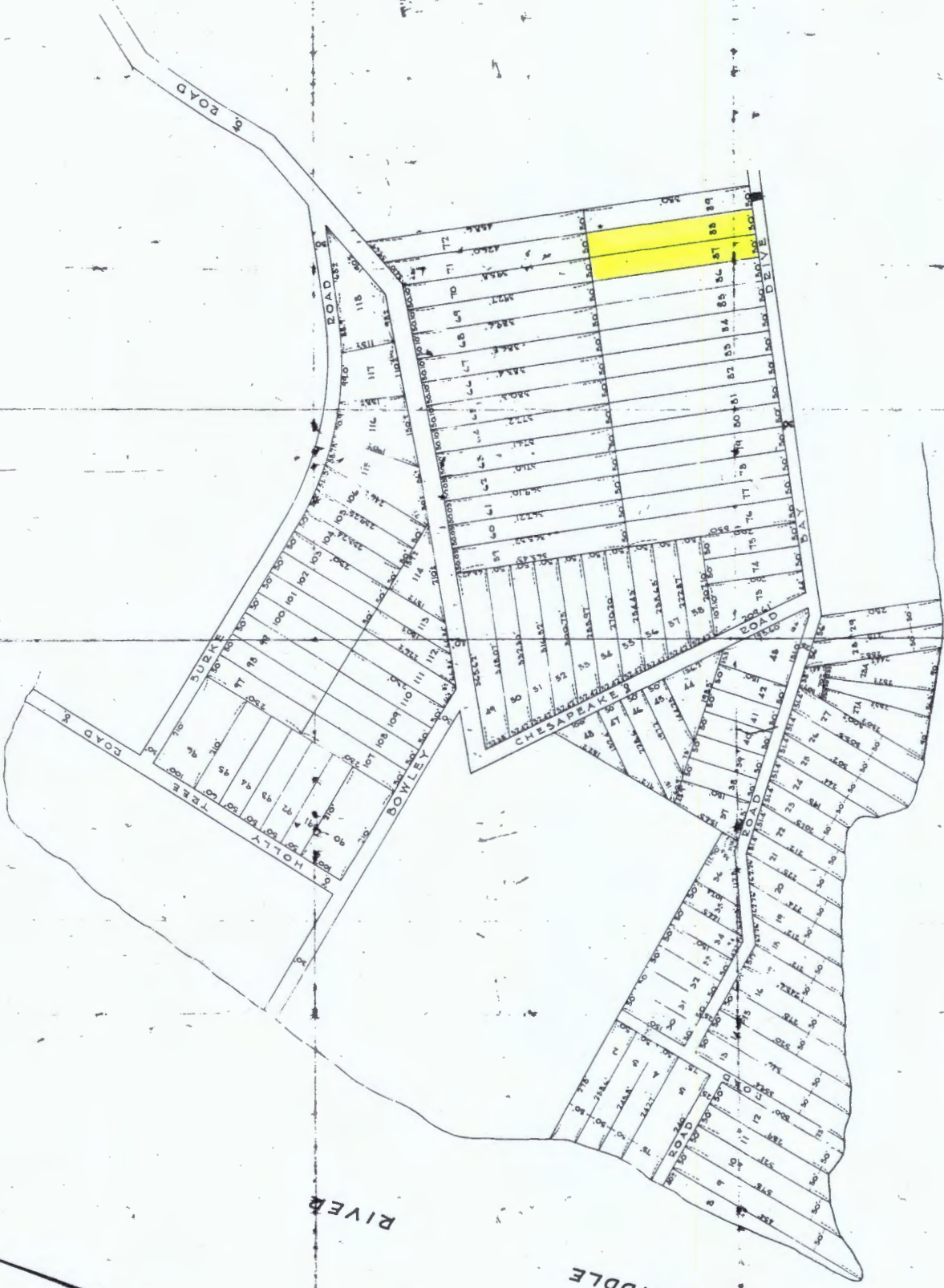
PLAT No. 3  
OF  
BOWLEY'S QUARTERS  
REVISED  
APRIL 25, 1930.

BAY

CHESAPEAKE

MIDDLE

RIVER



SCALE 1"=100' APR. 25, 1930.  
E. V. COONAN AND CO.  
SURVEYORS & CIVIL ENGINEERS  
231 COURTLAND ST.  
BALTIMORE, MD.

Case No.:

2015-0031-A

Exhibit Sheet

DW 10-30-14  
DW 9-29-14

Petitioner/Developer

Protestants

|        |                             |  |
|--------|-----------------------------|--|
| No. 1  | Plan                        |  |
| No. 2  | Plat - dated April 25, 1930 |  |
| No. 3  |                             |  |
| No. 4  |                             |  |
| No. 5  |                             |  |
| No. 6  |                             |  |
| No. 7  |                             |  |
| No. 8  |                             |  |
| No. 9  |                             |  |
| No. 10 |                             |  |
| No. 11 |                             |  |
| No. 12 |                             |  |



Real Property Data Search ( w3)

Guide to searching the database

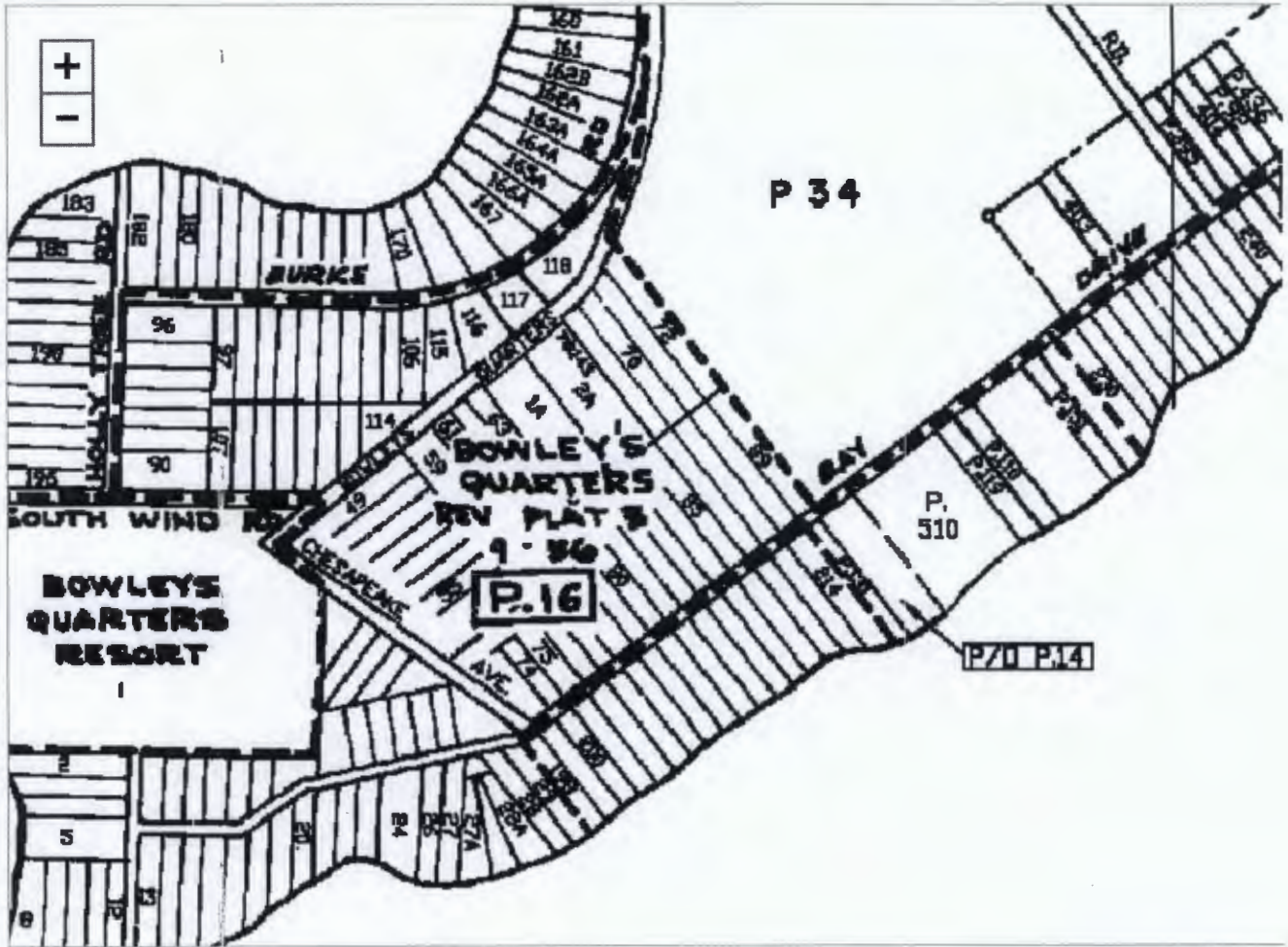
## Search Result for BALTIMORE COUNTY

| View Map  |   | View GroundRent Redemption                       |                               | View GroundRent Registration                                  |   |
|---|---|--|-------------------------------|---|---|
| <b>Account Identifier:</b>                          |   | <b>District - 15 Account Number - 1519990230</b> |                               |   |   |
| Owner Information                                   |   |  |                               |   |   |
| <b>Owner Name:</b>                                  | <b>D CAREY DEVELOPMENT LLC</b>                  |  | <b>Use:</b>                   | <b>RESIDENTIAL NO</b>   |   |
| <b>Mailing Address:</b>                             | <b>3211 EASTERN AVE<br/>BALTIMORE MD 21224-</b> |  | <b>Principal Residence:</b>   | <b>Deed Reference: /34873/ 00330</b>                          |   |
| Location & Structure Information                    |   |  |                               |   |   |
| <b>Premises Address:</b>                            |   | <b>3628 BAY DR<br/>BALTIMORE 21220-4405</b>      |                               | <b>Legal Description:</b>                                     | <b>LT 87,88<br/>3628-3630 BAY DR<br/>BOWLEYS QUARTERS</b> |
| <b>Map:</b>   | <b>Grid:</b>                                    | <b>Parcel:</b>                                   | <b>Sub District:</b>          | <b>Subdivision:</b>   | <b>Section: Block: Lot:</b>                               |
| 0098  | 0011  | 0016   |                               | 0000  | 87 2015   |
| <b>Assessment Year:</b>                             |   |  | <b>Plat No:</b>               |   |   |
| 2015  |   |  | 3                             |   |   |
| <b>Special Tax Areas:</b>                           |   |  | <b>Town:</b>                  |   |   |
|   |   |  | NONE                          |   |   |
| <b>Ad Valorem:</b>                                  |   |  | <b>Tax Class:</b>             |   |   |
|   |   |  |                               |   |   |
| <b>Primary Structure Built</b>                      | <b>Above Grade Enclosed Area</b>                | <b>Finished Basement Area</b>                    | <b>Property Land Area</b>     | <b>County Use</b>   |   |
|   |   |  | 35,000 SF                     | 04  |   |
| <b>Stories</b>                                      | <b>Basement</b>                                 | <b>Type</b>                                      | <b>Exterior</b>               | <b>Full/Half Bath</b>   | <b>Garage</b>   |
|   |   |  |                               |   |   |
| Last Major Renovation                               |   |  |                               |   |   |
| Value Information                                   |   |  |                               |   |   |
|   |   | <b>Base Value</b>                                | <b>Value As of 01/01/2012</b> | <b>Phase-in Assessments As of 07/01/2014 As of 07/01/2015</b> |   |
| <b>Land:</b>  |   | 127,700  | 127,700                       |   |   |
| <b>Improvements</b>                                 |   | 0  | 0                             |   |   |
| <b>Total:</b>                                       |   | 127,700  | 127,700                       | 127,700   |   |
| <b>Preferential Land:</b>                           |   | 0  |                               |   |   |
| Transfer Information                                |   |  |                               |   |   |
| <b>Seller: NIEBERLEIN WILLIAM E JR</b>              |   | <b>Date: 04/17/2014</b>                          |                               | <b>Price: \$44,000</b>  |   |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |   | <b>Deed1: /34873/ 00330</b>                      |                               | <b>Deed2:</b>   |   |
| <b>Seller: NIEBERLEIN WILLIAM E,SR</b>              |   | <b>Date: 06/20/2001</b>                          |                               | <b>Price: \$0</b>   |   |
| <b>Type: NON-ARMS LENGTH OTHER</b>                  |   | <b>Deed1: /15317/ 00647</b>                      |                               | <b>Deed2:</b>   |   |
| <b>Seller: SZYMANOWSKI MARIE</b>                    |   | <b>Date: 05/09/1983</b>                          |                               | <b>Price: \$45,000</b>  |   |
| <b>Type: ARMS LENGTH IMPROVED</b>                   |   | <b>Deed1: /06523/ 00650</b>                      |                               | <b>Deed2:</b>   |   |
| Exemption Information                               |   |  |                               |   |   |
| <b>Partial Exempt Assessments:</b>                  | <b>Class</b>                                    | <b>07/01/2014</b>                                |                               | <b>07/01/2015</b>   |   |
| <b>County:</b>                                      | 000   | 0.00   |                               |   |   |
| <b>State:</b>                                       | 000   | 0.00   |                               |   |   |
| <b>Municipal:</b>                                   | 000   | 0.00   |                               | 0.00  |   |
| <b>Tax Exempt:</b>                                  | <b>Special Tax Recapture:</b>                   |  |                               |   |   |
| <b>Exempt Class:</b>                                | NONE  |  |                               |   |   |
| Homestead Application Information                   |   |  |                               |   |   |
| <b>Homestead Application Status: No Application</b> |   |  |                               |   |   |

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)

District: **15** Account Number: **1519990230**



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](http://www.plats.net) (<http://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](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

Loading... Please Wait. Loading... Please Wait.

-->



KEVIN KAMENETZ  
*County Executive*

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

September 17, 2014

D Carey Development  
David Carey  
3211 Eastern Avenue  
Baltimore MD 21224

RE: Case Number: 2015-0031 A, Address: 3628 Bay Drive

Dear Mr. Carey:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 7, 2014. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
J Scott Dallas, P. O. Box 26, Baldwin MD 21013



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

James T. Smith, Jr., Secretary |  
Melinda B. Peters, Administrator

Maryland Department of Transportation

Date: 8/13/14

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

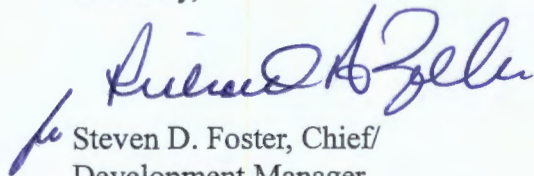
RE: Baltimore County  
Item No. 2015-0031-A  
Variance  
D. Carey Development, LLC  
3628 Bay Drive

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. 2015-0031-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/  
Development Manager  
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

9/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 9, 2014

FROM: Andrea Van Arsdale  
Director, Department of Planning

SUBJECT: 3628 Bay Drive

INFORMATION:

Item Number: 15-031  
Petitioner: D. Carey Development, LLC  
Zoning: RC 5  
Requested Action: Variance

RECEIVED

SEP 09 2014

OFFICE OF ADMINISTRATIVE HEARINGS

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner's property is located on the north side of Bay Drive, opposite the waterfront properties located on the south side of the road. The size of the property is 35,000 square feet. It is 100 feet wide and 350 feet deep. A previous dwelling on this property has been razed. The proposed new dwelling doesn't comply with the RC5 zone side setback requirements. Building elevations have not been prepared as of this date. The area has a waterfront single-family residential character instead of a traditional rural character. There is a mix of housing styles on Bay Drive.

The RC5 zone side setback requirements are clearly excessive for this property. It is staff's opinion that the requested variance to permit side yard setbacks of 20 feet for each side in lieu of the required 50 feet is reasonable for this particular property. Also, the petitioner's site plan shows that the previous dwelling on this property had side setbacks that were substantially less than 20 feet.

The Department of Planning is required to provide a statement of finding to the Administrative Law Judge indicating how the proposed construction complies with the current RC5 requirements. Architectural elevations of the proposed dwelling were received via email on September 9, 2014. The elevations meet the performance standards. The floor elevation is not indicated. Should flood zone requirements require the house to be elevated, the foundation walls should be textured block or stamped concrete or siding.

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

Division Chief:  
AVA/LL

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 18, 2014  
Item No. 2015-0031

**DATE:** August 15, 2014

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

Prior to building permit application the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation so that the floor elevation can be set.

\* \* \* \* \*

DAK:CEN  
cc:file

ZAC-ITEM NO 15-0031-08182014.doc

9/10/14  
WCA



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

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

**DATE:** September 9, 2014

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 3628 Bay Drive

**INFORMATION:**

**Item Number:** 15-031

**Petitioner:** D. Carey Development, LLC

**Zoning:** RC 5

**Requested Action:** Variance


**SUMMARY OF RECOMMENDATIONS:**

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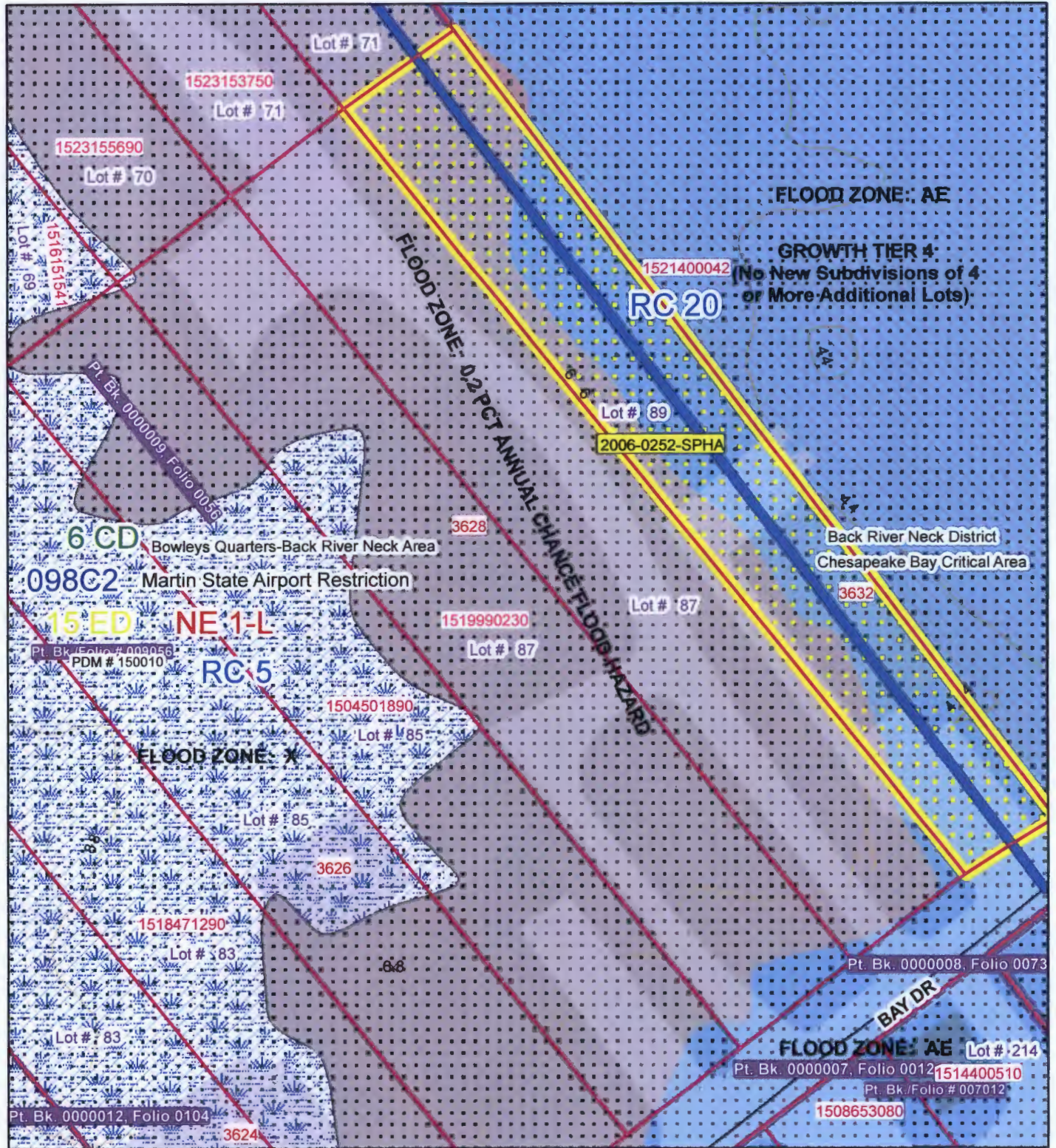
For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

**Division Chief:**   
AVA/LL





# Elevations and Flood Hazards



Publication Date: 8/6/2014



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



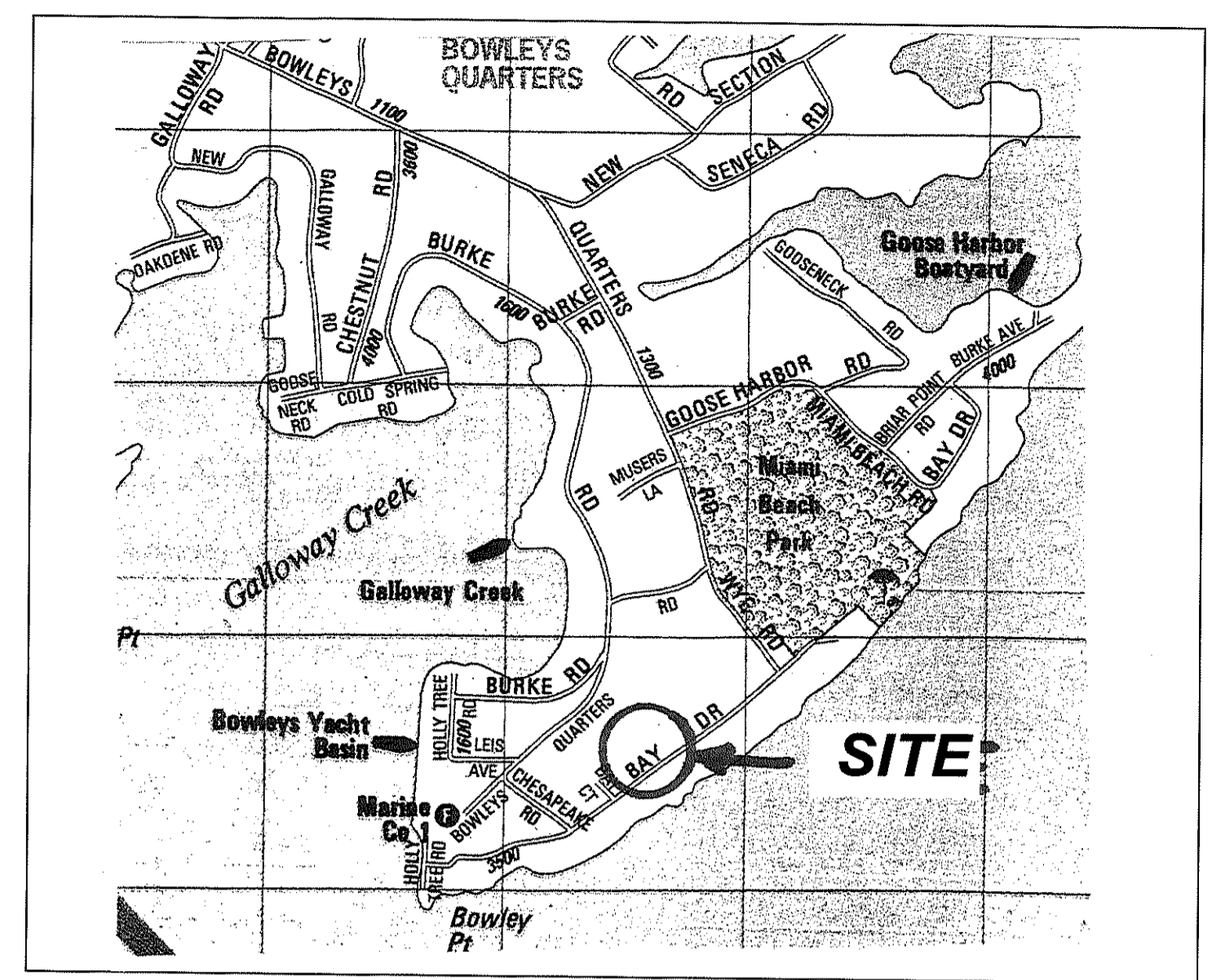
0 12.5 25 50 75 100 Feet

1 inch = 50 feet

#0031

**GENERAL NOTES:**

- OWNER: D CAREY DEVELOPMENT, L.L.C.  
3211 EASTERN AVE.  
BALTIMORE, MD.21220
- SITE AREA:  
35,000 Sq. Ft. OR 0.803 AC.+-
- UTILITIES:  
PUBLIC SEWER  
PUBLIC WATER
- THE SITE LIES WITHIN ZONE "AE" (EL. 9) AS SHOWN  
ON F.I.R.M. 2400100445F DATED SEPTEMBER 26, 2008.
- CURRENT USE OF PROPERTY: VACANT  
PROPOSED USE OF PROPERTY: SINGLE FAMILY DWELLING
- DEED REF.: JLE 34873-330
- TAX ACCOUNT: #1519990230
- COUNCILMANIC DISTRICT: 6TH
- CENSUS TRACT: 451802
- WATERSHED: GUNPOWDER RIVER
- ZONING: RC 5  
(PER BALT. COUNTY "MY NEIGHBORHOOD" WEBSITE)  
(MIN. AREA = 1.5 AC.) (MIN. SIDE YARD = 50')
- TAX MAP: #0098, PARCEL 0016
- NO KNOWN PREVIOUS ZONING CASES ON FILE.
- NO KNOWN PERMITS ON FILE.
- THE SITE LIES WITHIN THE CHESAPEAKE BAY  
CRITICAL AREA.(LDA)
- THERE ARE NO HISTORIC FEATURES ON THE SITE NOR  
IS THE SITE ITSELF HISTORIC.
- NO KNOWN PREVIOUS DRC MEETINGS
- PROPOSED IMPERVIOUS SURFACE AREA:  
DWELLING: 1500 SF  
DRIVEWAY: 1560 SF  
ACCESSORY AREAS: 1500SF  
TOTAL: 4560 SF = 0.10 AC
- EXISTING IMPERVIOUS SURFACE AREA:  
RAZED DWELLING: 2415 SF  
EX GRAVEL DRIVE: 10321 SF  
EX. SHED 299 SF  
TOTAL: 13035 SF + 0.30 AC  
  
4560 / 35,000 =13% (APPX.)



VICINITY MAP  
NOT TO SCALE

3" PRESSURE SEWER BALT. CO. DWG. NO. 2000-0375  
EX. 8" W. BALT. CO. DWG. NO. 2000-0375

**PLAN TO ACCOMPANY  
REQUEST FOR SPECIAL HEARING  
AND ZONING VARIANCE  
#3628 BAY DRIVE**

LOTS 87 & 88  
PLAT OF "BOWLEYS QUARTERS" (09:56)  
MAP 0098 PARCEL 0016  
DEED 34873-330  
15TH ELECTION DISTRICT  
BALTIMORE COUNTY, MD.

**J.S. DALLAS, INC.**  
SURVEYING & ENGINEERING  
P.O. BOX 26  
BALDWIN, MD. 21013  
(410) 817-4600



08-07-2014  
DATE

|           |             |               |
|-----------|-------------|---------------|
| FILE NAME | 13-1436.TRV |               |
| SCALE     | DATE        | DRAWN BY      |
| 30 Ft/in  | 8-7-2014    | R.N.G./J.S.D. |
| JOB       | REVISION    | SHEET         |
|           | 1/1         | 1/1           |

PETITIONER'S  
EXHIBIT NO. 1