Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
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January 19, 2017

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Allen Robertson
1608 Holly Tree Road
Middle River, Maryland 21220

RE: *In the Matter of: Gary and Kathleen Loraditch*
Case No.: 16-203-SPHA

Dear Messrs. Schmidt and Robertson:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Sunny Cannington Ham

Krysundra "Sunny" Cannington
Administrator

KLC/tam
Enclosure
Duplicate Original Cover Letter

c: Gary and Kathleen Loraditch
Ronald Walper/Bowleys Quarters Community Association
Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
W. Carl Richards, Jr., Zoning Review Supervisor/PAI
Arnold Jablon, Deputy Administrative Officer, and Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law
Paul and Kathleen Paul
Kenneth J. Wells/KJWells, Inc.
Office of People's Counsel

IN THE MATTER OF GARY AND KATHLEEN LORADITCH PETITIONERS FOR SPECIAL HEARING AND VARIANCE FOR THE PROPERTY LOCATED AT 3643 BAY DRIVE	*	BEFORE THE BOARD OF APPEALS OF
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT	*	BALTIMORE COUNTY
	*	CASE No.: 16-203 SPHA

* * * * * * * * * * * * *

OPINION

This matter comes before the Board of Appeals for Baltimore County (the "Board") on cross appeals of the Opinions and Orders of the Administrative Law Judge (hereinafter "ALJ") wherein the Petitions for Special Hearing and Variance filed herein were granted by Order dated May 17, 2016, and Petitioners' Motion for Reconsideration was denied by Order dated June 21, 2016. The Petitions were filed by Gary C. Loraditch and Kathleen S. Loraditch, owners of the subject property known as 3643 Bay Drive (hereinafter the "Property"). As originally filed, Special Hearing relief was requested to approve a use permit for an accessory in-law apartment without separate utility meters or water and sewage services pursuant to Baltimore County Zoning Regulations ("BCZR") § 400.4 and a request for confirmation that a height variance, previously granted for the Property in Case No. 2012-0300-A, is applicable to the principal structure proposed herein. Variance relief was requested from BCZR § 400.3 to permit an accessory building with a height of 30 feet in lieu of the maximum permitted 15 feet and from BCZR § 400.4.B.2 to permit the aforesaid accessory structure to be 1,260 square feet in area in the lieu of the maximum 1,200 square feet. Moreover, as contained within the Petitioners' Motion for Reconsideration, which was considered and denied by the ALJ, relief was requested to permit an accessory structure in a floodplain greater than 900 square feet in area. A hearing was held on this matter before this Board

on September 7, 2016 with Lawrence E. Schmidt, Esquire of Smith, Gildea & Schmidt, LLC appearing on behalf of the Petitioners, Mr. & Mrs. Loraditch, and with Allen Robertson appearing, pro se, on behalf of the Bowleys Quarters Community Association. A public deliberation was held on October 18, 2016.

SPECIAL HEARING RELIEF FOR DWELLING HEIGHT

The Property at issue is an unimproved water front lot, approximately 1.61 acres in area, with frontage on the Chesapeake Bay. Consequently, the Property is located within the State designated Chesapeake Bay Critical Area. As described in the Land Records of Baltimore County, the Property is nearly two acres, but the impact of erosion from the tidal waters has reduced the acreage over the years. Public water and sewer facilities are available to the Property. At the time of the filing of the Petition the Property was zoned RC 5; however, it was the subject of a rezoning request (Issue 6-005) in the recently concluded 2016 Comprehensive Zoning Map Process ("CZMP"). As the result of that process, and upon favorable consideration and vote by the Baltimore County Council on August 30, 2016, the property has been re-zoned to DR 3.5. Although the legislation adopting zoning changes is effective immediately upon the date of the Council's vote, the County's new zoning maps are not published until after the zoning legislation is enacted. Thus, when the Petitions were originally filed and considered by the ALJ, the property was zoned RC 5, but by the time of the Board's hearing, the Property was zoned DR 3.5 (See attached Council Bill 59-16).

In this case, the Property (as now configured) was part of larger lot shown on the Plat of Bowleys Quarters (ALJ Exhibit No. 2) that was recorded in the Land Records at W.P.C. No. 7, Part 1-12 on May 27, 1921. The Property as shown on that plat was part of a larger lot that was 750 feet in width. The depth of the Property as then configured was approximately 300 feet and

extended from Bay Drive to the waters of the Bay. The Petitioners note that this lot differs from the large majority of lots in Bowleys Quarters (including many shown on the Plat) that are each fifty feet wide.

Mr. and Mrs. Loraditch purchased the property from Timothy W. Starkey on February 4, 2014. The site plan submitted as ALJ Exhibit No. 1 (and elevation drawings submitted as ALJ Exhibit No. 9) depicts a single family detached dwelling to be constructed on the Property. The dwelling will meet all applicable zoning and environmental requirements, except the maximum height limitation. All required setbacks to property lines and road right of ways will be met. The applicable Chesapeake Bay Critical Area standards are also satisfied, including buffer and setback requirements to the water and lot coverage limitations. The only requirement that the proposed dwelling will not meet is the height limitation of 35 feet for a dwelling in the RC 5 zone (See BCZR §1A04.3.A). The proposed dwelling will be approximately 36 feet in height (the cupola on the roof top is not measured in the height calculation per BCZR § 300.1.) Petitioners argue that the dwelling is in compliance with the height regulations for either of two reasons. Although the Petitioners argue that the prior ruling in (Case No. 2012-300-A) provides the necessary relief to allow for the proposed building height, the Board finds it unnecessary to address this issue since under the "new" zoning applied to this Property by the 2016 CZMP (i.e. DR 3.5) the dwellings' proposed height meets the limits established for that zoning classification. Specifically, the Comprehensive Manual of Development Policies ("CMDP") limits the height for dwellings in the DR 3.5 zone to fifty feet. The proposed dwelling is within that limitation. The Board is convinced that, for this reason, the Special Hearing request to allow the Loraditch dwelling with a height of 36 feet should be granted.

VARIANCE RELIEF FOR GARAGE HEIGHT

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief, and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Under BCZR § 400.3, the maximum height for an accessory building is fifteen feet and the Petitioners propose a building with a height of 30 feet. The building (shown on the site plan as a 900 square foot structure) will contain storage/car parking on the first floor and a second floor as usable living space. The Petitioners argue that the justification for the dwelling's height is based upon the unique characteristics of the Property and the disproportionate impact of the zoning regulations and Building Code requirements on the lot. As a water front property, the entire site lies within a floodplain. Under the Building Code requirements, living quarters are to be constructed at an elevation above the floodplain (as well as the "freeboard" area established by Code, which provides an additional elevation/dimension as an extra measure of protection). Thus, new dwellings proposed on properties subject to the floodplain regulations are typically built "up" and not "out" so as to ensure compliance with floodplain regulations and protection in the event of severe tidal storms and events. This same rationale is applied to the Petitioners' request for variance relief for the proposed accessory building (garage). The proposed building will contain storage/car parking on the first floor and a second floor as usable living space. Although no residential quarters are proposed (as to be discussed hereinafter) the Petitioners propose that interior workspace, storage or similar uses will be made of the second floor. Based on these arguments, and the fact that the issue of "uniqueness" was previously adjudicated in relationship

to building height on this property, the Board finds that the Petitioners have met the test set forth in *Cromwell* and the requested Variance relief shall be granted.

FURTHER REQUESTS FOR RELIEF WERE WITHDRAWN

The Petitioners' additional requests for relief were withdrawn in open hearing. As noted above, the Petitioners originally proposed living quarters (i.e. an in-law apartment) in the garage. It was originally envisioned that Mr. Loraditch's elderly mother might occupy that space. However, pursuant to a Declaration recorded in the Land Records of Baltimore County (BOA Exhibit No. 4) at Book 37938, Page 30, the Petitioners agreed to not have an apartment in the garage. Again, although the second floor will be useable interior space, it will not be an apartment or separate living quarters. Thus, the special hearing to allow the accessory garage apartment without separate utility meters or water/sewer services is withdrawn and no longer under consideration. The Petitioners decision to withdraw this request also moots the variance as it relates to the area of the garage building. Under the accessory apartment regulations (BCZR 400.4.B.2), the garage can be a maximum area of 1,200 square feet. Moreover, under the Building Code (which was considered by the ALJ in Petitioner's Motion for Reconsideration) an accessory building in a flood plain can be a maximum of 900 square feet in area. The Petitioners have abandoned these two requests because: 1. the garage will no longer be used as an apartment; and 2. the size of the proposed garage (as shown on the site plan) has been reduced to a maximum of 900 square feet. Thus, these separate requests under the Petition for Special Hearing and Petition for Variance are withdrawn.

The Petitioners have noted that they contemplate the filing of a minor subdivision plan for the Property. In view of the new zoning classification assigned to the Property (DR 3.5), the Petitioners will propose the subdivision of the Property into three lots. The proposed house and

garage described in the instant case will be on the "middle" lot and two new lots (on each side) are contemplated. The zoning relief granted herein is not impacted by that plan and the Petitioners will need to comply with the applicable subdivision/development/zoning requirements for the residential improvement of those two "new" lots.

CONCLUSION

For the foregoing reasons and based upon the record of evidence offered in this case, the Board finds that the Petitioners' proposed dwelling height is permitted under current zoning laws and that the Petitioners' Request for Variance Relief regarding the proposed garage height is GRANTED.

ORDER

THEREFORE, IT IS THIS 19th day of January, 2017, by the Board of Appeals of Baltimore County,

ORDERED, that the Special Hearing request to allow the Loraditch dwelling with a height of 36 feet be and the same is hereby **GRANTED**; and it is further

ORDERED, that the requested Variance to allow an accessory building (garage) with a height of 30 feet in lieu of the maximum height of fifteen feet be and the same is hereby **GRANTED**; and it is further

ORDERED, that the additional requests for Special Hearing and Variance relief to permit living quarters (i.e. an in-law apartment) in the garage without separate utility meters or water/sewer service, and to permit the accessory structure to be 1,260 square feet in area in lieu of the maximum 1,200 square feet have been **WITHDRAWN** by the Petitioners and are hereby **DISMISSED AS MOOT.**

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

BOARD OF APPEALS
OF BALTIMORE COUNTY

Andrew M. Belt, Chairman

Meryl W. Rosen

Joseph L. Evans

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Gary C. and Kathleen S. Loraditch – Legal Owners 16-203-SPHA

DATE: October 18, 2016

BOARD/PANEL: Andrew M. Belt, Chairman
Meryl W. Rosen
Joseph L. Evans

RECORDED BY: Tammy A. McDiarmid, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Special Hearing relief to approve:

1) A use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR § 400.4; and
2) A request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein; and
3) For such other and further relief as may be deemed necessary by the ALJ

Petition for Variance from Section(s):

1) BCZR § 400.3 to permit an accessory building with a height of 30' in lieu of the maximum of 15'; and
2) BCZR § 400.4.B.2 to permit an accessory apartment which is 1,260 square feet in lieu of the maximum of 1,200 square feet; and
3) For such other and further relief as may be deemed necessary by the ALJ

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board reviewed the history of this matter. This case was originally the subject of a Petition for Special Hearing relief, and a Petition for Variance. The Petition for Special Hearing was Granted by the Administrative Law Judge ("ALJ"), and the Petition for Variance was granted, with conditions. The Protestants filed an Appeal to the Board. The Petitioners filed a Motion for Reconsideration to the Petition for Variance which was Denied by the ALJ, and an appeal of the Order on the Motion for Reconsideration was noted by the Petitioners.
- The Board held a hearing during which the Petitioners withdrew their request for an accessory apartment. The Petitioners also submitted a revised proposal which reduced the size of the proposed garage to 900 sq. feet with a height of 30', and with the height of the residential structure proposed at 36'. It was noted that the Petitioners' and the Protestants worked together to reach the revised proposal.
- The Board reviewed the testimony and evidence presented at the hearing. In order to be granted a variance the property must meet the uniqueness requirement of *Cromwell v. Ward*. The Board finds that the uniqueness standard is satisfied.
- The Board also noted that when the Petitions were original filed the subject property was zoned RC5, but was rezoned to DR3.5 during the 2016 Comprehensive Zoning Map Process.
- The Board noted that any future development, or new relief requested, including any request for an in-law apartment, must go through the entire County process.

FINAL DECISION: Based on the evidence, the Board unanimously agreed to GRANT the Petition for Variance to permit an accessory building with a height of 30', with the principal residential structure having a height of 36'.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,

Tammy A. McDiarmid

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 12, 2016

NOTICE OF DELIBERATION

IN THE MATTER OF: Gary C. and Kathleen S. Loraditch – Legal owners
3643 Bay Drive
16-203-SPHA 15th Election District; 6th Councilmanic District

This matter having been heard and concluded on September 7, 2016, a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, OCTOBER 18, 2016 AT 9:30 a.m.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **Thursday, September 22, 2016 by 3:00 p.m.**
Reply briefs are due on **Thursday, September 29, 2016 by 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

---

c: Counsel for Petitioner/Legal Owner : Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner : Gary and Kathleen Loraditch

Protestants : Allen Robertson, Paul and Kathleen Paul,
Ronald Walper/Bowleys Quarters Community Assoc

Kenneth J. Wells, KJWells, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Andrea Van Arsdale, Director/Department of Planning
Office of People's Counsel
W. Carl Richards, Jr., Zoning Review Supervisor/PAI
Michael Field, County Attorney, Office of Law

IN RE: PETITION FOR SPECIAL	*** BEFORE THE**
Hearing and Variance	*** OFFICE OF**
(3643 Bay Drive)	***ADMINISTRATIVE HEARINGS**
15th Election District	*** FOR BALTIMORE COUNTY**
6th Council District	
Gary C. & Kathleen Loraditch	
Owners	**Case No. 2016-0203-SPHA**

WRITTEN RESPONSE MEMORANDUM IN LIEU OF CLOSING ARGUMENT

BOWLEY'S QUARTERS COMMUNITY ASSOCIATION, P.O. Box 484, Chase, Maryland 21027, **ACTING PRESIDENT RONALD WALPER,** 1123 Chester Road; and **INDIVIDUALS ALLEN ROBERTSON,** 1608 Holly Tree Road, **PAUL & KATHLEEN PAUL,** 3803 Bay Drive, all four of Middle River, Maryland 21220, Appellants, by **Allen Robertson,** submits this Written Memorandum in lieu of Closing Argument and respectfully state:

I. STATEMENT OF THE CASE

This matter comes before the Board of Appeals (hereafter the "Board") on cross appeals of the Opinions and Orders of the Administrative Law Judge (hereinafter "ALJ") wherein the Petitions for Special Hearing and Variance filed herein granted by Order dated May 17, 2016, and Petitioners' Motion for reconsideration was denied by Order dated June 21, 2016. The Petitions were filed by Gary C. Loriditch and Kathleen S. Loriditch for Special Hearing relief to approve an accessory in-law apartment with a height variance to allow a 30 ft. accessory structure in lieu of the maximum permitted 15ft. and to permit the aforesaid accessory structure of 1260 sq. ft. in lieu of the

maximum 1200 sq. ft. Moreover, a Motion for Reconsideration, which was considered and denied by the ALJ, relief was requested to permit an accessory structure in a floodplain greater than the maximum allowed 900 sq. ft.

The Bowleys Quarters Community Association and specific individuals filed an Appeal of the ALJ Decision which opined that the petitioners met the test for the variance by writing that "The property is 250 ft. wide, which is much larger than nearly all of the surrounding lots. As such, it is unique." The ALJ then found that hardship existed by stating that "Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed garage."

II. STATEMENT OF FACTS

Appearing at the Public Hearing convened by the Board for this matter was Gary C. Loriditch, co-petitioner/ Property owner. Also present on behalf of the Petitioners was Ken Wells, the surveyor who prepared a new site plan introduced as BOA Exhibit 1. The Petitioners were represented by Lawrence E. Schmidt, Esquire of Smith, Gildea & Schmidt, LLC. Also appearing at the hearing on behalf of the Bowleys Quarters Community Association and specific Individuals (hereinafter "BQCA") was Allen Robertson.

The Property is a large unimproved waterfront lot of approximately 1.61 acres located within the Critical Bay Easement Area within 300 ft. of the shoreline of the Chesapeake Bay. At the time of the filing of the petition and hearing before the ALJ, the property was zoned RC 5 and at the Public Hearing before the Board the zoning has been changed in the Comprehensive Zoning Map Process (CZMP) to DR 3.5. The prior owner, Timothy W. Starkey had been granted a height variance on the house of 44 ft. in lieu of the maximum 35 ft. limitation. Many properties in the area are 50 ft. wide with a house constructed on them and there are several properties with houses on 100 ft. and larger parcels on Bay Drive and throughout Bowleys Quarters. The property across the street at this Bay Drive site is approximately 24 acres. The

BQCA

1608 Holly Tree Road

Middle River, Maryland 21220

410-335-2293

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 29th of September, 2016, a copy of the foregoing Notice of Appeal was mailed first class, postage prepaid, to:

Lawrence Schmidt, Esquire

Smith, Gildea & Schmidt, LLC

600 Washington Avenue, Suite 200

Towson, Maryland 21204

Respectfully Submitted,

Allen Robertson

Allen Robertson

Krysundra Cannington

From: Allen Robertson <ARBQ@hotmail.com>
Sent: Thursday, September 29, 2016 2:04 PM
To: Appeals Board
Cc: Allen Robertson
Subject: Memorandum on 3643 Bay Drive
Attachments: Memorandum in Lieu of Closing argument for 3643 Bay Drive.pdf

Sunny,

Attached is the BQCA Memorandum in Lieu of a Closing Argument for 3643 Bay Drive.

Allen

RE: PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE BOARD
	*	OF APPEALS
Gary C. and Kathleen S. Loraditch Petitioners	*	OF
3643 Bay Drive	*	BALTIMORE COUNTY
15th Election District 6th Councilmanic District	*	**Case No.: 2016-203-SPHA**
	*	

* *

WRITTEN MEMORANDUM IN LIEU OF CLOSING ARGUMENT

Petitioners, Gary C. and Kathleen S. Loraditch (hereinafter "**Petitioners**" or "**Property Owners**"), by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, submit this Written Memorandum in Lieu of Closing Argument and respectfully state:

I. STATEMENT OF THE CASE

This matter comes before the Board of Appeals (hereinafter the "Board" or "BOA") on cross appeals of the Opinions and Orders of the Administrative Law Judge (hereinafter "ALJ") wherein the Petitions for Special Hearing and Variance filed herein were granted by Order dated May 17, 2016, and Petitioners' Motion for Reconsideration was denied by Order dated June 21, 2016. The Petitions were filed by Gary C. Loraditch and Kathleen S. Loraditch, his wife, owners of the subject property known as 3643 Bay Drive (hereinafter the "Property"). As originally filed, Special Hearing relief was requested to approve a use permit for an accessory in-law apartment without separate utility meters or water and sewage services pursuant to Baltimore County Zoning Regulations ("BCZR") § 400.4 and a request for confirmation that a height variance, previously granted for the Property in Case No. 2012-0300-A, is applicable to the principle structure proposed herein. Variance relief was requested from BCZR § 400.3 to permit

an accessory building with a height of 30 feet in lieu of the maximum permitted 15 feet and from BCZR § 400.4.B.2 to permit the aforesaid accessory structure to be 1,260 square feet in are in the lieu of the maximum 1,200 square feet. Moreover, as contained within the Petitioners' Motion for Reconsideration, which was considered and denied by the ALJ, relief was requested to permit an accessory structure in a floodplain greater than 900 square feet in area.

II. STATEMENT OF FACTS

Appearing at the public hearing convened by the Board for this matter was Gary C. Loraditch, co-petitioner/Property owner. Also present on behalf of the Petitioners was Ken Wells, the surveyor who prepared the site plan introduced as BOA Exhibit No.1. The Petitioners were represented by Lawrence E. Schmidt, Esquire of Smith, Gildea & Schmidt, LLC. Also appearing at the hearing was Allen Robertson on behalf of the Bowley's Quarters Community Association.

The Property is a large unimproved water front lot, approximately 1.61 acres in area, with frontage on the Chesapeake Bay. Thus, the Property is located within the State designated Chesapeake Bay Critical Area. As described in the Land Records of Baltimore County, the Property is nearly two acres, but the impact of erosion from the tidal waters which it abuts has reduced the acreage over the years. Public water and sewer facilities are available to the Property. At the time of the filing of the Petition the Property was zoned RC 5; however, it was the subject of a rezoning request (Issue 6-005) in the recently concluded 2016 Comprehensive Zoning Map Process ("CZMP"). As the result of that process, and upon favorable consideration and vote by the Baltimore County Council on August 30, 2016, the property has been re-zoned to DR 3.5. Although the legislation adopting zoning changes is effective immediately upon the date of the Council's vote, the County's new zoning maps are not published until after the zoning

legislation is enacted. Thus, when the Petitions were originally filed and considered by the ALJ, the property was zoned RC 5, but by the time of the Board's hearing, the Property was zoned DR 3.5 (See attached Council Bill 59-16).

As is the case with many properties in mature neighborhoods on the County's waterfront east side, the Property was originally created on a Plat recorded in the Land Records of Baltimore County many years ago. In this case, the Property (as now configured) was part of larger lot shown on the Plat of Bowley's Quarters (ALJ Exhibit No. 2) which was recorded in the Land Records at W.P.C. No. 7, Part 1-12 on May 27, 1921. Interestingly, the Property as shown on that plat was part of a larger lot that was 750 feet in width. The depth of the Property as then configured was approximately 300 feet and extended from Bay Drive to the waters of the Bay. This large lot is contrasted with the large majority of lots in Bowley's Quarters (including many shown on the Plat) which are each fifty feet wide. As shown in aerial photographs (ALJ Exhibit No. 4), the community has developed as a community of single family dwellings on fifty foot wide water front lots. Although some owners have double (100 foot wide) lots, many of the homes are on fifty foot wide lots. Thus, this lot is the widest waterfront property in the vicinity.

Mr. and Mrs. Loraditch purchased the property from Timothy W. Starkey on February 4, 2014. They propose to residentially develop the Property and will reside thereon in their "dream retirement home". The site plan submitted as ALJ Exhibit No. 1 (and elevation drawings submitted as ALJ Exhibit No. 9) depicts an attractive single family detached dwelling to be constructed on the Property. The dwelling will no doubt be an asset to the neighborhood and will meet all applicable zoning and environmental requirements, except the maximum height limitation. All required setbacks to property lines and road right of ways will be met. The applicable Chesapeake Bay Critical Area standards are also satisfied, including buffer and

setback requirements to the water and lot coverage limitations. The only requirement that the proposed dwelling will not arguably meet is the height limitation of 35 feet for a dwelling in the RC 5 zone (See BCZR §1A04.3.A). The proposed dwelling will be approximately 36 feet in height (the cupola on the roof top is not measured in the height calculation per BCZR § 300.1.)

However, the dwelling is in compliance with the height regulations for either of two reasons. In a prior case (Case No. 2012-300-A) variance relief was granted for the height of a proposed dwelling to be 44 feet in height; and the Loraditch dwelling is eight feet shorter. As alleged under the Special Hearing, it is a well settled principle of law that zoning relief "runs with the land" and is not personal to the owner. Thus, the previously granted variance remains valid and the height of the Loraditch dwelling as proposed is permitted as within the limitations established by that prior variance approval. Second, it is to be noted that under the "new" zoning applied to this Property by the 2016 CZMP (i.e. DR 3.5) the dwellings' height meets the limits established for that zoning classification. Specifically, the Comprehensive Manual of Development Policies ("CMDP") limits the height for dwellings in the DR 3.5 zone to fifty feet. The proposed dwelling is within that limitation. Thus, for both of these reasons, the Special Hearing request to allow the Loraditch dwelling with a height of 36 feet should be granted.

As noted in prior case and discussed during the hearing, the justification for the dwellings height is based upon the unique characteristics of the Property and the disproportionate impact of the zoning regulations and Building Code requirements on the lot. As a water front property, the entire site lies within a floodplain. Under the Building Code requirements, living quarters are to be constructed at an elevation above the floodplain (as well as the "freeboard" area established by Code, which provides an additional elevation/dimension as an extra measure of protection). Thus, new dwellings proposed on properties subject to the floodplain regulations are typically

built "up" and not "out" so as to ensure compliance with floodplain regulations and protection in the event of severe tidal storms and events. This same rationale is applied to the Petitions request for variance relief for the proposed accessory building (garage). Under BCZR § 400.3, the maximum height for an accessory building is fifteen feet and the petitioners propose a building to a height of 30 feet. The building (shown on the site plan as a 900 square foot structure) will contain storage/car parking on the first floor and a second floor as usable living space. Although no residential quarters are proposed (as to be discussed hereinafter) the Petitioners propose that interior workspace, storage or similar uses will be made of the second floor. Again, due to the flood plain requirements, the height variance is requested.

In confirming the previous height variance for the dwelling and approving a similar height variance for the garage/accessory structure, the Board need be mindful of the principles of collateral estoppel. That principle of law states once a judicial determination of fact is made in one action, that determination is binding in any future action regarding that issue. As stated in *Shader v. Hampton Improvement Association* 217 Md. 581 (2014), Maryland has adopted a four pronged test that must be satisfied in order for collateral estoppel to apply. First, the issue to be decided must be identical in the initial case and subsequent case. Here, the zoning authorities of Baltimore County previously determined in Case No. 12-300-A, that 3643 Bay Drive was unique for zoning purposes and that variance relief was appropriate when the initial height variance was granted. The same issue (uniqueness) is relevant to the Board's consideration of the height variance for the garage. Thus, this prong is satisfied. Second, the first case must have been reduced to a final judgment on the merits. This prong is also met as Mr. Starkey obtained final approval of his variance. The ALJ's decision was not appealed. Third, the party against who the plea is asserted must be the same or in privity with the party in the first case. Here, Bowley's

Quarters Community Association ("BQCA") was/is a party in both cases. Mr. Robertson (its' representative) appeared as an adverse party at the Board's hearing in the instant case. Indeed, he was the only adverse party appearing. In the prior case, the ALJ's opinion states that the BQCA participated in that matter. Thus, the parties are the same against whom the plea is asserted. Finally, application of collateral estoppel requires a finding that the party against whom the plea is asserted was given an opportunity to be heard on the issue. Indeed, the opinion rendered in the Starkey case shows that BQCA submitted a letter outlining their position to the ALJ on the requested variance. Additionally, Mr. Robertson was afforded the opportunity to be heard and in fact participated in the instant case. Thus, having met the four pronged test, the collateral estoppel doctrine applies and the Board must likewise conclude in this case that the Property is unique for zoning purposes in considering the variance. For these reasons, the height variances for the dwelling and garage should be confirmed (as necessary) and granted, respectively.

The other requests for relief were withdrawn by the Petitioners in open hearing. As noted above, the Petitioners originally proposed living quarters (i.e. an in-law apartment) in the garage. It was originally envisioned that Mr. Loraditch's elderly mother might occupy that space. However, pursuant to a Declaration recorded in the Land Records of Baltimore County (BOA Exhibit No. 4) at Book 37938, Page 30, the Petitioners agreed to not have an apartment in the garage. Again, although the second floor will be useable interior space, it will not be an apartment or separate living quarters. Thus, the special hearing to allow the accessory garage apartment without separate utility meters or water/sewer services is withdrawn and no longer under consideration. The Petitioners decision to withdraw this request also moots the variance as it relates to the area of the garage building. Under the accessory apartment regulations (BCZR 400.4.B.2), the garage can be a maximum area of 1,200 square feet. Moreover, under the

Building Code (which was considered by the ALJ in Petitioner's Motion for Reconsideration) an accessory building in a flood plain can be a maximum of 900 square feet in area. The Petitioners have abandoned these two requests because: 1. the garage will no longer be used as an apartment; and 2. the size of the proposed garage (as shown on the site plan) has been reduced to a maximum of 900 square feet. Thus, these separate requests under the Petition for Special Hearing and Petition for Variance are withdrawn.

Finally, it is to be noted that the Petitioners do contemplate the filing of a minor subdivision plan for the Property. In view of the new zoning classification assigned to the Property (DR 3.5), the Petitioners will propose the subdivision of the Property into three lots. The proposed house and garage described in the instant case will be on the "middle" lot and two new lots (on each side) are contemplated. The zoning relief granted herein is not impacted by that plan and the Petitioners will need to comply with the applicable subdivision/development/zoning requirements for the residential improvement of those two "new" lots.

CONCLUSION

For the foregoing reasons and based upon the record of evidence offered in this case, the Petitioner requests that the Board grant the relief requested as described herein.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Owner/Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, **2016,** a copy of the foregoing Written Memorandum in Lieu of Closing Argument was mailed first-class pre-paid postage to:

Ronald Walper, President and Individual
Bowley's Quarters Community Association
1123 Chester Road
Middle River, MD 21220

Allen Robertson
1608 Holly Tree Road
Middle River, MD 21220

LAWRENCE E. SCHMIDT

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2016, Legislative Day No. 13

Bill No. 59-16

Mrs. Cathy Bevins, Councilwoman

By the County Council, August 1, 2016

A BILL
ENTITLED

AN ACT concerning

The Comprehensive Zoning Map - Sixth District

FOR the purpose of repealing certain existing zoning maps and to adopt an official zoning map for the Sixth Councilmanic District of Baltimore County, such map to be known as the 2016 Official Comprehensive Sixth Councilmanic District Zoning Map for Baltimore County and to supersede any previous zoning maps approved by the County Council of Baltimore County for that particular district.

WHEREAS, under the provisions of Sections 32-3-221 through 32-3-223, Baltimore County Code, 2003, the County Council has received a final report of the Planning Board on the Board's proposed County-wide Comprehensive Zoning Map for Baltimore County and has held public hearings thereon after giving at least 10 working days' notice thereof in a newspaper of general circulation throughout the County, and during the period of such notice the final report of the Planning Board, with accompanying maps and supporting exhibits, were shown and exhibited in the Department of Planning, in each Councilmanic District, and at such other public places as designated by the County Council; and after the expiration of such period of notice and hearings,

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

the County Council made certain changes in the Comprehensive Zoning Map for the Sixth Councilmanic District of Baltimore County which the County Council deemed appropriate; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the portion of the official zoning map of Baltimore County referred to in Section 32-1-101 of the Baltimore County Code and now in effect, including any amendments thereto and comprehensive revisions of portions thereof as it pertains to the Sixth Councilmanic District of Baltimore County, be and it is hereby repealed, and that the boundaries of zones and districts, as established by the Baltimore County Zoning Regulations, as shown on the Official Comprehensive Sixth Councilmanic District Zoning Map for Baltimore County accompanying this Act, are hereby established.

SECTION 2. BE IT FURTHER ENACTED, that the accompanying Official Comprehensive Sixth Councilmanic District Zoning Map for Baltimore County is hereby adopted and declared to be a part of this Act to the same extent as if it were incorporated herein. The Official Comprehensive Sixth Councilmanic District Zoning Map is the map described in Section 32-3-202(d) of the Baltimore County Code, the correctness of which is attested to by the signature of the Chairwoman of the Baltimore County Council. When this Act stands enacted, the Director of Permits, Approvals and Inspections shall thereupon have legal custody of said map.

SECTION 3. BE IT FURTHER ENACTED, that the dimension of any zone or district boundary shall be determined by use of the map scale, shown on the zoning map, scaled to the nearest foot. The Director of Permits, Approvals and Inspections and the County Board of Appeals shall conclusively determine the location and dimensions of zone and district boundaries from the official zoning map.

SECTION 4. BE IT FURTHER ENACTED, that in case it be judicially determined that any word, phrase, clause, sentence, paragraph or section of this Act, or that the application thereof, or the application of any portion of the Official Comprehensive Sixth Councilmanic District Zoning Map for Baltimore County, accompanying this Act, to any person, property, or circumstance is invalid, the remaining provisions of this Act and the application of such provisions, and the application of the remaining portions of said Comprehensive Sixth Councilmanic District Zoning Map for Baltimore County to other persons, properties, or circumstances shall not be affected thereby; the County Council of Baltimore County, Maryland, hereby declares that it would have enacted the remaining provisions of this Act and the remaining portions of said map without the provision or portion or the application thereof so held invalid.

SECTION 5. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on the date of its enactment.

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 29, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Gary C. and Kathleen S. Loraditch – Legal owners
3643 Bay Drive
16-203-SPHA 15th Election District; 6th Councilmanic District

Re: Petition for Special Hearing relief to approve:
1) A use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR § 400.4; and
2) A request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein; and
3) For such other and further relief as may be deemed necessary by the ALJ

Petition for Variance from Section(s):
1) BCZR § 400.3 to permit an accessory building with a height of 30' in lieu of the maximum of 15'; and
2) BCZR § 400.4.B.2 to permit an accessory apartment which is 1,260 square feet in lieu of the maximum of 1,200 square feet; and
3) For such other and further relief as may be deemed necessary by the ALJ

5/17/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED; and the Petition for Variance was GRANTED, with conditions.

6/21/16 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion was DENIED.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 7, 2016 AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

---

c: Counsel for Petitioner/Legal Owner : Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner : Gary and Kathleen Loraditch

Protestants : Allen Robertson, Paul and Kathleen Paul, Ronald Walper/Bowleys Quarters Community

Association

Kenneth J. Wells, KJWells, Inc.

Office of People's Counsel
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
W. Carl Richards, Jr., Zoning Review Supervisor/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Bowleys Quarters Community Association

John E. Beverungen, Esquire

Office of Administrative Hearings

105 W. Chesapeake Avenue, Suite 103

Towson, Maryland 21204

July 19, 2016

RECEIVED
JUL 19 2016
BALTIMORE COUNTY
BOARD OF APPEALS

Re: 3643 Bay Drive

Case No. 2016-0203-SPHA

Dear Administrative Law Judge Beverungen,

This is in reference to your letter of June 21, 2016 in which you denied Mr. Schmidt's request of your concurrence that a waiver from requirements from Flood Zone requirements as being appropriate for the proposal at 3643 Bay Drive.

On behalf of the BQCA and those individual interested parties I am writing to express our appreciation for your support in maintaining the importance of the Flood Plain code to environmentally protect the Chesapeake Bay. We had submitted an appeal on June 17th of the earlier decision. We reiterate our position that we believe there is no uniqueness of the property or hardship for granting relief as required by the code and we are resubmitting the appeal. Since we are not changing the appeal, we feel the fees paid with the original submission will suffice.

Respectfully Submitted,

Allen Robertson

Allen Robertson

BQCA
P. O. Box 484 Chase, Maryland 21027 www.BQCA.org

IN RE: PETITION FOR SPECIAL * BEFORE THE

HEARING AND VARIANCE

(3643 Bay Drive) * OFFICE OF

15th Election District * ADMINISTRATIVE HEARINGS

6th Council District * FOR

Gary C. & Kathleen Loraditch,

Owners / Petitioners * BALTIMORE COUNTY

* Case No. 2016-0203-SPHA

* * * * * * * * * * *

NOTICE OF APPEAL

BOWLEY'S QUARTERS COMMUNITY ASSOCIATION, P.O. Box 484, Chase, Maryland 21027, Acting President, Ronald Walper, 1123 Chester Road; and individuals, Allen Robertson, 1608 Holly Tree Road, Ronald Walper, 1123 Chester Road; Paul & Kathleen Paul, 3803 Bay Drive, all four of Middle River, Maryland 21220, Appellants, feeling aggrieved by the Decision of the Administrative Law Judge (ALJ) in this matter, notes an appeal of the May 17, 2016 Opinion & Order entered in the above captioned matter and attached hereto. This appeal, noted within thirty (30) days of the Final Order, now seeks review by the Baltimore County Board of Appeals.

Appellants are parties below as well as officers of the BQIA and Allen Robertson fully participated in the proceedings on behalf of the Bowleys Quarters Community Association and himself. Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover costs and a copy of the ALJ Opinion and Order.

Respectfully Submitted,

Allen Robertson

ALLEN ROBERTSON

1608 Holly Tree Road

Middle River, Maryland 21220

410-335-2293

Ronald Walper

Ronald Walper, BQCA President & Ind.

1123 Chester Road

Middle River, Maryland 21220

410-335-7968

Paul A. Paul Jr.

PAUL A PAUL JR.

3803 Bay Drive

Middle River, Maryland 21220

410-335-3525

Kathleen Paul

KATHLEEN PAUL

3803 Bay Drive

Middle River, Maryland 21220

410-335-3525

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 16th of June, 2016, a copy of the foregoing Notice of Appeal was mailed first class, postage prepaid, to:

Baltimore County Board of Appeals

Jefferson Building

105 West Chesapeake Avenue

Second Floor, Suite 203

Towson, Maryland 21204

Lawrence Schmidt, Esquire

Smith, Gildea & Schmidt, LLC

600 Washington Avenue, Suite 200

Towson, Maryland 21204

Allen Robertson

ALLEN ROBERTSON, BQCA Zoning Chairman

KEVIN KAMENETZ
County Executive

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

May 17, 2016

Lawrence M. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2016-0203-SPHA
Property: 3643 Bay Drive

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Alan Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

KEVIN KAMENETZ
County Executive

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

June 28, 2016

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS (Motion for Reconsideration)**
Case Nos. 2016-0203-SPHA
Location: 3643 Bay Drive

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 27, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Allen Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

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

No. 133694

Date: 6/27/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				265.00

Total: 265

Rec From: Lawrence Schmidt, Esq

For: 3643 Bay Drive CK#15648
2016-0283-SPHA
Appeal on Motion for reconsideration

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

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
6/29/2016 6/27/2016 15:07:59 1
REG NS01 WALKIN LJR
>>RECEIPT # 659700 6/27/2016 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 133694
Recpt Tot $265.00
$265.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

IN RE: **PETITION FOR SPECIAL HEARING AND VARIANCE** **3643 Bay Drive** 15th Election District 5th Councilmanic District Gary C. and Kathleen Loraditch, *Legal Owners* Appellants	*	BEFORE THE *OFFICE OF ADMINISTRATIVE HEARINGS* COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY **Case No.: 2016-0203-SPHA**

* *

NOTICE OF APPEAL

The Appellants, Gary C. and Kathleen Loraditch, by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Order on Motion for Reconsideration dated June 21, 2016, in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of **June, 2016,** a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

John E. Beverungen, Esquire
Office of Administrative Hearings
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, MD 21204

Allen Robertson
1608 Holly Tree Road
Middle River, MD 21220

Ronald Walper
Bowley's Quarters Community Association
1123 Chester Road
Middle River, MD 21220

Paul A. Paul Jr.
3803 Bay Drive
Middle River, MD 21220

Kathleen Paul
3803 Bay Drive
Middle River, MD 21220

LAWRENCE E. SCHMIDT

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(3643 Bay Drive)	*	OFFICE OF
15th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Gary C. & Kathleen Loraditch		
Owners	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2016-0203-SPHA**

* * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration filed by Petitioners. In that paper, Petitioners request the Administrative Law Judge (ALJ) to grant a waiver of a requirement set forth in the Building Code limiting the size of accessory structures located within a tidal floodplain.

The Order in this case granted special hearing and variance relief under B.C.Z.R. §400, pertaining to accessory structures. Petitioners now seek a waiver of certain floodplain requirements, a matter addressed in the Baltimore County Code (B.C.C.) and Building Code. Since this relief was not requested in the Petition or at the hearing, I do not believe the ALJ can grant the request at this juncture. In addition, a waiver of floodplain requirements must be "at the request of a department director," and this requirement has not been satisfied. B.C.C. §32-4-107(a)(1).

THEREFORE, for the foregoing reasons, IT IS ORDERED this 21st day of June, 2016 by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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/sln

IN RE: **PETITION FOR SPECIAL HEARING** **AND VARIANCE** **3643 Bay Drive** 15th Election District 5th Councilmanic District Gary C. and Kathleen Loraditch, *Legal Owners* Appellants	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY **Case No.: 2016-0203-SPHA**

* *

NOTICE OF APPEAL

The Appellants, Gary C. and Kathleen Loraditch, by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea, and Schmidt, LLC, feeling aggrieved by the decision of the Administrative Law Judge for Baltimore County from the Order on Motion for Reconsideration dated June 21, 2016, in the above-captioned matter, hereby note this appeal to the County Board of Appeals for Baltimore County in accordance with Baltimore County Code §32-3-401 by filing this Notice of Appeal with the Director of the Baltimore County Department of Permits, Approvals & Inspections.

Respectfully submitted,

LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of **June, 2016,** a copy of the foregoing Notice of Appeal was mailed first-class pre-paid postage to:

John E. Beverungen, Esquire
Office of Administrative Hearings
The Jefferson Building
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

Peter Max Zimmerman, Esquire
People's Counsel for Baltimore County
The Jefferson Building
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Middle River, MD 21220

Paul A. Paul Jr.
3803 Bay Drive
Middle River, MD 21220

Kathleen Paul
3803 Bay Drive
Middle River, MD 21220

LAWRENCE E. SCHMIDT

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(3643 Bay Drive)	*	OFFICE OF
15th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Gary C. & Kathleen Loraditch		
Owners	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2016-0203-SPHA**

* * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

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THEREFORE, for the foregoing reasons, IT IS ORDERED this 21st day of June, 2016 by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

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/sln

KEVIN KAMENETZ
County Executive

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

June 22, 2016

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2016-0203-SPHA
Location: 3643 Bay Drive

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 16, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Allen Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

KEVIN KAMENETZ
County Executive

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

June 21, 2016

Lawrence M. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: **Motion for Reconsideration**
Case No. 2016-0203-SPHA
Property: 3643 Bay Drive

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Alan Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(3643 Bay Drive)	*	OFFICE OF
15th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Gary C. & Kathleen Loraditch		
Owners	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2016-0203-SPHA**

* * * * * * * *

ORDER ON MOTION FOR RECONSIDERATION

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THEREFORE, for the foregoing reasons, IT IS ORDERED this **21st** day of June, 2016 by this Administrative Law Judge, that the Motion for Reconsideration be and is hereby DENIED.

ORDER RECEIVED FOR FILING
Date 6-21-16
By

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/sln

ORDER RECEIVED FOR FILING
Date 6-21-16
By sln

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

No. 133692

Date: 6/16/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				530.00

Total: 530.00

Rec From: Bowleys Quarters Community Assoc.

For: CK #550 (OAH)

3613 Bay Drive

2016-0203-SPHA

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/16/2016 6/16/2016 13:51:12 3
REG WS03 WALKIN CAH
>>RECEIPT # 691240 6/16/2016 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 133692
Recpt Tot $530.00
$530.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE * BEFORE THE

(3643 Bay Drive) * OFFICE OF

15th Election District * ADMINISTRATIVE HEARINGS

6th Council District * FOR

Gary C. & Kathleen Loraditch,

Owners / Petitioners * BALTIMORE COUNTY

* Case No. 2016-0203-SPHA

* * * * * * * * * * *

NOTICE OF APPEAL

BOWLEY'S QUARTERS COMMUNITY ASSOCIATION, P.O. Box 484, Chase, Maryland 21027, Acting President, Ronald Walper, 1123 Chester Road; and individuals, Allen Robertson, 1608 Holly Tree Road, Ronald Walper, 1123 Chester Road; Paul & Kathleen Paul, 3803 Bay Drive, all four of Middle River, Maryland 21220, Appellants, feeling aggrieved by the Decision of the Administrative Law Judge (ALJ) in this matter, notes an appeal of the May 17, 2016 Opinion & Order entered in the above captioned matter and attached hereto. This appeal, noted within thirty (30) days of the Final Order, now seeks review by the Baltimore County Board of Appeals.

Appellants are parties below as well as officers of the BQIA and Allen Robertson fully participated in the proceedings on behalf of the Bowleys Quarters Community Association and himself. Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover costs and a copy of the ALJ Opinion and Order.

Respectfully Submitted,

Allen Robertson

ALLEN ROBERTSON

1608 Holly Tree Road

Middle River, Maryland 21220

410-335-2293

Ronald Walper

Ronald Walper, BQCA President & Ind.

1123 Chester Road

Middle River, Maryland 21220

410-335-7968

Paul A. Paul Jr.

PAUL A PAUL JR.

3803 Bay Drive

Middle River, Maryland 21220

410-335-3525

Kathleen Paul

KATHLEEN PAUL

3803 Bay Drive

Middle River, Maryland 21220

410-335-3525

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 16th of June, 2016, a copy of the foregoing Notice of Appeal was mailed first class, postage prepaid, to:

Baltimore County Board of Appeals

Jefferson Building

105 West Chesapeake Avenue

Second Floor, Suite 203

Towson, Maryland 21204

Lawrence Schmidt, Esquire

Smith, Gildea & Schmidt, LLC

600 Washington Avenue, Suite 200

Towson, Maryland 21204

Allen Robertson

ALLEN ROBERTSON, BQCA Zoning Chairman

KEVIN KAMENETZ
County Executive

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

May 17, 2016

Lawrence M. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2016-0203-SPHA
Property: 3643 Bay Drive

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Alan Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** (3643 Bay Drive) 15th Election District 5th Council District Gary C. & Kathleen Loraditch *Owners* Petitioners	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No. 2016-0203-SPHA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Gary C. and Kathleen Loraditch, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein. In addition, a Petition for Variance seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Gary and Kathleen Loraditch, legal owners. Lawrence E. Schmidt, Esq. represented the Petitioners. Alan Robertson, on behalf of the Bowley's Quarters Community Association, opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

SPECIAL HEARING

The subject property is 1.6 acres and zoned RC 5. The waterfront property is unimproved, and Petitioners propose to construct a single-family dwelling (SFD) and an accessory structure on the site. The accessory structure would contain a 3 car garage on the first floor, and the second floor would be an accessory apartment. Petitioners explained that their elderly mother would live in the apartment, which would be accessed by stairs from the interior of the garage. Section 400.3 of the B.C.Z.R. permits accessory apartments subject to certain conditions which must be set forth in a Declaration of Understanding.

The most important condition, at least for zoning purposes, is the structure is not considered a second dwelling on the property and can only be occupied by individuals related by blood or marriage to the owners of the principal dwelling. The proposed structure would be designed by an architect, and plans were submitted (Petitioners' Exhibit 11) which reveal the garage/apartment would be compatible with the scale and appearance of the proposed single-family dwelling. As such, the petition for special hearing will be granted.

The petition contained a second special hearing request, which seeks confirmation that the height variance granted in Case No. 2012-0300-A is applicable to the proposed SFD. The relief in that case permitted a dwelling height of 44 ft. in lieu of the maximum 35 ft. in the RC5 zone. The home proposed by Petitioner in the 2012 case was never constructed, but the plan in this case (Exhibit 9) reflects the SFD will be 42 ft. in height. In accordance with general principles of law concerning variances, the relief granted in 2012 has not lapsed and is applicable to the dwelling proposed herein by Petitioners.

VARIANCES

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property is 250 ft. wide, which is much larger than nearly all of the surrounding lots. As such, it is unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED this 17th day of May, 2016, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance which seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft., be and is hereby GRANTED.

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Petitioners must prior to issuance of permits comply with the Critical Area Regulations.

3. Petitioners must submit for approval by Baltimore County a landscape plan for the site.

4. Prior to issuance of permits Petitioners must comply with the RC5 Performance Standards, as determined by the DOP.

5. Petitioners must execute and have notarized a Declaration of Understanding (in a format approved by Baltimore County) concerning the accessory apartment, which must be filed in the land records in the Circuit Court for Baltimore County.

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/sln

IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE
(3643 Bay Drive)
15th Election District
6th Council District
Gary C. & Kathleen Loraditch,
Owners / Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR
* BALTIMORE COUNTY
* Case No. 2016-0203-SPHA

* * * * * * * * * * *

NOTICE OF APPEAL

BOWLEY'S QUARTERS COMMUNITY ASSOCIATION, P.O. Box 484, Chase, Maryland 21027, Acting President, Ronald Walper, 1123 Chester Road; and individuals, Allen Robertson, 1608 Holly Tree Road, Ronald Walper, 1123 Chester Road; Paul & Kathleen Paul, 3803 Bay Drive, all four of Middle River, Maryland 21220, Appellants, feeling aggrieved by the Decision of the Administrative Law Judge (ALJ) in this matter, notes an appeal of the May 17, 2016 Opinion & Order entered in the above captioned matter and attached hereto. This appeal, noted within thirty (30) days of the Final Order, now seeks review by the Baltimore County Board of Appeals.

Appellants are parties below as well as officers of the BQIA and Allen Robertson fully participated in the proceedings on behalf of the Bowleys Quarters Community Association and himself. Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover costs and a copy of the ALJ Opinion and Order.

Respectfully Submitted,

Allen Robertson

ALLEN ROBERTSON
1608 Holly Tree Road
Middle River, Maryland 21220
410-335-2293

Ronald Walper

Ronald Walper, BQCA President & Ind.
1123 Chester Road
Middle River, Maryland 21220
410-335-7968

Paul A. Paul Jr.

PAUL A PAUL JR.

3803 Bay Drive

Middle River, Maryland 21220

410-335-3525

Kathleen Paul

KATHLEEN PAUL

3803 Bay Drive

Middle River, Maryland 21220

410-335-3525

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on the 16th of June, 2016, a copy of the foregoing Notice of Appeal was mailed first class, postage prepaid, to:

Baltimore County Board of Appeals

Jefferson Building

105 West Chesapeake Avenue

Second Floor, Suite 203

Towson, Maryland 21204

Lawrence Schmidt, Esquire

Smith, Gildea & Schmidt, LLC

600 Washington Avenue, Suite 200

Towson, Maryland 21204

Allen Robertson

ALLEN ROBERTSON, BQCA Zoning Chairman

KEVIN KAMENETZ
County Executive

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

May 17, 2016

Lawrence M. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2016-0203-SPHA
Property: 3643 Bay Drive

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Alan Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE (3643 Bay Drive) 15th Election District 5th Council District Gary C. & Kathleen Loraditch *Owners* Petitioners	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **Case No. 2016-0203-SPHA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Gary C. and Kathleen Loraditch, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein. In addition, a Petition for Variance seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Gary and Kathleen Loraditch, legal owners. Lawrence E. Schmidt, Esq. represented the Petitioners. Alan Robertson, on behalf of the Bowley's Quarters Community Association, opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

SPECIAL HEARING

The subject property is 1.6 acres and zoned RC 5. The waterfront property is unimproved, and Petitioners propose to construct a single-family dwelling (SFD) and an accessory structure on the site. The accessory structure would contain a 3 car garage on the first floor, and the second floor would be an accessory apartment. Petitioners explained that their elderly mother would live in the apartment, which would be accessed by stairs from the interior of the garage. Section 400.3 of the B.C.Z.R. permits accessory apartments subject to certain conditions which must be set forth in a Declaration of Understanding.

The most important condition, at least for zoning purposes, is the structure is not considered a second dwelling on the property and can only be occupied by individuals related by blood or marriage to the owners of the principal dwelling. The proposed structure would be designed by an architect, and plans were submitted (Petitioners' Exhibit 11) which reveal the garage/apartment would be compatible with the scale and appearance of the proposed single-family dwelling. As such, the petition for special hearing will be granted.

The petition contained a second special hearing request, which seeks confirmation that the height variance granted in Case No. 2012-0300-A is applicable to the proposed SFD. The relief in that case permitted a dwelling height of 44 ft. in lieu of the maximum 35 ft. in the RC5 zone. The home proposed by Petitioner in the 2012 case was never constructed, but the plan in this case (Exhibit 9) reflects the SFD will be 42 ft. in height. In accordance with general principles of law concerning variances, the relief granted in 2012 has not lapsed and is applicable to the dwelling proposed herein by Petitioners.

VARIANCES

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property is 250 ft. wide, which is much larger than nearly all of the surrounding lots. As such, it is unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED this 17th day of May, 2016, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance which seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft., be and is hereby GRANTED.

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Petitioners must prior to issuance of permits comply with the Critical Area Regulations.

3. Petitioners must submit for approval by Baltimore County a landscape plan for the site.

4. Prior to issuance of permits Petitioners must comply with the RC5 Performance Standards, as determined by the DOP.

5. Petitioners must execute and have notarized a Declaration of Understanding (in a format approved by Baltimore County) concerning the accessory apartment, which must be filed in the land records in the Circuit Court for Baltimore County.

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/sln

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*
*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
MELISSA L. ENGLISH
ELYANA TARLOW
SARAH A. ZADROZNY
of counsel:
JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
**Admitted in MD, FL, PA

June 15, 2016

Sent Via Hand Delivery
John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: 3643 Bay Drive
Case No. 2016-0203-SPHA

Dear Administrative Law Judge Beverungen:

This is in reference to your Opinion and Order issued on May 17, 2016 in the above referenced matter. Pursuant to Rule K of your Rules of Practice and Procedure, kindly accept this letter as a Motion for Reconsideration of a portion of that decision.

As you recall, you granted special hearing and variance relief related to the size/mass of a proposed accessory building on the subject property as regulated under the Baltimore County Zoning Regulations ("BCZR"). Upon receipt of your Order, my client's builder sought permits from the County to construct the residence structure, as well as the accessory building. During the course of the permit application process, Mr. Loraditch was made aware of a requirement under the International Building Code (which has been adopted by Baltimore County) related to accessory structures. Specifically, § 124.5 of the Building Code limits accessory structures which are located within the proximity of a floodplain to a maximum area of 900 square feet. As you know, Mr. Loraditch's property is waterfront and thus, this floodplain regulation is applicable. The proposed accessory structure is larger than this limitation.

I have spoken to Mr. Carl Richards in the Zoning Office and he opined that this requirement could be waived. As you know, the Office of Administrative Hearings can waive such requirements pursuant to Baltimore County Code § 32-4-414, § 32-4-107, § 32-8-301. Moreover, the zoning hearing checklist published by PAI specifically provides that the Office of Administrative Hearings can waive title floodplain requirements pursuant to BCZR § 500.6 and § 3112 of the

Building Code. As Mr. Richards and I discussed, the zoning regulation from which your Order of May 17, 2016 granted relief, governs the same subject matter (i.e. size of an accessory structure) as this Building Code section. Mr. Richards suggested, and I concur, that given that you retain jurisdiction for thirty (30) days after your decision is issued, that I request your concurrence that a waiver is appropriate.

Please contact me should you have any questions regarding this matter. I have copied Mr. Richards on this correspondence, and you may certainly discuss with him directly.

Thank you for your consideration.

Very truly yours,

Lawrence E. Schmidt

LES/amf
CC: Carl Richards, Zoning Review Supervisor
Ken Wells, KJWells, Inc.
Allan Robertson (Protestant at hearing)
Gary and Kathleen Loraditch

KEVIN KAMENETZ
County Executive

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

May 17, 2016

Lawrence M. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petitions for Special Hearing and Variance
Case No. 2016-0203-SPHA
Property: 3643 Bay Drive

Dear Mr. Schmidt:

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Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

c: Alan Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(3643 Bay Drive)	*	OFFICE OF
15th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Gary C. & Kathleen Loraditch		
Owners	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2016-0203-SPHA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Gary C. and Kathleen Loraditch, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein. In addition, a Petition for Variance seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Gary and Kathleen Loraditch, legal owners. Lawrence E. Schmidt, Esq. represented the Petitioners. Alan Robertson, on behalf of the Bowley's Quarters Community Association, opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

SPECIAL HEARING

The subject property is 1.6 acres and zoned RC 5. The waterfront property is unimproved, and Petitioners propose to construct a single-family dwelling (SFD) and an accessory structure on the site. The accessory structure would contain a 3 car garage on the first floor, and the second floor would be an accessory apartment. Petitioners explained that their elderly mother would live in the apartment, which would be accessed by stairs from the interior of the garage. Section 400.3 of the B.C.Z.R. permits accessory apartments subject to certain conditions which must be set forth in a Declaration of Understanding.

The most important condition, at least for zoning purposes, is the structure is not considered a second dwelling on the property and can only be occupied by individuals related by blood or marriage to the owners of the principal dwelling. The proposed structure would be designed by an architect, and plans were submitted (Petitioners' Exhibit 11) which reveal the garage/apartment would be compatible with the scale and appearance of the proposed single-family dwelling. As such, the petition for special hearing will be granted.

The petition contained a second special hearing request, which seeks confirmation that the height variance granted in Case No. 2012-0300-A is applicable to the proposed SFD. The relief in that case permitted a dwelling height of 44 ft. in lieu of the maximum 35 ft. in the RC5 zone. The home proposed by Petitioner in the 2012 case was never constructed, but the plan in this case (Exhibit 9) reflects the SFD will be 42 ft. in height. In accordance with general principles of law concerning variances, the relief granted in 2012 has not lapsed and is applicable to the dwelling proposed herein by Petitioners.

ORDER RECEIVED FOR FILING
Date 5/17/16
By DEN

VARIANCES

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property is 250 ft. wide, which is much larger than nearly all of the surrounding lots. As such, it is unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED this **17th** day of **May, 2016**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance which seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING
Date 5/17/16
By ASL

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Petitioners must prior to issuance of permits comply with the Critical Area Regulations.

3. Petitioners must submit for approval by Baltimore County a landscape plan for the site.

4. Prior to issuance of permits Petitioners must comply with the RC5 Performance Standards, as determined by the DOP.

5. Petitioners must execute and have notarized a Declaration of Understanding (in a format approved by Baltimore County) concerning the accessory apartment, which must be filed in the land records in the Circuit Court for Baltimore County.

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/sln

ORDER RECEIVED FOR FILING
Date 5/17/16
By sln

JB
7-11-12

IN RE: PETITION FOR VARIANCE SE side of Bay Drive, 975' NE of Chesapeake Road 15th Election District 6th Council District **(3643 Bay Drive)** Timothy W. Starkey Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2012-0300-A**

* * * * * * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Timothy W. Starkey. The Petitioner is requesting Variance relief from §§ 1A04.3.A and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a replacement dwelling with a height of 44'[1] in lieu of the maximum allowed 35', and to permit an accessory structure (gazebo) to be located in the side yard in lieu of the permitted rear yard only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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

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

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

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

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

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

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

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

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

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

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

Petitioner has met this test.

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

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

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

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

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

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

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

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

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

2. Petitioner must comply with the ZAC comments Bureau of Development Plans Review dated May 31, 2012, and the Department of Environmental Protection and Sustainability dated June 15, 2012, copies of which are attached hereto and made a part hereof.

3. Prior to obtaining a building permit, the Petitioner shall comply with the ZAC comments made by the Department of Planning (relative to the RC5 Performance Standards) dated June 22, 2012, a copy of which is attached hereto and made a part hereof.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 31, 2012

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

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

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

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0300-06112012.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

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

DATE: June 15, 2012

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

Zoning Advisory Committee Meeting of May 28, 2012.

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

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to construct a single family dwelling with greater height than permitted and to allow an accessory structure in the side yard. The lot is waterfront and is currently undeveloped. The proposed dwelling and gazebo are partially within the 100-foot buffer. Lot coverage on the entirety of this property is limited to 15%; proposed lot coverage is shown at 12.8%. If the applicant can also meet the BMA requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.

2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.

3. This office is unable to determine whether the applicant's proposal is consistent with this goal. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger; Environmental Impact Review*

7/11/12
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 22, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
JUN 28 2012
OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: 3641 Bay Drive
Item Number: **12-300**
Petitioner: Tim Starkey
Zoning: **RC 5**
Requested Action: **Variance**

SUMMARY OF RECOMMENDATIONS:

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

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by: _____

Division Chief: _____
AVA/LL: CM

W:\DEVREV\ZAC\ZACs 2012\12-300.doc

CBCA

F1001

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 3643 Bay D[illegible]/384 which is presently zoned RC 5
Deed Reference [illegible] 10 Digit Tax Account # 1521400041
Property Owner(s) Printed Name(s) Gary C. and Kathleen S. Loraditch

(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. J a **Zoning Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether the Commissioner should approve

attached.

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

[illegible] a **Variance** from Section(s)

Please 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)**

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

ORDER RECEIVED FOR FILING
Date 5/17/16
By DEN

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Gary C. Loraditch / Kathleen S. Loraditch
Name #1 – Type or Print / Name #2 – Type or Print

Signature #1 / Signature # 2

1815 Midsummer Lane Jarrettsville MD
Mailing Address City State

21084 / (410) 937-8190 / gloraditch@gmail.com
Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Name - Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD
Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com
Zip Code Telephone # Email Address

CASE NUMBER 2016-0203-SPHA **Filing Date** 3/4/16 **Do Not Schedule Dates:** _____ **Reviewer** G.H

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

3643 Bay Drive

Case No.: 2016-0203-SPHA

Special Hearing relief to approve:

1. A use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR § 400.4; and

2. A request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein; and

3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variance from Section(s):

1. BCZR § 400.3 to permit an accessory building with a height of 30 feet in lieu of the maximum of 15 feet; and

2. BCZR § 400.4.B.2 to permit an accessory apartment which is 1,260 square feet in lieu of the maximum of 1,200 square feet; and

3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

kjWellsInc

Land Surveying, Site Planning & Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

March 3, 2016

Zoning Description
of
3643 Bay Drive
Baltimore County
Maryland
15th Election District
5th Councilmanic District

Beginning at a point located on the southeast side of Bay Drive (40 feet wide) at a distance of 835 feet southwest from the centerline of Wye Road (unknown width); thence the following courses and distances:

1) South 37 degrees 30 minutes 07 seconds East 284.58 feet
2) South 54 degrees 03 minutes 10 seconds West 60.77 feet
3) South 54 degrees 20 minutes 44 seconds West 144.29 feet
4) South 56 degrees 23 minutes 16 seconds West 26.28 feet
5) South 7 degrees 09 minutes 37 seconds East 8.74 feet
6) South 27 degrees 46 minutes 57 seconds East 10.77 feet
7) South 40 degrees 11 minutes 54 seconds East 7.35 feet
8) South 49 degrees 48 minutes 06 seconds West 1.66 feet
9) North 37 degrees 30 minutes 07 seconds West 313.86 feet
10) North 59 degrees 29 minutes 53 seconds East 250.00 feet

to the point of beginning. Containing 1.6164 acres or 70,410 square feet as described in a Deed recorded in Liber 34664 folio 384.

2016-0203-SPHA

KEVIN KAMENETZ
County Executive

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

March 29, 2016

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: 2016-0203-SPHA
3643 Bay Drive
SE/s Bay Drive, S/w 835 ft. to centerline of Wye Road
15th Election District – 5th Councilmanic District
Legal Owners: Gary & Kathleen Loraditch

Special Hearing for a use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR section 400.4; and a request for confirmation that the height variance for the principal structure in Case No. 2012-0300 A is applicable to the principal structure being proposed herein; and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. **Variance** 1. To permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and 2. To permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft.; and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Hearing: Tuesday, May 10, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Mr. & Mrs. Loraditch, 1815 Midsummer Lane, Jarrettsville 21084

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 20, 2016**
(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.

THE BALTIMORE SUN MEDIA GROUP

501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

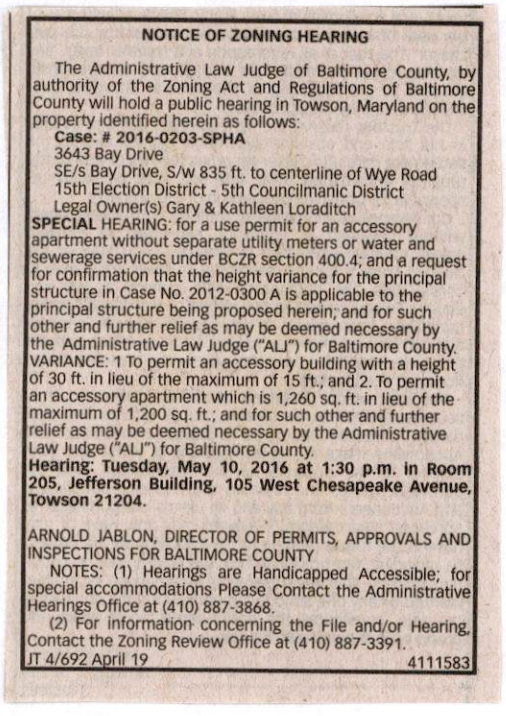
WE HEREBY CERTIFY, that the annexed advertisement of Order No 4111583

Sold To:
Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON,MD 21204

Bill To:
Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON,MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Apr 19, 2016



NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2016-0203-SPHA
3643 Bay Drive
SE/s Bay Drive, S/w 835 ft. to centerline of Wye Road
15th Election District - 5th Councilmanic District
Legal Owner(s) Gary & Kathleen Loraditch

SPECIAL HEARING: for a use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR section 400.4; and a request for confirmation that the height variance for the principal structure in Case No. 2012-0300 A is applicable to the principal structure being proposed herein; and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.
VARIANCE: 1 To permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and 2. To permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft.; and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.
Hearing: Tuesday, May 10, 2016 at 1:30 p.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.
JT 4/692 April 19 4111583

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 4/20/2016
Case Number: 2016-0203-SPHA
Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~ MR. & MRS. LORADITCH
Date of Hearing (Closing): MAY 10, 2016

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: 3643 BAY DRIVE

The sign(s) were posted on: APRIL 19, 2016

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)

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE OFFICE
	3643 Bay Drive; SE/S Bay Drive, SW 835' to c/line Wye Road	*	OF ADMINSTRATIVE
	15th Election & 5th Councilmanic Districts	*	HEARINGS FOR
	Legal Owner(s): Gary & Kathleen Loraditch Petitioner(s)	*	BALTIMORE COUNTY
		*	2016-203-SPHA

* * * * * * * * * * * * *

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
MAR 18 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March, 2016, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME LORADITCH
CASE NUMBER 2016-205-SPHA
DATE 5/10/16

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
KENNETH WEIGLD	7403 NEW COURT RD	21085	
LAWRENCE E SCHMIDT	600 WASHINGTON AVE	21204	
Kathleen S. Loraditch	1815 Midsummer Ln	21084	
GARY C. LORADITCH	1815 MIDSUMMER LN.	21084	

PLEASE PRINT CLEARLY

CASE NAME 3643 Bay Drive
CASE NUMBER 2016-026
DATE 5/10/16

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Allen Robertson	1608 Holly Tree Road	Middle River, Md 21220	arbg@hotmail.com

KEVIN KAMENETZ
County Executive

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

May 4, 2016

Gary C & Kathleen S Loraditch
1815 Midsummer Lane
Jarrettsville MD 21084

RE: Case Number: 2016-0203 SPHA, Address: 3643 Bay Drive

Dear Mr. & Ms. Loraditch:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 4, 2016. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Larry Hogan, *Governor*
Boyd K. Rutherford, *Lt. Governor*

State Highway Administration
Maryland Department of Transportation

Pete K. Rahn, *Secretary*
Gregory C. Johnson, P.E., *Administrator*

Date: 3/21/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0203-SPHA
Special Hearing Variance
Gary C. & Kathleen Loraditch
3643 Daly Drive.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard A Zeller

for David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: April 13, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
APR 15 2016
OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 16-203

INFORMATION:
Property Address: 3643 Bay Drive
Petitioner: Gary C. Loraditch, Kathleen S. Loraditch
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a Use Permit for an accessory apartment without separate utility meters or water and sewerage services and also confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein. The Department also reviewed the petition for a variance to permit an accessory building with a height of 30 feet and also an accessory apartment which is 1,260 sq. ft. in lieu of the maximum permitted 15 feet and 1200 sq. ft. respectively.

A site visit was conducted on March 24, 2016.

The Department has no objection to granting the petitioned zoning relief.

Please be advised the subject site is currently Issue# 6-005 in the 2016 Comprehensive Zoning Map Process. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations of the proposed structure must be submitted to the Department for review and approval at the time of building permit application.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka
c: Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Krystle Patchak
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: March 15, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For March 21, 2016
Item No. 2016-0203

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

If this is deemed a change of use or occupancy, a Landscape Plan will be required.

Prior to building permit application, the petitioner must contact the Office of the Director of Public Works to determine the flood protection elevation.

* * * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0203- 03212016.doc

Kristen L Lewis

From:	Kevin Wagner -MDE- <kevin.wagner@maryland.gov>
Sent:	Wednesday, March 30, 2016 9:47 AM
To:	Kristen L Lewis
Cc:	Dave Thomas; Glenn Berry; John Bryan; Terry Curtis
Subject:	ZAC Case Number 2016-0203-SPH: 3643 Bay Drive, Baltimore, MD 21220
Attachments:	FM2400100445G.pdf; MDFRAPP_3643BayDr.pdf

Ms. Lewis,

Thank you for the opportunity to comment on the above-referenced Zoning Advisory Committee (ZAC) case included on an agenda for its March 21, 2016 meeting.

A special hearing was requested by Mr. Lawrence E. Schmidt on behalf of the property owners, Gary and Kathleen Loraditch, to approve: a use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR §400.4, and a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed, and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

In addition, a variance was requested from Sections BCZR §400.3 to permit an accessory building with a height of 30 feet in lieu of the maximum 15 feet, and BCZR § 400.4.b.2 to permit an accessory apartment which is 1,260 square feet in lieu of the maximum of 1,200 square feet, and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

According to the plan that accompanied the petition, the proposed garage would be 1260 square feet (42' x 30').

The property is located within the 100-year floodplain in Zones AE and VE as mapped by Federal Emergency Management Agency (FEMA) on the effective Flood Insurance Rate Map (FIRM) Panel No. FM2400100445G dated May 5, 2014. In addition, a portion of the lot lies within the Coastal A Zone (CAZ) that is created by the Limit of Moderate Wave Action (LiMWA) line. See the attached FIRMette for reference. For additional detail, see the second map created from www.mdfloodmaps.com.

The State Coordinating Office of the National Flood Insurance Program (NFIP) offers the following comments for the County's consideration:

1. Based on the site plan included with the application, it appears the proposed house and garage/apartment will be located in Zone AE, but outside the CAZ. If any portion of the house will be in the CAZ, it must be built to VE zone standards.

2. As mentioned in my comments for a previous case (ZAC Case Number 2015-0202-SPHA), FEMA has placed a great deal of emphasis on the size of accessory structures communities allow in their floodplain. For accessory structures not elevated to or above the Base Flood Elevation (BFE), FEMA advises they should be "small" and "low cost".

Per Part 124.5 of the Baltimore County Building Code, accessory structures or garages larger than 900 square feet are not permitted. If the detached garage will include an apartment above it, it may no longer be considered an "accessory structure" for floodplain management purposes provided the living space is properly elevated, all electrical and mechanical equipment is elevated, all enclosures have proper flood openings and flood resistant materials are used.

Thank you again for the opportunity to provide comments. If you have any questions, please call me at 301-689-1495 or email kevin.wagner@maryland.gov.

Sincerely,
Kevin

Kevin G. Wagner, CFM
Natural Resources Planner
State NFIP Coordinating Office
Maryland Department of the Environment
301-689-1495 (office) | 240-362-2143 (cell)
kevin.wagner@maryland.gov

IN RE: PETITION FOR VARIANCE SE side of Bay Drive, 975' NE of Chesapeake Road 15th Election District 6th Council District **(3643 Bay Drive)** Timothy W. Starkey Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2012-0300-A**

* * * * * * * * *

Pet No 8

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Timothy W. Starkey. The Petitioner is requesting Variance relief from §§ 1A04.3.A and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a replacement dwelling with a height of 44'[1] in lieu of the maximum allowed 35', and to permit an accessory structure (gazebo) to be located in the side yard in lieu of the permitted rear yard only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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

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

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

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

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

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

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

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

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

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

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

Petitioner has met this test.

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

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

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

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

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

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

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

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

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

2. Petitioner must comply with the ZAC comments Bureau of Development Plans Review dated May 31, 2012, and the Department of Environmental Protection and Sustainability dated June 15, 2012, copies of which are attached hereto and made a part hereof.

3. Prior to obtaining a building permit, the Petitioner shall comply with the ZAC comments made by the Department of Planning (relative to the RC5 Performance Standards) dated June 22, 2012, a copy of which is attached hereto and made a part hereof.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 31, 2012

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

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

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

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0300-06112012.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

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

DATE: June 15, 2012

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

Zoning Advisory Committee Meeting of May 28, 2012.

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

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to construct a single family dwelling with greater height than permitted and to allow an accessory structure in the side yard. The lot is waterfront and is currently undeveloped. The proposed dwelling and gazebo are partially within the 100-foot buffer. Lot coverage on the entirety of this property is limited to 15%; proposed lot coverage is shown at 12.8%. If the applicant can also meet the BMA requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.

2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.

3. This office is unable to determine whether the applicant's proposal is consistent with this goal. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger; Environmental Impact Review*

7/11/12
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 22, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
JUN 28 2012
OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: 3641 Bay Drive
Item Number: 12-300
Petitioner: Tim Starkey
Zoning: RC 5
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

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

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by:

Division Chief:
AVA/LL: CM

W:\DEVREV\ZAC\ZACs 2012\12-300.doc

KEVIN KAMENETZ
County Executive

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

July 12, 2012

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

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

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

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

GARAGE 3/3/14 Rev 10/11

OK

IECC CODE COMPLIANCE

Climate Zone 4
Compliance Method
- Mandatory and Perscriptive Provisions

Exterior Frame Wall Construction
- 2x6 Studs @ 16" o.c.
- R-21 Kraft faced batt insulation
- 7/16" O.S.B. (continuous)
- Housewrap

Attic Insulation
- R-49

Basement Wall Insulation
- R-13/R-10 Full Faced Continuous Batts Full Height extending from floor above to finish grade level and then vertically or horizontally an additional 2'-0"

Floor Insulation over Unconditioned Space
- R-38 batt insulation

Window u-Value/SHGC
- U-Value = .34
- SHGC = .31

Slab on Grade Floors less than 12" below grade
- R-10 Rigid Foam Board under slab extending 2'-0" vertically or 2'-0" horizontally

Attic Access
- Access Scuttle will be weatherstripped and insulated R-49

Building Thermal Envelope (air leakage)
- Exterior walls and penetrations will be sealed per this section of the 2012 IECC with caulk, gaskets, weatherstripping or an air barrier of suitable material

Building Envelope Tightness Test
- Building envelope tightness and insulation must meet the inspection criteria listed in table 402.4.2. A "Blower Door Air Infiltration Test" shall be performed. See also Section 4303.4 of the 2012 IRC.

Fireplace
- All wood burning masonry fireplaces will have gasketed doors and outdoor combustion air. Gasketed doors are not required for prefabricated units.

Recessed Lighting
- Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage.

Thermostat
- All dwelling units will have at least 1 programmable thermostat for each separate heating and cooling system per 2012 IECC section 403.1
- Where a heat pump system having supplementary electric resistance heat is used the thermostat shall prevent the supplementary heat from coming on when the heat pump can meet heating load.

Mechanical Duct Insulation
- Supply ducts in attic R-8 minimum
- Supply ducts outside of conditioned spaces R-8 minimum
- All other ducts except those located completely inside the building thermal envelope R-6 minimum. Ducts located under concrete slabs R-6 minimum

Duct Sealing
- All ducts, air handlers, filter boxes will be sealed. Joints and seams will comply with section M1601.4.1 of the IRC.
- A duct tightness test ("Duct Blaster" duct total leakage test) will be performed on all homes and shall be verified by either a post construction test or a rough-in test. Duct tightness test is not required if the air handler and all ducts are located within the conditioned space.

Mechanical Ventilation
- Outdoor (make-up) air will be brought into the home thru a duct with an automatic OR gravity damper.

Equipment Sizing
- All furnaces will be 80% efficient furnaces minimum

Lighting Equipment
- A minimum of 75% of all lamps (lights) must be High-Efficacy Lamps

Water Heater
- Minimum efficiency established by NAECA

Contractor will be responsible for generating Certificate of Compliance and affixing to electrical panel.

GENERAL FRAMING NOTES

DOUBLE ALL FLOOR JOISTS UNDER WALLS ABOVE, THAT ARE FRAMED PARALLEL TO FLOOR FRAMING UNLESS NOTED OTHERWISE ON THE PLANS.

ALL FLOOR JOISTS, CEILING JOISTS & RAFTERS ARE TO BE S.P.F.

ALL BEAMS, GIRDERS AND HEADERS ARE TO BE DOUG. FIR LARCH #2 OR BETTER WITH A Fb RATING OF 875 AND MODULUS OF ELASTICITY OF 1,600,000 MIN. UNLESS OTHERWISE NOTED.

ALL LAMINATED VENEER LUMBER (LVL) BEAMS, GIRDERS AND HEADERS LABELED ON THE PLANS, TO HAVE A Fb RATING OF 2,950 AND MODULUS OF ELASTICITY OF 2,000,000 MIN. UNLESS OTHERWISE NOTED. STRUCTURAL LAMINATED BEAMS TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS.

ALL STRUCTURAL OPENINGS TO RECEIVE MIN. 3-2x10 HEADERS W/ 1/2" RIGID INSULATION FILLER & 1 JACK STUD EACH END UNLESS NOTED OTHERWISE.

PROVIDE SOLID 2x10 BLOCKING TO BE LOCATED BETWEEN FLOOR JOISTS WHERE POSTS, FROM ABOVE, CARRYING STRUCTURAL HEADERS LAND BETWEEN FLOOR JOIST BELOW. BLOCKING TO BE BUILT UP TO THE SAME WIDTH AS POST IT IS CARRYING ABOVE.

PROVIDE ADEQUATE CLEARANCE @ PLUMBING STACKS AS REQ.

ALL DIMENSIONS MUST BE VERIFIED IN THE FIELD BY THE CONTRACTOR BEFORE START OF CONSTRUCTION. ANY DISCREPANCIES ON THE PLANS, OR SPECIFICATIONS, MUST BE REPORTED TO THE ARCHITECT or ENGINEER PRIOR TO THE START OF CONSTRUCTION.

ANY VARIATION FROM THESE PLANS THAT WILL REQUIRE CHANGES TO THE STRUCTURAL MEMBERS SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT IMMEDIATELY.

WHERE APPLICABLE, REFER TO ENGINEERED LUMBER MFR'S SPECIFICATIONS FOR MULTI-MEMBER INSTALLATION & CONNECTION REQUIREMENTS

FASTEN MULTIPLE MEMBER JACKS TOGETHER W/ MIN. 10d NAILS @ 8" O.C. STAGGERED ALONG ENTIRE LENGTH OF MEMBERS. PROVIDE NAILING W/IN 3" OF TOP OR BOTTOM OF MEMBERS.

FASTEN MULTIPLE MEMBER BEAMS TOGETHER W/ MIN 16d NAILS @ 12" O.C. STAGGERED ALONG ENTIRE LENGTH OF MEMBERS. TWO ROWS REQUIRED FOR DEPTHS UP TO 12". THREE ROWS REQUIRED FOR DEPTHS OF 12-16". PROVIDE NAILING W/IN 22" OF EACH END OF MEMBERS. FOR BEAMS 7" OR GREATER IN WIDTH PROVIDE BOLTED CONNECTION W/ ASTM GRADE A-307 (OR BETTER) 1/2" DIA. BOLTS IN TWO ROWS 3" FROM EACH END OF BEAM @ 24" O.C. STAGGERED.

DESIGN CRITERIA

CLIMATE AND GEOGRAPHIC DESIGN CRITERIA - table 301.2 (1)

GROUND SNOW LOAD (lbs./s.f.)		30
WIND PRESSURE (pounds per square foot)		17 +/- (90 m.p.h.)
SEISMIC CONDITION BY ZONE		B
SUBJECT TO DAMAGE	WEATHERING	SEVERE
	FROST LINE DEPTH	30
	TERMITE	MODERATE
	DECAY	MODERATE
WINTER DESIGN TEMP. FOR HEAT. FACILITIES		13°
RADON RESISTANT CONSTRUCTION REQ		
FLOOD ZONE		

DRAWING LIST

0.01	COVER SHEET
0.02	GENERAL INFO
L01	ELEVATIONS
2.01	PLANS
3.01	SECTIONS
3.51	BRACING PLANS
4.01	BRACING DETAILS

AREA INFO

FLOOR	SQUARE FOOTAGE
SECOND FLOOR	1,092 s.f.
GARAGE	846 s.f.
TOTAL	1,938 s.f.

CODE INFORMATION

2016 International Residential Code
2011 National Electrical Code
with Local Amendments (NFPS 70)
2012 International Mechanical Code
2012 Life Safety Code
2009 National Standard Plumbing Code III.
2009 National Fuel Gas Code (NFPA 54)
2015 International Energy Conservation Code

ITEMS OF PARTICULAR NOTE

- Contractor, sub-contractor or supplier shall verify all job conditions and measurements prior to commencing work or ordering materials. Discrepancies between dimensions shown on drawings and actual field conditions should be brought to the Architect and Owner's attention immediately for clarification prior to proceeding with work. These plans are not to be scaled for Construction purposes. Written dimensions and notes supersede all scaled reference. If there are any conflicts, discrepancies or ambiguity with dimensioning the Contractor shall notify the Architect immediately for clarification. Field verify ALL proposed dimensions

- As a matter of record, JRArchitecture, LLC shall not be responsible for construction means and methods or omissions by the contractor, sub-contractor or any other persons performing work in accordance with these drawings.

- On this Project, the Contractor shall have sole supervision over, and exclusive responsibility for: demolition and temporary construction; construction means, methods, techniques, sequences, procedures, safety precautions and safety programs in connection with all demolition and construction work; and protection of persons and property during construction until final completion is attained. Services performed by Architect or its consultants during construction, if any, are intended to promote the goal that, in general, the construction work, when fully completed, will be consistent with the design intent reflected in the permit or construction drawings. Means and methods responsibility always shall be the exclusive responsibility of the Contractor and Contractor shall separately engage specialty engineers or other consultants as required to fulfill this responsibility.

JONATHAN RIVERA
(443) 226-5745
JonathanRiveraDesigns.com

PROFESSIONAL CERTIFICATION
I certify that these documents were prepared or approved by me, and that I am a duly licensed professional architect under the laws of the State of Maryland, License Number #14478 Expiration Date: 8/31/2014.

SHORE-LINE ENGINEERING

Loraditch Dwelling

PROPOSED GARAGE

364[illegible] Drive, Bowleys Quarters, Maryland 21220

ISSUE DATES:
04-15-13 PERMIT REVIEW

SCALE: N/A

COVER SHEET

0.01

PRINT DATE:
Thursday, March 03, 2014

MECH. PLUMB. ELEC.

- Mechanical contractor is responsible for the design and installation of mechanical systems including duct sizes, trunk and register size for air conditioning and heating. Systems shall be installed per manufacturer's specifications and recommendations and as per all applicable building codes.
- Plumbing contractor is responsible for the design and installation of plumbing and piping. All plumbing, piping and fixtures shall be installed per manufacturer's specifications and recommendations and as per all applicable codes.
- Electrical contractor is responsible for the design and installation of all electrical systems. All electrical work shall meet the requirements of the National Electric Code, the local power company and all applicable codes. Fixtures and apparatus are selected by the builder and shall be UL approved.
- Smoke & Carbon Monoxide detectors - Provide a minimum of one ceiling mounted fixture per floor, hard wired to a nearby circuit and interconnected for simultaneous activation with battery backup. Provide detectors at each sleeping room if required by local code. Provide detectors outside each sleeping area within 10'-0' of each door. Supply and install Per IRC R314 and R315. Provide Radon vent per code.
- Fire suppression systems shall be installed as per local building code.
- All work shall comply to local code.

SITEWORK

- GENERAL: These drawings do not cover sitework, grading or landscaping
- Building foundations have been designed based on an assumed soil bearing capacity of 3000 PSF. Additional engineering is required if soil bearing capacity is less than 3000 PSF.
- Provide continuous perimeter foundation drainage in accordance with local code requirements. Where both interior and exterior drains are required, provide minimum 1 1/2' dia. bleeder pipes through mid line of footing at max 8' o.c. Typically, drains shall lead to sump pits or to positive daylight discharge points.
- Slope all stoops, porches, walks and garage slabs away from building 1/8" minimum per foot.
- All work shall comply to local code.

WEATHER/THERMAL

- Insulation for slab on grade construction shall begin at the inside intersection of the slab and the foundation wall and shall extend for a minimum distance of 24" down the inside face of the foundation wall and horizontally 24" under the slab. For unheated slabs a material with an R-value of 42 is required; for heated slabs an R-value of 63 is required (or as per local code)
- Sill Sealer-compressible material shall be installed under all mud plates (foundation wall and wood floor systems) and sole plates (slab on grade)

R-Value	Thickness	Location
R-11 FSTB	3 1/2"	Basement Walls
R-21	5 1/2"	2x6 Walls (exterior)
R-38	8"	Crawl Space
R-38	"	Floors exposed to unheated condition
R-45 Batt.	12"	Roof
R-45 Blown	"	Apply blown insulation as required by manufacturer's specifications

- Provide vents as per local code.
- Flashing: Prefinished aluminum or equal, at all roof offsets, chimneys, roof openings, hips, valleys, ridges, dormers and where roof intersects wall.
- Contractor shall maintain in all circumstances proper fire, sound and insulation ratings when penetrating through walls, floors, ceilings and roofs.
- All miscellaneous penetrations during construction shall be patched and repaired according to manufacturer's specifications and as per code.
- All exterior joints between windows, doors and other surfaces shall be caulked and sealed appropriately.
- DAMPPROOFING: Apply (1) coat of asphalt emulsion to exterior of all below grade walls at basement conditions. When habitable space occurs below grade, provide waterproofing membrane, aqueous based elastomeric, vinyl acrylic mastic, 35 MIL min. thickness or other approved equal.
- SLAB VAPOR BARRIER: 6 MIL polyethylene sheet where noted on drawings. Overlay all edges 6".
- SILL SEALER: ½" x 5 ½" compressible fiberglass beneath all exterior sill plates or other approved sill sealer.
- Provide approved corrosion-resistive flashing at the intersections of masonry and wood frame construction over projecting wood trim where decks, porches etc. attach to wood frame construction at wall and roof intersections at chimney and roof intersections; in roof valleys; at all roof penetrations and at wall openings if recommended by window and door manufacturers.
- Slab perimeters exposed to outside or within 30" of grade: 4.5x24", either vertical or horizontal from slab intersection.
- ROOFING: unless noted otherwise, roofing shall be min 300# Class "C" Fiberglass based asphalt shingles over 15 pound felt. Eave flashing to a point 24" inside of interior face of wall line may be also installed at the owner discretion.
- WALL SHEATHING: As shown on drawings and installed in accordance with MANUFACTURER'S RECOMMENDATIONS.
- GUTTERS AND LEADERS: .032" Prefinished aluminum gutters with .024" prefinished aluminum leaders. Lead to splashblocks or collector as required.

CONCRETE

- Concrete works shall conform to American Concrete Institute Standard 318-83
- Bottom of all footings shall be located a minimum of 36", (or as per local code) below finished grade. Steps or depth of footing / foundation may vary according to local site or frost conditions.
- All interior concrete slabs shall have 6"x6"x10" W.W.M. or control joints. Monolithic turned down slabs for townhouses shall have a control joint between units.
- Concrete used in exposed areas implicit to freezing and thawing (both during construction and service life) shall be air-entrained in accordance with local code. Exterior flat-work shall be coated with an approved curing compound.
- Foundation walls of habitable rooms located below grade shall be dampproofed or water proofed using materials and methods approved by local building jurisdiction.
- All work shall comply to local code.

Type of Concrete Construction	Minimum Specified Compressive Strength
- Footings	3000 PSI
- Interior Basement Slabs	3500 PSI
- Foundation Walls	3000 PSI
- Garage and Exterior Slabs	3500 PSI

(or as per local code)

- Concrete works shall conform to American Concrete Institute Standard 318-83
- All Interior Concrete Footings and slabs shall have a minimum 28 Day Compressive Strength of 2500 psi - unless noted otherwise.
- REINFORCING RODS: ASTM A-615 and A-305 MESH: 6x6 L4/L4 WWF ASTM A-185.
  Reinforcing in footings is required where variations in soil conditions may exist.
- All interior slabs of 30 FEET or more in any dimension shall have WWF, Control Joints, or Fiber Reinforcement.
- Vapor barrier under all slabs EXCEPT garages: 6 MIL Polyethylene, Lap all edges 6", Lay over 4" Gravel bed.
- Exterior Concrete Slabs: 5% to 7% Air Entrained and shall have a minimum 28 Day Compressive Strength of 3500 psi - unless noted otherwise.
- Foundation Walls: Poured in place walls shall have a minimum 28 Day Compressive Strength of 3000 PSI. (SEE 4.0)

MASONRY

- Maximum vertical distance of unbalanced fill measured from the top of the lower level slab to outside finished grade shall not exceed the following, for unreinforced walls where unstable soil or ground water conditions do not exist.

Type of Wall	Height of Fill
8" C.M.U.	4'-0"
12" C.M.U. (hollow)	5'-0"
12" C.M.U. (solid)	7'-0"
8" Poured Concrete	7'-0"
10" Poured Concrete	8'-0"

- Masonry veneer shall be installed over 15# felt or approved water repellant sheathing. Through-wall flashing and weeps shall be provided at any location where interior space projects beyond the face of the veneer, i.e. bay windows, Off-set chimneys, etc.
- Masonry veneer shall be attached and anchored in accordance with the local code requirements.
- Walls over 7'-0" or on unstable soil shall be engineered and certified by a registered professional engineer.
- Concrete masonry units shall meet ASTM C-90 Grade A solid block or ASTM C-145 Grade B Standards and be 28 DAYS OLD before installation. Minimum net compression strength of block to be 2000 psi.
- Parging over CMU walls to be not less than 3/8" Portland cement parging from footing to finished grade. Parging and poured concrete walls shall be covered with a coat of approved bituminous material applied at the recommended rate below grade.
- MASONARY LINTELS: Provide lightweight pre-cast lintels for all openings and and recesses in CMU walls. Provide (1) 4x8 lintel for each 4" of wall thickness. Reinforce each lintel with two #4 bars at top and bottom and with #7 ties spaced 8" O.C., unless noted otherwise. Precast lintel to have minimum 8" bearing at each end. Such lintels shall not support any superimposed loads.
- Use Type "M" mortar for masonry below grade in contact with earth.
- Use Type "N" mortar for exterior above-grade load bearing and non-load bearing walls, and for other applications where another type is not indicated.

MISCELLANEOUS

- Pre-Built fireplace shall be UL approved and installed according to code and manufacturer's specifications and recommendations.
- Chimneys shall extend a minimum of 2'-0" above any roof structure within 10'-0".
- Provide overflow pans and drains for wet appliances when located on bedroom level, or as noted on plans.
- Provide 22"x54" attic access with pull chain light for as per local code)
- Kitchen and bath plans are approximate. See manufacturer's plans for exact layout and dimensions.

WOOD

- Wall bracing shall be installed as per local code.
- All roof trusses and floor systems shall be engineered by others.
- All roof trusses and floor systems shall be braced and installed per manufacturer's specifications and as per local code. See manufacturer's plans for exact layout and construction.
- All trusses are stamped and certified by a registered engineer and meet TPI manufacturers minimum requirement.
- See drawings for type of floor construction.
  - Tongue and groove floor decking glued and nailed on (SPF #2) 2x8 or 2x10 or 2x12 floor joists at 16" o.c. maximum to meet the American Plywood Association Sturd-I-Floor system.
  - Tongue and groove floor decking glued and nailed on pre-engineered wood joists/trusses at 24"o.c. maximum to meet the American Plywood Association Sturd-I-Floor system.
- Fire-stopping shall be provided to cut-off concealed draft openings and to form an effective fire barrier between stories as per local code.
- Structural lumber to have minimum bending stress of 1,200 psi
- All exterior walls are 2x6 stud @16" centers, minimum SPF stud grade unless otherwise noted.
- All interior walls are 2x4 stud @16" centers, minimum SPF stud grade unless otherwise noted.
- All opening headers to be 3-2x10's unless noted otherwise
- Joist hangers to be installed as required.
- All wood less than 8" from grade shall be pressure treated. All sole plates on slabs shall be pressure treated.
- Provide bearing at all structural members as required by local code.
- All materials shall be installed per manufacturer's specifications and as per applicable building codes.
- All work shall comply to local code.

METAL

- Strap anchors or anchor bolts shall be local code and building inspector approved: Minimum 2 straps/bolts per section of plating 12" Max. from each end and with intermediate strap/bolts at 6'-0" o.c. maximum. (or as per local code)
- Galvanized metal brick ties shall be installed as per local code.
- All steel shall conform to ASTM Specs for A-36 Steel.
- All steel designed for maximum bending stress of 24,000 psi
- Metal joist hangers (Standard wood ledger) Shall be used where required at joist without direct bearing and be 18 GA. galvanized steel. Use all nails specified by the manufacturer.
- Veneer ties shall be 1" wide, 22 GA., galvanized steel installed 24" O.C. Horizontally and 16" O.C. Vertically.
- Steel lintels for all opening and recesses in brick or Brick Faced Masonry wall not specifically detailed: Provide (1) steel angle for each 4" of wall thickness. Steel angles to have minimum 6"bearing at each end. Horizontal leg shall be 3 ½, unless noted otherwise.
- LINTEL SCHEDULE (UNLESS NOTED OTHERWISE ON PLANS):

L-1	3 ½"x3-1/2"x5/16"	STEEL ANGLE	UP TO 3' OPG.
L-2	4"x 3-1/2"x5/16"	STEEL ANGLE	3' TO 5' OPG.
L-3	5"x 3-1/2"x3/8"	STEEL ANGLE	5' TO 6'-6" OPG.
L-4	6"x3-1/2"x1/2"	STEEL ANGLE	UP TO 5' OPG.
L-5	6"x 4"x5/8"	STEEL ANGLE	UP TO 10'-0"
L-6	8" OR 5"x4"x5/16"	STEEL ANGLE	16' GARAGE

- Lintels shown shall not support any superimposed loads.
- All steel angles in masonry walls are to be flashed and painted.
- Paint all exterior ferrous or galvanized metals EXCEPT completely pre-finished factory items.
- All work shall comply to local code.

GENERAL NOTES

- All work shall comply to all applicable local codes.
- All construction shall be classified as and comply to either of the following:
  - Use Group R-4 under the 2012 International Residential Code.
- All work shall comply to International Energy Conservation Code, 2012 edit. SEE IECC CODE COMPLIANCE notes below
- These plans and notes are the property and sole responsibility of JRArchitecture, LLC. Use of these plans without the written consent of JRArchitecture, LLC. is prohibited.
- These plans are subject to modification as necessary to meet code requirements and or facilitate mechanical/plumbing installations or to incorporate design improvements. The Architect and the Owner reserves the right to make any changes, for any reason, at any time, providing they comply with the code.
- The Sub-Contractor shall compare and coordinate all drawings. When a discrepancy or an error or omission exists, he shall comply with the code and contact the Architect and the Owner in writing for proper adjustment.
- These plans are not to be scaled for Construction purposes. Written dimensions and notes supersede all scaled reference.
- In the event certain features of Construction are not fully shown on the drawings, their construction shall be of the same character as for similar conditions that are shown or noted.
- Integral garages in dwelling units shall be separated from all adjacent living space with fire separation as required by local code.
- Field verify ALL dimensions

DESIGN - LIVE LOADS

- RECOMMENDED MINIMUMS:		SNOW LOADS:	
- Ground Snow Load	35 psf	ROOF:	12.6 PSF
- Roof	30 psf	GROUND:	20.0 PSF
- Sleeping Floors	30 psf	FLAT ROOF:	14.0 PSF
- Living Floors	40 psf	EXP. FACTOR:	0.07
- Exterior Decks	60 psf	IMPORT FACTOR:	1.0
- Stairs	100 psf	ATTIC AREAS	10PSF
- Garage Slabs	50 psf	UNACCESSIBLE:	20 PSF
- Wind Load	11 psf	ACCESSIBLE:	16 PSF (EXPOSURE C)
- Dead Load	10 psf	WIND LOAD:	30 PCF MAXIMUM
- Guardrails	200'	FLUID PRESSURE: at any point in any direction.	

(or as per local code)

LOADS GREATER THAN 30 PCF REQUIRE FOUNDATION WALLS TO BE ENGINEERED.

STAIR CRITERIA

- INTERIOR and EXTERIOR STAIRS
- All stairs shall comply with all local codes.
  - Minimum finish width: 36"
  - Minimum finished headroom height: 6'-8"
  - Maximum riser height: 7 3/4"
  - Minimum tread depth: 10"
  - Maximum space between ballisters: 4"
  - Handrail height shall not be less than 34" or greater than 38" and may not project more than 3 1/2" into stair width.
- Provide a minimum of 1 1/2" space between handrail and wall.
- Stair winder shall have a minimum inside width of 6" and a minimum of a 9" tread when measured 12" from inside corner.
- Stair landings shall be a minimum of 36" x 36"
- Stairways with 3 or more risers are required to have a handrail.

SPECIALTIES

- Concrete works shall conform to American Concrete Institute Standard 318-83
- FIREPLACES: Pre-built U.L. Approved, selected by the owner, and installed according to code and manufacturer's recommendations, IF APPLICABLE.
- Toilet and bath accessories per plans or by owner.
- MIRRORS: TBD by builder or by owner.
- Provide two towel bars for each full bath, one per powder room.
- Provide either shower rods 80"a.f.f. or tempered or safety laminate glass doors, per owner.

DOORS and WINDOWS

- Provide safety glazing as required by local code.
- Garage door into dwelling shall be fire rated minimum 45 minute or as per local building code. The threshold of the door opening between the garage and the adjacent interior space shall not be less than 4" above the garage door. (or as per local code)
- All doors and windows shall be installed in accordance with manufacturer's specifications, and as per local code.

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PROFESSIONAL CERTIFICATION
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SHORE-L CONSTRUCTION

Loraditch Dwelling

P R O P O S E D   G A R A G E

3643 ...rive, Bowleys Quarters, Maryland 21220

ISSUE DATES:

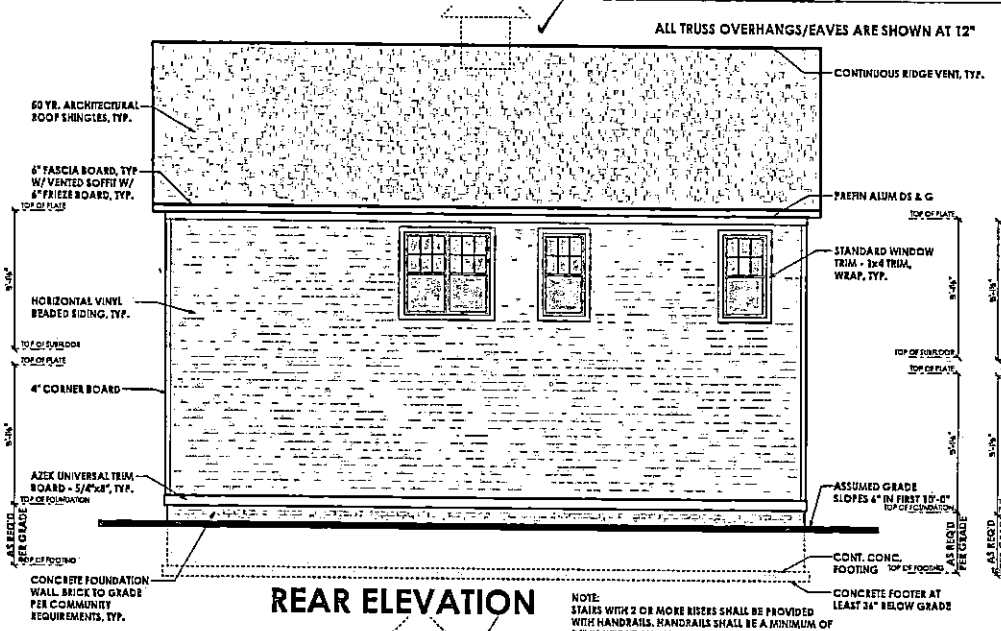
05-16-15	PERMIT REVIEW

SCALE:

GENERAL INFO

0.02

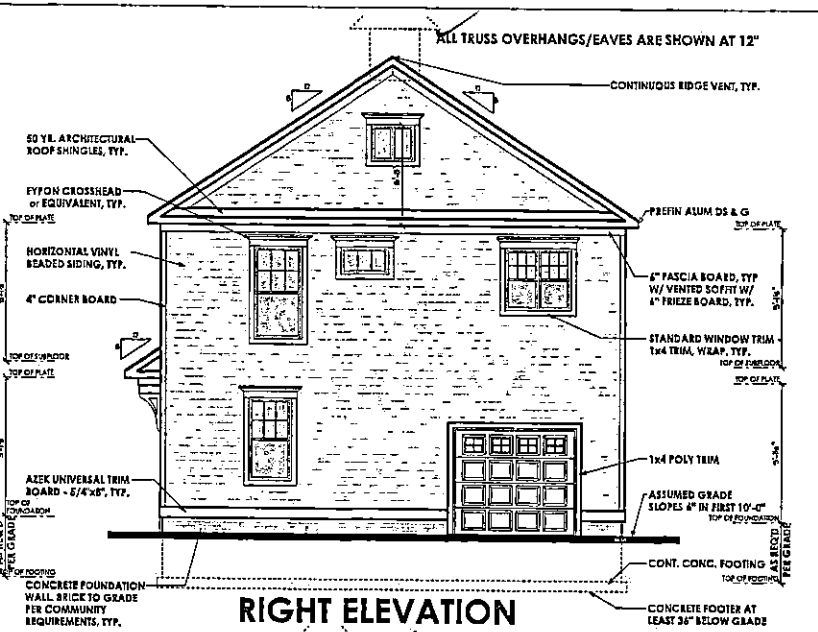
PRINT DATE: Thursday, March 03, 2016

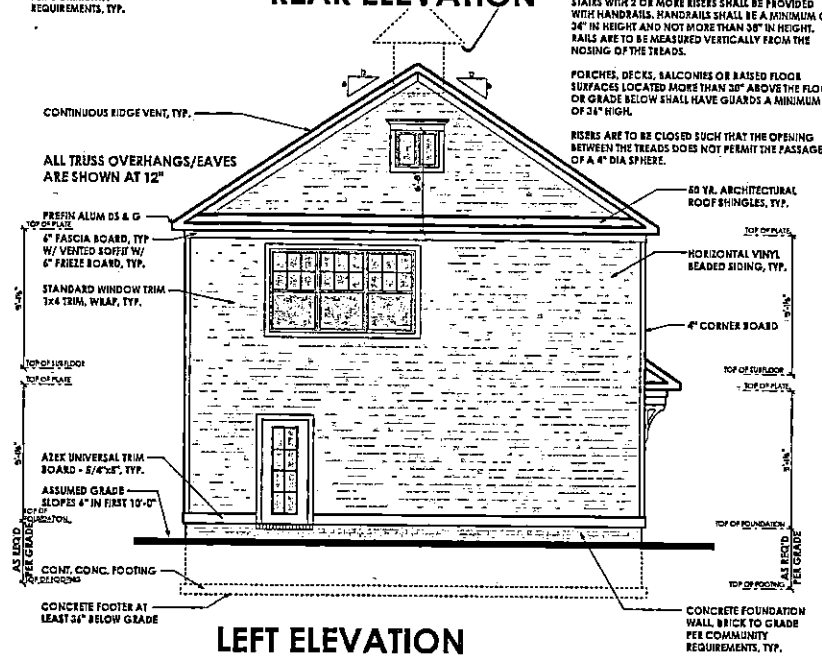


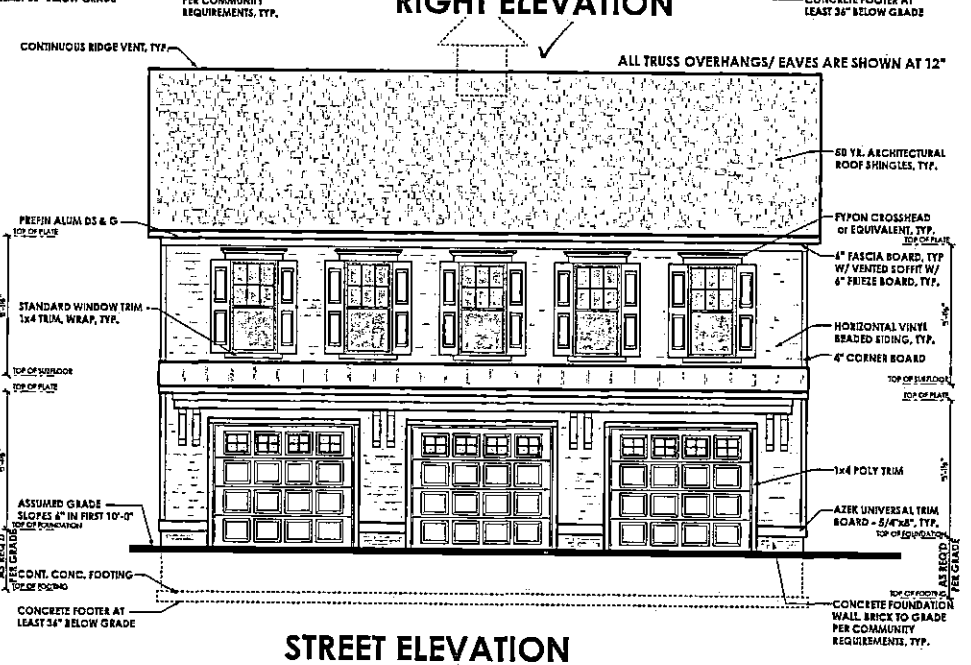
NOTE:
STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL BE A MINIMUM OF 34" IN HEIGHT AND NOT MORE THAN 38" IN HEIGHT. RAILS ARE TO BE MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.

PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS A MINIMUM OF 36" HIGH.

RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT PERMIT THE PASSAGE OF A 4" DIA SPHERE.







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SHORE-LINE CONSTRUCTION

Loraditch Dwelling

PROPOSED GARAGE

364: Drive, Bowleys Quarters, Maryland 21220

ISSUE DATES:
04-15-16 PERMIT REVIEW

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

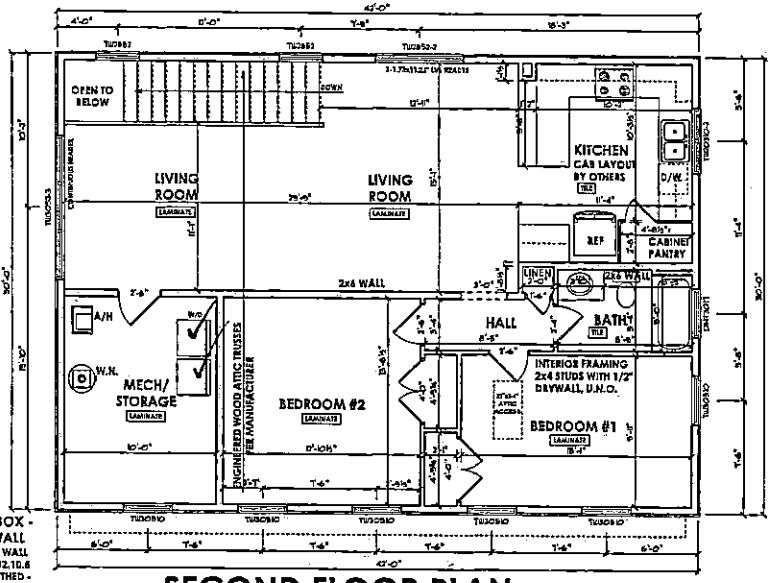
ELEVATIONS

1.01

PRINT DATE:
Thursday, March 03, 2016

FRAMING NOTES

1. ALL BEAMS ARE TO BE DROPPED BELOW FLOOR AND ROOF FRAMING UNLESS NOTED SPLIT. BEAMS ARE TO BEAR FULL DEPTH OF POSTS.
2. PROVIDE DOUBLE WALL STUD POST UNDER ALL BEAMS, HEADERS, TRIMMERS AND MULTIPLE JOISTS BEARING ON STUD WALLS, UNLESS NOTED OTHERWISE. PROVIDE SAME STUD POST IN STUD WALLS BELOW UNDER ALL POSTS TO PROVIDE SOLID SUPPORT TO FOUNDATION. BLOCK SOLID BETWEEN FLOOR JOISTS AT FLOOR LEVELS. SEE GENERAL NOTES FOR JAMB STUDS AT BEARING WALL OPENINGS.
3. PROVIDE METAL HANGERS AT ALL FLUSH CONNECTIONS.
4. PROVIDE 2-2x10 WALL HEADER AT ALL EXTERIOR STUD WALL OPENINGS UNLESS NOTED



TYPICAL HOUSE BOX - 2x6 EXTERIOR WALL
TYPICAL METHOD OF WALL CONSTRUCTION - R402.10.6 CONTINUOUSLY SHEATHED - WOOD STRUCTURAL PANEL

SECOND FLOOR PLAN

FOUNDATION NOTES

1) 2000 PSF MIN SOIL BEARING CAPACITY ASSUMED

2) BEAMS, JOISTS, HEADERS & RAFTERS TO BE SPF #1/#2 OR EQ. TYP THRUOUT U.N.O.

3) ALL LOCATIONS FOR HVAC, SUMP PUMPS, ROUGH-INS, H/W/H, A/H AND OTHER FEATURES ARE SUBJECT TO BUILDER DISCRETION ON SITE

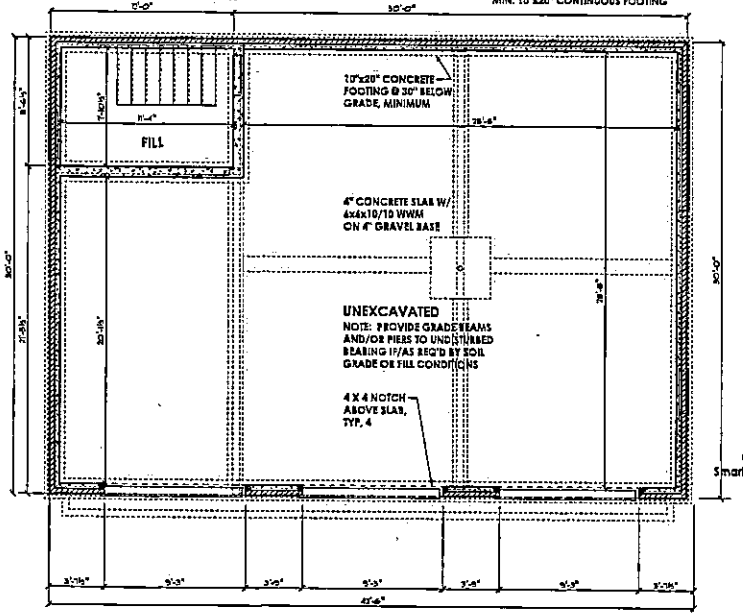
4) FOUNDATION WALL MIN. THICKNESS 8" or 10" WHERE STEM WALL AT BRICK LEDGE EXCEEDS 12" HIGH

5) MIN. 1/2" HOOKED ANCHOR BOLTS EMBEDDED A MIN. 7" INTO CONC. SHALL BE SPACED AT 4' O.C. AND LOCATED 4" TO 12" FROM EACH END OF ALL SILL PLATE PIECES.

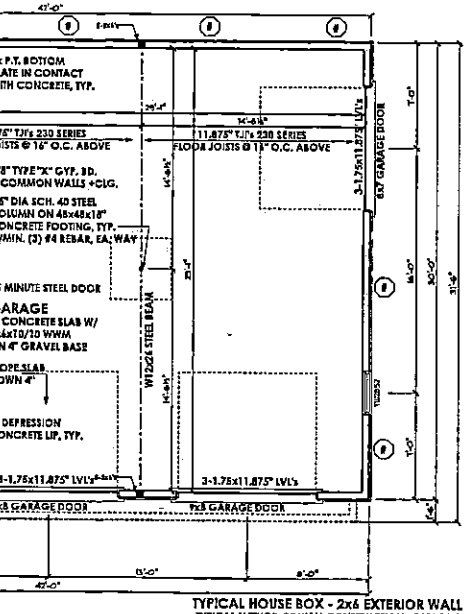
6) REFER TO WALL SECTION(S) FOR FOUNDATION WALL DETAILS.

TYPICAL HOUSE BOX FOUNDATION WALL

MIN. 8" REINFORCED CONCRETE BLOCK FOUNDATION WALL (THICKNESS & REINFORCING PER SOIL & GRADE CONDITIONS & CODE)
MIN. 10"x20" CONTINUOUS FOOTING



FOUNDATION



Ground Floor Area = 1194 s.f.
Code for Flood Vents - 1 sq. in. per 1 s.f.
Smart Vent Specification Area : 8"x16"= 128 sq. in.
1194/128 = 9.32 = 10 vents

(8) = FLOOD VENT

GARAGE DOOR SPEC
CLOPAY INSULATED GARAGE DOOR
- CLASSIC COLLECTION
- DOOR - HDG
- WINDOW DESIGN - COLONIAL 509
- COLONIAL HARDWARE

TYPICAL HOUSE BOX - 2x6 EXTERIOR WALL
TYPICAL METHOD OF WALL CONSTRUCTION - R402.10.6 CONTINUOUSLY SHEATHED - WOOD STRUCTURAL PANEL

GROUND FLOOR PLAN

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SHORE-LI CONSTRUCT

Loraditch Dwelling

PROPOSED GARAGE

3643 Drive, Bowleys Quarters, Maryland 21220

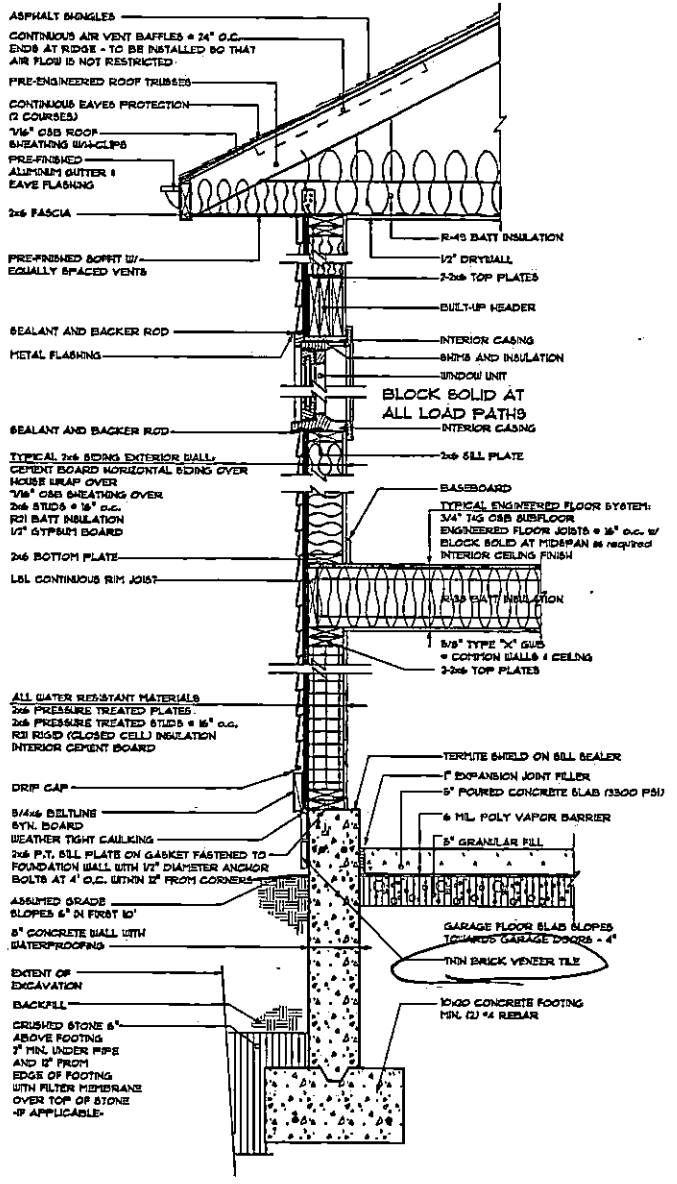
ISSUE DATES:
04-14-16 PERMIT REVIEW

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

FLOOR PLANS

2.01

PRINT DATE:
Thursday, March 03, 2016



TYPICAL WALL SECTION

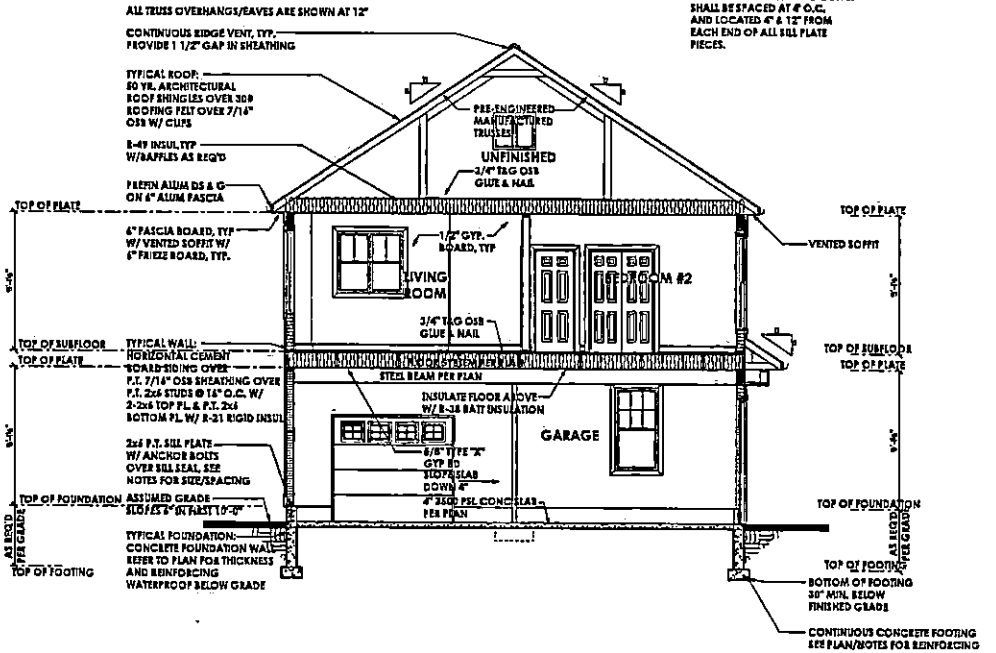
SECTION NOTES

1) 2000 PSF MIN SOIL BEARING CAPACITY ASSUMED

2) BEAMS, JOISTS, HEADERS & RAFTERS TO BE SPF #1/#2 OR EQ. TYP THROUOT U.N.O.

3) ALL LOCATIONS FOR HVAC, SUMP PUMPS, ROUGH-INS, H/W/H, A/H AND OTHER FEATURES ARE SUBJECT TO BUILDER DISCRETION ON SITE

4) MIN. 1/2" HOOKED ANCHOR BOLTS EMBEDDED A MIN. 7" INTO CONC. SHALL BE SPACED AT 4' O.C. AND LOCATED 4" & 12" FROM EACH END OF ALL SILL PLATE PIECES.



SECTION A-A

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Expiration Date: 6/30/2016.

SHORE-LI CONSTRUCTION

Loraditch Dwelling

PROPOSED GARAGE

3641 Drive, Bowleys Quarters, Maryland 21220

ISSUE DATES:

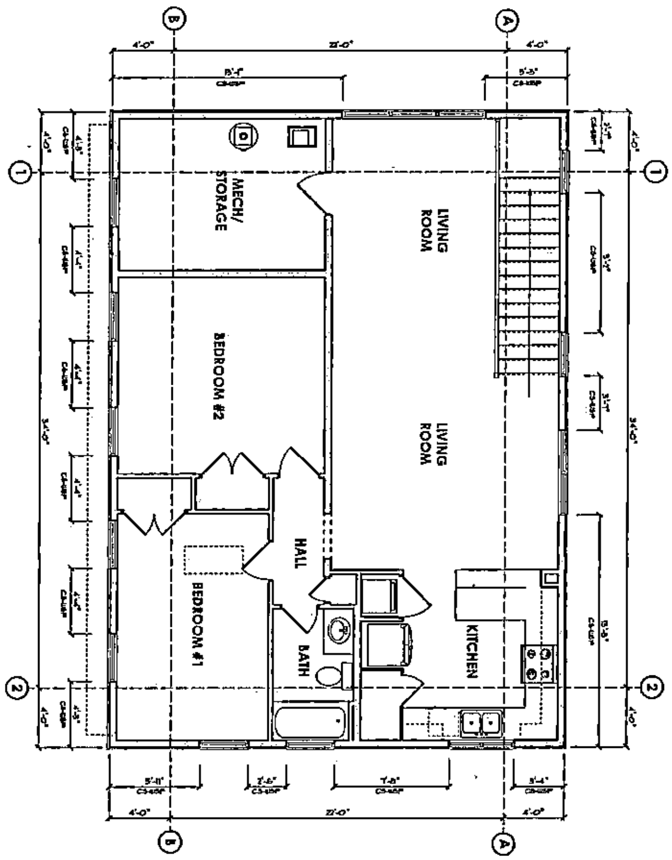
04-16-15	PERMIT REVIEW

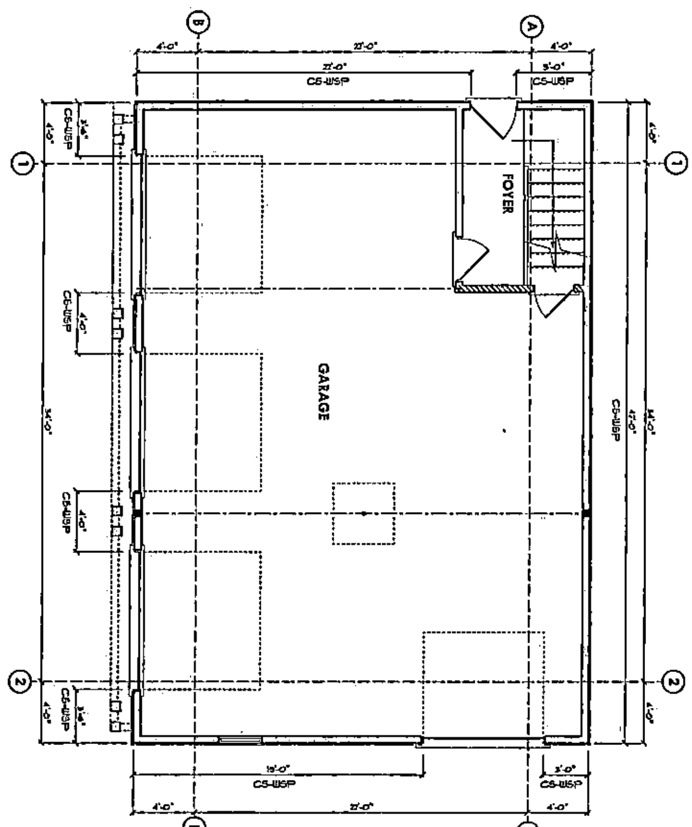
SCALE: 1/4" = 1'-0"

SECTIONS

3.01

PRINT DATE: Thursday, March 03, 2016





Loraditch Dwelling

PROPOSED GARAGE

3643 [illegible] Drive, Bowleys Quarters, Maryland 21220

ISSUE DATES:
04-15-15 PERMIT REVIEW

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

BRACING PLANS

3.51

PRINT DATE: Thursday, March 03, 2016

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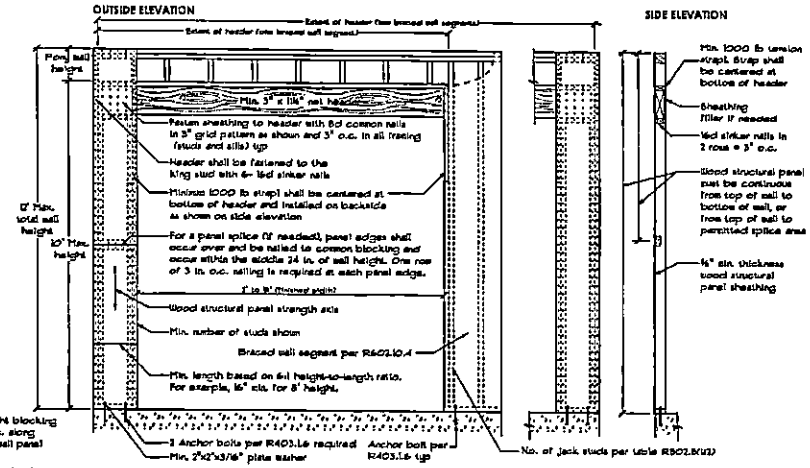
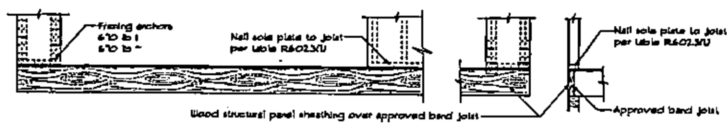
NOTES

Methods WSP & CS-WSP & CS-G: Min. 7/16" OSB Wood Structural Panel sheathing attached to framing with 6d at 6" o.c. at panel edges and 12" o.c. at intermediate framing members.
Note: At Braced Wall Lines incorporating Continuously Sheathed bracing methods (WSP & CS-WSP & CS-G:), all exterior walls along the Braced Wall Line must be fully sheathed with min 7/16" OSB Wood Structural Panel sheathing fastened per IRC 2012 Tables R602.3(1), R602.3(2), and R602.3(3).

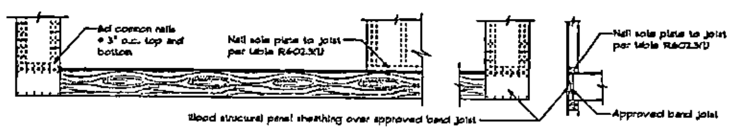
Method GB: Min. ½" gypsum board applied to each side of framing with adhesive and Type S or W screws @ 7" o.c. at panel edges and 24" o.c. at intermediate framing members or nails per IRC 2012 Table R702.3.5 @ 7" o.c. at panel edges and 16" o.c. at intermediate framing members.



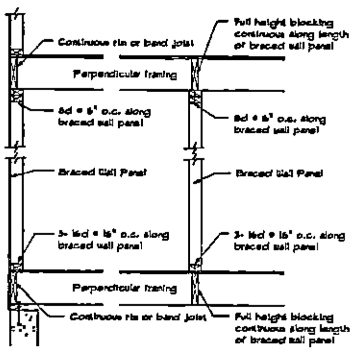
OVER CONCRETE OR MASONRY BLOCK FOUNDATION



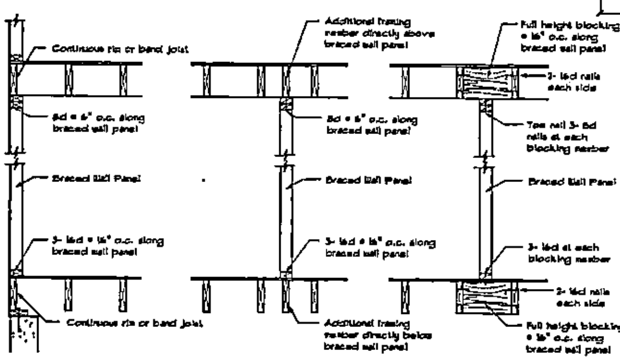
OVER RAISED WOOD FLOOR OR SECOND FLOOR - FRAMING ANCHOR OPTION



OVER RAISED WOOD FLOOR OR SECOND FLOOR - WOOD STRUCTURAL PANEL OVERLAP OPTION



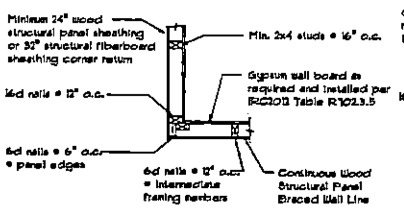
BRACED WALL PANEL CONNECTION WHEN PERPENDICULAR TO FLOOR/CEILING FRAMING



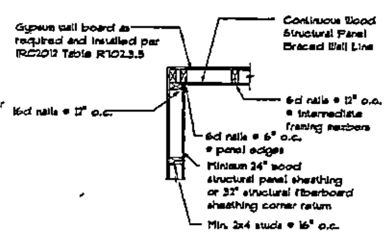
BRACED WALL PANEL CONNECTION WHEN PARALLEL TO FLOOR/CEILING FRAMING

Braced Wall Panel Connections to Floor and Ceiling Framing

NOT TO SCALE



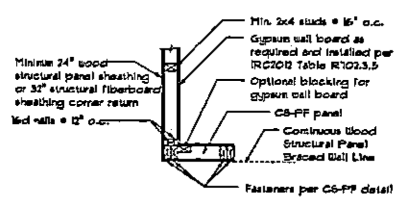
OUTSIDE CORNER



INSIDE CORNER

Corner Framing Details

NOT TO SCALE



GARAGE CORNER

'Tension Strap Capacity Required for Method CS-PF

Minimum Wall Stud Framing Nominal Size and Grade	Maximum Pony Wall Height (feet)	Maximum Total Wall Height (feet)	Maximum Opening Width (feet)	Wind Exposure B	Wind Exposure C
				Tension strap capacity required (lbf)	
2x4 No. 2 Grade	0	10	18	1000	1000
	1	10	9	1000	1000
			16	1000	1325
			18	1200	1705
	2	10	9	1000	1550
			16	2025	3500
			18	2400	DR
	2	12	9	1700	2750
			16	3200	DR
			18	3850	DR
	4	12	9	2350	DR
			16	DR	DR
2x4 Stud Grade	2	12	9	1000	1750
			16	2050	3550
			18	2450	4100
	4	12	9	1600	2775
			16	2150	DR
			18	3675	DR

Notes: 1. Basic Wind Speed of 110mph. For other Basic Wind Speeds, see IRC 2012 Table R602.10.6.4.1.1
2. DR = Design Required

CS-PF **Continuous Portal Frame**

NOT TO SCALE

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2 SHORE 1 CONSTRUCTION

Loraditch Dwelling

PROPOSED GARAGE

3643 [illegible] Drive, Bowleys Quarters, Maryland 21220

ISSUE DATES:
04-15-15 PERMIT REVIEW

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

BRACING DETAILS

4.01

PRINT DATE: Thursday, March 03, 2016

Baltimore County 2016 Comprehensive Zoning Map Process
Log of Issues
November 30, 2015

Issue Number 6-005 **Petitioner** Gary Loraditch **Location** 3643 Bay Dr

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations	Planning Board Recommendations	County Council Decision
RC 5	1.69	DR 2	1.69			
	1.69		**1.69**			

Comments:

Issue Number 6-006 **Petitioner** Claudia Brookes **Location** Northeast corner of I-95 and Joppa Rd

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations	Planning Board Recommendations	County Council Decision
DR 2 H	10.51	DR 5.5	10.51			
	10.51		**10.51**			

Comments:

Issue Number 6-007 **Petitioner** Marty Wilgis **Location** 11 Lynbrook Rd

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations	Planning Board Recommendations	County Council Decision
DR 16	0.81	BL	0.82			
	0.81		**0.82**			

Comments:

Total acreage may not equal calculated acreage due to rounding.

Community #1

Baltimore County 2016 Comprehensive Zoning Map Process
Log of Issues - District 6

May 06, 2016

Issue Number 6-004 **Petitioner** Columbia Capital, LLC **Location** 1465 Mohrs Ln

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision
ML IM	18.22	BM	20.59	ML IM	18.22	BM	20.59	
RO	2.37		20.59	RO	2.37		20.59	
	20.59				20.59			

Comments See Issue 6-022

Issue Number 6-005 **Petitioner** Gary Loraditch **Location** 3643 Bay Dr

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision
RC 5	1.69	DR 3.5	1.69	RC 5	1.69	DR 3.5	1.69	
	1.69		1.69		1.69		1.69	

Comments Planning Board recommends with covenant allowing no more than three houses.

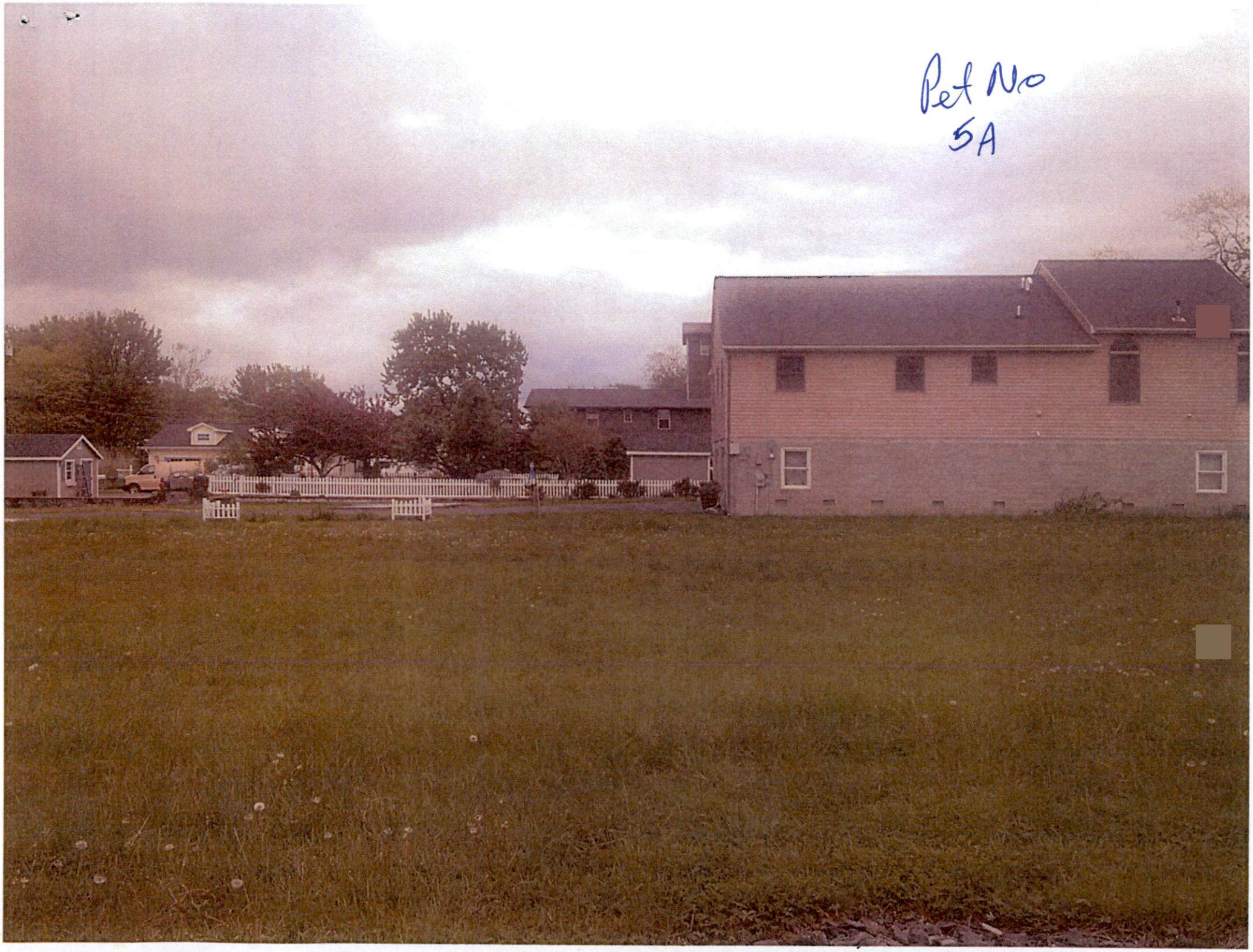
Issue Number 6-006 **Petitioner** Claudia Brookes **Location** Northeast corner of I-95 and Joppa Rd

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision
DR 2 H	10.51	DR 5.5	10.51	DR 2 H	10.51	DR 2 H	10.51	
	10.51		10.51		10.51		10.51	

Comments See Issue 5-104

Total acreage may not equal calculated acreage due to rounding.

Community 2


Pet No
5A


Ret No
5B


Pet
No 5 c


Ref
No 5D


Ret
NoSE


Pet No
5F


Plt
5G


Pet No
5H


Pd 51

Ltr No 6

Baltimore County 2016 Comprehensive Zoning Map Process
Applicant Summary Report

MBER 6-005 TRACKING NUMBER 34

Applicant Information

Applicant Name and Address
Gary Loraditch
1815 Midsummer Lane
Jarrettsville MD 21084

Phone Number: 410-937-8190
Email: gloraditch@gmail.com
Organization: N/A

Representative Information

Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson MD 21204

Representative Name: Jason Thomas Vettori
Representative Phone: 410-821-0070
Email: jvettori@sgs-law.com

Rezoning Information

Existing Use:
Vacant

Proposed Use:
3 Dwellings

Total Acreage:
2.0

Zoning History:
Unknown

Zoning History Described:
2008 CZMP 6-050 (RC 5/RC 20 to DR 2 - Not Granted)

Justification:
The property owner is requesting that the existing zoning be changed to permit the property to be subdivided into 3 lots. The 3 lots would allow a total of 3 single family detached dwellings (1 on each lot). Only 3 lots are being sought even though the acreage and requested zoning would allow 4 lots.

The subject property is one of many that lie between Bay Drive and the Chesapeake Bay. It is the lone lot in the entire neighborhood that is in excess of 100 feet wide. The predominant portion of the similarly situated lots are only 50 feet wide. Many of these lots have received zoning relief to address setback issues, among other things.

The subject site was the subject of its own Petition for Zoning Relief, Case No. 2012-0300-A. The crux of the relief requested involved increasing the maximum height limit from 35 feet to 44 feet. The height variance was granted, in part, because Federal Flood Insurance requirements required the first floor to be 8.7 feet above ground. The requested relief was granted.

The subject site is more or less the same length from Bay Drive to the shoreline. As noted in Case No. 2012-0300-A, the is 250 feet wide along Bay Drive and 300 fee wide at the waterfront. Were the subject site subdivided into 3 lots, each of the parcels would still be wider than any other parcel in the neighborhood.

The property was part of a larger CZMP issue in 2008. The requested rezoning, that included a much larger wooded area, was not granted.

Subdividing the property for 3 single-family detached dwellings will ensure that the subject site will be used residentially in perpetuity. Given how out of character the dimensions of the parcel are to the rest of the neighborhood, there would always be a risk that some other use would be proposed for this site. The 3 residential lots to be created by the requested rezoning will undoubtedly be compatible with the existing neighborhood.

Baltimore County 2016 Comprehensive Zoning Map Process
Applicant Summary Report

Zoning Information

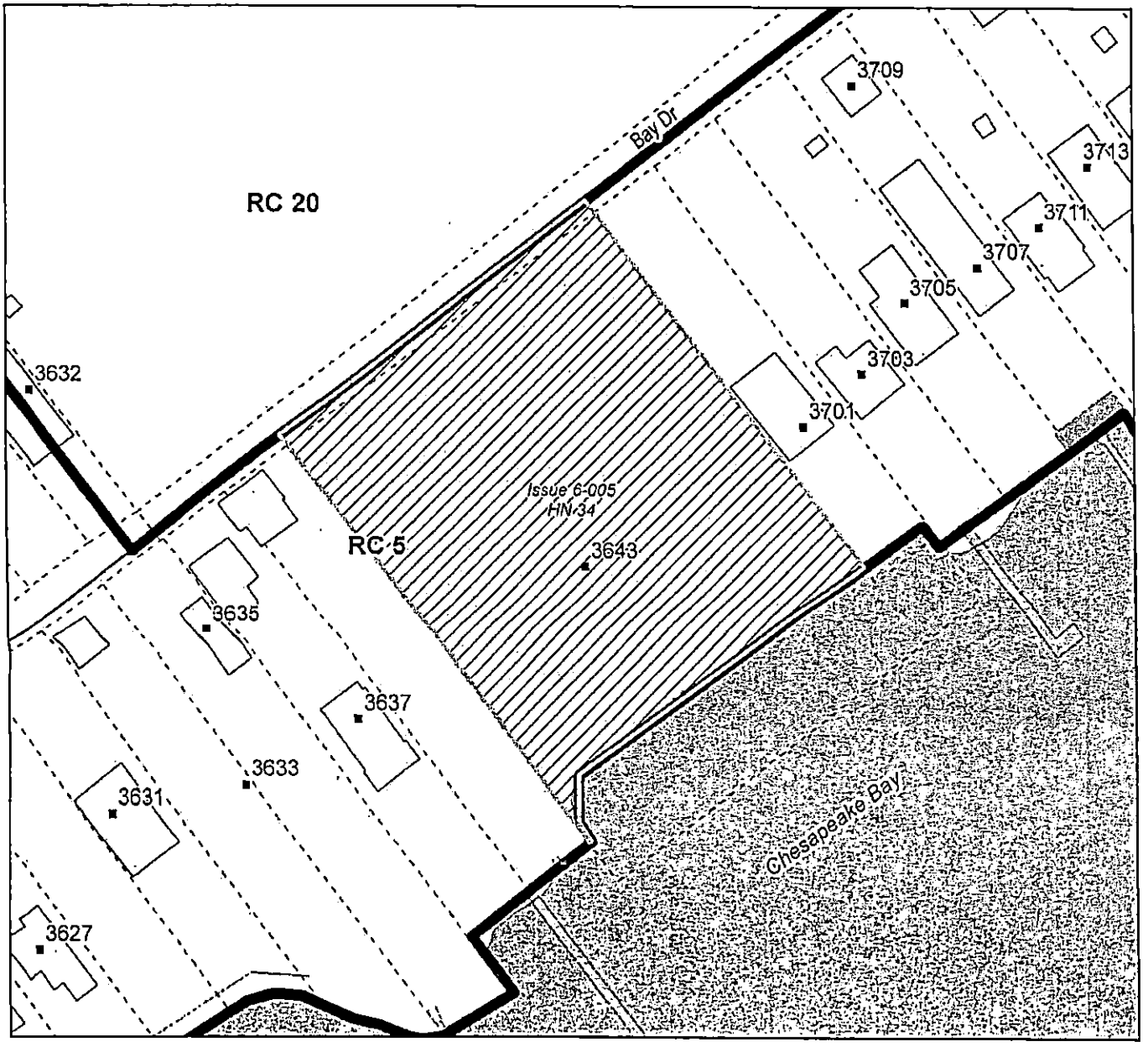
Existing Zoning:		Requested Zoning:	
RC 5	1.69	DR 2	1.69
	1.69		1.69

Property Information

Tax Account:
1521400041

Applicant/Representative Signature _____ Date 9/24/15

CZMP 2016 - Issue Map
Issue Number: 6-005



Iteration: EXISTING

Tracking#: CZMP16-00034

9/24/15

Legend
Zoning Boundary
Issue Boundary

Zone	District	Acreage
RC 5		1.69

Total Acreage: 1.69

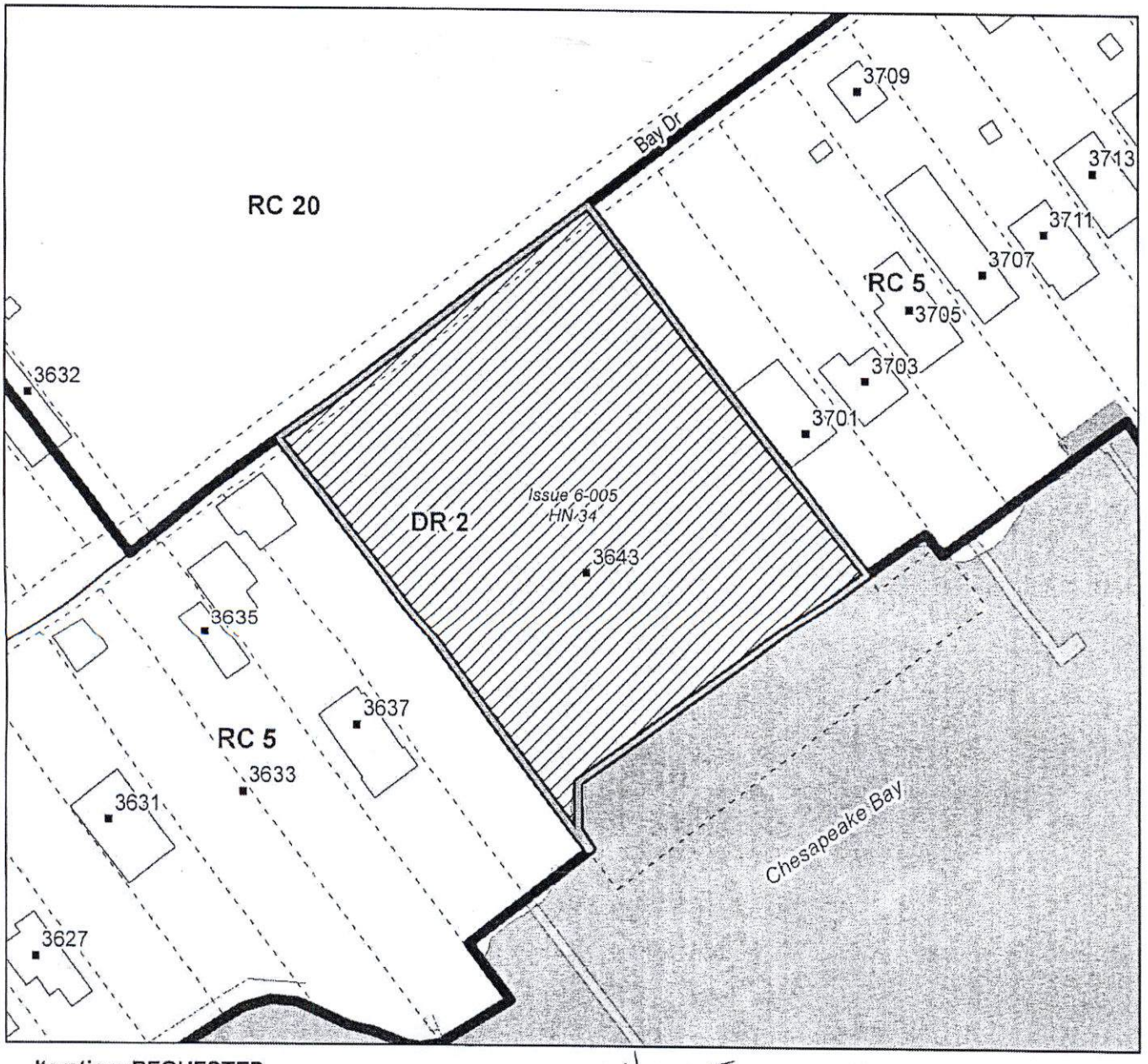
Publication Date: September 24, 2015
Publication Agency: Department of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

100 0 100 Feet

1 inch = 100 feet

N W E S

CZMP 2016 - Issue Map
Issue Number: 6-005



Iteration: REQUESTED

9/24/15

Tracking#: CZMP16-00034

Legend
Zoning Boundary
Issue Boundary

Zone	District	Acreage
DR 2		1.69

Total Acreage: 1.69

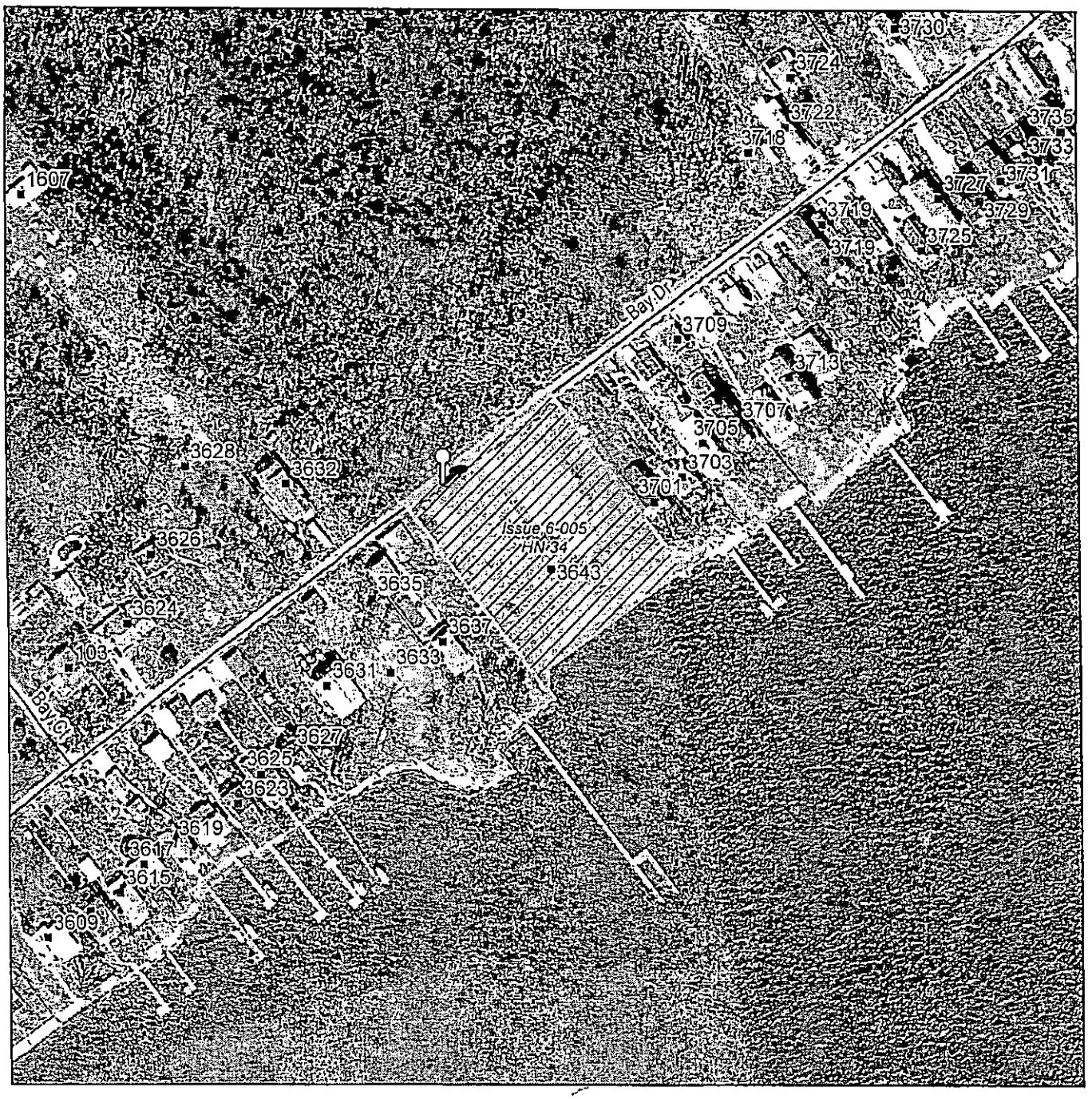
Publication Date: September 24, 2015
Publication Agency: Department of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

100 0 100 Feet

1 inch = 100 feet

N W E S

CZMP 2016 - Sign Location Map
Issue Number: 6-005



Tracking#: CZMP16-00034

Publication Date: September 24, 2015
Publication Agency: Department of Planning
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

9/24/15

Legend
CZMP Signs
Issue Boundary

200 0 200 Feet

1 inch = 200 feet

N
W E
S

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

No. 130623

Date: 9/24/15

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6175				$1,000.00

Total: $1,000.00

Rec From: Smith, Gildea + Schmidt LLC

For: CZMP 2016 - Issue # 6-005 + Hearing # 16-0003
changing RC 5 to DR 2
Collected by: Krystle Patchak
Check # 14705

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

CASHIER'S VALIDATION

Board of Appeals

Case No: 16-203-SPHA Case Name: Loraditch

Exhibit List

Party: Petitioners Date: 9/7/16

Exhibit No:	Description:
✓ 1	Plan
✓ 2	Opinion - Starkey (Case 2012-0300-A)
✓ 3	~~(Copy Sags Bds of ABA)~~ Inter-Offia Memo 8/30/16 fr Bevins
✓ 4	Declaratim + Agreement
	VERIFIED BY KC DATE: 9/8/16

Pet No2

IN RE: PETITION FOR VARIANCE SE side of Bay Drive, 975' NE of Chesapeake Road 15th Election District 6th Council District **(3643 Bay Drive)** Timothy W. Starkey Petitioner	*	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2012-0300-A**

* * * * * * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owner, Timothy W. Starkey. The Petitioner is requesting Variance relief from §§ 1A04.3.A and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a replacement dwelling with a height of 44'[1] in lieu of the maximum allowed 35', and to permit an accessory structure (gazebo) to be located in the side yard in lieu of the permitted rear yard only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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

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

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

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

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

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

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

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

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

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

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

Petitioner has met this test.

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

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

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

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

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

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

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

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

1. The Petitioner may apply for a building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

2. Petitioner must comply with the ZAC comments Bureau of Development Plans Review dated May 31, 2012, and the Department of Environmental Protection and Sustainability dated June 15, 2012, copies of which are attached hereto and made a part hereof.

3. Prior to obtaining a building permit, the Petitioner shall comply with the ZAC comments made by the Department of Planning (relative to the RC5 Performance Standards) dated June 22, 2012, a copy of which is attached hereto and made a part hereof.

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

JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:pz

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 31, 2012

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

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

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

The base flood elevation for this site is 7.7 feet [NAVD 88].

The flood protection elevation is 8.7feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN
cc: File
ZAC-ITEM NO 12-0300-06112012.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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

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

DATE: June 15, 2012

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

Zoning Advisory Committee Meeting of May 28, 2012.

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

1. The subject property is located within a Limited Development Area (LDA) and a Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to construct a single family dwelling with greater height than permitted and to allow an accessory structure in the side yard. The lot is waterfront and is currently undeveloped. The proposed dwelling and gazebo are partially within the 100-foot buffer. Lot coverage on the entirety of this property is limited to 15%; proposed lot coverage is shown at 12.8%. If the applicant can also meet the BMA requirements and the 15% afforestation requirements, the relief requested by the applicant will result in minimal impacts to water quality.

2. This property is waterfront. If lot coverage, BMA, and afforestation requirements are met, that will help conserve fish habitat in the Chesapeake Bay.

3. This office is unable to determine whether the applicant's proposal is consistent with this goal. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger; Environmental Impact Review*

7/11/12
10AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 22, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
JUN 28 2012
OFFICE OF ADMINISTRATIVE HEARINGS

SUBJECT: 3641 Bay Drive
Item Number: 12-300
Petitioner: Tim Starkey
Zoning: RC 5
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

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

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this department for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

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

Prepared by: _____

Division Chief: _____

AVA/LL: CM

W:\DEVREV\ZAC\ZACs 2012\12-300.doc

KEVIN KAMENETZ
County Executive

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

July 12, 2012

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

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

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

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

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Rec'd 9/6/03

TO: Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

FROM: Cathy Bevins CAB
Councilwoman, Sixth District

SUBJECT: 2016 CZMP Issues – In Agreement with Planning Board

DATE: August 30, 2016

I wish to accept the Planning Board's recommendation on the following CZMP Issues for the Sixth Councilmanic District:

Issue 6-002
Issue 6-004
Issue 6-005
Issue 6-006
Issue 6-007
Issue 6-008
Issue 6-009
Issue 6-010
Issue 6-011
~~Issue 6-012~~
Issue 6-013
Issue 6-014
Issue 6-015
Issue 6-016
Issue 6-018
Issue 6-019
Issue 6-022
Issue 6-024
Issue 6-026
Issue 6-027
Issue 6-028
Issue 6-029
Issue 6-030
Issue 6-031
Issue 6-040
Issue 6-048.
Issue 6-056.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

FROM: Cathy Bevins
Councilwoman, Sixth District

SUBJECT: 2016 CZMP Issues – Changing Planning Board Recommendations

DATE: August 30, 2016

I wish to change the Planning Board's recommendation on the following CZMP Issues for the Sixth Councilmanic District:

Issue 6-001	from DR 1 (2.19 acres) and ML (0.34 acre) to DR 1 (1.54 acres) and ML (1.00 acre) as shown on the map (strike comments)
Issue 6-003	from ML (11.27 acres), ML IM (0.37 acre), and DR 3.5 (0.06 acre) to DR 3.5 (11.70 acres) as shown on the map
Issue 6-017	from BL AS (2.07 acres) and ML (0.02 acre) to BL (1.25 acres), DR 5.5 (0.81 acre), and ML (0.02 acre) as shown on the map
Issue 6-020	from DR 10.5 (32.47 acres) to DR 5.5 (32.47 acres) as shown on the map (strike comments)
Issue 6-021	from DR 10.5 (7.58 acres) to ML (6.39 acres) and BL (1.18 acres) as shown on the map (strike comments)
Issue 6-023	from BM (4.31 acres) to BM IM (4.31 acres) as shown on the map
Issue 6-025	from RC 5 (16.98 acres) and DR 3.5 (11.18 acres) to RC 3 (15.38 acres) and DR 3.5 (12.78 acres) as shown on the map
Issue 6-032	from DR 10.5 (36.86 acres) to DR 1 (28.83 acres) and DR 1 NC (8.02 acres) as shown on the map
Issue 6-033	from DR 3.5 (22.60 acres) to DR 1 (16.94 acres), DR 1 NC (5.62 acres), DR 10.5 (0.03 acre), and DR 16 (0.01 acre) as shown on the map

6-012 ← change to NL (14.21 acres)

Issue 6-034	from BR (0.04 acre), DR 2 H (2.17 acres), and RO (1.30 acres) to DR 1 (2.69 acres), DR 1 NC (0.74 acres), BR (0.06 acre), and RO (0.01 acre) as shown on the map
Issue 6-035	from DR 16 (0.40 acre) and MH (17.52 acres) to DR 1 NC (16.76 acres), OR 1 (0.03 acre), MLR IM (0.59 acre), DR 16 (0.12 acre), and DR 5.5 (0.40 acre) as shown on the map
Issue 6-036	from BL (5.61) to DR 1 (1.84 acres), DR 1 NC (3.75 acres), and BL (0.01 acre) as shown on the map
Issue 6-037	from DR 1 (0.08 acre) and DR 5.5 (15.46 acres) to DR 1 (6.74 acres) and DR 1 NC (8.80 acres) as shown on the map
Issue 6-038	from DR 5.5 (1.16 acres) to DR 1 NC (1.16 acres) as shown on the map
Issue 6-039	from DR 5.5 (10.26 acres) to DR 1 (4.49 acres) and DR 1 NC (5.78 acres) as shown on the map
Issue 6-041	from DR 10.5 (14.87 acres) to DR 1 (11.32 acres) and DR 1 NC (3.54 acres) as shown on the map
Issue 6-042	from DR 5.5 (15.03 acres) to DR 1 (8.29 acres), DR 1 NC (6.70 acres), and DR 3.5 (0.04 acre) as shown on the map
Issue 6-044	from BL (1.24 acres), BM (1.32 acres), DR 3.5 (23.71 acres), and DR 5.5 (83.63 acres) to DR 1 (25.68 acres) and DR 1 NC (84.21 acres) as shown on the map
Issue 6-045	from DR 5.5 (14.45 acres) to DR 1 (9.56 acres) and DR 1 NC (4.89 acres) as shown on the map
Issue 6-046	from DR 5.5 (10.59 acres) to DR 3.5 (10.59 acres) as shown on the map
Issue 6-047	from DR 5.5 (7.01 acres) to DR 1 (5.39 acres) and DR 1 NC (1.62 acres) as shown on the map
Issue 6-049	from DR 5.5 (6.65 acres) and MLR (7.11 acres) to DR 1 (8.66 acres), DR 1 NC (4.83 acres), RO (0.04 acre), and DR 5.5 (0.23 acre) as shown on the map
Issue 6-050	from BL (0.04 acre), DR 16 (0.01 acre), and DR 5.5 (4.00 acres) to DR 1 (3.99 acres) and BL (0.07 acre) as shown on the map
Issue 6-051	from DR 5.5 (4.59 acres) to DR 1 (4.50 acres) and BL (0.08 acre) as shown on the map
Issue 6-052	from DR 5.5 (14.06 acres) to DR 1 (14.06 acres) as shown on the map
Issue 6-053	from DR 10.5 (1.56 acres) and DR 5.5 (15.48 acres) to DR 1 (1.63 acres), DR 1 NC (14.41 acres), DR 10.5 (0.23 acre), and DR 5.5 (0.77 acre) as shown on the map
Issue 6-054	from BL (1.58 acres), DR 16 (0.12 acres), and DR 3.5 (17.47 acres) to DR 1 (13.54 acres), DR 1 NC (4.86 acres), DR 3.5 (0.13 acre), DR 16 (0.55 acre), and DR 5.5 (0.07 acre) as shown on the map
Issue 6-055	from DR 3.5 (0.39 acre) and DR 5.5 (10.36 acres) to DR 1 (9.54 acres) and DR 1 NC (1.22 acres) as shown on the map

Issues 6-001, 6-005, 6-013, 6-015, 6-020, and 6-021 strike all comments.

Ret
No 4

DECLARATION AND AGREEMENT

THIS DECLARATION AND AGREEMENT (hereinafter "**Declaration**") is made this 29 day of August, 2016, by Gary C. Loraditch and Kathleen S. Loraditch (hereinafter the "**Declarants**").

WHEREAS, the Declarants are the owners of certain unimproved property located in the Bowley's Quarter community of Baltimore County, Maryland and known as 3643 Bay Drive (hereinafter the "**Property**"); and

WHEREAS, Declarants purchased the undeveloped, approximately two (2) acre Property on or about February 4, 2014; and

WHEREAS, the Property is presently zoned R.C. 5, which would allow development of the Property with one (1) single family dwelling; and

WHEREAS, the neighborhood in which the Property is located is comprised of single family dwellings on small lots (i.e. less than ½ acre) and that in order to develop the Property in a manner consistent with the existing neighborhood, Declarants, as part of Baltimore County's 2016 Comprehensive Zoning Map Process ("**CZMP**"), nominated the Property for re-zoning to D.R. 3.5 which would allow up to six (6) single family dwelling lots; and

WHEREAS, Declarant has also filed Petitions for certain zoning approval (Case No. 2016-203-SPHA) including, but not limited to, a request for an accessory garage-apartment on the Property and that such approval was granted by the County's Administrative Law Judge by Order dated May 17, 2016, but has been appealed and is pending at the County Board of Appeals; and

WHEREAS, the Declarants hereby agree as follows:

1. The above Recitals shall be considered as part of this Declaration and incorporated therein.

2. The Declarants agree that there will be no accessory garage-apartment on the subject Property.

3. The Declarants agree that the Property will be developed with a maximum of three (3) single family dwelling lots, notwithstanding that D.R. 3.5 zoning would allow up to six (6) single family dwelling lots.

4. Declarants agree to submit an Application and Plan as required by Baltimore County for the subdivision of the subject Property into three (3) single family dwelling lots.

5. Declarants agree that one of the proposed single family dwelling lots will be improved with a dwelling to be used as his/her primary residence. Declarants further agree that the other two (2) lots are intended to be used by solely Declarants' children and/or grandchildren for their residences. Declarants agree until October 1, 2020, that they may only convey those other two lots to the following individuals:

a. His/her child; and/or

b. His/her child and the spouse of that child; and/or

c. His/her grandchild; and/or

d. His/her grandchild and the spouse of that grandchild.

6. The Declarants, at their sole cost, shall record this Declaration among the Land Records of Baltimore County (the "**Land Records**") within ten (10) business days of the County Council vote on the Rezoning on August 30, 2016. This Declaration is contingent upon the Rezoning of the property to D.R. 3.5 during the 2016 CZMP. In the event that the property is not rezoned to D.R. 3.5, or any other zone that would permit the Project, during the 2016 CZMP, this Declaration shall be of no force and effect and terminated in all respects.

7. This Declaration shall be binding upon the Declarants, their successors and assigns. In the event that any person or entity institutes any legal suit, action or proceeding, including arbitration, to enforce the terms contained in this Declaration (or obtain any other remedy in respect of any breach of this Declaration arising out of or relating to this Declaration), the prevailing party in the suit, action or proceeding shall be entitled to receive, in addition to all other damages to which it may be entitled, the costs incurred by such party in conducting the suit, action or proceeding, including reasonable/actual attorneys' fees and expenses and court costs.

8. The terms and restrictions contained in this Declaration shall remain in effect until October 1, 2020.

(SIGNATURES ON FOLLOWING PAGE)

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

WITNESS:

Debra L. Gaskins

_____ (SEAL)
Gary C. Loraditch

Debra L. Gaskins

_____ (SEAL)
Kathleen S. Loraditch

STATE OF MARYLAND

COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 29th day of August, 2016 before me the subscriber, a Notary Public of the State of Maryland, personally appeared **Gary C. Loraditch and Kathleen S. Loraditch** herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and he/she acknowledged that he/she executed the foregoing instrument for the purposes therein contained.

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

ALYSSA M. FIORE
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES FEBRUARY 12, 2017

_____
Notary Public
My Commission Expires: 2/12/17

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☑ County: Baltimore

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Blank Ink Only—All Copies Must Be Legible)

State Required for Circuit Court Land Recording Volume

1 Type(s) of Instruments — (If Checked Addendum Intake Form is Attached)

☐	Deed / Deed of Trust	☐	Mortgage / Lease	☒	Other: Declaration and Agreement	☐	Other:

2 Conveyance Type Check Box

☐	Improved Sale Arms-Length [1]	☐	Unimproved Sale Arms-Length [2]	☐	Multiple Accounts Arms-Length [3]	☑	Not an Arms-Length Sale [4]

3 Tax Exemptions (If applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount		Finance Office Use Only — Transfer and Recordation Tax Consideration	
Purchase Price/Consideration	$ 0.00	Transfer Tax Consideration	$
Any New Mortgage	$	X ( )% =	$
Balance of Existing Mortgage	$	Less Exemption Amount –	$
Other:	$	Total Transfer Tax =	$
Other:	$	Recordation Tax Consideration	$
		X ( ) per $500 =	$
Full Cash Value:	$	TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2	
Recording Charge	$ 60.00	$	Agent:
Surcharge	$	$	Tax Bill:
State Recordation Tax	$ 0.00	$	C.B. Credit:
State Transfer Tax	$ 0.00	$	Ag. Tax/Other:
County Transfer Tax	$ 0.00	$	
Other	$	$	
Other	$	$	

6 Description of Property — SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOC
15	1521400041	34664/00384	0098	0510	(15)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	Sq.Ft/Acreage (4)
					2.0087 Acres

Location/Address of Property Being Conveyed (2)

Declaration for property located at 3643 Bay Drive

Other Property Identifiers (If applicable)	Water Meter Account No.

Residential ✓ or Non-Residential | Fee Simple ✓ or Ground Rent Amount:

Partial Conveyance? ☐ Yes ✓ No | Description/Amt. of Sq.ft/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
n/a	
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 – Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
n/a	

New Owner's (Grantee) Mailing Address

1815 Midsummer Lane, Jarrettsville, MD 21084

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Alyssa M. Fiore, Paralegal

Firm: Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200 Towson, MD 21204

Phone: (410) 821-0070

☑ Return to Contact Person

☐ Hold for Pickup

☑ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ☑ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ☑ No Does transfer include personal property? If yes, identify:

☐ Yes ☑ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)

Space Reserved for County Validation

Assessment Use Only – Do Not Write Below This Line

Terminal Verification	Agricultural Verification	Whole	Part	Tran. Process Verification
Transfer Number	Date Received:	Deed Reference		Assessed Property No.*

Year	20	20	Geo	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd	Ex. St.	Ex. Cd.	

REMARKS:

11-3-202

Distribution: White – Land Record — Canary – SDAT — Goldenrod – Preparer — Pink – Office of Finance

8/20/25

AOC-CC-006 (rev 2/2007)

Clerk of the Circuit Court for
Baltimore County

County Courts Building

401 Bosley Avenue, PO BOX 6754
Towson, MD 21285-6754

(410)887-2601

LR - Declaration/Covenant Recording Fee	1x	20.00	20.00
Declarant Name: loraditch			
LR - Surcharge	1x	40.00	40.00
SubTotal:			60.00
Total:			60.00

REV-Check-BOA
Number : 15907

CC03-CR

08/30/2016 09:37
#6822970 /538/67
JULIE L. ENSOR
Clerk of the Court

Case No.: 2016-0203

Exhibit Sheet

5-17-16
SLN

	Petitioner/Developer	Protestants
No. 1	Plan	C2MP log 11/30/2015
No. 2	Bowlay's Quarters Plat	C2MP log 5/6/2016
No. 3	Bay Drive - Sewer plan	
No. 4	Aerial photo	
No. 5	5A-5I Photos	
No. 6	C2MP Summary	
No. 7	3 Lot Concept Plan	
No. 8	Order in # 2012-300	
No. 9	Elevation drawing	
No. 10	Rendering	
No. 11	Plans - proposed garage	
No. 12		

KEVIN KAMENETZ
County Executive

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

June 22, 2016

RECEIVED
JUN 22 2016
BALTIMORE COUNTY
BOARD OF APPEALS

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: **APPEAL TO BOARD OF APPEALS**
Case Nos. 2016-0203-SPHA
Location: 3643 Bay Drive

Dear Counsel:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 16, 2016. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS/sln

c: Baltimore County Board of Appeals
People's Counsel for Baltimore County
Allen Robertson, Bowley's Quarters Community Association,
1608 Holly Tree Road, Middle River, MD 21220

APPEAL

Petitions for Special Hearing and Variance
(3643 Bay Drive)
15th Election District – 6th Councilmanic District
***Legal Owners*: Gary and Kathleen Loraditch**
Case No. 2016-0203-SPHA

Petitions for Special Hearing and Variance Hearing (March 4, 2016)

Zoning Description of Property

Notice of Zoning Hearing (March 29, 2016)

Certificate of Publication (April 19, 2016)

Certificate of Posting (April 19, 2016) – Linda O'Keefe

Entry of Appearance by People's Counsel – March 18, 2016

Petitioner(s) Sign-in Sheet – One
Citizen(s) Sign-in Sheet – One

Zoning Advisory Committee (ZAC) Comments

Petitioner(s) Exhibits:

1. Plan
2. Bowley's Quarters Plat
3. Bay Drive-Sewer Plan
4. Aerial photo
5. 5A-5I Photos
6. CZMP summary
7. 3 Lot Concept Plan
8. Order in # 2012-0300
9. Elevation Drawing
10. Rendering
11. Plans-proposed garage

Protestants' Exhibits:

1. CZMP log 11/30/2015
2. CZMP log 5/6/2016

Miscellaneous (Not Marked as Exhibits) – Prior Zoning Order Case NO. 2012-0300-A

Administrative Law Judge Order and Letter (GRANTED May 17, 2016 w/conditions)

Motion for Reconsideration – Lawrence E. Schmidt, Esq. June 15, 2016

Administrative Law Judge Order on Motion for Reconsideration (DENIED) on June 21, 2016

Notice & Receipt of Appeal – Bowley's Quarters Community Association (June 16, 2016)

CD Proceeding (1), if needed

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 3643 Bay Drive **which is presently zoned** RC 5

Deed References: 34664/384 10 Digit Tax Account # 1521400041

Property Owner(s) Printed Name(s) Gary C. and Kathleen S. Loraditch

(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

   Please see attached.

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

3. ✓ **a Variance** from Section(s)

Please 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)**

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 5/17/16
By DEN

Legal Owners (Petitioners):

Gary C. Loraditch / Kathleen S. Loraditch

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

1815 Midsummer Lane Jarrettsville MD

Mailing Address City State

21084 / (410) 937-8190 / gloraditch@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0203-SPHA **Filing Date** 3/1/16 **Do Not Schedule Dates:** ____ **Reviewer** G.H

REV. 10/4/11

ATTACHMENT TO PETITION FOR ZONING HEARING

3643 Bay Drive

Case No.: 2016-0203-SPHA

Special Hearing relief to approve:

1. A use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR § 400.4; and

2. A request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein; and

3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variance from Section(s):

1. BCZR § 400.3 to permit an accessory building with a height of 30 feet in lieu of the maximum of 15 feet; and

2. BCZR § 400.4.B.2 to permit an accessory apartment which is 1,260 square feet in lieu of the maximum of 1,200 square feet; and

3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

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 3643 Bay Drive **which is presently zoned** RC 5

Deed References: 34664/384 10 Digit Tax Account # 1521400041

Property Owner(s) Printed Name(s) Gary C. and Kathleen S. Loraditch

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please see attached.

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

3. ✓ **a Variance** from Section(s)

Please 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)**

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 5/17/16
By DEN

Legal Owners (Petitioners):

Gary C. Loraditch / Kathleen S. Loraditch

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature # 2

1815 Midsummer Lane Jarrettsville MD

Mailing Address City State

21084 / (410) 937-8190 / gloraditch@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name – Type or Print

Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2016-0203-A **Filing Date** 3/4/16 **Do Not Schedule Dates:** ____ **Reviewer** G. K

REV. 10/4/11

(1007

(BCA

ATTACHMENT TO PETITION FOR ZONING HEARING

3643 Bay Drive
Case No.: 2016-0203-SPHA

Special Hearing relief to approve:

1. A use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR § 400.4; and

2. A request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein; and

3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Variance from Section(s):

1. BCZR § 400.3 to permit an accessory building with a height of 30 feet in lieu of the maximum of 15 feet; and

2. BCZR § 400.4.B.2 to permit an accessory apartment which is 1,260 square feet in lieu of the maximum of 1,200 square feet; and

3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

kjWellsInc

Land Surveying, Site Planning & Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

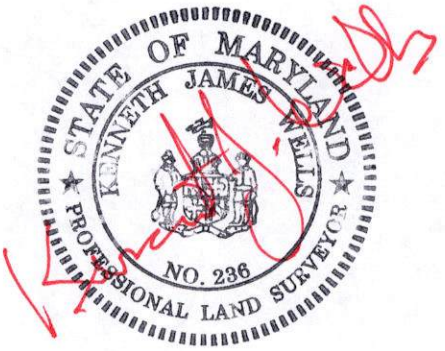
March 3, 2016

Zoning Description
of
3643 Bay Drive
Baltimore County
Maryland
15th Election District
5th Councilmanic District

Beginning at a point located on the southeast side of Bay Drive (40 feet wide) at a distance of 835 feet southwest from the centerline of Wye Road (unknown width); thence the following courses and distances:

1) South 37 degrees 30 minutes 07 seconds East 284.58 feet
2) South 54 degrees 03 minutes 10 seconds West 60.77 feet
3) South 54 degrees 20 minutes 44 seconds West 144.29 feet
4) South 56 degrees 23 minutes 16 seconds West 26.28 feet
5) South 7 degrees 09 minutes 37 seconds East 8.74 feet
6) South 27 degrees 46 minutes 57 seconds East 10.77 feet
7) South 40 degrees 11 minutes 54 seconds East 7.35 feet
8) South 49 degrees 48 minutes 06 seconds West 1.66 feet
9) North 37 degrees 30 minutes 07 seconds West 313.86 feet
10) North 59 degrees 29 minutes 53 seconds East 250.00 feet

to the point of beginning. Containing 1.6164 acres or 70,410 square feet as described in a Deed recorded in Liber 34664 folio 384.



2016-0203-SPHA

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

No. 135721

Date: 3/4/16

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150				150.00

Total: 150.00

Rec From:

For:
2016 0203 SPHA
3043 Bay Drive

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

PAID RECEIPT
BUSINESS ACTUAL TIME
3/07/2016 3/04/2016 11:31:45
REG #S01 WALKIN
RECEIPT # 640... 3/04/2016 OFLN
5 528 ZONING VERIFICATION
CS NO. 135721
Recpt Tot $150.00
$150.00 CK $1.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

File

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*
*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
MELISSA L. ENGLISH
ELYANA TARLOW
SARAH A. ZADROZNY
of counsel:
JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
**Admitted in MD, FL, PA

June 15, 2016

Sent Via Hand Delivery
John E. Beverungen, Esquire
Office of Administrative Hearings
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

COPY

Re: 3643 Bay Drive
Case No. 2016-0203-SPHA

Dear Administrative Law Judge Beverungen:

This is in reference to your Opinion and Order issued on May 17, 2016 in the above referenced matter. Pursuant to Rule K of your Rules of Practice and Procedure, kindly accept this letter as a Motion for Reconsideration of a portion of that decision.

As you recall, you granted special hearing and variance relief related to the size/mass of a proposed accessory building on the subject property as regulated under the Baltimore County Zoning Regulations ("BCZR"). Upon receipt of your Order, my client's builder sought permits from the County to construct the residence structure, as well as the accessory building. During the course of the permit application process, Mr. Loraditch was made aware of a requirement under the International Building Code (which has been adopted by Baltimore County) related to accessory structures. Specifically, § 124.5 of the Building Code limits accessory structures which are located within the proximity of a floodplain to a maximum area of 900 square feet. As you know, Mr. Loraditch's property is waterfront and thus, this floodplain regulation is applicable. The proposed accessory structure is larger than this limitation.

I have spoken to Mr. Carl Richards in the Zoning Office and he opined that this requirement could be waived. As you know, the Office of Administrative Hearings can waive such requirements pursuant to Baltimore County Code § 32-4-414, § 32-4-107, § 32-8-301. Moreover, the zoning hearing checklist published by PAI specifically provides that the Office of Administrative Hearings can waive title floodplain requirements pursuant to BCZR § 500.6 and § 3112 of the

Building Code. As Mr. Richards and I discussed, the zoning regulation from which your Order of May 17, 2016 granted relief, governs the same subject matter (i.e. size of an accessory structure) as this Building Code section. Mr. Richards suggested, and I concur, that given that you retain jurisdiction for thirty (30) days after your decision is issued, that I request your concurrence that a waiver is appropriate.

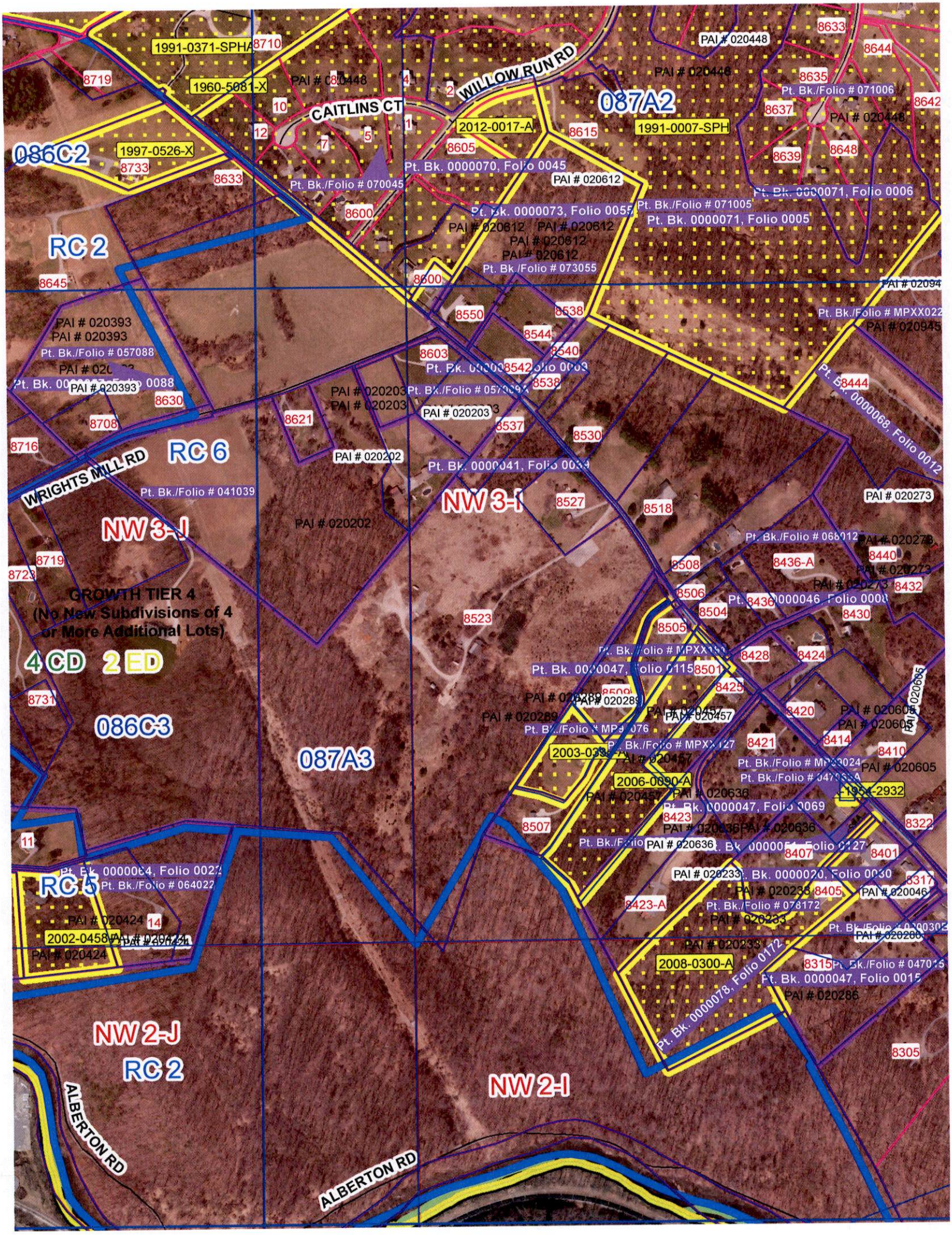
Please contact me should you have any questions regarding this matter. I have copied Mr. Richards on this correspondence, and you may certainly discuss with him directly.

Thank you for your consideration.

Very truly yours,

Lawrence E. Schmidt

LES/amf
CC: Carl Richards, Zoning Review Supervisor
Ken Wells, KJWells, Inc.
Allan Robertson (Protestant at hearing)
Gary and Kathleen Loraditch


1991-0371-SPHA
1960-5081-X
1997-0526-X
CAITLINS CT
WILLOW RUN RD
2012-0017-A
1991-0007-SPH
086C2
087A2
RC 2
RC 6
RC 5
NW 3-I
NW 3-J
NW 2-J
NW 2-I
086C3
087A3
4 CD
2 ED
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
WRIGHTS MILL RD
ALBERTON RD
2002-0458-A
2003-0390-A
2006-0690-A
2008-0300-A
PAI # 020448
PAI # 020446
PAI # 020612
PAI # 020393
PAI # 020203
PAI # 020202
PAI # 020289
PAI # 020457
PAI # 020636
PAI # 020233
PAI # 020424
PAI # 020605
PAI # 020273
PAI # 020945
PAI # 020286
Pt. Bk./Folio # 071006
Pt. Bk./Folio # 070045
Pt. Bk./Folio # 071005
Pt. Bk./Folio # 073055
Pt. Bk./Folio # 057088
Pt. Bk./Folio # 041039
Pt. Bk./Folio # 064022
Pt. Bk./Folio # 078172
Pt. Bk. 0000070, Folio 0045
Pt. Bk. 0000073, Folio 0055
Pt. Bk. 0000071, Folio 0005
Pt. Bk. 0000071, Folio 0006
Pt. Bk. 0000041, Folio 0039
Pt. Bk. 0000068, Folio 0012
Pt. Bk. 0000046, Folio 0008
Pt. Bk. 0000047, Folio 0115
Pt. Bk. 0000047, Folio 0069
Pt. Bk. 0000047, Folio 0127
Pt. Bk. 0000047, Folio 0015
Pt. Bk. 0000020, Folio 0030
Pt. Bk. 0000078, Folio 0172
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8423-A
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11
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SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
DAVID W. TERRY*
*Admitted in MD, MO, IL, AR

LAUREN DODRILL BENJAMIN
CHRISTOPHER W. COREY
MARIELA C. D'ALESSIO**
MELISSA L. ENGLISH
ELYANA TARLOW
SARAH A. ZADROZNY
of counsel:
JAMES T. SMITH, JR.
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
**Admitted in MD, FL, PA

May 19, 2016

Sent via Electronic & Regular Mail
Gary and Kathleen Loraditch
1815 Midsummer Lane
Jarrettsville, MD 21084

Re: 3643 Bay Drive
Case No.: 2016-0203-SPHA

Dear Mr. and Mrs. Loraditch,

Enclosed please find the Order and Opinion issued in the above referenced case from Baltimore County Administrative Law Judge John E. Beverungen. This Order approved your Petition for Special Hearing and Variance with certain restrictions.

Please note the period for which an appeal can be filed on this matter began on May 17, 2016, and will run for thirty (30) days. We will monitor this appeal period and inform you if any appeal is filed in opposition.

Should you have any questions, comments or concerns, please feel free to contact me. With kind regards, I remain

Very truly yours,

Alyssa M. Fiore
Paralegal

/ amf
Enclosure
cc: Kenneth J. Wells,

5-10-16

IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**	*	BEFORE THE
(3643 Bay Drive)	*	OFFICE OF
15th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Gary C. & Kathleen Loraditch		
Owners	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2016-0203-SPHA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Gary C. and Kathleen Loraditch, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein. In addition, a Petition for Variance seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Gary and Kathleen Loraditch, legal owners. Lawrence E. Schmidt, Esq. represented the Petitioners. Alan Robertson, on behalf of the Bowley's Quarters Community Association, opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

SPECIAL HEARING

The subject property is 1.6 acres and zoned RC 5. The waterfront property is unimproved, and Petitioners propose to construct a single-family dwelling (SFD) and an accessory structure on the site. The accessory structure would contain a 3 car garage on the first floor, and the second floor would be an accessory apartment. Petitioners explained that their elderly mother would live in the apartment, which would be accessed by stairs from the interior of the garage. Section 400.3 of the B.C.Z.R. permits accessory apartments subject to certain conditions which must be set forth in a Declaration of Understanding.

The most important condition, at least for zoning purposes, is the structure is not considered a second dwelling on the property and can only be occupied by individuals related by blood or marriage to the owners of the principal dwelling. The proposed structure would be designed by an architect, and plans were submitted (Petitioners' Exhibit 11) which reveal the garage/apartment would be compatible with the scale and appearance of the proposed single-family dwelling. As such, the petition for special hearing will be granted.

The petition contained a second special hearing request, which seeks confirmation that the height variance granted in Case No. 2012-0300-A is applicable to the proposed SFD. The relief in that case permitted a dwelling height of 44 ft. in lieu of the maximum 35 ft. in the RC5 zone. The home proposed by Petitioner in the 2012 case was never constructed, but the plan in this case (Exhibit 9) reflects the SFD will be 42 ft. in height. In accordance with general principles of law concerning variances, the relief granted in 2012 has not lapsed and is applicable to the dwelling proposed herein by Petitioners.

VARIANCES

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The property is 250 ft. wide, which is much larger than nearly all of the surrounding lots. As such, it is unique. Petitioners would experience practical difficulty if the regulations were strictly interpreted because they would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

THEREFORE, IT IS ORDERED this **17th** day of **May, 2016,** by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) a use permit for an accessory apartment without separate utility meters or water and sewerage services; and (2) a request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance which seeks the following: (1) to permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and (2) to permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft., be and is hereby GRANTED.

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

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

2. Petitioners must prior to issuance of permits comply with the Critical Area Regulations.

3. Petitioners must submit for approval by Baltimore County a landscape plan for the site.

4. Prior to issuance of permits Petitioners must comply with the RC5 Performance Standards, as determined by the DOP.

5. Petitioners must execute and have notarized a Declaration of Understanding (in a format approved by Baltimore County) concerning the accessory apartment, which must be filed in the land records in the Circuit Court for Baltimore County.

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/sln

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 12, 2016

NOTICE OF DELIBERATION

IN THE MATTER OF: Gary C. and Kathleen S. Loraditch – Legal owners
3643 Bay Drive
16-203-SPHA 15th Election District; 6th Councilmanic District

This matter having been heard and concluded on September 7, 2016, a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, OCTOBER 18, 2016 AT 9:30 a.m.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on **Thursday, September 22, 2016 by 3:00 p.m.**
Reply briefs are due on **Thursday, September 29, 2016 by 3:00 p.m.**
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. ATTENDANCE IS NOT REQUIRED AND PARTICIPATION IS NOT ALLOWED. A WRITTEN OPINION AND/OR ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

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c: Counsel for Petitioner/Legal Owner : Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner : Gary and Kathleen Loraditch

Protestants : Allen Robertson, Paul and Kathleen Paul,
Ronald Walper/Bowleys Quarters Community Assoc

Kenneth J. Wells, KJWells, Inc.
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

Andrea Van Arsdale, Director/Department of Planning
Office of People's Counsel
W. Carl Richards, Jr., Zoning Review Supervisor/PAI
Michael Field, County Attorney, Office of Law

File

Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 29, 2016

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Gary C. and Kathleen S. Loraditch – Legal owners
3643 Bay Drive
16-203-SPHA 15th Election District; 6th Councilmanic District

Re: Petition for Special Hearing relief to approve:
1) A use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR § 400.4; and
2) A request for confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein; and
3) For such other and further relief as may be deemed necessary by the ALJ

Petition for Variance from Section(s):
1) BCZR § 400.3 to permit an accessory building with a height of 30' in lieu of the maximum of 15'; and
2) BCZR § 400.4.B.2 to permit an accessory apartment which is 1,260 square feet in lieu of the maximum of 1,200 square feet; and
3) For such other and further relief as may be deemed necessary by the ALJ

5/17/16 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing was GRANTED; and the Petition for Variance was GRANTED, with conditions.

6/21/16 Order on Motion for Reconsideration issued by the Administrative Law Judge wherein the Motion was DENIED.

ASSIGNED FOR: WEDNESDAY, SEPTEMBER 7, 2016 AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

NEW! Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.

NEW! Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

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c: Counsel for Petitioner/Legal Owner : Lawrence E. Schmidt, Esquire
Petitioner/Legal Owner : Gary and Kathleen Loraditch

Protestants : Allen Robertson, Paul and Kathleen Paul, Ronald Walper/Bowleys Quarters Community

Association

Kenneth J. Wells, KJWells, Inc.

Office of People's Counsel
Andrea Van Arsdale, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
W. Carl Richards, Jr., Zoning Review Supervisor/PAI
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

CASE NO. 2016-0203-SPHA

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
3/15/16	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
4/13/16	PLANNING (if not received, date e-mail sent _____)	C
3/21/16	STATE HIGHWAY ADMINISTRATION	no Obj
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2012-0300-A)

NEWSPAPER ADVERTISEMENT Date: 4/19/16

SIGN POSTING Date: 4/19/16 by O'Keefe

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w4) | Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District - 15 Account Number - 1521400041**

Owner Information

Owner Name:	LORADITCH GARY C LORADITCH KATHLEEN S	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1815 MIDSUMMER LN	**Deed Reference:**	/34664/ 00384
	JARRETTSVILLE MD 21084-		

Location & Structure Information

Premises Address:	3643 BAY DR 0-0000 Waterfront	**Legal Description:**	2.0087 AC SES BAY DR 830FT SW WYE RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0011	0510		0000				2015	Plat Ref:

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

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
			2.0000 AC	34

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015	As of 07/01/2016
Land:	321,000	321,000		
Improvements	0	0		
Total:	321,000	321,000	321,000	321,000
Preferential Land:	0			0

Transfer Information

Seller: STARKEY TIMOTHY W	Date: 02/04/2014	Price: $450,000
Type: ARMS LENGTH VACANT	Deed1: /34664/ 00384	Deed2:
Seller: UMERLEY WANDA	Date: 11/16/2011	Price: $450,000
Type: ARMS LENGTH VACANT	Deed1: /31402/ 00420	Deed2:
Seller: UMERLEY LEO,JR DALY BARBARA	Date: 04/20/2010	Price: $0
Type: NON-ARMS LENGTH OTHER	Deed1: /29381/ 00421	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2015	07/01/2016
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: NONE

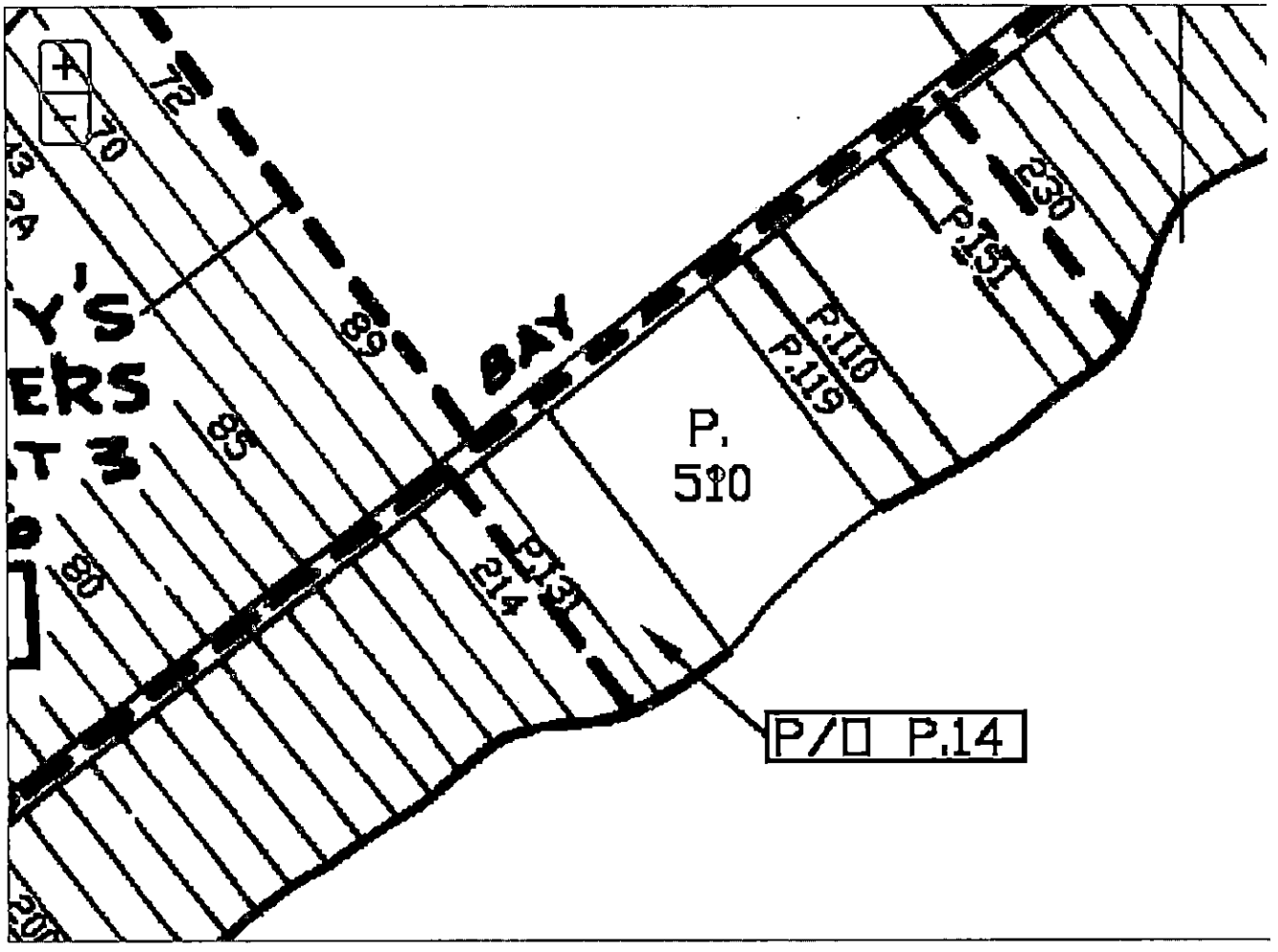
Homestead Application Information

Homestead Application Status: No Application

Baltimore County

New Search (http://sdat.dat.maryland.gov/RealProperty)

District: 15 Account Number: 1521400041



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).

Property maps provided courtesy of the Maryland Department of Planning.

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).

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: April 13, 2016

Duplicate

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 16-203

INFORMATION:

Property Address: 3643 Bay Drive
Petitioner: Gary C. Loraditch, Kathleen S. Loraditch
Zoning: RC 5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a Use Permit for an accessory apartment without separate utility meters or water and sewerage services and also confirmation that the height variance for the principal structure in Case No. 2012-0300-A is applicable to the principal structure being proposed herein. The Department also reviewed the petition for a variance to permit an accessory building with a height of 30 feet and also an accessory apartment which is 1,260 sq. ft. in lieu of the maximum permitted 15 feet and 1200 sq. ft. respectively.

A site visit was conducted on March 24, 2016.

The Department has no objection to granting the petitioned zoning relief.

Please be advised the subject site is currently Issue# 6-005 in the 2016 Comprehensive Zoning Map Process. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations of the proposed structure must be submitted to the Department for review and approval at the time of building permit application.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

Kathy Schlabach

AVA/KS/LTM/ka
c: Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Krystle Patchak
Office of the Administrative Hearings
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 19, 2016 Issue - Jeffersonian

Please forward billing to:
Jason Vettori 410-821-0070
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0203-SPHA
3643 Bay Drive
SE/s Bay Drive, S/w 835 ft. to centerline of Wye Road
15th Election District – 5th Councilmanic District
Legal Owners: Gary & Kathleen Loraditch

Special Hearing for a use permit for an accessory apartment without separate utility meters or water and sewerage services under BCZR section 400.4; and a request for confirmation that the height variance for the principal structure in Case No. 2012-0300 A is applicable to the principal structure being proposed herein; and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. **Variance** 1. To permit an accessory building with a height of 30 ft. in lieu of the maximum of 15 ft.; and 2. To permit an accessory apartment which is 1,260 sq. ft. in lieu of the maximum of 1,200 sq. ft.; and for such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

Hearing: Tuesday, May 10, 2016 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2016-0203-SPHA

Petitioner: Gary and Kathleen Loraditch

Address or Location: 3643 Bay Drive

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori, Esquire

Address: Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

Telephone Number: 410-821-0070

Revised 2/20/98 - SCJ


RC 20
1521400042
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
15 ED
6 CD
Bowleys Quarters-Back River Neck Area
Back River Neck District
RC 5
BAY DR
Lot # X
1512200000
1512203200
1511672160
1511671430
1516600961
1516600960
-1956-3885-X
2008-0112-A
1993-0393-SPH
1995-0094-A
2007-0117-A
Lot # 231A
Pt. Bk./Folio # 000073G
1985-00
PHA
2004-0087
3719
1511570270
1514900330
1512201881
1511001850
Lot # 229
Lot # 228
Lot # 227
Lot # 226
Lot # 225
Lot # 224
3713
1519714900
1989-0231-A
1519851041
3707
1518350010
1503001440
3705
1507410230
1513751260
1504001400
2004-0318-A
2012-0300-A
1521400041
NE 1-L
098C2
Martin State Airport Restriction
Issue # 6-005
(Development Allowed)
Lot # 87
Lot # 89
1512000440
1519990230
2006-0252-SPHA
Pt. Bk. 0000009, Folio 0056
2015-0031-A
3632
Pt. Bk./Folio # 009036
1504501890
Lot # 85
PAI # 150010
1512591761
1519990200
1514400511
1514400510
1508653080
3637
3633
Lot # 217
Lot # 216
Lot # 214
Lot # 212
Lot # 211
Lot # 210
Lot # 209
Pt. Bk. 0000008, Folio 0073
Pt. Bk./Folio # 007012
1519072270
1519711470
1512000210
1502202080
3621
1997-0312-A
1518720460
1511770870

SPECIAL HEARING RELIEF TO APPROVE:

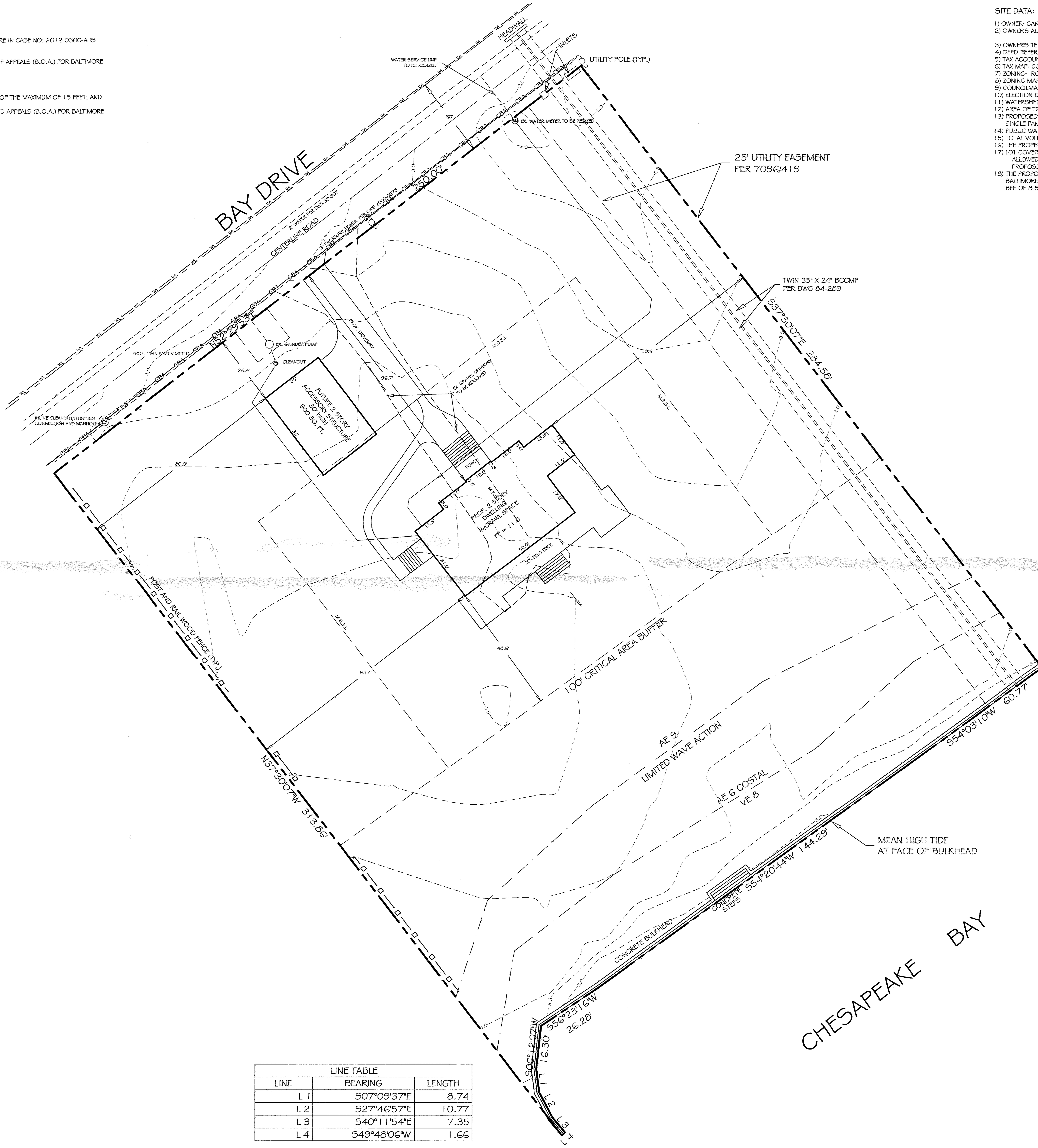
1. A REQUEST FOR CONFIRMATION THAT THE HEIGHT VARIANCE FOR THE PRINCIPAL STRUCTURE IN CASE NO. 2012-0300-A IS APPLICABLE TO THE PRINCIPAL STRUCTURE BEING PROPOSED HEREIN; AND

3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE BOARD OF APPEALS (B.O.A.) FOR BALTIMORE COUNTY.

VARIANCE FROM SECTION(S):

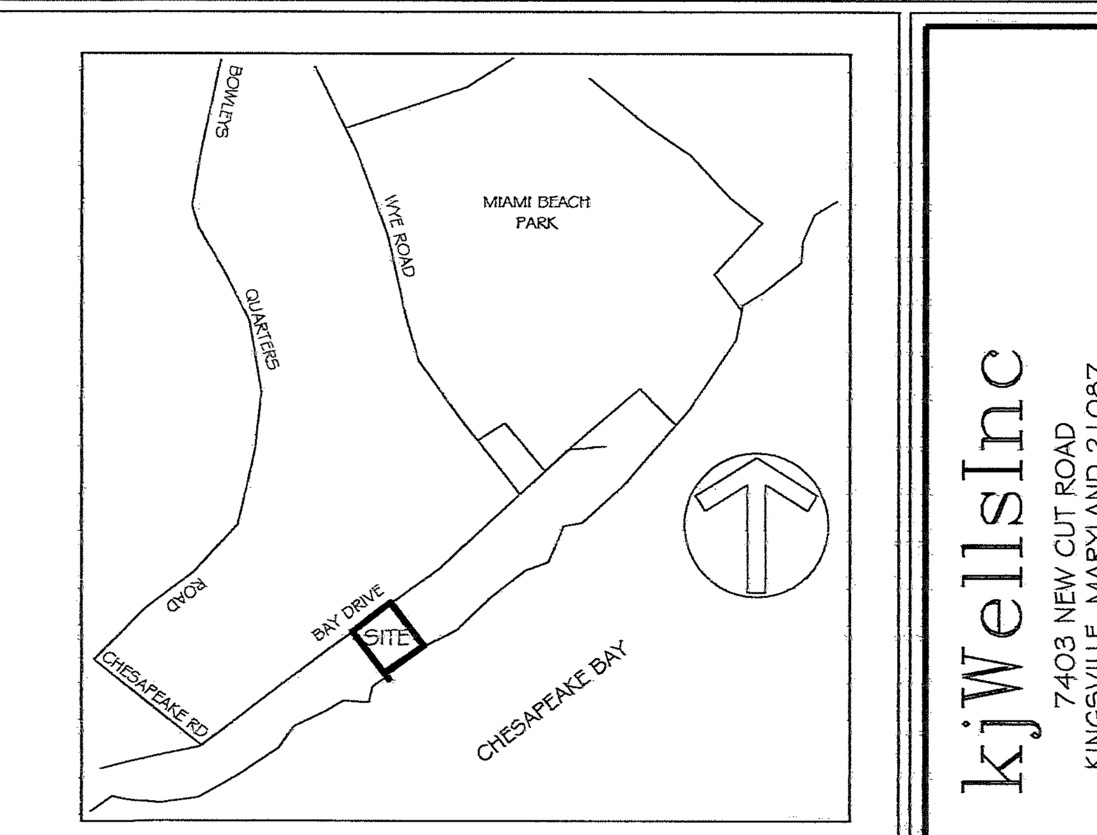
1. BCZR § 400.3 TO PERMIT AN ACCESSORY STRUCTURE WITH A HEIGHT OF 30 FEET IN LIEU OF THE MAXIMUM OF 15 FEET; AND

2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE BOARD OD APPEALS (B.O.A.) FOR BALTIMORE COUNTY.



SITE DATA:

1) OWNER: GARY C. AND KATHLEEN S. LORADITCH
2) OWNER'S ADDRESS: 1815 MIDSUMMER LANE JARRETTSVILLE, MD 21084
3) OWNER'S TELEPHONE NO.: 410-937-8190
4) DEED REFERENCE: 34664/384
5) TAX ACCOUNT NUMBER: 1524100041
6) TAX MAP: 98 GRID 11 PARCEL 051
7) ZONING: RC-5 (ZONED TO DR 3.5 2016 CZMP)
8) ZONING MAP: 098C2
9) COUNCILMANIC DISTRICT: 6th
10) ELECTION DISTRICT: 15th
11) WATERSHED: GUNPOWDER RIVER
12) AREA OF TRACT: 1.6164 ACRES
13) PROPOSED USE: SINGLE FAMILY DWELLING
14) PUBLIC WATER AND SEWER
15) TOTAL VOLUME OF EARTH DISTURBANCE: <100 CY
16) THE PROPERTY LIES WITHIN THE CBCA.
17) LOT COVERAGE:
ALLOWED: 15%
PROPOSED: 5,593 SF / 70,410 SF = 7.9%
18) THE PROPOSED DWELLING IS LOCATED WITHIN AN AE 9 BALTIMORE COUNTY FLOOD ZONE BOUNDARY WITH A BFE OF 8.5' (NAVD 88).



VICINITY MAP
SCALE: 1" = 1,000'

SURFACE COVERAGE TABLE

TOTAL PROPOSED	5,593 SF
TOTAL ALLOWED	10,561 SF

ZONING HEARING (CASE 2012-0300-A):

A VARIANCE WAS GRANTED ON JULY 12, 2012 TO ALLOW A REPLACEMENT DWELLING HEIGHT OF 44' IN LIEU OF THE MAXIMUM ALLOWED 35', AND TO PERMIT AN ACCESSORY STRUCTURE TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE PERMITTED REAR YARD ONLY.

LINE TABLE

LINE	BEARING	LENGTH
L1	S07°09'37"E	8.74
L2	S27°46'57"E	10.77
L3	S40°11'54"E	7.35
L4	S49°48'06"W	1.66

LEGEND:

—CBA—CBA—CBA—	CRITICAL BUFFER AREA LIMIT
M.B.S.L.	MIN. BLDG. SETBACK LINE
— — —150.0— — —	EXISTING CONTOUR
—WL—WL—WL—	WETLAND LIMITS

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

Pet. No 1

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/11/2017

STATE OF MARYLAND ★ KENNETH JAMES WELLS ★ PROFESSIONAL LAND SURVEYOR NO. 236

SEAL

NAD 83/91
GEOID 12

REVISIONS:	
NO.	DATE

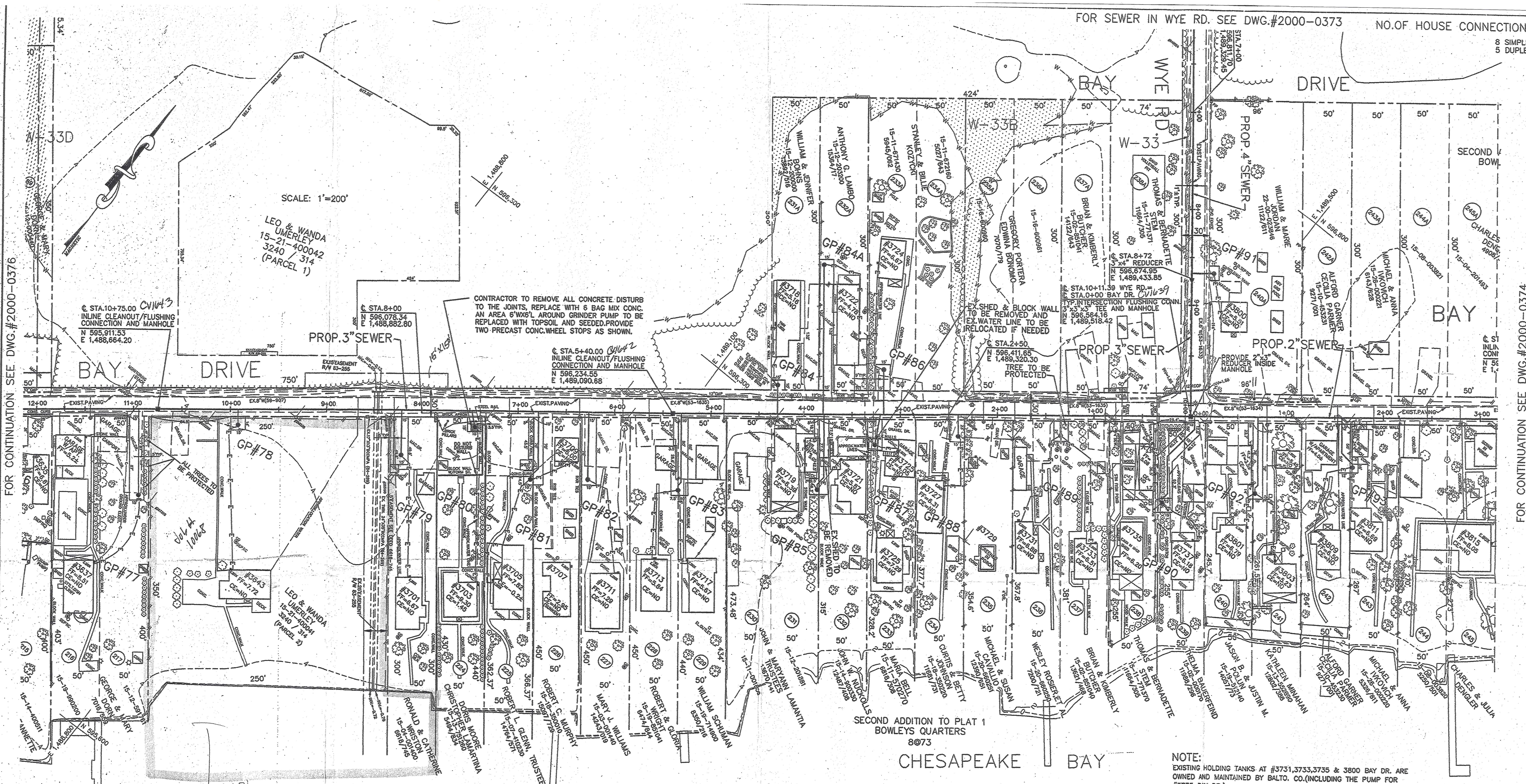
PLAN TO ACCOMPANY A B.O.A. HEARING
~of~
3643 BAY DRIVE
BALTIMORE COUNTY
MARYLAND
15TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 9/06/2016
PROJECT NO.: 2015-007
SHEET 1 OF 1

My Neighborhood Map

Created By
Baltimore County
My Neighborhood

Printed 3/28/2016



GP#	ADDRESS	EX.GROUND ELEV. @ GRINDER PUMP	4"INV.ELEV.@ GRINDER PUMP	GP STA.	NORTH	EAST
GP#79	3701 BAY DR.	3.5±	-2.75	Simplex	596,028.49	1,488894.41
GP#80	3703 BAY DR.	4.3±	-1.95	Simplex	596,098.02	1,488,937.16
GP#81	3705 BAY DR. 3707 BAY DR.	5.0±	-4.50	***Duplex	596,090.40	1,489,016.20
GP#82	3711 BAY DR.	4.0±	-3.25	Simplex	596,126.50	1,489,063.30
GP#83	3713 BAY DR. 3717 BAY DR.	4.0±	-2.83	***Duplex	596,175.50	1,489,143.60
GP#84	3718 BAY DR.	4.0±	-2.25	Simplex	596,327.18	1,489,161.61
GP#84A	3722 BAY DR.	4.0±	-3.83	Simplex	596,452.36	1,489,125.54
GP#85	3719 BAY DR. 3721 BAY DR.	4.0±	-2.83	***Duplex	596,267.12	1,489,159.84
GP#86	3724 BAY DR.	4.0±	-3.25	Simplex	596,406.60	1,489,139.20

GP#	ADDRESS	EX.GROUND ELEV. @ GRINDER PUMP	4"INV.ELEV.@ GRINDER PUMP	GP STA.	NORTH	EAST
GP#87	3725 BAY DR.	3.5±	-5.08	Simplex	596,339.66	1,489,278.92
GP#88	3727 BAY DR.	3.0±	-3.25	Simplex	596,399.39	1,489,341.81
GP#89	3731 BAY DR. 3733 BAY DR.	3.0±	-4.83	***Duplex	596,465.50	1,489,424.70
** GP#90	3735 BAY DR. 3737 BAY DR.	3.0±	-3.83	***Duplex	596,475.20	1,489,549.20
GP#91	3800 BAY DR.	FOR GRINDER PUMP INFORMATION SEE DWG #2000-373				

PROPOSED ELECTRC CABLE FOR PROPOSED GRNDER PUMP. —E—E—E—

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

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

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

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

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

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

PETITIONER'S EXHIBIT NO. 3

CASE 2016-203-SPHA

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

DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM
HORIZONTAL – NAD 83/91
VERTICAL – NAVD 88

SEAL: STATE OF MARYLAND GLENN A. KELLER PROFESSIONAL ENGINEER

ROAD PERMIT AND GRADES
PERMIT REQUESTED
PERMIT NUMBER
GRADE ESTABLISHED 11-2-53
PROFILE NUMBER 53-1729

REVISED AS PER RECORD PRINT		DATE	REVISION	BY
DRAFTSMAN	DATE			
		6/2/07	Add CV numbers	SSI

BALTIMORE COUNTY
ENGINEER G. A. Keller
DATE 7/29/02 LIC. NO. 14167

DESIGNED RAF
DRAWN RAF
CHECKED JER

BUREAU OF ENGINEERING AND CONSTRUCTION	HIGHWAYS	STRUCTURES	STORM DRAINS	SEWER	WATER	FIELD ENGINEER
REVIEWED			SAW	GAK	BFK	VGK
DATE			7/30/02	7/29/02	7/29/02	7/29/02

BUR. OF ENGINEERING & CONSTRUCTION
APPROVED William Kupman CHIEF
DATE 8/6/02

DEPARTMENT OF PUBLIC WORKS
APPROVED [signature] DIRECTOR
DATE 8-6-02

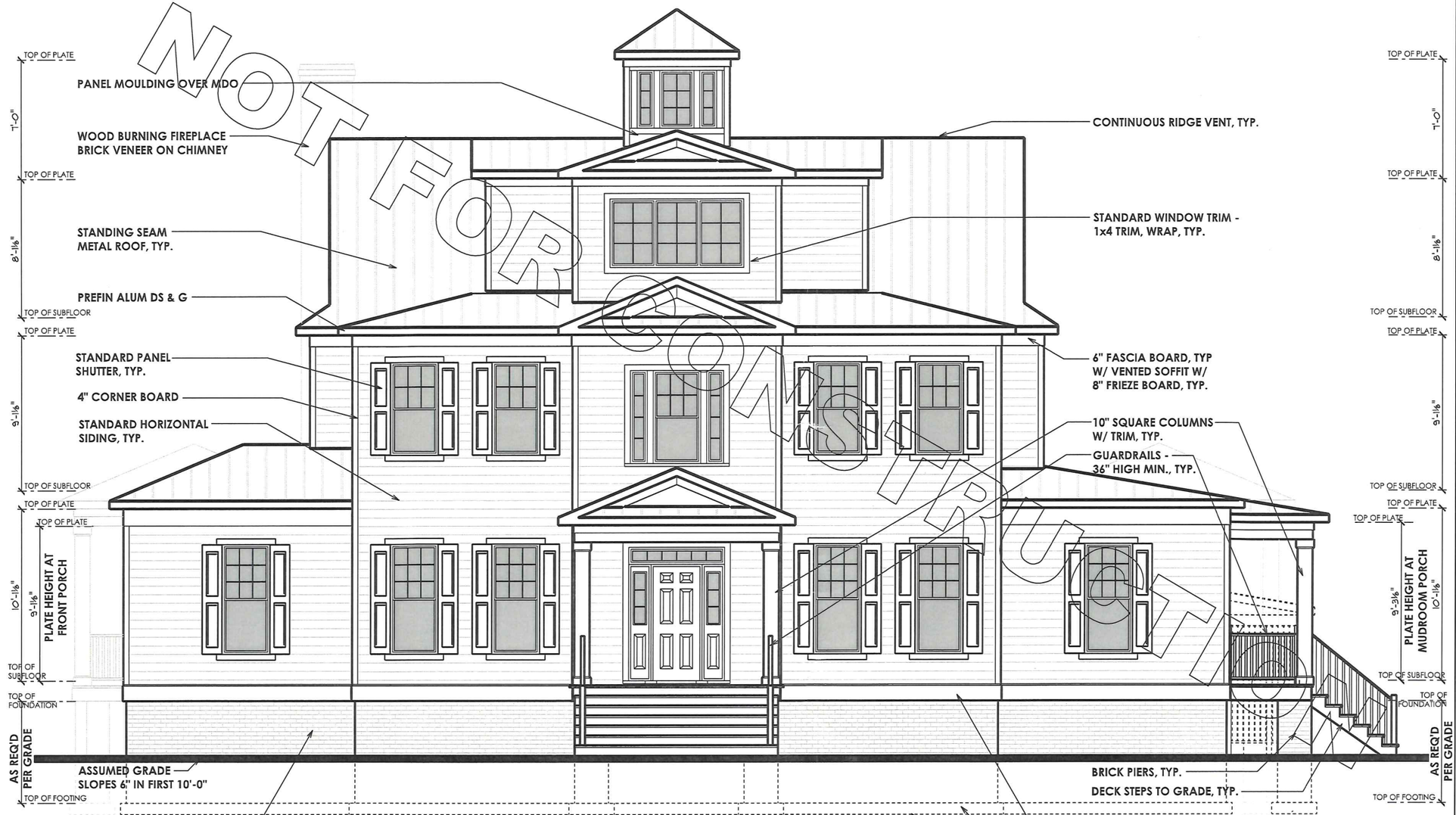
P. W. A. DIR. NO.
RIGHT OF WAY R/W 00-083
KEY SHEET Z-SW
POSITION SHEET 2 NE 46

SCALE
PLAN: 1"=50'
PROFILE HOR. 1"=50' VERT. 1"=5'

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF ENGINEERING & CONSTRUCTION
MIAMI BEACH LOW PRESSURE SANITARY SEWER SYSTEM
BAY DRIVE
FROM 3701 BAY DR. TO 3811 BAY DR.
SUBDIVISION BOWLEYS QUARTERS
EL. DISTRICT NO. 15,C5
SCANNED

CONTRACT NO. 02292 SX0
JOB ORDER NO. 1-85-14
SHEET 18 OF 28
DWG. NO. 2000-0375
FILE: 1

DWG FILENAME: 1-MIAMI



NOTE:
STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL BE A MINIMUM OF 34" IN HEIGHT AND NOT MORE THAN 38" IN HEIGHT. RAILS ARE TO BE MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.

PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS A MINIMUM OF 36" HIGH.

RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT PERMIT THE PASSAGE OF A 4" DIA SPHERE.

STREET ELEVATION

ARCHITECTURE
JONATHAN RIVERA
Every detail matters
(443) 226-5745
JONATHANRIVERA.COM

Ref No 9

PROFESSIONAL CERTIFICATION
I certify that these documents were prepared or approved by me, and that I am a duly licensed professional architect under the laws of the State of Maryland,
License Number #14678
Expiration Date: 6/30/2016

Jonathan Rivera
License Number #14678

Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

08-19-15	REVIEW

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

ELEVATION

1.01

PRINT DATE :
Tuesday, November 03, 2015

NOTE:
STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL BE A MINIMUM OF 34" IN HEIGHT AND NOT MORE THAN 38" IN HEIGHT. RAILS ARE TO BE MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.

PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS A MINIMUM OF 36" HIGH.

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RIGHT ELEVATION

ARCHITECTURE
JONATHAN RIVERA
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Expiration Date: 6/30/2016

Jonathan Rivera
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Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

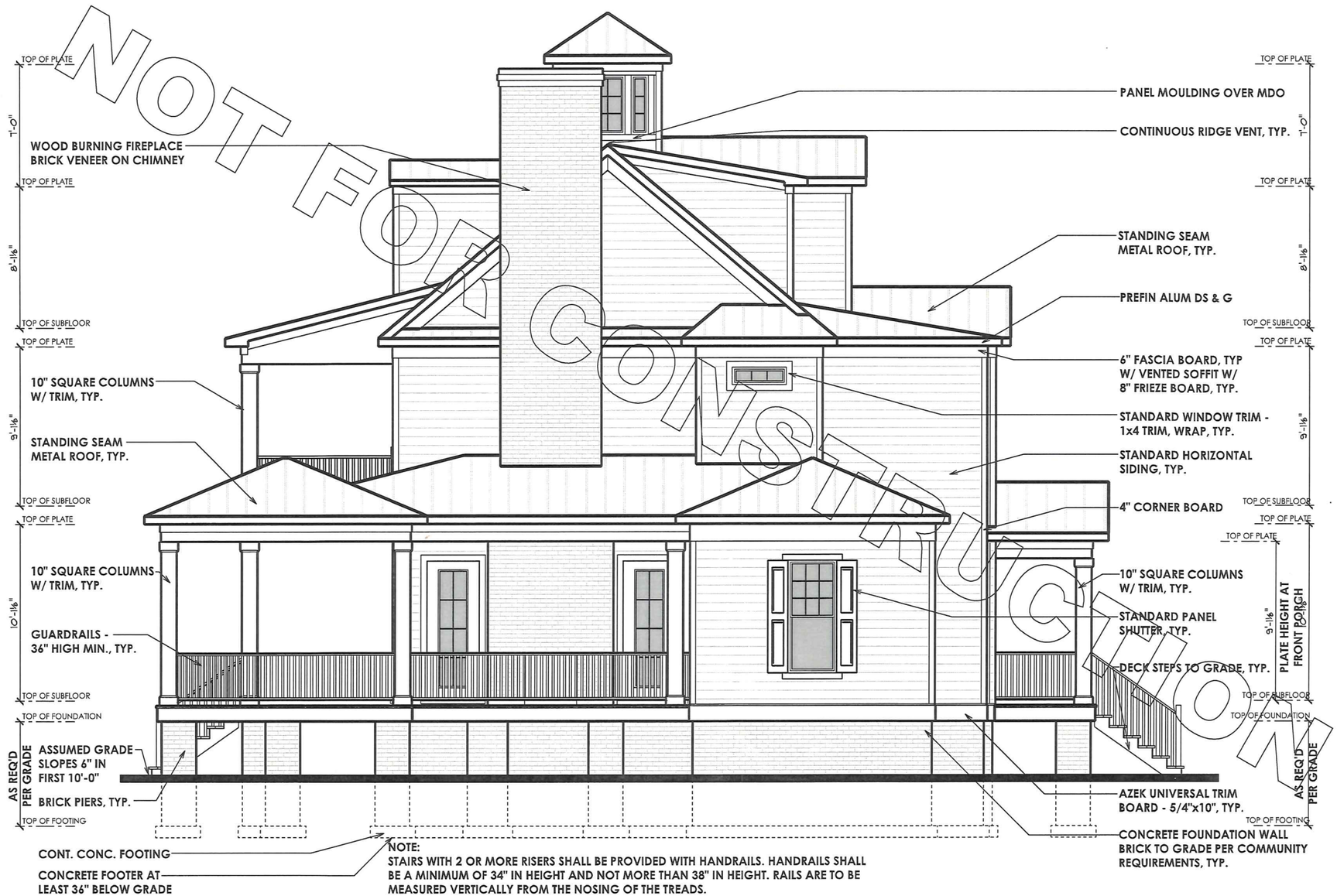
08-19-15	REVIEW

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

ELEVATION

1.02

PRINT DATE :
Tuesday, November 03, 2015



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RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT PERMIT THE PASSAGE OF A 4" DIA SPHERE.

LEFT ELEVATION

ARCHITECTURE
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Jonathan Rivera
License Number #14678

Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

08-19-15	REVIEW

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

ELEVATION

1.03

PRINT DATE :
Tuesday, November 03, 2015

NOTE:
STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL BE A MINIMUM OF 34" IN HEIGHT AND NOT MORE THAN 38" IN HEIGHT. RAILS ARE TO BE MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.

PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS A MINIMUM OF 36" HIGH.

RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT PERMIT THE PASSAGE OF A 4" DIA SPHERE.

WATER ELEVATION

ARCHITECTURE
JONATHAN RIVERA
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JONATHANRIVERA.COM

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Jonathan Rivera
License Number #14678

Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

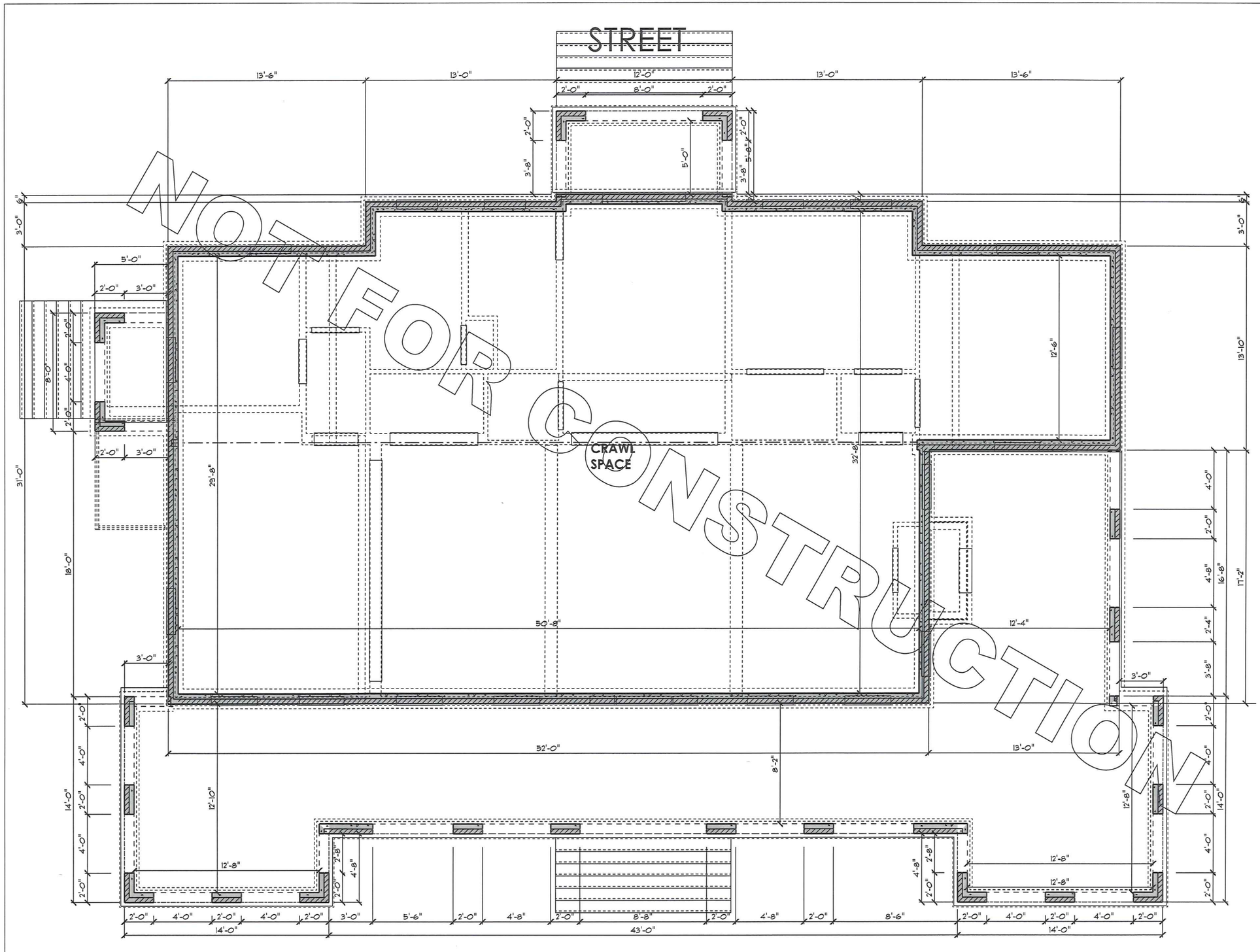
08-19-15	REVIEW

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

ELEVATION

1.04

PRINT DATE :
Tuesday, November 03, 2015



ARCHITECTURE
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Jonathan Rivera
License Number #14678

Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

08-19-15	REVIEW

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

FOUNDATION

2.01

PRINT DATE :
Tuesday, November 03, 2015

STREET

COVERED DECK
P.T. DECKING
74 s.f.
68X80 LH ENTRY - 2 SL - Transom

PANTRY
TILE
BATH
OPEN TO ABOVE
ENTRY FOYER
HALL
WOOD
SEWING ROOM
WOOD
STUDY
WOOD
LAUNDRY/ MUD ROOM
TILE
SHELVES
FREEZER
ALCOVE
WOOD
ELEV
MECH
P.T. DECKING COVERED DECK 42 s.f.
FWH3180AR
OUTDOOR SHOWER T.B.D.
KITCHEN
TILE
BREAKFAST/ DINING
WOOD
LIVING ROOM
WOOD
UP
ALL DOORS ARE SOLID UNLESS NOTED OTHERWISE
TW3046
TW3062
FWH3180AR
FWH3180S
FWH3180AR

COVERED DECK
P.T. DECKING
1,035 s.f.

FINISHED - 1,903 s.f.

WATER

NOT FOR CONSTRUCTION

ARCHITECTURE
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Expiration Date: 6/30/2016

Jonathan Rivera
License Number #14678

Loraditch Residence

RESIDENCE

PROPOSED

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

08-19-15	REVIEW

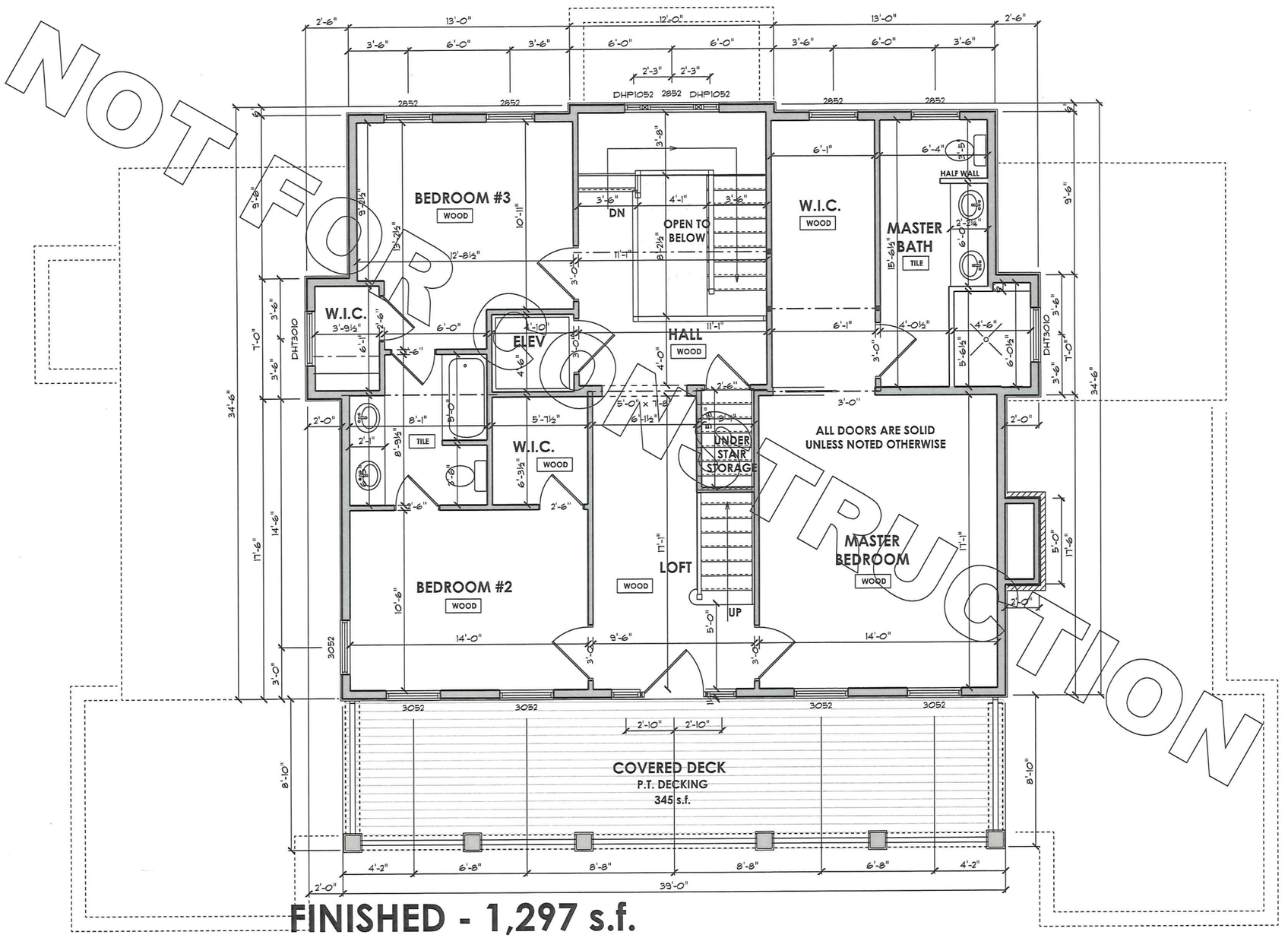
SCALE: 1/4" = 1'-0"

1ST FLOOR

3.01

PRINT DATE :
Tuesday, November 03, 2015

STREET



NOT FOR CONSTRUCTION

FINISHED - 1,297 s.f.

WATER

ARCHITECTURE
JONATHAN RIVERA
Every detail matters
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JONATHANRIVERA.COM

PROFESSIONAL CERTIFICATION
I certify that these documents were prepared or approved by me, and that I am a duly licensed professional architect under the laws of the State of Maryland, License Number #14678 Expiration Date: 6/30/2016

Jonathan Rivera
License Number #14678

Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

08-19-15	REVIEW

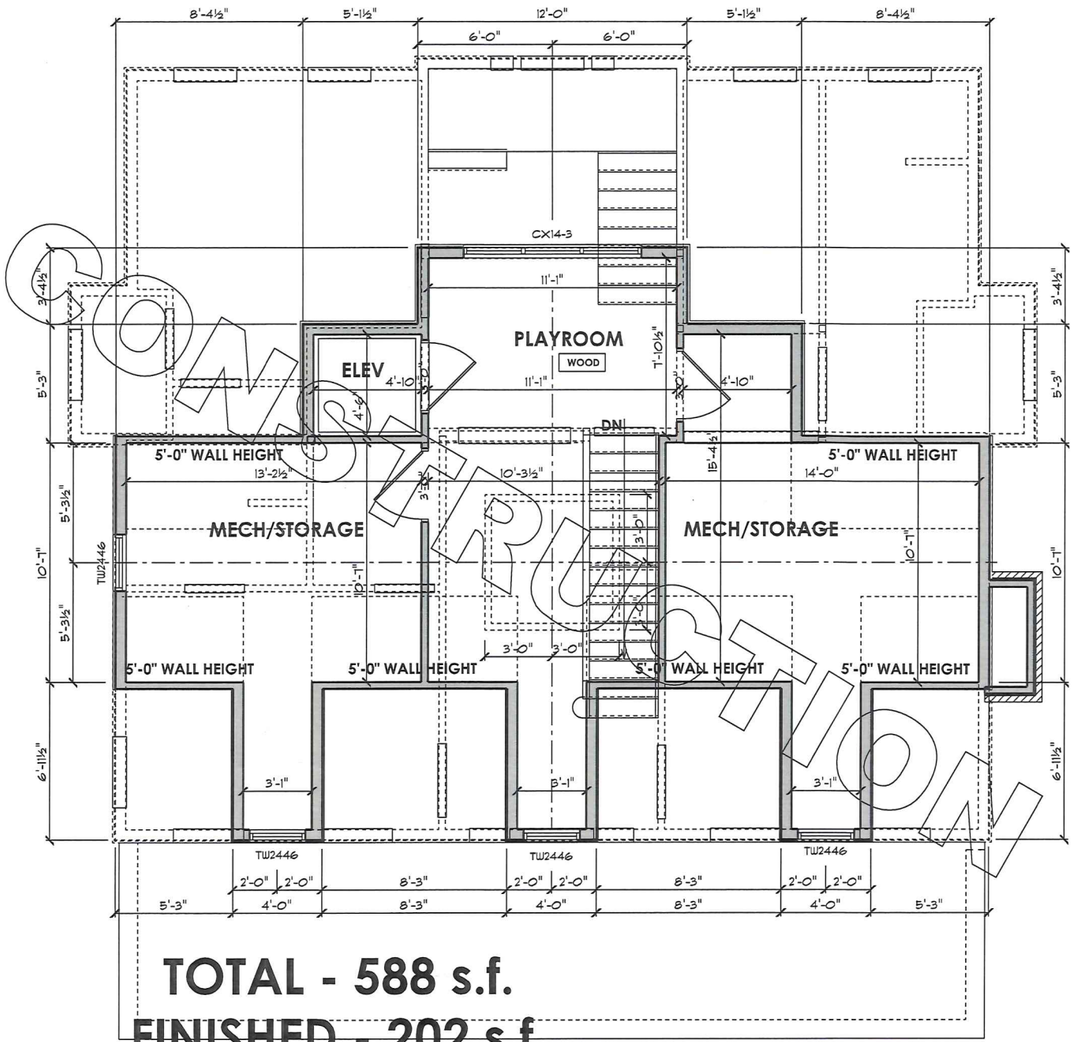
SCALE: 1/4" = 1'-0"

2ND FLOOR

3.02

PRINT DATE:
Tuesday, November 03, 2015

NOT FOR CONSTRUCTION



TOTAL - 588 s.f.

FINISHED - 202 s.f.

ARCHITECTURE
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JONATHANRIVERA.COM

PROFESSIONAL CERTIFICATION
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License Number #14678
Expiration Date: 6/30/2016

Jonathan Rivera
License Number #14678

Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

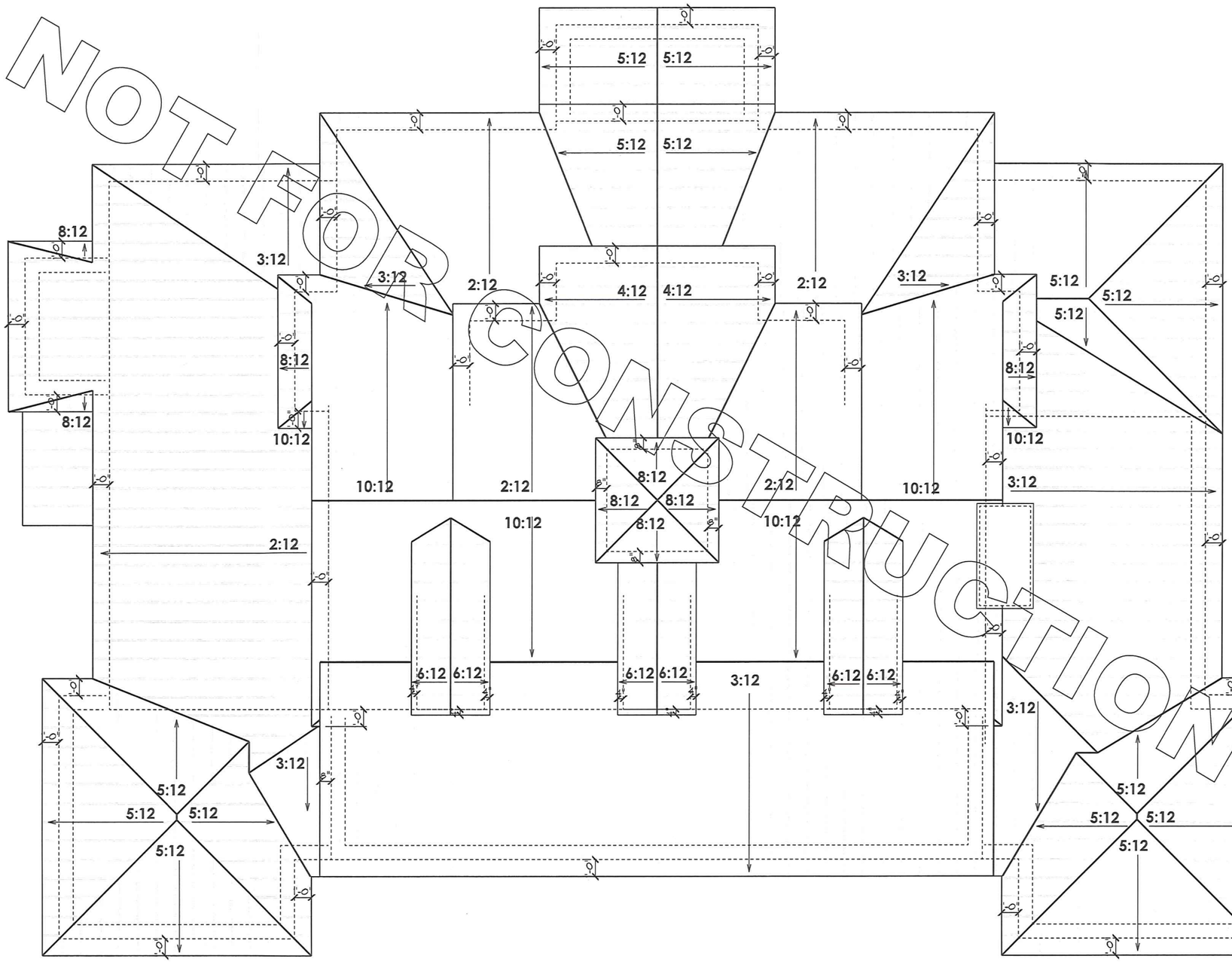
08-19-15	REVIEW

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

3RD FLOOR

3.03

PRINT DATE :
Tuesday, November 03, 2015



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Expiration Date: 6/30/2016

Jonathan Rivera
License Number #14678

Loraditch Residence

PROPOSED RESIDENCE

3643 Bay Drive, Middle River, Maryland

REVISIONS

1	08-19-15	CONCEPT
2		

ISSUE DATES:

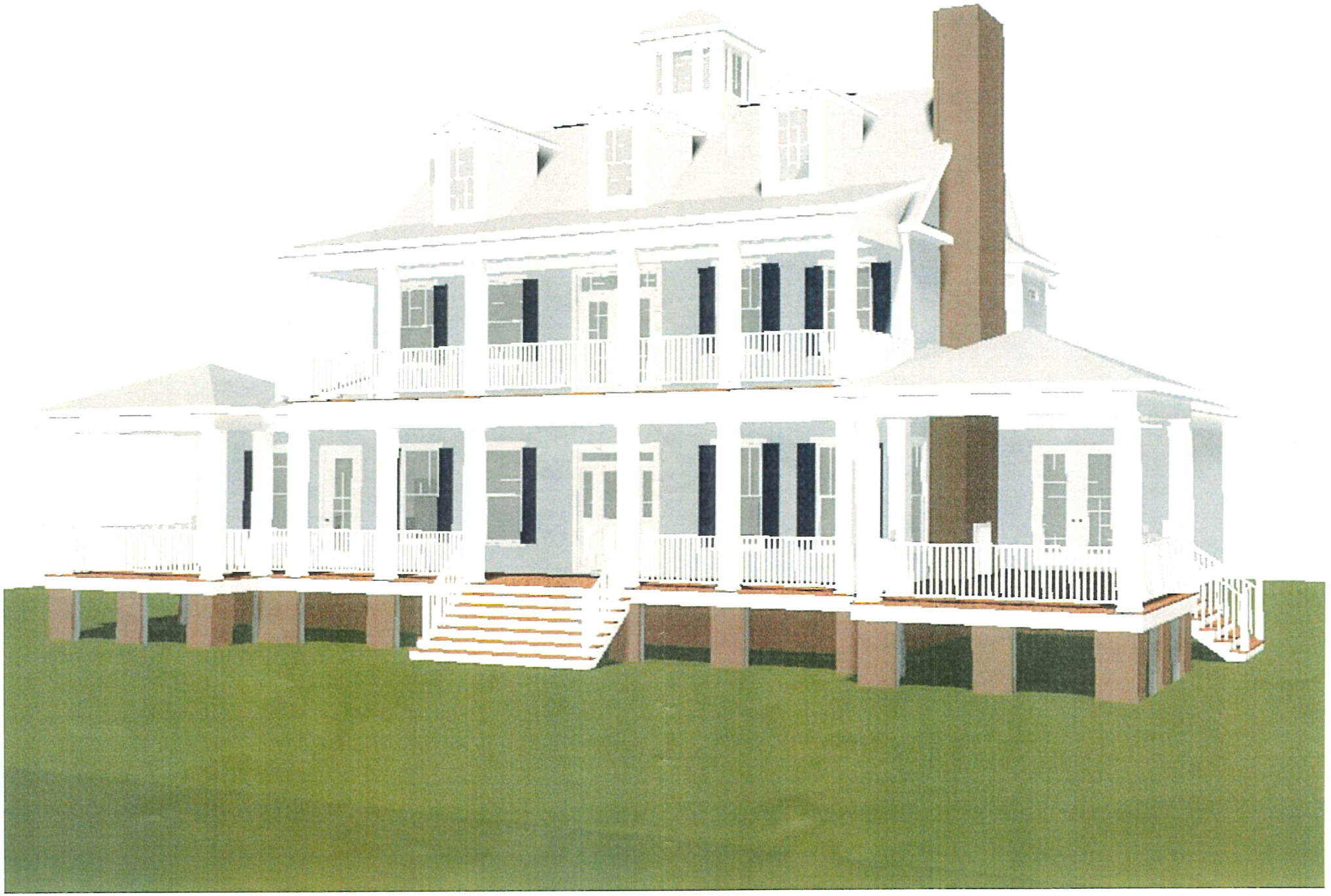
08-19-15	REVIEW

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

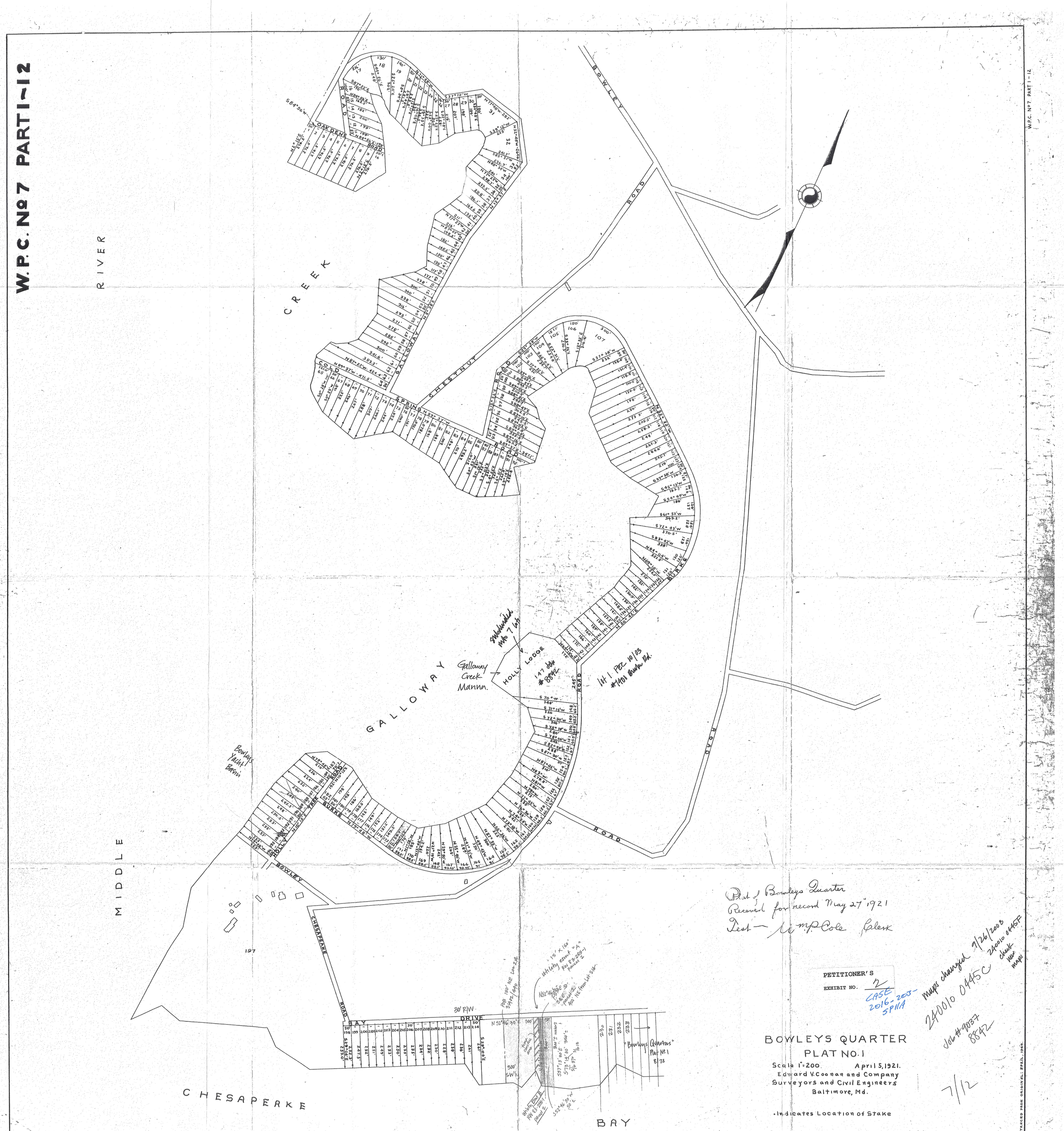
ROOF PLAN

4.01

PRINT DATE :
Tuesday, November 03, 2015



W.P.C. Nº7 PART 1-12



Plat of Bowleys Quarter
Recorded for record May 27" 1921
Test — Wm. P. Cole Clerk

PETITIONER'S
EXHIBIT NO. 2
CASE 2016-2003-SPHA

maps changed 7/26/2006
2400 10 0445C check new maps

dob #9037 8842

7/12

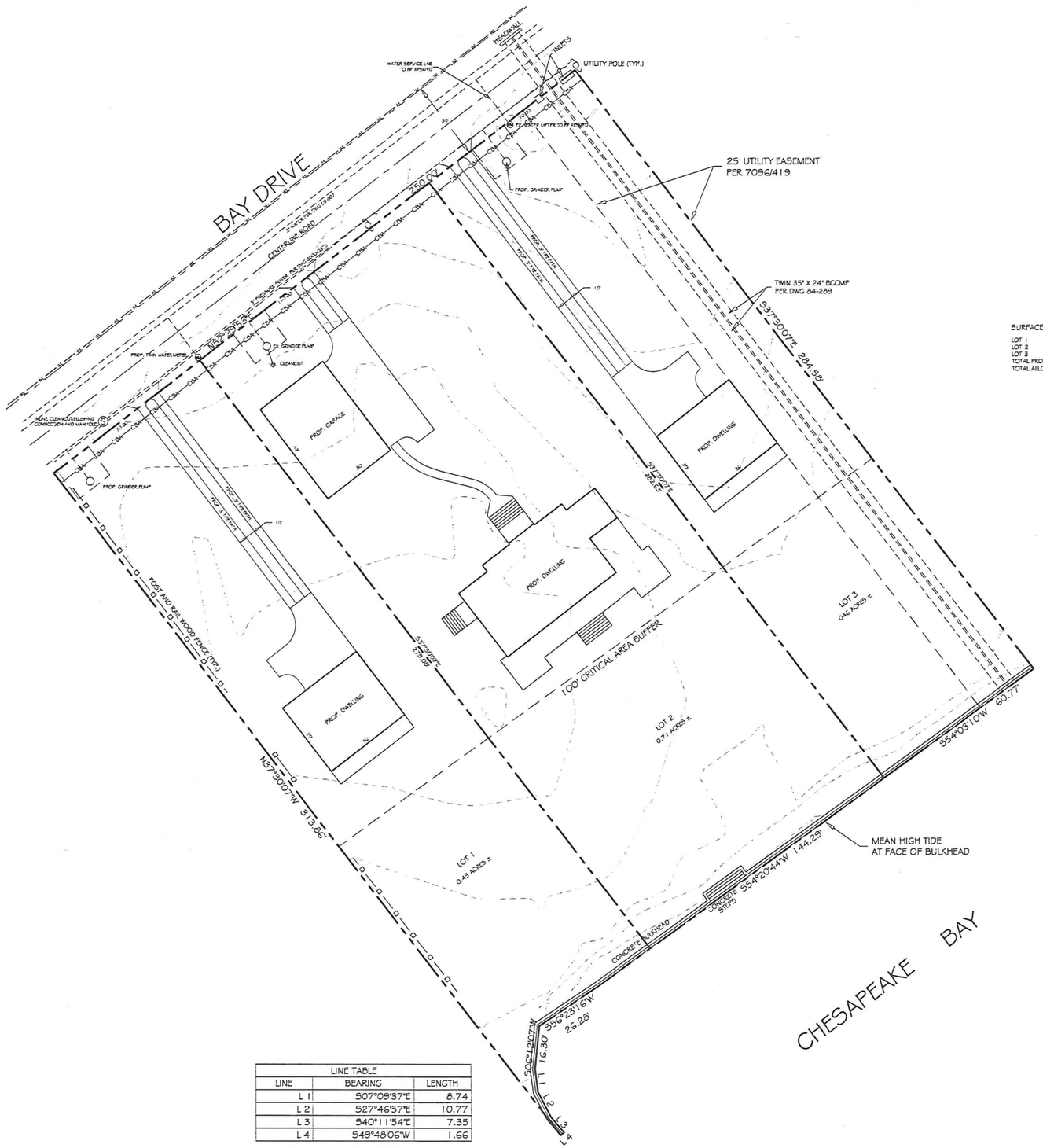
BOWLEYS QUARTER
PLAT NO. 1

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

•Indicates Location of Stake

W.P.C. Nº7 PART 1 - 12

TRACED FROM ORIGINAL: APRIL, 1944.



LINE TABLE		
LINE	BEARING	LENGTH
L 1	S07°09'37"E	8.74
L 2	S27°46'57"E	10.77
L 3	S40°11'54"E	7.35
L 4	S49°48'06"W	1.66

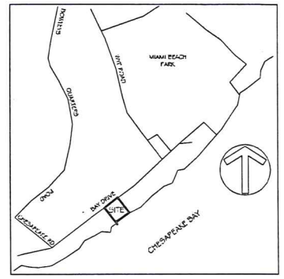
LEGEND:

—CDA—CDA—CDA— CRITICAL BUFFER AREA LIMIT

M.B.S.L. MIN. BLDG. SETBACK LINE

EXISTING CONTOUR

WETLAND LIMITS



VICINITY MAP
SCALE: 1" = 1,000'

SURFACE COVERAGE TABLE

LOT 1	2,466 SF
LOT 2	5,873 SF
LOT 3	2,516 SF
TOTAL PROPOSED	10,557 SF
TOTAL ALLOWED	10,561 SF

Pet No 7

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8600

Land Surveying, Site Planning & Landscape Architecture

LICENSE EXPIRATION DATE: 6/1/2017

SEAL

NAD 83/91
GEOID 12

REVISIONS:

NO.	DATE

THREE LOT CONCEPT PLAN
~of~
3643 BAY DRIVE

BALTIMORE COUNTY
MARYLAND
15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

DRAWN BY: CAV/KJW

CHECKED BY: KJW

DATE: 5/14/2015

PROJECT NO.:
2015-007

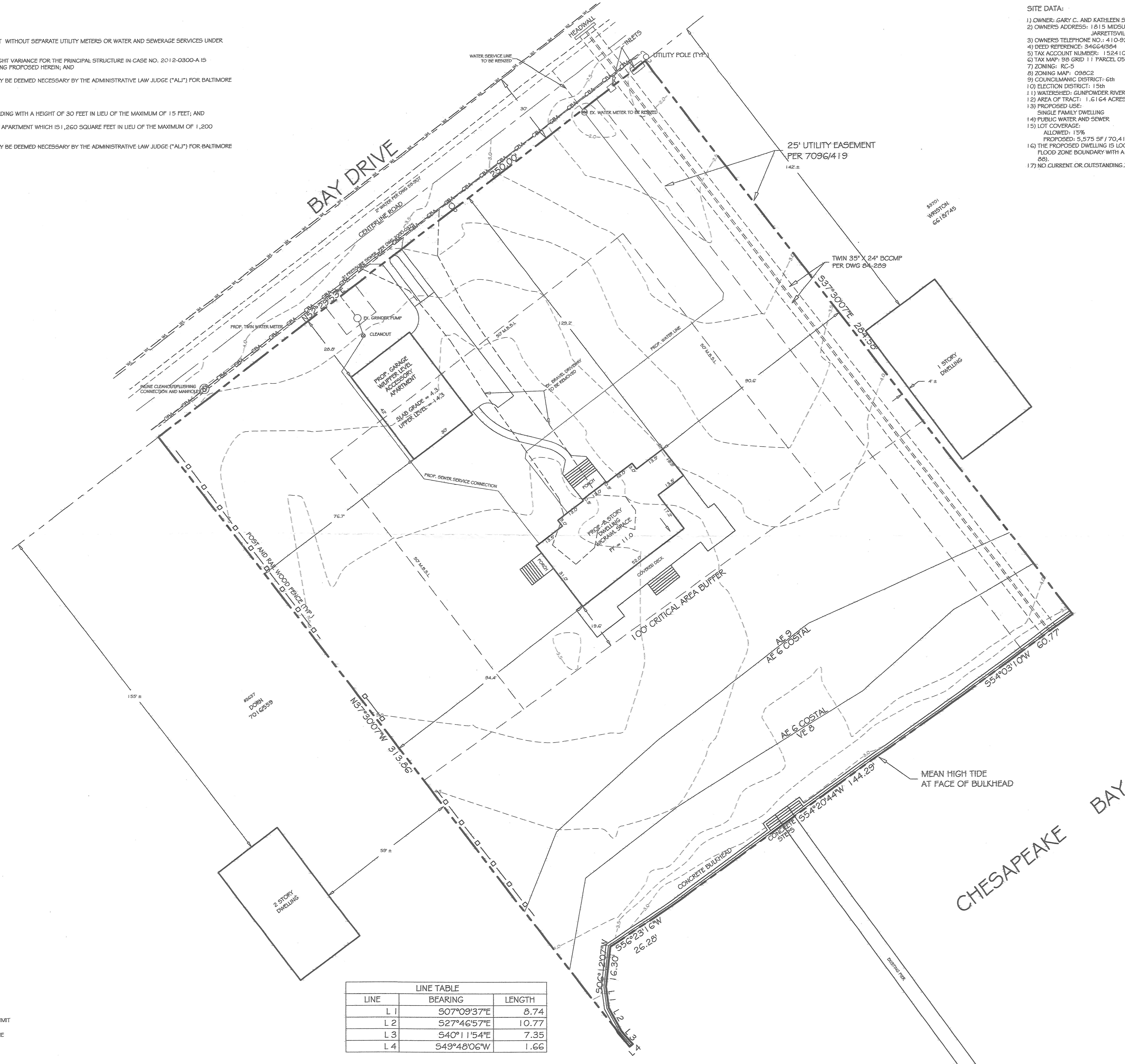
SHEET 1 OF 1

SPECIAL HEARING RELIEF TO APPROVE:

1. A USE PERMIT FOR AN ACCESSORY APARTMENT WITHOUT SEPARATE UTILITY METERS OR WATER AND SEWERAGE SERVICES UNDER BCZR § 400.4; AND
2. A REQUEST FOR CONFIRMATION THAT THE HEIGHT VARIANCE FOR THE PRINCIPAL STRUCTURE IN CASE NO. 2012-0300-A IS APPLICABLE TO THE PRINCIPAL STRUCTURE BEING PROPOSED HEREIN; AND
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE ("ALJ") FOR BALTIMORE COUNTY.

VARIANCE FROM SECTION(S):

1. BCZR § 400.3 TO PERMIT AN ACCESSORY BUILDING WITH A HEIGHT OF 30 FEET IN LIEU OF THE MAXIMUM OF 15 FEET; AND
2. BCZR § 400.4.B.2 TO PERMIT AN ACCESSORY APARTMENT WHICH IS 1,260 SQUARE FEET IN LIEU OF THE MAXIMUM OF 1,200 SQUARE FEET; AND
3. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE ("ALJ") FOR BALTIMORE COUNTY.



LINE TABLE		
LINE	BEARING	LENGTH
L 1	S07°09'37"E	8.74
L 2	S27°46'57"E	10.77
L 3	S40°11'54"E	7.35
L 4	S49°48'06"W	1.66

LEGEND:

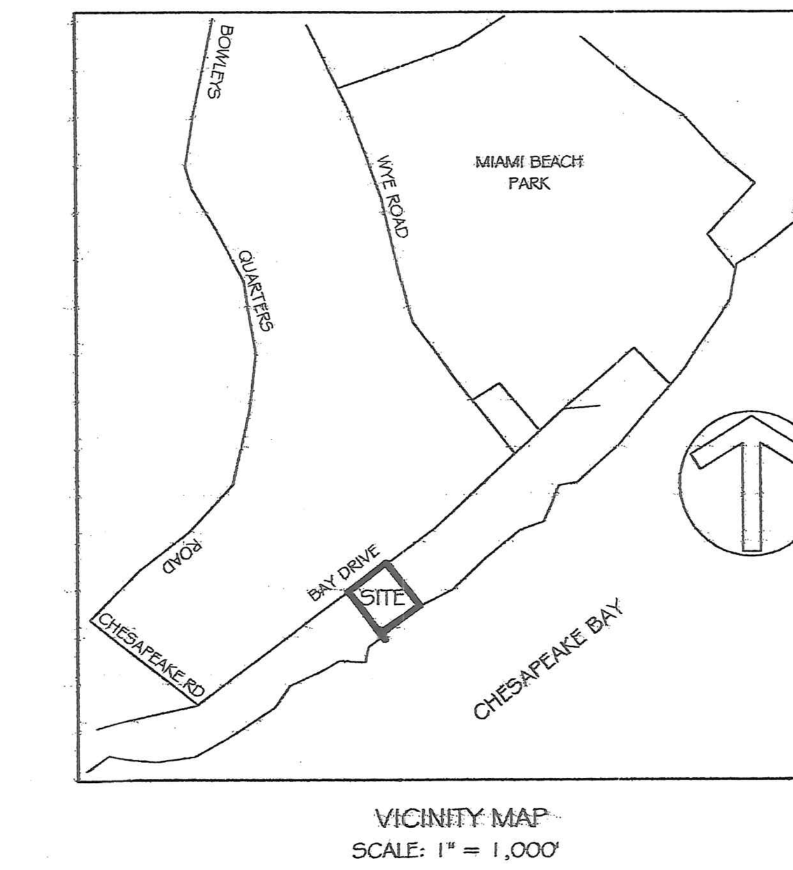
—CBA—CBA—CBA—	CRITICAL BUFFER AREA LIMIT
M.B.S.L.	MIN. BLDG. SETBACK LINE
— — —1000— — —	EXISTING CONTOUR
—WL—WL—WL—	WETLAND LIMITS

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

SITE DATA:

1) OWNER: GARY C. AND KATHLEEN S. LORADITCH
2) OWNER'S ADDRESS: 1815 MIDSUMMER LANE JARRETTSVILLE, MD 21084
3) OWNER'S TELEPHONE NO.: 410-937-8190
4) DEED REFERENCE: 34664/384
5) TAX ACCOUNT NUMBER: 1524100041
6) TAX MAP: 98 GRID 11 PARCEL 051
7) ZONING: RC-5
8) ZONING MAP: 098C2
9) COUNCILMANIC DISTRICT: 6th
10) ELECTION DISTRICT: 15th
11) WATERSHED: GUNPOWDER RIVER
12) AREA OF TRACT: 1.6164 ACRES/70,410 SQ. FT.
13) PROPOSED USE:
SINGLE FAMILY DWELLING
14) PUBLIC WATER AND SEWER
15) LOT COVERAGE:
ALLOWED: 15%
PROPOSED: 5,575 SF / 70,410 SF = 7.9%
16) THE PROPOSED DWELLING IS LOCATED WITHIN AN AE 9 FLOOD ZONE BOUNDARY WITH A BFE OF 8.5' (NAVD 88).
17) NO CURRENT OR OUTSTANDING ZONING VIOLATIONS.



VICINITY MAP
SCALE: 1" = 1,000'

SURFACE COVERAGE TABLE

TOTAL PROPOSED	5,575 SF
TOTAL ALLOWED	10,561 SF

ZONING HEARING (CASE 2012-0300-A):

A VARIANCE WAS GRANTED ON JULY 12, 2012 TO ALLOW A REPLACEMENT DWELLING HEIGHT OF 44' IN LIEU OF THE MAXIMUM ALLOWED 35', AND TO PERMIT AN ACESSORY STRUCTURE TO BE LOCATED IN THE SIDE YARD IN LIEU OF THE PERMITTED REAR YARD ONLY.

SEDIMENT & EROSION CONTROL AND GRADING NOTE:

ALL GRADING AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THE "SEDIMENT EROSION CONTROL STANDARD PLAN FOR INDIVIDUAL LOT SINGLE FAMILY" PLAN NO. 191-COUNTY-14.

NAD 83/91
GEOID 12

kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying, Site Planning & Landscape Architecture

PLAN TO ACCOMPANY A ZONING PETITION
~of~
3643 BAY DRIVE
BALTIMORE COUNTY
MARYLAND
15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

REVISIONS:	
NO.	DATE

DRAWN BY: CAV/KJW
CHECKED BY: KJW
DATE: 3/03/2016
PROJECT NO.: 2015-007
SHEET 1 OF 1

2016-0203-SPHA