

M E M O R A N D U M

DATE: October 13, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0036-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 12, 2016. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(3545 Bay Drive)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
John Nicholas Islin, III	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0036-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, John Nicholas Islin, III ("Petitioner"). The Petitioner is requesting Variance relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a replacement detached structure (garage) with a height of 24 ft. in lieu of the maximum allowed 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. A ZAC comment was received from the Bureau of Development Plans Review (DPR) dated August 12, 2016 indicating: "Prior to building permit application, the Petitioner must contact the office of the Director of Public Works to determine the flood protection elevation." The property is located within the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements as noted in the ZAC comment dated August 12, 2016 from the Department of Environmental Protection and Sustainability (DEPS).

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 12, 2016, and there being no request for a public hearing, a decision

ORDER RECEIVED FOR FILING

Date 9-12-16

By SW

shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the proposed accessory building (detached garage) height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

The petition in this case, as was proper, sought relief from the height restrictions set forth in B.C.Z.R. § 400.3. That is the extent of the relief permitted in a variance case. The decision to permit (or not) bathroom facilities must be made by the County's zoning, public works and (in the case of a property served by well and septic) environmental departments.

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

THEREFORE, IT IS ORDERED, this 12th day of **September, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking Variance relief from § 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a replacement detached structure (garage) with a height of 24 ft. in lieu of the maximum allowed 15 ft., be and

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Date 9-12-16

By kw

are hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
- Petitioner must comply with the ZAC comments from DPR and DEPS; copies of which are attached hereto and made a part hereof.
- Petitioner or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities. Should the aforementioned agencies permit a powder room (sink and toilet) in this structure, that aspect of Condition No. 3 shall be considered stricken.
- The garage shall not be used for commercial purposes.

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:dlw

ORDER RECEIVED FOR FILING

Date 9-12-16

By low

**CBCA****F100D****ADMINISTRATIVE ZONING PETITION**

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 3545 BAY DRIVECurrently zoned RC5Deed Reference L20485 / F44310 Digit Tax Account # 1502004420Owner(s) Printed Name(s) JOHN NICHOLAS ISLIN, III(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)For Administrative Variances, the **Affidavit** on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s)

Section 400.3 – to permit a replacement detached accessory structure (garage) with a height of 24 feet in lieu of the maximum allowed 15 feet.

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

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):JOHN NICHOLAS ISLIN III

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

3545 BAY DRIVE BALTO, MD.

Mailing Address

City

State

21220 (703)409-5784

Zip Code

Telephone #

Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHERRYWOOD CT. EDGEWOOD, MD

Mailing Address

City

State

21040 (410)679-8719 dwb0209@yahoo.com

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0036-AFiling Date 8/3/16Estimated Posting Date 8/14/16Reviewer BD

Affidavit in Support of Administrative Variance

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3545 BAY DRIVE BALTO MD 21220
Print or Type Address of property City State Zip Code

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

SEE ATTACHED

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

John Nicholas Islin, III
Signature of Owner (Affiant)

JOHN NICHOLAS ISLIN, III

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

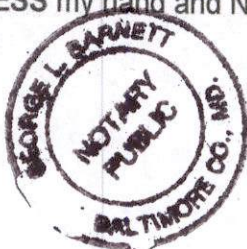
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25 day of July, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: John Nicholas Islin III

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

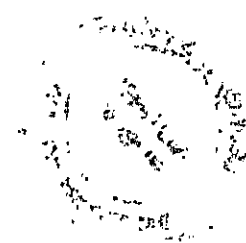


George L. Barnett
Notary Public

6-28-19
My Commission Expires

Item #0036

REV. 5/5/2016



My existing garage is in need of a substantial amount of repair. Rather than spend a large amount of money to repair it, I would prefer to construct a new and slightly larger garage in the same location. This will permit vehicle parking for one car as well as providing storage for household and lawn equipment.

I wish to construct a second story in order to provide a storage / work area for boating supplies and sails during the winter months. The garage will be constructed in accordance with the County flood regulations. The storage area will be well above the flood zone. Should my request be granted, I would like to provide a powder room (sink and toilet only) on the second floor.

The second story, if approved, will not be used for commercial purposes or additional living quarters. Access to the second story will be from an interior stairway only.

I have enclosed an elevation view of the garage design I intend to use

Item #0036

ZONING DESCRIPTION

3545 BAY DRIVE

Beginning for the same at a point on the south side of Bay Drive (25 feet wide) distant 178 feet southwesterly from it's intersection with the center of Chesapeake Avenue, thence being all of Lot 27 as shown on Plat 3, Bowleys Quarters recorded among the Baltimore County plat records in Plat Book 7 Folio 78.

Containing 13,425 square feet or 0.308 acre of land, more or less.

Being known as 3545 Bay Drive. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Maryland

Item #0036

CERTIFICATE OF POSTING

Date: AUGUST 12, 2016

RE: Project Name: 3545 BAY DRIVE
Case Number /PAI Number: 2017-0036-A
Petitioner/Developer: JOHN NICHOLAS ISLIN III
Date of Hearing/Closing: AUGUST 29, 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 3545 BAY DRIVE

The sign(s) were posted on AUGUST 12, 2016
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0036 -A Address 3545 Bay Dr

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/3/16 Posting Date: 8/14/16 Closing Date: 8/29/16

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2017- 0036 -A Address 3545 Bay Dr

Petitioner's Name John Nicholas Islin, III Telephone 703 409 5784

Posting Date: 8/14/16 Closing Date: 8/29/16

Wording for Sign: To Permit a replacement detached accessory structure
(garage) with a height of 24 feet in lieu of the maximum
allowed 15 feet

Revised 7/6/16

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2017-0036A
Property Address: 3545 BAY DRIVE
Property Description: south side of Bay Drive, 178 feet
southwest of Chesapeake Avenue
Legal Owners (Petitioners): JOHN NICHOLAS ISLIN
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: NICK ISLIN
Company/Firm (if applicable): _____
Address: 3545 BAY DRIVE
BALTO MD 21220
Telephone Number: (703) 409-5784

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

No. **142814**

Date: **8/3/16**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 8/04/2016 8/03/2016 10:10:26 3

REC W203 WALKIN CAY
 RECEIPT # 389865 8/03/2016 OFLN

Dept S 528 ZONING VERIFICATION
 NO. 142814

Recpt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				870 75.00

Total: **\$ 75.00**

Rec From:
 For: **Zoning Hearing - COS - # 2017-0036-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

August 30, 2016

John Nicholas Islin III
3545 Bay Drive
Baltimore MD 21220

RE: Case Number: 2017-0036 A, Address: 3545 Bay Drive

Dear Mr. Islin:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 3, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David Billingsley, 601 Charwood Road, Edgewood MD 21040

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



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

Date: 8/8/16

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. 2017-0036-A

Administrative Variance
John Nicholas Islin III
3545 Bay 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,

A handwritten signature in blue ink, appearing to read "Richard Zeller".

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2016
Item No. 2017-0036

DATE: August 12, 2016

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

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

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0036-08152016.doc

AV 8-29-16

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

AUG 12 2016



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 12, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0036-A
Address: 3545 Bay Drive
(Islin Property)

Zoning Advisory Committee Meeting of August 15, 2016.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement garage with greater height than permitted. The lot is waterfront, and the proposed dwelling must meet all LDA requirements, including lot coverage limits and afforestation. The garage will be outside of the 100-foot buffer and mostly in the same place as the existing garage. Lot coverage is limited to a maximum of 31.25% (4,195 square feet) with mitigation required for any lot coverage between 25% (3,356 square feet) and 31.25%. Existing and proposed lot coverage information was not provided. 4 trees are required to meet the afforestation requirement. At this time we cannot determine if the proposal can meet all LDA requirements and therefore we cannot determine if the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. As there is incomplete information regarding lot coverage and afforestation, at this time we cannot determine if lot coverage and afforestation requirements will be met and therefore help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As submitted, the Critical Area information is incomplete, and therefore we cannot say at this time if the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: August 12, 2016

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 12, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0036-A
Address: 3545 Bay Drive
(Islin Property)

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As submitted, the Critical Area information is incomplete, and therefore we cannot say at this time if the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: August 12, 2016



Item #0036



1



2

Item #0036



3

Item #0036



4



5

Item #0036

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1502004420			
Owner Information					
Owner Name:		ISLIN J NICHOLAS 3RD		Use:	RESIDENTIAL
Mailing Address:		3545 BAY DR BALTIMORE MD 21220-4402		Principal Residence:	YES
				Deed Reference:	/20485/ 00443
Location & Structure Information					
Premises Address:		3545 BAY DR 0-0000 Waterfront		Legal Description: 3545 BAY DR BOWLEYS QUARTERS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: 3
0098	0011	0016		0000	27 2015 Plat Ref: 0007/0078
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1934	1,660 SF	700 SF	15,300 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	1 full/ 1 half	1 Detached
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2016	07/01/2017
Land:		262,800	262,800		
Improvements		118,100	108,000		
Total:		380,900	370,800	370,800	370,800
Preferential Land:		0			0
Transfer Information					
Seller: ONEIL DAVID M		Date: 08/03/2004		Price: \$550,000	
Type: ARMS LENGTH IMPROVED		Deed1: /20485/ 00443		Deed2:	
Seller: O'NEIL DAVID M		Date: 12/17/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13381/ 00691		Deed2:	
Seller: ONEIL DAVID M,MD,PENSION TRUST		Date: 02/06/1995		Price: \$202,552	
Type: ARMS LENGTH IMPROVED		Deed1: /10932/ 00219		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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: Approved 01/06/2009					

Sample
Formal Demand
Active Violation
Case

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: September 6, 2016

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: John E. Beverungen, Administrative Law Judge
Office of Administrative Hearings

RE: Petition for Administrative Variance – 08/29/16 Closing Date
Case No. 2017-0036-A – 3545 Bay Drive, 21220

[Handwritten signature]

★
9-9-16
Per June +
Baltimore
incorrect
code
p148.
inadvertently
included
in
this
file.

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing. This case involves an open code enforcement violation in which Charles Lamasa, Esq. is the Complainant. Please refer to the Zoning Review Hearing Checklist – Revised 5/5/2016; specifically, who may not use the Administrative Variance procedure. A copy is attached for your convenience.

Our office is returning the file to you for further processing such as notifying the Petitioner, posting and advertising of the hearing notices. Please include Mr. Lamasa of the hearing date.

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel
W. Carl Richards, Jr.
Dave Duvall
Timothy Kidd

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment8-12

DEVELOPMENT PLANS REVIEW

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

C8-12

DEPS

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

C

FIRE DEPARTMENT

PLANNING

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

8-8

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING

Date: 8-12-16by Billingsley

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

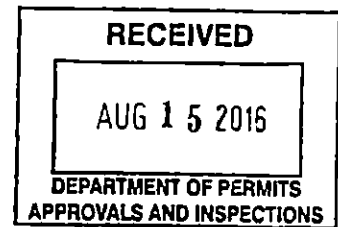
☐

No

☐

Comments, if any: _____

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 15, 2016
Item No. 2017-0036

DATE: August 12, 2016

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

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

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 16-0036-08152016.doc

ORDER RECEIVED FOR FILING

Date 9-12-16

By LSW

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

AUG 12 2016

OFFICE OF ADMINISTRATIVE HEARINGS



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

FROM: Jeff Livingston; Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: August 12, 2016

SUBJECT: DEPS Comment for Zoning Item # 2017-0036-A
Address: 3545 Bay Drive
(Islin Property)

Zoning Advisory Committee Meeting of August 15, 2016.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a replacement garage with greater height than permitted. The lot is waterfront, and the proposed dwelling must meet all LDA requirements, including lot coverage limits and afforestation. The garage will be outside of the 100-foot buffer and mostly in the same place as the existing garage. Lot coverage is limited to a maximum of 31.25% (4,195 square feet) with mitigation required for any lot coverage between 25% (3,356 square feet) and 31.25%. Existing and proposed lot coverage information was not provided. 4 trees are required to meet the afforestation requirement. At this time we cannot determine if the proposal can meet all LDA requirements and therefore we cannot determine if the relief requested by the applicant will result in minimal adverse impacts to water quality.

ORDER RECEIVED FOR FILING

Date 9-12-16

By SW

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. As there is incomplete information regarding lot coverage and afforestation, at this time we cannot determine if lot coverage and afforestation requirements will be met and therefore help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As submitted, the Critical Area information is incomplete, and therefore we cannot say at this time if the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: August 12, 2016

ORDER RECEIVED FOR FILING

Date

9-12-16

By

ow

RE: PETITION FOR ADMINISTRATIVE * BEFORE THE OFFICE
VARIANCE *
3545 Bay Drive; S/S Bay Drive, 178 SW * OF ADMINISTRATIVE
of the c/line Chesapeake Avenue *
15th Election & 6th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): John Nicholas Islin, III *
Petitioner(s) * BALTIMORE COUNTY
* 2017-036-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
OCT 05 2016

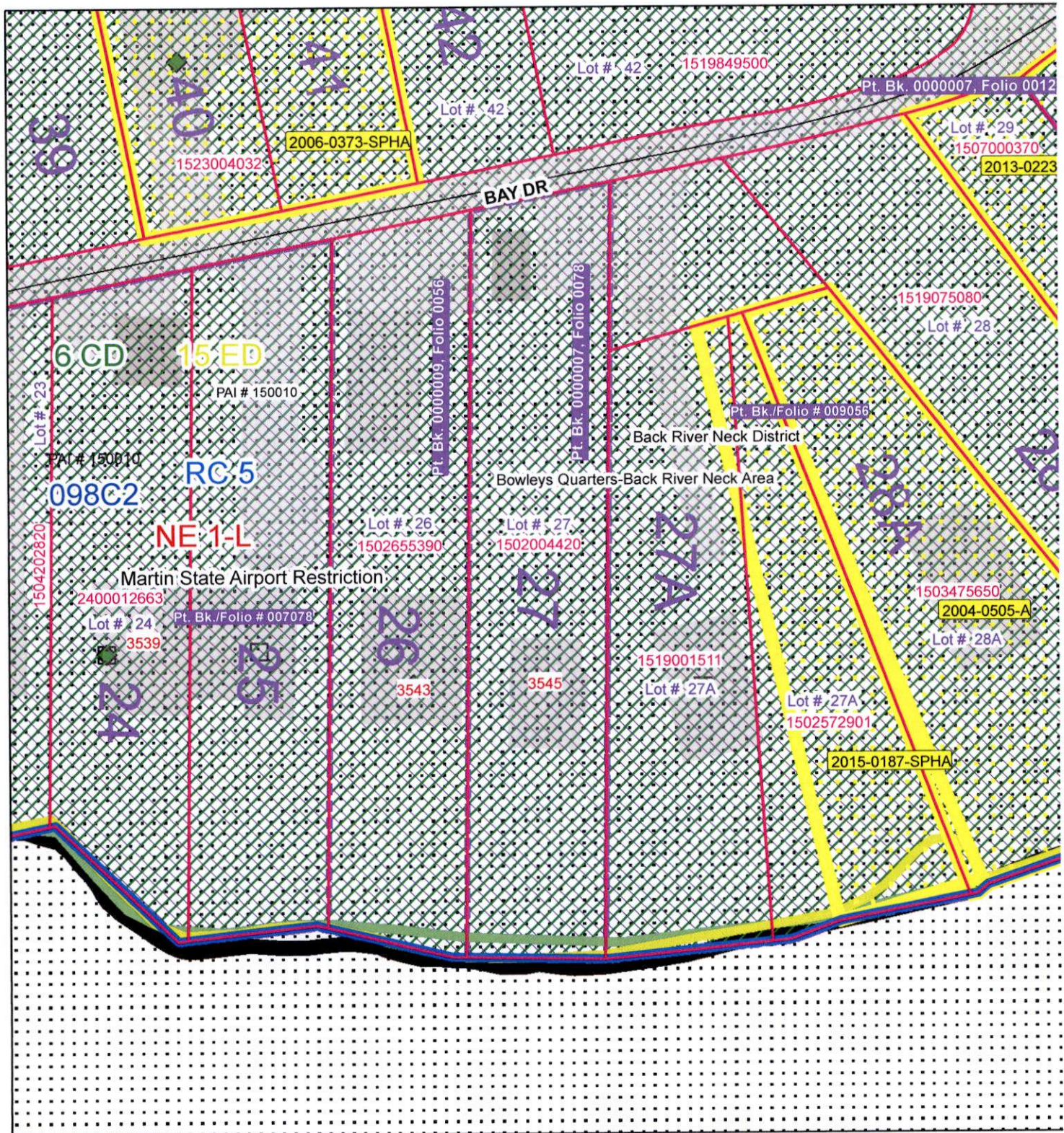
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2016, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

3545 Bay Drive



Publication Date: 8/2/2016



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

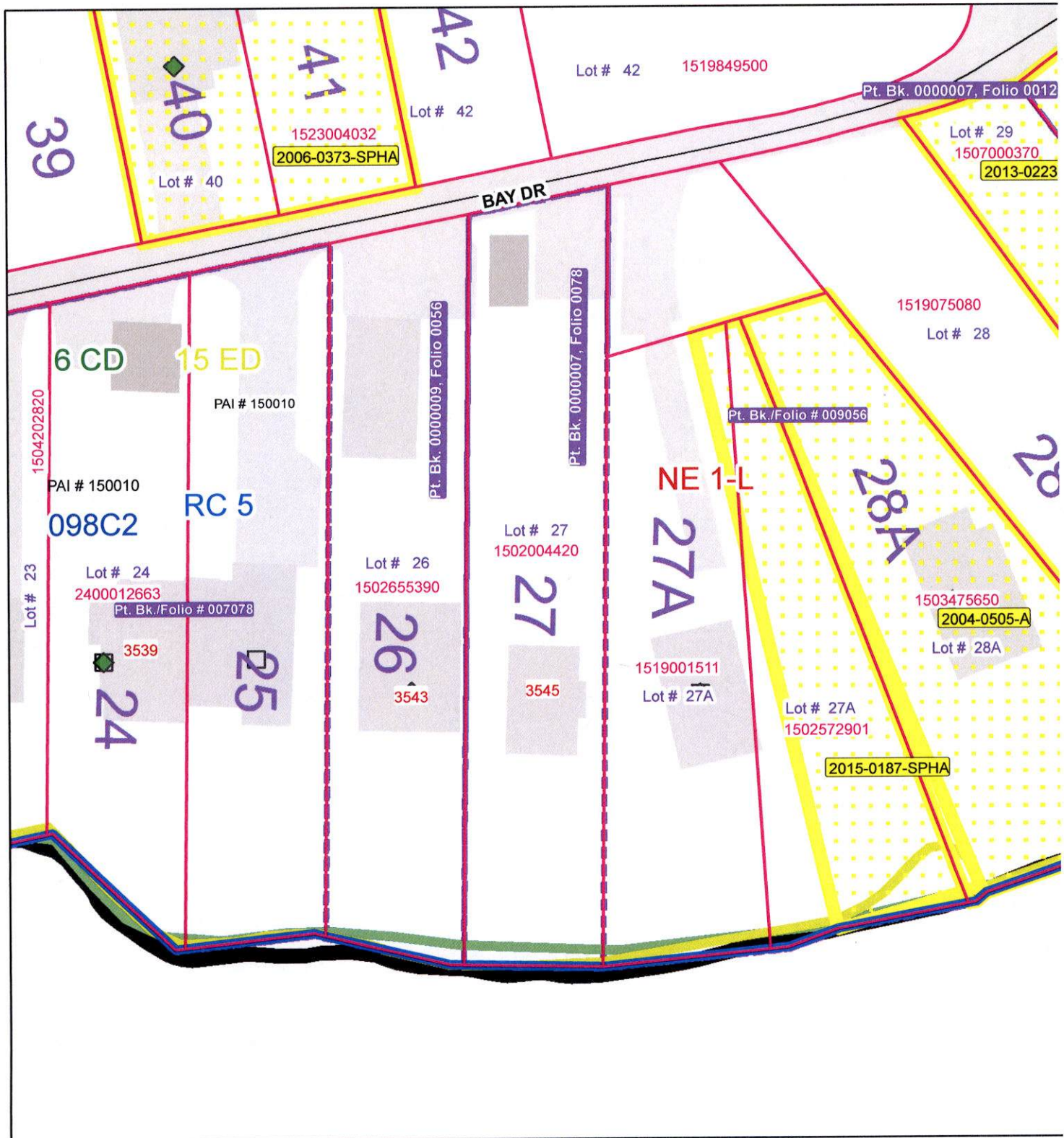


0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #0030

3545 Bay Drive



Publication Date: 8/3/2016



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

Item #003C

[illegible]

1 inch = 50 feet

Item #0036

Flood Hazard Areas and Elevations



Publication Date: 8/2/2016



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



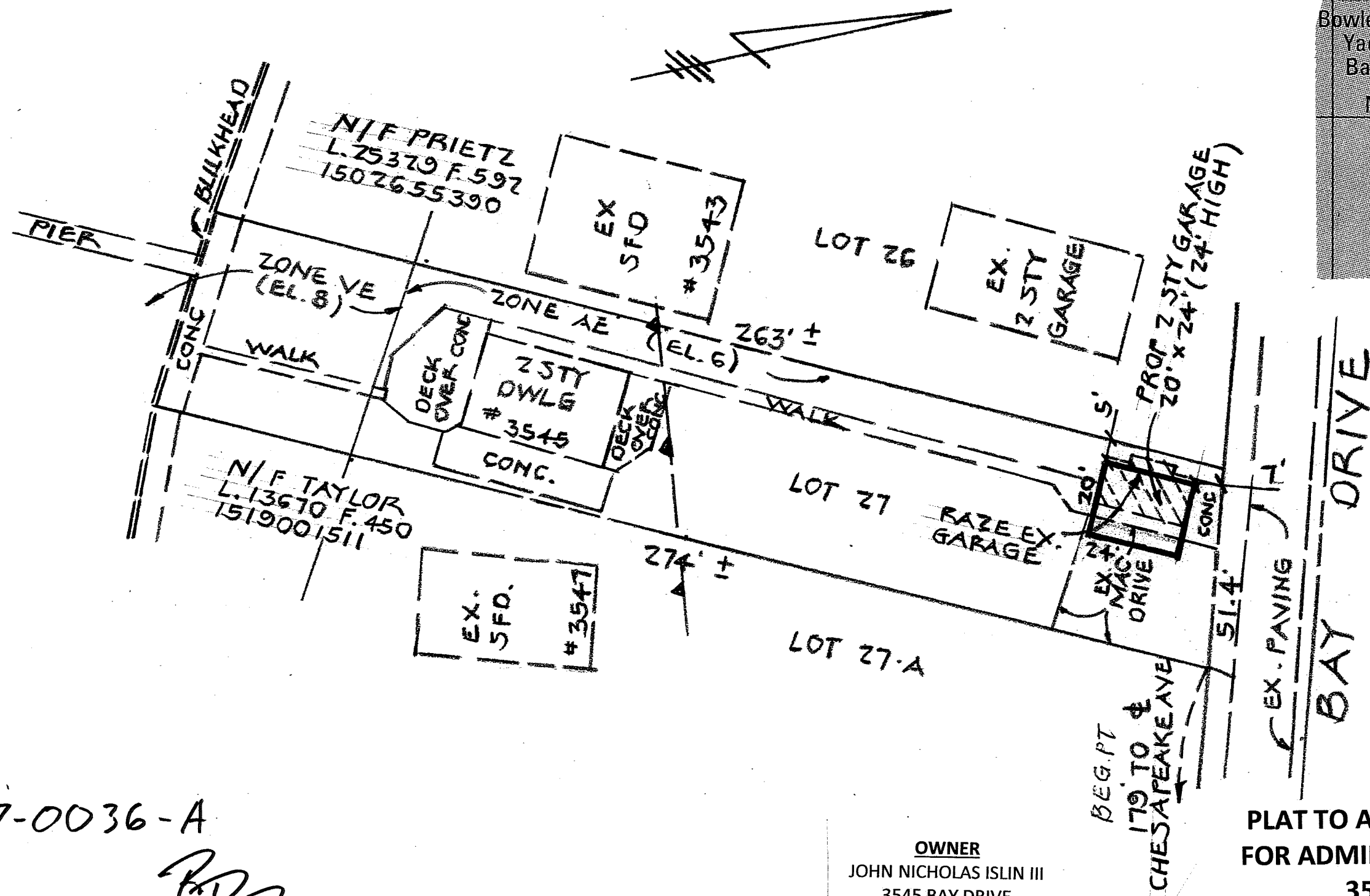
0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0036

NOTES

1. ZONING.....RC5 (MAP 098C2)
2. AREA.....13,425 SF OR 0.308 ACRE
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA AND 100 YEAR FLOOD ZONE
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO THE PREPARER
6. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO THE PREPARER



VICINITY MAP
SCALE: 1" = 1000'

#2017-0036-A

[Handwritten signature]

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
JOHN NICHOLAS ISLIN III
3545 BAY DRIVE
BALTIMORE, MD. 21220
DEED REF: L.20485 F.443
ACCT. NO. 1502004420

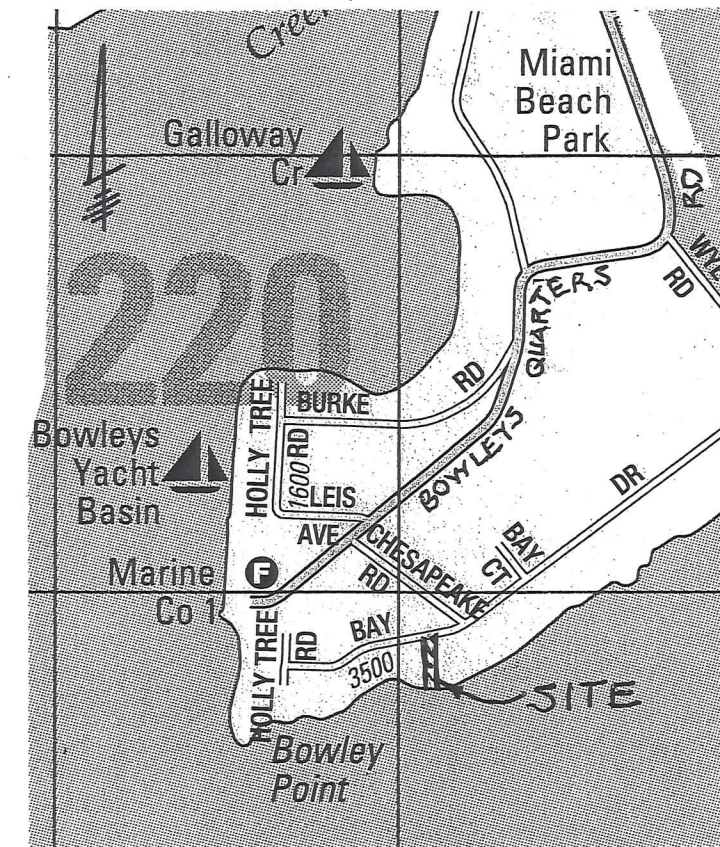
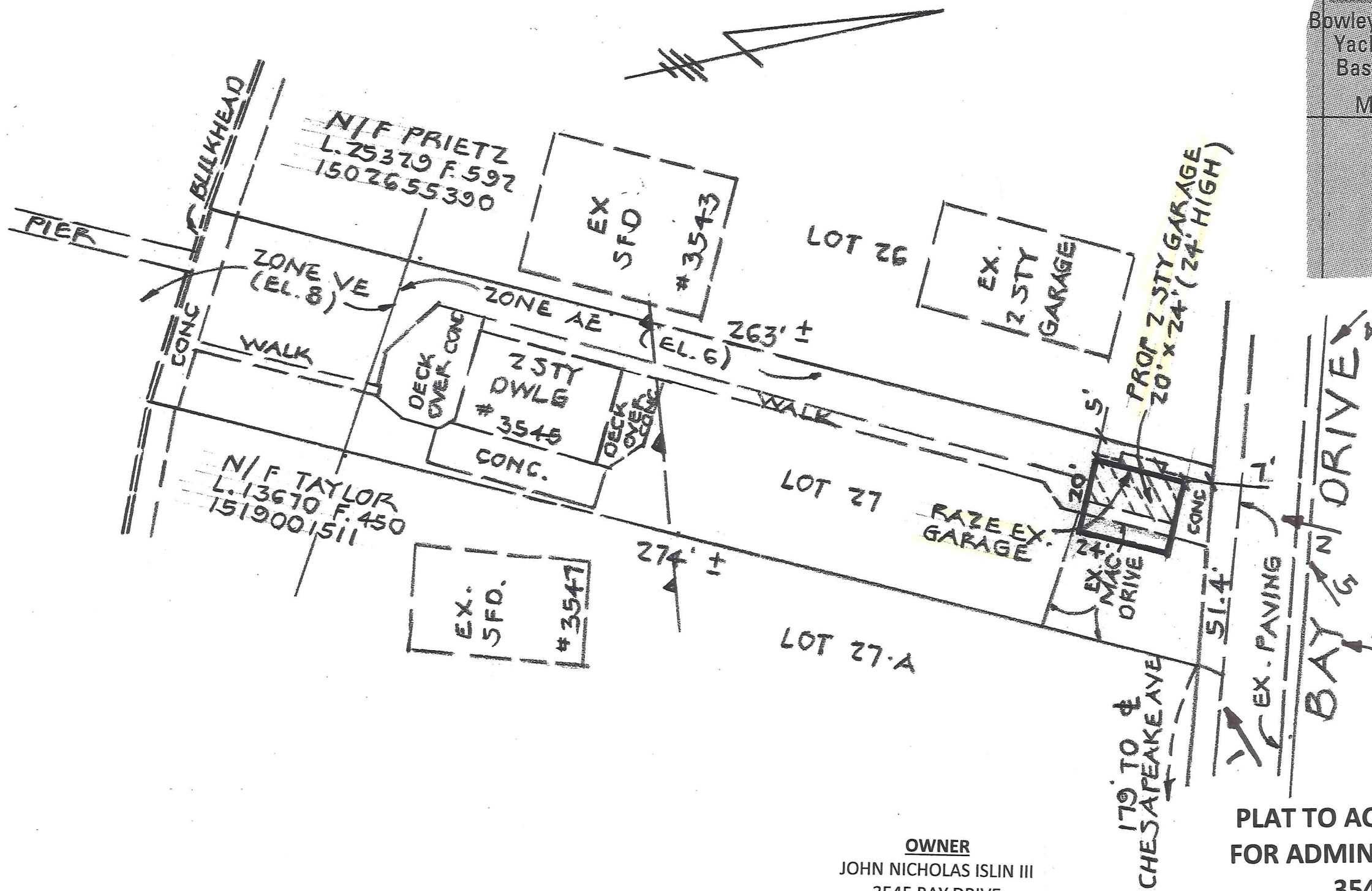
PLAT TO ACCOMPANY PETITION
FOR ADMINISTRATIVE VARIANCE

3545 BAY DRIVE

LOT 27 PLAT 3 BOWLEYS QUARTERS 7/78
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET JULY 26, 2016

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VICINITY MAP
SCALE: 1" = 1000'

Item # 0036

PHOTOS

PLAT TO ACCOMPANY PETITION
FOR ADMINISTRATIVE VARIANCE

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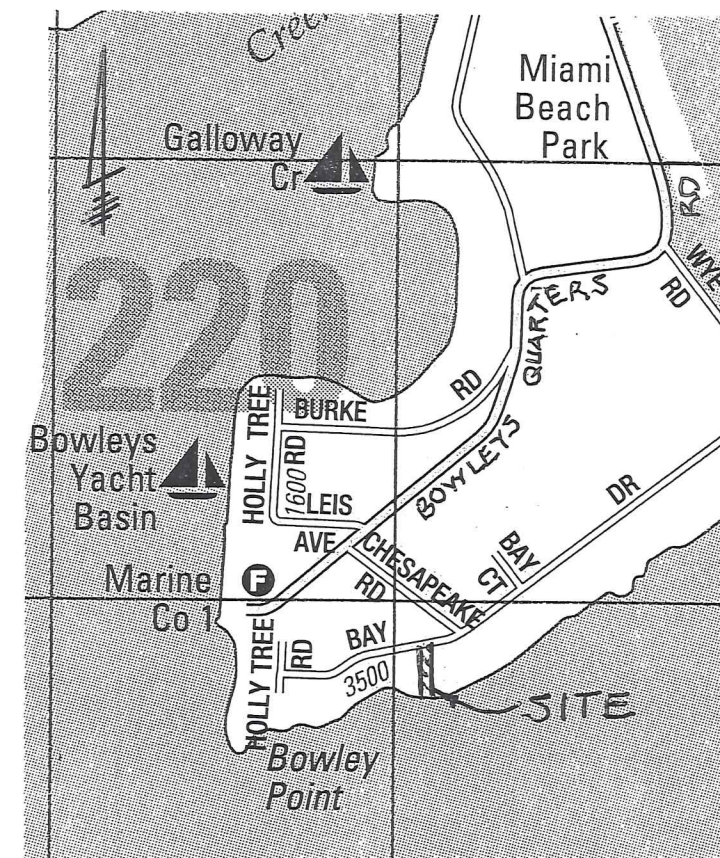
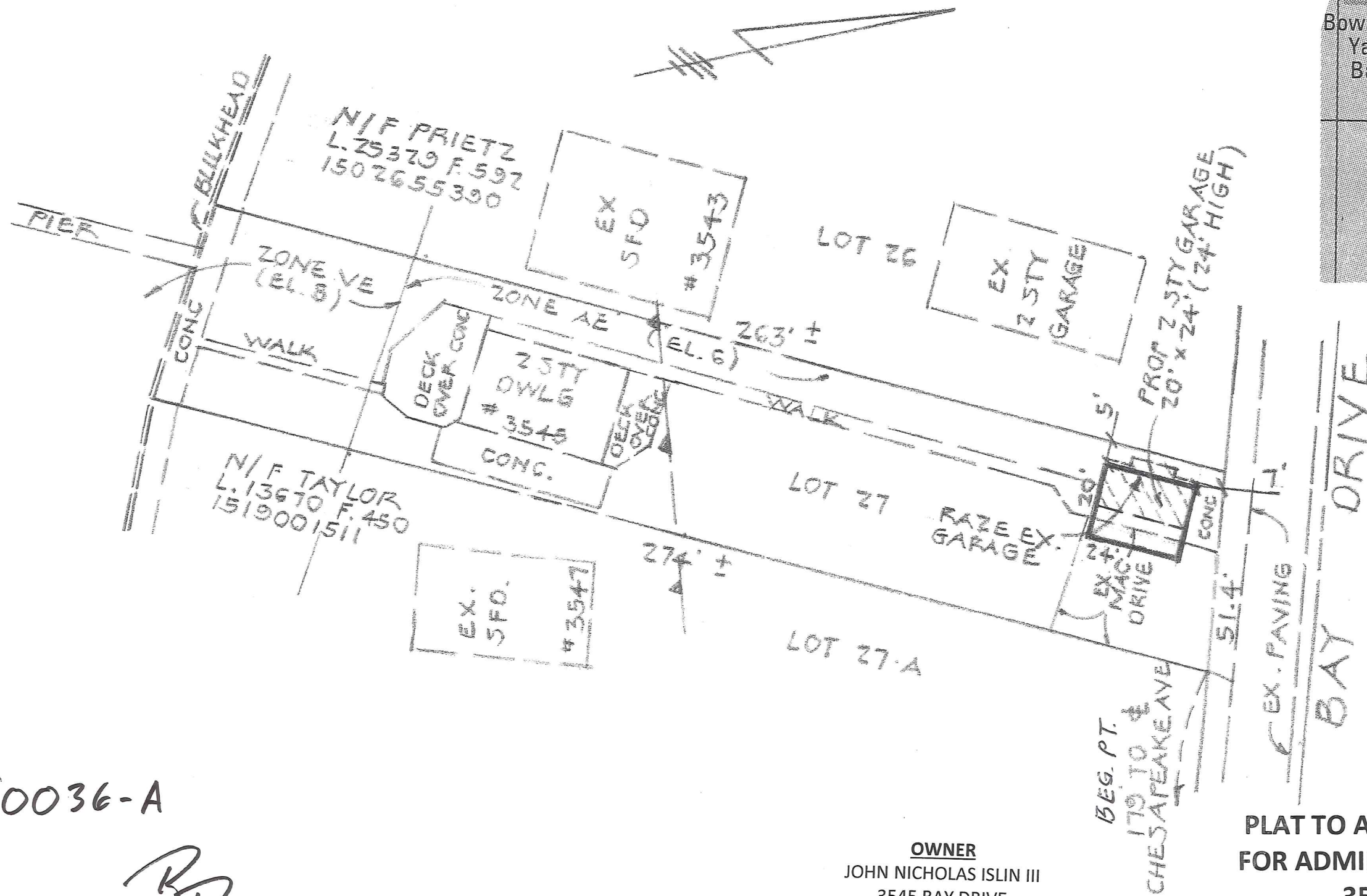
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Pet. War. 4

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VICINITY MAP
SCALE: 1" = 1000'

2017-0036-A

R.D.

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(410) 679-8719

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**PLAT TO ACCOMPANY PETITION
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3545 BAY DRIVE

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