

MEMORANDUM

DATE: August 28, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0366-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 27, 2018. 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
(537 Bayside Drive)		
12 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Frank & Thelma (Stapf) Bright	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0366-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Frank and Thelma (Stapf) Bright (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 417.4 of the Baltimore County Zoning Regulations (“BCZR”), to permit two (2) proposed mooring piles and a proposed boat lift to be constructed within 10 ft. of divisional line in the water front side (Chink Creek) of the dwelling. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (“CBCA”) and is subject to Critical Area requirements.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 8, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (BCC). 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

ORDER RECEIVED FOR FILING

Date 7-27-18

By KW

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 § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 27th day of **July, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 417.4 of the Baltimore County Zoning Regulations ("BCZR"), to permit two (2) proposed mooring piles and a proposed boat lift to be constructed within 10 ft. of divisional line in the water front side (Chink Creek) of the dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to 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. Prior to permits, Petitioners must comply with Critical Area and Flood Protection regulations.

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



JOHNE. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw
ORDER RECEIVED FOR FILING

Date 7-27-18 2
By [Signature]



CBCA

Flood

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 537 Bayside Dr. Baltimore Maryland 21222
Deed Reference 34738 / 00197 Currently zoned DR 5.5
Owner(s) Printed Name(s) Frank Bright / Thelma Bright 10 Digit Tax Account # 1 2 0 7 0 5 9 4 0 0

(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) 417.4 of BCZR to permit two (2) proposed mooring piles and a proposed boat lift to be constructed within 10 feet of divisional line in the water front side (Chink Creek) of the dwelling.

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):

Frank Bright Thelma Bright
Name #1 - Type or Print Name #2 - Type or Print
[Signature] [Signature]
Signature #1 Signature #2
537 Bayside Dr Baltimore Maryland
Mailing Address City State
21222 443-846-7237 FRKBRT@AOL.COM
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:

Frank Bright
Name - Type or Print
[Signature]
Signature
537 Bayside Dr. Baltimore Maryland
Mailing Address City State
21222 443-846-7237 FRKBRT@AOL.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 2018-0366-A Filing Date 6/27/18 Estimated Posting Date 7/8/18 Reviewer AT

ORDER RECEIVED FOR FILING

Date 7-27-18

By [Signature]

~7/23/18

Rev 5/5/2016

60017

CPK

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: 537 Bayside Dr. Baltimore Maryland 21222
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)

I would like to install a boat lift adjacent to my existing pier but due to the shape of the shoreline behind my property, (2) existing pilings that need to be replaced are located approx (5) ft inside the (10) ft property line buffer.

Without the boat lift, my access to the creek is severely limited compared to my neighbors who have boat lifts. Additionally, the property is too small to properly store a boat on a trailer.

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

Frank D. Bright
Signature of Owner (Affiant)

Frank Bright
Name- Print or Type

Thelma Bright
Signature of Owner (Affiant)

Thelma Bright
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 23 day of June, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Frank D. Bright Thelma R. Bright

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

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public
02/17/2021
My Commission Expires

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.

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(2) existing pilings that need to be replaced are located aprox (5) ft inside the (10) ft property line buffer.
Without the boat lift, my access to the creek is severely limited compared to my neighbors who have boat lifts. Additionally,
the property is too small to properly store a boat on a trailer.

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

Frank Bright
Signature of Owner (Affiant)

Frank Bright
Name- Print or Type

Thelma Bright
Signature of Owner (Affiant)

Thelma Bright
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:

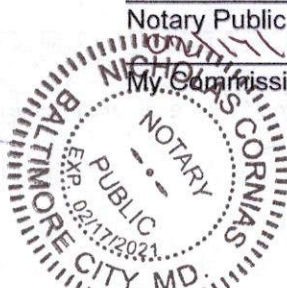
I HEREBY CERTIFY, this 23 day of June, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Frank D. Bright Thelma R. Bright

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

AS WITNESS my hand and Notaries Seal

Nicholas Cornias
Notary Public
My Commission Expires 02/17/2021



REV. 5/5/2016



CBA

flood

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 537 Bayside Dr. Baltimore Maryland 21222

Currently zoned DR 5.5

Deed Reference 34738 / 00197

10 Digit Tax Account # 1 2 0 7 0 5 9 4 0 0

Owner(s) Printed Name(s) Frank Bright / Thelma Bright

(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) 417.4 of BCZR to permit two (2) proposed mooring piles and a proposed boat lift to be constructed within 10 feet of divisional line in the water front side (Chink Creek) of the dwelling.

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):

Frank Bright / Thelma Bright
 Name #1 - Type or Print / Name #2 - Type or Print
[Signature] / [Signature]
 Signature #1 / Signature #2
537 Bayside Dr / Baltimore / Maryland
 Mailing Address / City / State
21222 / 443-846-7237 / FRKBRT@AOL.COM
 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:

Frank Bright
 Name - Type or Print _____
[Signature]
 Signature _____
537 Bayside Dr / Baltimore / Maryland
 Mailing Address / City / State
21222 / 443-846-7237 / FRKBRT@AOL.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 2018-0366-A Filing Date 6/27/18 Estimated Posting Date 07/8/18 Reviewer AT

ORDER RECEIVED FOR FILING

Date 7-27-18

By [Signature]

Rev 5/5/2016

Frank Bright
Thelma Bright
6-22-2018

Baltimore County Zoning Petition Property Description

Part A:

ZONING PROPERTY DISCRIPTION FOR : 537 Bayside Dr. Baltimore Maryland 21222

Beginning at a point (west) side of (Bayside Dr.) which is (40) feet wide at a distance of (445) feet south of the centerline of the nearest improved intersecting street (Wise Ave) which is (40) feet wide.

Part B:

Being lot# (19), Block (H), Section (-) in the subdivision of (Inverness) as recorded in Baltimore County Plat Book # (10), Folio # (128) containing (3685 sqft). Located in the (12th) Election District and (7th) Council District.

2018-0366-A

CERTIFICATE OF POSTING

2018-0366-A

RE: Case No.: _____

Petitioner/Developer: _____

Frank Bright

July 23, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

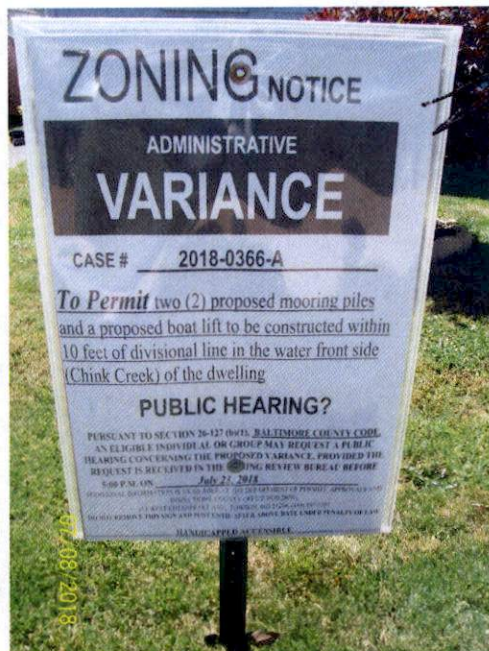
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

537 Bayside Drive

SIGN 1

July 8, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 July 8, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0366-A

RE: Case No.: _____

Petitioner/Developer: _____

Frank Bright

July 23, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

537 Bayside Drive

SIGN 2

July 8, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 July 8, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2018-0366-A

RE: Case No.: _____

Petitioner/Developer: _____

Frank Bright

July 23, 2018

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

537 Bayside Drive

SIGN 1 Re-Certification

July 8, 2018

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

July 22, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

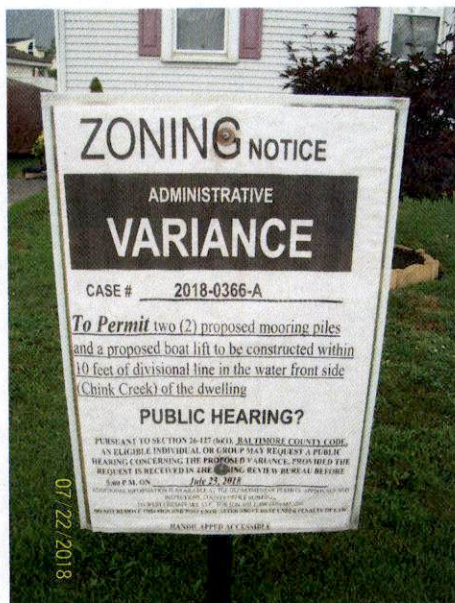
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2018-0366-A

RE: Case No.: _____

Petitioner/Developer: _____

Frank Bright

July 23, 2018

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

537 Bayside Drive **SIGN 2 Re-Certification**

July 8, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

July 22, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0366 - A Address 537 Bayside Drive

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 06/27/2018 Posting Date: 07/08/18 Closing Date: 07/23/18

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 2018- 0366 -A Address 537 Bayside Drive

Petitioner's Name: Frank Bright Telephone : 443-846-7237

Posting Date: 07/08/18 Closing Date: 07/23/2018

Wording for Sign: To permit two(2) proposed mooring piles and a proposed boat lift to be constructed within 10 feet of divisional line in the water front side (Chink Creek) of the dwelling.

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 12 Account Number - 1207059400			
Owner Information					
Owner Name:	BRIGHT FRANK STAPF THELMA		Use:	RESIDENTIAL	
Mailing Address:	537 BAYSIDE DR BALTIMORE MD 21222-		Principal Residence:	YES	
			Deed Reference:	/34738/ 00197	
Location & Structure Information					
Premises Address:		537 BAYSIDE DR BALTIMORE MD 21222- Waterfront		Legal Description:	LT 19-20 537 BAYSIDE DR INVERNESS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0104	0013	0197		0000	
					Block:
					H
					Lot:
					19
					Assessment Year:
					2018
					Plat No:
					0010/
					Plat Ref:
					0128
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1941	1,080 SF		3,685 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	SIDING	1 full	
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2017	07/01/2018	
Land:	74,000	74,000			
Improvements	78,600	97,300			
Total:	152,600	171,300	152,600	158,833	
Preferential Land:	0			0	
Transfer Information					
Seller: GRILL JOHN A TRUSTEE		Date: 03/05/2014		Price: \$180,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /34738/ 00197		Deed2:	
Seller: GRILL JOHN A		Date: 09/23/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /29916/ 00426		Deed2:	
Seller: GRILL JOHN A		Date: 08/13/1999		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13958/ 00020		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
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: Application received					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:		

2018-0366-A



DONALD I. MOHLER III
County Executive

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

July 24, 2018

Frank & Thelma Bright
537 Bayside Drive
Baltimore MD 21222

RE: Case Number: 2018-0366 A, Address: 537 Bayside Drive

Dear Mr. & Ms. Bright:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 27, 2018. 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

Date: 7/5/18

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

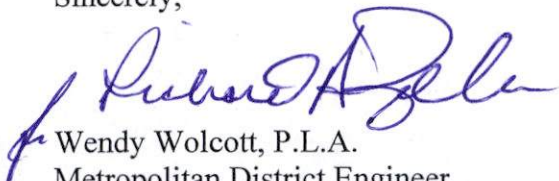
Dear Ms. Lewis:

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. *2018-0366-A*

*Administrative Variance
Frank & Thelma Bright
537 Bayside 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,



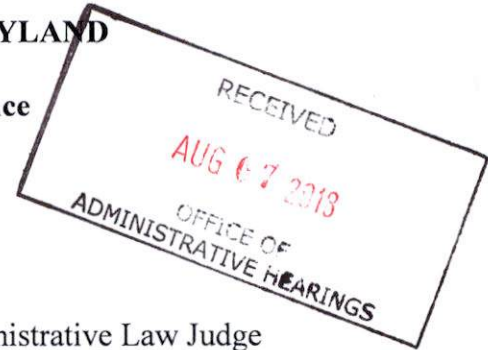
Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

7/23

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 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0366-A
Address 537 Bayside Drive
(Bright Property)

Zoning Advisory Committee Meeting of **July 9, 2018.**

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

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

The petitioners are requesting to install a boatlift and replace two pilings adjacent to an existing pier. The subject property is located within the Chesapeake Bay Critical Area. As such, compliance with the Baltimore County Code, Article 33, Title 2, Chesapeake Bay Critical Areas Protection is required; specifically, Sections 33-2-605 & 606. In addition, approval by the appropriate State and Federal reviewing agencies is required. Any building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the above-referenced regulations, which will minimize adverse impacts to water quality.

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

Any regulated proposal for the subject property will be reviewed for compliance with Chesapeake Bay Critical Area regulations, which will conserve fish, wildlife and plant habitat in proximity to nearby Chink Creek.

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

is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's request to allow the installation of a new boatlift, and the replacement of two existing pilings would be consistent with this goal. With compliance with the Chesapeake Bay Critical Area regulations, as well as procurement of State/Federal approval, allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

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 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0366-A
Address 537 Bayside Drive
(Bright Property)

Zoning Advisory Committee Meeting of **July 9, 2018**.

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

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

The petitioners are requesting to install a boatlift and replace two pilings adjacent to an existing pier. The subject property is located within the Chesapeake Bay Critical Area. As such, compliance with the Baltimore County Code, Article 33, Title 2, Chesapeake Bay Critical Areas Protection is required; specifically, Sections 33-2-605 & 606. In addition, approval by the appropriate State and Federal reviewing agencies is required. Any building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the above-referenced regulations, which will minimize adverse impacts to water quality.

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

Any regulated proposal for the subject property will be reviewed for compliance with Chesapeake Bay Critical Area regulations, which will conserve fish, wildlife and plant habitat in proximity to nearby Chink Creek.

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

is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's request to allow the installation of a new boatlift, and the replacement of two existing pilings would be consistent with this goal. With compliance with the Chesapeake Bay Critical Area regulations, as well as procurement of State/Federal approval, allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

CHECKLIST

CHECKLIST

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

**Comment
Received**

Department

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

8.7

DEPS
(if not received, date e-mail sent 7-26-18)

C - Rec'd after order

FIRE DEPARTMENT

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

75

STATE HIGHWAY ADMINISTRATION

no object.

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date:

SIGN POSTING (1st) Date: 7-8-18 by Black

SIGN POSTING (2nd) Date: 11 by 11

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 12 Account Number - 1207059400			
Owner Information					
Owner Name:		BRIGHT FRANK STAPF THELMA		Use: Principal Residence: RESIDENTIAL YES	
Mailing Address:		537 BAYSIDE DR BALTIMORE MD 21222-		Deed Reference: /34738/ 00197	
Location & Structure Information					
Premises Address:		537 BAYSIDE DR BALTIMORE MD 21222- Waterfront		Legal Description: LT 19-20 537 BAYSIDE DR INVERNESS	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0010/0128
0104	0013	0197		0000	H 19 2018
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1941		1,080 SF		3,685 SF	
Property Land Area		County Use			
34					
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1 1/2	YES	STANDARD UNIT	SIDING	1 full	
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2018		07/01/2017	
				As of	
				07/01/2018	
Land:	74,000	74,000			
Improvements	78,600	97,300			
Total:	152,600	171,300	152,600		158,833
Preferential Land:	0				0
Transfer Information					
Seller: GRILL JOHN A TRUSTEE		Date: 03/05/2014		Price: \$180,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /34738/ 00197		Deed2:	
Seller: GRILL JOHN A		Date: 09/23/2010		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /29916/ 00426		Deed2:	
Seller: GRILL JOHN A		Date: 08/13/1999		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13958/ 00020		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2017 07/01/2018	
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: Application received					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application

Date:

ZAC AGENDA

Case Number: 2018-0365-A **Reviewer:** Leonard Wasilewski
Existing Use: COMMERCIAL **Proposed Use:**
Type: VARIANCE
Legal Owner: TRADEPOINT ATLANTIC LLC, Eric Gilbert
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 1600 SPARROWS POINT BLVD
Location: SW corner of Bethlehem Boulevard and Wharf Road.

Existing Zoning: MH-IM **Area:** 3,294,878 SQ. FT., 75.64 ACRES

Proposed Zoning:

VARIANCE:

1. To allow a freestanding joint identification sign with a sign face area of 388 sq. ft. in lieu of the allowed maximum of 75 sq. ft.
2. To allow a freestanding joint identification sign with a height of 35 ft. in lieu of the maximum height of 12 ft.

Attorney: Christopher D Mudd, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

Prior Zoning Cases: 1954-2865; 1988-0434; 2002-0255

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2018-0366-A **Reviewer:** Aaron Tsui

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Frank & Thelma Bright

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 537 BAYSIDE DR
Location: W/S of Bayside Drive, 445 ft. S of the centerline of Wise Avenue

Existing Zoning: DR 5.5 **Area:** 3,685 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit two (2) proposed mooring piles and a proposed boat lift to be constructed within 10 ft. of divisional line in the water front side (Chink Creek) of the dwelling.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 07/23/2018

Miscellaneous Notes:

Debra Wiley

From: Debra Wiley
Sent: Thursday, July 26, 2018 10:22 AM
To: Stephen Ford; Vishnubhai K Desai; Jeffery Livingston
Cc: June Wisnom; Sherry Nuffer; Regina A. Esslinger
Subject: RE: ZAC Comments Missing for Case No. 2018-0366-A (Closing Date of 7/23/18)

Steve,

Thank you; it is appreciated.

From: Stephen Ford
Sent: Thursday, July 26, 2018 10:19 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Cc: June Wisnom <jwisnom@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>; Regina A. Esslinger <resslinger@baltimorecountymd.gov>
Subject: RE: ZAC Comments Missing for Case No. 2018-0366-A (Closing Date of 7/23/18)

You are correct. These items are still pending review from EIR. By copy of this email, I am asking Regina Esslinger for an update. 2018-0367-A is also pending.

Thanks,
Steve Ford

From: Debra Wiley
Sent: Thursday, July 26, 2018 10:11 AM
To: Vishnubhai K Desai <vdesai@baltimorecountymd.gov>; Stephen Ford <sford@baltimorecountymd.gov>; Jeffery Livingston <jlivingston@baltimorecountymd.gov>
Cc: June Wisnom <jwisnom@baltimorecountymd.gov>; Sherry Nuffer <snuffer@baltimorecountymd.gov>
Subject: ZAC Comments Missing for Case No. 2018-0366-A (Closing Date of 7/23/18)

Good Morning,

In reviewing the administrative variance case file, it appears that ZAC comments are missing from your respective agencies. For your convenience, I have provided information to assist you in preparing said comment. Please see below:

Case Number: 2018-0366-A – CBCA AND FLOOD

Property Address: 537 BAYSIDE DR

Location: W/S of Bayside Drive, 445 ft. S of the centerline of Wise Avenue

Election District: 12 Council District: 7

Legal Owner: Frank & Thelma Bright

Contract Purchaser: No Contract Purchaser was set.

ADMINISTRATIVE VARIANCE: To permit two (2) proposed mooring piles and a proposed boat lift to be constructed within 10 ft. of divisional line in the water front side (Chink Creek) of the dwelling.

CLOSING DATE: 07/23/2018



537 BAYSIDE DR.
AREA OF PROPOSED
BOAT LIFT

2018-0366-A



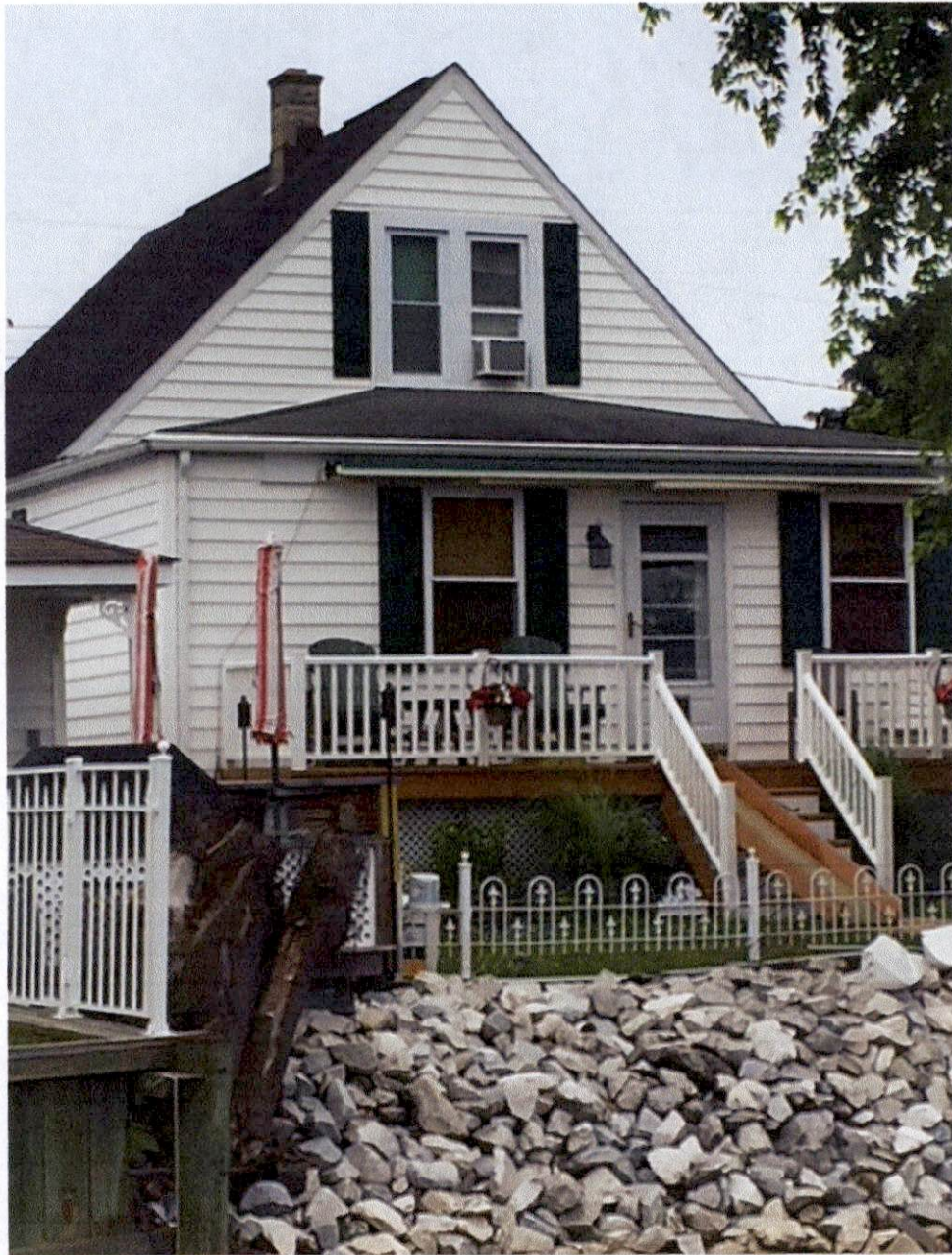
537 BAYSIDE DR

2018-0366 A

2018-0366-A

535 BAYSIDE DR





535 BAYSIDE DR

2018-0366-A



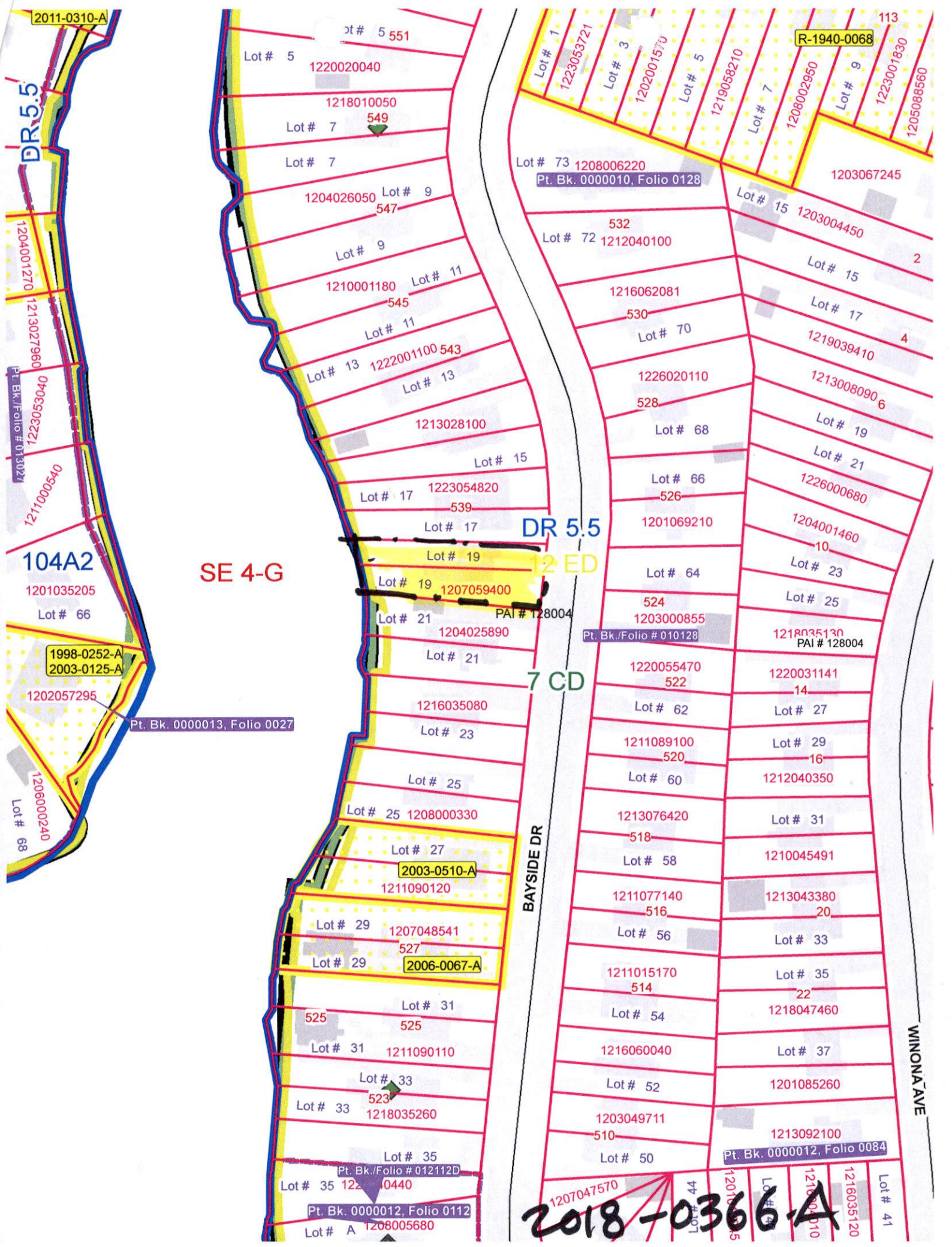
539 BAYSIDE DR

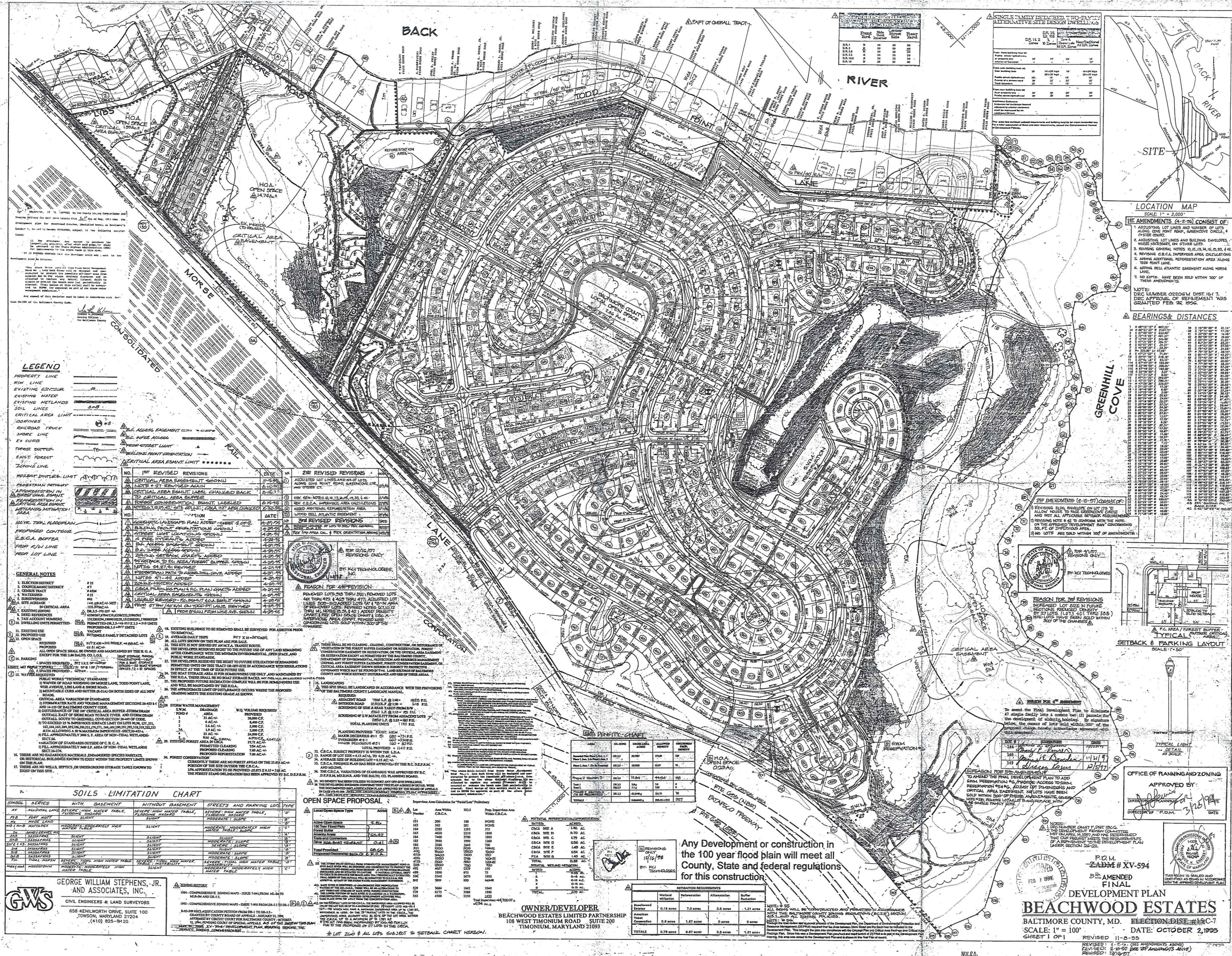
2018-0366-A



539 BAYSIDE DR

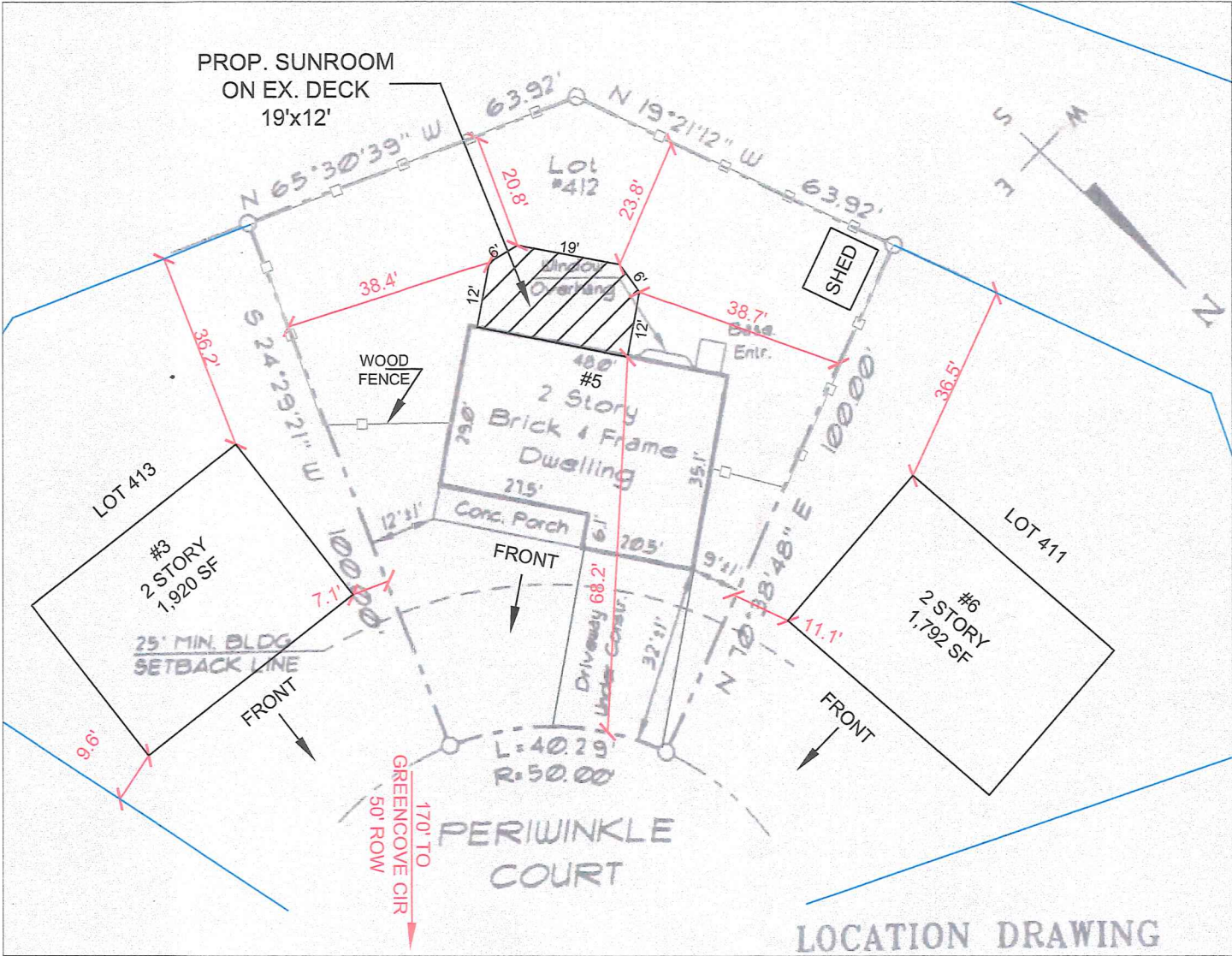
2018-0366 A





2018-0367-A

ZONING HEARING PLAN FOR VARIANCE.
ADDRESS: 5 PERIWINKLE CT OWNER NAME: CHARLES S. REHAK AND LINDA M. REHACK
SUBDIVISION NAME: BEACHWOOD ESTATES LOT # 412 BLOCK # __ SECION #
PLAT BOOK # 71/98 FOLIO # __ 10 DIGIT TAX ID # 2300008611 DEED REFERENCE # 17852/576

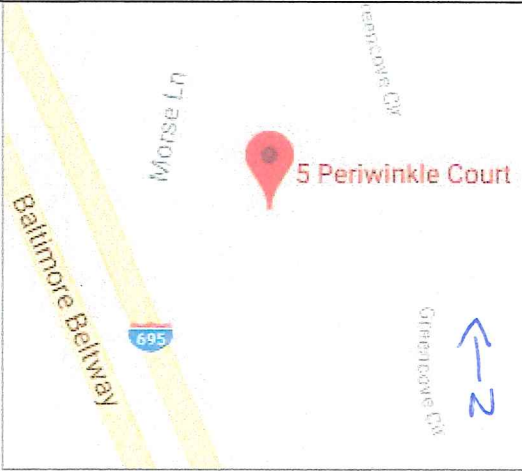


VICINITY MAP NOT TO SCALE

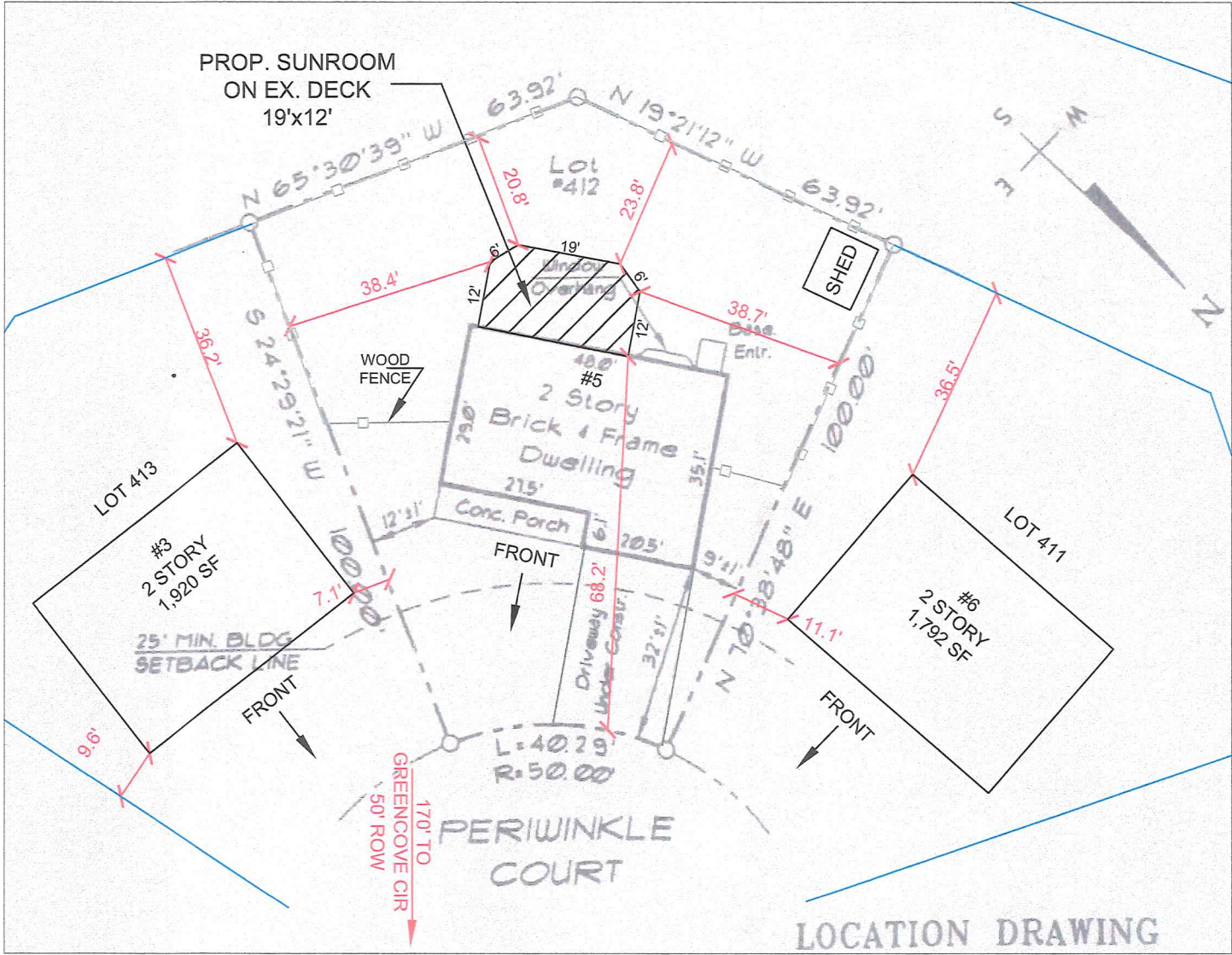
ZONING MAP# 104-B3
SITE ZONED: DR 3.5
ELECTION DIST.: 15
COUNCIL DIST.: 7
LOT ACREAGE: _____
LOT SQ. FT.: 8,580
HISTORIC?: NO
IN CBCA?: NO
IN FLOODPLAIN?: NO
WATER IS: PUBLIC
SEWER IS: PUBLIC
PRIOR HEARING: NO
CASE # NO
RESULT: N/A

2018-0307-A Ret. 1

ZONING HEARING PLAN FOR VARIANCE.
ADDRESS: 5 PERIWINKLE CT OWNER NAME: CHARLES S. REHAK AND LINDA M. REHACK
SUBDIVISION NAME: BEACHWOOD ESTATES LOT # 412 BLOCK # __ SECION #
PLAT BOOK # 71/98 FOLIO # __ 10 DIGIT TAX ID # 2300008611 DEED REFERENCE # 17852/576



VICINITY MAP NOT TO SCALE



ZONING MAP# 104-B3
SITE ZONED: DR 3.5
ELECTION DIST.: 15
COUNCIL DIST.: 7
LOT ACREAGE: _____
LOT SQ. FT.: 8,580
HISTORIC?: NO
IN CBCA?: NO
IN FLOODPLAIN?: NO
WATER IS: PUBLIC
SEWER IS: PUBLIC
PRIOR HEARING: NO
CASE # NO
RESULT: N/A

2018-0367-A