

M E M O R A N D U M

DATE: January 3, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0091-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 2, 2019. 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

/dlw

IN RE: PETITION FOR VARIANCE

(346 Wye Road)
15th Election District
7th Council District
Raymond D. Havard
Legal Owner

Petitioner

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0091-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Raymond D. Havard, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") to permit a minimum side yard setback of 10 ft. with a sum of 20 ft, in lieu of the required 10 ft. and 25 ft., respectively, for a replacement dwelling. A site plan was marked as Petitioner's Exhibit 1.

Raymond D. Havard and David Billingsley appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the County reviewing agencies.

The site is approximately 10,625 square feet in size and zoned DR 3.5. The property is improved with a small (1,142 square feet) single-family dwelling constructed in 1930. Petitioner stated the house is in poor condition and he proposes to raze the structure and construct a replacement dwelling in roughly the same footprint.

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

ORDER RECEIVED FOR FILE

Date 12/3/18

By Sen

- 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).

The lot was created upon the filing of the Plat of Middleborough, recorded in 1916, and Petitioner must contend with long-existing site conditions. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct the proposed replacement dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 3rd day of **December, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a minimum side yard setback of 10 ft. with a sum of 20 ft, in lieu of the required 10 ft. and 25 ft., respectively, for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- (1) 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.
- (2) Prior to issuance of permits Petitioner must comply with Chesapeake Bay Critical Area regulations.

ORDER RECEIVED FOR FILING

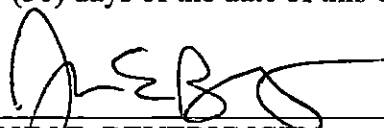
Date

12/3/18

By

Sen

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

12/3/18

By

sln



CBCA

PETITION FOR ZONING HEARING(S)

Flood

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 346 WYE ROAD

which is presently zoned OR 3.5

Deed References: L-40513 F. 440

10 Digit Tax Account # 1504001983

Property Owner(s) Printed Name(s) RAYMOND D. HAYARD

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

3. ☒ a Variance from Section(s) 1B02.3.C.1 (BCZR) TO PERMIT A MINIMUM SIDE YARD SETBACK OF 10 FEET WITH A SUM OF 20 FEET IN LIEU IF THE REQUIRED 10 FEET AND 25 FEET, RESPECTIVELY, FOR A REPLACEMENT DWELLING

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

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

RAYMOND D. HAYARD

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

100 EASTERN BLVD ESSEX

MO.

Mailing Address

City

State

21221 (443) 927-5184

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHARMWOOD CT. EDGEWOOD

MO.

Mailing Address

City

State

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

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0091-A

Filing Date

9/24/18

Do Not Schedule Dates:

Reviewer

REV. 10/4/14

7/10/01

CR2A

PETITION FOR ZONING HEARING



To be filed with the Department of Planning, Administration and Development
in the Office of Administrative Law of Cook County for the hearing to be held on
the 1st day of July, 2001 at 10:00 A.M. in Room 101 of the Cook County Administration Center
located at 100 North Dearborn Street, Chicago, Illinois 60602.

The undersigned, JOHN J. BROWN, of the County of Cook, State of Illinois, do hereby certify that the above-named property is situated in the City of Chicago, Illinois, and is currently zoned RM-1 and is being used for residential purposes.

A hearing will be held on the 1st day of July, 2001 at 10:00 A.M. in Room 101 of the Cook County Administration Center located at 100 North Dearborn Street, Chicago, Illinois 60602.

The undersigned hereby certifies that the above-named property is situated in the City of Chicago, Illinois, and is currently zoned RM-1 and is being used for residential purposes.

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ORDERED BY THE BOARD OF ZONING ADJUSTMENT
Date: 7/10/01
By: [Signature]

ZONING DESCRIPTION
346 WYE ROAD

Beginning at a point on the south side of Wye Road (30 feet wide) said point being distant 270 feet westerly from its intersection with the center of St. George Road, thence being all of Lot 162 as shown on the plat entitled Middleborough recorded among the Baltimore County plat records in Plat Book 4 Folio 191.

Containing 10,625 square feet or 0.244 acre of land, more or less.

Being known as 346 Wye Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.

2019-0091-A

Debra Wiley

JB 11-30-18
1:30 PM
Rm. 205

From: David Billingsley <dwb0209@yahoo.com>
Sent: Friday, November 23, 2018 11:27 AM
To: Administrative Hearings
Cc: Rayhavard
Subject: 346 Wye Road CASE NO. 2019-0091-A
Attachments: Scan1557.pdf

Posting recertification attached
Thanks

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL



CERTIFICATE OF POSTING

RE-CERT 11/23/18
Date: NOVEMBER 8, 2018

RE: Project Name: 346 WYE ROAD #1
Case Number /PAI Number: 2019-0091-A
Petitioner/Developer: RAYMOND HAVARD
Date of Hearing/Closing: NOVEMBER 30, 2018

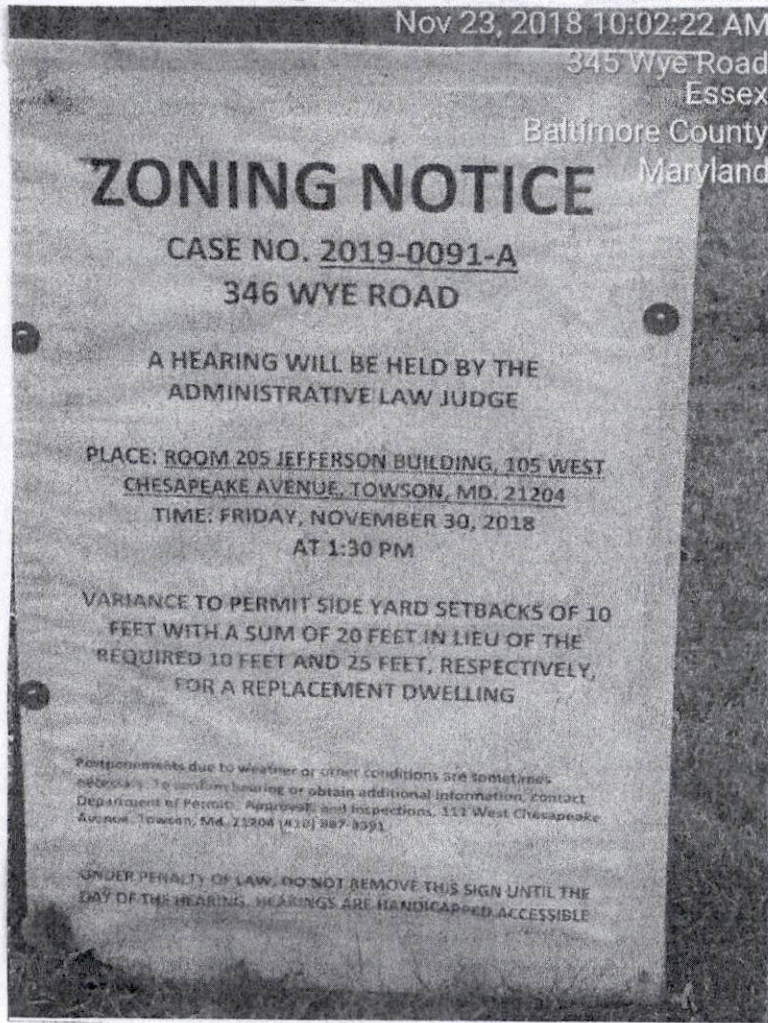


This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 346 WYE ROAD

The sign(s) were posted on

RECERT 11/23/18
NOVEMBER 8, 2018

(Month, Day, Year)



David Billingsley
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)

CERTIFICATE OF POSTING

RECERT 11/23/18
Date: NOVEMBER 8, 2018

RE: Project Name: 346 WYE ROAD #2

Case Number /PAI Number: 2019-0091-A

Petitioner/Developer: RAYMOND HAVARD

Date of Hearing/Closing: NOVEMBER 30, 2018

RECEIVED

NOV 23 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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 346 WYE ROAD

The sign(s) were posted on

RECERT 11/23/18
NOVEMBER 8, 2018

(Month, Day, Year)

ZONING NOTICE

CASE NO. 2019-0091-A
346 WYE ROAD

A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE

PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204

TIME: FRIDAY, NOVEMBER 30, 2018
AT 1:30 PM

VARIANCE TO PERMIT SIDE YARD SETBACKS OF 10
FEET WITH A SUM OF 20 FEET IN LIEU OF THE
REQUIRED 10 FEET AND 25 FEET, RESPECTIVELY,
FOR A REPLACEMENT DWELLING

Postponements due to weather or other conditions are sometimes
necessary. To confirm hearing or obtain additional information, contact
Department of Permits, Approvals and Inspections, 111 West Chesapeake
Avenue, Towson, Md. 21204 (410) 587-3393.

UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE
DAY OF THE HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

David Billingsley
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)

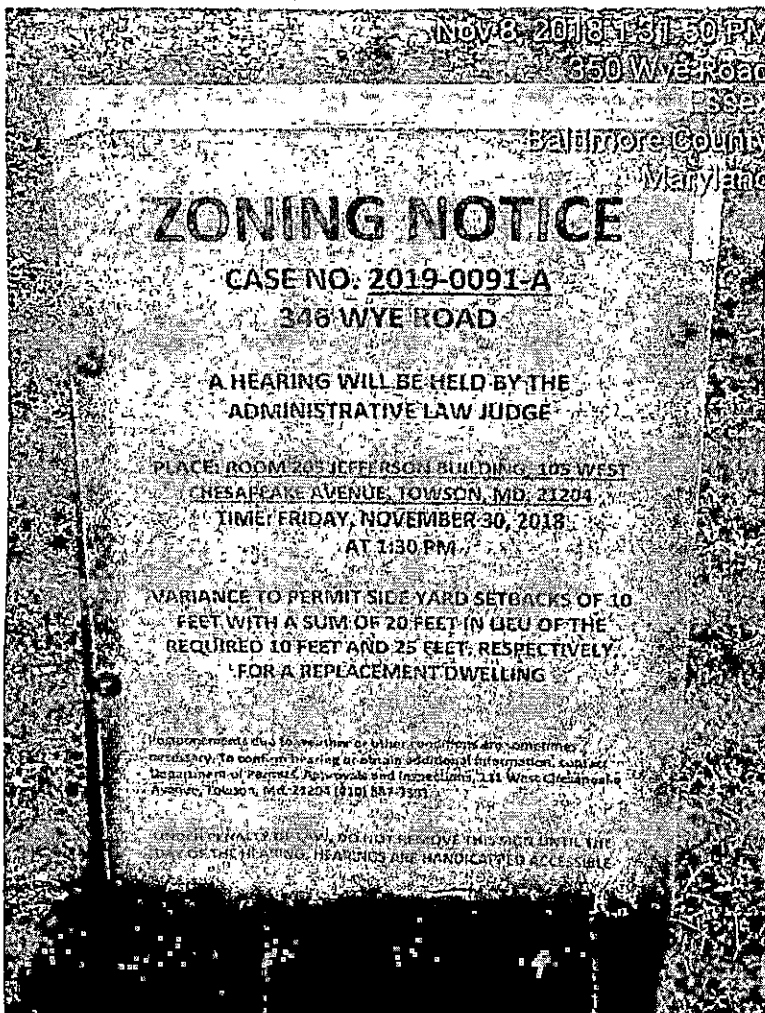
CERTIFICATE OF POSTING

Date: NOVEMBER 8, 2018

RE: Project Name: 346 WYE ROAD #1
Case Number /PAI Number: 2019-0091-A
Petitioner/Developer: RAYMOND HAVARD
Date of Hearing/Closing: NOVEMBER 30, 2018

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 346 WYE ROAD

The sign(s) were posted on NOVEMBER 8, 2018
(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)

CERTIFICATE OF POSTING

Date: NOVEMBER 8, 2018

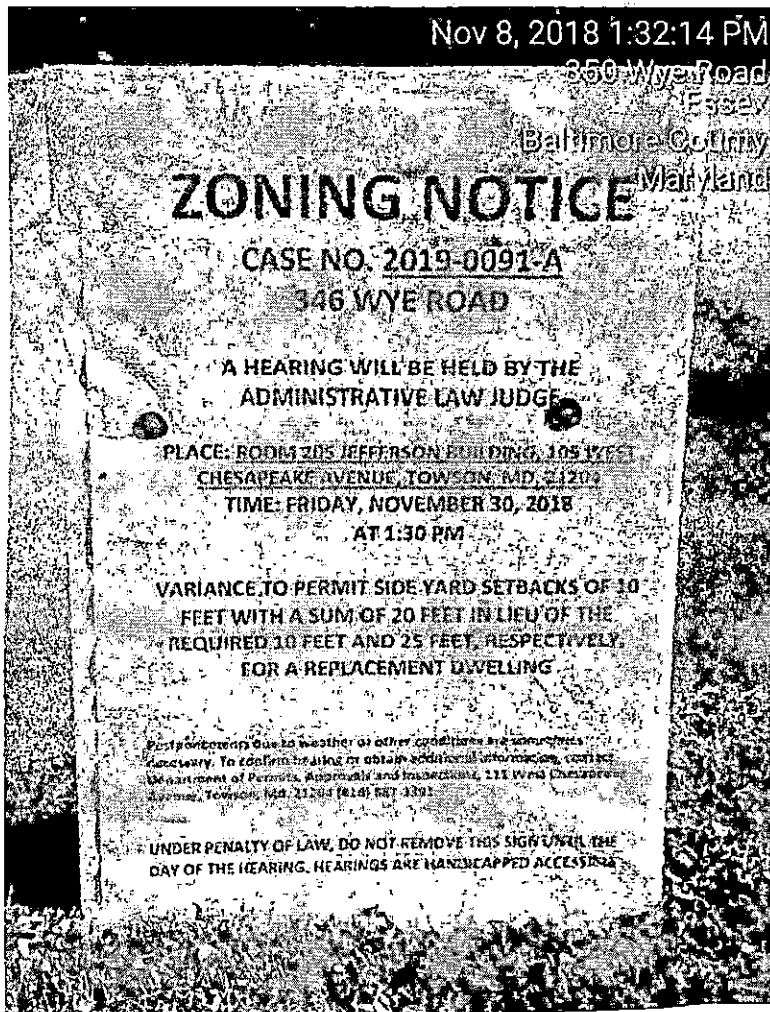
RE: Project Name: 346 WYE ROAD #2
Case Number /PAI Number: 2019-0091-A
Petitioner/Developer: RAYMOND HAVARD
Date of Hearing/Closing: NOVEMBER 30, 2018

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 346 WYE ROAD

The sign(s) were posted on

NOVEMBER 8, 2018

(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)

The Daily Record

11 East Saratoga Street
 Baltimore, MD 21202-2199
 (443) 524-8100

<http://www.thedailyrecord.com>

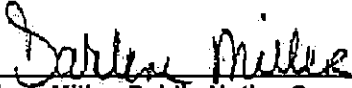
Order #: 11634472
 Case #: 2019-0091-A
 Description:

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/9/2018

NOTICE OF ZONING HEARING CASE NUMBER: 2019-0091-A



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County**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: 2019-0091-A

346 Wye Road

S/s Wye Road, west of St. George Road

15th Election District - 7th Councilmanic District

Legal Owners: Raymond Havard

Variance to permit a minimum side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively, for a replacement dwelling.

Hearing: Friday, November 30, 2018 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 410-887-3368.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

n9

RE: PETITION FOR VARIANCE
346 Wye Road; S/S Wye Road, W 270' to
c/line of St. George Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Raymond D. Havard
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-091-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 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2018, 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



DONALD I. MOHLER III
County Executive

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

October 11, 2018

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: 2019-0091-A

346 Wye Road
S/s Wye Road, west of St. George Road
15th Election District – 7th Councilmanic District
Legal Owners: Raymond Havard

Variance to permit a minimum side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively, for a replacement dwelling.

Hearing: Friday, November 30, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Raymond Havard, 100 Eastern Blvd., Essex 21221
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 10, 2018.**
- (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.

TO: THE DAILY RECORD
Friday, November 9, 2018 - Issue

Please forward billing to:
Raymond Havard
100 Eastern Boulevard
Essex, MD 21221

443-927-5184

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: 2019-0091-A

346 Wye Road
S/s Wye Road, west of St. George Road
15th Election District – 7th Councilmanic District
Legal Owners: Raymond Havard

Variance to permit a minimum side yard setback of 10 ft. with a sum of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively, for a replacement dwelling.

Hearing: Friday, November 30, 2018 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, 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: 2019-0091-A
Property Address: 346 WYE ROAD
Property Description: 55 WYE ROAD, 270' W. OF E
ST GEORGE RD
Legal Owners (Petitioners): RAYMOND HAYARD
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: RAYMOND HAYARD
Company/Firm (if applicable): _____
Address: 100 EASTERN BLVD
ESSEX MD 21221

Telephone Number: (443) 927-5184

Revised 7/9/2015

Date: 9/24/18

BUSINESS ACTUAL TIME IN
9/25/2018 9/24/2018 07:12:38

EG 4501 HALKIN LTR
RECEIPT # 813068 5/24/2015 OFL

5-522 ZONING VERIFICATION
17320

Receipt Tot: 75.00
\$79.00 OT

Baltimore County, Maryland

[illegible]

Total: 75.00

Rec From David Bollingray

For: 2019-0091-1A

346 Wy Road

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: ^{MC2} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 8, 2018
Item No. 2019-0091-A

DATE: October 16, 2018

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

Prior to building permit application the petitioner shall contact the office of the Director of Public Works to determine the Flood Protection Elevation so that the first floor elevation can be established.

*

*

*

*

*

VKD: cen
cc: file



DONALD I. MOHLER III
County Executive

November 20, 2018

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

Raymond D. Havard
100 Eastern Blvd.
Essex, MD 21221

Dear Mr. Havard:

RE: Case Number: 2019-0091A, Address: 346 Wye Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 24, 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a circular official stamp. The stamp is partially obscured by the signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: MTC

Enclosures

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

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: October 22, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0091-A
Address 346 Wye Road
(Havard Property)

Zoning Advisory Committee Meeting of **October 8, 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 subject property is located within a Limited Development Area and is subject to Critical Area lot coverage requirements. The applicant is proposing to construct a replacement home with side-yard setback relief. If the Critical Area lot coverage requirements are met, the relief requested by the applicant can result in minimal impacts to water quality. Based on the plan, it appears that the driveway area proposed may need to be adjusted to meet lot coverage requirements. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

This waterfront property is located within a Modified Buffer Area (MBA) within the Critical Area. The applicant's plan accompanying this zoning petition shows that the proposed development can meet MBA requirements with mitigation for the new buffer impacts. Impacts to fish, wildlife, and plant habitat can be minimal provided that the property meets the MBA requirements and all other Critical Area requirements.

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 proposal to construct a replacement home on this property is consistent with this goal. The relief requested will be consistent with established land-use policies provided that the applicant meets the requirements stated above.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 10/16/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-091



INFORMATION:

Property Address: 346 Wye Road
Petitioner: Raymond Harvard
Zoning: DR 3.5
Requested Action: Variance

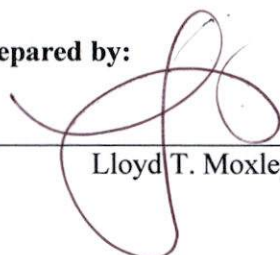
The Department of Planning has reviewed the petition for variance to permit a minimum side yard setback of 10 feet in lieu of the required 10 feet and 25 feet, respectively, for a replacement dwelling.

A site visit was conducted on October 11, 2018. There is an existing one-story dwelling proposed to be razed.

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

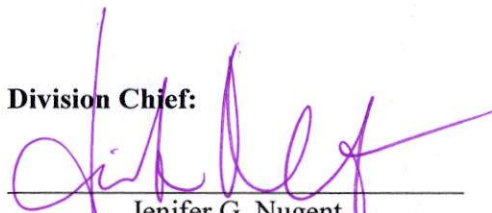
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 10/16/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-091

INFORMATION:

Property Address: 346 Wye Road
Petitioner: Raymond Harvard
Zoning: DR 3.5
Requested Action: Variance

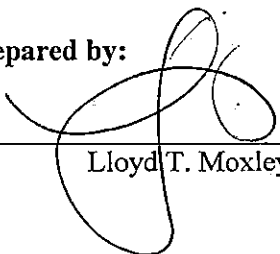
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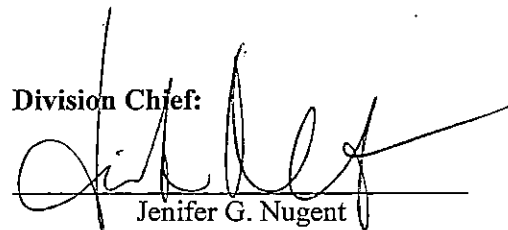
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Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

Date: 10/1/18

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

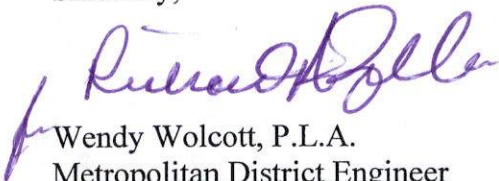
Dear Ms. Lewis:

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. 2019-0091-A

Variance
Raymond D. Harvard
346 Wye Road

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

CASE NAME 346 YYE ROAD
CASE NUMBER 2019-0091-A
DATE 11/30/18

NAME

CITY, STATE, ZIP

E - MAIL

DAVID BILLINGSLEY	601 CHARYWOOD QT	EDGEY 000 MID 21040	dwb0209@yahoo.com
RAY MAYARO	100 EASTERN BLYD	ESSEX, MID. 21221	

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
10/17	PLANNING (if not received, date e-mail sent _____)	NO Objection
10/1	STATE HIGHWAY ADMINISTRATION	NO Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: 11/9/18	
SIGN POSTING (1 st)	Date: 11/8/18	by Buelingsley
SIGN POSTING (2 nd)	Date: 11/23/18	by Buelingsley
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 - 15 Account Number - 1504001983			
Owner Information					
Owner Name:		HAVARD RAYMOND D		Use:	RESIDENTIAL
				Principal Residence:	NO
Mailing Address:		100 EASTERN BLVD ESSEX MD 21221-		Deed Reference:	/40513/ 00440
Location & Structure Information					
Premises Address:		346 WYE RD ESSEX 21221- Waterfront		Legal Description:	
				MIDDLEBOROUGH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0097	0012	0373		0000	162 2018
					Assessment Year:
					0004/ 0191
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1930		1,142 SF		10,400 SF	
				County Use	
				34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	NO	STANDARD UNIT	FRAME	2 full	
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2018	07/01/2018	07/01/2019
Land:		200,400	200,400		
Improvements		28,100	32,300		
Total:		228,500	232,700	229,900	231,300
Preferential Land:		0			0
Transfer Information					
Seller: HUBERS DANIEL WEBER		Date: 07/30/2018		Price: \$210,000	
Type: ARMS LENGTH IMPROVED		Deed1: /40513/ 00440		Deed2:	
Seller: DANAN HOLDING CORP		Date: 10/03/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34295/ 00336		Deed2:	
Seller: HULL CLAYTON H & MARGAR		Date: 07/30/1965		Price: \$8,000	
Type: ARMS LENGTH IMPROVED		Deed1: /04494/ 00248		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2018	07/01/2019	
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					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No
Application

Date:

Untitled Map

Write a description for your map.

Legend

#348

#346

#344

A



Google Earth

© 2018 Google

7/16/18

Untitled Map

Write a description for your map.

Legend

348

346

B



Google Earth

© 2018 Google

9.54 ft

Untitled Map

Write a description for your map.

Legend

346

344

Google Earth

© 2018 Google



6/26/17

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1504001983			
Owner Information					
Owner Name:		HAVARD RAYMOND D		Use:	RESIDENTIAL
Mailing Address:		100 EASTERN BLVD ESSEX MD 21221-		Principal Residence:	NO
				Deed Reference:	/40513/ 00440
Location & Structure Information					
Premises Address:		346 WYE RD ESSEX 21221- Waterfront		Legal Description:	
				MIDDLEBOROUGH	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0097	0012	0373		0000	
					Block:
					162
					Lot:
					2018
					Assessment Year:
					Plat No:
					0004/
					Plat Ref:
					0191
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1930	1,142 SF		10,400 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	NO	STANDARD UNIT	FRAME	2 full	
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2018	07/01/2019	
Land:	200,400	200,400			
Improvements	28,100	32,300			
Total:	228,500	232,700	229,900	231,300	
Preferential Land:	0			0	
Transfer Information					
Seller: HUBERS DANIEL WEBER		Date: 07/30/2018		Price: \$210,000	
Type: ARMS LENGTH IMPROVED		Deed1: /40513/ 00440		Deed2:	
Seller: DANAN HOLDING CORP		Date: 10/03/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /34295/ 00336		Deed2:	
Seller: HULL CLAYTON H & MARGAR		Date: 07/30/1965		Price: \$8,000	
Type: ARMS LENGTH IMPROVED		Deed1: /04494/ 00248		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
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					

PETITIONER'S
EXHIBIT NO. 2

Lawyers Trust Title Company
File No. 18-476MSH
Tax ID # (15) 15-04-001983

This Deed, made this 13th day of June, 2018, by and between Nancy Marlene Hubers, party of the first part, Grantor; and Raymond D. Havard, party of the second part, Grantee.

- *Witnesseth* -

That for and in consideration of the sum of Two Hundred Ten Thousand And 00/100 Dollars (\$210,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Raymond D. Havard, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

Being known and designated as Lot No. 162, as shown on a plat entitled "Plat of Property of Middleborough Land Corporation of Baltimore County" which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. 4 at folio 191. The improvements thereon being known as 346 Wye Road.

Being the same property, which by deed dated June 18, 2013 and recorded among the Land Records of Baltimore County in Liber JLE 34005, at Folio 399 and re-recorded in Liber JLE 34295 at Folio 336, was granted and conveyed by Danan Holding Corporation unto Daniel Weber Hubers and Nancy Marlene Hubers. The said Daniel Weber Hubers having departed this life on or about October 4, 2014, thereby vesting title unto Nancy Marlene Hubers, the surviving tenant by the entirety.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Raymond D. Havard, as sole owner, in fee simple.

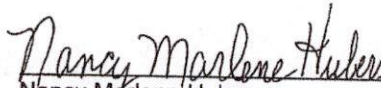
And the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted; and that she will execute such further assurances of the same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

LR - Deed (* Taxes)
Recording only \$120.00
Name: HUBERS/HAVARD
Ref:
LR - Deed (with Taxes)
Surcharge 40.00
LR - Deed State
Transfer Tax 1.050.00
LR - MR Tax - 1kd 0.00
SubTotal: 1,110.00
Total: 1,110.00
07/30/2018 01:54
#10745893 C08301 - C083-11
Baltimore
County/CO83.01.06 -
Register 06

PETITIONER'S
EXHIBIT NO. 3

~~As Witness~~ the hand and seal of said Grantor, the day and year first above written.

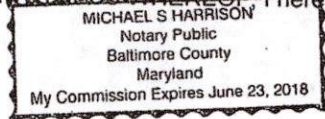
WITNESS

 (Seal)
Nancy Marlene Hubers

STATE OF MARYLAND, COUNTY OF Baltimore, to wit:

I hereby certify that on this 13th day of June, 2018, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Nancy Marlene Hubers, the Grantor herein, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be her act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

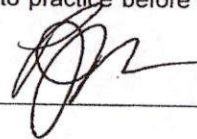
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Notary Public

My commission expires: 6-23-2018

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

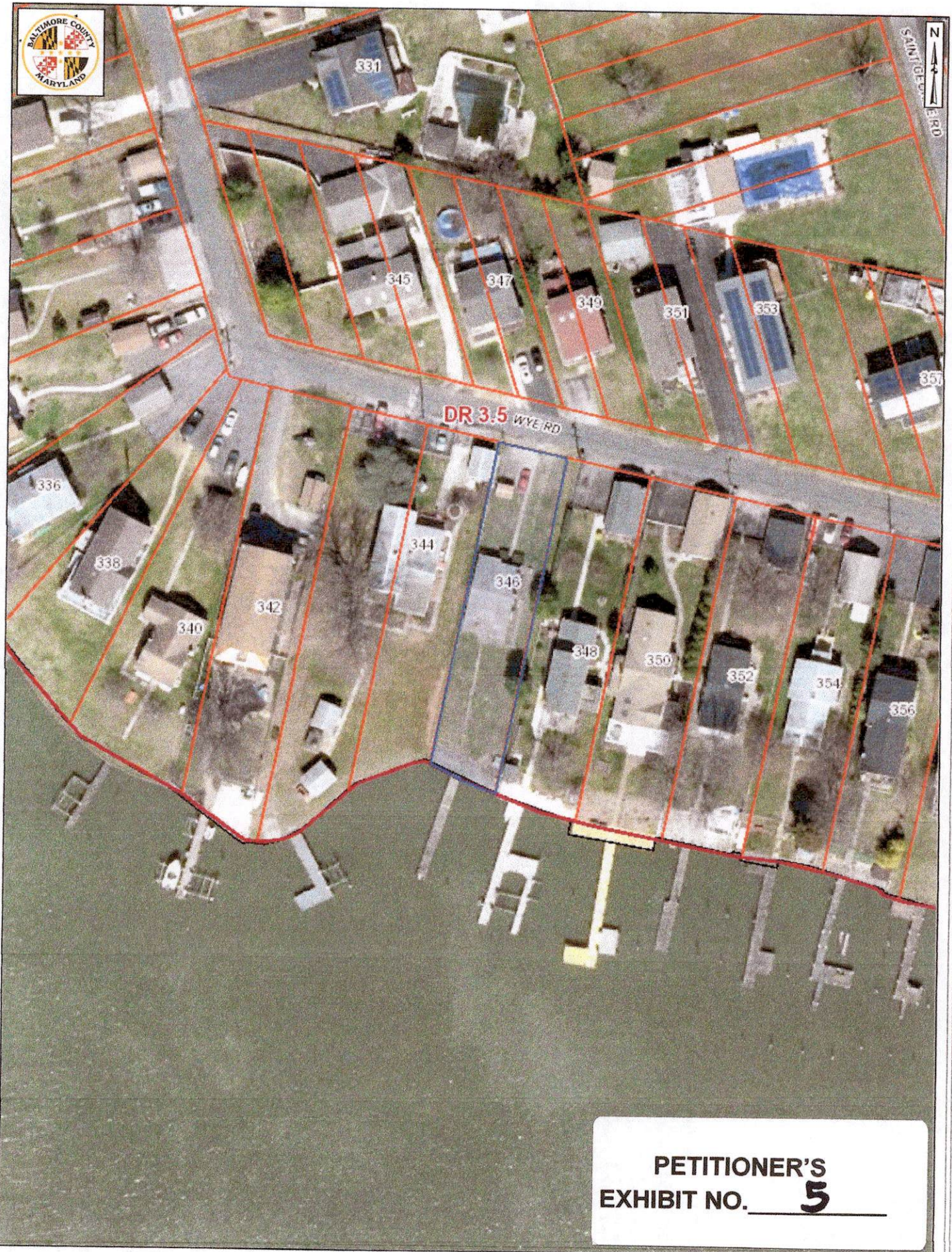

Attorney

Paul Jednorski

AFTER RECORDING, PLEASE RETURN TO:
Raymond D. Havard

100 Eastern Blvd., Essex, MD 21221

346 WYE ROAD



PETITIONER'S
EXHIBIT NO. 5



2019-0091-A

"MIDDLEBOROUGH"

ON
MIDDLE RIVER.

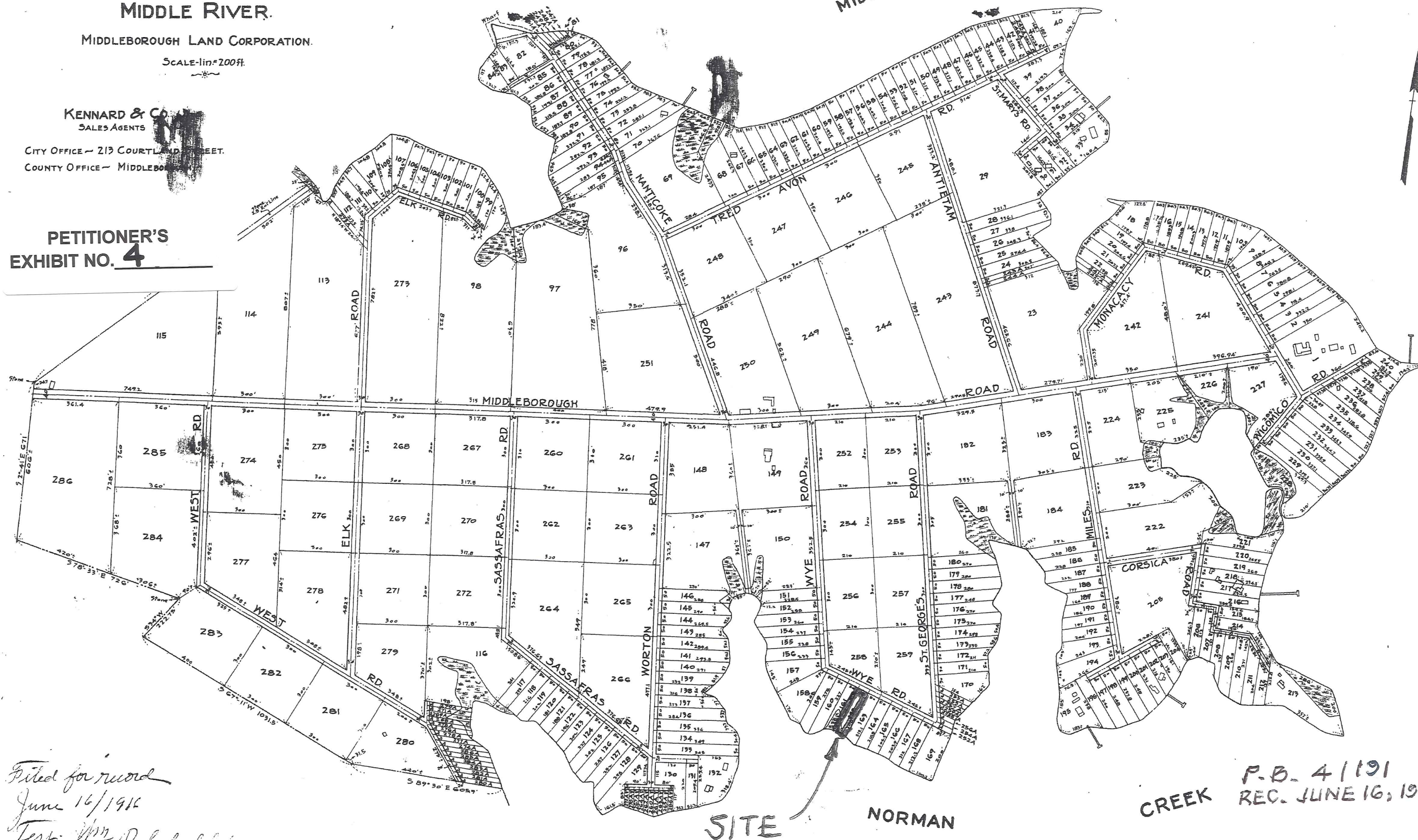
MIDDLEBOROUGH LAND CORPORATION.

Scale-1 in.=200 ft.

KENNARD & Co.
SALES AGENTS

CITY OFFICE - 213 COURTLAND STREET.
COUNTY OFFICE - MIDDLEBOROUGH.

PETITIONER'S
EXHIBIT NO. **4**

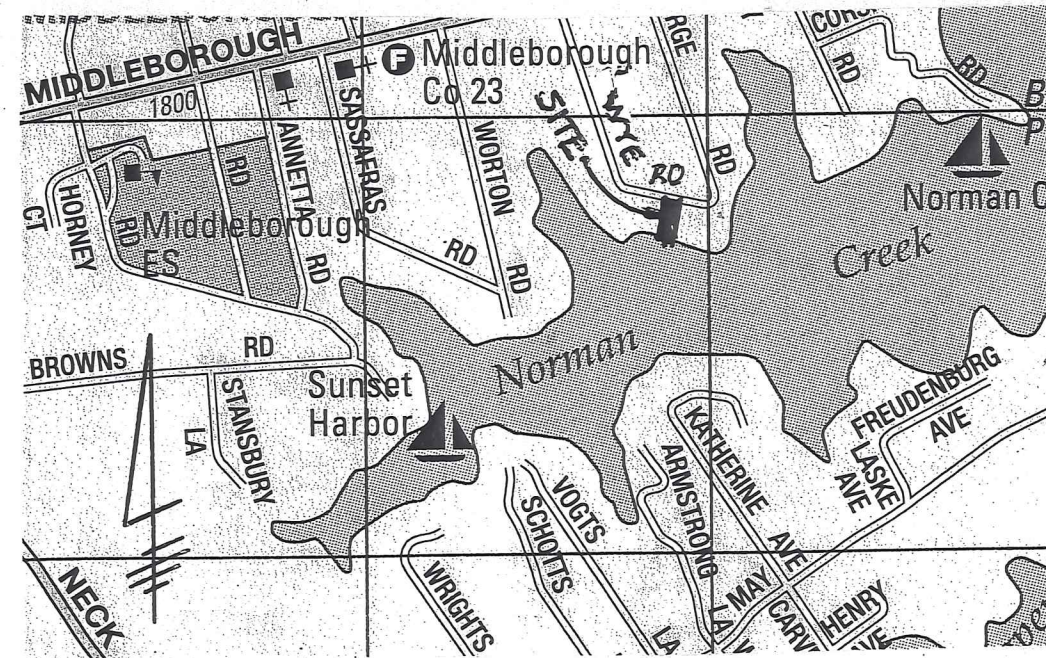


Filed for record
June 16/1916
Test: Wm P. Leach & Co.

P.B. 41191
REC. JUNE 16, 1916

Edwara
Turray
271 G.

MSA-0502136-4



VICINITY MAP
SCALE: 1 INCH = 1000 FEET

NOTES

1. ZONING.....DR 3.5 (MAP NO.098A1)
2. LOT AREA.....10,625 SF = 0.244 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA
5. A PORTION OF THE SITE IS LOCATED IN A 100 YEAR TIDAL FLOOD ZONE
6. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
7. NO HISTORIC STRUCTURES OR SITES, ARCHEOLOGIC SITES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

LOT COVERAGES

HOUSE AND PORCH.....	1320 SF
PROPOSED DRIVE.....	704 SF
PROPOSED WALK.....	51 SF
EX. DRIVE TO REMAIN.....	506 SF
EX. SHED TO REMAIN.....	120 SF
EX. WATERFRONT WALKWAY.....	500 SF
TOTAL.....	3201 SF

LOT COVERAGE TABLE

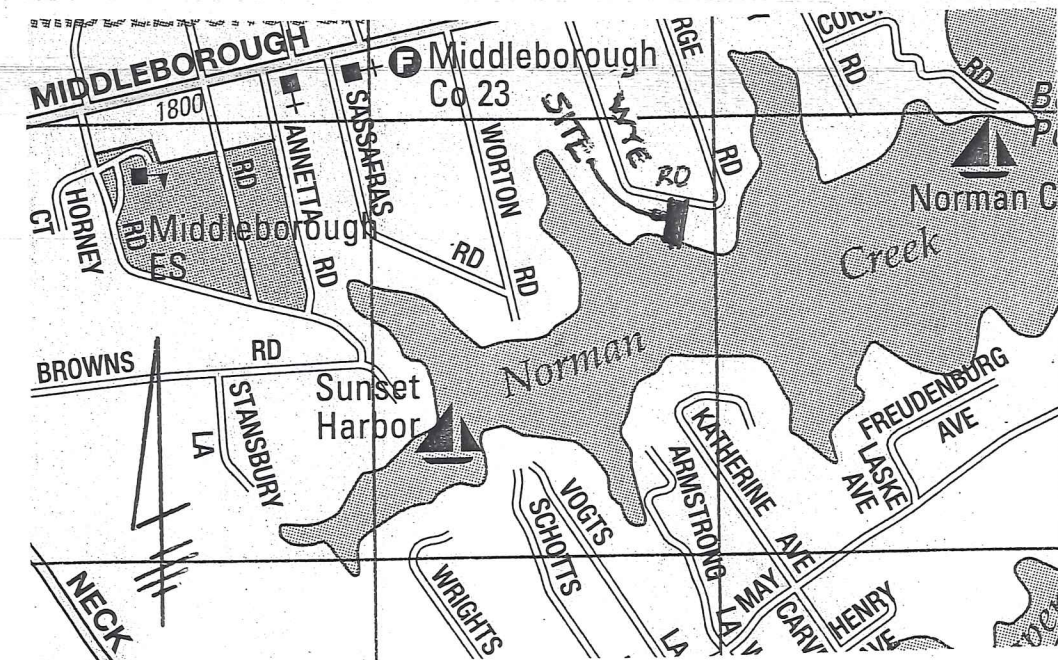
LOT AREA.....	10625 SF
LOT COVERAGE PERMITTED W/O MITIGATION.....	2656 SF
LOT COVERAGE PERMITTED WITH MITIGATION.....	3320 SF
LOT COVERAGE PROPOSED.....	3201 SF
ADDITIONAL COVERAGE PERMITTED.....	119 SF

PETITIONER'S
EXHIBIT NO. 1

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

OWNER
RAYMOND D. HAVARD
100 EASTERN BOULEVARD
ESSEX, MD. 21221
DEED REFERENCE: L.40513 F.440
ACCT. NO. 1504001983

**PLAT TO ACCOMPANY PETITION
FOR VARIANCE
346 WYE ROAD
LOT 162 MIDDLEBOROUGH 4/191
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET SEPTEMBER 10, 2018**



VICINTY MAP
SCALE: 1 INCH = 1000 FEET

NOTES

1. ZONING.....DR 3.5 (MAP NO.098A1)
2. LOT AREA.....10,625 SF = 0.244 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS LOCATED IN THE CBCA
5. A PORTION OF THE SITE IS LOCATED IN A 100 YEAR TIDAL FLOOD ZONE
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CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
RAYMOND D. HAVARD
100 EASTERN BOULEVARD
ESSEX, MD. 21221
DEED REFERENCE: L.40513 F.440
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**PLAT TO ACCOMPANY PETITION
FOR VARIANCE
346 WYE ROAD
LOT 162 MIDDLEBOROUGH 4/191
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
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2019-0091-A