



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

May 3, 2024

Todd and Lauren Rebbel – trebbel@atlantictransporation.com
3825 Bay Drive
Middle River, MD

RE: Petition for Variance
Case No. 2024-0072-A
Property: 3825 Bay Drive

Dear Petitioners:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c. Jon Weisman – Bowley’s Quarters Improvement Association – jwiesman@hrhealthcare.com
QM – quentinmills02@gmail.com
Lauren Rebbel - laurenrebbel@gmail.com

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(3825 Bay Drive)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Todd and Lauren Rebbel	*	HEARINGS OF
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2024-0072-A
* * *		
* * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Todd and Lauren Rebbel (“Petitioners”) for property located at 3825 Bay Drive, Bowley’s Quarters (the “Property”). The Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”): (1) §1A04.3.A to permit a replacement dwelling with a height of 45 ft. in lieu of the maximum permitted 35 ft., and from BCZR; (2) §1A04.3.B.2.b to permit a dwelling with a front yard setback of 50 ft. from the center of a road or street in lieu of the required 75 ft., and side yard setbacks of 11 ft. and 12 ft. in lieu of the required 50 ft.; and (3) from BCZR §1A04.3.B.3 to permit a building coverage of 21.5% in lieu of the permitted 15%.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing was held on April 23, 2024. The Petition was properly advertised and posted. The Petitioners appeared *pro se*. Jon Wiesman, President of Bowley’s Quarters Improvement Association (“BQIA”) and a nearby owner of properties addressed as 3551, 3553, 27A and 27B Bay Drive appeared in support in the Petition.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DWPT”); and Department of Environmental Protection and Sustainability

(“DEPS”) these agencies did not oppose the requested relief.

The Property was originally created as three (3), 50 ft. wide lots: 248, 249, and 25 on the Second Addition of Plat One Bowley’s Quarters filed in Land Records of Baltimore County on January 14, 1927 (Plat Book 8, folio 73) located on the waterfront of the Chesapeake Bay. (Pet. Ex. 12A). The Property was improved with a dwelling abutting Bay Drive. In Case No.: 1977-0220-A, when it was 3 lots, the Property was granted Variance relief for a 3 ft., 10-inch side yard setback for an addition to the existing home. At some point, Lot 248 and part of the southern, portion of Lot 249 became the property of Kenneth Stastny (3815 Bay Drive). (Pet. Ex. 5). The Property, now consisting of Part of Lot 249 and Lot 250, is a vacant, irregularly-shaped Property measuring 0.429 acres +/- (18,705 sf +/-). On the northern side, the length of the Property is 195 ft., whereas on the southern side, the length is 230 ft. With the addition of Part of Lot 249, the width of the Property measures 87 ft. The zoning is Rural, Residential (RC 5).

The Petitioners desire to construct a replacement dwelling which would measure 4,096 sf +/- with a height of 45 ft. Architectural renderings of the proposed home were provided showing the front door facing Bay Drive. (Pet. Ex. 13). Given the restrictions on lot coverage imposed by both the RC5 regulations and the Chesapeake Bay Critical Area (CBCA) regulations as well as floodplain issues, Petitioners are requesting an additional 10 ft. in height beyond the maximum limit of 35 ft. in order that the first floor can be used for storage. Petitioners also seek Variance relief to have a building lot coverage of 21.5%, rather than 15%. Additionally, given its irregular shape, and odd width of 87 ft., Petitioners are requesting side yard setbacks of 11 ft. and 12 ft. as well as a 50 ft. setback from the centerline of Bay Drive. With regard to the front-centerline-to-street reduced setback, it does appear from the Site Plan provided that, if Bay Drive measures 30 ft. in width, Petitioners might have 65 ft. to the centerline rather than 50 ft. However, under either

measurement, they will still need a front-building-line-to-centerline-of-street Variance.

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

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

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

The Property is irregularly shaped and sized as described above and therefore meets the uniqueness standard in *Cromwell, supra*. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the requested front-foundation-line-to-centerline of street Variance of 50 ft., and the side yard setbacks Variances of 11 ft. and 12 ft., were not granted because Petitioners would not be able to construct a modestly-sized replacement dwelling on this waterfront property. Additionally, Petitioners would also suffer a practical difficulty and unreasonable hardship if the Variance relief for an additional height of 10 ft. and lot coverage of 21.5%, were not granted, because the irregular shape and size of the Property limit the available area to construct the replacement dwelling while also meeting the RC5 and CBCA lot coverage restrictions. I find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition from adjoining property owners and also the support of BQIA.

THEREFORE, IT IS ORDERED, this 3rd day of **May 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §1A04.3.A to permit a replacement dwelling with a height of 45 ft. in lieu of the maximum permitted 35 ft., be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, from BCZR, §1A04.3.B.2.b to permit a dwelling with a front yard setback of 50 ft. from the center of a road or street in lieu of the required 75 ft., and side yard setbacks of 11 ft. and 12 ft. in lieu of the required 50 ft., be and they are both hereby **GRANTED**; and

IT IS FURTHER ORDERED, from BCZR, §1A04.3.B.3 to permit a building coverage of 21.5% in lieu of the permitted 15%, be, and it 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. Petitioners shall comply with the DOP, DEPS, and DPR/DPWT ZAC comments, copies of which are attached hereto and incorporated herein.
3. The Site Plans (Pet. Exs. 12, 12A) are attached hereto and incorporated herein.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0072-A
Address: 3825 BAY DR
Legal Owner: Todd & Lauren Rebbel

Zoning Advisory Committee Meeting of March 26, 2024.

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 seeking approval to permit a dwelling with a height of 45 feet in lieu of the maximum permitted of 35 feet, a front yard setback of 50 feet in lieu of the required 75 feet, and side yard setbacks of 11 feet and 12 feet in lieu of the required 50 feet. In addition, the applicant is seeking approval to permit a building coverage of 21.5% in lieu of the permitted 15%. The proposed development must meet LDA requirements and the 15% afforestation requirement. The property consists of two lots, Lot 250 and part of Lot 249, which total 18,705 square feet. The maximum lot coverage for this property is 5,845 square feet or 31.25%. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a 100-foot Critical Area buffer extending onto the property from the Chesapeake Bay. The buffer consists of a maintained grass lawn and scattered trees. There are no existing structures on the property. Part of the proposed dwelling will be located within the buffer and will require buffer mitigation. Meeting the modified buffer area (MBA) requirements, lot coverage requirements, and the 15% afforestation requirement will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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.

If the proposed development can be designed to meet the MBA, lot coverage, and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/28/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0072-A

INFORMATION:

Property Address: 3825 Bay Drive
Petitioner: Todd & Lauren Rebbel
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance(s) -

- a. To permit a dwelling with a height of 45 feet in lieu of the maximum permitted 35 feet
- b. To permit a dwelling with a front yard setback of 50 feet from the center of a road or street in lieu of the required 75 feet and side yard setbacks of 11 feet and 12 feet in lieu of the required 50 feet and 50 feet
- c. To permit a building coverage of 21.5% in lieu of the permitted 15%

The subject property is located along 3825 Bay Drive directly along the Chesapeake Bay in the Middle River area of Baltimore County. The property consists of an approximately 18,705 SF vacant parcel zoned RC-5. The proposed property is surrounded by the Chesapeake Bay, detached residential dwellings and forest conservation.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

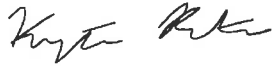
In a discussion with the applicant, it was confirmed that the property's width is only 87 ft. as indicated on the site plan. The 87 ft. width presents a difficulty in meeting the required minimum setbacks.

These types of requests for relief are not uncommon in the area, therefore the Department has no objections to the requests with the following condition:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.

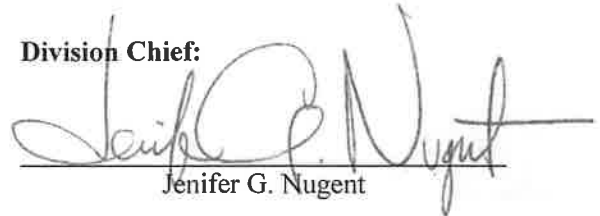
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Todd Rebbel
Ainsley Jacobs, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
me

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0072-A

DATE: March 20, 2024

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

DPR: In a 100-year FEMA floodplain AE Zone BFE 6 NAVD88, BC AE Zone BF 8.5 NAVD88

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100465F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LIMWA is on the property.

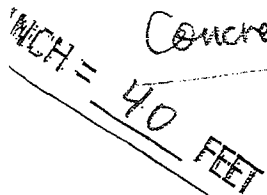
Landscaping: No comment.

Recreations & Parks: No Greenways affected.

FROM:

SUBJECT:

10 DIGIT TAX # 1512000520
 OWNER(S) NAME(S) Ted & Lauren
 SPECIAL HEARING X
 LOT # 249
 BLOCK # 249
 DEED REF. # 2707010
 SECTION 9
 (MARK TYPE REQUIRED)
 30' T/DW
 *EXWHC
 7' of 25'
 1512000520
 SOI
 EXISTING GARAGE



Chesapeake Bay

U.
WA
PUBL
SEWER
PUBLIC
PRIOR HEAR
IF SO GIVE CAS
AND ORDER RES
1977

Exhibit 12a

EX SHC

Exhibit 1b

PLAT TO ACCOMPANY PETITION

FOR ZONING VARIANCE

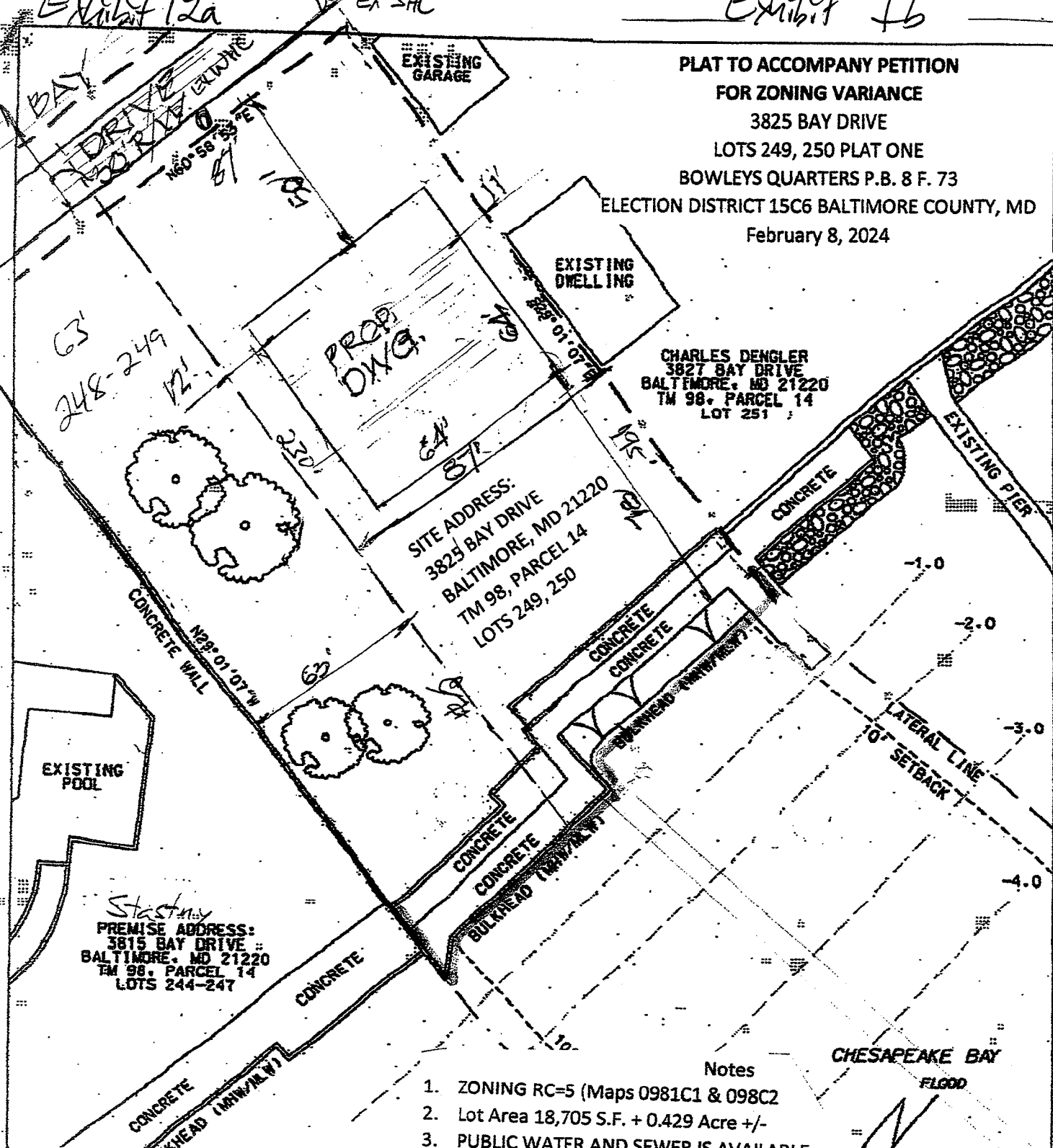
3825 BAY DRIVE

LOTS 249, 250 PLAT ONE

BOWLEYS QUARTERS P.B. 8 F. 73

ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD

February 8, 2024



- Notes
1. ZONING RC=5 (Maps 0981C1 & 098C2)
 2. Lot Area 18,705 S.F. + 0.429 Acre +/-
 3. PUBLIC WATER AND SEWER IS AVAILABLE
 4. SITE IS LOCATED IN CBCA AND 100 YEAR TIDAL FLOOD ZONE
 5. TO THE PREPARERS KNOWLEDGE, NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE EXISTS
 6. BUILDING AREA = 4096 S.F. BUILDING COVERAGE IS 21.5%
 7. BUILDING HEIGHT IS 45'
 8. ZONING HISTORY CASE 1977-0220-A (MAY 19, 1977) GRANTED A SIDE YARD VARIANCE 3'10' IN LIEU OF THE REQUIRED 50 FEET

Owner
 Todd Rebbel
 Lauren Rebbel
 1502 Burke Road
 Baltimore, MD 21220
 Deed Reference /37070/ 00439
 Acct No. 1512000520

EX. SCALE:
 1" = 40'

NOTE: This drawing for permit purpose only. All dimensions are approximate and need to be field verified by the contractor.
 Applicant's Signature:



PETITION FOR ZONING HEARING(S)

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 3825 Bay Drive Currently Zoned RC-5
Deed Reference 37070 / 00439 10 Digit Tax Account # 1512000520
Owner(s) Printed Name(s) TODD REBBEL & LAUREN REBBEL

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

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

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

TODD REBBEL , LAUREN REBBEL
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
1502 BURKE RD BALTIMORE MD
Mailing Address _____ City _____ State _____
21220 , 443-690-3422 trdbel@atlantictransportation.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

TODD REBBEL
Name - Type or Print _____
Signature _____
1502 BURKE RD BALTIMORE MD
Mailing Address _____ City _____ State _____
21220 , 443-690-3422 trdbel@atlantictransportation.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0072-A Filing Date 3/18/24 Do Not Schedule Dates _____ Reviewer TR

SECTION 1A04.3.A TO PERMIT A DWELLING WITH A HEIGHT OF 45 FEET IN LIEU OF THE MAXIMUM PERMITTED 35 FEET

SECTION 1A04.3.B.2.b TO PERMIT A DWELLING WITH A FRONT YARD SETBACK OF 50 FEET FROM THE CENTER OF A ROAD OR STREET IN LIEU OF THE REQUIRED 75 FEET AND SIDE YARD SETBACKS OF 11 FEET AND 12 FEET IN LIEU OF THE REQUIRED 50 FEET AND 50 FEET

SECTION 1A04/3/B/3 TO PERMIT A BUILDING COVERAGE OF 21.5% IN LIEU OF THE PERMITTED 15%

2024-0072-A

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: 2024-0072-A
Property Address: 3825 Bay Drive
Legal Owners (Petitioners): TODD / Lauren Robdel
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____
Address: _____

Telephone Number: _____

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

2024-0072-A

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

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Revised 3/2022

2024-0072-A

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 15 Account Number - 1512000520

Owner Information

Owner Name:

OLIVER PAUL DAVID
OLIVER MICHELLE PEGGY JEAN
1219 ELSING RD
BALTIMORE MD 21221-

Use:

RESIDENTIAL
NO

Principal Residence:

Deed Reference:

/37070/ 00439

Mailing Address:

Location & Structure Information

Premises Address:

3825 BAY DR
0-0000
Waterfront

Legal Description:

LT 249,250

BOWLEYS QUARTERS

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0098	0012	0014	15030020.04	0000			249	2024	1	0008/ 0073

Town: None

Primary Structure Built

Above Grade Living Area

Finished Basement Area

Property Land Area
18,705 SF

County Use
34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements

Value Information

	Base Value	Value As of 01/01/2024	Phase-in Assessments As of 07/01/2023	As of 07/01/2024
Land:	263,600	401,700		
Improvements	0	0		
Total:	263,600	401,700	263,600	309,633
Preferential Land:	0	0		

Transfer Information

Seller: NECHAY RUDOLF W
Type: ARMS LENGTH MULTIPLE
Seller: LASSAHN EDGAR F, JR
Type: ARMS LENGTH MULTIPLE
Seller:
Type: NON-ARMS LENGTH OTHER

Date: 01/13/2016
Deed1: /37070/ 00439
Date: 07/30/2012
Deed1: /32357/ 00385
Date: 09/21/2011
Deed1: /31208/ 00170

Price: \$600,000
Deed2:
Price: \$800,000
Deed2:
Price: \$0
Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.0010.00	0.0010.00
Special Tax Recapture: None			

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

1800000229

R-1957-4071

RC 20

098C-1

5 CD

15 ED

Bowleys Quarters-Back River Neck Area

Back River Neck District 3826

RC 5

Martin State Airport Restriction

2012-0013-SPHA

PAI # 150010

Pt. Bk./Folio # 008073G

PAI # 150010

1982-0133-A
2004-0574-A

1974-0237-A

3811

1998-0259-A

3803

3737

Pt. Bk. 0000008, Folio 0037

1700001510

Lot # 253A

3830

1974-0268-A

1502370353

Lot # 257

1999-0480-A

NE 1-L

098C-2

CERTIFICATE OF POSTING

2024-0072-A

RE: Case No.: _____

Petitioner/Developer: _____

Todd & Lauren Rebbel

April 23, 2024

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: Jeff Perlow:

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: _____

3825 Bay Drive ***SIGN 1A & 1B***

April 2, 2024

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

Sincerely,

April 2, 2024

(Signature of Sign Poster) **(Date)**

SSG Robert Black

(Print Name)

1508 Leslie Road

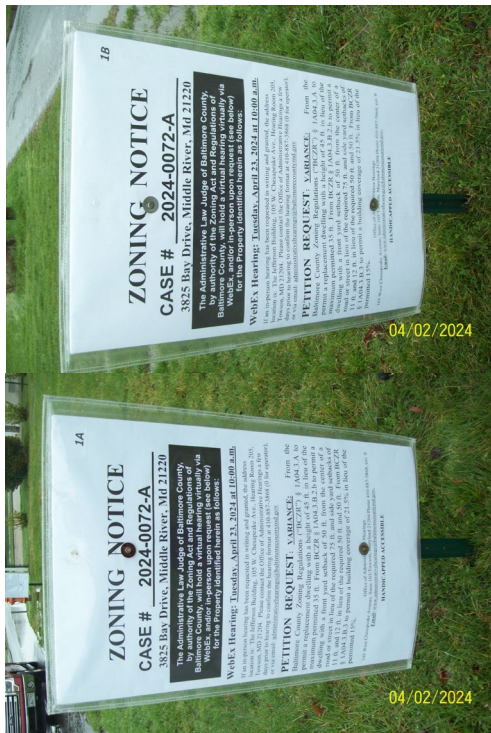
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: April 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0072-A
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Legal Owner: Todd & Lauren Rebbel

Zoning Advisory Committee Meeting of March 26, 2024.

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 seeking approval to permit a dwelling with a height of 45 feet in lieu of the maximum permitted of 35 feet, a front yard setback of 50 feet in lieu of the required 75 feet, and side yard setbacks of 11 feet and 12 feet in lieu of the required 50 feet. In addition, the applicant is seeking approval to permit a building coverage of 21.5% in lieu of the permitted 15%. The proposed development must meet LDA requirements and the 15% afforestation requirement. The property consists of two lots, Lot 250 and part of Lot 249, which total 18,705 square feet. The maximum lot coverage for this property is 5,845 square feet or 31.25%. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a 100-foot Critical Area buffer extending onto the property from the Chesapeake Bay. The buffer consists of a maintained grass lawn and scattered trees. There are no existing structures on the property. Part of the proposed dwelling will be located within the buffer and will require buffer mitigation. Meeting the modified buffer area (MBA) requirements, lot coverage requirements, and the 15% afforestation requirement will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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.

If the proposed development can be designed to meet the MBA, lot coverage, and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: March 20, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0072-A

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

DPR: In a 100-year FEMA floodplain AE Zone BFE 6 NAVD88, BC AE Zone BF 8.5 NAVD88

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100465F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is on the property.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 3/28/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0072-A

INFORMATION:

Property Address: 3825 Bay Drive
Petitioner: Todd & Lauren Rebbel
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance(s) -

- a. To permit a dwelling with a height of 45 feet in lieu of the maximum permitted 35 feet
- b. To permit a dwelling with a front yard setback of 50 feet from the center of a road or street in lieu of the required 75 feet and side yard setbacks of 11 feet and 12 feet in lieu of the required 50 feet and 50 feet
- c. To permit a building coverage of 21.5% in lieu of the permitted 15%

The subject property is located along 3825 Bay Drive directly along the Chesapeake Bay in the Middle River area of Baltimore County. The property consists of an approximately 18,705 SF vacant parcel zoned RC-5. The proposed property is surrounded by the Chesapeake Bay, detached residential dwellings and forest conservation.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

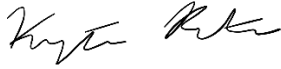
In a discussion with the applicant, it was confirmed that the property's width is only 87 ft. as indicated on the site plan. The 87 ft. width presents a difficulty in meeting the required minimum setbacks.

These types of requests for relief are not uncommon in the area, therefore the Department has no objections to the requests with the following condition:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.

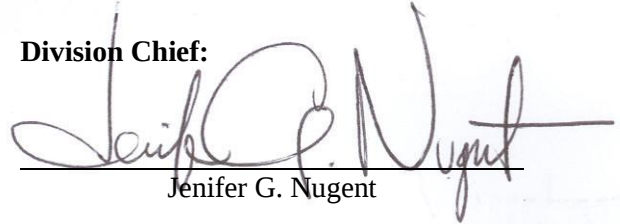
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:

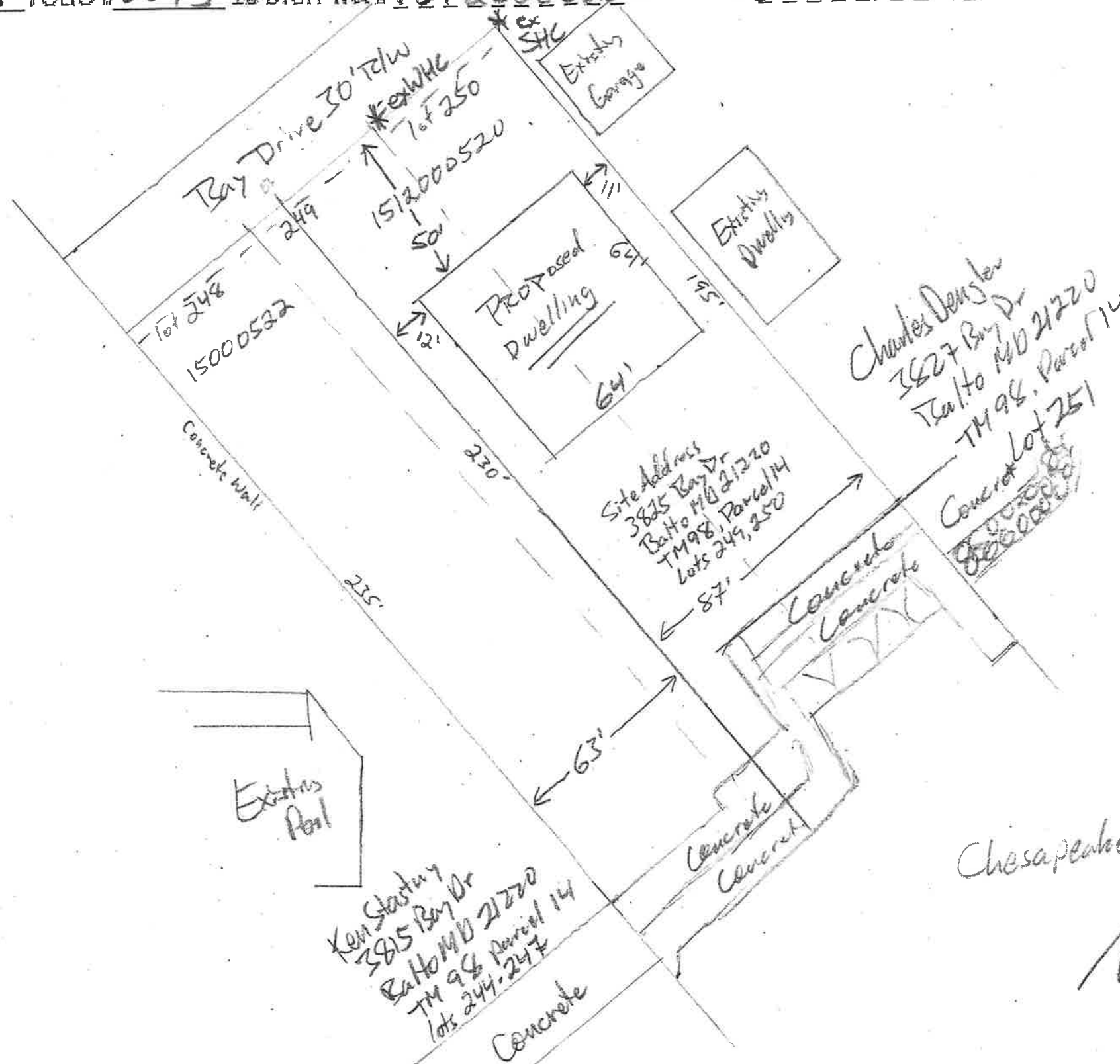


Jenifer G. Nugent

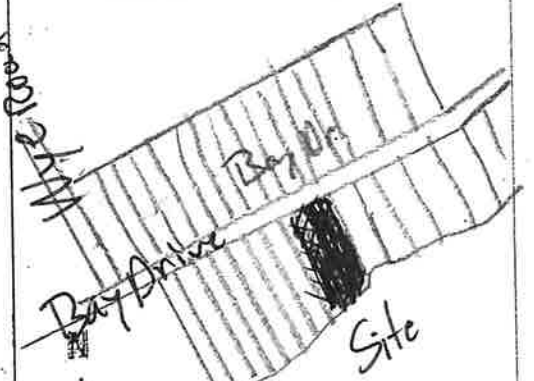
SL/JGN/KP

c: Todd Rebbel
Ainsley Jacobs, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
 ADDRESS 3825 Bay Drive OWNER(S) NAME(S) Todd & Lauren Rebel
 SUBDIVISION NAME Bowleys Quarters LOT # 249 BLOCK # 6 SECTION # 7
 PLAT BOOK # 008 FOLIO # 0073 10 DIGIT TAX # 1512000520 DEED REF. # 37070100439



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 0981C1809862

SITE ZONED RC-5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE .429

OR SQUARE FEET 18705

HISTORIC? NO

IN CBQA? YES

IN FLOOD PLAIN? YES

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING?

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

1977-0220-A Granted 3'10"

set back

VIOLATION CASE INFO:



PLAN DRAWN BY TODD REBEL - HANCAHAN DATE 2/29/2024 SCALE: 1 INCH = 40 FEET

2024-0072-A