



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

June 27, 2024

Joseph and Lisa Stella – jstella44@icloud.com
3529 Bay Drive
Middle River, MD 21220

RE: Petition for Administrative Variance – FORMAL DEMAND
Case No. 2024-0095-AV
Property: 3529 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, appearing to be "Derek J. Baumgardner", with a long horizontal line extending to the right.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

C Craig Rodgers – craigrodgers200@gmail.com
David Billingsley - dwb0209@yahoo.com
Cathy Poyer – jpoyer42@gmail.com
James Poyer – jpoyer@gmail.com
Donna Berdych, Esq. dking@dking-law.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(3529 Bay Drive)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Joseph and Lisa Stella	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0095-A

* * * * *

OPINION AND ORDER

This matter initially came before the Office of Administrative Hearings for Baltimore County (“OAH”) for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Joseph and Lisa Stella (“Petitioners”) for the property known as 3529 Bay Drive, Baltimore County, Maryland (“the Property”) pursuant to Baltimore County Code (“BCC”) § 32-3-303. Petitioners requested variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 1A04.3.B.2.b, to permit a building addition with a side yard setback of 2.5 ft. in lieu of the required 50 ft. and a street setback of 22 ft. from the centerline of any other street or road in lieu of the required 75 ft., and BCZR § 1A04.3.B.3 to permit a 19% building coverage in lieu of 15%. The property was properly posted for the requested Administrative Variance(s). On April 16, 2024, a formal hearing demand was received. Pursuant to BCC § 32-3-303(b), a public hearing was scheduled.

On June 10, 2024, a public hearing was conducted using the virtual meeting platform WebEx in lieu of an in-person hearing. The Petitioners, Joseph and Lisa Stella, appeared at the hearing and gave testimony. Petitioners were joined and assisted by David Billingsley of Central Drafting and Design, and Craig Rodgers. Adjacent neighbors, James & Catherine Poyer, also attended the hearing and gave testimony in opposition to the requested variance relief. The Poyers

were represented by Donna Berdych, Esq.

Findings of Fact

The Property is approximately 12,208 sq. ft. in land area and is zoned RC 5. The Property was platted in 1930. *See* Petitioner's Exhibit 4. It is a waterfront lot that was purchased by the Stellas in 2023 and is improved with an existing elevated two-story single-family detached dwelling with 2,304 sq. ft. of above-ground living area. *See* Petitioner's Exhibit 2 & 3. The property is also improved by an accessory structure (detached garage) that will be razed as part of this application. The Petition proposes to expand the single-family home with a new two-story addition, with first-floor garage and second floor bedroom, recreation room, and bathroom, connected to the primary residence with an elevated one-story breezeway. Part of the expanded footprint will include ground currently improved by the existing but dilapidated and soon to be razed garage.

Mr. Billingsley, a licensed Maryland civil engineer, described the property's history and current improvements. Mr. Billingsley testified to the current state of the existing garage as being in a deteriorating condition. He further stated that the existing garage was nonconforming as it was constructed only one foot from the property line, and the 28 ft. x 22 ft. addition will be constructed 2.5 ft. from the property line, compliant with BCZR for detached accessory structures, even though the proposed addition will be connected the primary residence, making it for zoning purposes an addition to the single-family home rather than a detached accessory structure. Mr. Billingsley indicated the two-story portion would be 24 ft. in height from grade to roof peak and the one-story breezeway with mud room would be 15 ft. in height. *See* Petitioners' Exhibit 7 (elevations). Mr. Billingsley further described the design and features of the addition. *Id.* Mr. Billingsley further stated that this 50-foot-wide lot was located in a flood zone, in a modified Chesapeake Bay Critical

Area, and it was not practical nor favored to locate the garage in the front yard or waterfront side of the property. Mr. Billingsley stated that the addition would not adversely affect any views from the Poyers property or obstruct any water views from any neighboring properties. Mr. Billingsley stated the uniqueness of the property lies in the siting of the existing single-family dwelling (permitted with variances granted in 1999 pursuant to OAH Case No. 99-189-A), with the proposed garage not being located any closer to the Poyers property than was previously approved. Mr. Billingsley further described compliance with Baltimore County, state, and FEMA floodplain regulations and requirements with the elevated garage portion on the ground level and bedroom, recreation room, and bathroom on the second floor, connected to the primary residence by the elevated breezeway.

Mr. & Mrs. Stella testified in support of their application. The Stellas testified that they purchased the property in 2023 with the proposed addition in mind. Mr. Stella stated that the existing garage was deteriorating and much of the structure no longer had usable or safe materials. Mr. Stella also testified that he believed other homes in the community had garages that were connected to their primary residential structures. Mr. Stella further stated that the second-floor portion of the addition would serve as a guest area with recreational room, bedroom, and bathroom. Mrs. Stella stated that this portion would provide the home with additional bedroom or office space that is otherwise limited in the existing home.

The Stellas reached out to neighboring property owners to seek comment on their plans and submitted letters of support from the Bowley's Quarters Improvement Association and neighboring property owners Richard Lynas and Deanna Phelps, and Jon Weisman. *See* Petitioners' Exhibit 10a-10c. Protestants objected to these letters for lack of evidence of their authenticity and since their authors were not present at the hearing, their unavailability for cross-

examination. As the Rules of Evidence are relaxed in administrative hearings, and there were no facts presented to indicate the letters were fabricated, forged, or otherwise manipulated, this objection is overruled, and the relative weight given to such evidence can be given its due consideration by the fact-finder.

Mr. & Mrs. Poyer testified in opposition to the Petition. The Poyers reside at 3531 Bay Drive, immediately adjacent and to the east of the subject property. They purchased their home in 1996. Prior to that it was owned by Mr. Poyer's parents, Mr. Poyer having grown up in the home, with Mr. Poyer's grandfather having purchased the lot in the 1920's for use as a "shore shack." Mr. Poyer stated that the proposed addition would devalue their property, would decrease "curb appeal," would block views of Middle River, and would adversely impact the Poyer's ability to maintain their yard. Mr. Poyer further stated that the addition would inhibit access to their property for fire and emergency response. The Poyers stated that construction of the two-story and one-story breezeway addition would block light and air to their property and would otherwise appear as "a 24-foot wall" a mere 2.5 feet from their property line. Because of the close proximity to their property, the Poyers asserted that construction activities and personnel would likely need to trespass on their property during construction.

Conclusions of Law

The Petition requests variance relief from BCZR § 1A04.3.B.2.b to permit a building addition with a side yard setback of 2.5 ft. in lieu of the required 50 ft., and a street setback of 22 ft. in lieu of the required 75 ft., and BCZR § 1A04.3.B.3 to permit a 19% building coverage in lieu of 15%. A portion of the existing garage footprint will be utilized for the home expansion but as the structures will be connected by a breezeway the addition is treated as an addition to the single-family home. Because of this, certain setbacks through BCZR § 1A04.3.B.2.b apply.

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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 subject property was granted variances in 1998 to construct the existing single-family dwelling as a replacement dwelling for an older structure that occupied a similar footprint and to legalize the existing accessory structure (garage). *See* OAH Case No. 99-189-A. That approval noted that the replacement home was proposed to occupy the same footprint as the former dwelling, which was too dilapidated to renovate *in situ*. *Id.* "It is to be emphasized that the new structure will merely be a replacement of an existing building." *Id.* at 2. Had variances not been granted in 1998, the setback regulations would likely have precluded construction of a single-family dwelling as the lot would have been rendered virtually unbuildable. Petitioners here propose new construction into the setback that will essentially extend the primary residence almost to the rear boundary line with Bay Drive with two-story construction at the rear stepping down to

a one-story breezeway. Like most waterfront homes, the property's usable yard lies in the front yard, whereas this property's rear yard extending to Bay Drive is paved and used for vehicle parking. Nonetheless, BCZR maintains rear and side yard setbacks for waterfront homes.

The development pattern on Bay Drive indicates similar construction to what presently exists, with many single-family dwellings enjoying one and two-story detached garages located in rear yards. *See* Petitioners' Exhibit 5. While not constructed as a subdivision, the plat indicates similar to identical lots, and this was likely intended by design to ensure that lots enjoy similar access to light and air and to ensure that height and massing from neighboring properties and structures would not have adverse impacts on adjacent, adjoining, or confronting lots. *See generally* Petitioner's Exhibit 4. The subject property does not appear to be unique or have any inherent topographical features that might impact this property differently than other properties with respect to relative compliance with existing setback regulations. The setbacks imposed by its RC-5 zoning would impact this property and all properties equally, absent some specific showing of how peculiar characteristics or unusual circumstances relating only and uniquely to this property exist in conjunction with the severe impact of RC-5 setback regulations. Unlike the variances granted in 1998, there is no replacement-in-kind proposed, as the new addition would occupy the formerly unimproved but rough-paved yard.

There was significant and credible testimony offered by the Poyers that approval of the addition at the location and height proposed would negatively impact their property. The Poyers testified to neighborhood character and the blockage of light and air that would occur if the two-story addition were constructed 2.5 feet from their property line. Mr. Billingsley's testimony was likewise credible with respect to the location of the construction not generally blocking scenic or waterfront views, as the waterfront portion of these lots are opposite the front yards and would not

be impacted, but the record does not contain any site line, viewshed, or similar studies to conclude definitely whether other particular views - scenic or otherwise - would be impacted by the proposed addition. GIS aerial views show that the Poyer's residence is set back from the Bay Drive enjoying significant front and rear yards. Petitioner's Exhibit 5. If the proposed addition were approved, it would likely cause a tunneling effect, as nearly half the Poyer's home and all of their rear yard would be bounded by an unbroken one-and two-story structure, ranging in height from 15 ft. to 24 ft. with setbacks of 2.5 feet to 8 feet from their property line. The result of the proposed addition would be an imposing structure a mere 2.5 feet from the Poyer's property line. From GIS imagery, it appears that no other single-family residences along this portion of Bay Drive are constructed in such a manner as to impact neighboring properties similarly. *See* Petitioners' Exhibit 5.

The Property was found to have satisfied the variance standards in 1998 under the prior case, but the property's uniqueness and the practical difficulty of compliance imposed upon the Property at that time was specific to those proposed improvements. However, a zoning variance is not a static tool. While practical difficulty certainly exists in that strict application of BCZR § 1A04.3.B.2.b side yard setbacks of 50 ft. and a street setback of 75 ft. would make this lot unbuildable, this does not give *carte blanche* justification for any and all construction on the lot. Such reasoning runs afoul of *Cromwell's* admonition:

“Instead of first determining whether the subject property is unusual or unique, the zoning authorities are first determining whether a practical difficulty or unreasonable hardship exists. That determination is then used to create a unique and unusual situation as to the subject property because surrounding properties do not experience the hardship or difficulty.”

Cromwell v. Ward, 102 Md. App. 691, 695, 651 A.2d 424, 426 (1995). In 1998, the Property was granted variances to allow the replacement of a single-family dwelling in kind, similar to other

properties in the neighborhood. The relief requested under this Petition substantially expands upon that relief without a specific and clear showing of how the land or structure are unique or peculiar justifying the grant of *this specific variance*, failing to satisfy the first prong of the variance analysis. As the court in *Cromwell* instructed:

“Unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical difficulty or unreasonable hardship.”

Cromwell v. Ward, 102 Md. App. 691, 694–95, 651 A.2d 424, 426 (1995). “We conclude that the law in Maryland and in Baltimore County under its charter and ordinance remains as it has always been—a property’s peculiar characteristic or unusual circumstances relating only and uniquely to that property must exist in conjunction with the ordinance’s more severe impact on the specific property because of the property’s uniqueness before any consideration will be given to whether practical difficulty or unnecessary hardship exists.” *Id.* at 721.

Given the lack of uniqueness of the subject property coupled with the likelihood of adverse impacts to the adjoining residential property, I find that the Petition fails to satisfy the variance requirements under BCZR § 307.1 and state law. I further find that the variances proposed are not in strict harmony with the spirit and intent of the BCZR. One purpose of the BCZR is to provide and establish reasonable yard setbacks to ensure adequate protection for adjacent or adjoining properties from adverse incursion from neighboring structures. While the property previously received variances for the construction of the single-family dwelling, replacing an existing residence, the subject addition proposes new construction with additional incursions into the required setbacks made more obtrusive by the height of two-story construction in a floodplain.

THEREFORE, IT IS ORDERED, this 27th day of **June, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore

County Zoning Regulations ("BCZR") § 1A04.3.B.2.b, to permit a building addition with a side yard setback of 2.5 ft. in lieu of the required 50 ft. and a street setback of 22 ft. from the centerline of any other street or road in lieu of the required 75 ft.; and § 1A04.3.B.3 to permit a 19% building coverage in lieu of 15%, be and is hereby **DENIED**.

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



DEREK M. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DMB/dlm



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 3529 BAY DRIVE Currently Zoned RC5
Deed Reference L48432 / P85 10 Digit Tax Account # 1507830360
Owner(s) Printed Name(s) JOSEPH AND LISA O. STELLA

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

SEE ATTACHED

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 zoning regulations of Baltimore County, to the zoning 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):

JOSEPH STELLA LISA O. STELLA
Name #1 - Type or Print Name #2 - Type or Print
[Signature] [Signature]
Signature #1 Signature #2
3529 BAY DRIVE MIDDLE RIVER MD.
Mailing Address
21220 (443) 695-0130 jstellaa44@icloud.com
Zip Code Telephone #'s (Cell and Home) 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:

CRAIG RODGERS
Name - Type or Print
[Signature]
Signature
3857 ALGONQUIN TRAIL SNOW HILL, MD
Mailing Address City State
21863 (443) 677-2001 craigrodgers200@gmail.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 2024-0095-A Filing Date 4/5/2024 Estimated Posting Date 4/14/24 Reviewer MTK

SECTION 1A04.3.B.2.b (BCZR) TO PERMIT A BUILDING ADDITION WITH A SIDE
YARD SETBACK OF 2.5 FEET IN LIEU OF THE REQUIRED 50 FEET AND A STREET
SETBACK OF 22 FEET FROM THE CENTERLINE OF ANY OTHER STREET OR ROAD IN
LIEU OF THE REQUIRED ~~50~~⁷⁵ FEET; and Section 1A04.3.B.3. to permit
a 19% building coverage in lieu
of 15%.

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: 3520 BAY DRIVE MIDDLE RIVER MD 21220
Print or Type Address of Property City State Zip Code

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

SEE ATTACHED

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

Signature of Owner (Affiant)

JOSEPH STELLA

Name - Print or Type

Signature of Owner (Affiant)

LISA O. STELLA

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 12 day of March, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Joseph stella Lisa O. stella

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires



JUSTIFICATION FOR VARIANCE 3529 BAY DRIVE

The previous owners of our property were granted a variance (Case No. 1999-0189-A) to construct a replacement dwelling with side yard setbacks of 8 feet and 10 feet in lieu of the required 50 feet and a street setback of 43.5 feet from the centerline in lieu of the required 75 feet. Additionally, a variance was granted permitting an existing garage to remain with a side yard setback of 0 feet in lieu of the required 2.5 feet.

We are now in need of an additional bedroom and bathroom. After consulting with an architect, since the existing garage is in disrepair, it was recommended that the space in the area of the existing garage be utilized by constructing a new garage with the bedroom and bathroom above and attaching the new garage to the existing dwelling with a mudroom. Obviously, since the new addition will become part of the dwelling, the side and front yard variances are necessary. Actually, the side yard in the area of the garage will be increased from 0 feet to 2.5 feet and the street to centerline setback will be increased from 20 feet to 22 feet.

We have attached the architectural plans to show that the addition will conform to the existing dwelling as well as those in the neighborhood.

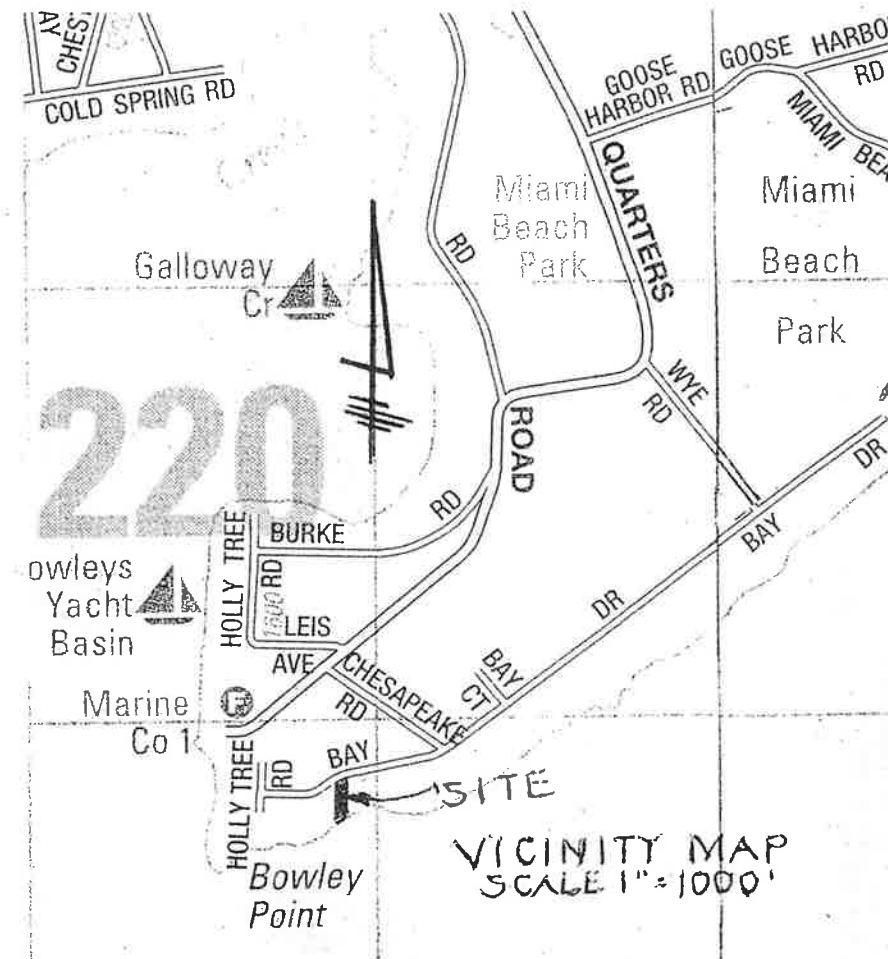
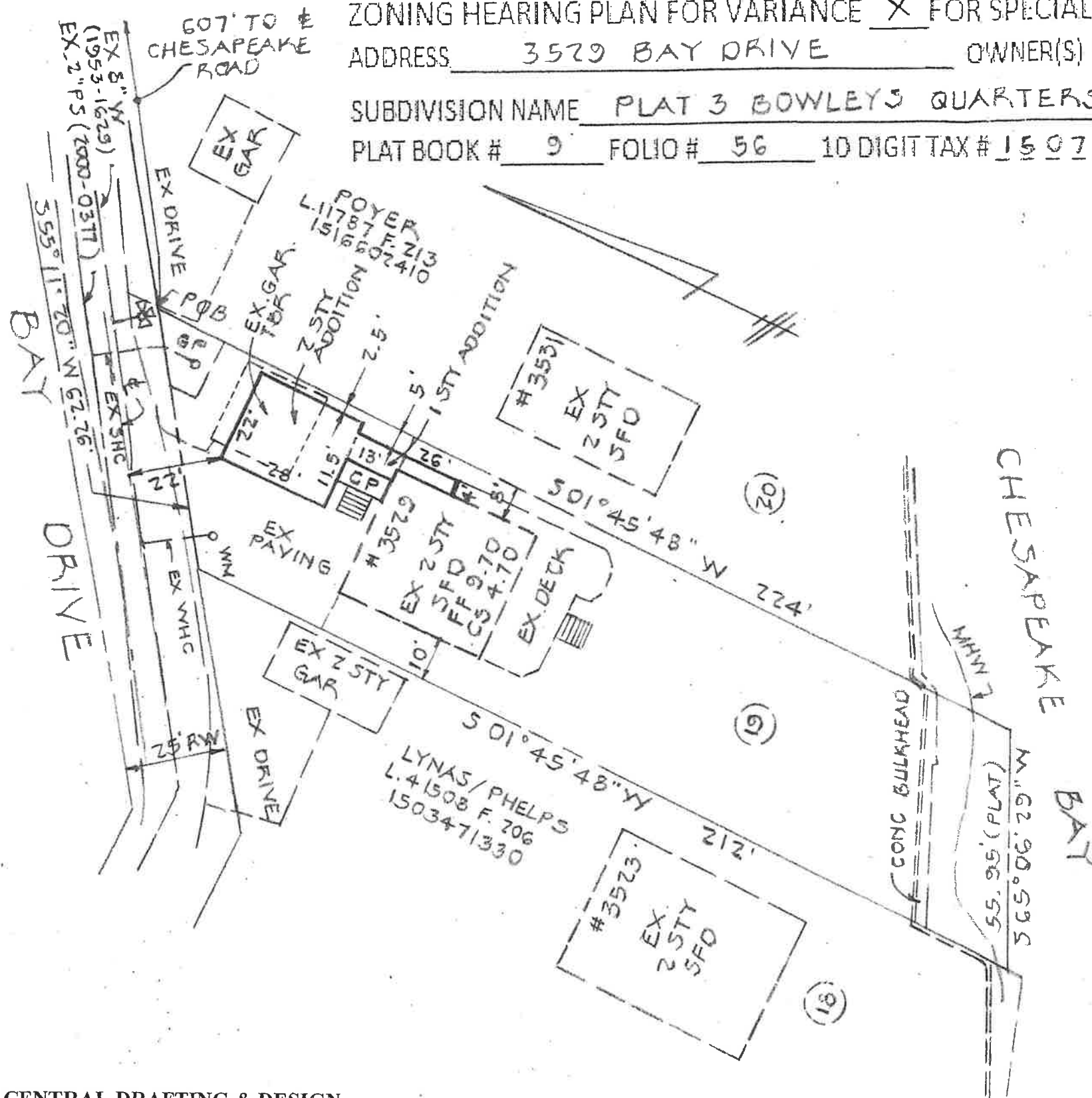
Thank you for your consideration in this matter.

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH ☒)

ADDRESS 3529 BAY DRIVE OWNER(S) NAME(S) JOSEPH & LISA D. STELLA

SUBDIVISION NAME PLAT 3 BOWLEYS QUARTERS LOT# 19 BLOCK# _____ SECTION# _____

PLAT BOOK # 9 FOLIO # 56 10 DIGIT TAX # 15 07 83 03 6 0 DEED REF. # 484.32 / - 85



BUILDING COVERAGE = 1915 SF =
18.7% LOT COVERAGE

ZONING MAP# 098C2
SITE ZONED RC5
ELECTION DISTRICT 15
COUNCIL DISTRICT 5
LOT AREA ACREAGE _____
OR SQUARE FEET 10,250 TO MIN
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? YES
UTILITIES? MARK WITH ☒
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? YES
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

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

PLAN DRAWN BY DWB

DATE 1/3/11/24 SCALE: 1 INCH = 30' FEET

REV: 4/8/24

PREVIOUS ZONING CASE

CASE NO. 1999-0139-A (12/29/1998)

GRANTED SIDE YARDS SETBACKS OF 8 FT AND 10 FT
CENTERLINE OF STREET TO BUILDING SETBACK OF 43.5 FT
EXISTING GARAGE WITH 0 FT SETBACK

VIOLATION CASE INFO:
N/A

ZONING DESCRIPTION FOR:
3529 BAY DRIVE

BEGINNING AT A POINT ON THE NORTH SIDE OF BAY DRIVE WHICH IS 25 FEET WIDE AT THE DISTANCE OF 607 FEET SOUTHWEST OF THE CENTERLINE OF CHESAPEAKE ROAD WHICH IS 30 FEET WIDE, BEING LOT #19, PLAT 3 IN THE SUBDIVISION OF BOWLEYS QUARTERS AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #9, FOLIO 56, CONTAINING 10,250 SQUARE FEET, LOCATED IN THE 15TH ELECTION DISTRICT AND 5TH COUNCIL DISTRICT.

2024-0095-A

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$75.00
Total:									\$75.00

Rec From: Craig Consulting

For: Administrative Zoning Variance
3529 Bay Drive
Zoning Case 2024-0095-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: 2024-6095-A
Property Address: 3529 BAY DRIVE
Legal Owners (Petitioners): JOSEPH & LISA STELLA
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): JOSEPH STELLA
Address: 3529 BAY DRIVE
MIDDLE RIVER, MO 21220
Telephone Number: (443) 695-0130

*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.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024-0095-A Address: 3529 Bay Drive

Contact Person: Mitch Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/5/2024 Posting Date: 4/14/2024 Closing Date: 4/29/2024

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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.

Petitioner: This Part of the Form is for the Sign Poster Only. (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2024-0095-A Address: 3529 Bay Drive

Petitioner's Name: Joseph & Lisa Stella Telephone (Cell): 443-695-0130

Posting Date: 4/14/2024 Closing Date: 4/29/2024

Wording for Sign: To Permit, a 2.5-foot side yard setback in
lieu of 50 feet, a 32-foot street centerline
setback (for any other street) in lieu of 75 feet, and
a 19% building coverage in lieu of 15% for a
building addition.

Revised 1/2022

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:District - 15 Account Number - 1507830360

Owner Information

Owner Name:STELLA JOSEPH
STELLA LISA D

Use:RESIDENTIAL
Principal Residence: YES

Mailing Address:3529 BAY DR
MIDDLE RIVER MD 21220-4402

Deed Reference:/48432/ 00085

Location & Structure Information

Premises Address:3529 BAY DR
MIDDLE RIVER 21220-4402
Waterfront

Legal Description:3529 BAY DR
BOWLEYS QUARTERS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 3
0098 0011 0016 15030020.04 0000 19 2024 Plat Ref: 0009/ 0056

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1999 2,304 SF 12,208 SF 34

StoriesBasementTypeExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
2 NO STANDARD UNITSIDING/4 2 full 1 Detached

Value Information

Base ValueValuePhase-in Assessments

As ofAs ofAs of

01/01/202407/01/202307/01/2024

Land:262,000395,200

Improvements303,900302,300

Total:565,900697,500565,900609,767

Preferential Land:00

Transfer Information

Seller: ROSE CHARLES PHILIPDate: 09/29/2023Price: \$840,000

Type: ARMS LENGTH IMPROVEDDeed1: /48432/ 00085Deed2:

Seller: CONRAD LORNA BDate: 06/20/1997Price: \$131,000

Type: ARMS LENGTH IMPROVEDDeed1: /12234/ 00446Deed2:

Seller: GUNSALLUS LORNA BDate: 01/19/1981Price: \$0

Type: NON-ARMS LENGTH OTHERDeed1: /00000/ 00000Deed2:

Exemption Information

Partial Exempt Assessments: Class07/01/202307/01/2024

County:0000.00

State:0000.00

Municipal:0000.00|0.000.00|0.00

Special Tax Recapture: None

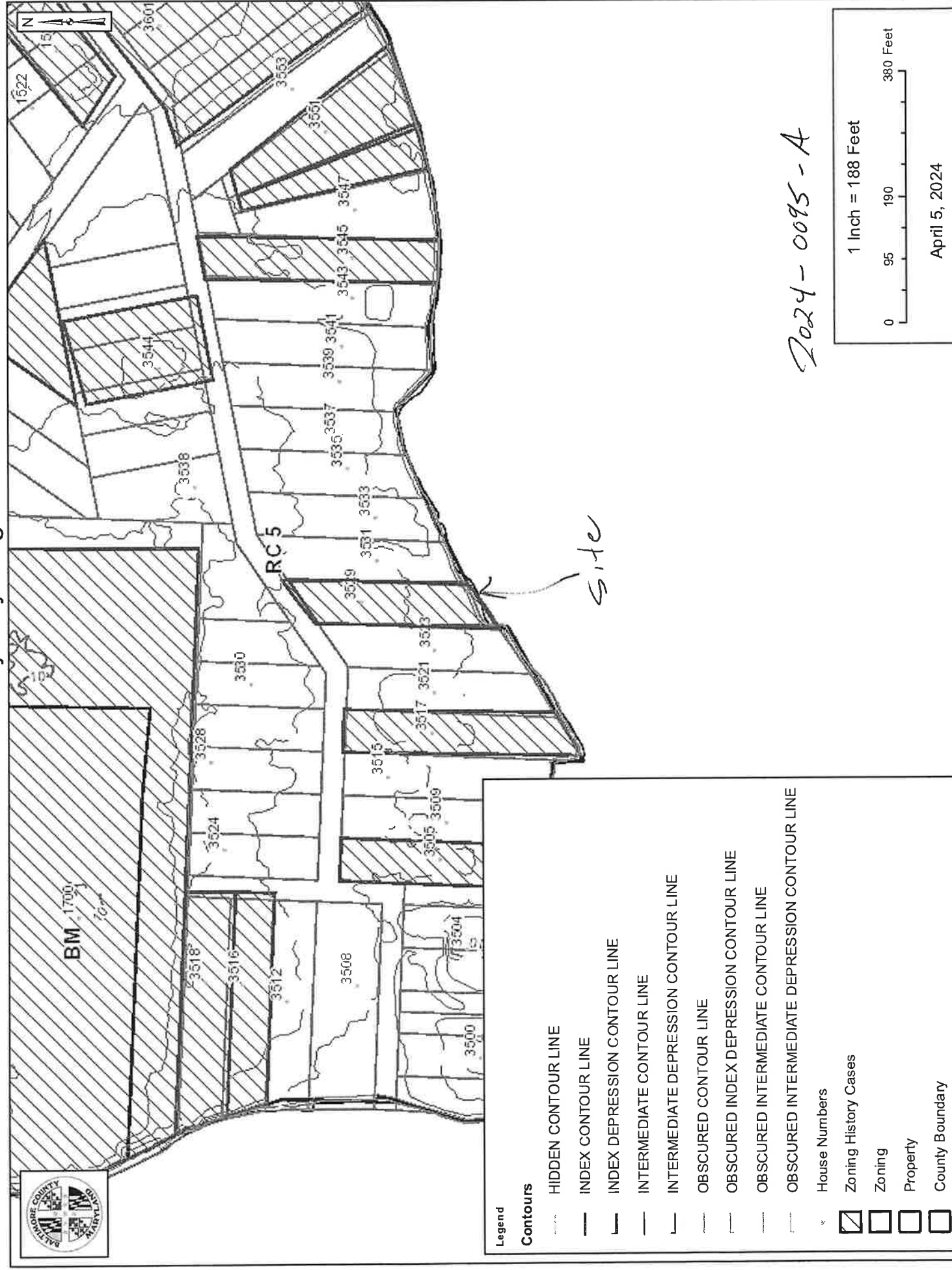
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:

2024-0095-A



2024-0095-A

2024-0095-A



3529 BAY DRIVE

①

2024-0095-A



②

2024-6095-A



③

2024-0095-A



④

2024-0095-A



⑤

2024-0095-A



⑥

2024-0095-A



⑦

2024-0095-A



⑧

2024-095-A



6

A-5600-4202

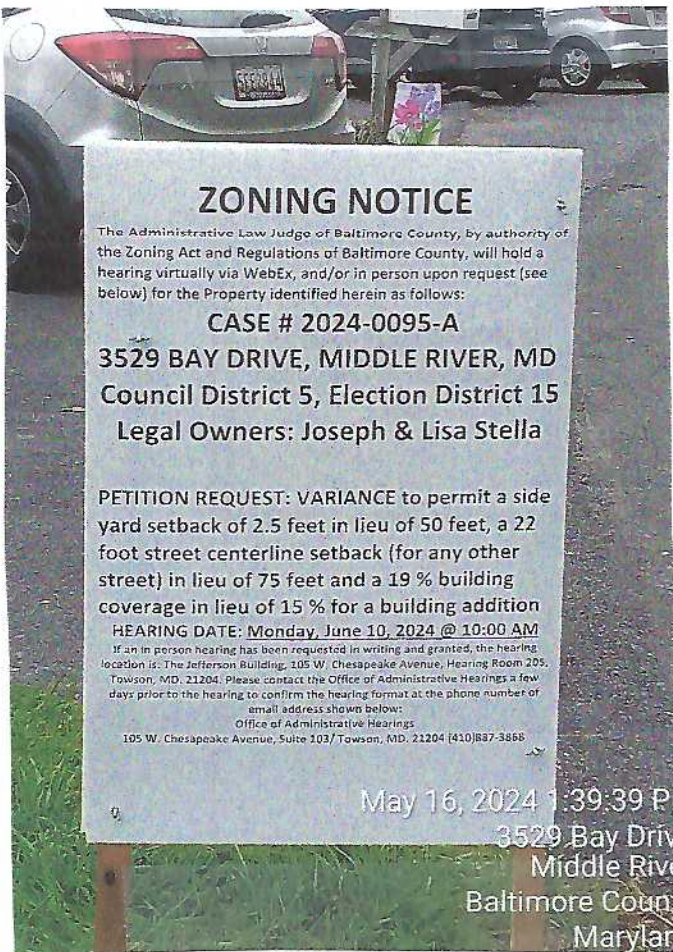
CERTIFICATE OF POSTING

Date: MAY 17, 2024

RE: Project Name: 3529 BAY DRIVE #1
Case Number /PAI Number: 2024-0095-A
Petitioner/Developer: STELLA
Date of Hearing/Closing: JUNE 10, 2024

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 3529 BAY DRIVE

The sign(s) were posted on MAY 16, 2024
(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)

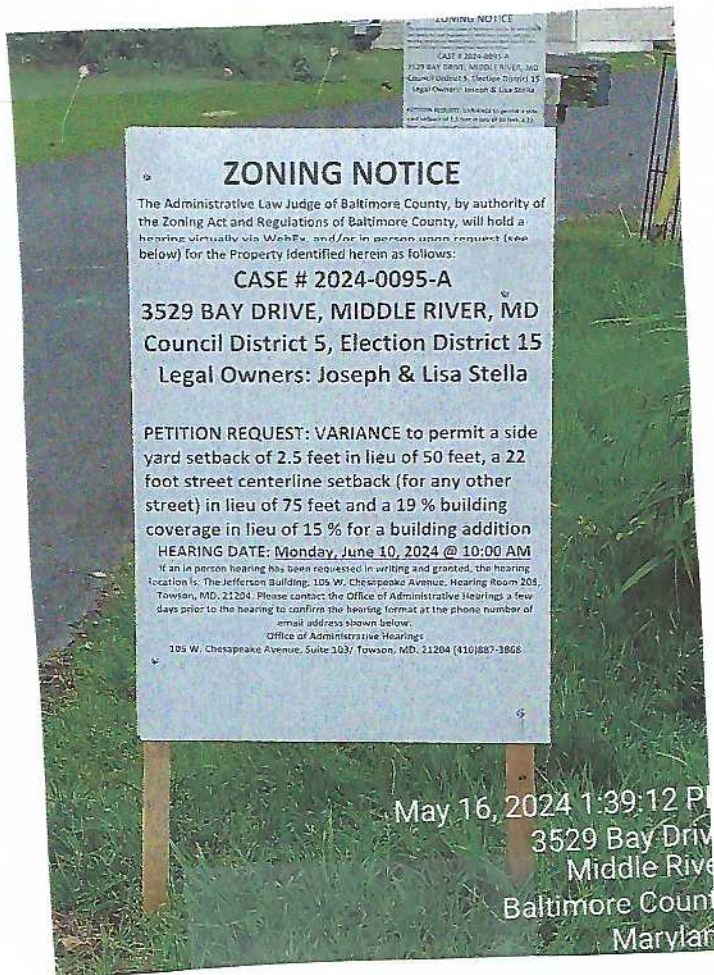
CERTIFICATE OF POSTING

Date: MAY 17, 2024

RE: Project Name: 3529 BAY DRIVE #2
Case Number /PAI Number: 2024-0095-A
Petitioner/Developer: STELLA
Date of Hearing/Closing: JUNE 10, 2024

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 3529 BAY DRIVE

The sign(s) were posted on MAY 16, 2024
(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)

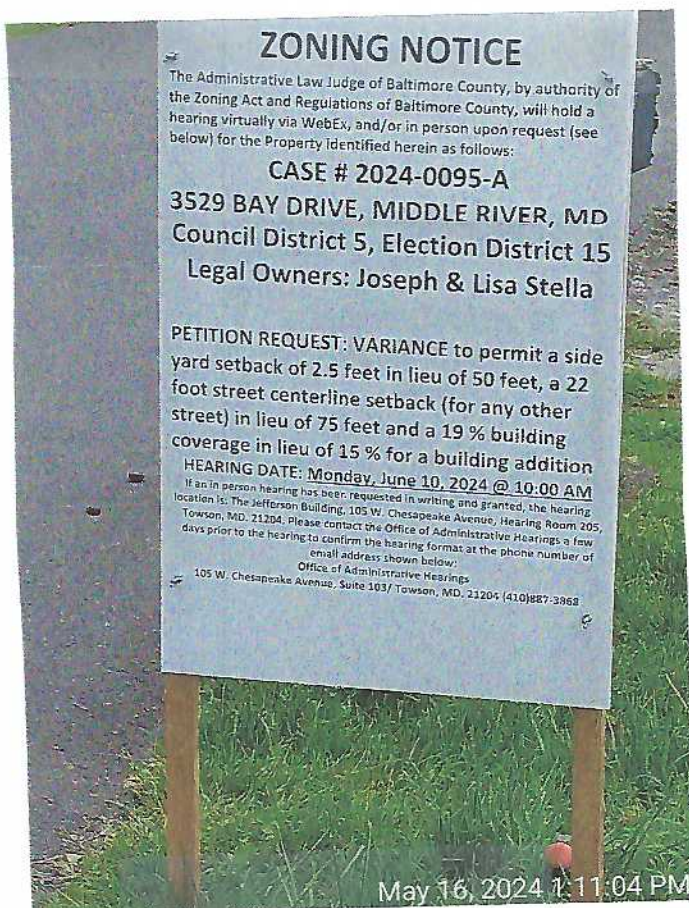
CERTIFICATE OF POSTING

Date: MAY 17, 2024

RE: Project Name: 3529 BAY DRIVE #3
Case Number /PAI Number: 2024-0095-A
Petitioner/Developer: STELLA
Date of Hearing/Closing: JUNE 10, 2024

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 3529 BAY DRIVE

The sign(s) were posted on MAY 16, 2024
(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)

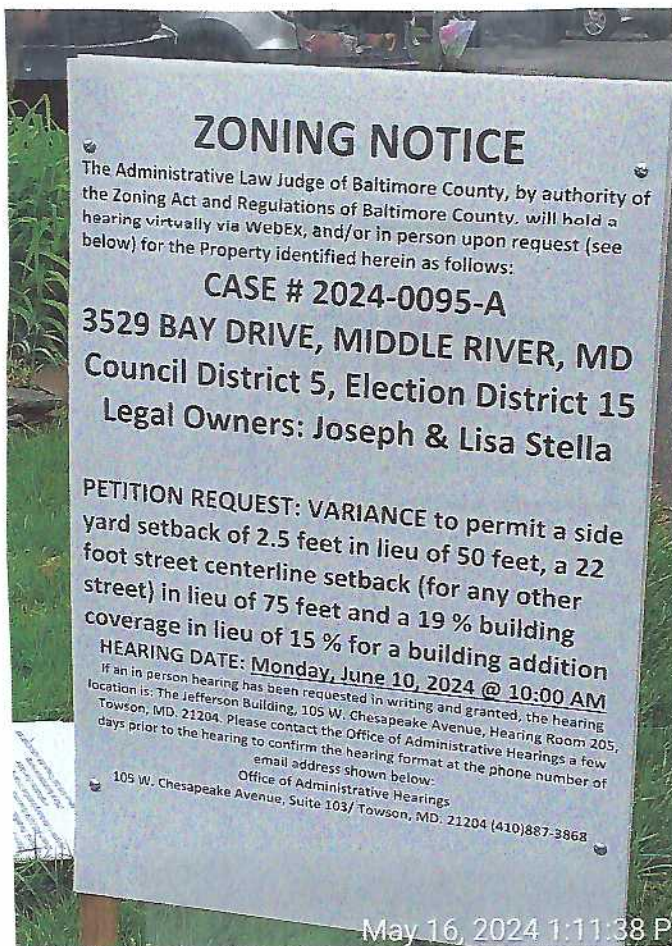
CERTIFICATE OF POSTING

Date: MAY 17, 2024

RE: Project Name: 3529 BAY DRIVE #4
Case Number /PAI Number: 2024-0095-A
Petitioner/Developer: STELLA
Date of Hearing/Closing: JUNE 10, 2024

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 3529 BAY DRIVE

The sign(s) were posted on MAY 16, 2024
(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)

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: May 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0095-A
Address: 3529 BAY DR
Legal Owner: Joseph & Lisa Stella

Zoning Advisory Committee Meeting of April 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 addition with a front yard setback of 22 feet in lieu of the required 75 feet and a side yard setback of 2.5 feet in lieu of the required 50 feet. In addition, the applicant is seeking approval to permit a building coverage of 19% in lieu of the permitted 15%. The proposed development must meet LDA requirements and the 15% afforestation requirement. The property is 12,208 square feet. Based on this square-footage, the maximum lot coverage for this property is 3,815 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. The proposed building addition will be located outside the buffer. Meeting the 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 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: April 22, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0095-A

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

DPR: No comment.

DPW-T: A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F 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.