

IN RE: PETITION FOR VARIANCE

(5829 Loreley Beach Road)

11th Election District

5th Councilman District

Richard J & Minnie L. Murray

Legal Owners

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2014-0008-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Richard J. and Minnie L. Murray, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling situated 50 ft. in lieu of the required 75 ft. from the centerline of the street and with side yard setbacks of 8 ft. and 12 ft. in lieu of the required 35 ft. from any lot line other than a street line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Minnie Murray. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance.

Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability (DEPS) and the Department of Planning (DOP). DEPS indicated the Petitioners must comply with the Critical Area Regulations, and DOP suggested that the proposed dwelling be situated perhaps 65 ft. from the road centerline.

Testimony and evidence revealed that the subject property is approximately 14,190 square

ORDER RECEIVED FOR FILING

Date 9-9-13

By Aln

feet and is zoned RC2. The property is improved with a small single family dwelling, constructed in 1873 according to state tax records. The Petitioners (who at present live in a larger home at 5835 Loreley Beach Road) want to "downsize" and propose to raze the existing dwelling on the subject property and construct in its place a modern single family dwelling, as shown in the elevation drawings. Exhibit 3. To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the petition for variance.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The waterfront lot is narrow and deep, and therefore unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would be unable to construct the proposed dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition. In responding to the DOP's comments the Petitioners noted they positioned the proposed house on the lot as shown (50' from centerline of road) so as not to block their neighbors' view of the Bird River. In addition, the Petitioners stated that the driveway would be shorter in the configuration proposed, so that less impervious surface would be created in the critical area. These are valid considerations that in my opinion justify the variance relief.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

ORDER RECEIVED FOR FILING

Date

9-9-13

By

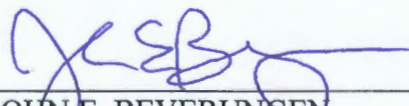
Den

THEREFORE, IT IS ORDERED, this 9th day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Baltimore County Zoning Regulations ("B.C.Z.R") to permit a proposed dwelling situated 50 ft. in lieu of the required 75 ft. from the centerline of the street and with side yard setbacks of 8 ft. and 12 ft. in lieu of the required 35 ft. from any lot line other than a street line, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must submit for approval by DOP building elevations of the proposed single family dwelling, prior to the issuance of building permits.

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 9-9-13

By den



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 9, 2013

Richard and Minnie Murray
5835 Loreley Beach Road
White Marsh, Maryland 21162

RE: Petition for Variance
Property: 5829 Loreley Beach Road
Case No.: 2014-0008-A

Dear Mr. and Mrs. Murray:

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

In the event any party finds the decision rendered is unfavorable, any party 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 read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



CBCA

PETITION FOR ZONING HEARING(S)

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 5829 LORELEY BEACH ROAD which is presently zoned RC-2

Deed References: 3997/391 10 Digit Tax Account # 1119040610

Property Owner(s) Printed Name(s) RICHARD J. MURRAY, MINNIE L. MURRAY

(SELECT THE HEARING(S) BY MARKING X 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. X a Variance from Section(s) 1A01.3.B.3 of B.C.Z.R. to permit a proposed dwelling situated 50 feet in lieu of the required 75 feet from the center line of the street, and, with a side yard setback of 8 and 12 feet, in lieu of the required 35 feet from any lot line other than a street line.

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)

See Attachment

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

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

RICHARD J. MURRAY, MINNIE L. MURRAY

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5835 LORELEY BEACH RD WHITEMARSH, MD

Mailing Address City State

21162 / 410 335 5699 / MLMurray2@comcast

Zip Code Telephone # Email Address

Representative to be contacted:

MINNIE L. MURRAY

Name - Type or Print

Signature

5835 Loreley Beach Rd White MARSH, MD.

Mailing Address City State

21162 / 410-335-5699 / MLMurray2@comcast

Zip Code Telephone # Email Address

CASE NUMBER

2014-0008-A

Filing Date

7,9,13

Do Not Schedule Dates:

Reviewer

AT

We are seeking relief from B.C.Z.R 1A01.3 Zoning of RC2 that was applied to our Property at 5829 Loreley Beach Road. The property is a part of a subdivision Lorely Beach that was formed and recorded on September 20, 1929 . Current zoning requires a lot size of 1 acre and side yard set backs of 35 feet on each side and street set back of 75 feet to the center line of the road. Our lot size is .33 acres it is 60 feet wide by 233 feet on the east side and 240 feet on the west side. We are seeking undersize lot approval . We are asking for a side yard set back of 8 feet on the east side, a side yard set back of 12 feet on the west side and a street side set back of 50 feet. A reduced street side set back would reduce the amount of impervious surface to be covered when doing a driveway. We wish to replace the current structure with a new energy efficient handicap accessible single family home which we will occupy. This would be in keeping with the existing neighborhood and surrounding properties. WE would at this time like to designate the street side as our rear property line and the waterside as our front side.

**Zoning Property Description for 5829 Loreley Beach Road , White Marsh
Maryland 21162**

Beginning for the same at a point on the South side of Lorely Beach Road and the division line between Lots Nos. 6 and 7 as shown on the Plat of Lorely Beach and running thence Easterly on the South side of Lorely Beach Road, Sixty feet, eleven and one half inches to the division line between lots 7 and 8 ,thence Southerly and binding on said last mentioned division line Two Hundred and thirty-three feet, more or less to Bird River, thence Westerly on Bird River, Sixty feet more or less to the division line between Lots Nos. 6 and 7, and thence Northerly on said division line between Lots Nos. 6 and 7 Two Hundred and Forty feet, more or less, to the place of beginning.

Being and comprising Lot Nos.7 as shown on the Plat of Lorely Beach, which plat is recorded among the Plat Records of Baltimore County in Plat Book No. 10, folio 8.

2014-0008-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 2014 - 0008 - A

Petitioner: MINNIE L. MURRAY

Address or Location: 5829 LORELEY BEACH RD, MD 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: MINNIE L. MURRAY

Address: 5835 LORELEY BEACH ROAD
WHITE MARSH, MD 21162

Telephone Number: 410-335-5699

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

No. **101411**
Date: **7/9/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DEN
7/10/2013 7/09/2013 09:52:10 5

W505 WALKIN HHS LRB
RECEIPT # 672406 7/09/2013 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 101411

Recpt Tot 175.00
175.00 CR 4.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75-

Total: **\$75-**

Rec From: **MINNIE L MURRAY**
For: **5829 LORELEY BEACH RD**
2014-0008-A

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

2014-0008-A

RE: Case No.: _____

Petitioner/Developer: _____

Richard & Minnie Murray

September 6, 2013

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

5829 Loreley Beach Rd

August 15, 2013

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



Sincerely,



(Signature of Sign Poster) August 15, 2013
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 15, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on August 15, 2013

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0008-A

5829 Loreley Beach Road

S/S Loreley Beach Road, 850 ft. E/of centerline of Opie Road

11th Election District - 5th Councilmanic District

Legal Owner(s): Richard & Minnie Murray

Variance: to permit a proposed dwelling situated 50 feet in lieu of the required 75 feet from the centerline of the street, and with a side yard setback of 8 and 12 feet, in lieu of the required 35 feet from any lot line other than a street line.

Hearing: Friday, September 6, 2013 at 10:10 a.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) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
8/320 Aug. 15

940410



KEVIN KAMENETZ
County Executive

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

July 31, 2013

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0008-A

5829 Loreley Beach Road

11th Election District – 5th Councilmanic District

S/S Loreley Beach Road, 850 ft. E/of centerline of Opie Road

Legal Owners: Richard & Minnie Murray

Variance to permit a proposed dwelling situated 50 feet in lieu of the required 75 feet from the centerline of the street, and with a side yard setback of 8 and 12 feet, in lieu of the required 35 feet from any lot line other than a street line.

Hearing: Friday, September 6, 2013 at 10:00 a.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: Richard & Minnie Murray, 5835 Loreley Beach Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 16, 2013.**
- (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: PATUXENT PUBLISHING COMPANY
Thursday, August 15, 2013 Issue - Jeffersonian

Please forward billing to:

Minnie Murray
5835 Loreley Beach Road
White Marsh, MD 21162

410-335-5699

NOTICE OF ZONING HEARING

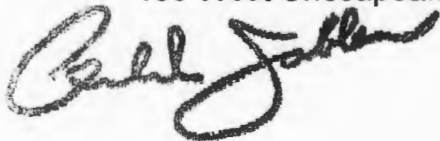
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0008-A

5829 Loreley Beach Road
11th Election District – 5th Councilmanic District
S/S Loreley Beach Road, 850 ft. E/of centerline of Opie Road
Legal Owners: Richard & Minnie Murray

Variance to permit a proposed dwelling situated 50 feet in lieu of the required 75 feet from the centerline of the street, and with a side yard setback of 8 and 12 feet, in lieu of the required 35 feet from any lot line other than a street line.

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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.

M E M O R A N D U M

DATE: October 10, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0008-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 9, 2013. 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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
5829 Loreley Beach Road; S/S Loreley Beach *
Road, 850' E of c/line Opie Road * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Richard & Minnie Murray * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2014-008-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.

RECEIVED
JUL 18 2013

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2013, a copy of the foregoing Entry of Appearance was mailed to Minnie Murray, 5835 Loreley Beach Road, White Marsh, MD 21162, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>7/18/13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>8/6/13</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
	FIRE DEPARTMENT	
<u>7/19/13</u>	PLANNING (if not received, date e-mail sent _____)	<u>C</u>
	STATE HIGHWAY ADMINISTRATION	<u>N/A</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 8/15/13

SIGN POSTING Date: 8/15/13 by Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

August 29, 2013

Richard J & Minnie L Murray
5835 Loreley Beach Road
White Marsh MD 21162

RE: Case Number: 2014-0008 A, Address: 5829 Loreley Beach Road

Dear Mr. & Ms. Murray:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 9, 2013. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 18, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For July 22, 2013
Item Nos. 2013- 0306, 0320, 2014-0001,0002,
0003,0005,0006,0007,0008 and 0009.

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN
Cc: file

7/25/13
WCH
S

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 19, 2013

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5829 Loreley Beach Road

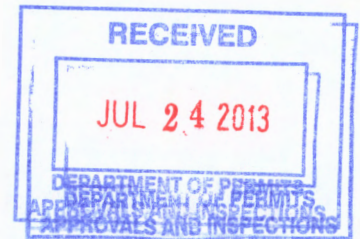
INFORMATION:

Item Number: 14-008

Petitioner: Richard J. Murray

Zoning: RC 2

Requested Action: Variance



SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The petitioner requests the permission to situate a proposed dwelling fifty feet in lieu of the required seventy five feet from the center line of the street with a side yard setback of 8 and 12 feet, in lieu of the required 35 feet from any lot line other than a street line.

The petitioner's proposed setbacks are not in keeping with adjacent properties in the neighborhood. 2011 Geographic Information Systems ariel photos shows the adjacent dwellings at 5827 and 5835 Loreley Beach Road are set back approximately 80 feet and 68 feet respectively from the center line. Most of the other dwellings along Loreley Beach are located more than 75 feet from the road center line.

The Department of Planning opines that the 75 foot setback is not unreasonable or inappropriate for the subject property. However, a slightly lesser setback would not negatively impact surrounding properties. As such, this department recommends that the Administrative Law Judge consider permitting a variance that proposes the dwelling to be situated no closer than 65 feet from the center line of Loreley Beach Road. The Department of Environmental Protection and Sustainability should review and approve any reduced setbacks for impact to the critical area.

Should the Administrative Law Judge grant the petitioner's request. The Department of Planning requests the review and approval of architectural elevations prior to the issuance of any building permits.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared By:

Division Chief:
AVA/LL:cjm

9-6 @ 10 AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

AUG 06 2013



OFFICE OF ADMINISTRATIVE HEARINGS

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

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 6, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0008-A
Address 5829 Loreley Beach Road
(Murray Property)

Zoning Advisory Committee Meeting of July 15, 2013.

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 Buffer Management Area (BMA) and is subject to Critical Area requirements. The applicant is proposing to allow a replacement single family dwelling with reduced side yard and street setbacks. The lot is waterfront and is developed with a single family dwelling. The proposed dwelling is outside of the 100-foot buffer. The plan indicates the lot size as 14,190 square feet but the tax records indicate the lot size is 13,090 square feet. Correct lot size must be verified and provided. Lot coverage on the entirety of this property is limited to 31.25%, with mitigation required for lot coverage above 25%. The proposed lot coverage is 2,925 square feet for a dwelling and driveway, below the 25% limit for both acreages. 15% afforestation is required in the LDA; existing trees may be counted towards this requirement. If the applicant can meet the 15% afforestation requirements, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. If the afforestation requirement is met, that will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

Afforestation information was not included. Provided that the applicants meet the requirements stated above, the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: August 5, 2013

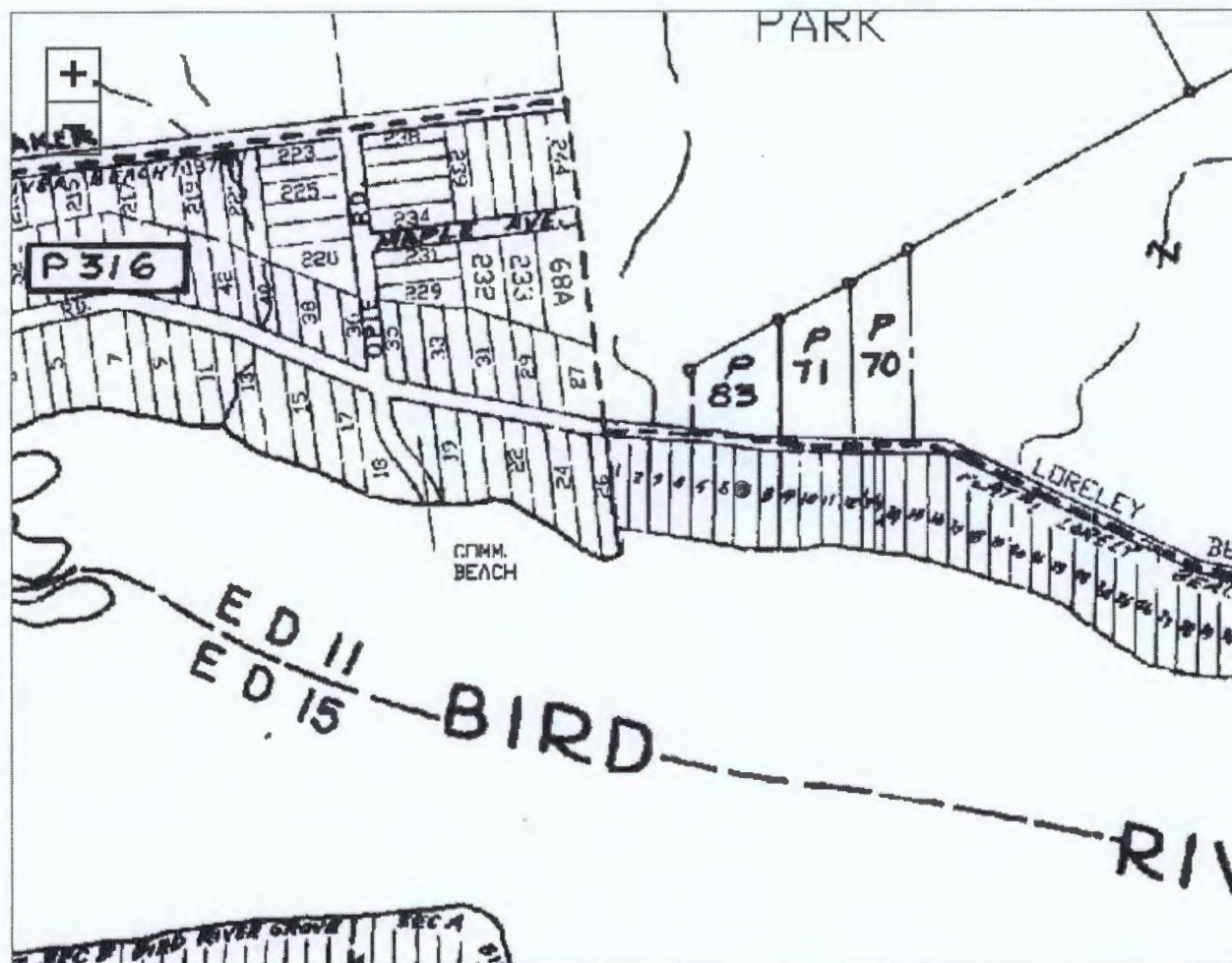
Real Property Data Search (w3)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 11 Account Number - 1119040610		
Owner Information		
Owner Name:	MURRAY RICHARD J MURRAY MINNIE L	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	5835 LORELEY BEACH RD WHITE MARSH MD 21162-	Deed Reference: 1) /14212/ 00219 2)
Location & Structure Information		
Premises Address:	5829 LORELEY BEACH RD WHITE MARSH 21162-1609 Waterfront	Legal Description: 800 E ORLEY AVENUE LORELEY BEACH
Map: 0073	Grid: 0021	Parcel: 0000
Sub District:	Subdivision: 0000	Section:
Block: 7	Lot: 2012	Assessment Year:
Plat No: 1	Plat Ref: 0010/ 0008	
Special Tax Areas:		
Town: NONE		
Ad Valorem:		
Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1873	612 SF	13,090 SF
County Use		34
Stories	Basement	Type
2.000000	NO	STANDARD UNIT
Exterior	Full/Half Bath	Garage
FRAME	1 full	
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	102,200	102,200
Improvements	13,400	13,000
Total:	115,600	115,200
Phase-in Assessments		As of
		07/01/2013
As of		07/01/2014
Land:		
Improvements		
Total:		
Preferential Land:	0	0
Transfer Information		
Seller: BARRETT LORRAINE SIEBERT	Date: 12/17/1999	Price: \$50,000
Type: NON-ARMS LENGTH OTHER	Deed1: /14212/ 00219	Deed2:
Seller: SIEBERT LORRAINE A	Date: 10/19/1972	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /03997/ 00391	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
07/01/2014		0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search](#)District: **11** Account Number: **1119040610**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



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Case No.: 2014-0008-A

Exhibit Sheet

Petitioner/Developer

10-10-13

Protestant

9-9-13
Aln

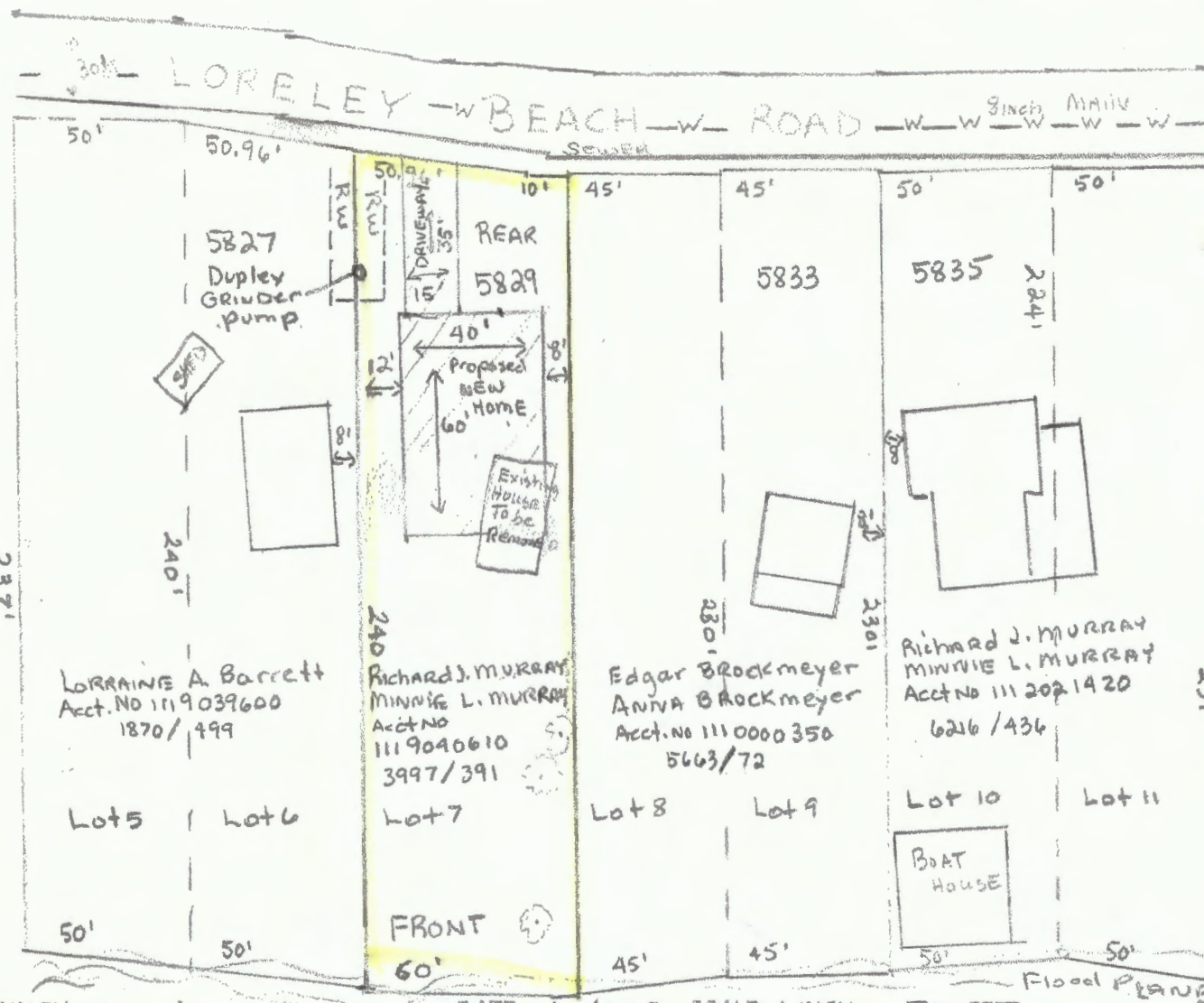
No. 1	Site plan	
No. 2	Floor plan	
No. 3	Building Elevation	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

ADDRESS 5829 LORELEY BEACH ROAD OWNER(S) NAME(S) RICHARD J. MURRAY & MINNIE L. MURRAY

SUBDIVISION NAME LORELEY BEACH LOT # 7 BLOCK # SECTION #

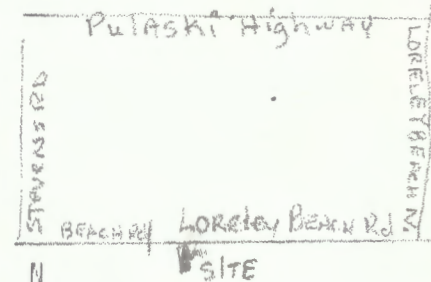
PLAT BOOK # 10 FOLIO # 8 10 DIGIT TAX # 1119040610 DEED REF. # 3997 / 391



PLAN DRAWN BY MINNIE MURRAY DATE 6/13/2013 SCALE: 1 INCH = 50 FEET

Bird River

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 073A3

SITE ZONED RC2

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE .33

OR SQUARE FEET 14190

HISTORIC? NO

IN CBCA? YES

IN FLOOD PLAIN? N

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

N/A

2014-0008-A

EXHIBIT NO. 7

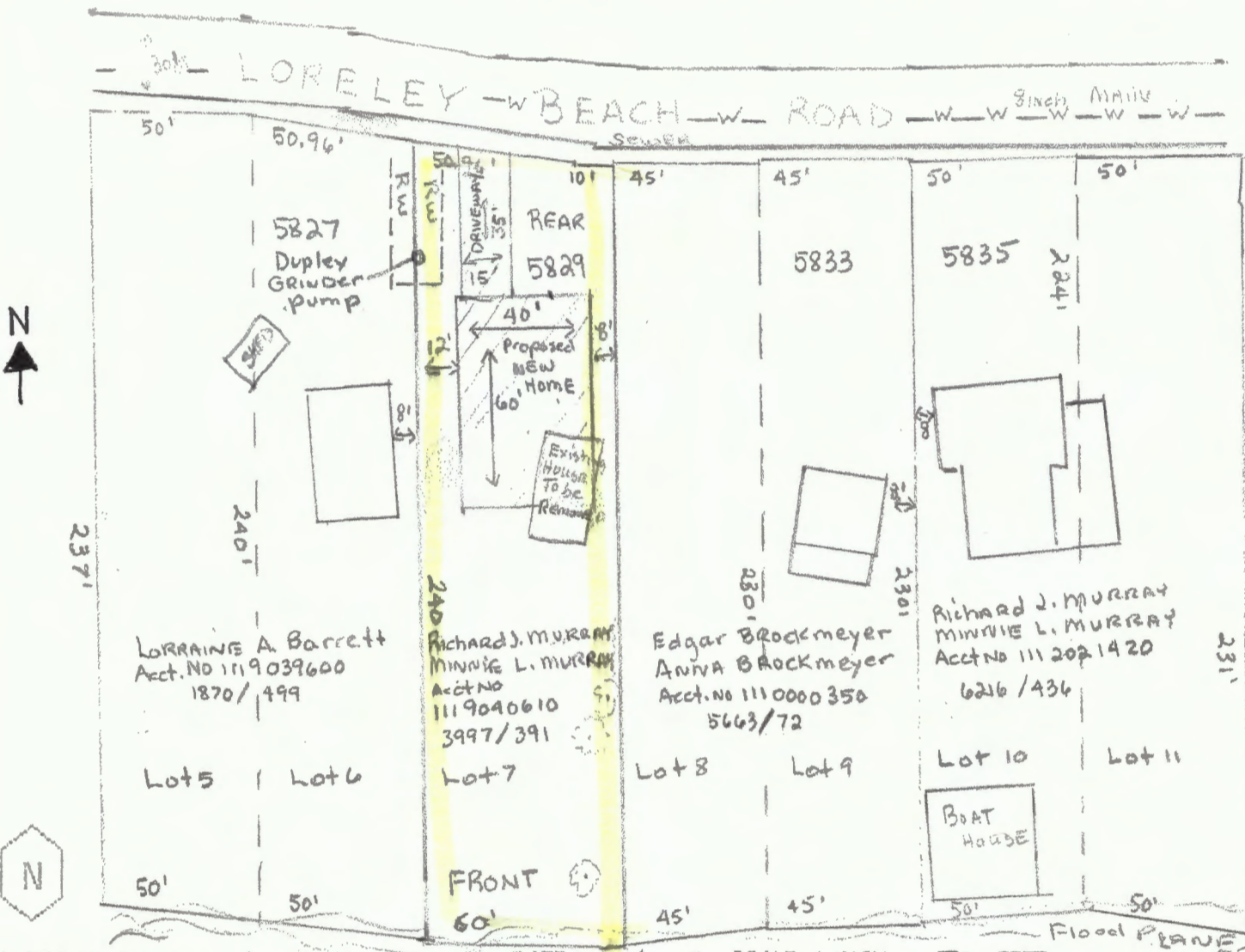
PETITIONER'S

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

ADDRESS 5829 LORELEY BEACH ROAD OWNER(S) NAME(S) RICHARD J. MURRAY + MINNIE L. MURRAY

SUBDIVISION NAME LORELEY BEACH LOT # 7 BLOCK # SECTION #

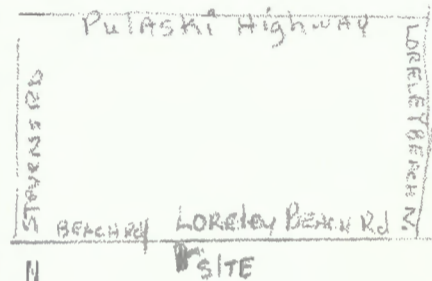
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AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

N/A

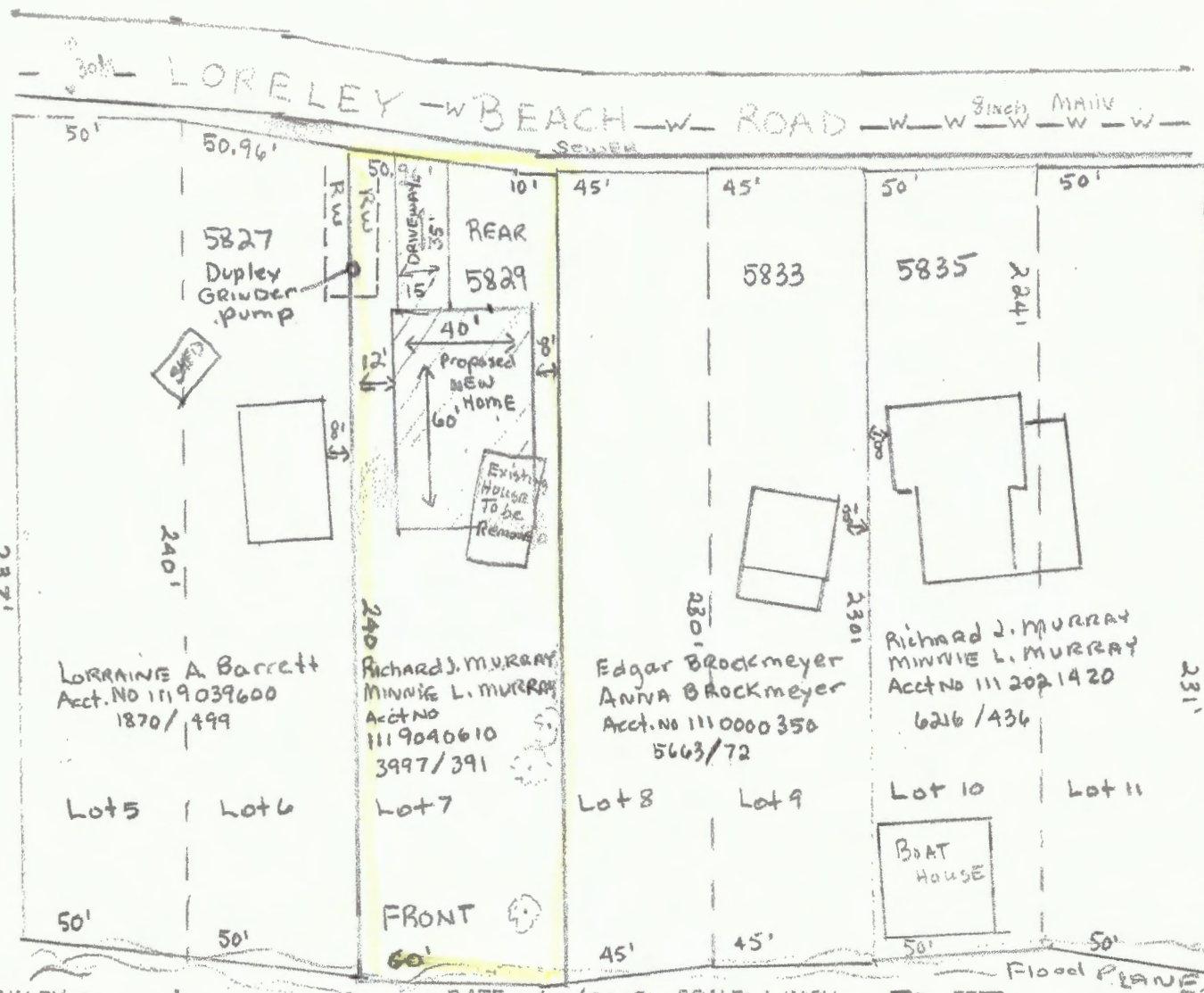
2014-0008-A

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SUBDIVISION NAME LORELEY BEACH LOT # 7 BLOCK # SECTION #

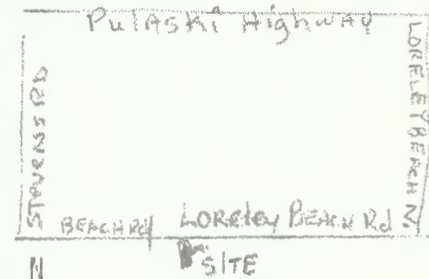
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PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

N/A

2014-0008-A



↑ Subject Property 5829 Loreley Beach Rd
House to be replaced -



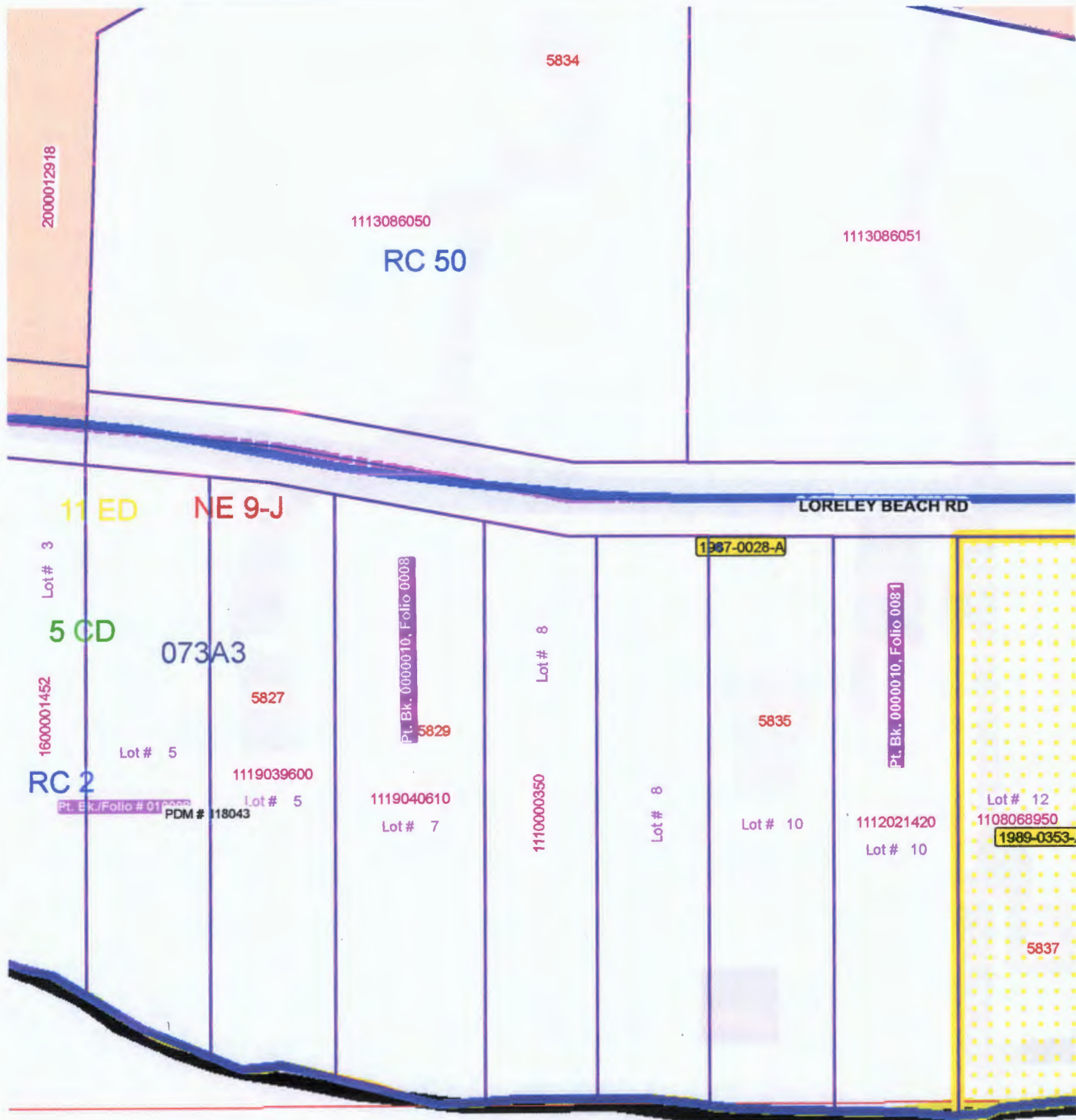
11315 Beach Rd ↑ 25ft set back at Road
~~100~~ feet west of subject Property



View from 5835 Loreley Beach. Showing spacing of typical property's in the RC-2 ZONE



6027 Loreley BEACH Rd 1
8ft Side Yard set back



NE 8-J

2014-0008-A

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

2000012918

1 ED NE 9-J

Pl. Bk. 0000007, Folio 0187

RC50

5 CD

073A3

1113086050

5834

1113086051

1103020150

5836

BEACH RD

LORELEY BEACH RD

Lot # 24

24000003469

PDM # 110933

2009-0718-A

Pl. Bk. 0000008

1800001451

111329

Lot # 1

Lot # 3

1600001452

Lot # 3

Lot # 5

1119039600

Lot # 5

1119040610

5824

1110000350

Lot # 8

Lot # 8

Lot # 10

5835

Pl. Bk. 0000010, Folio 0081

1112021420

Lot # 10

Lot # 12

1108058950

Lot # 12

1989-0353-A

PDM # 118043

Lot # 13H

Lot # 13H

Lot # 13H

2200002062

5839

Pl. Bk. 0000010, Folio 0008

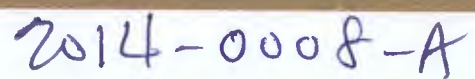
1103049125

5841

Lot # 16

NE 8-J

2014-0008-A





BERACAH HOMES

9590 Nanticoke Business Park Drive
Greenwood, Delaware 19950
www.beracahomes.com

CUSTOMER

DATE: ??-??-???

SCALE: AS NOTED

BUILDER

DRAWN

REVISION: Administrator
Newark_v5

HOUSE
STYLE:

Ranch: 59' x 40' (Newark)

State, County, City

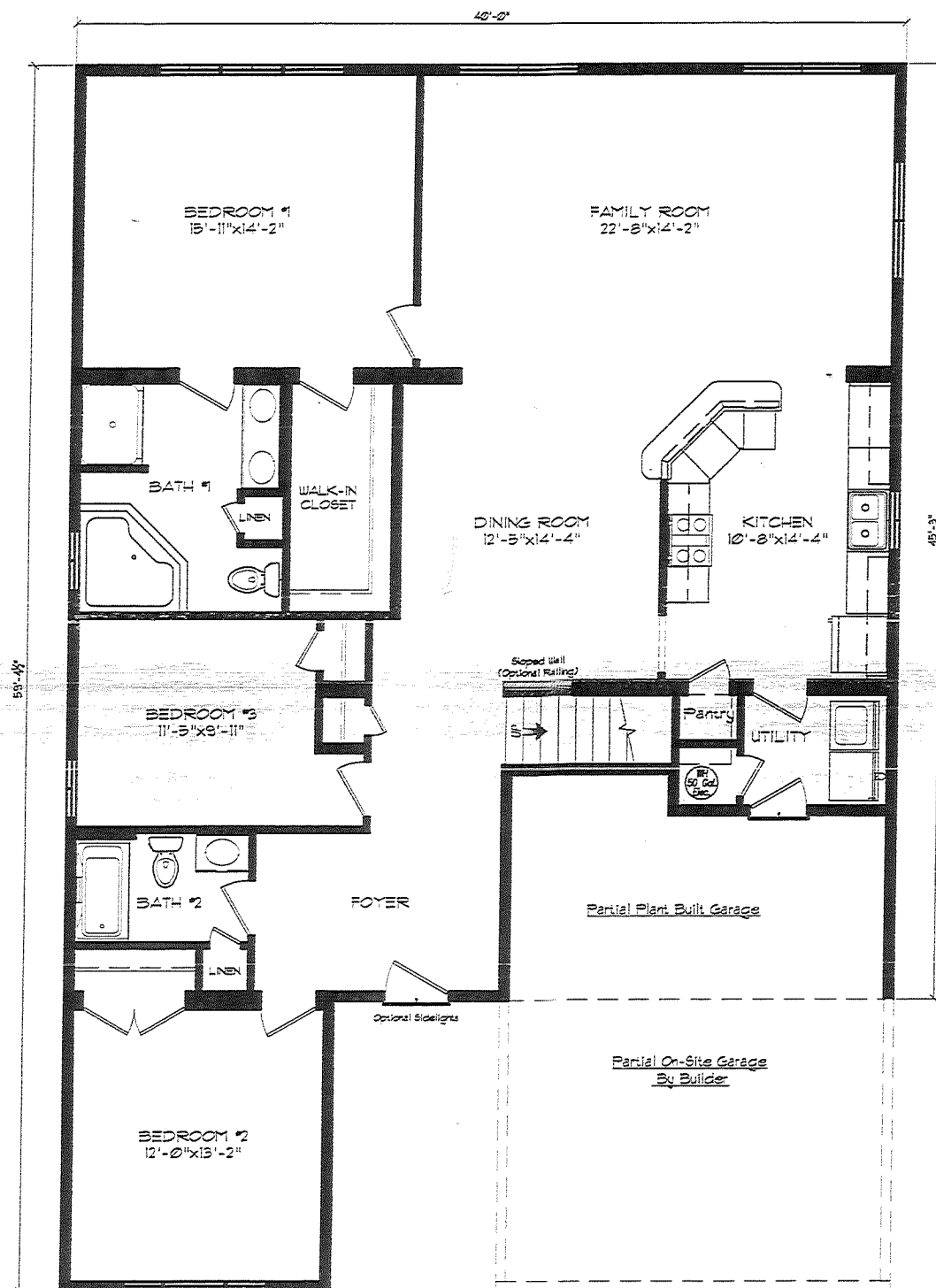
SHEET:

L1

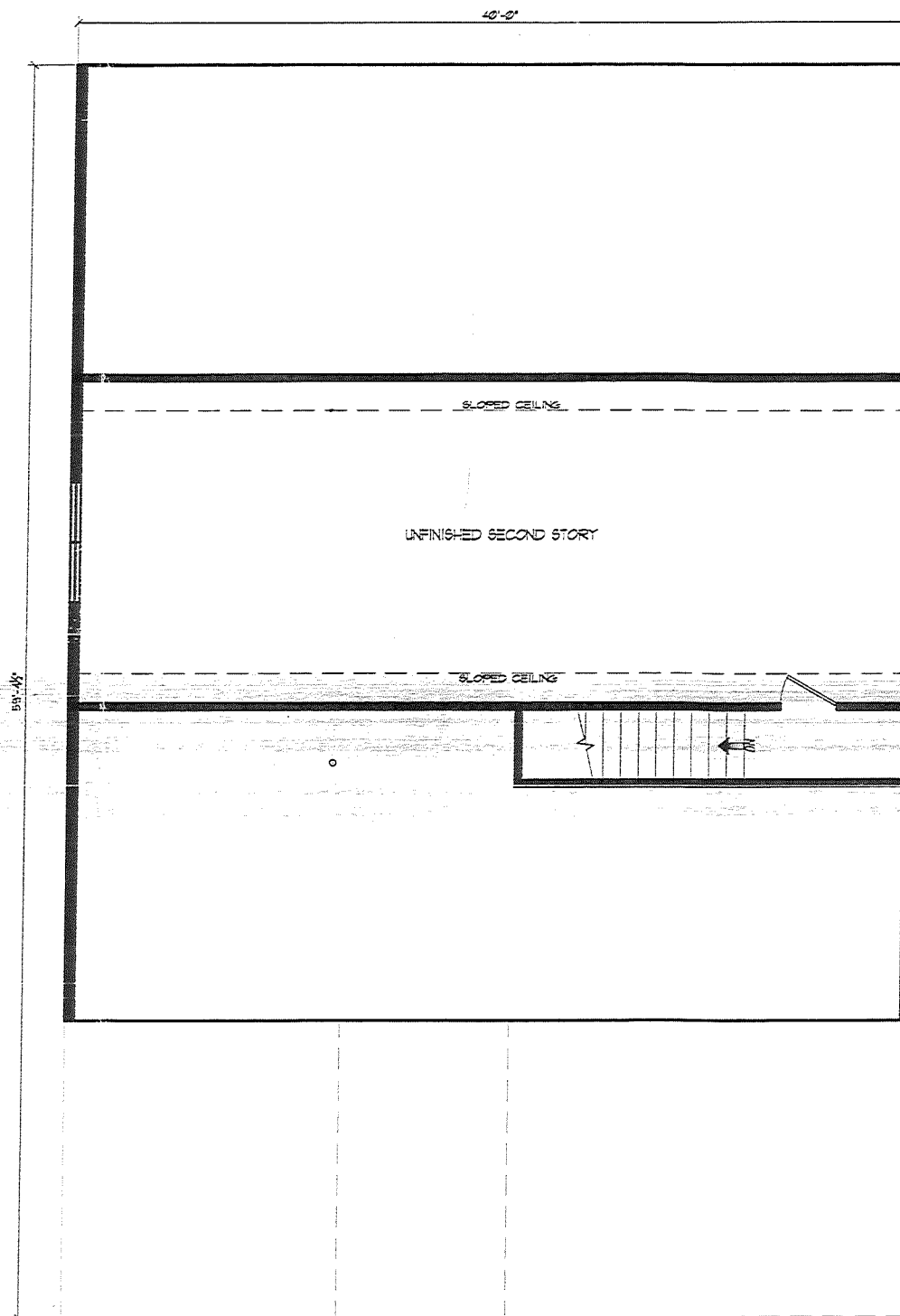
PROJECT:

00-0000

10/19/2010 11:53 AM



NEWARK
59' x 40'
1803 SQ. FT.



PETITIONER'S

EXHIBIT NO. 2

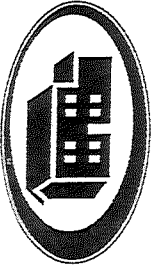


FRONT ELEVATION

- Shown w/ the following options not included in base price
- * 2 Sidelights at Front Door
 - * Crossheads on Front Windows
 - * Front Portion of Garage by Others
 - * Cornice Returns
 - * Porch Roof
 - * Decorative Vent

PETITIONER'S

EXHIBIT NO. 3



BERACAH HOMES

9590 Nanticoke Business Park Drive
Greenwood, Delaware 19950
www.beracahhomes.com

CUSTOMER

DATE: ??-??-???

SCALE: AS NOTED

NAME: BUILDER

DRAWN: DRAWN

REVISION: Administrator
Newark_v5

HOUSE
STYLE:

Ranch: 59' x 40' (Newark)

State, County, City

SHEET:

LIT-ELEV

PROJECT:

00-0000

10/19/2010 11:53 AM