

IN RE: PETITION FOR VARIANCE
(5943 Loreley Beach Road)
11th Election District
5th Councilman District
Donald C. Wright
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2014-0160-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Donald C. Wright, the legal owner of the subject property. The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

1. To permit a front yard setback of 53' to the centerline of the road in lieu of the required 75' from § 1A01.3.B.3,
2. To permit side yard setbacks of 17' and 29' in lieu of the required 35' on each side from § 1A01.3.b.3, and
3. To permit a side yard open projection (patio) with a side setback of 10' in lieu of the required 26.25' for an open projection from § 301.1.A.

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the request was Tracey Wright and Bernadette Moskunus with Site Rite Surveying, Inc., the firm that prepared the site plan. The Petition was advertised and posted as required by the B.C.Z.R. There were no Protestants in attendance and the file does not contain any letters of opposition.

ORDER RECEIVED FOR FILING

Date 3-31-14

By [Signature]

Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Resource Management (DEPS) and the Department of Planning (DOP). DEPS noted Petitioner is obliged to comply with Critical Area regulations, and the DOP indicated it supports Petitioner's request.

Testimony and evidence revealed that the subject property is approximately 22,473 sq. ft. and is zoned R.C. 2. The property is comprised of two 50' wide lots (Lots 50 and 51) created by the Plat of Lorely Beach in 1929. Exhibit 3. The property is improved with a modest single-family dwelling that is in poor condition. The Petitioner proposes to raze the existing home, and construct in its place a new single-family dwelling, elevations for which are shown on the plan. Exhibit 1. The DOP indicated it had reviewed and approved of the elevations, and Petitioner needs zoning relief to start construction.

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

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).

Petitioner has met this test. The subject property is situated on the Bird River and has a slanted or diagonal waterfront boundary. As such, the property is unique.

If the B.C.Z.R. were strictly interpreted, the Petitioner would indeed suffer a practical difficulty, given he would be unable to replace the existing 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 and/or County agency opposition. In addition, the

ORDER RECEIVED FOR FILING

Date 3-31-14

By [Signature]

proposed dwelling will be set back further from Loreley Beach Road than the existing single-family dwelling, which will improve the appearance of the neighborhood.

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.

THEREFORE, IT IS ORDERED, this 31st day of March, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

1. To permit a front yard setback of 53' to the centerline of the road in lieu of the required 75' from § 1A01.3.B.3,
2. To permit side yard setbacks of 17' and 29' in lieu of the required 35' on each side, from § 1A01.3.b.3, and
3. To permit a side yard open projection (patio) with a side setback of 10' in lieu of the required 26.25' for an open projection from § 301.1.A,

be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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:dlw

ORDER RECEIVED FOR FILING

Date 3-31-14

By [Signature]

KEVIN KAMENETZ
County Executive



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

March 31, 2014

Donald C. Wright
5943 Loreley Beach Road
Baltimore, Maryland 21162

RE: Petition for Variance
Property: 5943 Loreley Beach Road
Case No.: 2014-0160-A

Dear Mr. Wright:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County 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:dlw
Enclosure

c: Bernadette Moskunus, Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101,
Towson, MD 21286
Tracey Wright, 620 Carvel Grove Road, Essex, MD 21221



CBCA

FLOOD

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 # 5943 Lorchin Beach Road which is presently zoned PC2
 Deed References: 9188/1740 10 Digit Tax Account # 2000011889
 Property Owner(s) Printed Name(s) DONALD WRIGHT

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

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

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a Variance from Section(s)

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, 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):

Donald Wright

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5943 Lorchin Beach Road Balto. MD

Mailing Address

City

State

21162, 410 598-9250, wrightdc@aol.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying, Inc.

Name - Type or Print

Signature

200 E. Joppa Road Rm 101 Towson MD

Mailing Address

City

State

21286, 410 828-9060, sitecite@aol.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2014-0160-A

Filing Date 1/24/14

Do Not Schedule Dates:

Reviewer JS

Requested Variances:

1. BCZR: 1A01.3.B.3 → To permit a front yard setback of 53' to the centerline of the road in lieu of the required 75'.
2. BCZR: 1A01.3.b.3 → To permit side yard setbacks of 17' and 29' in lieu of the required 35' on each side.
3. BCZR: 301.1.A → To permit a side yard open projection (patio) with a side setback of 10' in lieu of the required 26.25' for an open projection.

**ZONING PROPERTY DESCRIPTION FOR
#5943 LORELEY BEACH ROAD**

BEGINNING at a point on the south side of Loreley Beach Road which is 30 feet wide at the distance of 75 feet west of the centerline of North Loreley Beach Road which is 30 feet wide.

Being Lot Nos. 50-51, in the subdivision of "Loreley Beach" as recorded in Baltimore County Plat Book No. 10, folio No. 8, containing 22,733 S.F. Located in the 11th Election District and 5th Councilmanic District.



Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson MD 21286
(410) 828-9060

2014-0160-1

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 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: 2014-0160-A
Petitioner: Donald Wright
Address or Location: 5943 Loreley Beach Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Donald Wright
Address: 5943 Loreley Beach Road
White Marsh MD 21162

Telephone Number: (410) 598-9250

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

No. **108149**

Date: **1/24/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 1/27/2014 1/24/2014 11:08:21 5

Rev Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00

REG NO. 5505 WALKIN RDOS LAB
 RECEIPT # 721544 1/24/2014 OFLA
 5 528 ZONING VERIFICATION
 CR NO. 108149

Receipt Tot \$75.00
 \$75.00 CR \$0.00 CA
 Baltimore County, Maryland

Total: **\$ 75.00**

Rec From: **WRIGHT**

For: **2014-0160-1**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: CASE NO: 2014-0160-A

PETITIONER/DEVELOPER _____

SITE RITE SURVEYING INC

DATE OF HEARING/CLOSING: _____

3/31/14

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

5943 LORELEY BEACH ROAD

THIS SIGN(S) WERE POSTED ON March 9, 2014
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 3/9/14
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2014-0160-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

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

DATE AND TIME: MONDAY, MARCH 31, 2014
AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A FRONT YARD
SETBACK OF 63 FT. TO THE CENTERLINE OF THE ROAD IN LIEU OF
THE REQUIRED 75 FT.; TO PERMIT A SIDE YARD SETBACKS OF 17' AND
29' IN LIEU OF THE REQUIRED 35' ON EACH SIDE; TO PERMIT A SIDE
YARD OPEN PROJECTION (PATIO) WITH SIDE SETBACK OF 10' IN
LIEU OF THE REQUIRED 26.25' FOR AN OPEN PROJECTION.

ADJUSTMENTS DUE TO WEATHER AND OTHER CONDITIONS ARE WELCOME. NO REFUND
TO EXPIRED OR ABANDONED PERMITS.

DO NOT REMOVE THIS SIGN AND POST IN THE HEARING DATE UNDER PENALTY OF LAW.

MEETING IS HANDICAP ACCESSIBLE

maimc 3/9/14



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

March 13, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 11, 2014

☐ The Jeffersonian

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: #2014-0160-A

5943 Loreley Beach Road
S/s Loreley Beach, 75 ft. w/of centerline of intersection
of North Loreley Beach Road
11th Election District - 5th Councilmanic District
Legal Owner(s): Donald Wright

Variance: to permit a front yard setback of 53 ft. to the centerline of the road in lieu of the required 75 ft.; to permit a side yard setbacks of 17' and 29' in lieu of the required 35' on each side; to permit a side yard open projection (patio) with a side setback of 10' in lieu of the required 26.25' for an open projection.

Hearing: Monday, March 31, 2014 at 10:00 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.
JT 3/673 March 11 971644



KEVIN KAMENETZ
County Executive

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

February 24, 2014

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: 2014-0160-A

5943 Loreley Beach Road

S/s Loreley Beach, 75 ft. w/of centerline of intersection of North Loreley Beach Road

Legal Owners: Donald Wright

11th Election District – 5th Councilmanic District

Legal Owners: Donald Wright

Variance to permit a front yard setback of 53 ft. to the centerline of the road in lieu of the required 75 ft.; to permit a side yard setbacks of 17' and 29' in lieu of the required 35' on each side; to permit a side yard open projection (patio) with a side setback of 10' in lieu of the required 26.25' for an open projection.

Hearing: Monday, March 31, 2014 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", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Donald Wright, 5943 Loreley Beach Road, Baltimore 21162
Bernadette Moskunus, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 11, 2014.**
- (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
Tuesday, March 11, 2014 Issue - Jeffersonian

Please forward billing to:

Donald Wright
5943 Loreley Beach Road
Baltimore, MD 21162

410-598-9250

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: 2014-0160-A

5943 Loreley Beach Road

S/s Loreley Beach, 75 ft. w/of centerline of intersection of North Loreley Beach Road

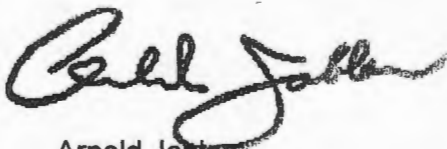
Legal Owners: Donald Wright

11th Election District – 5th Councilmanic District

Legal Owners: Donald Wright

Variance to permit a front yard setback of 53 ft. to the centerline of the road in lieu of the required 75 ft.; to permit a side yard setbacks of 17' and 29' in lieu of the required 35' on each side; to permit a side yard open projection (patio) with a side setback of 10' in lieu of the required 26.25' for an open projection.

Hearing: Monday, March 31, 2014 at 10:00 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 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: May 2, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0160-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 30, 2014. 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
5943 Lorely Beach Road; S/S Lorely Beach Rd, *
75' W of c/line with North Lorely Beach Rd * OF ADMINSTRATIVE
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Donald Wright * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2014-160-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

FEB 04 2014

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 4th day of February, 2014, a copy of the foregoing Entry of Appearance was mailed to Bernadette Moskunas, Site Rite Surveying, 200 East Joppa Road, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLISTSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment2-10flora

DEVELOPMENT PLANS REVIEW

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

NC2-21CBCA

DEPS

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

C

FIRE DEPARTMENT

2-26

PLANNING

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

2-5

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3-11-14 The Sun

SIGN POSTING

Date:

3-9-14 by Ogle

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

March 26, 2014

Donald Wright
5943 Loreley Beach Road
Baltimore MD 21162

RE: Case Number: 2014-0160 A, Address: 5943 Loreley Beach Road

Dear Mr. Wright:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 24, 2014. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Bernadette Moskunus, Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson MD 21286

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 2-5-14

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

RE: Baltimore County
Item No 2014-0160-A.
Variance
Donald Wright
3943 Lorely Beach Road

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0160-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 10, 2014

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For February 10, 2014
Item No. 2014-0076, 0103, 0157, 0158, 0160, 0161 and 0164

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

DAK:CEN.
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC02102014 -.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 26, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 5943 Loreley Beach Road

INFORMATION:

Item Number: 14-160

Petitioner: Donald Wright

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's requests two side yard setbacks and an open projection setback.

The Department of Planning does not oppose the requests. There is an existing house on the subject property that will be razed and replaced. The replacement dwelling will be similar in size to the original dwelling, with a few modifications that necessitate the proposed variances. The Department of Planning has no major concerns with the new construction. The distance between the proposed dwelling and neighboring properties is large enough to mitigate any impact caused by the new construction. The petitioner has also provided satisfactory architectural elevations.

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

Prepared By:

Division Chief:

AVA/LL:cjm

RECEIVED

FEB 26 2014

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



FEB 21 2014

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: February 21, 2014

SUBJECT: DEPS Comment for Zoning Item # 2014-0160-A
Address 5943 Loreley Beach Road
(Wright Property)

Zoning Advisory Committee Meeting of February 3, 2014.

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 build a replacement single family dwelling with driveway with reduced street and side yard setbacks and to permit a side yard open projection for a patio with less setbacks. The lot is waterfront and is developed with a single family dwelling, driveway, two sheds, and a pier. All construction will be beyond the 100-foot buffer. The site plan General Note #2 states lot size is 22,473 square feet, but the drawing shows the lot area as 22,733 square feet. Lot coverage on the entirety of this property is limited to 31.25%; the proposed lot coverage is below the 25% for either of the acreage figures provided. The 15% afforestation requirement must be met by the retention and/or planting of 7 trees. Therefore, if the afforestation requirement is met, 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 requirements are met it 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;

Based on the information provided, if the applicants meet the afforestation requirement stated above, so the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: February 21, 2014

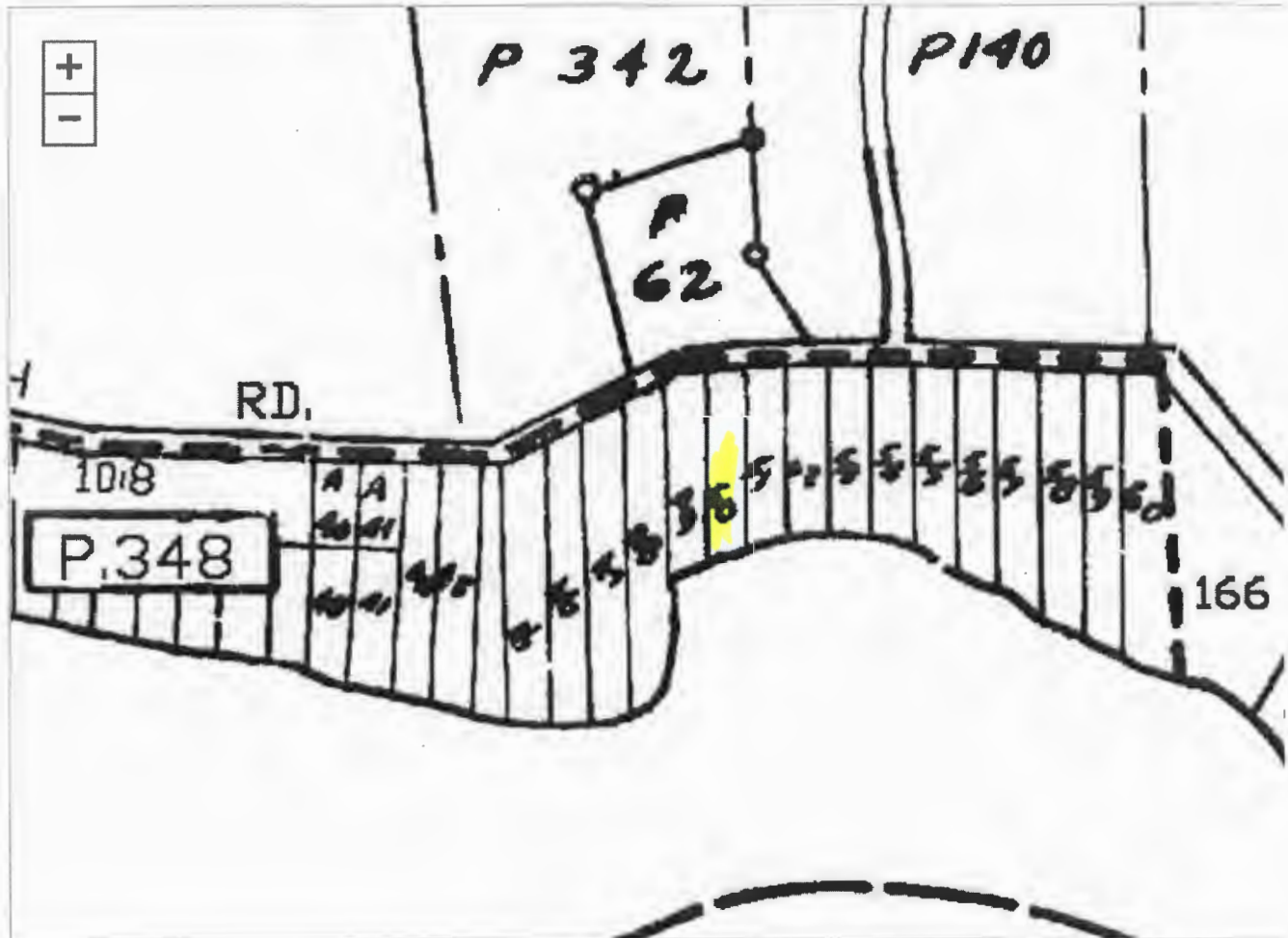
Real Property Data Search (w4)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 11 Account Number - 2000011889	
Owner Information		
Owner Name:	WRIGHT DONALD C	Use: RESIDENTIAL
Mailing Address:	620 CARVEL GROVE RD BALTIMORE MD 21221-1623	Principal Residence: NO
		Deed Reference: 1) /09188/ 00740 2)
Location & Structure Information		
Premises Address:	5943 LORELEY BEACH RD	LTS 50-51
	0-0000	Legal Description: LORELEY BEACH
	Waterfront	
Map: 0073	Grid: 0021	Parcel: 0348
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 50	Assessment Year: 2012
Plat No: 1	Plat Ref: 0010/ 0008	Town: NONE
Ad Valorem:	Tax Class:	
Special Tax Areas:		
Primary Structure Built 1948	Above Grade Enclosed Area 1,218 SF	Finished Basement Area 21,010 SF
County Use 34		
Stories 1.000000	Basement NO	Type STANDARD UNIT
Exterior FRAME	Full/Half Bath 2 full	Garage
Last Major Renovation		
Value Information		
Base Value	Value	Phase-in Assessments
As of 01/01/2012	As of 07/01/2013	As of 07/01/2014
Land: 93,800	Improvements: 109,300	Total: 203,100
Preferential Land: 0	Value: 174,100	Phase-in Assessments: 174,100
		As of 07/01/2014
Transfer Information		
Seller: HARPER JOAN B	Date: 12/06/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09188/ 00740	Deed2:
Seller: WRIGHT DONALD B	Date: 05/27/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09188/ 00740	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County: 000		07/01/2014
State: 000		0.00
Municipal: 000		0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **11** Account Number: **2000011889**

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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).

<http://imsweb05.mdp.state.md.us/website/mosp/>

☒ Loading... Please Wait. Loading... Please Wait.

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CASE NAME 5943 Loreley Beach Rd.
CASE NUMBER 2014-0160-A
DATE 3/31/2014

CASE NUMBER 2014-0160-A
DATE 3/31/2014

[illegible]

Case No.: 2014-0160-A (5943 Lorely Beach Rd.)

Exhibit Sheet

Petitioner/Developer

Respondent

DW 3-31-14

DW
5-2-14

JB
3/31

10th

No. 1	Plan	
No. 2	SDAT sheet + deed	
No. 3	Plat - Lorely Beach	
No. 4	Envir. Map w/Topo Lines	
No. 5	Aerial photo w/ lot lines	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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 - 2000011889		
Owner Information		
Owner Name:	WRIGHT DONALD C	Use: RESIDENTIAL
		Principal Residence: NO
Mailing Address:	620 CARVEL GROVE RD BALTIMORE MD 21221-1623	Deed Reference: 1) /09188/ 00740 2)
Location & Structure Information		
Premises Address:	5943 LORELEY BEACH RD 0-0000 Waterfront	Legal Description: LTS 50-51 LORELEY BEACH
Map: 0073	Grid: 0021	Parcel: 0348
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 50	Assessment Year: 2012
Special Tax Areas:		Plat No.: 0010/ 0008 Plat Ref: NONE
Town:	Ad Valorem:	Tax Class:
Primary Structure Built 1948	Above Grade Enclosed Area 1,218 SF	Finished Basement Area 21,010 SF
County Use 34		
Stories 1.000000	Basement NO	Type STANDARD UNIT
Exterior FRAME	Full/Half Bath 2 full	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of 01/01/2012
Land:	93,800	93,800
Improvements	109,300	80,300
Total:	203,100	174,100
Preferential Land:	0	0
Phase-in Assessments		
	As of 07/01/2013	As of 07/01/2014
Transfer Information		
Seller: HARPER JOAN B	Date: 12/06/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09188/ 00740	Deed2:
Seller: WRIGHT DONALD B	Date: 05/27/1992	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /09188/ 00740	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
Tax Exempt:		0.00 0.00
Exempt Class:	Special Tax Recapture:	
	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

PETITIONER'S

EXHIBIT NO. 2

LIBER 9188 PAGE 740

THIS DEED, made this 740 day of March, 1992, by and between DONALD B. WRIGHT, deceased, and JOAN B. WRIGHT, his wife, hereinafter referred to as "Grantors" and JOAN B. WRIGHT, a life estate with the remainder to DONALD C. WRIGHT, hereinafter referred to as "Grantees".

WITNESSETH, that for and in consideration of the sum of Zero Dollars (\$0.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, said Grantor does hereby grant and convey unto JOAN B. WRIGHT, a life estate with the remainder to DONALD C. WRIGHT, his heirs, personal representatives and assigns, in fee simple, all that lot of ground situate, lying and being in Baltimore County, State of Maryland and described as follows, that is to say: -

BEGINNING for the same at a point on the south side right of way line of Loreley Beach Road, said point also being the northwest corner of Lot 50 as shown on a plat of Loreley Beach recorded among the Land Records of Baltimore County, Maryland in Plat Book 10, folio 8, and running thence with the said south side right of way line easterly 100 feet to a point said point being the northeast corner of Lot 51 as shown on the aforementioned plat, thence leaving said south side right of way line and running southerly 194 feet more or less to the waters of Bird River, thence with the waters of Bird River 105 feet more or less, thence running northerly 218 feet more or less to the point of beginning, containing 0.47 acres of land less.

D RC/F 14.6
DEED 105 feet 5.6
SH CLERK 21.6
05/27

BEING the same parcel of land described in a deed dated August 4, 1988, between Charles L. Murphy and Donald B. Wright and Joan B. Wright, his wife, recorded among the Land Records of Baltimore County in E.H.K.Jr. liber 7960, folio 552. The said DONALD B. WRIGHT, have departed this life on November 27, 1991, causing the fee simple title, by right of survivorship, to vest absolutely in JOAN B. WRIGHT, as a matter of law.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE 3/31/92

NOT REQUIRED
BALTIMORE COUNTY MARYLAND

3/26/92 Sec. 33-138

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

By

Date

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

NE 9-K

RC 50

11634

1111067450

1106082252

1106082520

1106082253

PDB 75' W
OF & OF
N. LOPELEY BEACH ROAD

N LOPELEY BEACH RD

5 CD 11 ED

LOPELEY BEACH RD

073B3

PDM # 118043

RC 2

5937

Pl. Bk. 0000010, Folio 0008 Lot # 47

Lot # 49 1119061301

1119061300

Lot # 47

NE 8-K

1108055500

1119034920

5935

SITE

5943

Lot # 50

SITE

2000011889

Lot # 50

Lot # 52

1103077600

6001
Lot # 53

Lot # 53

1103077601

Lot # 55

6005

1123016450

2001-0256-A
2008-0541-A

Lot # 56

1111047350

6007

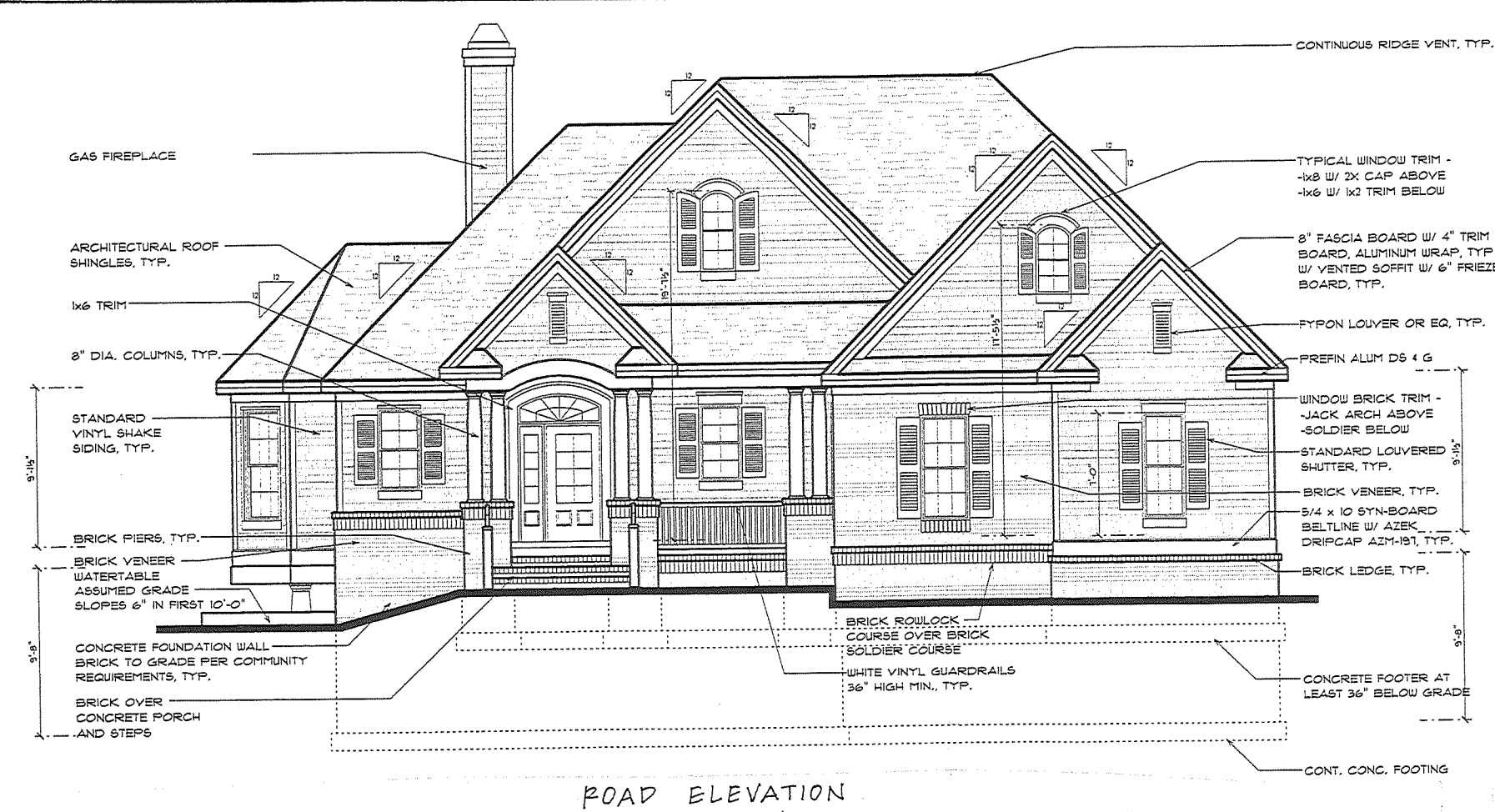
2014-0160-A

THESE ARE THE VARIANCES
"TO BE PRESENTED AT HEARING"

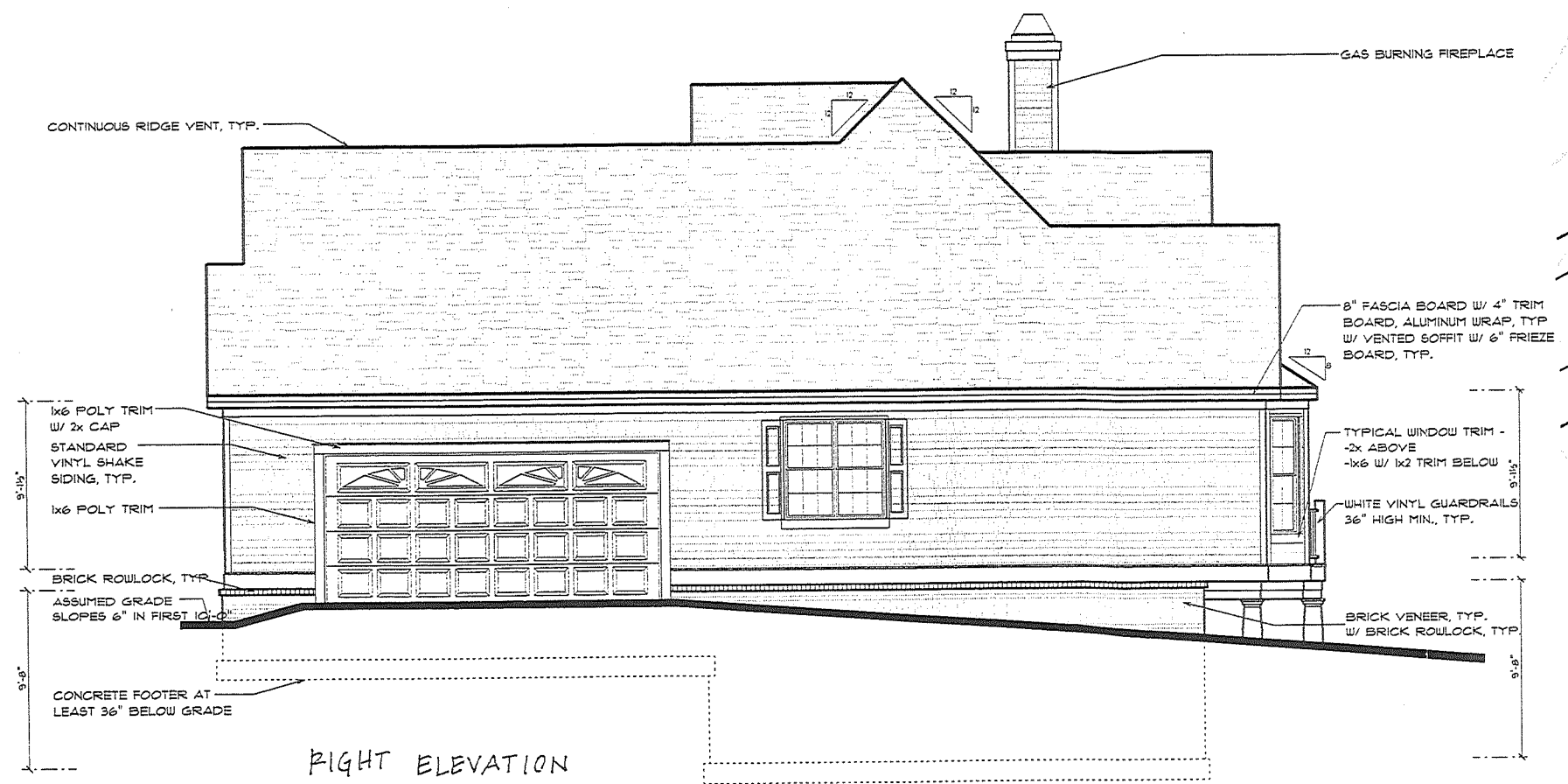
Variance 53' to $\frac{1}{2}$ in lieu of
75'

17' and 29' in lieu of 35'
sideyard.

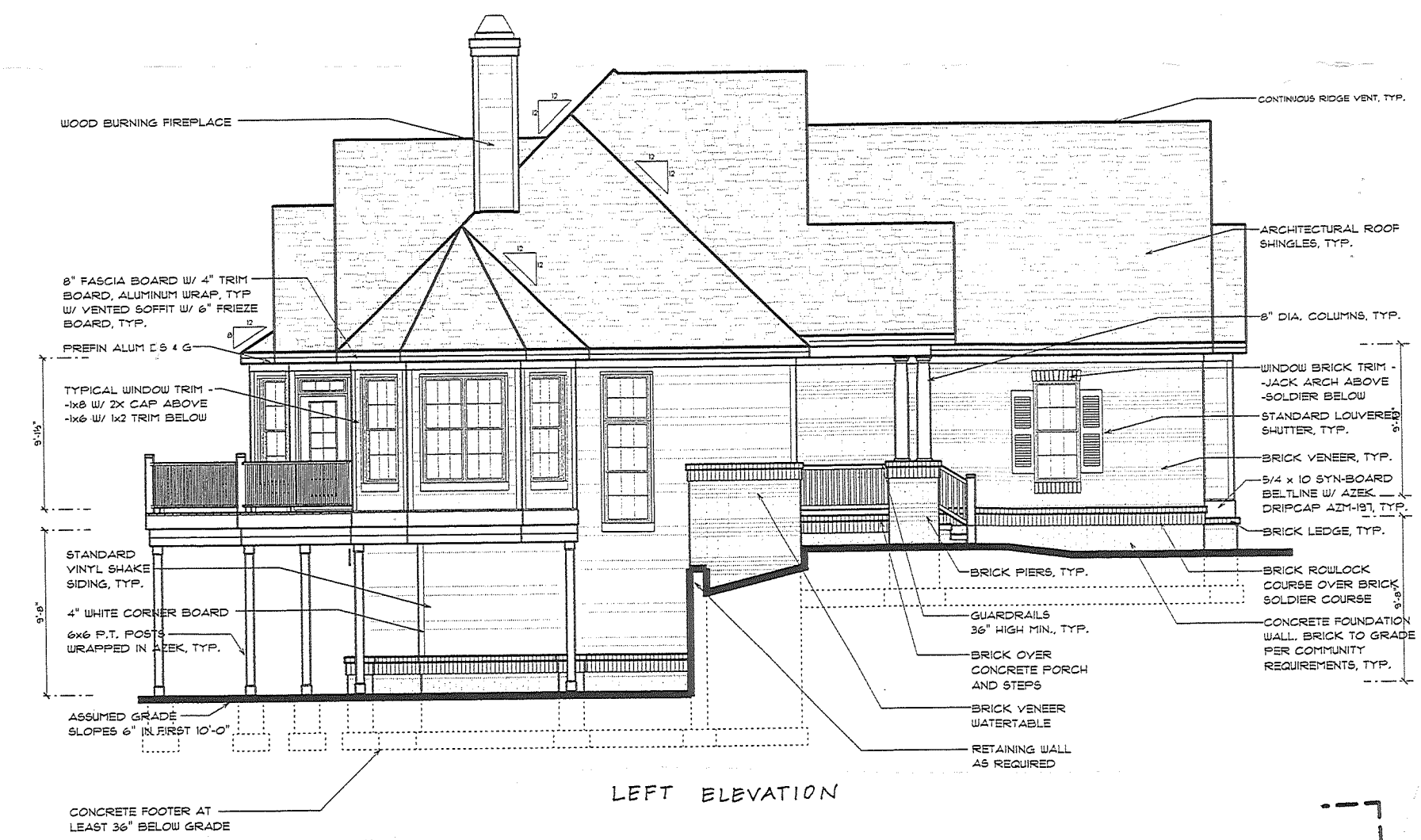
25% open project. 8.75'
10' in lieu of 26.25'



ROAD ELEVATION



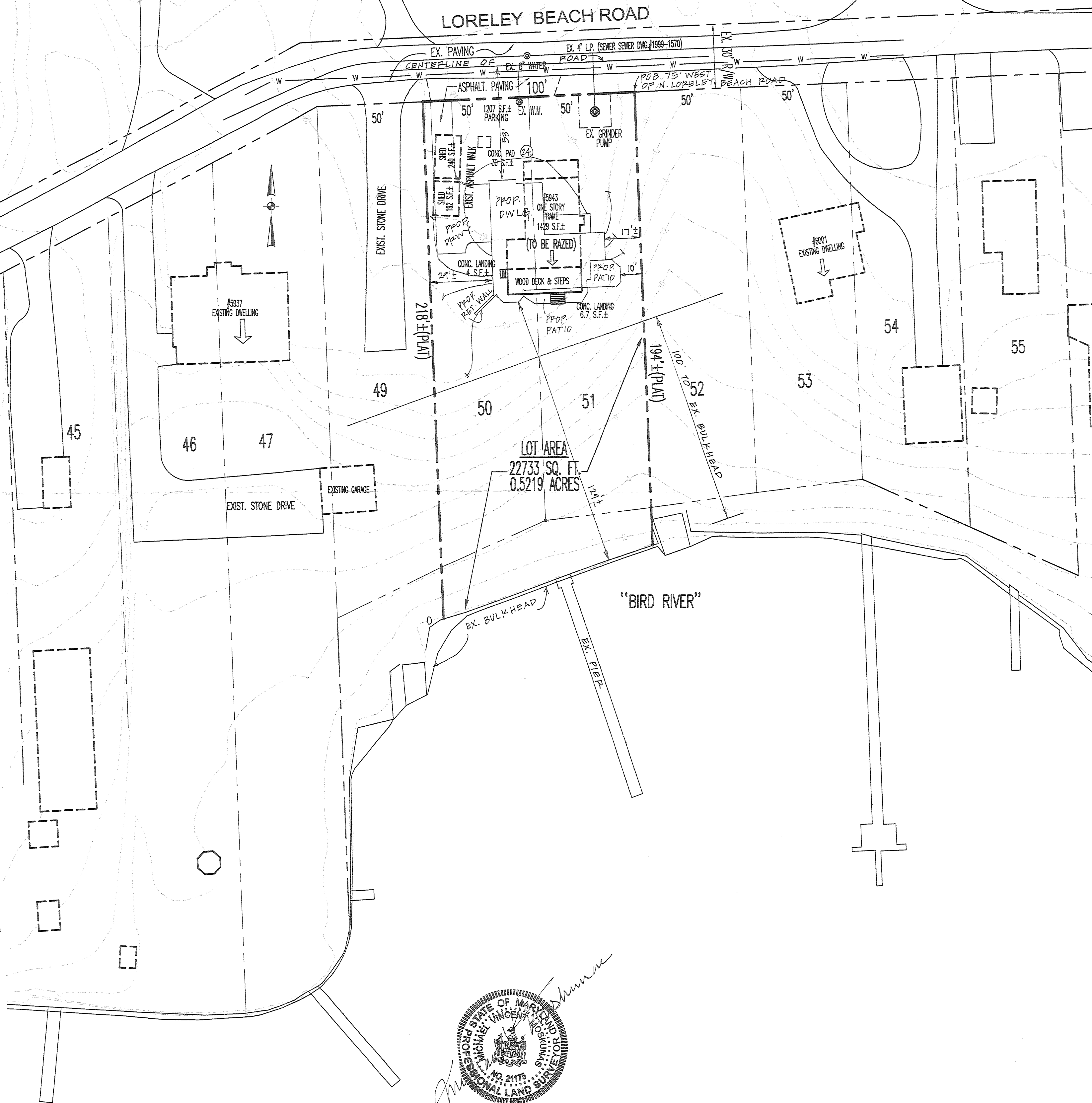
RIGHT ELEVATION



LEFT ELEVATION



WATER ELEVATION



- GENERAL NOTES:
1. EXISTING ZONING: RC2 (073B3)
 2. LOT AREA: 22,473 S.F. / 0.5219 AC +/- TO THE BULKHEAD (SDAT AREA 21,010 S.F.)
 3. THIS PROPERTY IS SERVICED BY PUBLIC UTILITIES
 4. THIS PROPERTY IS LOCATED IN THE 100 YEAR FLOOD PLAIN AND CHESAPEAKE BAY CRITICAL
 5. THIS PROPERTY IS NOT LOCATED IN AN HISTORIC AREA
 6. THERE ARE NO VIOLATIONS ASSOCIATED WITH THIS PROPERTY
 7. THERE IS NO PRIOR ZONING HISTORY
 8. THIS PROPERTY IS A LOT OF RECORD ON A PLAT "LORELEY BEACH" DATED 1929, WELL BEFORE THE ADOPTION OF ANY ZONING REGULATIONS
 9. EXISTING USE: SINGLE FAMILY DWELLING (SFD)
PROPOSED USE: REPLACEMENT SINGLE FAMILY DWELLING
 10. SUBJECT PROPERTY IMPROVEMENTS WERE FIELD LOCATED
 11. EXISTING LOT COVERAGE AREA: 3,120 S.F. (14%)
 12. PROPOSED LOT COVERAGE AREA: 3,532 S.F. (16%) ALLOWABLE LOT COVERAGE IS 5,445 S.F.
 13. THIS DRAWING WAS COMPILED USING PUBLIC RECORDS (TITLE DEEDS, RECORD PLAT, SEWER DRAWING, GIS DATA AND SDAT)

PETITIONER'S
EXHIBIT NO. 1

2014-0160-A

PLAN TO ACCOMPANY PETITION FOR VARIANCE
#5943 LORELEY BEACH ROAD
"WRIGHT PROPERTY"
LOT NOS. 50 & 51
"LORELEY BEACH" 10/8
ELECTION DISTRICT NO. 11
COUNCILMANIC DISTRICT NO. 5
BALTIMORE COUNTY, MD
SCALE: 1" = 30'
JANUARY 20, 2014
JOB #10167

OWNER: DONALD WRIGHT
 5943 LORELEY BEACH ROAD
 WHITE MARSH, MD 21162
 CONTACT: JON SKARDA (410) 574-6623
 TAX MAP: 73 GRD: 21 PAPCEL: 348
 TAX ACCT. NO. 2000011889
 DEED: 9188/740

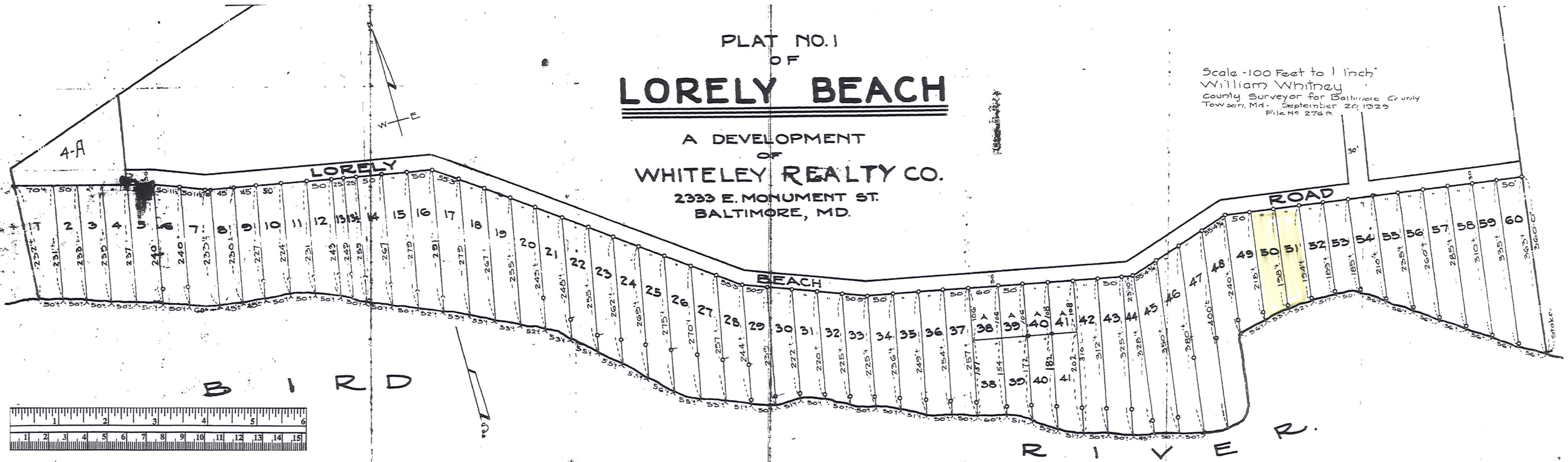
site rite SURVEYING, INC.
 200 E JOPPA ROAD RM. 101
 TOWSON, MARYLAND 21286
 PHONE: 410-828-9060
 FAX: 410-828-9066



PLAT NO. 1
OF
LORELY BEACH

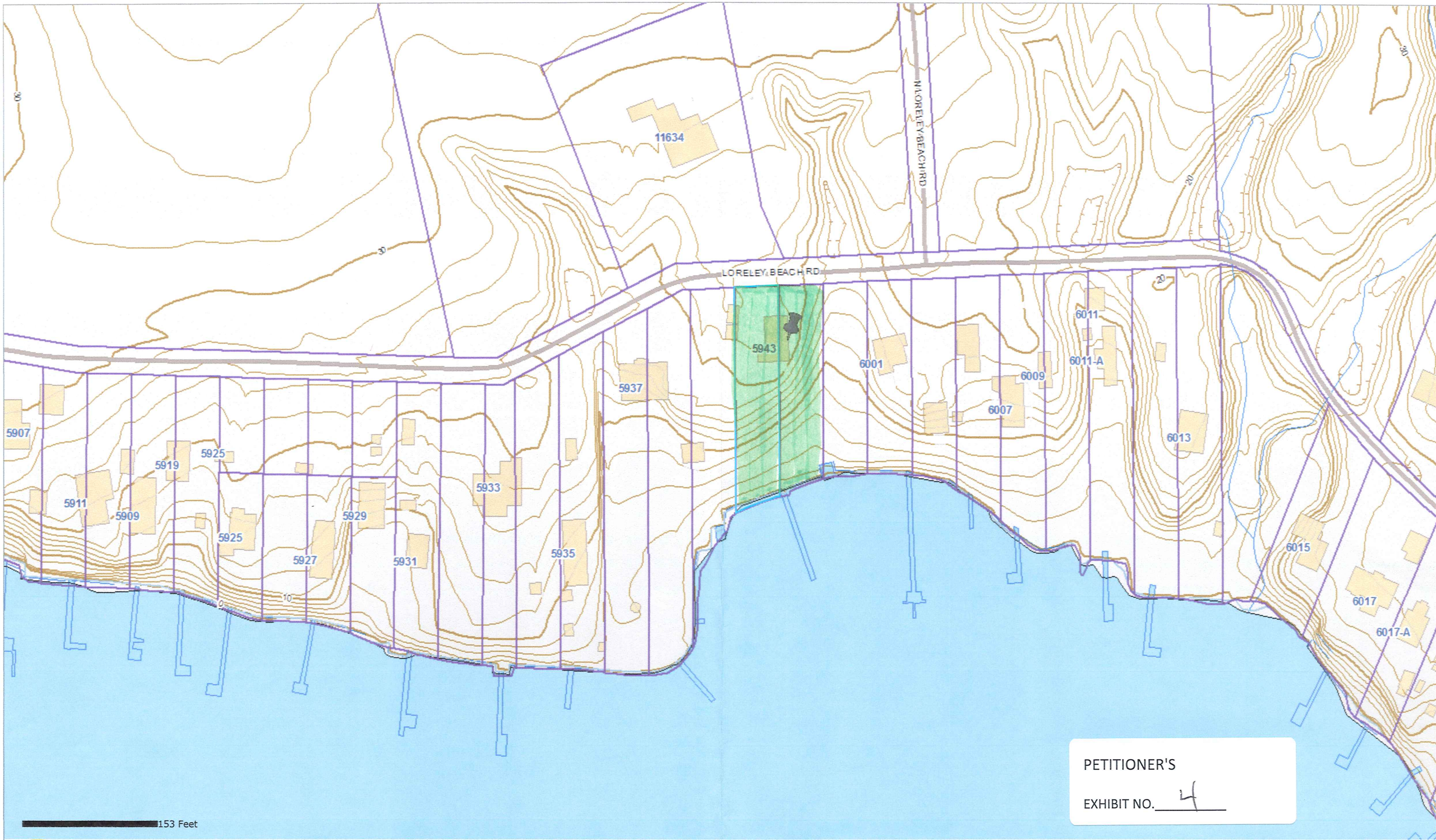
A DEVELOPMENT
OF
WHITELEY REALTY CO.
2333 E. MONUMENT ST.
BALTIMORE, MD.

Scale - 100 Feet to 1 Inch
William Whitney
County Surveyor for Baltimore County
Towson, Md. September 20, 1929
File No. 2769



PETITIONER'S

EXHIBIT NO. 3



Environmental Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 3/28/2014



PETITIONER'S

EXHIBIT NO. 5

153 Feet



Environmental Map

Created By
Baltimore County
My Neighborhood



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Printed 3/28/2014