

MEMORANDUM

DATE: November 21, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0010-SPH- Appeal Period Expired

The appeal period for the above-referenced case expired on November 20, 2017. 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

IN RE: **PETITION FOR SPECIAL HEARING** *
(8334 Bletzer Road)
15th Election District *
7th Council District *
Wellhan & Guang Li *
Legal Owners *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2018-0010-SPH

* * * * *

OPINION AND ORDER

Petitioners Wellhan & Guang Li filed the above petition for special hearing, seeking to strike a restriction included in a prior zoning order (Case No.: 2005-0644-A). A public hearing was held on October 19, 2017; Petitioners attended the hearing as did Peter Zimmerman, People's Counsel, who objected to the request.

A lengthy discussion was held on the record, and Petitioners clarified that what they seek is approval for an accessory apartment under B.C.Z.R. §400.4. Mr. Zimmerman agreed his office would not object to the filing of a new petition containing that request, although he stressed that both his office and county review agencies would need to review the merits of the request.

THEREFORE, IT IS ORDERED this 20th day of **October, 2017** by this Administrative Law Judge, that the Petition for Special Hearing in the above case, be and is hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED Petitioners are granted leave to file a new zoning petition seeking approval for an accessory apartment.

ORDER RECEIVED FOR FILING

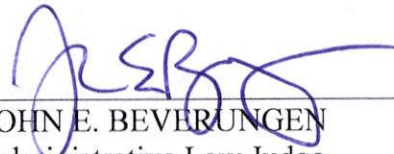
Date

10/20/17

By

Sen

Any appeal of this decision must be filed 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 10/20/17

By sln



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 8334 BLETZER RD DUNDALK MD 21222 which is presently zoned DR 5.5
 Deed References: 133377/00154 10 Digit Tax Account # 1519002070
 Property Owner(s) Printed Name(s) Li's DEVELOPMENT 8334 LLC

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

To remove the restrictions imposed in Zoning Case 2005-0644-A to allow a kitchen and bathroom to be installed in the accessory garage.

2. a

AMENDED

3. a **Variance** from Section(s)

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)

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):

WEIHAN LI , GUANG LI

Name #1 - Type or Print

Name #2 - Type or Print

Wei Han Li

Signature #1

Guang Li

Signature #2

501 E. BALTIMORE ST. BALTIMORE MD

Mailing Address

City

State

21202 , 703-688-5392 , WLID007@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

ORDER RECEIVED FOR FILING
 10/29/17
 ALN

CASE NUMBER 2018-0010-SPH Filing Date 7/10/17

Do Not Schedule Dates: Oct 12-18 Reviewer JS

per Peoples Counsel

REV. 10/4/11

ZONING PROPERTY DESCRIPTION FOR 8334 BLETZER ROAD DUNDALK,
MARYLAND 21222

Beginning at a point on the northeast side of Bletzer Road which is 40 feet wide at a distance of 1056 feet west of the centerline of the nearest improved intersecting road Glenhurst Road which is 40 feet wide.

Thence the following courses and distances: N. 21 11' 00" E. 248', N. 63 38' 00" W. 45', S. 34 53' 00" W. 260', S. 63 51' 00" E. 73.76', and S. 80 40' 00" E. 33.63', back to the point of beginning as recorded in Deed Liber JLE No. 1033377, Folio 154, containing total of 19,304 square feet or 0.443 acres of lot. Located in the 15th Election District and 7th Council District.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5199542

Sold To:

Wellhan Li - CU00613841
501 E Baltimore St
Apt 2
Baltimore, MD 21202-4894

Bill To:

Wellhan Li - CU00613841
501 E Baltimore St
Apt 2
Baltimore, MD 21202-4894

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 28, 2017

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: # 2018-0010-SPH
8334 Bletzer Road
NE/s Bletzer Road, 1056 Ft. W/of centerline of intersection with Glenhurst Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Wellhan & Guang Li

Special Hearing to remove the restrictions imposed in Zoning Case 2005-0644-A to allow a rental apartment above the accessory garage.

Hearing: Thursday, October 19, 2017 at 11:00 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.

9/100 September 28 5199542

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5125697

Sold To:

Wellhan Li - CU00613841
501 E Baltimore St
Apt 2
Baltimore, MD 21202-4894

Bill To:

Wellhan Li - CU00613841
501 E Baltimore St
Apt 2
Baltimore, MD 21202-4894

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Aug 17, 2017

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: # 2018-0010-SPH
8334 Bletzer Road
NE/s Bletzer Road, 1056 ft. W/of centerline of intersection with Glenhurst Road
15th Election District - 7th Councilmanic District
Legal Owner(s) Wellhan & Guang Li

Special Hearing to remove the restrictions imposed in Zoning Case 2005-0644-A to allow a rental apartment above the accessory garage.

Hearing: Thursday, September 7, 2017 at 11:00 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.

8/065 Aug. 17 5125697

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

CASE NO. 2018-0010-SPH

PETITIONER/DEVELOPER

WELLMAN & GUANG LI

DATE OF HEARING/CLOSING

10/19/17

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

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

8334 BLETZER ROAD

THIS SIGN(S) POSTED ON

September 29, 2017

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/29/17

SIGNATURE OF SIGN POSTER

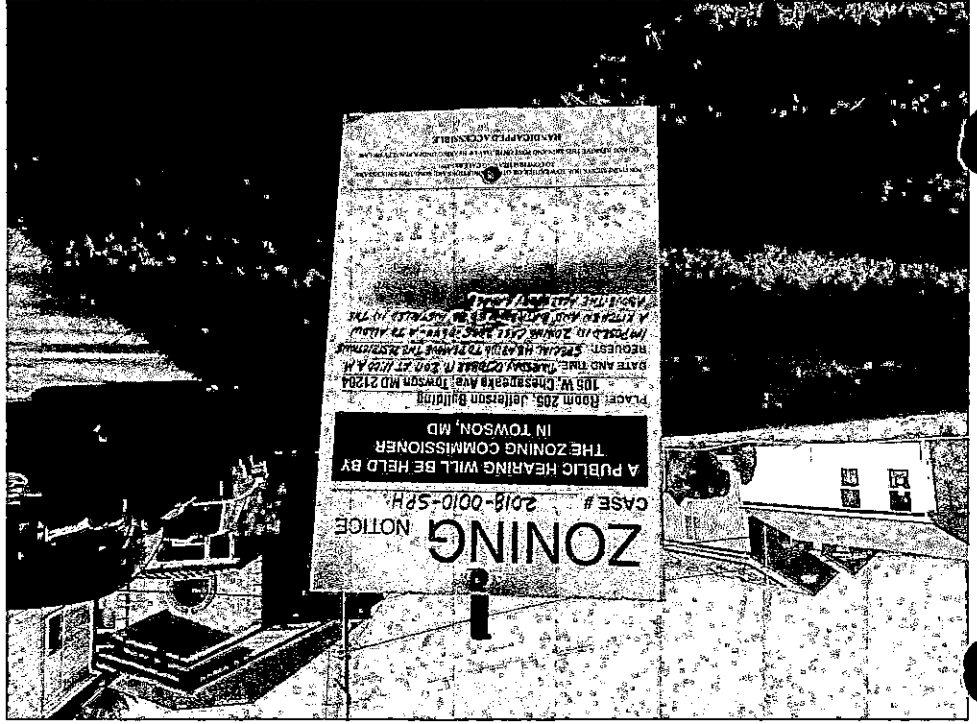
MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

11/6/17 8/29/17





KEVIN KAMENETZ
County Executive

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

August 28, 2017

NEW 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: 2018-0010-SPH

8334 Bletzer Road

NE/s Bletzer Road, 1056 ft. W/of centerline of intersection with Glenhurst Road

15th Election District – 7th Councilmanic District

Legal Owners: Wellhan & Guang Li

Special Hearing to remove the restrictions imposed in Zoning Case 2005-0644-A to allow a kitchen and bathroom to be installed in the above the accessory garage.

Hearing: Thursday, October 19, 2017 at 11:00 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: Wellhan & Guang Li, 501 E. Baltimore Street, 2nd Fl., Baltimore 21202

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRI., SEPTEMBER 29, 2017.**
- (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 17, 2017 Issue - Jeffersonian

Please forward billing to:

Wellhan Li
501 E. Baltimore Street, 2nd Floor
Baltimore, MD 21202

703-628-5392

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: 2018-0010-SPH

8334 Bletzer Road

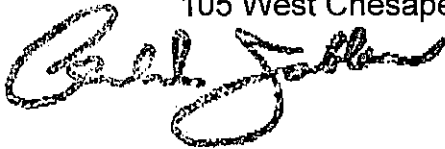
NE/s Bletzer Road, 1056 ft. W/of centerline of intersection with Glenhurst Road

15th Election District – 7th Councilmanic District

Legal Owners: Wellhan & Guang Li

~~Special Hearing to remove the restrictions imposed in Zoning Case 2005-0644-A to allow a rental apartment above the accessory garage.~~

Hearing: Thursday, September 7, 2017 at 11:00 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.
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KEVIN KAMENETZ
County Executive

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

August 1, 2017

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: 2018-0010-SPH

8334 Bletzer Road

NE/s Bletzer Road, 1056 ft. W/of centerline of intersection with Glenhurst Road

15th Election District – 7th Councilmanic District

Legal Owners: Wellhan & Guang Li

Special Hearing to remove the restrictions imposed in Zoning Case 2005-0644-A to allow a rental apartment above the accessory garage.

Hearing: Thursday, September 7, 2017 at 11:00 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: Wellhan & Guang Li, 501 E. Baltimore Street, 2nd Fl., Baltimore 21202

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 18, 2017.**
- (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, September 28, 2017 Issue - Jeffersonian

Please forward billing to:

Wellhan Li
501 E. Baltimore Street, 2nd Floor
Baltimore, MD 21202

703-628-5392

NOTICE OF ZONING HEARING

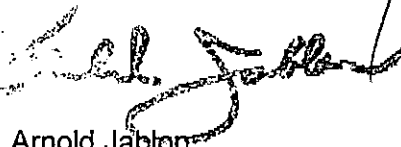
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8334 Bletzer Road
NE/s Bletzer Road, 1056 ft. W/df centerline of intersection with Glenhurst Road
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR SPECIAL HEARING
8334 Bletzer Road; NE/S Bletzer Road,
1056' W of c/line of Glenhurst Road
15th Election & 7th Councilmanic Districts
Legal Owner(s): Wellhan & Guang Li
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-010-SPH

* * * * *

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 2017

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, 2017, a copy of the foregoing Entry of Appearance was mailed to Wellhan & Guang Li, 501 E. Baltimore Street, Baltimore, Maryland 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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/neighbor 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: 2018-0010 -SPH

Property Address: 8334 BLETZER RD DUNDALK MD 21222

Property Description: _____

Legal Owners (Petitioners): LI'S DEVELOPMENT 8334, LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: WEIHAN LI

Company/Firm (if applicable): _____

Address: 501 E. BALTIMORE ST. 2ND FL
BALTIMORE MD 21202

Telephone Number: 703-628-5392

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

No 154842

Date: 7/10/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	816	0000		6150				\$ 75.00

Total: \$ 75.00

Rec From: L1

For: 2018-0010-SPH.

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME BAW
7/11/2017 7/10/2017 11:09:14 3
REG NS03 WALKIN CASH
>>RECEIPT # 731977 7/10/2017 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 154842
Recpt Tot \$75.00
\$75.00 CK \$0.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

October 12, 2017

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

Wellhan Li
Guang Li
501 E Baltimore Street
Baltimore MD 21202

RE: Case Number: 2018-0010 SPH, Address: 8334 Bletzer Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 10, 2017. 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

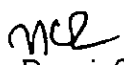
c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: August 10, 2018

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 23, 2018
Item No. 2018-0345-SPHA, 2019-0001-A, 0002-SPHA, 0003-A, 0004-A,
0005-SPHA, 0008-A, 0009-A and 0010-A

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

*

*

*

*

*

VKD: cen
cc: file

Date: 8/23/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. *2018-0010-SPH*

*Special Hearing
Wellman & Guang Li
8334 Bletzer Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Date: 7/17/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0010-SPH

Special Hearing
Wellman & Guang Li
8334 Bletzer Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: August 11, 2017

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 24, 2017
Item No. 2017-0354-A, 355-SPHA,
2018-0001, 0003-A, 0005-SPH, 0006-A, 0007-SPHX, 0009-A, 0010-SPH,
0014-A, 0016-A, 0017-SPH, 0018-A, 0019-A, 0020-A

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

VKD:CEN
cc:file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 9/27/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-010 (amended)

INFORMATION:

Property Address: 8334 Bletzer Road
Petitioner: Wellhan Li, Guang Li
Zoning: DR 5.5
Requested Action: Special Hearing

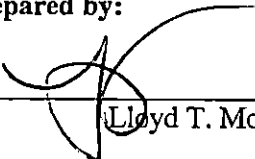
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should remove the restrictions imposed in Zoning Case 2005-0644A to allow a rental apartment above the accessory garage.

A site visit was conducted on July 24, 2017.

The Department objects to granting the petitioned zoning relief and recommends that the request be denied. The Department observes no material or substantial change to the site that would cause it to reverse its ZAC comments dated 6/27/2005. The establishment of two dwellings on the site is an over intensification of the use of the single property that would have a detrimental effect on the neighborhood. The Department recommends that condition # 3 in the aforesaid Zoning Case 2005-0644A remain unchanged.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Wellhan Li
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/9/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-010

INFORMATION:

Property Address: 8334 Bletzer Road
Petitioner: Wellhan Li, Guang Li
Zoning: DR 5.5
Requested Action: Special Hearing

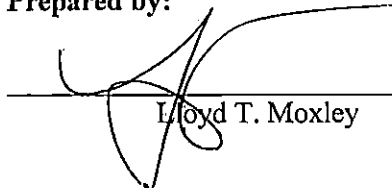
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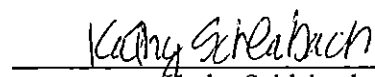
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Wellhan Li
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: August 29, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0010-SPH
Address 8334 Bletzer Road
(Li Property)

Zoning Advisory Committee Meeting of August 28, 2017.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The petitioner is requesting to allow a rental apartment, including a kitchen and bathroom, above an existing, detached garage. The lot coverage regulations are not applicable because the structure is existing and the footprint is not proposed to increase. The property is also located within a Modified Buffer Area (MBA), which can further restrict impervious surfaces and structures within 100 feet landward of mean high tide (100 foot buffer). The existing, detached garage is not located within the buffer, therefore, these regulations do not apply. Allowing the petitioner's request will not adversely impact water quality.

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

The current development proposal for the property will have no adverse impact on buffer functions, fish, wildlife and plant habitat in Back River.

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.

Because the proposed project will not increase lot coverage and is not located within the Critical Area buffer, the request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella; Date: August 29, 2017
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: August 21, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0010-SPH
Address 8334 Bletzer Road
(Li Property)

Zoning Advisory Committee Meeting of July 24, 2017.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

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1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
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The petitioner is requesting to allow a rental apartment above an existing, detached garage. The lot coverage regulations are not applicable because the structure is existing and the footprint is not proposed to increase. The property is also located within a Modified Buffer Area (MBA), which can further restrict impervious surfaces and structures within 100 feet landward of mean high tide (100 foot buffer). The existing, detached garage is not located within the buffer, therefore, these regulations do not apply. Allowing the petitioner's request will not adversely impact water quality.

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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.

Because the proposed project will not increase lot coverage and is not located within the Critical Area buffer, the request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella; Date: August 21, 2017
Environmental Impact Review



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

September 20, 2017

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Wellhan & Guang Li – Initial Petitioners
Li's Development 8334 LLC – Petitioner, Amended Petition
8334 Bletzer Road
Case No.: 2018-010-SPH
Hearing Date: October 19, 2017 @ 11 a.m.

Dear Judge Beverungen,

Please accept this reply to Wellhan and Guang Lis' response filed September 13, 2017.

Bill 49-2011: This does not affect or change the circumstances relevant to this petition. This does not afford an escape from *res judicata*.

Bill 49-2011 provides a framework for single-family dwelling owner-occupied lots to have temporary accessory apartments for immediate family members, subject to specified standards both where within single-family dwellings or in separate accessory buildings. There are various standards, including but not limited to special exception and area standards, among others, where apartments are proposed in accessory buildings. They are codified in BCZR Sec. 440.4.

They do not provide a general authorization for two dwellings or apartments on a single lot or for the functional equivalent, the added kitchen and bathroom in a living space. They do not justify a departure from the customary limit established in Case No. 5-644-A.

BCZR Sec. 402.1 and Statutory Construction: This longstanding section allows for conversion of single-family for additional apartments either within the dwelling or as a duplex. It does not allow for apartments in separate buildings. Moreover, along with BCZR Sec Bill 49-2011's more limited framework for accessory apartments for immediate family members, the specific provision for such additions but in limited circumstances reinforces the point that such accessory apartments or their equivalent are not otherwise allowed. Clarksville Residents Against Mortuary v. Donaldson Properties 453 Md. 516 (2017) as to the relevant statutory construction canon that a specific statutory provision usually excludes general items not there allowed or covered.

Size of the Lot: There is no change in size of the lot. Anyway, as reflected in enclosed SDAT data, that there are a variety of lot sizes along Bletzer Road, as there are in many waterfront and other residential areas. The general framework for subdivisions or developments involving residential lots of record is that one dwelling is allocated to each lot. The 2004 decision fits this framework, allowing for a single replacement dwelling and a height variance for a garage.

Size of the Dwelling and Garage; Comparison with 2005 Site Plan: The current site plan sketch by Guang Li describes an "Existing 2-story Dwelling" and "2 Story Detach (sic) Garage." This dwelling is sketched as 46' x 48' (= 2208SF) for each story plus 38'7" x 10' (= 386SF) deck and a small entrance area bump out. This is larger than shown on the June 1, 2005 site plan approved in Case No. 05-644-A, 40' x 40' (= 1600SF) for each story plus a modest bump out. The current site plan does not show the precise height of the buildings. The SDAT data reflects the dwelling building size (4267 SF living area, based on 2 stories -- about 2100SF ground coverage). The garage is sketched as 50' x 30' = 1500SF in comparison with 40' x 25' = 1000SF on the 2005 site plan. The enclosed Google Earth photos show recent ongoing construction. It is important that petitioners or successors adhere to site plans connected to zoning approvals. Typically, when petitioners decide that they need to enlarge an approved proposal, then they have to come back to file a new petition to amend the approval.

Marketing Listings: A current Google search for 8334 Bletzer Road comes up with, among others, the enclosed recorded listings for the property. They are on Openspace.com and Movoto.com. Both websites describe the property as built in 2015, "Dwelling s/Rental," and with a list price of \$2,500,000.

Openspace.com shows the property as a 5 Bed, 5 Full Bath, Half Bath principal dwelling and 4 car garage, with 3 stories for the principal dwelling (not 2, as stated on the current site plan). It lists 9625 square feet house size. This apparently combines the principal dwelling --- about 2200SF x 3 stories, 6600SF (not counting the deck) --- plus the second dwelling/garage --- 1500SF x two stories, 3000SF. The Movoto website identifies the construction as "New Construction."

The Openspace website shows the listing as "ACTIVE." The Movoto website notes the property as delisted. There are other websites which come up in the Google search showing the property apparently as taken off the market. Their information is thus available online for perusal.

Ownership of the Lot: The SDAT data shows the property owner is Li's Development 8334 LLC. The data states "NO" as to "Principal Residence." It appears to be one of several Li's Development corporations, to wit, Li's Development 26 LLC; Li's Development 2201 LLC.

Variance standards: Even apart from *res judicata*, there is no justification for a variance to allow a second apartment or a second kitchen/bathroom group, especially involving construction of this magnitude and so much larger than shown on the site plan approved in 2005. The proposed variance is a matter of personal or business convenience and does not satisfy the practical difficulty criteria. The setback and height variances is not necessary to afford reasonable use of the property. Cromwell v. Ward 102 Md. App. 691 (1995); Trinity Assembly of God v. People's Counsel 407 Md. 53 (2008).

Chesapeake Bay Critical Area issues: Even if the petition is assumed to satisfy the CBCA/BCZR environmental standards, it does not resolve the zoning issues. This is just an additional aspect of the case. But there do remain CBCA questions.

We have reviewed the parallel August 21 and August 29 DEPS Comments signed by Thomas Panzarella relating to the CBCA and BCZR Section 500.14 criteria for minimization of environmental impact. We will assume for the sake of argument that the impermeable surface comes in just within the maximum expanded 31.25%, based on an exclusion for a deck with gaps and stairway to the pier. As reflected in the Guidelines and DEPS comments, the proposal must satisfy not only the 31.25% maximum, but also that lot coverage with associated with new development be minimized, that water quality impacts be minimized, and that there is onsite mitigation or a fee to offset the impacts.

Mr. Panzarella's conclusion that environmental impacts are minimized is based on the assumption or information provided "... that the structure is existing and the footprint is not proposed to increase." However, the dwelling and garage are new buildings. The enclosed SDAT data states the primary structure was built in 2016. The listings state 2015. As noted, the Google maps show the recent construction. The building permits were issued circa 2013. Again, the new buildings increase the lot coverage compared to the dwelling razed per the 2005 site plan and the dwelling and garage as approved on the 2005 site plan. Therefore, the relevant lot coverage is increased. This goes against the conclusion that the relevant environmental impacts are minimized. Perhaps DEPS may take this into account with further review.

The more construction in the CBCA, the more problems and vulnerability related to inevitable storms, which come about with increasing intensity. Hurricanes Irma, Jose, and Maria are cases in point. Baltimore County experienced Hurricane Isabel circa 2003.

Conclusion: This zoning petition, original or as amended, is barred by *res judicata*, otherwise without merit under the law, and generally problematic.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

Enclosures

cc: Wellhan & Guang Li, Li's Development, petitioners
Kathy Schlabach, Lloyd Moxley, Department of Planning (DOP)
Jeff Livingston, Thomas Panzarella, Patricia Farr, Regina Esslinger, DEPS
Carl Richards, Zoning Supervisor

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519002070			
Owner Information					
Owner Name:	LI'S DEVELOPMENT 8334 LLC		Use:	RESIDENTIAL	
Mailing Address:	501 E BALTIMORE ST BALTIMORE MD 21202-		Principal Residence:	NO	
			Deed Reference:	/33377/ 00154	
Location & Structure Information					
Premises Address:	8334 BLETZER RD 0-0000 Waterfront		Legal Description:	8334 BLETZER RD NES BACK RIVER	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0104	0003	0128		0000	2018
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2016	4,267 SF	1000 SF	19,304 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	FRAME	5 full/ 1 half	1 Detached
Value Information					
	Base Value	Value	Phase-In Assessments		
		As of	As of	As of	
		01/01/2015	07/01/2017	07/01/2018	
Land:	148,300	148,300			
Improvements	678,500	678,500			
Total:	826,800	826,800	826,800		
Preferential Land:	0				
Transfer Information					
Seller: GOLDFADE INVESTMENTS LLC		Date: 03/29/2013	Price: \$290,000		
Type: ARMS LENGTH VACANT		Deed1: /33377/ 00154	Deed2:		
Seller: FADEM CRAIG		Date: 02/14/2013	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /33186/ 00113	Deed2:		
Seller: LASEK GREGORY C		Date: 03/23/2011	Price: \$50,000		
Type: NON-ARMS LENGTH OTHER		Deed1: /30643/ 00497	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017	07/01/2018		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00	0.00		
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application			Date:		

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

P.123
P.504
P.506
P.162
P.308
P.67
P.68
P.128
P.95
P.104
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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>).







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Real Estate Simple

Search

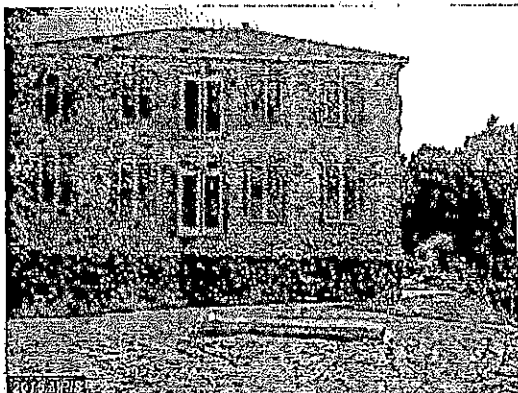
Add

For Sale

For Rent

Value

Map



Home for Sale in DUNDALK, MD 21222

8334 BLETZER RD
DUNDALK, MD 21222

Price: \$ 2,500,000 Reduced: \$ 0

Status: ACTIVE

General Information

Save

5 6 4

Beds	5 Bed	Baths	5 Full, 1 Half Bath
House Size	9,625 Sq Ft	Property Status	ACTIVE
Price	\$2,500,000	Year Built	2015
Property Type	Dwelling w/Rental	Style	Traditional
Stories	3	Garage	4 car garage
Days on Market	392	Original Price	\$2,500,000
List Date	08-26-2015	Lot Size	0.44 acre

Property Description

Contact the listing agent before visiting

School Information

Elementary School

Middle School

High School

Additional Details

MLS ID	8C8718761
Listing Brokered by	Keller Williams Select Realtors
Listing Agent	Charles Beattie

Ask Question

Request Showing

Make Offer

Nearby Cities

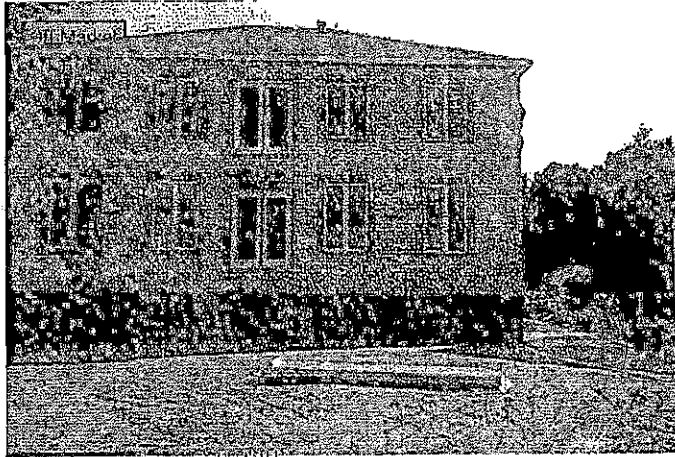
Edgemere, MD
Essex, MD
Sparrows Point, MD
Rosedale, MD
Fort Howard, MD
Highlandtown, MD
Raspeburg, MD

Dundalk Zip Codes

21222

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Dundalk, MD

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Estimate \$2,107,875

Get Pre-Approved by a Local Lender

Contact Movoto**Dundalk Agent**

★★★★★

Email**Name****Phone Number****Comments**I am interested in 8334 Bletzer Rd
Dundalk, MD 21222.

We'll call you within the next business hour. Click to consent to receive text messages and/or calls (direct, auto-dialed, or prerecorded) from Movoto or our partner to the number entered here even if it's on the Do Not Call list. Consent is not required to receive Real Estate services.

[Contact Agent](#)**8334 Bletzer Rd****Dundalk, MD 21222****5 Bd 6 Ba 9,625 Sqft 756 Days**[Real Estate](#) > [Sold](#) > [MD](#) > [Dundalk](#) > [21222](#) > [8334 Bletzer Rd](#)[View Homes for Sale in Dundalk](#)

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changes with this property

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Baltimore County

Single Family

\$0 HOA

Built in 2015

0.44 Acres Lot

\$260/Sqft

MLS#BC8718761 provided by Charles R Beattie of Keller
Williams Select Realtors

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Joanna Zhao

(301) 329-8480

Home Features for 8334 Bletzer Road, Dundalk

Year Built: 2015

New Construction: Yes

Type: Dwelling W/Rental

Vacation Home: No

Farm: No

Lot Area Acre: 0.439991

Lot Size Area: 19166

Lot Number: LVIS:2

Handicap: 2+ Access Exits

HOA: No

[See More](#)

CASE NAME WELLHANG & CUANG LI
CASE NUMBER 2018-010-SPH
DATE 10/19/17

NAME

CITY, STATE, ZIP

E - MAIL

PETER MAX ZIMMERMAN
PEOPLES COUNSEL

105 W. CHES AVE. N.E.
TOL

90205N, up 2/204

primmerman g
baltimore county md.
sov

1

DATE _____

PETITIONER'S SIGN-IN SHEET

E - MAIL

[illegible]

APPLICATION FOR BUILDING PERMIT

PERMIT #: B831643 CONTROL #: MR DIST: 15 PREC: 01

LOCATION: 8334 BLETZER RD
SUBDIVISION: BACK RIVER
TAX ASSESSMENT #: 1519002070

OWNERS INFORMATION

NAME: LI'S DEVELOPMENT 8334 LLC
ADDR: 501 E. BALTIMORE ST., 21202

APPLICANT INFORMATION

NAME: WELLHAM LI
COMPANY: LI'S DEVELOPMENT 8334 LLC
ADDR1: 501 E. BALTIMORE ST.
ADDR2: BALTIMORE, MD 21202
PHONE #: 703-628-5392 LICENSE #:

NOTES
VLC

DRC#
PLANS: CONST 00 PLOT 4 R PLAT 0 DATA 0 ELEC YES PLUM YES
TENANT:
CONTR: LI'S DEVELOPMENT 8334 LLC
ENGNR:
SELLR:
WORK: CONSTRUCT DETACHED FOUR CAR GARAGE ON REAR
 OF PROPERTY WITH WORKSHOP AND BATHROOM.
 50'X30'X25'=3000SF.REFER TO CASE #05-644-A.
 REFER TO B831641 FOR NR.

PROPOSED USE: SFD AND DETACHED GARAGE
EXISTING USE: VACANT

BLDG. CODE:
RESIDENTIAL CATEGORY: OWNERSHIP: PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 25,000.00

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: GARAGE
FOUNDATION: CONCRETE BASEMENT: NONE
SEWAGE: PRIV. EXISTS WATER: PRIV. EXISTS
CONSTRUCTION: MASONRY FUEL:
CENTRAL AIR:

SINGLE FAMILY UNITS
TOTAL 1 FAMILY BEDROOMS
MULTI FAMILY UNITS
EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B831643

DIMENSIONS - INSTALL FIXTURES

BUILDING SIZE
GARBAGE DISP: FLOOR: 3000
POWDER ROOMS: WIDTH: 50'
BATHROOMS: DEPTH: 30'
KITCHENS: HEIGHT: 25'
STORIES: 2

LOT NOS:
CORNER LOT:

LOT SIZE AND SETBACKS

SIZE: 19304SF
FRONT STREET:
SIDE STREET:
FRONT SETB: 18'
SIDE SETB: NC/18'
SIDE STR SETB:
REAR SETB: 5'

ZONING INFORMATION

DISTRICT: BLOCK:
PETITION: SECTION:
DATE: LIBER:
MAP: FOLIO:
CLASS: 34

ASSESSMENTS

LAND: 0148300.00
IMPROVEMENTS: 0000000.00
TOTAL ASS.:

PLANNING INFORMATION

MASTER PLAN AREA: SUBSEWERSHED: CRITICAL AREA:

DATE APPLIED: 11/13/2013 INSPECTOR INITIALS: 15R
FEE: \$125.00 PAID: \$125.00 RECEIPT #: A684989
PAID BY: APPL

(I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS CORRECT AND TRUE. AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY CODE AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER HEREIN SPECIFIED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS)

COMPANY OR OWNER

DATE

ADDRESS

AGENT ____
OWNER ____

SIGNATURE OF APPLICANT

PHONE

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519002070			
Owner Information					
Owner Name:	LI'S DEVELOPMENT 8334 LLC		Use:	RESIDENTIAL	
Mailing Address:	501 E BALTIMORE ST BALTIMORE MD 21202-		Principal Residence:	(NO)	
			Deed Reference:	/33377/ 00154	
Location & Structure Information					
Premises Address:	8334 BLETZER RD 0-0000 Waterfront		Legal Description:	8334 BLETZER RD NES BACK RIVER	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0104	0003	0128		0000	2018
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
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2016	4,267 SF		1000 SF	19,304 SF	34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
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Last Major Renovation					
Value Information					
Base Value		Value		Phase-in Assessments	
		As of		As of	
		01/01/2015		07/01/2017	
				As of	
				07/01/2018	
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Improvements	678,500	678,500			
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Seller: LASEK GREGORY C		Date: 03/23/2011		Price: \$50,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /30643/ 00497		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

RD.

RD.

RD.

128

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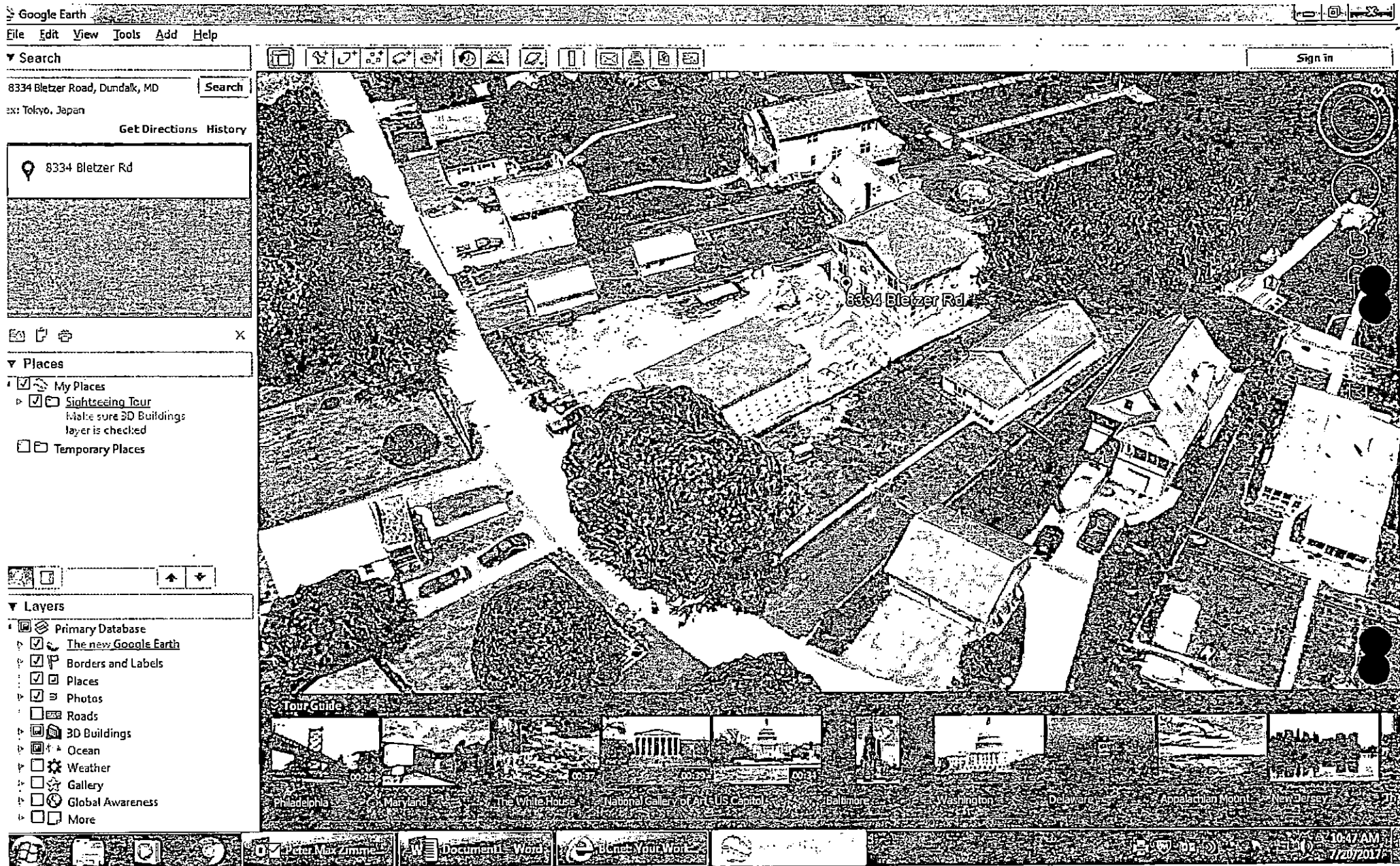
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For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).







Simplified Real Estate Transactions 301-202-1000

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Search

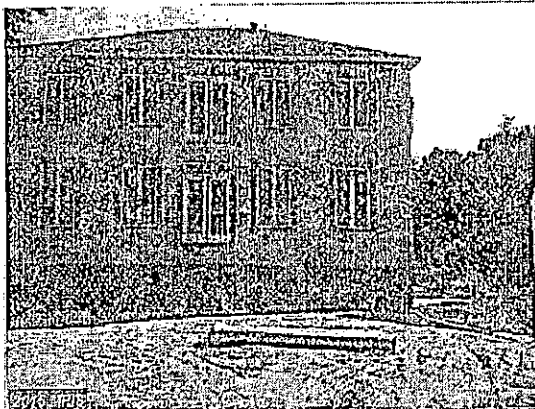
Add

For Sale

For Rent

Value

Map



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DUNDALK, MD 21222

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Contact the listing agent before visiting

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Middle School

High School

Additional Details

MLS ID	BC8718761
Listing Brokered by	Keller Williams Select Realtors
Listing Agent	Charles Beattie

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Request Showing

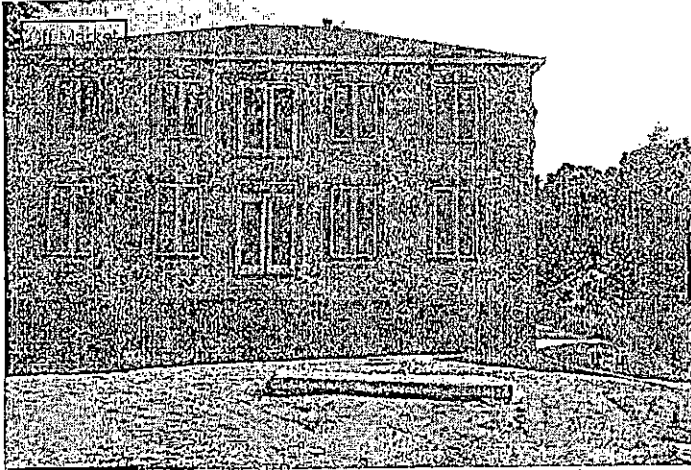
Make Offer

Nearby Cities

Edgemere, MD
Essex, MD
Sparrows Point, MD
Rosedale, MD
Fort Howard, MD
Highlandtown, MD
Raspeburg, MD

Dundalk Zip Codes

21222

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Dundalk, MD[Buy](#)[Sell](#)[Find an Agent](#)[Mortgages](#)[More](#)[Join](#) | [Sign In](#)[Search Buy](#)[Request Info](#)**\$2,500,000**

Estimate \$2,107,875

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[Contact Agent](#)**8334 Bletzer Rd**
Dundalk, MD 21222
5 Bd 6 Ba 9,625 Sqft 756 Days[Real Estate](#) > [Sold](#) > [MD](#) > [Dundalk](#) > [21222](#) > [8334 Bletzer Rd](#)[View Homes for Sale in Dundalk](#)[Contact the listing agent before visiting](#)**Baltimore County****Single Family****\$0 HOA****Built in 2015****0.44 Acres Lot****\$260/Sqft**MLS#BC8718761 provided by Charles R Beattie of Keller
Williams Select Realtors[Get a Free Valuation](#)**Joanna Zhao****(301) 329-8480**

Home Features for 8334 Bletzer Road, Dundalk

Year Built: 2015**New Construction: Yes****Type: Dwelling W/Rental****Vacation Home: No****Farm: No****Lot Area Acre: 0.439991****Lot Size Area: 19166****Lot Number: LVIS:2****Handicap: 2+ Access Exits****HOA: No**[See More](#)

2015 - 2017 House -

- living in main
- 5 people in house w/
Father

was aware of Niseman's other restricting bathroom + kitchen,
in law suite →

- No second dwelling.

→

Orig. Petition - wanted a rental apartment.

House was listed, but he doesn't want to sell.

PM2 → file



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

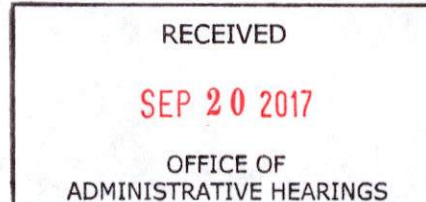
PETER MAX ZIMMERMAN
People's Counsel

September 20, 2017

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Wellhan & Guang Li – Initial Petitioners
Li's Development 8334 LLC – Petitioner, Amended Petition
8334 Bletzer Road
Case No.: 2018-010-SPH
Hearing Date: October 19, 2017 @ 11 a.m.

Dear Judge Beverungen,

Please accept this reply to Wellhan and Guang Lis' response filed September 13, 2017.

Bill 49-2011: This does not affect or change the circumstances relevant to this petition. This does not afford an escape from *res judicata*.

Bill 49-2011 provides a framework for single-family dwelling owner-occupied lots to have temporary accessory apartments for immediate family members, subject to specified standards both where within single-family dwellings or in separate accessory buildings. There are various standards, including but not limited to special exception and area standards, among others, where apartments are proposed in accessory buildings. They are codified in BCZR Sec. 440.4.

They do not provide a general authorization for two dwellings or apartments on a single lot or for the functional equivalent, the added kitchen and bathroom in a living space. They do not justify a departure from the customary limit established in Case No. 5-644-A.

BCZR Sec. 402.1 and Statutory Construction: This longstanding section allows for conversion of single-family for additional apartments either within the dwelling or as a duplex. It does not allow for apartments in separate buildings. Moreover, along with BCZR Sec Bill 49-2011's more limited framework for accessory apartments for immediate family members, the specific provision for such additions but in limited circumstances reinforces the point that such accessory apartments or their equivalent are not otherwise allowed. Clarksville Residents Against Mortuary v. Donaldson Properties 453 Md. 516 (2017) as to the relevant statutory construction canon that a specific statutory provision usually excludes general items not there allowed or covered.

Size of the Lot: There is no change in size of the lot. Anyway, as reflected in enclosed SDAT data, that there are a variety of lot sizes along Bletzer Road, as there are in many waterfront and other residential areas. The general framework for subdivisions or developments involving residential lots of record is that one dwelling is allocated to each lot. The 2004 decision fits this framework, allowing for a single replacement dwelling and a height variance for a garage.

Size of the Dwelling and Garage; Comparison with 2005 Site Plan: The current site plan sketch by Guang Li describes an "Existing 2-story Dwelling" and "2 Story Detach (sic) Garage." This dwelling is sketched as 46' x 48' (= 2208SF) for each story plus 38'7" x 10' (= 386SF) deck and a small entrance area bump out. This is larger than shown on the June 1, 2005 site plan approved in Case No. 05-644-A, 40' x 40' (= 1600SF) for each story plus a modest bump out. The current site plan does not show the precise height of the buildings. The SDAT data reflects the dwelling building size (4267 SF living area, based on 2 stories -- about 2100SF ground coverage). The garage is sketched as 50' x 30' = 1500SF in comparison with 40' x 25' = 1000SF on the 2005 site plan. The enclosed Google Earth photos show recent ongoing construction. It is important that petitioners or successors adhere to site plans connected to zoning approvals. Typically, when petitioners decide that they need to enlarge an approved proposal, then they have to come back to file a new petition to amend the approval.

Marketing Listings: A current Google search for 8334 Bletzer Road comes up with, among others, the enclosed recorded listings for the property. They are on Openspace.com and Movoto.com. Both websites describe the property as built in 2015, "Dwelling s/Rental," and with a list price of \$2,500,000.

Openspace.com shows the property as a 5 Bed, 5 Full Bath, Half Bath principal dwelling and 4 car garage, with 3 stories for the principal dwelling (not 2, as stated on the current site plan). It lists 9625 square feet house size. This apparently combines the principal dwelling --- about 2200SF x 3 stories, 6600SF (not counting the deck) --- plus the second dwelling/garage --- 1500SF x two stories, 3000SF. The Movoto website identifies the construction as "New Construction."

The Openspace website shows the listing as "ACTIVE." The Movoto website notes the property as delisted. There are other websites which come up in the Google search showing the property apparently as taken off the market. Their information is thus available online for perusal.

Ownership of the Lot: The SDAT data shows the property owner is Li's Development 8334 LLC. The data states "NO" as to "Principal Residence." It appears to be one of several Li's Development corporations, to wit, Li's Development 26 LLC; Li's Development 2201 LLC.

Variance standards: Even apart from *res judicata*, there is no justification for a variance to allow a second apartment or a second kitchen/bathroom group, especially involving construction of this magnitude and so much larger than shown on the site plan approved in 2005. The proposed variance is a matter of personal or business convenience and does not satisfy the practical difficulty criteria. The setback and height variances is not necessary to afford reasonable use of the property. Cromwell v. Ward 102 Md. App. 691 (1995); Trinity Assembly of God v. People's Counsel 407 Md. 53 (2008).

Chesapeake Bay Critical Area issues: Even if the petition is assumed to satisfy the CBCA/BCZR environmental standards, it does not resolve the zoning issues. This is just an additional aspect of the case. But there do remain CBCA questions.

We have reviewed the parallel August 21 and August 29 DEPS Comments signed by Thomas Panzarella relating to the CBCA and BCZR Section 500.14 criteria for minimization of environmental impact. We will assume for the sake of argument that the impermeable surface comes in just within the maximum expanded 31.25%, based on an exclusion for a deck with gaps and stairway to the pier. As reflected in the Guidelines and DEPS comments, the proposal must satisfy not only the 31.25% maximum, but also that lot coverage with associated with new development be minimized, that water quality impacts be minimized, and that there is onsite mitigation or a fee to offset the impacts.

Mr. Panzarella's conclusion that environmental impacts are minimized is based on the assumption or information provided "... that the structure is existing and the footprint is not proposed to increase." However, the dwelling and garage are new buildings. The enclosed SDAT data states the primary structure was built in 2016. The listings state 2015. As noted, the Google maps show the recent construction. The building permits were issued circa 2013. Again, the new buildings increase the lot coverage compared to the dwelling razed per the 2005 site plan and the dwelling and garage as approved on the 2005 site plan. Therefore, the relevant lot coverage is increased. This goes against the conclusion that the relevant environmental impacts are minimized. Perhaps DEPS may take this into account with further review.

The more construction in the CBCA, the more problems and vulnerability related to inevitable storms, which come about with increasing intensity. Hurricanes Irma, Jose, and Maria are cases in point. Baltimore County experienced Hurricane Isabel circa 2003.

Conclusion: This zoning petition, original or as amended, is barred by *res judicata*, otherwise without merit under the law, and generally problematic.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

Enclosures

cc: Wellhan & Guang Li, Li's Development, petitioners
Kathy Schlabach, Lloyd Moxley, Department of Planning (DOP)
Jeff Livingston, Thomas Panzarella, Patricia Farr, Regina Esslinger, DEPS
Carl Richards, Zoning Supervisor

Real Property Data Search

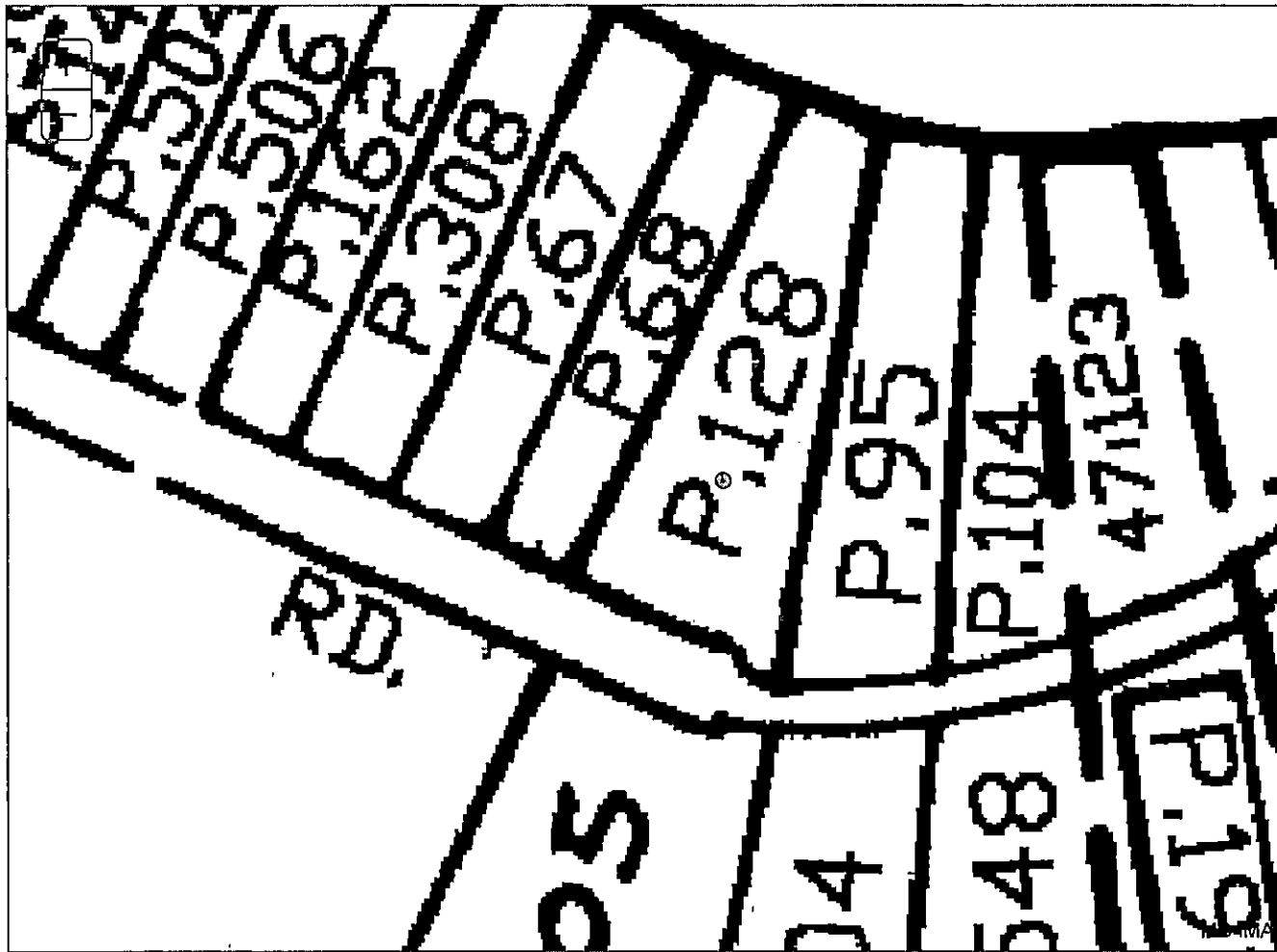
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519002070			
Owner Information					
Owner Name:	LI'S DEVELOPMENT 8334 LLC		Use:	RESIDENTIAL	
Mailing Address:	501 E BALTIMORE ST BALTIMORE MD 21202-		Principal Residence:	NO	
			Deed Reference:	/33377/ 00154	
Location & Structure Information					
Premises Address:	8334 BLETZER RD 0-0000 Waterfront		Legal Description:	8334 BLETZER RD NES BACK RIVER	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0104	0003	0128		0000	
					Block:
					Lot:
					Assessment Year:
					2018
					Plat No:
					Plat Ref:
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area	Property Land Area	County Use
2016	4,267 SF		1000 SF	19,304 SF	34
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	FRAME	5 full/ 1 half	1 Detached
					Last Major Renovation
Value Information					
	Base Value		Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2017	07/01/2018
Land:	148,300		148,300		
Improvements	678,500		678,500		
Total:	826,800		826,800	826,800	
Preferential Land:	0				
Transfer Information					
Seller: GOLDFADE INVESTMENTS LLC		Date: 03/29/2013		Price: \$290,000	
Type: ARMS LENGTH VACANT		Deed1: /33377/ 00154		Deed2:	
Seller: FADEM CRAIG		Date: 02/14/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /33186/ 00113		Deed2:	
Seller: LASEK GREGORY C		Date: 03/23/2011		Price: \$50,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /30643/ 00497		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00		0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 15 Account Number: 1519002070



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.

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>).







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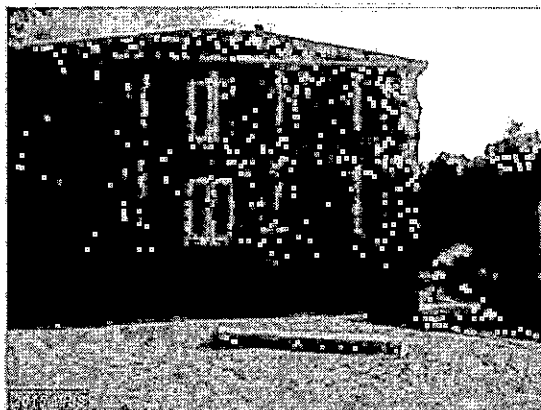
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For Sale

For Rent

Value

Map



Home for Sale in DUNDALK, MD 21222

8334 BLETZER RD
DUNDALK, MD 21222

Price: \$ 2,500,000

Reduced: \$ 0.

Status: ACTIVE

General Information

Save

 5  6  4

Beds	5 Bed
House Size	9,625 Sq Ft
Price	\$2,500,000
Property Type	Dwelling w/Rental
Stories	3
Days on Market	392
List Date	08-26-2015

Baths	5 Full, 1 Half Bath
Property Status	ACTIVE
Year Built	2015
Style	Traditional
Garage	4 car garage
Original Price	\$2,500,000
Lot Size	0.44 acre

Property Description

Contact the listing agent before visiting

School Information

Elementary School

Middle School

High School

Additional Details

MLS ID	BC8718761
Listing Brokered by	Keller Williams Select Realtors
Listing Agent	Charles Beattie

Ask Question

Request Showing

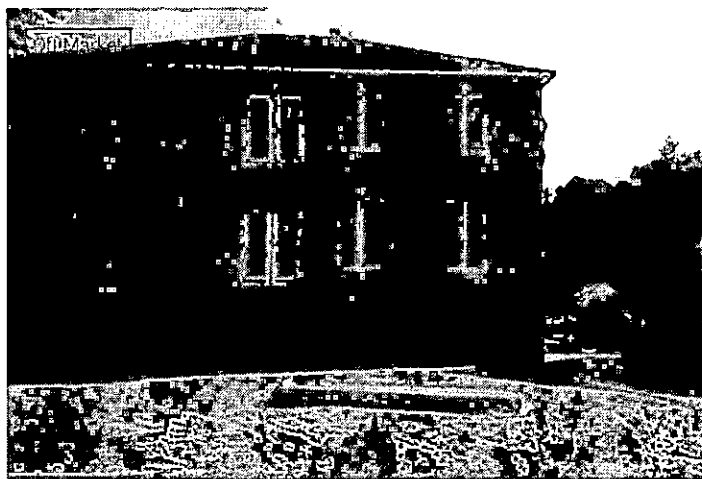
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21222

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Dundalk, MD 21222

5 Bd 6 Ba 9,625 Sqft 756 Days

Real Estate > Sold > MD > Dundalk > 21222 > 8334 Bletzer Rd

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Baltimore County

Single Family

\$0 HOA

Built in 2015

0.44 Acres Lot

\$260/Sqft

MLS#BC8718761 provided by Charles R Beattie of Keller

Williams Select Realtors

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Joanna Zhao

(301) 329-8480

Home Features for 8334 Bletzer Road, Dundalk

Year Built: 2015

New Construction: Yes

Type: Dwelling W/Rental

Vacation Home: No

Farm: No

Lot Area Acre: 0.439991

Lot Size Area: 19166

Lot Number: LVIS:2

Handicap: 2+ Access Exits

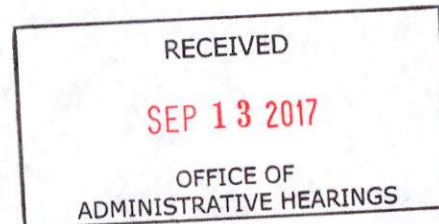
HOA: No

[See More](#)

RESPONSE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF PEOPLE'S COUNSEL
RE: CASE NO.: 2018-010-SPH

TO:

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204



RE:

Wellhan & Guang Li – Petitioners
8334 Bletzer Road
Case No.: 2018- 010-SPH
Hearing Date: October 19, 2017 @ 11 a.m.
Li's Development 8334 LLC- Petitioner, Amended Petition

Dear Judge Beverungen,

In regards to the comments and concerns presented by the Office of People's Counsel, we would like to provide additional explanations that may permit an alternative consideration on the aforementioned matter. Our main purpose for this special hearing is to seek approval for a kitchen and bathroom in our second-floor detached garage - for the sole purpose of our single-family use (as defined in BCZR Secs. 101.1). We would like to emphasize that this is not intended for rental or commercial use but only for the usage for our single-family.

We were informed by the Baltimore County zoning office that this request was feasible and would not be considered res judicata with the passing of Bill No. 49-2011 under BCZR Secs. 400, which was not in existence in 2005 when the petition for variance was granted. The new zoning code now allows for an accessory building on the same owner-occupied property as the principle single family detached dwelling. The bill that was passed in 2011 would suggest that substantial relevant change in circumstances regarding the neighborhood / zone may justify the relaxation from the zoning Case No. 05-644-A dated back in 2005 to now allow for a kitchen and bathroom over the accessory building.

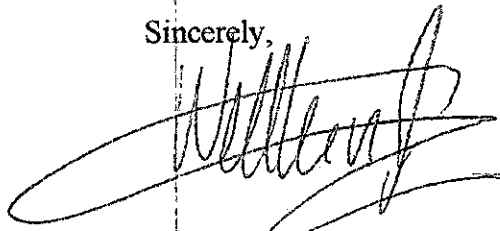
In considering the uniqueness of our lot, being that it is a double frontage with 19,300 SF (0.443 Acres) of land, this is the largest DR 5.5 residential lot on Bletzer Road. In BCZR Secs. 1B02.3.C.1, the minimum net lot area per dwelling unit in our DR 5.5 zoning classification is 6,000 SF. In our case, that translates to 3.2 dwelling units permissible on our subject property. With this in consideration, all conditions in BCZR Secs 502.1 for conditions determining granting of special exception are satisfied. It would not be an over intensification of the property and would not have any detrimental effects on the neighborhood. On the issue of it being a

second dwelling, BCZR Secs. 402.1 states that in a DR5.5 zone, a minimum of 10,000 SF in lot area is required which we are well over - at 19,300 SF. In the same section under Bill No. 100-1970, definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from BCZR Sec. 101. This suggest that the terms/ wording is relaxed with the inclusion of second dwelling on a single lot as long as the lot meets the dimensional requirements shown in the schedule in BCZR Secs.402.1.A. The interpretation of BCZR Secs 402.1.B does permit for kitchen and bathroom in additional/ accessory buildings.

We have been working closely with Thomas C. Panzarella from the Baltimore County Department of Environmental Protection and Sustainability Environmental Impact Review Section. Mr. Panzarella has conducted detailed on-site measurements and has approved our lot coverage in accordance with the Chesapeake Bay Critical Area regulations and are within limits. Key point to note from the correspondence from the Office of People's Counsel is that Lot Coverage does not include wood mulch area, deck area that allows water to pass freely, and stairways in the buffer that provide direct access to a private pier. Detailed on-site measurements and exclusions of permissible lot coverage of permeable surface coverage calculations were performed by Mr. Panzarella. The actual lot has 5995 SF of impermeable surface coverage. This is 31.06% of the 19,300SF lot area which does not exceed the 31.5% maximum allowed lot coverage. If clarification is needed please contact Mr. Panzarella at 410-887-3980.

With the passing of new zoning bills and growth in the development of the area, we pray and humbly hope the administrative law judge will grant our request of allowing a kitchen and bathroom over our accessory building for our single-dwelling use.

Sincerely,



Wellhan & Guang Li
Petitioners

cc: Peter Max Zimmerman, People's Counsel for Baltimore County
Kathy Schlabach, Lloyd Moxley, Department of Planning (DOP)
Jeff Livingston, Glenn Shaffer, Department of Environmental Protection (DEPS)
Carl Richards, Zoning Supervisor

Baltimore County, MD
Tuesday, September 12, 2017

ARTICLE 1B. Density Residential (D.R.) Zones

SECTION 1Bo2. Use, Parking, Bulk Density and Open Space Regulations, Standards and Controls Applied According to Zoning Classification

§ 1Bo2.1. Uses permitted as of right or by special exception according to zoning classification.

[Bill Nos. 91-1974; 31-1978; 32-1978; 142-1979^[1]; 167-1980^[2]; 122-1984^[3]; 87-2001; 27-2015]

The following uses are permitted in D.R. Zones either as of right or special exception, in accordance with the schedule below, wherein the abbreviations and symbols shall be interpreted as follows:

S.E.	=	Use Permitted by Special Exception Only
+	=	Use Permitted As of Right
(X)	=	Use Prohibited

	D.R.1	D.R.2	D.R.3-5	D.R.5-5	D.R.10.5	D.R.16
Airports	S.E.	(X)	(X)	(X)	(X)	(X)
Animal boarding places, Class A (see Section 421)	+	S.E.	S.E.	S.E.	(X)	(X)
Animal boarding places, Class B (see Section 421)	S.E.	S.E.	S.E.	(X)	(X)	(X)
Antique shops (see Section 402B)	S.E.	S.E.	(X)	(X)	(X)	S.E.
Cemeteries	S.E.	S.E.	S.E.	S.E.	(X)	(X)
Commercial kennels	(X)	(X)	(X)	(X)	(X)	(X)
Conversion of dwellings to tearooms or restaurants (see Section 402)	S.E.	S.E.	(X)	(X)	(X)	(X)
Golf driving ranges, miniature-golf courses or baseball-batting ranges	S.E.	S.E.	(X)	(X)	(X)	(X)
Private kennels	S.E.	S.E.	S.E.	(X)	(X)	(X)
Racetracks, commercial	S.E.	S.E.	(X)	(X)	(X)	(X)
Residential art salons (see Section 402C)	S.E.	S.E.	S.E.	S.E.	(X)	S.E.
Riding stables, commercial	S.E.	S.E.	(X)	(X)	(X)	(X)
Sanitary landfills	S.E.	S.E.	(X)	(X)	(X)	(X)
Shooting ranges	S.E.	S.E.	(X)	(X)	(X)	(X)
Mobile homes and mobile home parks			See Section 415.6			

[1] Editor's Note: This bill repealed "community care center" from the listing below.

[2] Editor's Note: This bill repealed "office or office buildings" from the listing below.

[3] Editor's Note: This bill repealed "laboratories" and "research institutes" from the listing below.

§ 1Bo2.2. Regulations, standards and controls for density, bulk, open space and parking.

- A. Dwellings. The maximum gross residential densities and height of dwellings shall be as prescribed in the table below; provided, however, that higher or additional standards for the provision of other amenity open space, standards and methods for the inclusion and equitable apportionment of public amenity open space within the calculations of gross areas of tracts abutting the open space, and standards providing for greater heights of buildings in appropriate circumstances, all as more particularly set forth in Section 504, shall control when adopted pursuant to the authority of said section.

[Bill Nos. 5-1979; 80-1981; 156-1983; 26-1988; 36-1988; 19-2004]^[1]

Zoning Classification	Maximum Gross Residential Density (in dwelling or density units per acre)	Maximum Height of Buildings (in feet)
D.R.1	1.0 dwelling units/acre	50
D.R.2	2.0 dwelling units/acre	50
D.R.3.5	3.5 dwelling units/acre	50
D.R.5.5	5.5 dwelling units/acre	50
D.R.10.5	10.5 dwelling units/acre	50
D.R.16	16.0 density	60

[1] Editor's Note: This bill also stated that it would not apply to any concept plan accepted for filing prior to the effective date of this bill. Said effective date is 45 days after its 3-1-2004 enactment.

- B. Other principal uses. Density, bulk and open space regulations, standards or controls for principal uses other than dwellings within zones of different classification shall be governed by provisions adopted pursuant to the authority of Section 504.

[Bill No. 26-1988]^[2]

[2] Editor's Note: Former Subsection C, which followed, was repealed by Bill No. 124-1981.

§ 1Bo2.3. Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:
- Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
 - Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
 - Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
 - Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than 1/2 acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
 - Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.
- B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in

Subsection A.2 shall be in accordance with the tentatively approved subdivision plan to be adopted. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (square feet)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	—	30
D.R.10.5	3,000	20	10	10	—	50
D.R.16	2,500	20	10	25	—	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.
- E. Notwithstanding any provision of these regulations to the contrary, the bulk regulations and building setback requirements applicable to an approved development plan for a condominium regime shall be the only bulk regulations and building setback requirements applicable to a subsequent conversion of the entire condominium regime, or a portion thereof, to individual lots of record, so long as the approved condominium regime is located on a lot, tract, or parcel zoned D.R. 3.5, D.R. 5.5, D.R. 10.5, and/or D.R. 16 that is within the Chesapeake Bay Critical Area.

[Bill Nos. 78-2010; 71-2011]

Baltimore County, MD
Tuesday, September 12, 2017

ARTICLE 3. Exceptions to Height and Area Requirements

SECTION 307. Variances

§ 307.1. Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given 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. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. 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. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification.^[1] Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

[1] *Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning Regulations.*

Baltimore County, MD
Tuesday, September 12, 2017

ARTICLE 4. Special Regulations

SECTION 400. Accessory Buildings in Residence Zones

§ 400.1. Location; lot coverage.

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

§ 400.2. Setback.

[Bill No. 2-1992]

Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

§ 400.3. Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

§ 400.4. Accessory apartments.

[Bill No. 49-2011^[1]]

An accessory apartment is permitted as a temporary use within a principal single-family detached dwelling or within an accessory building situated on the same owner-occupied lot as the principal dwelling in any zone that permits single-family dwellings, subject to the following requirements:

A. If located within an existing single-family detached dwelling:

1. An applicant shall file with the Department of Permits, Approvals and Inspections an application for a use permit for an accessory apartment, on a form approved by the Department. With the application, the applicant shall submit a declaration of understanding, on a form approved by the Department, including but not necessarily limited to the following terms and conditions:
 - a. The size of the accessory apartment may not exceed 1/3 of the overall floor area of the dwelling or 2,000 square feet, whichever is less;
 - b. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single-family residence; and
 - c. The accessory apartment may not have separate utility meters, such as gas and electric service.

2. The Director may approve the application upon a finding that the size, location, and purpose of the accessory structure will not negatively affect the health, safety, or general welfare of the surrounding community.
- B. If located within an accessory building on the same owner-occupied property as the principal single-family detached dwelling:
1. An applicant shall file a request for a special hearing and a use permit with the Department, together with a declaration of understanding as required by Subsection A1 of this section, and a public hearing before the Office of Administrative Hearings is required.
 2. The size of the accessory apartment may not exceed 1,200 square feet, and the accessory building shall comply with the requirements of Section 400.
 3. Following a public hearing, the Office of Administrative Hearings may grant a request upon a finding that the size, location, and purpose of the accessory apartment conform with Section 502.1 and may impose such conditions, restrictions or regulations consistent with Section 502.2 as may be deemed necessary or advisable for the protection of surrounding and neighboring properties, including the express prohibition that the accessory apartment not be converted to a second dwelling beyond the scope of this section.
 4. The accessory apartment may not have separate utility meters or water and sewerage services unless approved by the Office of Administrative hearings based on specific findings of necessity for the accessory building.
- C. Approval; renewal.
1. Approval. The approval of an application for a use permit in Subsection A or a request for a special hearing and a use permit in Subsection B shall be subject to the following:
 - a. The declaration of understanding and property description, including any conditions, restrictions, or regulations imposed by the Department or the Office of Administrative Hearings, shall be recorded in the land records of Baltimore County and a copy shall be filed with the Department; and
 - b. The accessory apartment shall only be utilized by immediate family members as defined in Section 101 and may not be used by any person other than an immediate family member for any other reason.
 - c. If the accessory apartment is no longer occupied by any person named in the use permit or if the property is sold, the use permit shall terminate, and any proposed changes in occupancy to the accessory apartment by the property owner or subsequent purchaser shall require a new request for a use permit as applicable under Subsection A or B.
 2. Renewal. The applicant shall renew the use permit with the Department every two years by filing a renewal on a form approved by the Department, to be dated from the month of the initial approval, and shall list the name of any person occupying the accessory apartment.
- [1] *Editor's Note: This Act stated that it applied retroactively to requests for in-law apartments filed on or after 8-1-2010, and also that owners of in-law apartments lawfully approved prior to the effective date of this Act must obtain a use permit required by this Act on or before 10-1-2012.*

Baltimore County, MD
Tuesday, September 12, 2017

ARTICLE 4. Special Regulations

SECTION 402. Conversion of Dwellings

§ 402.1. For residential use.

For residential use:

- A. The converted dwelling must be located on a lot that will meet the dimensional requirements shown in the schedule which follows.
- B. Separate cooking facilities and a separate bathroom shall be provided for each family unit.

CONVERSION OF ONE-FAMILY DWELLINGS MINIMUM DIMENSIONS

Zone	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet		Side Yards (feet)	
	Duplex ¹	Semi-Detached ¹	Each Add. Family	Two Families	Each Add. Family	Min. For One	Sum of Both
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor. 35	Int. 50 Cor. 60
D.R.3.5	90	100	15	12,500	4,000	Int. 20 Cor. 30	Int. 40 Cor. 50
D.R.5.5	80	90	15	10,000	3,000	Int. 15 Cor. 25	Int. 35 Cor. 40
D.R.10.5	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40
D.R.16	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40

NOTES:

¹ The original BCZR 1955 definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from Section 101 by Bill No. 100-1970. The entries previously read as follows:

"Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

"Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides."

ARTICLE 5. Administration and Enforcement

SECTION 502. Special Exceptions

§ 502.1. Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
[Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
[Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
[Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.
[Bill No. 74-2000]



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

September 6, 2017

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Wellhan & Guang Li - Petitioners
8334 Bletzer Road
Case No.: 2018-010-SPH
Hearing Date: October 19, 2017 @ 11 a.m.
Li's Development 8334 LLC - Petitioner, Amended Petition

Dear Judge Beverungen,

Our office's customary review of zoning petitions reveals several issues. They involve *res judicata*, two separate dwellings on a lot, and Critical Area impermeable surface limits.

The Lis' petition asks initially to remove restriction 3 from a 2005 Zoning Commissioner decision in order to allow an apartment above the garage. The Planning Department recommended denial. August 9, 2017 comment enclosed. As amended, "Li's Development 8334" asks removal of said restriction so as to allow kitchen and bathroom facilities. In our view, this translates functionally to another apartment. Either way, the petition must be denied as a matter of law.

The D.R. (Density Residential) 5.5 Zone waterfront property was the subject of a zoning Case No. 05-644-A, Mario Teresi, Petitioner. Zoning Commissioner William Wiseman granted the variances on August 11, 2005, with conditions. The decision and site plan are enclosed. The variances were for a detached garage with 25 feet in height, 12 feet from the property line with a loft for boat/trailer/vehicle storage. BCZR Secs. 400.3, 1B02.3.C.1. The garage measured 40' x 25', 1000SF. The plan included a replacement dwelling.

Condition 3 limited the garage to accessory residential uses. It barred commercial use, a second dwelling unit and/or apartments, living quarters, and kitchen or bathroom facilities. This is a typical condition placed on variances for large garages. The condition reflects that two dwellings in separate buildings are never permitted on a single lot.

The current site plan shows the garage as 2 stories and 1500 square feet ground floor area. Our research of the building permit history, My Neighborhood and Google maps, and SDAT records show the new dwelling and garage under construction. The building permit for the garage shows petitioners were aware of the prior zoning case. Application B831643, November 13, 2013.

The site plan does not show a pier. There was, however, a pier permit application B813755, April 7, 2013, for a pier, 2 boat lift piles and boat lift. Recent aerial photos show a pier.

The present petition, original or amended, is barred by *res judicata*, which precludes repeat petitions to relax conditions absent a substantial relevant change in circumstances regarding the neighborhood which might justify the relaxation. There have been several recent cases on the subject. RREF and Belvedere Baptist Church. The case law is familiar from Whittle v. Board of Zoning Appeals 211 Md. 36 (1956) to Seminary Galleria v. Dulaney Valley Improvement Ass'n 102 Md. App. 719 (2010). Given the original petition and the size and character of the garage, it is functionally still an apartment. Either way, there is no basis to relax the condition.

Moreover, as to any second dwelling, BCZR Sec. 402 allows conversion of single-family dwellings to include additional apartments with minimum area standards, it is limited to conversion involving duplex or semi-detached dwellings. It does not allow a second detached dwelling on a single lot. So, the 2005 condition essentially incorporated the law. So, the variance request amounts to a use variance, impermissible under BCZR Sec. 307.1. Even if it were viewed as an area variance, there is no justification based on the uniqueness/practical difficulty criteria.

Furthermore, there is a Chesapeake Bay Critical Area Law issue. The 2005 decision attached included Critical Area compliance condition 2. The dimensions and scaling of the current site plan show at least 6789SF impermeable surface coverage --- dwelling 2208, deck 390, garage 1500, pad 960, driveway 1600, walkway 131. This is over 35% of the 19,300SF lot area, exceeding the 31.5% maximum even for "grandfathered" lots, subject also to other conditions. Critical Area Commission Lot Coverage Guide, page 3, enclosed. There is a compliance problem.

We trust this correspondence will be of assistance to the administrative law judge.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Wellhan & Guang Li, Li's Development, petitioners
Kathy Schlabach, Lloyd Moxley, Department of Planning (DOP)
Jeff Livingston, Glenn Shaffer, Department of Environmental Protection (DEPS)
Carl Richards, Zoning Supervisor



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8334 BLETZER ROAD

which is presently zoned DR 5.5

BCZR, 400.1, d (2), BUCYMANUM AND 1302.3. C.1, BCZR ALWB

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 TO ALLOW AN ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A HEIGHT OF 25 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET AND A STREET SETBACK OF 12' IN LIEU OF 25 FT.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

OWNER WISHES TO UTILIZE A LOFT AREA FOR STORAGE

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MARIO J. TERESI, SR.

Name - Type or Print

Signature

Name - Type or Print

Signature

8330 BLETZER ROAD

Address

Telephone No.

BALTO

MD.

21222

State

Zip Code

Representative to be Contacted:

ROBERT INFUSSI

Name

P.O. BOX 1043-7043 (410) 812-2236

Address

Telephone No.

BELAIR

MD.

21014

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING JL

UNAVAILABLE FOR HEARING

Reviewed By

JL

Date

6/03/05

Case No. 05-644-A

IN RE: PETITION FOR VARIANCE
N/S Bletzer Road, 825' E of the c/l
Glenhurst Road
(8334 Bletzer Road)
15th Election District
7th Council District

Mario J. Teresi, Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-644-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mario J. Teresi, Sr. The Petitioner seeks relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (ZCPM) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were David Billingsley and Bob Infussi, the consultants who prepared the site plan for this property and assisted the Petitioner in the application process. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront parcel located adjacent to Back River and the north side of Bletzer Road, just west of its intersection with Glenhurst Road in North Point. The property contains a gross area of 0.443 acres, more or less, zoned D.R.5.5, and is improved with a small dwelling that has apparently existed on the site since 1950. The Petitioner has owned the property since March 2002 and is desirous of conveying the parcel to his son, who intends to raze the existing structure and construct a new single family dwelling and detached garage thereon. As shown on the site plan, the proposed dwelling will be constructed in essentially the same location as the existing structure and setback a distance from the

water consistent with other houses on the adjacent lots. The new dwelling will meet all side and rear setback requirements. At issue is the proposed garage, which will be located in the rear corner of the property adjacent to an existing driveway and approximately 12 feet from Bletzer Road. In addition, the Petitioner proposes a height of 25 feet for the proposed building to provide sufficient boat/trailer/vehicle storage space and additional storage space in a loft area above. Testimony and evidence demonstrated that there are other garages in the immediate vicinity that have been constructed with similar distances from the road and with similar heights. In fact, testimony revealed that the Petitioner resides at 8330 Bletzer Road and obtained similar variance relief for his property under prior Case No. 05-430-A.

Variance relief is requested as set forth above given the unique configuration of the lot and the site constraints associated therewith. In this regard, the subject property is considered a "double frontage lot" in that its width along the road is approximately 107 feet and the average width along the road frontage for other lots in this community is 50 feet. Section 400.1.d.2 of the Zoning Commissioner's Policy Manual requires that accessory structures on Double Frontage Lots not be any closer to the street as the principal building. Thus, relief is requested to allow the garage to be constructed where proposed. It was indicated that the garage could not be attached to the house due to the existence of overhead power lines that run through the center of the property. Moreover, to require its location further into the rear yard space would be inconsistent with the pattern of development in the neighborhood and reduce the usable space in the rear yard.

After due consideration of all of the testimony and evidence presented, I find that the Petitioner has met the requirements of Section 307 for relief to be granted. There were no adverse comments from any County reviewing agency and the neighbors apparently support the proposal. In this regard, it was indicated that the Petitioner has discussed the proposal with the immediately adjacent neighbors who have no objections. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's waterfront location, the proposed development must comply with Chesapeake Bay Critical Areas

regulations and Federal Flood Insurance requirements as set forth in the comments attached hereto and made a part hereof.

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

11th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2005 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and the Development Plans Review division of DPDM, dated June 28, 2005, copies of which have been attached hereto and made a part hereof.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: June 28, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2005
Item No. 644

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 10.4.

In conformance with *Federal Flood insurance Requirements*, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 644-06282005doc

PMZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 27, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 5-644 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 25 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

The Office of Planning also does not oppose the petitioner's request to permit an accessory structure setback of 12 feet in lieu of the minimum required 25 feet from Bletzer Road.

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

Prepared by: Curtis Murray

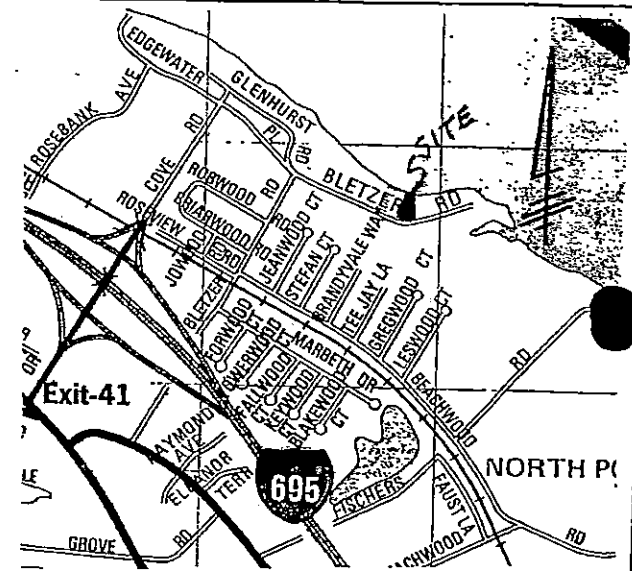
Section Chief: Jeffrey W. Long

AFK/LL: CM

EX. BULKHEAD 7 550°00' E
43' ±

MARIO J. TERESI, SR.
8330 BLETZER ROAD
BALTIMORE, MD 21222
ACCT. NO. 1519002070

6A



LOCATION PLAN
SCALE=1"=1000'

1. ZONING....DR 5.5 (10451)
2. LOT AREA.....19,300 S.F. = 0.443 ACRE=+/-
3. NO PREVIOUS ZONING HISTORY
4. NO HISTORIC BUILDINGS, UNDERGROUND STORAGE TANKS
OR ARCHEOLOGICAL SITES EXIST
5. SITE IS LOCATED IN CBCA
6. SITE IS NOT LOCATED IN 100 YEAR FLOODPLAIN

EXHIBIT NO.

PLAT TO ACCOMPANY VARIANCE PETITION
8334 BLETZER ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 40' JUNE 1, 2005

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

(410) 679-8719

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-010

DATE: 8/9/2017

INFORMATION:

Property Address: 8334 Bletzer Road
Petitioner: Wellhan Li, Guang Li
Zoning: DR 5.5
Requested Action: Special Hearing

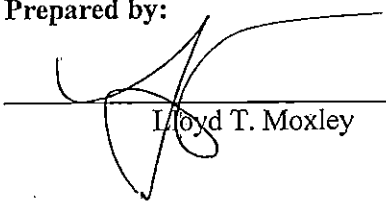
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should remove the restrictions imposed in Zoning Case 2005-0644A to allow a rental apartment above the accessory garage.

A site visit was conducted on July 24, 2017.

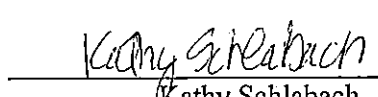
The Department objects to granting the petitioned zoning relief and recommends that the request be denied. The Department observes no material or substantial change to the site that would cause it to reverse its ZAC comments dated 6/27/2005. The establishment of two dwellings on the site is an over intensification of the use of the single property that would have a detrimental effect on the neighborhood. The Department recommends that condition # 3 in the aforesaid Zoning Case 2005-0644A remain unchanged.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Wellhan Li
Office of the Administrative Hearings
People's Counsel for Baltimore County

LOCAL GOVERNMENT ASSISTANCE GUIDE

Lot Coverage

Approved September 3, 2008

Background

In the spring of 2008, House Bill 1253 amended the provisions of § 8-1808 of the Natural Resources Article of the Annotated Code of Maryland pertaining to limiting the footprint of development activity of properties designated as Limited Development Area (LDA) and Resource Conservation Area (RCA) within the Critical Area. The amendment involved primarily a change in terminology from "impervious surface" to "lot coverage." The effect of this change was to include all developed areas of a property that are not vegetated or in a naturally permeable state as part of lot coverage limitations set forth in the law.

The purpose of this amendment was to focus on limiting the "footprint of development activity" by providing a clear and inclusive definition that could be applied consistently and uniformly throughout the Critical Area.

This document summarizes current law regarding limitations on lot coverage within LDAs and RCAs in the Critical Area. Pending the development and approval of regulations, it is intended as interim guidance to local governments and applicants for development activity regarding the implementation of the lot coverage provisions.

Definition

The Critical Area Law now includes a definition of lot coverage that reads as follows:

"Lot Coverage" means the percentage of a total lot or parcel that is:

1. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.

Lot coverage does not include:

1. A fence or wall that is less than one foot in width that has not been constructed with a footer;
2. A walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier (local governments shall ensure that impacts to the Buffer associated with access are minimized);
3. A wood mulch pathway; or
4. A deck with gaps to allow water to pass freely.

NOTE: (In response to numerous inquiries from local jurisdictions, the following is meant for clarification purposes:

Impermeable decks - Lot coverage includes the ground area covered or occupied by an impermeable deck, even when that deck is not directly touching the ground surface.

Stairways - Lot coverage does not include walkways or stairways in the Buffer that provide direct access to a community or private pier. All other stairs or walkways count.

Stormwater management and erosion control measures - Lot coverage does not include these practices when they are approved only for the specific purpose of performing stormwater management or erosion control.)

Lot Coverage Limits

In general, the limits of development remain the same except for a change that will facilitate clustering where small lots may be created and developed in order to promote the conservation of larger areas of the project site. For new subdivisions, lot coverage within the subdivision as a whole is still limited to 15 percent; however, an individual lot less than one acre may exceed the 15 percent limit. The maximum lot coverage limit for these lots is no longer capped at 25 percent as long as the subdivision as a whole, including its internal roads, complies with the 15 percent limit. The following standards summarize the lot coverage requirements:

1. In general, lot coverage is limited to 15 percent of a parcel or lot.
2. If a parcel or lot existed on or before December 1, 1985 in the Chesapeake Bay Critical Area, or on or before June 1, 2002 in the Coastal Bays Critical Area, and is one-half acre or less in size, then lot coverage is limited to 25 percent of the parcel or lot.
3. Unless otherwise restricted by a local government, a lot in a subdivision approved after December 1, 1985 in the Chesapeake Bay Critical Area or after June 1, 2002 in the Coastal Bays Critical Area may exceed the 15 percent lot coverage limit; however, lot coverage for the entire subdivision cannot exceed 15 percent. Any changes to a previously platted subdivision to adjust lot coverage limits, allowing individual lots to exceed the former 25 percent cap, will be considered a project that needs to be submitted to the Commission for

comment. The submittal must include appropriate documentation indicating that the entire subdivision is currently, and can be maintained, in full compliance with the new lot coverage provisions. The new definition of lot coverage would apply to the entire subdivision.

4. Lot coverage limits do not apply to a trailer park that was in residential use on or before December 1, 1985 in the Chesapeake Bay Critical Area or on or before June 1, 2002 in the Coastal Bays Critical Area.
5. For grandfathered lots that pre-date the Critical Area Program, a local government may allow a property owner to exceed the lot coverage limits outlined above and comply with the lot coverage limits set forth in the table below if the following requirements are met:

- (a) Lot coverage associated with new development activities has been minimized;
- (b) Water quality impacts associated with runoff from development activities that contribute to lot coverage have been minimized; and
- (c) The property owner performs on-site mitigation or pays a fee-in-lieu of mitigation as required by the local jurisdiction to offset potential adverse water quality impacts.

LOT/PARCEL SIZE	LOT COVERAGE
0 – 8,000 SF	25% of Parcel + 500 SF
8,000 – 21,780 SF	31.25% of Parcel
21,781 – 36,300 SF	5.445 SF
36,301 – 43,560 SF	15 % of Parcel
Over 43,560 SF	15 % of Parcel

Lot Coverage Within the 100-Foot Buffer

Amendments to the law also clarify that there is no allowable, by right, percentage of lot coverage within the 100-Foot Buffer. Exceptions include projects defined as water-dependent facilities, projects in a Buffer Exemption Area under an approved local program, variances granted in accordance with the variance procedures in the law, and projects in waterfront revitalization areas or waterfront industrial areas developed under an approved local program. (A walkway or stairway through the Buffer that provides direct access to a pier is not included in lot coverage calculations.)

Grandfathering Provisions

In order to address the many existing developed lots that may be made non-conforming as a result of the new legislation and to accommodate development projects that are under design or in various stages of construction, the law includes grandfathering provisions. Lots or parcels that are legally developed (pre-dated a local Critical Area program or were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction) are considered legally nonconforming, even if the lot coverage on the property exceeds the specified limits. This means that all existing structures, accessory structures, and developed areas may remain in place.

For development activities associated with projects under design or in various stages of construction, there are two categories of projects where there is flexibility with regard to the new

lot coverage provisions. Projects in the categories described below may proceed in accordance with the impervious surface limits and accepted review practices and standards used by the local government prior to the new legislation.

1. The new lot coverage provisions do not apply to development projects for which a building permit was issued before July 1, 2008 as long as construction is initiated and an inspection is performed by July 1, 2009.
2. Projects that are under design may be exempted from the strict application of the lot coverage provisions if:
 - a) An application for a building permit or grading permit is filed by October 1, 2008, and the permit is issued by January 1, 2010; or
 - b) An initial application for development is filed by October 1, 2008, and the development plan is approved by July 1, 2010.

In addition, projects under design must meet the following requirements:

- a) There must be a detailed lot coverage plan, drawn to scale, showing the amounts of impervious surface area, partially pervious surface area, and developed pervious surface area for the project.
 - b) The lot coverage plan must be approved by the local government and maintained in the local jurisdiction's files.
 - c) The development plan must remain valid in accordance with local procedures, except that a moratorium or an adequate public facilities ordinance cannot terminate the validity of an approved development plan for purposes of lot coverage.
3. Development plans and lot coverage plans may be modified in accordance with formally adopted local policies or procedures; however, the amounts of impervious surface, partially pervious, and developed pervious areas cannot be increased. Reductions in these areas are permitted. (Developed pervious areas are those areas that would be included in lot coverage calculations under the 2008 legislation, but that previously were considered pervious by the local government in accordance with its written standards or approved practices prior to July 1, 2008.)
 4. Projects, including new subdivisions, for which an initial application for development is filed by October 1, 2008 and approval is obtained by July 1, 2010, but for which there is no approved lot coverage plan, will be required to comply with all of the lot coverage provisions in House Bill 1253.
 5. In order to properly and consistently implement the provisions involving grandfathering and lot coverage plans under House Bill 1253 and to ensure that the Commission provides appropriate comments on these projects, local governments must provide the Commission with a copy of the jurisdiction's written standards or approved practices regarding the percentage of imperviousness associated with various materials (i.e. pavers, decking, etc.) that were in effect prior to July 1, 2008. Local jurisdictions must also provide a list of projects for which lot coverage plans are filed.

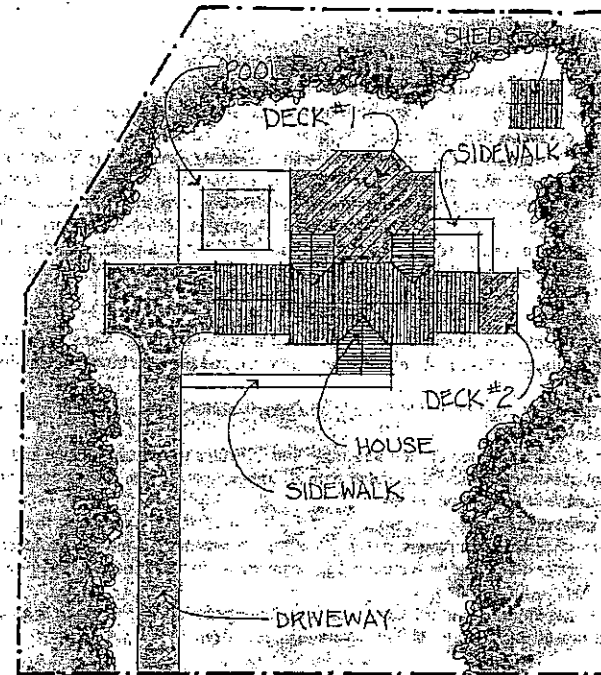
*PCS coverage
100% 3 B. 3
no more than 15%
covered by
buildings*

Implementation Recommendations for Nonconforming Lots

As a result of the change in terminology from impervious surface to lot coverage and the definition of lot coverage, there are numerous lots or parcels that may be made "nonconforming" with regard to lot coverage. These are properties that are legally developed (pre-dated a local Critical Area program or were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction), but may now exceed the specified lot coverage limitations. This means that all existing structures, accessory structures, and developed pervious areas may remain in place; however, redevelopment activities must be carefully considered to ensure that they meet the intent of the lot coverage provisions.

Lot Coverage Plans

- Local governments may develop their own standards for lot coverage plans for individual building permits, projects involving site plan approval, and projects involving subdivision approval.
- Lot coverage plans must be drawn to scale and clearly show and identify all proposed development activities.
- The plans should be labeled or include a table that indicates the square footage and percentage of imperviousness associated with all impervious surfaces, partially pervious surfaces, and developed pervious areas.
- If a local government has previously allowed a percentage of imperviousness to be associated with various materials (i.e. pavers, decking, etc.) these percentages must be included on the plan and must be consistent with the local government's written standards or approved practices prior to July 1, 2008.
- The lot coverage plan should include a stamp indicating the local government's approval and should be signed and dated by the lot coverage plan reviewer.



LOT COVERAGE PLAN

SCALE: 1" = 40'-0"

LOT COVERAGE TABLE

Structure Type	Material	% Impervious	Square Footage	Impervious Area
HOUSE	TYPICAL	100	2520	2520
SHED	TYPICAL	100	252	252
DECK #1	WOOD W/ GAPS	50	2292	1146
DECK #2	WOOD W/ GAPS	50	280	140
POOL	CONCRETE	100	1140	1140
SIDEWALKS	PAVERS	60	412	247
DRIVEWAY	GRAVEL	0	2488	0
TOTAL			8384	5445

Impervious Area 5445 SF / Lot Size 39,900 SF = 13.6 %

Total 100% Impervious Area: 3912 SF
 Total Partially Impervious (50 %) Area: 2572 SF
 Total Partially Impervious (60 %) Area: 412 SF
 Total Partially Impervious (____ %) Area: SF
 Total Developed Pervious Area: 2488 SF

NOTE: The percentage of imperviousness associated with various materials (i.e. pavers, decking, etc.) included on the plan and the identification of "developed pervious areas" must be consistent with the local government's written standards or approved practices prior to July 1, 2008.

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>8-11</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>8-29 & 8-21</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
<u>9-27</u>	PLANNING (if not received, date e-mail sent _____)	<u>ObjectS</u>
<u>8-23</u>	STATE HIGHWAY ADMINISTRATION	<u>No object.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 05-644-12 8-11-05 Wahman)NEWSPAPER ADVERTISEMENT Date: 9-28-17SIGN POSTING Date: 9-29-17 by OglePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☒ No ☐

Response to P.C. from Pet.

Sept. 6, 2017 and

Comments, if any: * Code violation rec'd 6-16-17 (CB1700397)
Converted garage 2nd fl. into apt.

* Council Bill 49-11 - Zon. Reg. - Access. Apts. provided for your convenience.* File not marked "Code Violation" or "CBCA", etc.

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1519002070			
Owner Information					
Owner Name:	LI'S DEVELOPMENT 8334 LLC		Use:	RESIDENTIAL NO	
Mailing Address:	501 E BALTIMORE ST BALTIMORE MD 21202-		Principal Residence:		
			Deed Reference:	/33377/ 00154	
Location & Structure Information					
Premises Address:		8334 BLETZER RD 0-0000 Waterfront		Legal Description: 8334 BLETZER RD NES BACK RIVER	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0104	0003	0128		0000	
				Assessment Year:	Plat No:
				2015	Plat Ref:
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2016	4,267 SF	1000 SF	19,304 SF	34	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	FRAME	5 full/ 1 half	1 Detached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2015	07/01/2016	07/01/2017	
Land:	148,300	148,300			
Improvements	637,790	678,500			
Total:	786,090	826,800	813,230	826,800	
Preferential Land:	0			0	
Transfer Information					
Seller: GOLDFADE INVESTMENTS LLC		Date: 03/29/2013		Price: \$290,000	
Type: ARMS LENGTH VACANT		Deed1: /33377/ 00154		Deed2:	
Seller: FADEM CRAIG		Date: 02/14/2013		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /33186/ 00113		Deed2:	
Seller: LASEK GREGORY C		Date: 03/23/2011		Price: \$50,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /30643/ 00497		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 13

Bill No. 49-11

Councilmembers Olszewski, Oliver & Bevins

By the County Council, August 1, 2011

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Accessory Apartments

FOR the purpose of defining accessory apartment and permitting an accessory apartment in certain areas under certain conditions; providing for the issuance of a use permit and renewal thereof; providing for the application of the Act; and generally relating to accessory apartments.

BY adding.

Section 101.1, the Definition of "Accessory Apartment," and
Section 400.4
Baltimore County Zoning Regulations, as amended

WHEREAS, for a number of years, the County has permitted "in-law apartments" under certain limited circumstances within an existing single-family dwelling or within an accessory building; and

WHEREAS, there currently are no such provisions in the Zoning Regulations or the County Code specifically pertaining to in-law apartments; and

WHEREAS, the County has heretofore addressed such requests whereby if a request for an in-law apartment is within an existing single-family detached dwelling, it is generally processed and approved administratively with certain documentation required by the Department of Permits,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.



Approvals and Inspections; if the request for an in-law apartment is within a detached accessory structure, a request for special hearing is filed and a public hearing required before the Office of Administrative Hearings; and

WHEREAS, the County Council recognizes that with an aging population, the need exists for elder family members to have access to care and comfort from their children on the same owner occupied property as that of the principal single-family detached dwelling; and

WHEREAS, the purpose of this Act is not to expand the potential for student housing in areas near County colleges and universities nor to worsen the saturation of student housing in such areas; and

WHEREAS, the purpose of this Act is to address this need and codify the limited circumstances under which an in-law apartment is permitted; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 101.1, the Definition of “Accessory Apartment,” and Section 400.4 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

Section 101.1. Definitions

101.1 Word usage; definitions.

ACCESSORY APARTMENT - A SECOND LIVING QUARTER WITHIN A PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY BUILDING SITUATED ON THE SAME LOT AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING AND IN COMPLIANCE WITH SECTION 400, WITH DEDICATED BATHING AND COOKING FACILITIES, AND LOCATED ON OWNER-OCCUPIED PROPERTY, SUBJECT TO THE FOLLOWING: (A) THE OWNER MAY OCCUPY EITHER THE PRINCIPAL DWELLING OR THE ACCESSORY APARTMENT; (B) THE OCCUPANT(S) OF THE ACCESSORY APARTMENT AND THE OCCUPANT(S) OF THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING SHALL BE IMMEDIATE FAMILY, RELATED AS GRANDPARENTS, PARENTS, OR PARENTS' CHILDREN BY BLOOD, MARRIAGE OR ADOPTION; ~~AND (C)~~ (C) THE ACCESSORY APARTMENT IS PROVIDED WITHOUT

1 COMPENSATION; AND (D) THE ACCESSORY APARTMENT, WHETHER LOCATED
2 WITHIN THE PRINCIPAL DWELLING OR IN THE ACCESSORY BUILDING, SHALL
3 COMPLY WITH ALL LAWS, REGULATIONS, AND CODES AFFECTING RESIDENTIAL
4 OCCUPANCY.

5 400.4. ACCESSORY APARTMENT.

6 AN ACCESSORY APARTMENT IS PERMITTED AS A TEMPORARY USE WITHIN A
7 PRINCIPAL SINGLE-FAMILY DETACHED DWELLING OR WITHIN AN ACCESSORY
8 BUILDING SITUATED ON THE SAME OWNER-OCCUPIED LOT AS THE PRINCIPAL
9 DWELLING IN ANY ZONE THAT PERMITS SINGLE-FAMILY DWELLINGS, SUBJECT TO
10 THE FOLLOWING REQUIREMENTS:

11 A. IF LOCATED WITHIN AN EXISTING SINGLE-FAMILY DETACHED DWELLING:

12 1. AN APPLICANT SHALL FILE WITH THE DEPARTMENT OF PERMITS,
13 APPROVALS AND INSPECTIONS AN APPLICATION FOR A USE PERMIT FOR AN
14 ACCESSORY APARTMENT, ON A FORM APPROVED BY THE DEPARTMENT. WITH THE
15 APPLICATION, THE APPLICANT SHALL SUBMIT A DECLARATION OF
16 UNDERSTANDING, ON A FORM APPROVED BY THE DEPARTMENT, INCLUDING BUT
17 NOT NECESSARILY LIMITED TO THE FOLLOWING TERMS AND CONDITIONS:

18 A. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED ONE
19 THIRD OF THE OVERALL FLOOR AREA OF THE DWELLING OR 2,000 SQUARE FEET,
20 WHICHEVER IS LESS;

21 B. ANY AND ALL IMPROVEMENTS TO BE DEDICATED AS AN ACCESSORY
22 APARTMENT SHALL BE USED SOLELY AS A SINGLE-FAMILY RESIDENCE; AND

23 C. THE ACCESSORY APARTMENT MAY NOT HAVE SEPARATE UTILITY
24 METERS, SUCH AS GAS AND ELECTRIC SERVICE.

25 2. THE DIRECTOR MAY APPROVE THE APPLICATION UPON A FINDING THAT
26 THE SIZE, LOCATION, AND PURPOSE OF THE ACCESSORY STRUCTURE WILL NOT
27 NEGATIVELY AFFECT THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE
28 SURROUNDING COMMUNITY.

29 B. IF LOCATED WITHIN AN ACCESSORY BUILDING ON THE SAME OWNER-OCCUPIED
30 PROPERTY AS THE PRINCIPAL SINGLE-FAMILY DETACHED DWELLING:

1 1. AN APPLICANT SHALL FILE A REQUEST FOR SPECIAL HEARING AND USE
2 PERMIT WITH THE DEPARTMENT, TOGETHER WITH A DECLARATION OF
3 UNDERSTANDING AS REQUIRED BY SUBSECTION A.1 OF THIS SECTION, AND A
4 PUBLIC HEARING BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS IS
5 REQUIRED.

6 2. THE SIZE OF THE ACCESSORY APARTMENT MAY NOT EXCEED 1,200 SQUARE
7 FEET, AND THE ACCESSORY BUILDING SHALL COMPLY WITH THE REQUIREMENTS
8 OF SECTION 400.

9 3. FOLLOWING A PUBLIC HEARING, THE OFFICE OF ADMINISTRATIVE
10 HEARINGS MAY GRANT A REQUEST UPON A FINDING THAT THE SIZE, LOCATION,
11 AND PURPOSE OF THE ACCESSORY APARTMENT CONFORMS WITH SECTION 502.1 ~~A,~~
12 ~~B, C, D, E, AND F,~~ AND MAY IMPOSE SUCH CONDITIONS, RESTRICTIONS OR
13 REGULATIONS CONSISTENT WITH SECTION 502.2 AS MAY BE DEEMED NECESSARY
14 OR ADVISABLE FOR THE PROTECTION OF SURROUNDING AND NEIGHBORING
15 PROPERTIES, INCLUDING THE EXPRESS PROHIBITION THAT THE ACCESSORY
16 APARTMENT NOT BE CONVERTED TO A SECOND DWELLING BEYOND THE SCOPE OF
17 THIS SECTION.

18 4. THE ACCESSORY APARTMENT MAY ~~ONLY~~ NOT HAVE SEPARATE UTILITY
19 METERS OR WATER AND SEWERAGE SERVICES ~~IF~~ UNLESS APPROVED BY THE
20 OFFICE OF ADMINISTRATIVE HEARINGS BASED ON SPECIFIC FINDINGS OF
21 NECESSITY FOR THE ACCESSORY BUILDING.

22 C. APPROVAL; RENEWAL.

23 1. APPROVAL. THE APPROVAL OF AN APPLICATION FOR USE PERMIT IN
24 SUBSECTION A. OR REQUEST FOR SPECIAL HEARING AND USE PERMIT IN
25 SUBSECTION B. SHALL BE SUBJECT TO THE FOLLOWING:

26 A. THE DECLARATION OF UNDERSTANDING AND PROPERTY
27 DESCRIPTION, INCLUDING ANY CONDITIONS, RESTRICTIONS, OR REGULATIONS
28 IMPOSED BY THE DEPARTMENT OR THE OFFICE OF ADMINISTRATIVE HEARINGS,
29 SHALL BE RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY AND A COPY
30 FILED WITH THE DEPARTMENT; AND

1 B. THE ACCESSORY APARTMENT SHALL ONLY BE UTILIZED BY
2 IMMEDIATE FAMILY MEMBERS AS DEFINED IN SECTION 101 AND MAY NOT BE
3 ~~LEASED OR RENTED OR~~ USED BY ANY PERSON OTHER THAN AN IMMEDIATE
4 FAMILY MEMBER FOR ANY OTHER REASON.

5 C. IF THE ACCESSORY APARTMENT IS NO LONGER OCCUPIED BY ANY
6 PERSON NAMED IN THE USE PERMIT OR IF THE PROPERTY IS SOLD, THE USE PERMIT
7 SHALL TERMINATE. AND ANY PROPOSED CHANGES IN OCCUPANCY TO THE
8 ACCESSORY APARTMENT BY THE PROPERTY OWNER OR SUBSEQUENT PURCHASER
9 SHALL REQUIRE A NEW REQUEST FOR USE PERMIT AS APPLICABLE UNDER
10 SUBSECTIONS A. OR B.

11 2. RENEWAL. THE APPLICANT SHALL RENEW THE USE PERMIT WITH THE
12 DEPARTMENT EVERY TWO YEARS BY FILING A RENEWAL ON A FORM APPROVED
13 BY THE DEPARTMENT, TO BE DATED FROM THE MONTH OF THE INITIAL APPROVAL,
14 AND SHALL ~~NOTE ANY PROPOSED CHANGES IN OCCUPANCY TO~~ LIST THE NAME OF
15 ANY PERSON OCCUPYING THE ACCESSORY APARTMENT.

16 SECTION 2. AND BE IT FURTHER ENACTED, that a property owner with an in-law
17 apartment lawfully approved prior to the effective date of this Act shall obtain a use permit required
18 by this Act on or before October 1, 2012.

19 SECTION 3. AND BE IT FURTHER ENACTED, that the Department of Permits,
20 Approvals and Inspections shall publish notice of the requirement of Section 2 of this Act in one
21 newspaper of general circulation in the County one time per month each month prior to October 1,
22 2012.

23 ~~SECTION 2.~~ SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take
24 effect forty-five (45) days after its enactment, and shall apply retroactively to a request for in-law
25 apartment filed on or after August 1, 2010.

IN RE: **PETITION FOR VARIANCE**
N/S Bletzer Road, 825' E of the c/l
Glenhurst Road
(8334 Bletzer Road)
15th Election District
7th Council District

Mario J. Teresi, Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-644-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mario J. Teresi, Sr. The Petitioner seeks relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (ZCPM) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were David Billingsley and Bob Infussi, the consultants who prepared the site plan for this property and assisted the Petitioner in the application process. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront parcel located adjacent to Back River and the north side of Bletzer Road, just west of its intersection with Glenhurst Road in North Point. The property contains a gross area of 0.443 acres, more or less, zoned D.R.5.5, and is improved with a small dwelling that has apparently existed on the site since 1950. The Petitioner has owned the property since March 2002 and is desirous of conveying the parcel to his son, who intends to raze the existing structure and construct a new single family dwelling and detached garage thereon. As shown on the site plan, the proposed dwelling will be constructed in essentially the same location as the existing structure and setback a distance from the

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Date 5/11/15
By [Signature]

water consistent with other houses on the adjacent lots. The new dwelling will meet all side and rear setback requirements. At issue is the proposed garage, which will be located in the rear corner of the property adjacent to an existing driveway and approximately 12 feet from Bletzer Road. In addition, the Petitioner proposes a height of 25 feet for the proposed building to provide sufficient boat/trailer/vehicle storage space and additional storage space in a loft area above. Testimony and evidence demonstrated that there are other garages in the immediate vicinity that have been constructed with similar distances from the road and with similar heights. In fact, testimony revealed that the Petitioner resides at 8330 Bletzer Road and obtained similar variance relief for his property under prior Case No. 05-430-A.

Variance relief is requested as set forth above given the unique configuration of the lot and the site constraints associated therewith. In this regard, the subject property is considered a "double frontage lot" in that its width along the road is approximately 107 feet and the average width along the road frontage for other lots in this community is 50 feet. Section 400.1.d.2 of the Zoning Commissioner's Policy Manual requires that accessory structures on Double Frontage Lots not be any closer to the street as the principal building. Thus, relief is requested to allow the garage to be constructed where proposed. It was indicated that the garage could not be attached to the house due to the existence of overhead power lines that run through the center of the property. Moreover, to require its location further into the rear yard space would be inconsistent with the pattern of development in the neighborhood and reduce the usable space in the rear yard.

After due consideration of all of the testimony and evidence presented, I find that the Petitioner has met the requirements of Section 307 for relief to be granted. There were no adverse comments from any County reviewing agency and the neighbors apparently support the proposal. In this regard, it was indicated that the Petitioner has discussed the proposal with the immediately adjacent neighbors who have no objections. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's waterfront location, the proposed development must comply with Chesapeake Bay Critical Areas

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Date 8/11/05
By [Signature]

regulations and Federal Flood Insurance requirements as set forth in the comments attached hereto and made a part hereof.

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

11th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of August 2005 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and the Development Plans Review division of DPDM, dated June 28, 2005, copies of which have been attached hereto and made a part hereof.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING
Date 8/11/05
By [Signature]

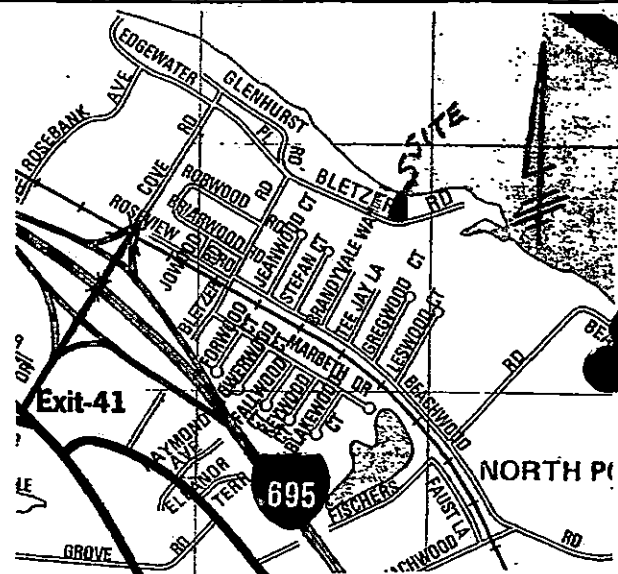
WJW:bjs

[Signature]
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

[illegible]

MARIO J. TERESI, SR.
8330 BLETZER ROAD
BALTIMORE, MD 21222
ACCT. NO. 1519002070

6A



LOCATION PLAN
SCALE=1"=1000'

1. ZONING...DR 5.5 (10481)
2. LOT AREA.....19,300 S.F. = 0.443 ACRE= +/-
3. NO PREVIOUS ZONING HISTORY
4. NO HISTORIC BUILDINGS, UNDERGROUND STORAGE TANKS
OR ARCHEOLOGICAL SITES EXIST
5. SITE IS LOCATED IN CBCA
6. SITE IS NOT LOCATED IN 100 YEAR FLOODPLAIN

EXHIBIT NO.

PLAT TO ACCOMPANY VARIANCE PETITION
8334 BLETZER ROAD
ELECTION DISTRICT 15C7
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 40' JUNE 1, 2005

RESPONSE TO BALTIMORE COUNTY, MARYLAND
OFFICE OF PEOPLE'S COUNSEL
RE: CASE NO.: 2018-010-SPH

TO:

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE:

Wellhan & Guang Li – Petitioners
8334 Bletzer Road
Case No.: 2018- 010-SPH
Hearing Date: October 19, 2017 @ 11 a.m.
Li's Development 8334 LLC- Petitioner, Amended Petition

Dear Judge Beverungen,

In regards to the comments and concerns presented by the Office of People's Counsel, we would like to provide additional explanations that may permit an alternative consideration on the aforementioned matter. Our main purpose for this special hearing is to seek approval for a kitchen and bathroom in our second-floor detached garage - for the sole purpose of our single-family use (as defined in BCZR Secs. 101.1). We would like to emphasize that this is not intended for rental or commercial use but only for the usage for our single-family.

We were informed by the Baltimore County zoning office that this request was feasible and would not be considered res judicata with the passing of Bill No. 49-2011 under BCZR Secs. 400, which was not in existence in 2005 when the petition for variance was granted. The new zoning code now allows for an accessory building on the same owner-occupied property as the principle single family detached dwelling. The bill that was passed in 2011 would suggest that substantial relevant change in circumstances regarding the neighborhood / zone may justify the relaxation from the zoning Case No. 05-644-A dated back in 2005 to now allow for a kitchen and bathroom over the accessory building.

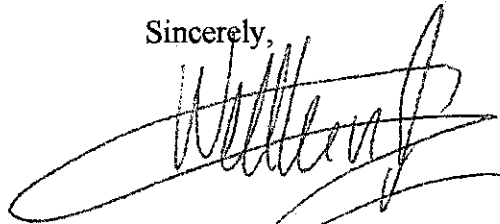
In considering the uniqueness of our lot, being that it is a double frontage with 19,300 SF (0.443 Acres) of land, this is the largest DR 5.5 residential lot on Bletzer Road. In BCZR Secs. 1B02.3.C.1, the minimum net lot area per dwelling unit in our DR 5.5 zoning classification is 6,000 SF. In our case, that translates to 3.2 dwelling units permissible on our subject property. With this in consideration, all conditions in BCZR Secs 502.1 for conditions determining granting of special exception are satisfied. It would not be an over intensification of the property and would not have any detrimental effects on the neighborhood. On the issue of it being a

second dwelling, BCZR Secs. 402.1 states that in a DR5.5 zone, a minimum of 10,000 SF in lot area is required which we are well over - at 19,300 SF. In the same section under Bill No. 100-1970, definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from BCZR Sec. 101. This suggest that the terms/ wording is relaxed with the inclusion of second dwelling on a single lot as long as the lot meets the dimensional requirements shown in the schedule in BCZR Secs.402.1.A. The interpretation of BCZR Secs 402.1.B does permit for kitchen and bathroom in additional/ accessory buildings.

We have been working closely with Thomas C. Panzarella from the Baltimore County Department of Environmental Protection and Sustainability Environmental Impact Review Section. Mr. Panzarella has conducted detailed on-site measurements and has approved our lot coverage in accordance with the Chesapeake Bay Critical Area regulations and are within limits. Key point to note from the correspondence from the Office of People's Counsel is that Lot Coverage does not include wood mulch area, deck area that allows water to pass freely, and stairways in the buffer that provide direct access to a private pier. Detailed on-site measurements and exclusions of permissible lot coverage of permeable surface coverage calculations were performed by Mr. Panzarella. The actual lot has 5995 SF of impermeable surface coverage. This is 31.06% of the 19,300SF lot area which does not exceed the 31.5% maximum allowed lot coverage. If clarification is needed please contact Mr. Panzarella at 410-887-3980.

With the passing of new zoning bills and growth in the development of the area, we pray and humbly hope the administrative law judge will grant our request of allowing a kitchen and bathroom over our accessory building for our single-dwelling use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wellhan & Guang Li', written over a horizontal line.

Wellhan & Guang Li
Petitioners

cc: Peter Max Zimmerman, People's Counsel for Baltimore County
Kathy Schlabach, Lloyd Moxley, Department of Planning (DOP)
Jeff Livingston, Glenn Shaffer, Department of Environmental Protection (DEPS)
Carl Richards, Zoning Supervisor

ARTICLE 1B. Density Residential (D.R.) Zones**SECTION 1Bo2. Use, Parking, Bulk Density and Open Space Regulations, Standards and Controls Applied According to Zoning Classification****§ 1Bo2.1. Uses permitted as of right or by special exception according to zoning classification.**[Bill Nos. 91-1974; 31-1978; 32-1978; 142-1979^[1]; 167-1980^[2]; 122-1984^[3]; 87-2001; 27-2015]

The following uses are permitted in D.R. Zones either as of right or special exception, in accordance with the schedule below, wherein the abbreviations and symbols shall be interpreted as follows:

S.E.	=	Use Permitted by Special Exception Only
+	=	Use Permitted As of Right
(X)	=	Use Prohibited

	D.R.1	D.R.2	D.R.3-5	D.R.5-5	D.R.10-5	D.R.16
Airports	S.E.	(X)	(X)	(X)	(X)	(X)
Animal boarding places, Class A (see Section 421)	+	S.E.	S.E.	S.E.	(X)	(X)
Animal boarding places, Class B (see Section 421)	S.E.	S.E.	S.E.	(X)	(X)	(X)
Antique shops (see Section 402B)	S.E.	S.E.	(X)	(X)	(X)	S.E.
Cemeteries	S.E.	S.E.	S.E.	S.E.	(X)	(X)
Commercial kennels	(X)	(X)	(X)	(X)	(X)	(X)
Conversion of dwellings to tearooms or restaurants (see Section 402)	S.E.	S.E.	(X)	(X)	(X)	(X)
Golf driving ranges, miniature-golf courses or baseball-batting ranges	S.E.	S.E.	(X)	(X)	(X)	(X)
Private kennels	S.E.	S.E.	S.E.	(X)	(X)	(X)
Racetracks, commercial	S.E.	S.E.	(X)	(X)	(X)	(X)
Residential art salons (see Section 402C)	S.E.	S.E.	S.E.	S.E.	(X)	S.E.
Riding stables, commercial	S.E.	S.E.	(X)	(X)	(X)	(X)
Sanitary landfills	S.E.	S.E.	(X)	(X)	(X)	(X)
Shooting ranges	S.E.	S.E.	(X)	(X)	(X)	(X)
Mobile homes and mobile home parks				See Section 415.6		

[1] Editor's Note: This bill repealed "community care center" from the listing below.

[2] Editor's Note: This bill repealed "office or office buildings" from the listing below.

[3] Editor's Note: This bill repealed "laboratories" and "research institutes" from the listing below.

§ 1Bo2.2. Regulations, standards and controls for density, bulk, open space and parking.

- A. Dwellings. The maximum gross residential densities and height of dwellings shall be as prescribed in the table below; provided, however, that higher or additional standards for the provision of other amenity open space, standards and methods for the inclusion and equitable apportionment of public amenity open space within the calculations of gross areas of tracts abutting the open space, and standards providing for greater heights of buildings in appropriate circumstances, all as more particularly set forth in Section 504, shall control when adopted pursuant to the authority of said section.

[Bill Nos. 5-1979; 80-1981; 156-1983; 26-1988; 36-1988; 19-2004^[1]]

Zoning Classification	Maximum Gross Residential Density (in dwelling or density units per acre)	Maximum Height of Buildings (in feet)
D.R.1	1.0 dwelling units/acre	50
D.R.2	2.0 dwelling units/acre	50
D.R.3.5	3.5 dwelling units/acre	50
D.R.5.5	5.5 dwelling units/acre	50
D.R.10.5	10.5 dwelling units/acre	50
D.R.16	16.0 density	60

[1] Editor's Note: This bill also stated that it would not apply to any concept plan accepted for filing prior to the effective date of this bill. Said effective date is 45 days after its 3-1-2004 enactment.

- B. Other principal uses. Density, bulk and open space regulations, standards or controls for principal uses other than dwellings within zones of different classification shall be governed by provisions adopted pursuant to the authority of Section 504.

[Bill No. 26-1988]^[2]

[2] Editor's Note: Former Subsection C, which followed, was repealed by Bill No. 124-1981.

§ 1Bo2.3. Special regulations for certain existing or proposed developments or subdivisions and for small lots or tracts in D.R. Zones.

- A. In D.R. Zones, contrary provisions of this article notwithstanding, the provisions of or pursuant to this subsection shall apply to the use, occupancy and development of; alteration or expansion of structures upon; and administrative procedures with respect to:

- Any lot which is in a recorded residential subdivision approved by the Baltimore County Planning Board or Planning Commission and which has been used, occupied or improved in accordance with the approved subdivision plan;
- Any land in a subdivision tract which was laid out in accordance with the regulations of residence zoning classifications now rescinded, for which a subdivision plan tentatively approved by the Planning Board remains in effect and which has not been used, occupied or improved in accordance with such plan;
- Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is too small in gross area to accommodate six dwelling or density units in accordance with the maximum permitted density in the D.R. Zone in which such tract is located;
- Any lot or tract of lots in single ownership which is not in an existing development or subdivision, as described in Subsection A.1 or A.2, and which is less than 1/2 acre in area, regardless of the number of dwelling or density units permitted at the maximum permitted density in the zone in which it is located; or
- Any lot or tract of lots in single ownership which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission.

- B. Standards applicable to existing developments, etc: The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in

Subsection A.2 shall be in accordance with the tentatively approved subdivision plan the ; Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (square feet)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	—	30
D.R.10.5	3,000	20	10	10	—	50
D.R.16	2,500	20	10	25	—	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.
- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1801.3.A.7.
- E. Notwithstanding any provision of these regulations to the contrary, the bulk regulations and building setback requirements applicable to an approved development plan for a condominium regime shall be the only bulk regulations and building setback requirements applicable to a subsequent conversion of the entire condominium regime, or a portion thereof, to individual lots of record, so long as the approved condominium regime is located on a lot, tract, or parcel zoned D.R. 3.5, D.R. 5.5, D.R. 10.5, and/or D.R. 16 that is within the Chesapeake Bay Critical Area.

[Bill Nos. 78-2010; 71-2011]

Baltimore County, MD
Tuesday, September 12, 2017

ARTICLE 3. Exceptions to Height and Area Requirements

SECTION 307. Variances

§ 307.1. Authority to grant variances; procedures and restrictions.

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given 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. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. 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. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification.^[1] Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

[1] *Editor's Note: Apparently conflicts with certain provisions found in the Baltimore County Code, 2003, as revised, which prescribe requirements with respect to notice and hearing regarding conventional reclassification petitions that differ from those which it prescribes regarding variance petitions. See the Appendices of this volume for excerpts from the Baltimore County Code, 2003. See Section 32-3-301 for authority of the Zoning Commissioner to grant variances, and Section 32-3-103 for provision regarding conflicts between Article 32, Title 3 of the Baltimore County Code, 2003 and the Zoning Regulations.*

ARTICLE 4. Special Regulations

SECTION 400. Accessory Buildings in Residence Zones

§ 400.1. Location; lot coverage.

Accessory buildings in residence zones, other than farm buildings (Section 404) shall be located only in the rear yard and shall occupy not more than 40% thereof. On corner lots they shall be located only in the third of the lot farthest removed from any street and shall occupy not more than 50% of such third. In no case shall they be located less than 2 1/2 feet from any side or rear lot lines, except that two private garages may be built with a common party wall straddling a side interior property line if all other requirements are met. The limitations imposed by this section shall not apply to a structure which is attached to the principal building by a covered passageway or which has one wall or part of one wall in common with it. Such structure shall be considered part of the principal building and shall be subject to the yard requirements for such a building.

§ 400.2. Setback.

[Bill No. 2-1992]

Accessory buildings, including parking pads, shall be set back not less than 15 feet from the center line of any alley on which the lot abuts.

§ 400.3. Height.

The height of accessory buildings, except as noted in Section 300, shall not exceed 15 feet.

§ 400.4. Accessory apartments.

[Bill No. 49-2011^[1]]

An accessory apartment is permitted as a temporary use within a principal single-family detached dwelling or within an accessory building situated on the same owner-occupied lot as the principal dwelling in any zone that permits single-family dwellings, subject to the following requirements:

- A. If located within an existing single-family detached dwelling:
 - 1. An applicant shall file with the Department of Permits, Approvals and Inspections an application for a use permit for an accessory apartment, on a form approved by the Department. With the application, the applicant shall submit a declaration of understanding, on a form approved by the Department, including but not necessarily limited to the following terms and conditions:
 - a. The size of the accessory apartment may not exceed 1/3 of the overall floor area of the dwelling or 2,000 square feet, whichever is less;
 - b. Any and all improvements to be dedicated as an accessory apartment shall be used solely as a single-family residence; and
 - c. The accessory apartment may not have separate utility meters, such as gas and electric service.

2. The Director may approve the application upon a finding that the size, location, and purpose of the accessory structure will not negatively affect the health, safety, or general welfare of the surrounding community.
- B. If located within an accessory building on the same owner-occupied property as the principal single-family detached dwelling:
1. An applicant shall file a request for a special hearing and a use permit with the Department, together with a declaration of understanding as required by Subsection A1 of this section, and a public hearing before the Office of Administrative Hearings is required.
 2. The size of the accessory apartment may not exceed 1,200 square feet, and the accessory building shall comply with the requirements of Section 400.
 3. Following a public hearing, the Office of Administrative Hearings may grant a request upon a finding that the size, location, and purpose of the accessory apartment conform with Section 502.1 and may impose such conditions, restrictions or regulations consistent with Section 502.2 as may be deemed necessary or advisable for the protection of surrounding and neighboring properties, including the express prohibition that the accessory apartment not be converted to a second dwelling beyond the scope of this section.
 4. The accessory apartment may not have separate utility meters or water and sewerage services unless approved by the Office of Administrative hearings based on specific findings of necessity for the accessory building.
- C. Approval; renewal.
1. Approval. The approval of an application for a use permit in Subsection A or a request for a special hearing and a use permit in Subsection B shall be subject to the following:
 - a. The declaration of understanding and property description, including any conditions, restrictions, or regulations imposed by the Department or the Office of Administrative Hearings, shall be recorded in the land records of Baltimore County and a copy shall be filed with the Department; and
 - b. The accessory apartment shall only be utilized by immediate family members as defined in Section 101 and may not be used by any person other than an immediate family member for any other reason.
 - c. If the accessory apartment is no longer occupied by any person named in the use permit or if the property is sold, the use permit shall terminate, and any proposed changes in occupancy to the accessory apartment by the property owner or subsequent purchaser shall require a new request for a use permit as applicable under Subsection A or B.
 2. Renewal. The applicant shall renew the use permit with the Department every two years by filing a renewal on a form approved by the Department, to be dated from the month of the initial approval, and shall list the name of any person occupying the accessory apartment.
- [1] *Editor's Note: This Act stated that it applied retroactively to requests for in-law apartments filed on or after 8-1-2010, and also that owners of in-law apartments lawfully approved prior to the effective date of this Act must obtain a use permit required by this Act on or before 10-1-2012.*

Baltimore County, MD
Tuesday, September 12, 2017

ARTICLE 4. Special Regulations

SECTION 402. Conversion of Dwellings

§ 402.1. For residential use.

For residential use:

- A. The converted dwelling must be located on a lot that will meet the dimensional requirements shown in the schedule which follows.
- B. Separate cooking facilities and a separate bathroom shall be provided for each family unit.

CONVERSION OF ONE-FAMILY DWELLINGS MINIMUM DIMENSIONS

Zone	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet		Side Yards (feet)	
	Duplex ¹	Semi-Detached ¹	Each Add. Family	Two Families	Each Add. Family	Min. For One	Sum of Both
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor. 35	Int. 50 Cor. 60
D.R.3,5	90	100	15	12,500	4,000	Int. 20 Cor. 30	Int. 40 Cor. 50
D.R.5,5	80	90	15	10,000	3,000	Int. 15 Cor. 25	Int. 35 Cor. 40
D.R.10,5	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40
D.R.16	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40

NOTES:

¹ The original BCZR 1955 definitions of "dwelling, duplex" and "dwelling, semi-detached" were deleted from Section 101 by Bill No. 100-1970. The entries previously read as follows:

"Dwelling, Duplex: A two-family detached building with one housekeeping unit over the other.

"Dwelling, Semi-detached: A building that has two one-family housekeeping units erected side by side on adjoining lots, separated from each other by an approved masonry party wall extending from the basement or cellar floor to the roof along the dividing lot line, and separated from any other building by space on all sides."

Baltimore County, MD
Tuesday, September 12, 2017

ARTICLE 5. Administration and Enforcement

SECTION 502. Special Exceptions

§ 502.1. Conditions determining granting of special exception.

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air;
[Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
[Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
[Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.
[Bill No. 74-2000]



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

September 6, 2017

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

HAND DELIVERED

John Beverungen, Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: Wellhan & Guang Li - Petitioners
8334 Bletzer Road

Case No.: 2018-010-SPH

Hearing Date: October 19, 2017 @ 11 a.m.

Li's Development 8334 LLC – Petitioner, Amended Petition

Dear Judge Beverungen,

Our office's customary review of zoning petitions reveals several issues. They involve *res judicata*, two separate dwellings on a lot, and Critical Area impermeable surface limits.

The Lis' petition asks initially to remove restriction 3 from a 2005 Zoning Commissioner decision in order to allow an apartment above the garage. The Planning Department recommended denial. August 9, 2017 comment enclosed. As amended, "Li's Development 8334" asks removal of said restriction so as to allow kitchen and bathroom facilities. In our view, this translates functionally to another apartment. Either way, the petition must be denied as a matter of law.

The D.R. (Density Residential) 5.5 Zone waterfront property was the subject of a zoning Case No. 05-644-A, Mario Teresi, Petitioner. Zoning Commissioner William Wiseman granted the variances on August 11, 2005, with conditions. The decision and site plan are enclosed. The variances were for a detached garage with 25 feet in height, 12 feet from the property line with a loft for boat/trailer/vehicle storage. BCZR Secs. 400.3, 1B02.3.C.1. The garage measured 40' x 25', 1000SF. The plan included a replacement dwelling.

Condition 3 limited the garage to accessory residential uses. It barred commercial use, a second dwelling unit and/or apartments, living quarters, and kitchen or bathroom facilities. This is a typical condition placed on variances for large garages. The condition reflects that two dwellings in separate buildings are never permitted on a single lot.

The current site plan shows the garage as 2 stories and 1500 square feet ground floor area. Our research of the building permit history, My Neighborhood and Google maps, and SDAT records show the new dwelling and garage under construction. The building permit for the garage shows petitioners were aware of the prior zoning case. Application B831643, November 13, 2013.

The site plan does not show a pier. There was, however, a pier permit application B813755, April 7, 2013, for a pier, 2 boat lift piles and boat lift. Recent aerial photos show a pier.

The present petition, original or amended, is barred by *res judicata*, which precludes repeat petitions to relax conditions absent a substantial relevant change in circumstances regarding the neighborhood which might justify the relaxation. There have been several recent cases on the subject. RREF and Belvedere Baptist Church. The case law is familiar from Whittle v. Board of Zoning Appeals 211 Md. 36 (1956) to Seminary Galleria v. Dulaney Valley Improvement Ass'n 102 Md. App. 719 (2010). Given the original petition and the size and character of the garage, it is functionally still an apartment. Either way, there is no basis to relax the condition.

Moreover, as to any second dwelling, BCZR Sec. 402 allows conversion of single-family dwellings to include additional apartments with minimum area standards, it is limited to conversion involving duplex or semi-detached dwellings. It does not allow a second detached dwelling on a single lot. So, the 2005 condition essentially incorporated the law. So, the variance request amounts to a use variance, impermissible under BCZR Sec. 307.1. Even if it were viewed as an area variance, there is no justification based on the uniqueness/practical difficulty criteria.

Furthermore, there is a Chesapeake Bay Critical Area Law issue. The 2005 decision attached included Critical Area compliance condition 2. The dimensions and scaling of the current site plan show at least 6789SF impermeable surface coverage --- dwelling 2208, deck 390, garage 1500, pad 960, driveway 1600, walkway 131. This is over 35% of the 19,300SF lot area, exceeding the 31.5% maximum even for "grandfathered" lots, subject also to other conditions. Critical Area Commission Lot Coverage Guide, page 3, enclosed. There is a compliance problem.

We trust this correspondence will be of assistance to the administrative law judge.

Sincerely,



Peter Max Zimmerman
People's Counsel for Baltimore County

cc: Wellhan & Guang Li, Li's Development, petitioners
Kathy Schlabach, Lloyd Moxley, Department of Planning (DOP)
Jeff Livingston, Glenn Shaffer, Department of Environmental Protection (DEPS)
Carl Richards, Zoning Supervisor



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8334 BLETZER ROAD
which is presently zoned DR 5.5

BCZR, 400.1, d(2), BUCYMANUM AND 1302.3, C.1, BCZR

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 TO ALLOW AN ACCESSORY STRUCTURE (DETACHED GARAGE) WITH A HEIGHT OF 25 FEET IN LIEU OF THE MAXIMUM PERMITTED 15 FEET AND A STREET SETBACK OF 12' IN LIEU OF 25 FT,

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

OWNER WISHES TO UTILIZE A LOFT AREA FOR STORAGE

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

MARIO J. TERESI, SR.

Name - Type or Print

Signature

Name - Type or Print

Signature

8330 BLETZER ROAD

Address

Telephone No.

BALTO

MD.

21222

State

Zip Code

Representative to be Contacted:

ROBERT INFUSSI

Name

P.O. BOX 1043-7043 (410) 812-7236

Address

Telephone No.

BELAIR

MD.

21014

City

State

Zip Code

OFFICE USE ONLY

Case No. 05-644-A

ESTIMATED LENGTH OF HEARING JL

UNAVAILABLE FOR HEARING

Reviewed By

JL

Date

6/03/05

IN RE: PETITION FOR VARIANCE
N/S Bletzer Road, 825' E of the c/l
Glenhurst Road
(8334 Bletzer Road)
15th Election District
7th Council District

Mario J. Teresi, Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-644-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mario J. Teresi, Sr. The Petitioner seeks relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (ZCPM) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing were David Billingsley and Bob Infussi, the consultants who prepared the site plan for this property and assisted the Petitioner in the application process. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront parcel located adjacent to Back River and the north side of Bletzer Road, just west of its intersection with Glenhurst Road in North Point. The property contains a gross area of 0.443 acres, more or less, zoned D.R.5.5, and is improved with a small dwelling that has apparently existed on the site since 1950. The Petitioner has owned the property since March 2002 and is desirous of conveying the parcel to his son, who intends to raze the existing structure and construct a new single family dwelling and detached garage thereon. As shown on the site plan, the proposed dwelling will be constructed in essentially the same location as the existing structure and setback a distance from the

water consistent with other houses on the adjacent lots. The new dwelling will meet all side and rear setback requirements. At issue is the proposed garage, which will be located in the rear corner of the property adjacent to an existing driveway and approximately 12 feet from Bletzer Road. In addition, the Petitioner proposes a height of 25 feet for the proposed building to provide sufficient boat/trailer/vehicle storage space and additional storage space in a loft area above. Testimony and evidence demonstrated that there are other garages in the immediate vicinity that have been constructed with similar distances from the road and with similar heights. In fact, testimony revealed that the Petitioner resides at 8330 Bletzer Road and obtained similar variance relief for his property under prior Case No. 05-430-A.

Variance relief is requested as set forth above given the unique configuration of the lot and the site constraints associated therewith. In this regard, the subject property is considered a "double frontage lot" in that its width along the road is approximately 107 feet and the average width along the road frontage for other lots in this community is 50 feet. Section 400.1.d.2 of the Zoning Commissioner's Policy Manual requires that accessory structures on Double Frontage Lots not be any closer to the street as the principal building. Thus, relief is requested to allow the garage to be constructed where proposed. It was indicated that the garage could not be attached to the house due to the existence of overhead power-lines that run through the center of the property. Moreover, to require its location further into the rear yard space would be inconsistent with the pattern of development in the neighborhood and reduce the usable space in the rear yard.

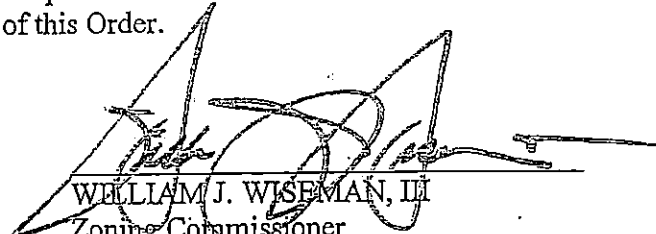
After due consideration of all of the testimony and evidence presented, I find that the Petitioner has met the requirements of Section 307 for relief to be granted. There were no adverse comments from any County reviewing agency and the neighbors apparently support the proposal. In this regard, it was indicated that the Petitioner has discussed the proposal with the immediately adjacent neighbors who have no objections. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's waterfront location, the proposed development must comply with Chesapeake Bay Critical Areas

regulations and Federal Flood Insurance requirements as set forth in the comments attached hereto and made a part hereof.

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

11th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2005 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and the Development Plans Review division of DPDM, dated June 28, 2005, copies of which have been attached hereto and made a part hereof.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: June 28, 2005

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

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2005
Item No. 644

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The flood protection elevation for this site is 10.4.

In conformance with *Federal Flood insurance* Requirements, the first floor or basement floor must be at least 1-foot above the flood plain elevation in all construction.

The property to be developed is located to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (including *basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.

Flood resistant construction shall be in accordance with requirement of B.O.C.A. International Building Code adopted by the county.

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 644-06282005doc

PMZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 27, 2005

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: 5-644 -Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 25 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

The Office of Planning also does not oppose the petitioner's request to permit an accessory structure setback of 12 feet in lieu of the minimum required 25 feet from Bletzer Road.

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

Prepared by: Curtis Murray

Section Chief: Jeffrey W. Long

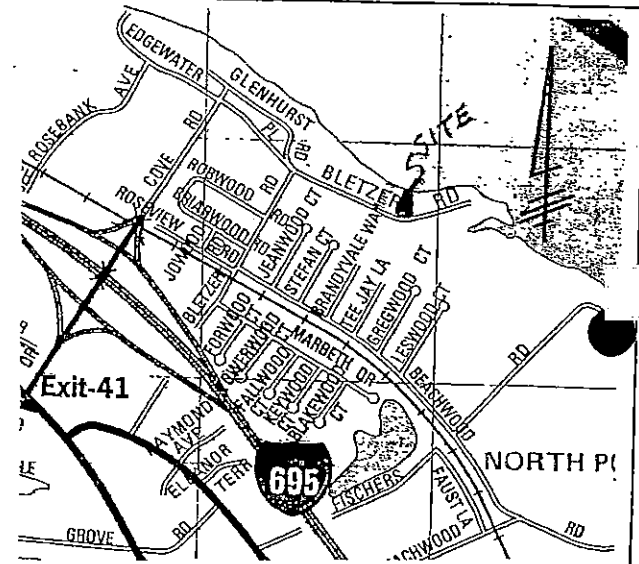
AFK/LL: CM

BACK RIVER

OWNER

MARIO J. TERESI, SR.
8330 BLETZER ROAD
BALTIMORE, MD 21222
ACCT. NO. 1519002070

64A



LOCATION PLAN
SCALE=1"=1000'

NOTES

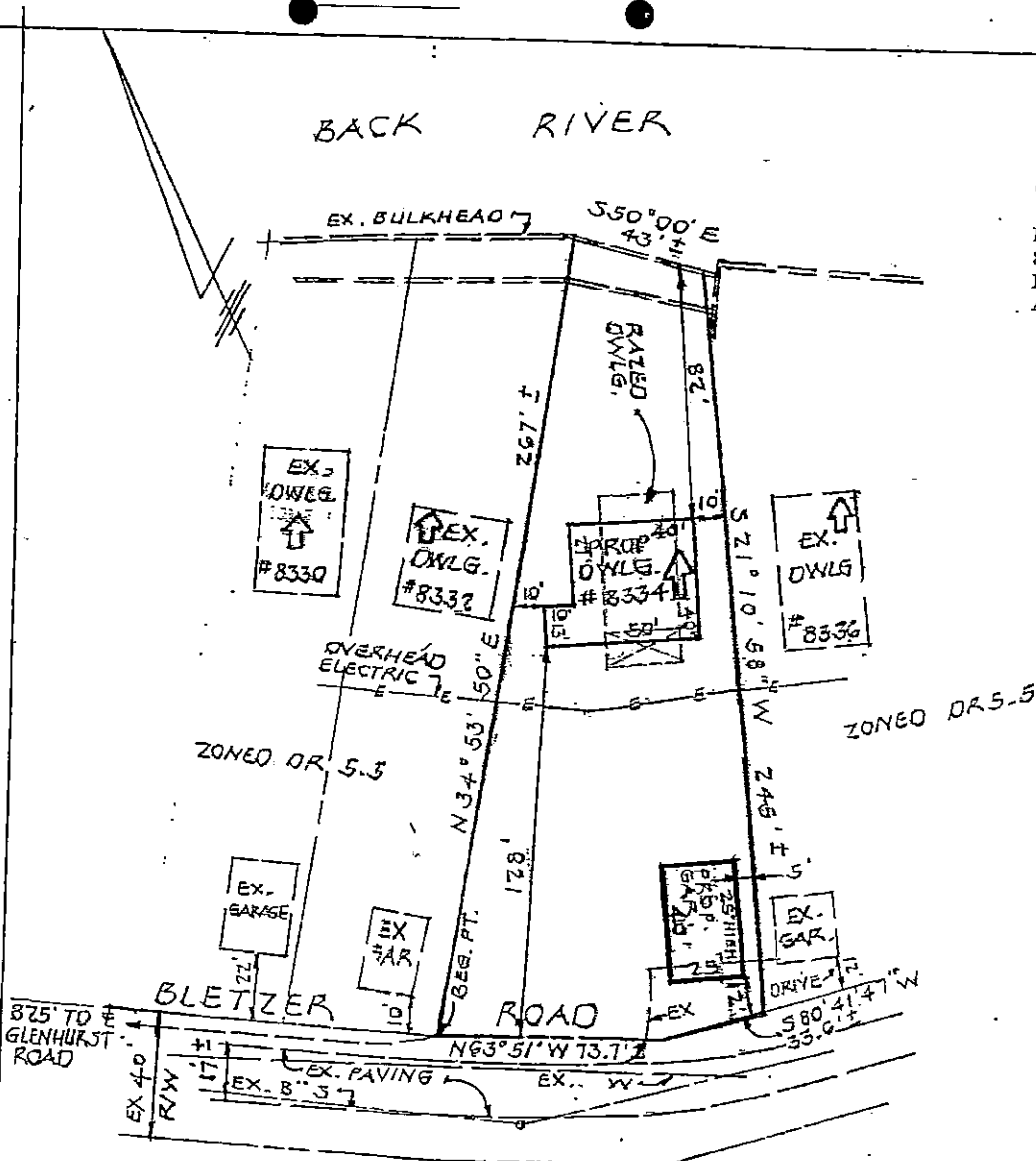
1. ZONING....DR 5.5 (104B1)
2. LOT AREA.....19,300 S.F. = 0.443 ACRE +/-
3. NO PREVIOUS ZONING HISTORY
4. NO HISTORIC BUILDINGS, UNDERGROUND STORAGE TANKS OR ARCHEOLOGICAL SITES EXIST
5. SITE IS LOCATED IN CBA
6. SITE IS NOT LOCATED IN 100 YEAR FLOODPLAIN

PETITIONER'S

EXHIBIT NO. 1

PLAT TO ACCOMPANY VARIANCE PETITION
8334 BLETZER ROAD
ELECTION DISTRICT 1567
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=40' JUNE 1, 2005

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



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-010

DATE: 8/9/2017

INFORMATION:

Property Address: 8334 Bletzer Road
Petitioner: Wellhan Li, Guang Li
Zoning: DR 5.5
Requested Action: Special Hearing

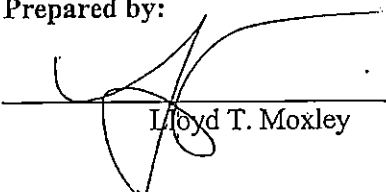
The Department of Planning has reviewed the petition for a special hearing to determine whether or not the Administrative Law Judge should remove the restrictions imposed in Zoning Case 2005-0644A to allow a rental apartment above the accessory garage.

A site visit was conducted on July 24, 2017.

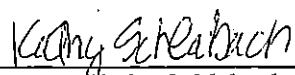
The Department objects to granting the petitioned zoning relief and recommends that the request be denied. The Department observes no material or substantial change to the site that would cause it to reverse its ZAC comments dated 6/27/2005. The establishment of two dwellings on the site is an over intensification of the use of the single property that would have a detrimental effect on the neighborhood. The Department recommends that condition # 3 in the aforesaid Zoning Case 2005-0644A remain unchanged.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Wellhan Li
Office of the Administrative Hearings
People's Counsel for Baltimore County

LOCAL GOVERNMENT ASSISTANCE GUIDE

Lot Coverage

Approved September 3, 2008

Background

In the spring of 2008, House Bill 1253 amended the provisions of § 8-1808 of the Natural Resources Article of the Annotated Code of Maryland pertaining to limiting the footprint of development activity of properties designated as Limited Development Area (LDA) and Resource Conservation Area (RCA) within the Critical Area. The amendment involved primarily a change in terminology from "impervious surface" to "lot coverage." The effect of this change was to include all developed areas of a property that are not vegetated or in a naturally permeable state as part of lot coverage limitations set forth in the law.

The purpose of this amendment was to focus on limiting the "footprint of development activity" by providing a clear and inclusive definition that could be applied consistently and uniformly throughout the Critical Area.

This document summarizes current law regarding limitations on lot coverage within LDAs and RCAs in the Critical Area. Pending the development and approval of regulations, it is intended as interim guidance to local governments and applicants for development activity regarding the implementation of the lot coverage provisions.

Definition

The Critical Area Law now includes a definition of lot coverage that reads as follows:

"Lot Coverage" means the percentage of a total lot or parcel that is:

1. Occupied by a structure, accessory structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement, or any manmade material.

Lot coverage does not include:

1. A fence or wall that is less than one foot in width that has not been constructed with a footer;
2. A walkway in the Buffer or expanded Buffer, including a stairway, that provides direct access to a community or private pier (local governments shall ensure that impacts to the Buffer associated with access are minimized);
3. A wood mulch pathway; or
4. A deck with gaps to allow water to pass freely.

NOTE: (In response to numerous inquiries from local jurisdictions, the following is meant for clarification purposes:

Impermeable decks - Lot coverage includes the ground area covered or occupied by an impermeable deck, even when that deck is not directly touching the ground surface.

Stairways - Lot coverage does not include walkways or stairways in the Buffer that provide direct access to a community or private pier. All other stairs or walkways count.

Stormwater management and erosion control measures - Lot coverage does not include these practices when they are approved only for the specific purpose of performing stormwater management or erosion control.)

Lot Coverage Limits

In general, the limits of development remain the same except for a change that will facilitate clustering where small lots may be created and developed in order to promote the conservation of larger areas of the project site. For new subdivisions, lot coverage within the subdivision as a whole is still limited to 15 percent; however, an individual lot less than one acre may exceed the 15 percent limit. The maximum lot coverage limit for these lots is no longer capped at 25 percent as long as the subdivision as a whole, including its internal roads, complies with the 15 percent limit. The following standards summarize the lot coverage requirements:

1. In general, lot coverage is limited to 15 percent of a parcel or lot.
2. If a parcel or lot existed on or before December 1, 1985 in the Chesapeake Bay Critical Area, or on or before June 1, 2002 in the Coastal Bays Critical Area, and is one-half acre or less in size, then lot coverage is limited to 25 percent of the parcel or lot.
3. Unless otherwise restricted by a local government, a lot in a subdivision approved after December 1, 1985 in the Chesapeake Bay Critical Area or after June 1, 2002 in the Coastal Bays Critical Area may exceed the 15 percent lot coverage limit; however, lot coverage for the entire subdivision cannot exceed 15 percent. Any changes to a previously platted subdivision to adjust lot coverage limits, allowing individual lots to exceed the former 25 percent cap, will be considered a project that needs to be submitted to the Commission for

comment. The submittal must include appropriate documentation indicating that the entire subdivision is currently, and can be maintained, in full compliance with the new lot coverage provisions. The new definition of lot coverage would apply to the entire subdivision.

4. Lot coverage limits do not apply to a trailer park that was in residential use on or before December 1, 1985 in the Chesapeake Bay Critical Area or on or before June 1, 2002 in the Coastal Bays Critical Area.
5. For grandfathered lots that pre-date the Critical Area Program, a local government may allow a property owner to exceed the lot coverage limits outlined above and comply with the lot coverage limits set forth in the table below if the following requirements are met:

- (a) Lot coverage associated with new development activities has been minimized;
- (b) Water quality impacts associated with runoff from development activities that contribute to lot coverage have been minimized; and
- (c) The property owner performs on-site mitigation or pays a fee-in-lieu of mitigation as required by the local jurisdiction to offset potential adverse water quality impacts.

LOT/PARCEL SIZE	LOT COVERAGE
0 – 8,000 SF	25% of Parcel + 500 SF
8,000 – 21,780 SF	31.25% of Parcel
21,781 – 36,300 SF	5,445 SF
36,301 – 43,560 SF	15 % of Parcel
Over 43,560 SF	15 % of Parcel

Lot Coverage Within the 100-Foot Buffer

Amendments to the law also clarify that there is no allowable, by right, percentage of lot coverage within the 100-Foot Buffer. Exceptions include projects defined as water-dependent facilities, projects in a Buffer Exemption Area under an approved local program, variances granted in accordance with the variance procedures in the law, and projects in waterfront revitalization areas or waterfront industrial areas developed under an approved local program. (A walkway or stairway through the Buffer that provides direct access to a pier is not included in lot coverage calculations.)

Grandfathering Provisions

In order to address the many existing developed lots that may be made non-conforming as a result of the new legislation and to accommodate development projects that are under design or in various stages of construction, the law includes grandfathering provisions. Lots or parcels that are legally developed (pre-dated a local Critical Area program or were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction) are considered legally nonconforming, even if the lot coverage on the property exceeds the specified limits. This means that all existing structures, accessory structures, and developed areas may remain in place.

For development activities associated with projects under design or in various stages of construction, there are two categories of projects where there is flexibility with regard to the new

lot coverage provisions. Projects in the categories described below may proceed in accordance with the impervious surface limits and accepted review practices and standards used by the local government prior to the new legislation.

1. The new lot coverage provisions do not apply to development projects for which a building permit was issued before July 1, 2008 as long as construction is initiated and an inspection is performed by July 1, 2009.
2. Projects that are under design may be exempted from the strict application of the lot coverage provisions if:
 - a) An application for a building permit or grading permit is filed by October 1, 2008, and the permit is issued by January 1, 2010; or
 - b) An initial application for development is filed by October 1, 2008, and the development plan is approved by July 1, 2010.

In addition, projects under design must meet the following requirements:

- a) There must be a detailed lot coverage plan, drawn to scale, showing the amounts of impervious surface area, partially pervious surface area, and developed pervious surface area for the project.
- b) The lot coverage plan must be approved by the local government and maintained in the local jurisdiction's files.
- c) The development plan must remain valid in accordance with local procedures, except that a moratorium or an adequate public facilities ordinance cannot terminate the validity of an approved development plan for purposes of lot coverage.

3. Development plans and lot coverage plans may be modified in accordance with formally adopted local policies or procedures; however, the amounts of impervious surface, partially pervious, and developed pervious areas cannot be increased. Reductions in these areas are permitted. (Developed pervious areas are those areas that would be included in lot coverage calculations under the 2008 legislation, but that previously were considered pervious by the local government in accordance with its written standards or approved practices prior to July 1, 2008.)
4. Projects, including new subdivisions, for which an initial application for development is filed by October 1, 2008 and approval is obtained by July 1, 2010, but for which there is no approved lot coverage plan, will be required to comply with all of the lot coverage provisions in House Bill 1253.
5. In order to properly and consistently implement the provisions involving grandfathering and lot coverage plans under House Bill 1253 and to ensure that the Commission provides appropriate comments on these projects, local governments must provide the Commission with a copy of the jurisdiction's written standards or approved practices regarding the percentage of imperviousness associated with various materials (i.e. pavers, decking, etc.) that were in effect prior to July 1, 2008. Local jurisdictions must also provide a list of projects for which lot coverage plans are filed.

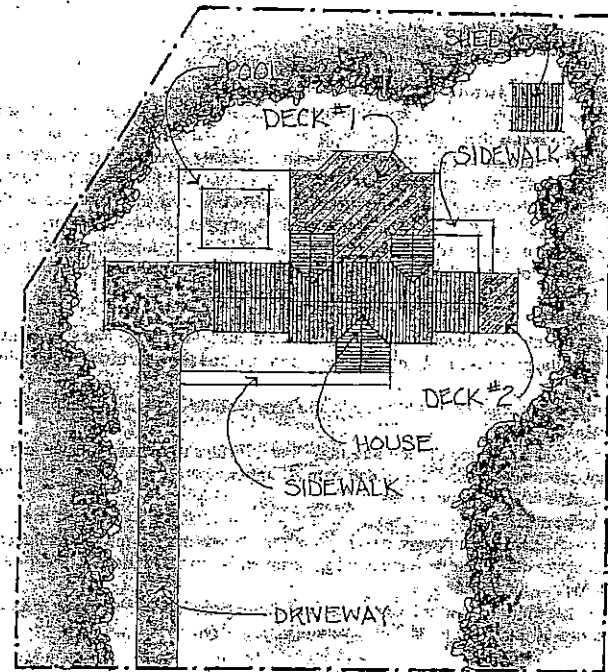
PCS coverage
1004.3.B.3
no more than 15%
covering building

Implementation Recommendations for Nonconforming Lots

As a result of the change in terminology from impervious surface to lot coverage and the definition of lot coverage, there are numerous lots or parcels that may be made "nonconforming" with regard to lot coverage. These are properties that are legally developed (pre-dated a local Critical Area program or were properly permitted in accordance with the local program and impervious surface policies in effect at the time of construction), but may now exceed the specified lot coverage limitations. This means that all existing structures, accessory structures, and developed pervious areas may remain in place; however, redevelopment activities must be carefully considered to ensure that they meet the intent of the lot coverage provisions.

Lot Coverage Plans

- Local governments may develop their own standards for lot coverage plans for individual building permits, projects involving site plan approval, and projects involving subdivision approval.
- Lot coverage plans must be drawn to scale and clearly show and identify all proposed development activities.
- The plans should be labeled or include a table that indicates the square footage and percentage of imperviousness associated with all impervious surfaces, partially pervious surfaces, and developed pervious areas.
- If a local government has previously allowed a percentage of imperviousness to be associated with various materials (i.e. pavers, decking, etc.) these percentages must be included on the plan and must be consistent with the local government's written standards or approved practices prior to July 1, 2008.
- The lot coverage plan should include a stamp indicating the local government's approval and should be signed and dated by the lot coverage plan reviewer.



LOT COVERAGE PLAN

SCALE: 1" = 40'-0"

LOT COVERAGE TABLE

Structure Type	Material	% Impervious	Square Footage	Impervious Area
HOUSE	TYPICAL	100	2520	2520
SHED	TYPICAL	100	252	252
DECK #1	WOOD W/ GAPS	50	2292	1146
DECK #2	WOOD W/ GAPS	50	280	140
POOL	CONCRETE	100	1140	1140
SIDEWALKS	PAVERS	80	412	247
DRIVEWAY	GRAVEL	0	2488	0
TOTAL			9384	5445

Impervious Area 5445 SF / Lot Size 39,900 SF = 13.6 %

Total 100% Impervious Area: 3912 SF
 Total Partially Impervious (50 %) Area: 2572 SF
 Total Partially Impervious (80 %) Area: 412 SF
 Total Partially Impervious (%) Area: 2488 SF
 Total Developed Pervious Area: 2488 SF

NOTE: The percentage of imperviousness associated with various materials (i.e. pavers, decking, etc.) included on the plan and the identification of "developed pervious areas" must be consistent with the local government's written standards or approved practices prior to July 1, 2008.

TIMORE COUNTY MAR 10 ND
INTER-OFFICE CORRESPONDENCE

DATE: April 13, 2000

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.:
Legal Owner/Petitioner:
Contract Purchaser:
Property Address: 8334 Bletzer, 21222
Location Description:

2018 - 6010

VIIOLATION INFORMATION:

Case No. CB1700397
Defendants:

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME

ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☐ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☐ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) if applicable
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/

C: Code Enforcement Officer



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB1700397

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1700397	John Krach		06/16/2017	Inspection Scheduled		

Complaint Description: Converted garage 2nd floor into apartment against variance.

Property

8334 BLETZER RD
DUNDALK, MD 21222-2829
Tax Id: 1519002070

Owner

LI'S DEVELOPMENT 8334 LLC
501 E BALTIMORE ST
BALTIMORE, MD 21202

Complainant

John Krach
410-887-3953

703 628 5392

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
John Krach		Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

6.21.17 - JJK - Homeowner called to update. He has a meeting with zoning to submit variance paperwork on 7/10/17. R/C 8/11/17

7.13.17 - JJK - Homeowner called and updated. He met w/ zoning and obtained case # 2018 0010 SPH. will have date on hearing soon R/C remains same (LP)

DATE: 6/16/17 INTAKE BY: JJK CASE#: 1700397 INSPEC: JJK

COMPLAINT

LOCATION: 8334 Sketzer Rd
Dundalk ZIP CODE: 21222 DIST: 15

COMPLAINT

NAME: John Krach PHONE#: (H) _____ (W) _____

ADDRESS: Belt County ZIP CODE: _____

PROBLEM: Converted garage 2nd Fl into apt against
variance

IS THIS A RENTAL UNIT? YES _____ NO _____

IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT

INFORMATION Li's Development 8334 LLC

RA - Gi Hing Wang 501 E Belt St Belt MD 21202

TAX ACCOUNT #: 1519002070 ZONING: _____

INSPECTION: 6-16-17 - post C.N. - JJK

LP R/c 7/7/17

REINSPECTION: _____

REINSPECTION: _____

REINSPECTION: _____

DATE: 06/16/2017

STANDARD ASSESSMENT INQUIRY (1)

TIME: 08:29:39

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
15 19 002070	15	3-0	34-00	N	NO		06/07/17

LI'S DEVELOPMENT 8334 LLC

DESC-1..

DESC-2.. BACK RIVER

501 E BALTIMORE ST

PREMISE. 08334 BLETZER

RD

00000-0000

BALTIMORE

MD 21202-

FORMER OWNER: GOLDFADE INVESTMENTS LLC

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
				FCV	ASSESS	ASSESS
LAND:	148,300	148,300				
IMPV:	637,790	678,500	TOTAL..	826,800	826,800	813,230
TOTL:	786,090	826,800	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	01/15	01/15				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 826,800 06/05/17

ASSESS: 813,230

ASSESS: 0

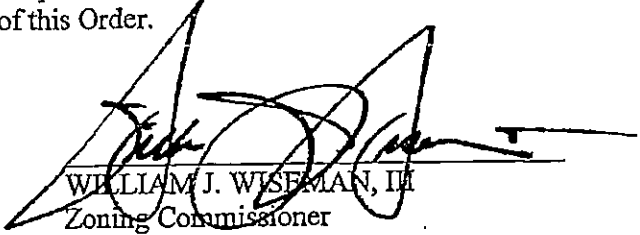
ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

regulations and Federal Flood Insurance requirements as set forth in the comments attached hereto and made a part hereof.

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

11th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August 2005 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (Z.C.P.M.) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with Chesapeake Bay Critical Areas regulations and all other appropriate environmental requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by DEPRM and the Development Plans Review division of DPDM, dated June 28, 2005, copies of which have been attached hereto and made a part hereof.
- 3) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date 8/11/05

By [Signature]

IN RE: PETITION FOR VARIANCE
N/S Bletzer Road, 825' E of the c/l
Glenhurst Road
(8334 Bletzer Road)
15th Election District
7th Council District

Mario J. Teresi, Sr.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 05-644-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Mario J. Teresi, Sr. The Petitioner seeks relief from Sections 1B02.3.C.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section 400.1.d.(2) of the Zoning Commissioner's Policy Manual (ZCPM) to permit an accessory structure (detached garage) with a street setback of 12 feet in lieu of the required 25 feet, and with a height of 25 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit I.

Appearing at the requisite public hearing were David Billingsley and Bob Infussi, the consultants who prepared the site plan for this property and assisted the Petitioner in the application process. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped waterfront parcel located adjacent to Back River and the north side of Bletzer Road, just west of its intersection with Glenhurst Road in North Point. The property contains a gross area of 0.443 acres, more or less, zoned D.R.5.5, and is improved with a small dwelling that has apparently existed on the site since 1950. The Petitioner has owned the property since March 2002 and is desirous of conveying the parcel to his son, who intends to raze the existing structure and construct a new single family dwelling and detached garage thereon. As shown on the site plan, the proposed dwelling will be constructed in essentially the same location as the existing structure and setback a distance from the

ORDER RECEIVED FOR FILING

Date

By

8/11/05

105

water consistent with other houses on the adjacent lots. The new dwelling will meet all side and rear setback requirements. At issue is the proposed garage, which will be located in the rear corner of the property adjacent to an existing driveway and approximately 12 feet from Bletzer Road. In addition, the Petitioner proposes a height of 25 feet for the proposed building to provide sufficient boat/trailer/vehicle storage space and additional storage space in a loft area above. Testimony and evidence demonstrated that there are other garages in the immediate vicinity that have been constructed with similar distances from the road and with similar heights. In fact, testimony revealed that the Petitioner resides at 8330 Bletzer Road and obtained similar variance relief for his property under prior Case No. 05-430-A.

Variance relief is requested as set forth above given the unique configuration of the lot and the site constraints associated therewith. In this regard, the subject property is considered a "double frontage lot" in that its width along the road is approximately 107 feet and the average width along the road frontage for other lots in this community is 50 feet. Section 400.1.d.2 of the Zoning Commissioner's Policy Manual requires that accessory structures on Double Frontage Lots not be any closer to the street as the principal building. Thus, relief is requested to allow the garage to be constructed where proposed. It was indicated that the garage could not be attached to the house due to the existence of overhead power lines that run through the center of the property. Moreover, to require its location further into the rear yard space would be inconsistent with the pattern of development in the neighborhood and reduce the usable space in the rear yard.

After due consideration of all of the testimony and evidence presented, I find that the Petitioner has met the requirements of Section 307 for relief to be granted. There were no adverse comments from any County reviewing agency and the neighbors apparently support the proposal. In this regard, it was indicated that the Petitioner has discussed the proposal with the immediately adjacent neighbors who have no objections. Thus, I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. However, given the property's waterfront location, the proposed development must comply with Chesapeake Bay Critical Areas

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Date 8/11/05
By [Signature]

Baltimore County
Permits, Approvals
And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB1700397 Property No. 1519002070 Zoning: _____

Name(s): Lis Development 8334 LLC

Address: Resident Agent - Oi-Hing Wong 501 E Balto St Balto MD 21202

Violation Location: 8334 Bletzer Rd
Dundalk, MD 21222

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2015 Baltimore County Council Bill 40-15 part 121.3

Failure to comply with an order issued by building official
Variance Case no. 05-644-A states "... the Petitioners shall
not allow or cause the garage to be converted to a second
dwelling unit and/or apartments. There shall be no living quarters
contained, and no kitchen or bathroom facilities"

Remove all plumbing, HVAC, bathroom, and kitchen in full from
the garage.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 07.07.17 DATE ISSUED: 06.16.17

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH

INSPECTOR: [Signature] PRINT NAME: JOHN KRACH III

STOP WORK NOTICE

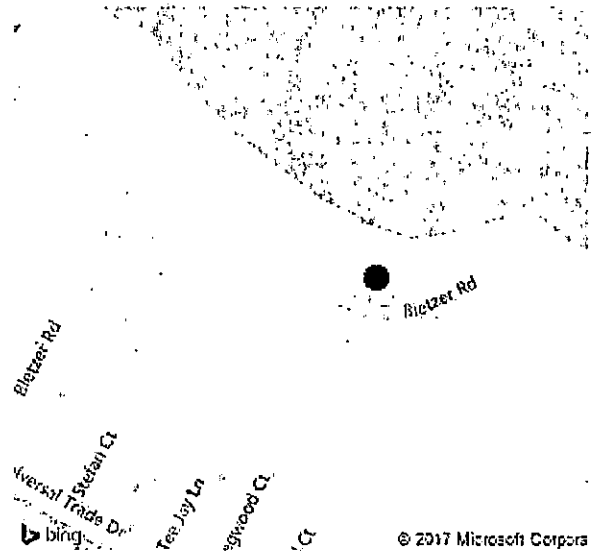
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: _____ DATE ISSUED: _____

INSPECTOR: _____ PRINT NAME: _____

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

8334 Bletzer Rd, Baltimore, MD 21222



**8334 Bletzer Rd,
Baltimore, MD 21222**

5 beds · 5.5 baths · 6,350 sqft

Edit home facts for a more accurate Zestimate.

OFF MARKET

· Zestimate®: \$1,531,C

Rent Zestimate®: \$8,541 /mo

Est. Refi Payment

\$5,920/mo

Is this your rental?

Get a monthly local market report with comparable rentals in your area.

☐ I own and manage this rental

☐ I manage this rental for the owner

Enter email

Subscribe

7- LISTED AS CENTAL R.

Note: This property is not currently for sale or for rent. The description below may be from a previous listing.

Presently under construction. This can be your waterfront dream home with a four car garage with room for Boat Storage in winter. Plus an 1800 Sq Ft Apartment for income over the garage. AND an 80' pier for recreation. All on this over sized lot. Developers have permit and plans approved for a 6500 sq/ft home. Do not just sit on the sidelines and watch this property on line! Drive by and feel the relaxation waterfront living gives you! It is scheduled for completion for December 2015... What a Christmas Gift for the Family! All for only \$46 / sq ft.

Facts and Features



Type
Single Family



Year Built
2015



Heating
No Data



Cooling
No Data



Parking
4 spaces



Lot
0.44 acres

INTERIOR FEATURES

Bedrooms

Beds: 5

Basement

Unfinished basement
3250 sqft basement

Attic

Attic

Appliances

Appliances included: Dishwasher, Dryer, F
Garbage disposal, Microwave, Range / O
Refrigerator, Washer

Flooring

Floor size: 6,350 sqft
Flooring: Carpet, Hardwood

Other Interior Features

Fireplace
Room count: 20
Storage

SPACES AND AMENITIES

Size

Unit count: 0

CONSTRUCTION

Type and Style

Structure type: Other
Single Family

Materials

Roof type: Asphalt
Exterior material: Brick, Other
Double Pane/Storm Windows

Other Construction Features

Stories:

EXTERIOR FEATURES

Patio

Porch

Patio

Yard

Lawn

Fenced Yard

Water

View Type

View: Water

Lot

Lot: 0.44 acres

Lot width: 107 ft

Other Exterior Features

Dock

Zestimate Details

Zestimate ?

\$1,531,031

-\$180,499 Last 30 days

\$1.35M

\$2.24M

Zestimate range

Rent Zestimate ?

\$8,541/mo

-\$903 Last 30 days

\$5.6K

\$13K

Zestimate range

Zestimate forecast



To see Zestimate
forecast



One year

I disagree with my Zestimate

This home --

21222 --

Dundalk --

Improve Your Home Value

PROJECT

PROJECT COST

AD



SAVE SHARE HIDE GET UPDATES MORE

EXTERIOR FEATURES

Patio	View Type
Porch	View: Water
Patio	Lot
Yard	Lot: 0.44 acres
Lawn	Lot width: 107 ft
Fenced Yard	Other Exterior Features
Water	Dock
Waterfront	Parcel #: 151519002070

PARKING

Parking: Garage - Detached, 4 spaces,
1200 sqft garage

UTILITIES

Cable Ready	Green Energy
	Great solar potential
	Sun Number™: 70

OTHER

Last sold: Mar 2013 for \$290,000
Formal LR & DR, Traditional/stone
waterfront home facing the Back River,
Two story foyer, Gourmet Kit w/ granite &
Breakfast area, Adj Living Rm w/

♡ SAVE ♡ SHARE ♡ HIDE GET UPDATES MORE +

Last sold: Mar 2013 for \$290,000

Formal LR & DR, Traditional/stone waterfront home facing the Back River, Two story foyer, Gourmet Kit w/ granite & Breakfast area, Adj Living Rm w/ Fireplace, Large back yard w/ level play area, Detached 4 car garage & boat Garage, with additional 1500 Sq. Ft. Apartment above Garage.

All time views: 8,309

County website See data sources

[See Less Facts and Features ^](#)

Add owner estimator

\$1,531,031

-\$180,499 Last 30 days

£1.35H £2.24M

Zestimate range

\$8,541/mo

-\$903 Last 30 days

95.6%	51.5%
-------	-------

Zestirnate rango

 To see Zestimate forecast
Create a free account

Create a free account

I disagree with my Zestimate.

\$62,777

\$18,898

\$14,283

\$13,206

\$9,486

\$3,076

\$1,241

\$1,561

Price / Tax History

DATE	EVENT	PRICE	\$/SQFT	SOURCE
11/28/16	Listing removed	\$2,500,000	\$393	Keller William.
08/04/15	Listed for sale	\$2,500,000 +762%	\$393	Agent
03/29/13	Sold	\$290,000 +480%	\$45	Public Record
03/23/11	Sold	\$50,000 -68.6%	\$7	Public Record
03/27/02	Sold	\$159,000	\$25	Public Record

Neighborhood: 21222

MEDIAN ZESTIMATE

MARKET TEMP

FORECLOSURES (per 10K)

\$139,800
Warm

3.6

4.1



3.4%

Past 12 months

Buyers' Market

Sellers' Market

21222

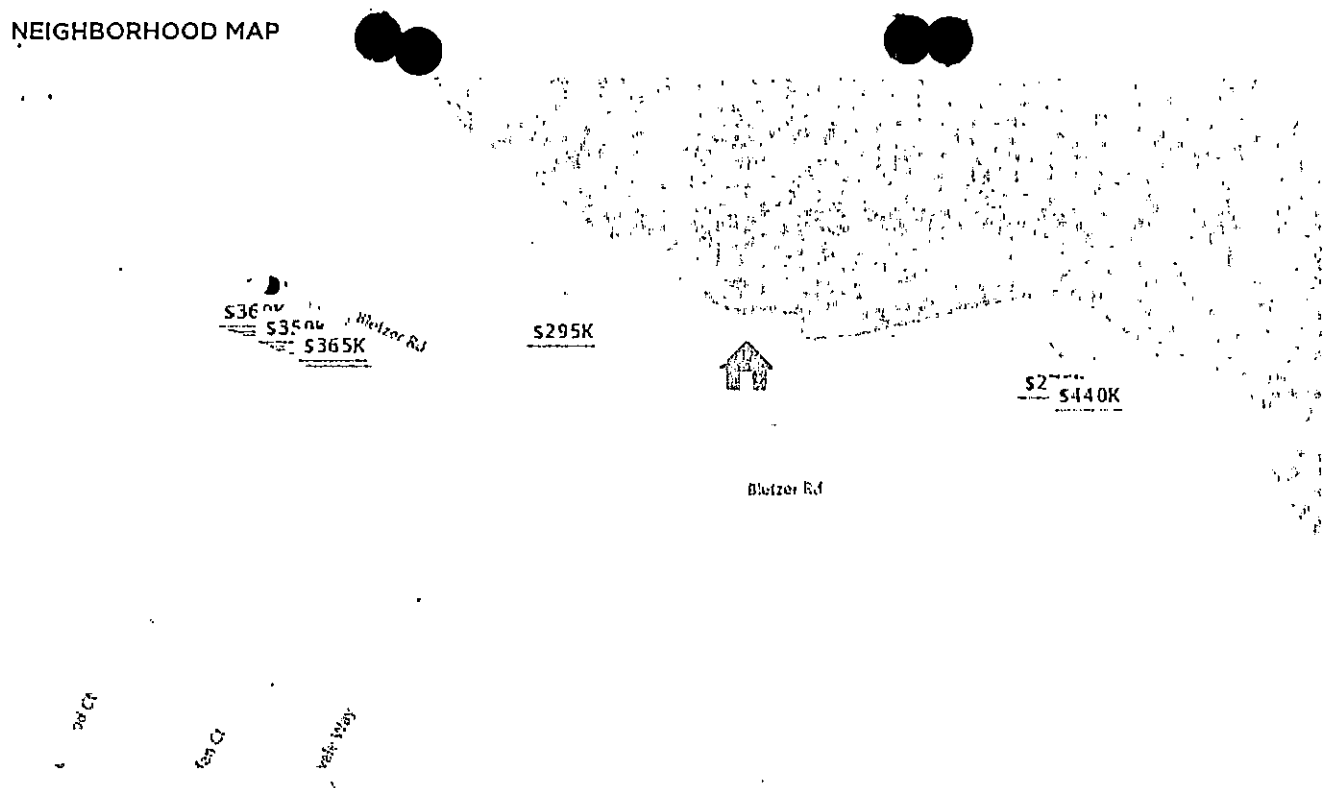
Dundalk

Zillow predicts will rise 2.2% next year, compared to a 2.3% increase for Dundalk as a whole. Among homes, this home is valued 1040% more than the midpoint (median) home, and is valued 95.9% more per square foot.

Walk Score[®] 2 (Car-Dependent)

Transit Score[™] 21 (Minimal Transit)

NEIGHBORHOOD MAP



NEARBY HOMES



OFF MARKET

\$243,249 -- bds . 1 ba . 960 sqft
8336 Bletzer Rd, Baltimore, MD

OFF MARKET

\$438,180 -- bds . 1.5 ba . 2,000 sqft
8338 Bletzer Rd, Baltimore, MD

Nearby Schools in Dundalk

SCHOOL RATING

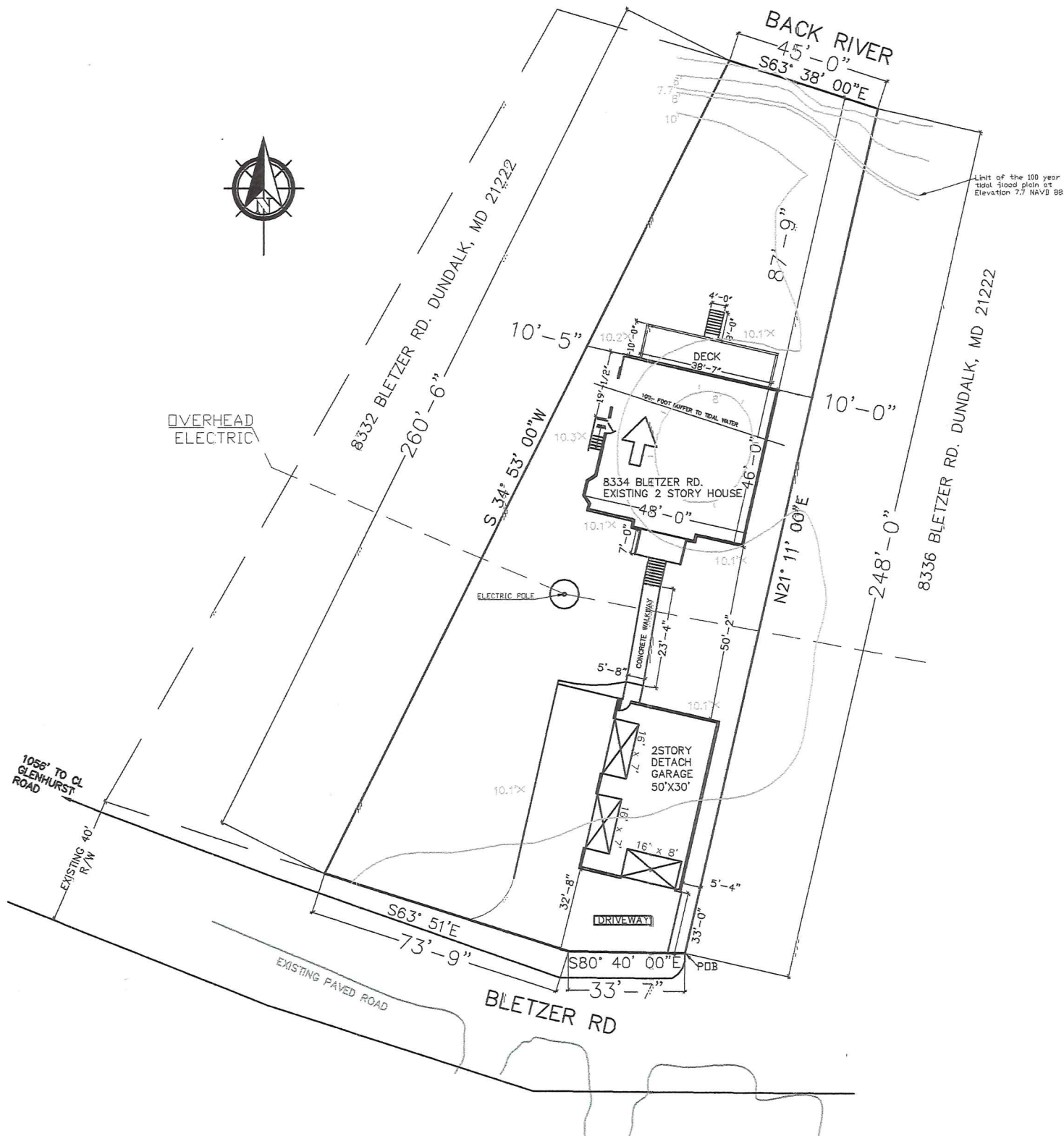
GRADE

8 out of 10	Charlesmont Elementary	PK-
7 out of 10	Sparrows Point Middle	6-
6 out of 10	Sparrows Point High	9-1

Disclaimer: School attendance zone boundaries are provided by a third party and subject to change with the applicable school district prior to making a decision based on these boundaries.

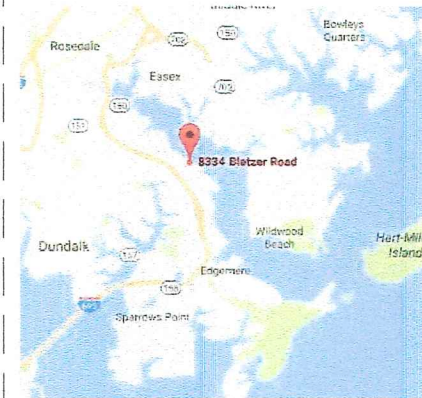
About the ratings: GreatSchools ratings are based on a comparison of test results for all schools in the district. It is designed to be a starting point to help parents make baseline comparisons, not the only factor in selecting the right school for your family.

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
 ADDRESS 8334 BLETZER RD OWNER(S) NAME(S) LI'S DEVELOPMENT 8334 LLC (GUANG JING LI)
 SUBDIVISION NAME _____ LOT# _____ BLOCK# _____ SECTION# N/A
 PLAT BOOK# _____ FOLIO# _____ 10 DIGIT TAX# 151900207 DEED REF# 1033377/0154



PLAN DRAWN BY GUANG LI DATE 7/1/2017 SCALE: 1 INCH = 40 FEET

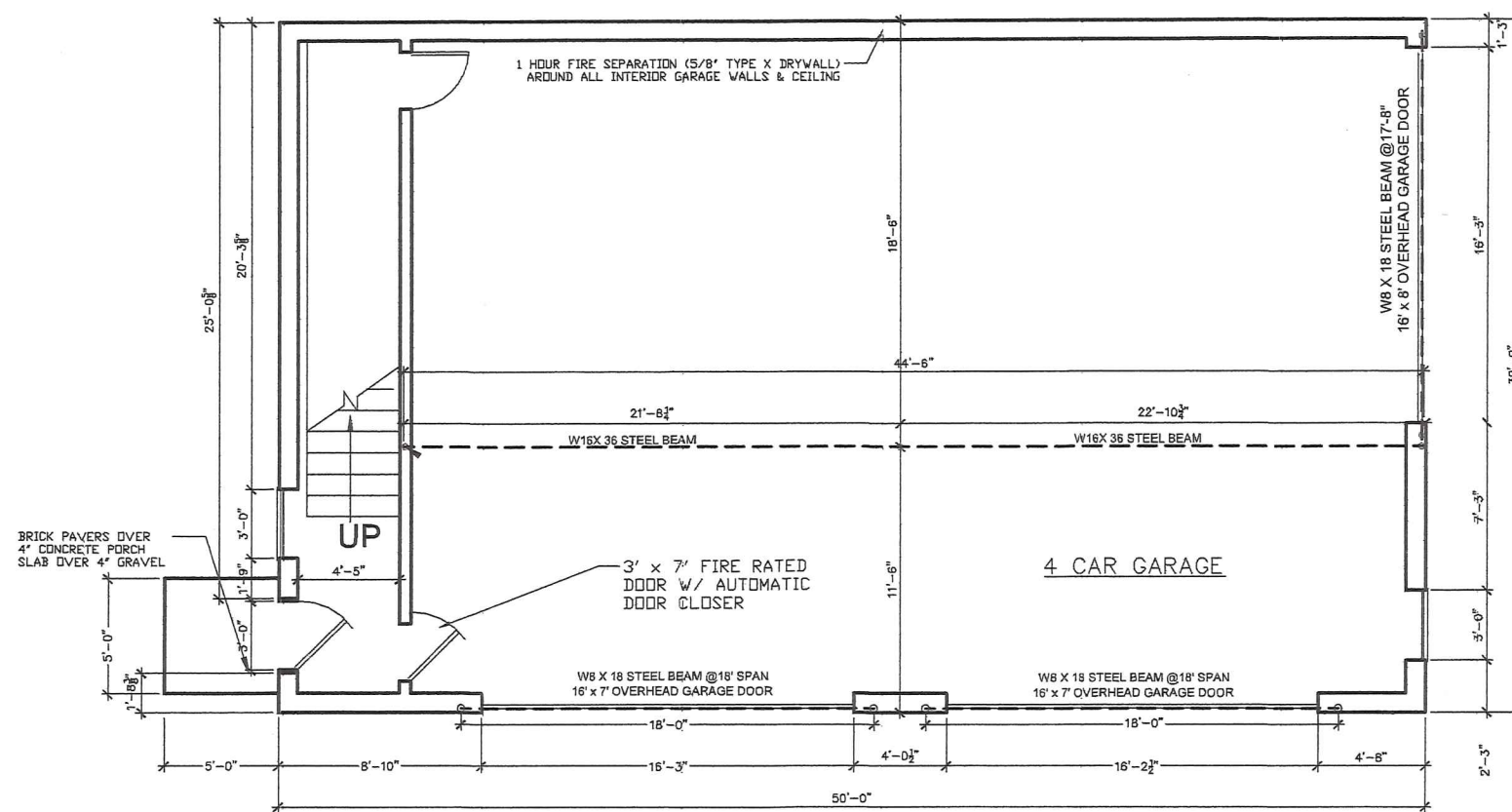
SITE VICINITY MAP



ZONING MAP # 104B1
 SITE ZONED DR5.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE 0.443
 OR SQUARE FEET 19,300
 HISTORIC ? NO
 IN CBCA ? YES
 IN FLOOD PLAIN ? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING ? YES
 IF SO GIVE CASE NUMBER AND
 ORDER RESULT BELOW:
05-644-A
VARIANCE GRANTED FOR 2
STORY DETACHED GARAGE

ADDITIONAL NOTES:

1. BASE FLOOD ELEVATION: 7.7 NAVD 88
2. TAX MAP: 104 / GRID: 3 / PARCEL: 128
3. COMPLY W/ BALTIMORE COUNTY CODE ARTICLE 32, TITLE 4 AND 6 (PUBLIC IMPROVEMENTS)
4. COMPLY W/ BALTIMORE COUNTY CODE ARTICLE 32, TITLE 4 AND 8, COUNCIL BILL 40-12 (BLDG CODE SECTION 3112)



GARAGE FLOOR PLAN
SCALE: 1/8" = 1'-0"

