

M E M O R A N D U M

DATE: October 10, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0013-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 6, 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 VARIANCE
(3200 Grace Road)
15th Election District
7th Council District
Chesapeake Custom Properties, LLC
Legal Owner

Petitioner

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BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

CASE NO. 2018-0013-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Chesapeake Custom Properties, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from §1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a side street setback of 14 ft. in lieu of the required 16 ft. setback that was granted in Zoning Case No. 2017-0139-A. A site plan was marked as Petitioner's Exhibit 1.

Melvin Wolinski and David Billingsley appeared in support of the petition. There were no protestants or interested citizens in attendance. On the day of the hearing a petition signed by neighbors opposing the variance was hand-delivered to the Office of Administrative Hearings. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the request.

The site is approximately 0.171 acres in size and zoned DR 5.5. The property is unimproved and Petitioner proposes to construct a new dwelling on the lot. Mr. Wolinski indicated he initially planned to build a 24 ft. wide home, though he stated that buyers prefer a

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Date 9/6/17

By Sen

wider dwelling. As such, he proposes a 26 ft. wide single family dwelling which requires a variance.

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

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

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

The same property was found to be unique in a prior zoning case, at which there was no opposition. See Case No. 2017-0139-A. As such I believe there is no need to revisit the issue in this case. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct a modern dwelling on the lot. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of Baltimore County opposition.

The neighbors who signed the petition stated they fear granting the variance could "cause a hazard to traffic at Grace Road and Martha Road [sic]." Mr. Billingsley noted many homes on corner lots in this neighborhood are situated within 16 ft. of the road, including the house directly across Martha Avenue from the subject property, which is only 10 ft. from the property boundary. To address the neighbors' concerns I will impose a condition requiring Petitioner to obtain approval from the Bureau of Traffic Engineering prior to construction of the dwelling.

THEREFORE, IT IS ORDERED, this 6th day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §1B02.3.C.1 to permit a side street setback of 14 ft. in lieu of the required 16 ft. setback that was granted in

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Date

9/6/17

By

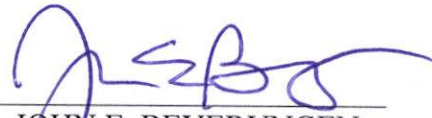
Sen

Zoning Case No. 2017-0139-A, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must prior to issuance of permits satisfy critical area and flood protection regulations.
3. Prior to construction of the proposed dwelling Petitioner must obtain confirmation from Baltimore County Department of Public Works, Bureau of Traffic Engineering that the 14 ft. side street set back will not pose a hazard to motorists.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 9/6/17

By sln



CBA

PETITION FOR ZONING HEARING(S)

Flood

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 3700 GRACE ROADwhich is presently zoned DR5.5Deed References: 38903 / 13510 Digit Tax Account # 1504751001Property Owner(s) Printed Name(s) CHESAPEAKE CUSTOM PROPERTIES, LLC(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

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

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

3. ☒ a **Variance** from Section(s)

BCZR: 1B02.3.C.1 → To permit a side street setback of 14 feet in lieu of the required 16 feet setback that was granted in Zoning Case 2017-0139-A.

or 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):

CHARLES WOLINSKI, MEMBER

Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

9019 CUCKOLD POINT RD BALTO, MD

Mailing Address City State

21219 (443)850-9431

Zip Code Telephone # Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name- Type or Print

Signature

601 CHARWOOD CT EDGEWOOD, MD

Mailing Address City State

21040 (410)679-8719 dwb0209@yahoo.com

Zip Code Telephone # Email Address

CASE NUMBER 2018-0013-AFiling Date 7/12/17

Do Not Schedule Dates:

Reviewer JS

ZONING DESCRIPTION

3200 GRACE ROAD

Beginning for the same at a point on the north side of Grace Road (40 feet wide) at its intersection with the east side of Martha Avenue (25 feet wide) thence being all of Lots 1 and 2 Block N as shown on the plat entitled Lynch Point recorded among the Baltimore County plat records in Plat Book 8 Folio 38.

Containing 7,452 square feet or 0.171 acre of land, more or less.

Being known as 3200 Grace Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Md.

2018-0013-A



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 5117496

Sold To:

Charles Wolinski - CU00486508
9019 Cuckold Point Rd
Sparrows Point, MD 21219-1635

Bill To:

Charles Wolinski - CU00486508
9019 Cuckold Point Rd
Sparrows Point, MD 21219-1635

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

Aug 10, 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: # 2018-0013-A
3200 Grace Road
NW corner of intersection of Grace Road and Martha Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s) Charles Wolinski, Member

Variance: to permit a side street setback of 14 feet in lieu of the required 16 feet that was granted in Zoning Case 2017-0139-A.

Hearing: Friday, September 1, 2017 at 2:30 p.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.

8/051 August 10 5117496

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

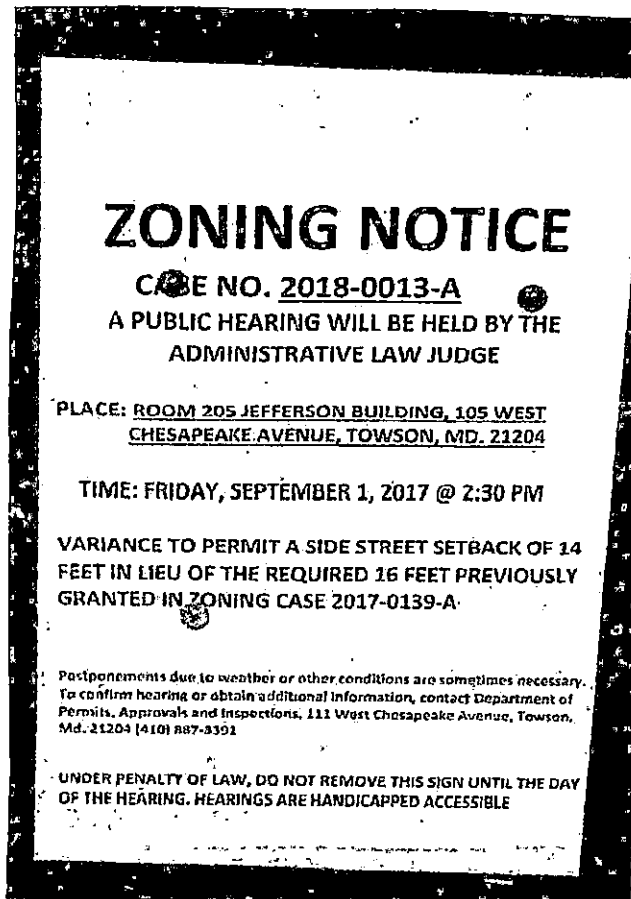
CERTIFICATE OF POSTING

Date: AUGUST 12, 2017

RE: Project Name: 3200 GRACE ROAD
Case Number /PAI Number: 2018-0013-A
Petitioner/Developer: CHESAPEAKE CUSTOM PROPERTIES LLC
Date of Hearing/Closing: SEPT. 1, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3200 GRACE ROAD

The sign(s) were posted on AUGUST 12, 2017
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



KEVIN KAMENETZ
County Executive

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

August 2, 2017

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3200 Grace Road

NW corner of intersection of Grace Road and Martha Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Charles Wolinski, Member

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105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Charles Wolinski, 9019 Cuckold Point Road, Baltimore 21219
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, AUGUST 12, 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 10, 2017 Issue - Jeffersonian

Please forward billing to:
Charles Wolinski
9005 Millers Island Blvd.
Baltimore, MD 21219

443-850-9431

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: 2018-0013-A

3200 Grace Road

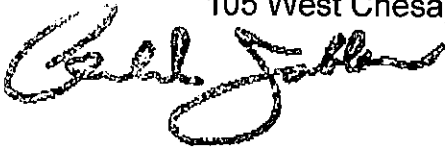
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Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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RE: PETITION FOR VARIANCE
3200 Grace Road; NW corner Grace Road,
NE of c/line of Martha Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Charles Wolinski

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-013-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUL 18 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 David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative 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: 2018-0013-A
Property Address: 3200 GRACE RD.
Property Description: _____

Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHARLES WOLINSKI
Company/Firm (if applicable): _____
Address: 9005 MILLERS ISLAND BLVD
BALTO MD 21219

Telephone Number: (443) 850-9431

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

August 24, 2017

Charles Wolinski
9019 Cuckold Point Road
Baltimore MD 21219

RE: Case Number: 2018-0013 A, Address: 3200 Grace Road

Dear Mr. Wolinski:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 12, 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
David Billingsley, 601 Charwood Road, Edgewood MD 21040

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 7/17/17

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

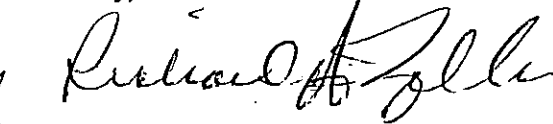
Dear Ms. Lewis:

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. 2018-0013-A

*Variance
Charles Wolinski
3200 Grace 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

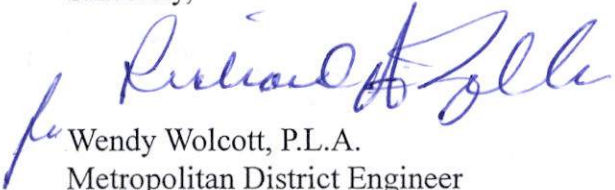
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Variance
Charles Wolinski
3200 Grace Road

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,


for 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

Inter-Office Correspondence

RECEIVED

AUG 21 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

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 # 2018-0013-A
Address 3200 Grace Road
(Wolinski 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 (DEPS) 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, non-waterfront property is located within an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and will be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request is to allow a side yard setback of 14 feet in lieu of the required 16 feet. According to the plan with this petition, increased impervious surfaces are proposed on the site, therefore, any future building permit applications and/or plans received by the Environmental Impact Review Section of DEPS will be reviewed for the applicability of the 10% Rule regulations and any required mitigation. Allowing the request with this petition will result in minimal impacts to water quality.

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

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Greenhill Cove and 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.

The applicant's request to allow the replacement of an existing, detached garage, located in the front and side yard in lieu of the required rear yard, is consistent with this goal. The project will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: August 21, 2017

9-1

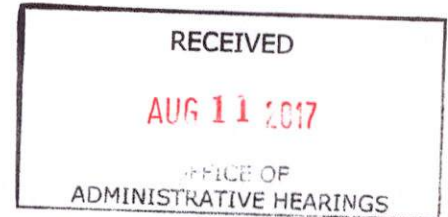
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 8/8/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-013



INFORMATION:

Property Address: 3200 Grace Road
Petitioner: Charles Wolinski
Zoning: DR 5.5
Requested Action: Variance

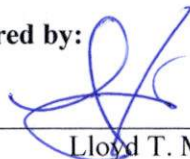
The Department of Planning has reviewed the petition for variance to permit a proposed single family dwelling with a street side setback of 14 feet in lieu of the required 16 feet setback that was granted in Zoning Case 2017-139-A.

A site visit was conducted on July 18, 2017.

The Department of Planning has no objections to granting the petitioned zoning relief.

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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. 2018-0013-A

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

Prior to building permit application, the petitioner must contact the office of the Director of Public Works to determine the flood protection elevation, so that the floor elevation can be set.

* * * * *

VKD:CEN
cc:file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/8/2017

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Director, Department of Planning

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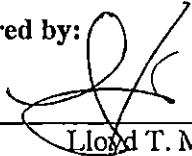
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For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
David Billingsley, Central Drafting & Design, Inc.
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Greenhill Cove and Back River.

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The applicant's request to allow the replacement of an existing, detached garage, located in the front and side yard in lieu of the required rear yard, is consistent with this goal. The project will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

Date: August 21, 2017

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

NO 154845

Date: 7/12/17

Rev Sub
Source/ Rev/

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

Total: \$75.00

Rec From: CHESAPEAKE CUSTOM PROPERTIES LLC

For: 2018-0013-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

7/13/2017 7/12/2017 09:21:17 2

REG MSD2 WALKIN JEE

>>RECEIPT # 015696 7/12/2017 OFLH

Dept 5 528 ZONING VERIFICATION

CR NO: 154845

Recpt Tot \$75.00

\$164.00 OT

Baltimore County, Maryland

CASHIER'S
VALIDATION

Case No.:

2018-0013-A

Exhibit Sheet

9-6-17

Petitioner/Developer

DW
10-10-17

Protestant

sen

No. 1	Plan	
No. 2	SDAT record	
No. 3	Plat-Lynch Point	
No. 4	Aerial photo	
No. 5	5A-5C site photos	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1504751001			
Owner Information					
Owner Name:		CHESAPEAKE CUSTOM PROPERTIES LLC		Use:	RESIDENTIAL
Mailing Address:		9005 MILLERS ISLAND BLVD MILLERS ISLAND MD 21219-		Principal Residence:	NO
				Deed Reference:	/38903/ 00135
Location & Structure Information					
Premises Address:		3200 GRACE RD SPARROWS POINT 21219-		Legal Description:	PT LT 1 LT 2 .101 LYNCH POINT
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0111	0005	0141		0000	N
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
	1	2015		0008/0038	
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			7,452 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2015	As of 07/01/2016	As of 07/01/2017
Land:		55,400	55,400		
Improvements		0	0		
Total:		55,400	55,400	55,400	55,400
Preferential Land:		0			0
Transfer Information					
Seller: 1735 SEARLES L L C		Date: 04/28/2017		Price: \$65,000	
Type: ARMS LENGTH IMPROVED		Deed1: /38903/ 00135		Deed2:	
Seller: DUNCAN VERNON T/DAVID T/DANIEL S		Date: 05/05/2016		Price: \$110,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /37477/ 00470		Deed2:	
Seller: DUNCAN OPAL T		Date: 03/03/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00000/ 00000		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					
Homeowners' Tax Credit Application Status: No Application				Date:	

**PETITIONER'S
EXHIBIT NO. 2**

P.B. 8 F. 38
REC: 4/26/76

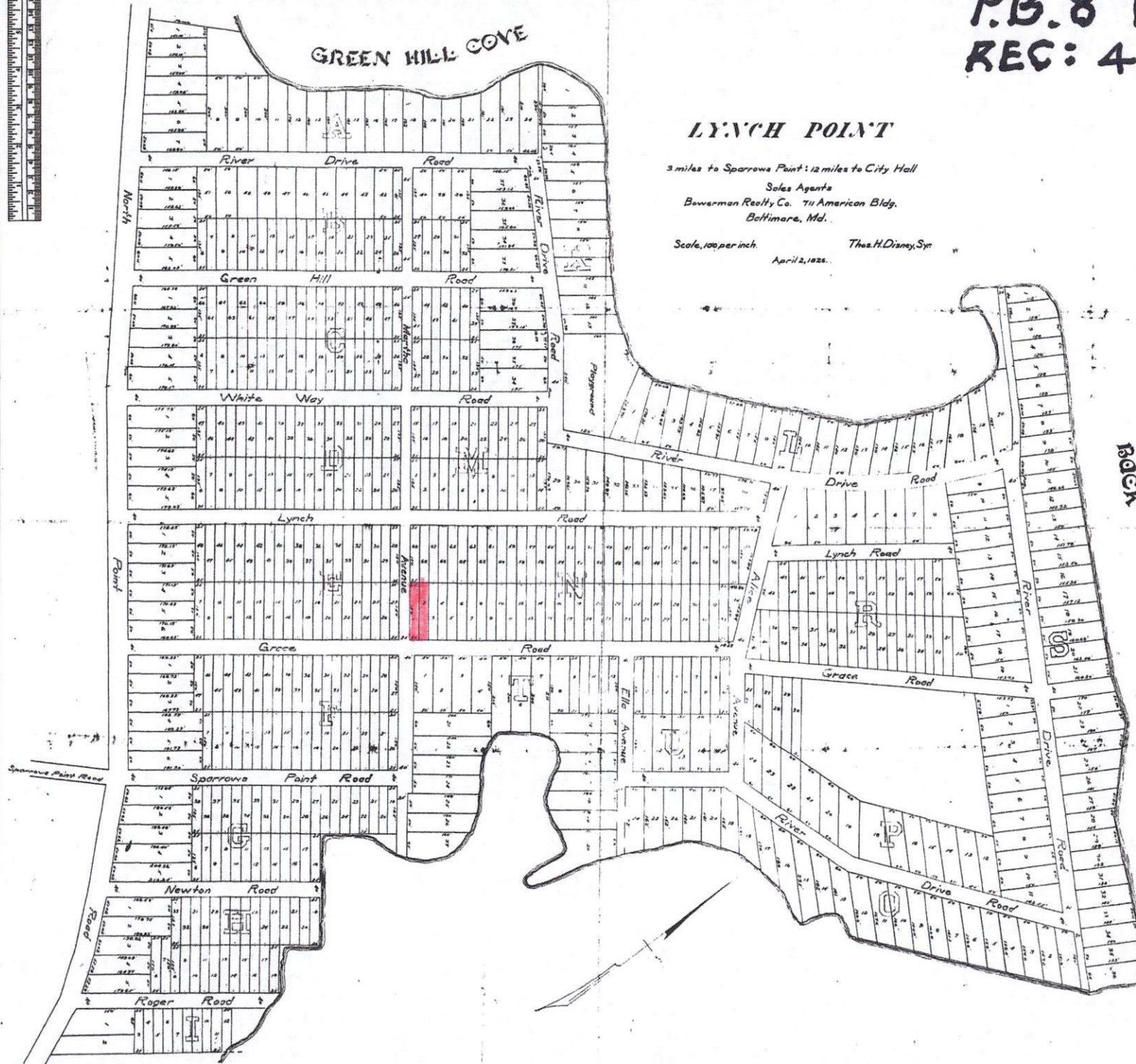
LYNCH POINT

3 miles to Sparrows Point: 12 miles to City Hall

Sales Agents
Bawerman Realty Co. 711 American Bldg.
Baltimore, Md.

Scale, 100 per inch.

Thos. H. Disney, Syc.
April 2, 1926.



PETITIONER'S
EXHIBIT NO. **3**



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate, does not warrant, regard t ies with implied, County, or timore luding s, ising from or

**PETITIONER'S
EXHIBIT NO. 4**



a

9

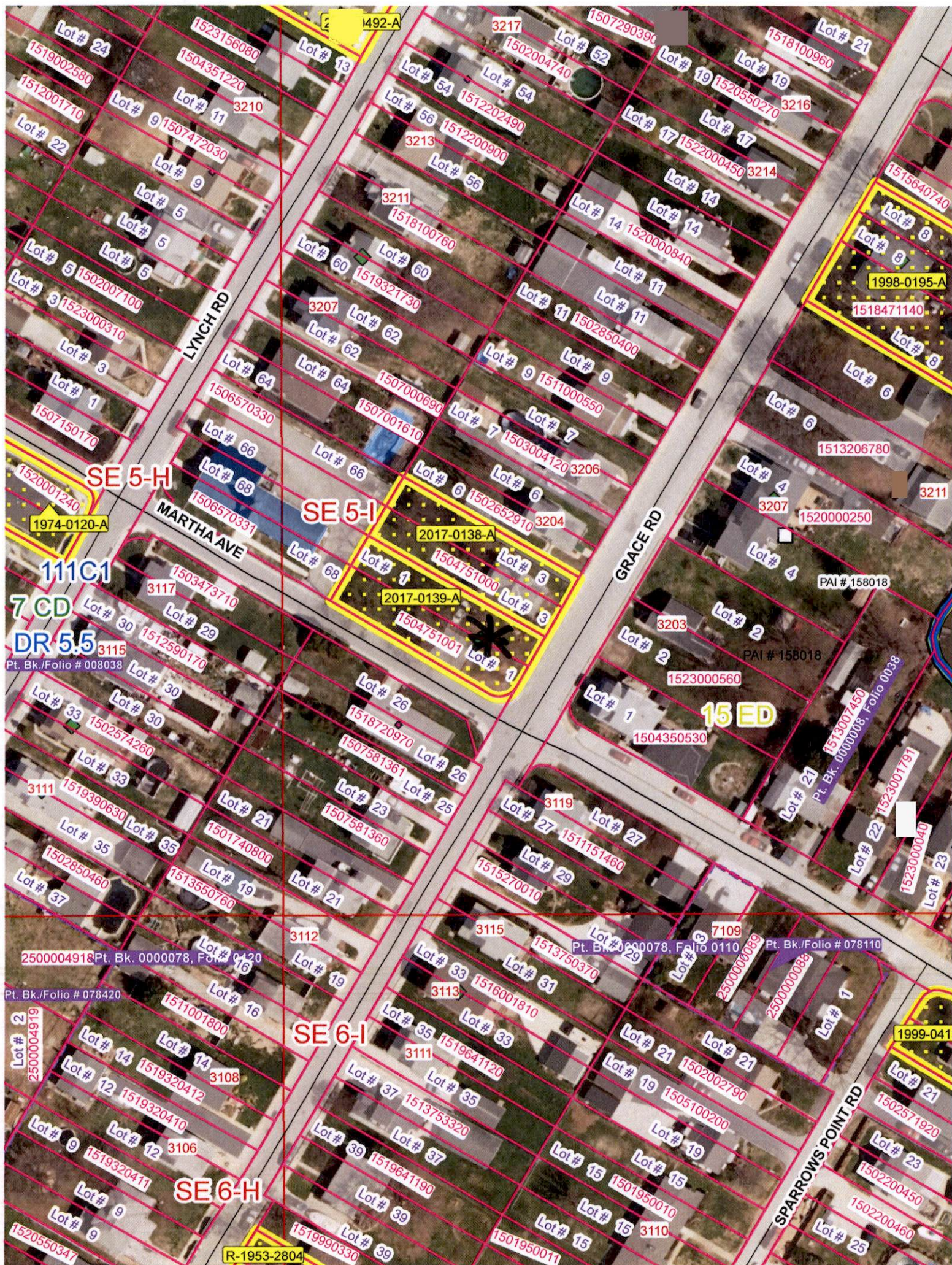


6

6



C



C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

8/11/17

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

Comment

8/21/17

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

Comment

FIRE DEPARTMENT

8/11/17

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

no obj

7/17/17

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2017-0139-A)

NEWSPAPER ADVERTISEMENT Date: 8/10/17

SIGN POSTING Date: 8/12/17

by Billingsley

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
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Owner Information										
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Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0111	0005	0141		0000	N		1	2018	Plat Ref:	0008/0038
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						7,452 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation			
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of 01/01/2015		As of 07/01/2017		As of 07/01/2018	
Land:			55,400		55,400					
Improvements			0		0					
Total:			55,400		55,400		55,400			
Preferential Land:			0							
Transfer Information										
Seller: 1735 SEARLES L L C				Date: 04/28/2017				Price: \$65,000		
Type: ARMS LENGTH VACANT				Deed1: /38903/ 00135				Deed2:		
Seller: DUNCAN VERNON T/DAVID T/DANIEL S				Date: 05/05/2016				Price: \$110,000		
Type: ARMS LENGTH MULTIPLE				Deed1: /37477/ 00470				Deed2:		
Seller: DUNCAN OPAL T				Date: 03/03/2009				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /00000/ 00000				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:				

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(3200 Grace Road)		
15 th Election District	*	OF ADMINISTRATIVE
7 th Council District		
1735 Searles Road, LLC	*	HEARINGS FOR
Legal Owner		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2017-0139-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by 1735 Searles Road, LLC, owner of the subject property ("Petitioner"). The Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (B.C.Z.R) to permit a proposed dwelling with street side setback of 16 ft. in lieu of the required 25 ft. with a lot width of 50 ft. in lieu of the required 55 ft. A site plan was marked as Petitioner's Exhibit 1.

James & Jan Gay and surveyor Scott Dallas appeared in support of the petition. There were no Protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). Conditions will be included in the Order below to address those comments.

The property is approximately 0.195 acres and is zoned DR 5.5. The property is unimproved and is situated at the corner of two public roads. The lot is adjacent to the property at 3202 Grace Road, which was the subject of Case No. 2017-0138-A which was consolidated for hearing with the present case. Petitioner proposes to construct a single-family dwelling on

the property, but variances are required to do so.

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

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

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

Petitioner has met this test. The lot was created by a plat recorded long before adoption of the B.C.Z.R. As such, the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct a single-family dwelling on the property. Finally, I find that the variances can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition. In addition, Mr. Dallas testified nearly all of the homes in the neighborhood are situated on 50 ft. wide lots, so the proposed dwelling would be compatible with the community.

THEREFORE, IT IS ORDERED, this 25th day of January, 2017, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit a proposed dwelling with a street side setback of 16 ft. in lieu of the required 25 ft., and a lot width of 50 ft. in lieu of the required 55 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. Prior to issuance of permits Petitioner must comply with critical area and flood protection regulations.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

CASE NAME 3200 GRACE ROAD
CASE NUMBER 2618-6013-A
DATE 8/1/17

[illegible]

Samantha Dixon
3202 Grace Road
Samanthadixon95@gmail.com.

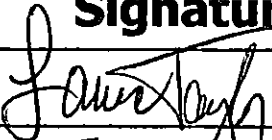
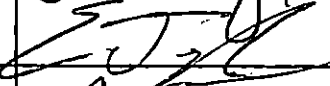
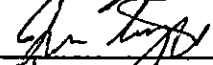
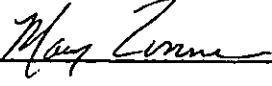
E-mail a copy
of Order

**Petition to deny request for a variance regarding
the property at 3200 Grace Road**

We the undersigned, residents of the Lynch Point Community, hereby petition Baltimore County Zoning to deny the request for a land variance located at 3200 Grace Road, Sparrows Point MD 21219.

We the undersigned believe that the building of a house/dwelling closer to the street may cause a hazard to traffic at the corner of Grace Road and Martha Road. There have been multiple accidents at the intersection, and the building of a house/dwelling closer to the street would increase the likelihood of additional accidents due to lack of visibility. The aforementioned issue would cause an unnecessary risk to the hundreds of children who attend Edgemere Middle School and walk to and from their homes in the community.

As homeowners and residents of Lynch Point, we believe that the denial of the variance would continue to provide a safe community for family members and children residing in the neighborhood.

	Name (Print)	Address	Signature
1	Laura Taylor	3207 Grace Rd	
2	Eric Taylor	3207 Grace Rd.	
3	Joe Taylor	3207 Grace Rd	
4	Grace DiFonso	3207 Grace Rd.	
5	MARY Zinner	3208 GRACE Rd.	

	Name (Print)	Address	Signature
6	MATTHEW ZINNER	3208 GRACE RD BALTIMORE, MD 21219	<i>Me 20</i>
7	Amanda Zinner	3208 Grace Rd Baltimore, MD 21219	<i>Amanda Zinner</i>
8	Ronnie Foretrey	3210 Grace Rd Baltimore md 21209	<i>Ronnie Foretrey</i>
9	Michele Wisniewski	3219 Grace Rd Edgemoor, md 21219	<i>michele wisniewski</i>
10	George Wisniewski	3219 GRACE Rd.	<i>George Wisniewski</i>
11	Jarrett Wisniewski	3219 Grace Road	<i>Jarrett Wisniewski</i>
12	Emily Smyth	3210 Grace Road	<i>Emily Smyth</i>
13	Jessica Smyth	3210 Grace Road	<i>Jessica Smyth</i>
14	Krista Caccio	3203 Grace Rd	<i>Krista Caccio</i>
15	JEFF THAMONS	3203 GRACE RD	<i>Jeff Thamons</i>
16	Michele Anthony	3227 Grace Rd	<i>Michele Anthony</i>
17	Joshua Anthony	3227 Grace Rd	<i>Joshua Anthony</i>
18	Bonnie Donico	3308 Grace Rd	<i>Bonnie Donico</i>
19	EUGENE Donico	3308 GRACE Rd	<i>Eugene Donico</i>
20	Kevin Regusik	3310 GRACE RD.	<i>Kevin REGUSIK</i>
21	W. MOERSCHER	3310 GRACE RD 21219	<i>W. MOERSCHER</i>
22	Cathy Gensler	3312 Grace Rd	<i>CATHY GENSLER</i>
23	Doris Stet	3314 GRACE RD	<i>Doris Stet</i>
24	Doris Stet	3314 GRACE RD	<i>Doris Stet</i>
25	Dawn Lantz	3318 Grace Rd.	<i>Dawn Lantz</i>
26	David Lantz	3318 Grace Rd.	<i>David Lantz</i>

[illegible]

1735 SEARLES LLC
DEED REF 37477-470
MAP 0111-P 0141
LOTS 1 & 2
TAX ACCT NO 1504751001

1735 SEARLES LLC
DEED REF 37477-470
MAP 0111-P 0141
LOTS 3 & 4
TAX ACCT NO 1504751000

MARY BROCK
DEED REF 3321-238
MAP 0111-P 0141
LOTS 5 & 6
TAX ACCT NO 1502652911

MARTHA AVENUE

GRACE ROAD
(40' WIDE)

PROPOSED BUILDING #3200
28' x 24'

EXISTING BUILDING #3202
EX. 2 STY DWG
22.7' x 20.3'
ENCL POR 8.2' x 20.7'

150' EASEMENT

40' WIDE

W & S

1735 SEARLES LLC
DEED REF 37477-470
MAP 0111-P 0141
LOTS 3 & 4
TAX ACCT NO 1504751000

MARY BROCK
DEED REF 3321-238
MAP 0111-P 0141
LOTS 5 & 6
TAX ACCT NO 1502652911

EX. DWG
3204 GRACE RD

PROP.
DWG.
#3200

**EX.2 STY
DWG
#3202**

ENCL POR
20.7'

50'

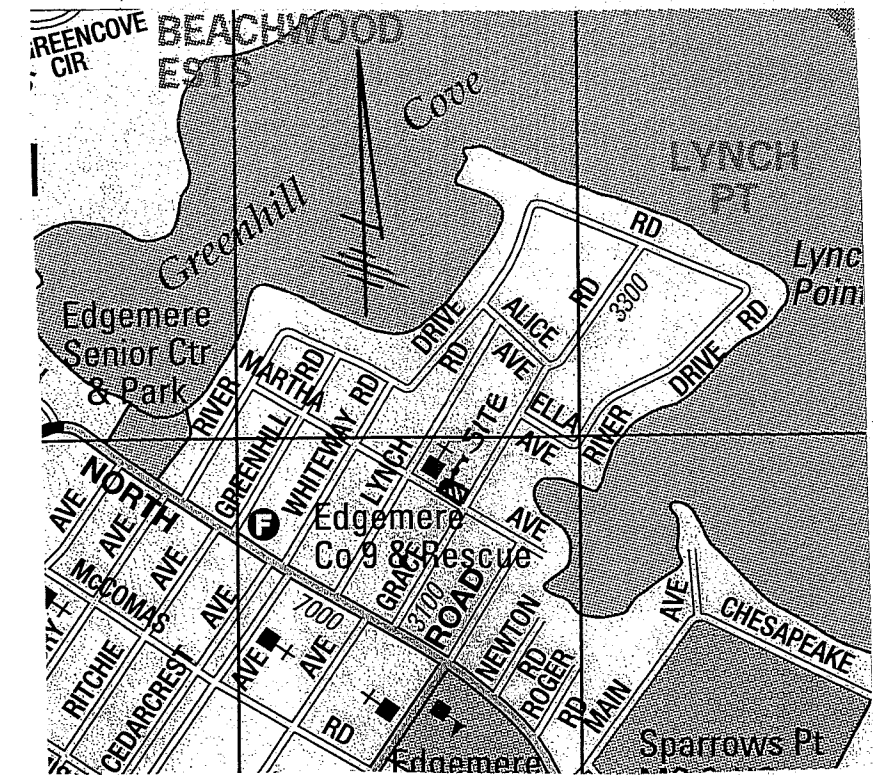
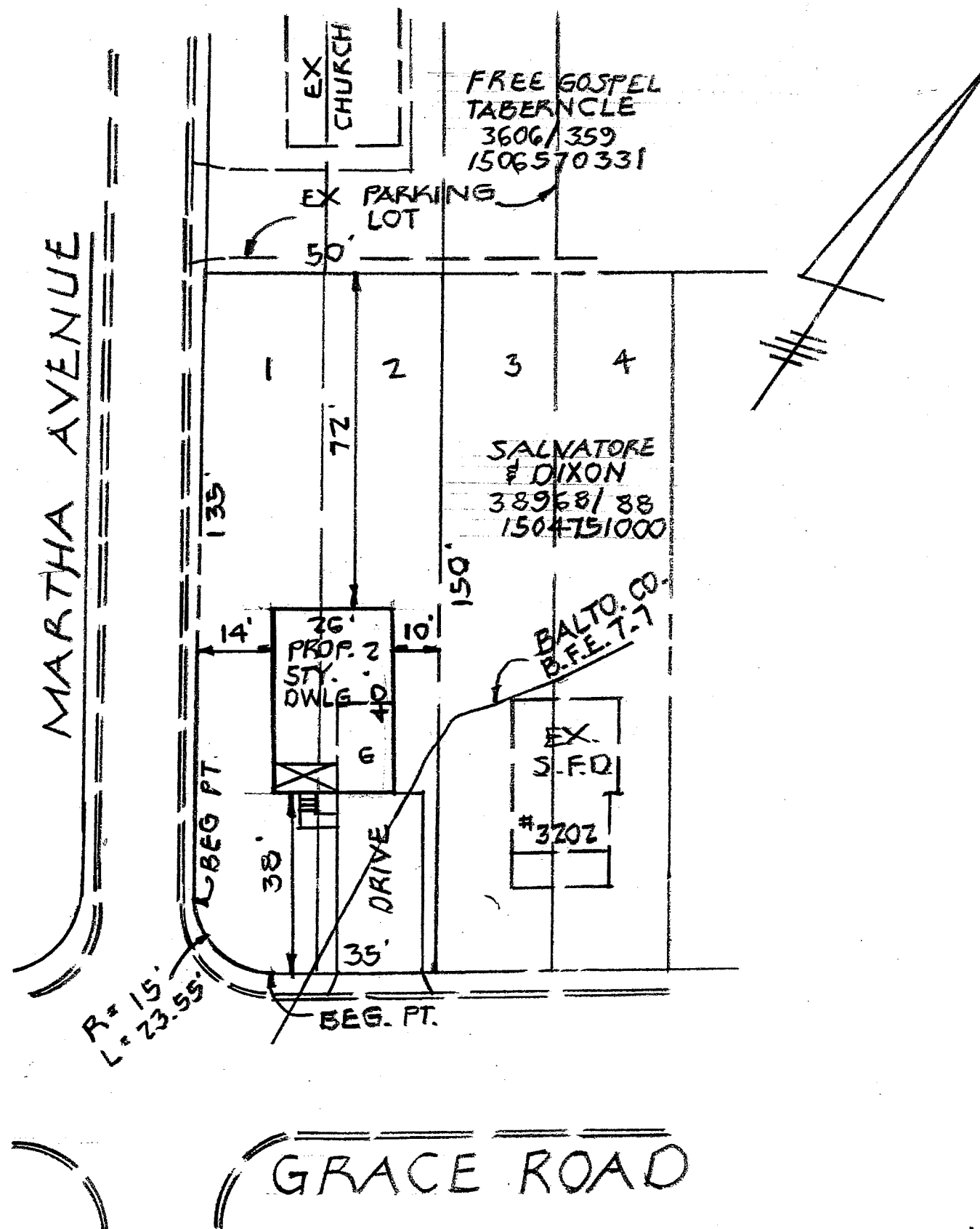
P.O.B.

GRACE ROAD
(40' WIDE)

30'
EXISTING
PAVING

(40' WIDE)

W E A



NOTES

1. ZONING.....DR 5.5 (MAP NO. 111C1)
2. LOT AREA7452 S.F. = 0.171 ACRE +/-
3. PUBLIC WATER AND SEWER
4. NO VIOLATIONS ARE KNOWN
5. SITE IS LOCATED WITHIN AN INTENSELY DEVELOPED AREA OF THE CBCA
6. A PORTION OF THE SITE IS LOCATED IN THE 100 YEAR TIDAL FLOOD ZONE
7. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST
8. PREVIOUS ZONING HISTORY:
CASE NO. 2017-0139-A (1/20/2017) GRANTING A STREET SIDE SETBACK OF 16 FEET IN LIEU OF THE REQUIRED 25 FEET AND A LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 55 FEET

OWNER

CHESAPEAKE CUSTOM PROPERTIES LLC
9005 MILLERS ISLAND ROAD
BALTIMORE, MD. 21219
DEED REF: L.38903 F.135
ACCT. NO. 1504751001

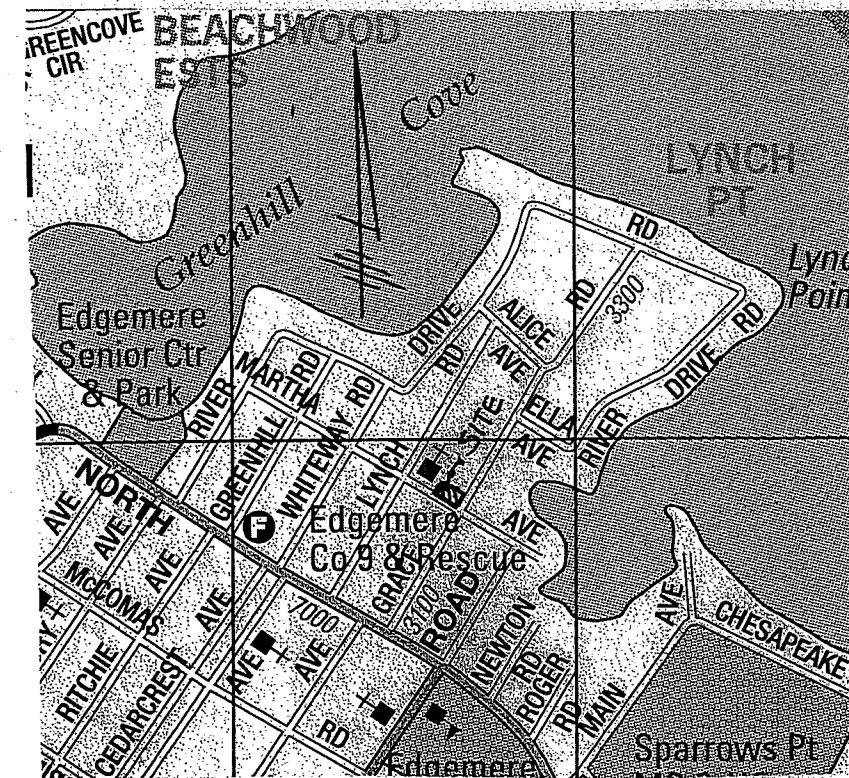
PETITIONER'S
EXHIBIT NO. 1

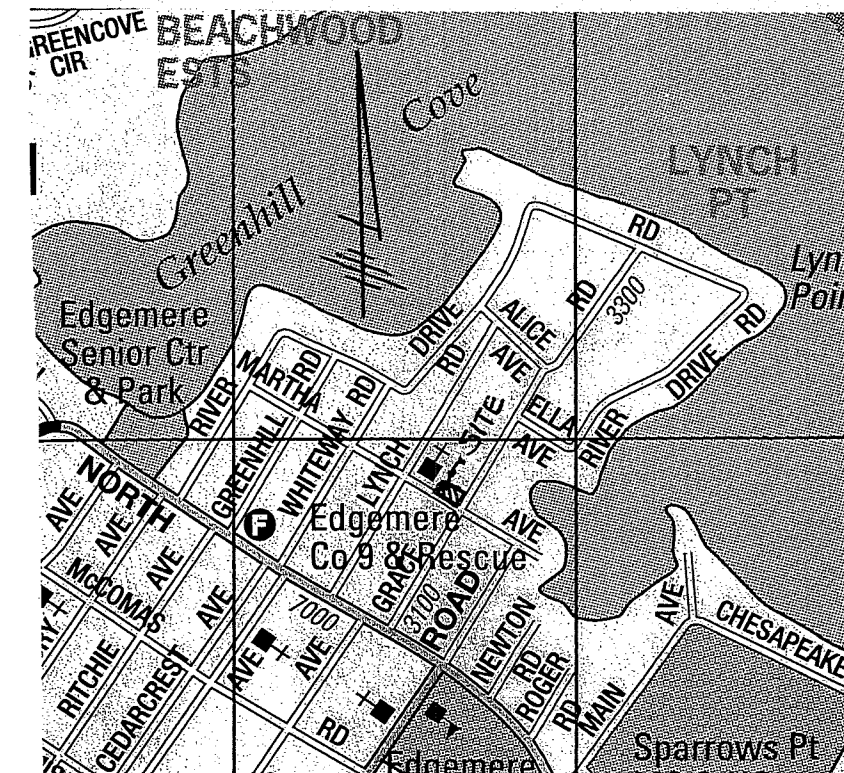
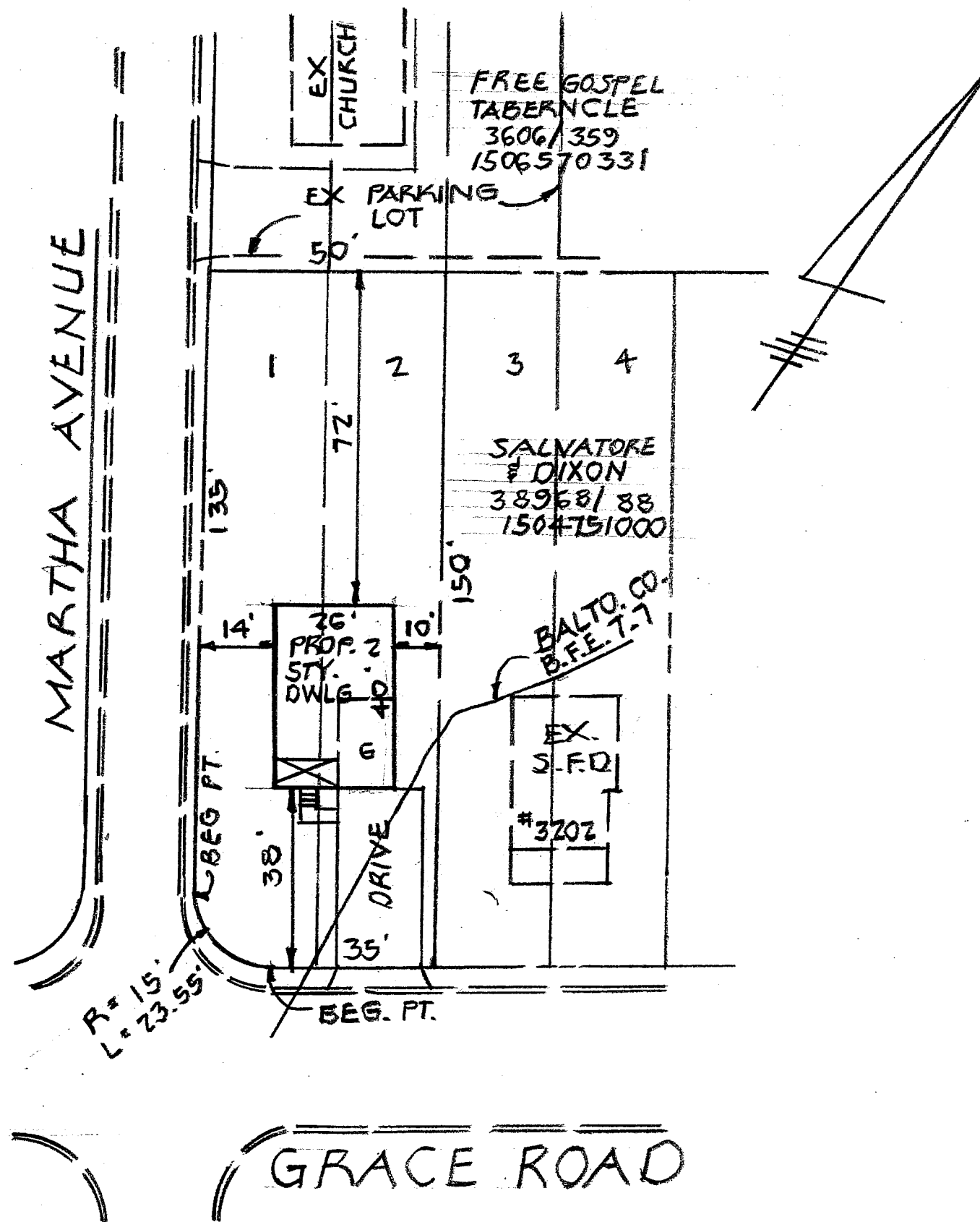
PLAT TO ACCOMPANY ZONING PETITION

3200 GRACE ROAD

LOTS 1 AND 2, BLOCK N, LYNCH POINT 8/38
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD

SCALE: 1 INCH = 30 FEET MAY 22, 2017





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2018-0013-A

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LOTS 1 AND 2, BLOCK N, LYNCH POINT 8/38
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 30 FEET MAY 22, 2017