

M E M O R A N D U M

DATE: October 5, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0034-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 4, 2018. 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 ADMIN. VARIANCE
(2312 Turkey Point Road)

15th Election District

7th Council District

James K. & Stephanie L. Wacker
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0034-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, James K. and Stephanie L. Wacker (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to allow an existing accessory structure (garage) with a height of 22 ft. in lieu of the required maximum height of 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (“CBCA”) and is subject to Critical Area requirements as noted in the ZAC comment, dated August 7, 2018.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 12, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date

By

9/14/18

SLH

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 4th day of September, **2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the Baltimore County Zoning Regulations ("BCZR"), to allow an existing accessory structure (garage) with a height of 22 ft. in lieu of the required maximum height of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the DEPS ZAC comment, dated August 7, 2018; a copy of which is attached hereto and made a part hereof.

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

JEB:dlw


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date

9/14/18

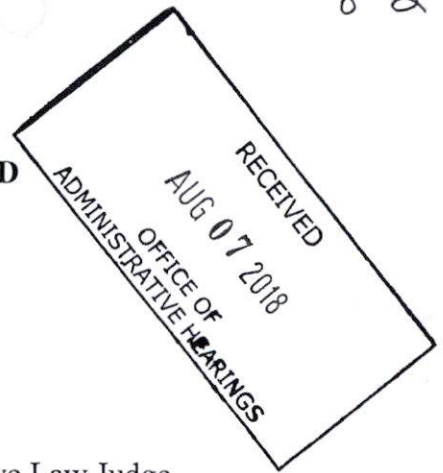
By

sen

8-27

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 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0034-A
Address 2312 Turkey Point Road
(Kelso & Wacker Property)

Zoning Advisory Committee Meeting of **August 13, 2018.**

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 requirements. Lot coverage areas on this site have exceeded the current maximum allowance of 31.25% since prior to the Critical Area law. The plan proposes a reduction in lot coverage to comply with requirements, but additional review will be needed to determine actual lot coverage compliance requirements. If the garage construction can comply with the LDA lot coverage and minimum tree requirements, the proposed development with the zoning relief requested can be accomplished with minimization of water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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Date 9/14/18

By Sen

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

The property is not waterfront and there are no habitat protection areas on site. The development must meet Critical Area lot coverage, forest/tree requirements, and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

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 proposal for construction of a garage on the property can be consistent with this goal if the development can comply with all Critical Area requirements. Based on the current information, it appears that the amount of lot coverage may be an issue, and trees/shrubs may need to be planted on the site.

Reviewer: Paul Dennis

ORDER RECEIVED FOR FILING

Date

9/14/18

By

sen



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2312 Turkey Point Road which is presently zoned DR-5.5

Deed Reference 19698/129 10 Digit Tax Account # 1506571391

Property Owner(s) Printed Name(s) James Kelso & Stephanie Lynn Wacker

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 400.3 to allow an accessory structure to be 22' tall in lieu of the permitted 15'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, 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:

James Kelso Wacker / Stephanie Lynn Wacker

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature #2

2312 Turkey Point Road, Baltimore MD

Mailing Address City State

21221-1830 / 410-227-7733 / jwacker64@aol.com

Zip Code Telephone # Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

30 E. Padonia Road, Timonium MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this 8/1/18 day of August, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2019-0034-A Filing Date 8/1/18 Estimated Posting Date 8/12/18 Reviewer gh

Rev 10/12/11

Affidavit in Support -- Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 2312 Turkey Point Road Baltimore MD 21221
Print or Type Address of property City State Zip Code

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

The garage will be constructed to a height that will allow for storage of recreational vehicle which requires a higher ceiling height in order to fit into the garage. The structure will not be used for any purpose other than storage of vehicles or other materials. It will not be used for living quarters.

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

James Kelso Wacker
Signature of Affiant

James Kelso Wacker
Name- Print or Type

Stephanie Wacker
Signature of Affiant

Stephanie Wacker
Name- Print or Type

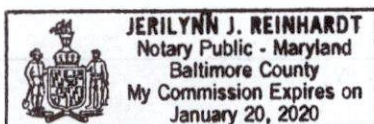
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of July, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

James Kelso & Stephanie Wacker
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal



Jerilyn J. Reinhardt
Notary Public
1/20/2020
My Commission Expires

2019-0034-A

Administrative Variance from section: 400.3 of the BCZR,

To permit an existing accessory structure (garage) with a height of 22 feet in lieu of
the required maximum height of 15 feet.

**ZONING PROPERTY DESCRIPTION FOR
2312 TURKEY POINT ROAD
BALTIMORE COUNTY, MARYLAND**

Beginning at a point on the North side of **Turkey Point Road** which is 40 feet wide at the distance of 800 feet northwest of the intersection of the nearest improved street of **Rockaway Beach Road**, which is 40 feet wide. Being lots **#38-41**, in the subdivision of **Turkey Point Farm** as recorded in Baltimore County Plat Book **#6**, Folio **#73**, containing **12,500 Sq.Ft. or 0.29 Ac.+/-**. Located in the 15th. Election District, 7th Councilmanic District.

CERTIFICATE OF POSTING

2019-0034-A

RE: Case No.: _____

Petitioner/Developer: _____

James & Stephanie Wacker

August 27, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2312 Turkey Point Road

SIGN 1

August 12, 2018

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



Sincerely,

August 12, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0034-A

RE: Case No.: _____

Petitioner/Developer: _____

James & Stephanie Wacker

August 27, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2312 Turkey Point Road

SIGN 2

August 12, 2018

The sign(s) were posted on _____

(Month, Day, Year)



Sincerely,

 August 12, 2018
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0034-A

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Petitioner/Developer: _____

James & Stephanie Wacker

August 27, 2018
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2312 Turkey Point Road

SIGN 1 Recertification

August 12, 2018

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



Sincerely,



(Signature of Sign Poster)

August 26, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0034-A

RE: Case No.: _____

Petitioner/Developer: _____

James & Stephanie Wacker

August 27, 2018

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

2312 Turkey Point Road

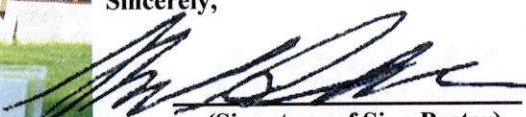
SIGN 2 Recertification

August 12, 2018

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



Sincerely,


(Signature of Sign Poster)

August 26, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: August 20, 2018

FROM: *MS*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2018
Item No. 2019-0031-SPHA, 0034-A, 0035-A and 0036-SPHA

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

* * * * *

VKD: cen
cc: file

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0034 -A Address 2312 Turkey Point Rd
Contact Person: Gary Huerk Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/1/18 Posting Date: 8/12/18 Closing Date: 8/27/18

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2019- 0034 -A Address 2312 Turkey Point Rd
Petitioner's Name James & Sephanie Walker Telephone 410-227-7733
Posting Date: 8/12/18 Closing Date: 8/27/18
Wording for Sign: To Permit a existing accessory structure (garage)
with a height of 22 feet in lieu of the required
15 feet.

Revised 6/28/2018

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

No. **171800**

Date: **8/1/18**

PAID RECEIPT

BUSINESS ACTUAL TIME 100
 1/01/2019 8/01/2018 09:18:47 2
 0502 MSN JET
 RECEIPT # 002658 731/2018 0511
 5-528 ZONING REGISTRATION
 NO. 171800
 RECEIPT 175.00
 731-001 ON 6.00
 Baltimore County, Maryland

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

Total: **15.00**

Rec From: **Richardson Engineering, LLC**
 For: **2019-0034-A**
2317 Turkey Point Rd

**CASHIER'S
 VALIDATION**

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



DONALD I. MOHLER III
County Executive

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

August 28, 2018

James Kelso & Stephanie Lynn Wacker
2312 Turkey Point Road
Baltimore MD 21221-1830

RE: Case Number: 2019-0034 A, Address: 2312 Turkey Point Road

Dear Mr. & Ms. Wacker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 1, 2018. 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

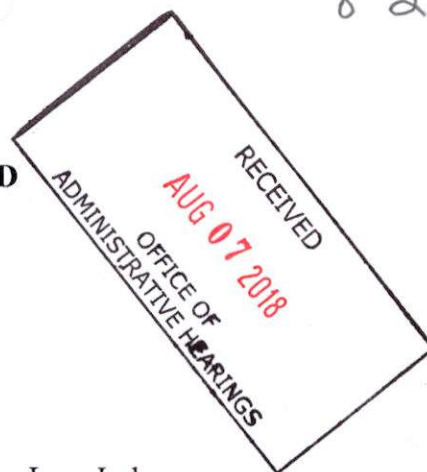
Enclosures

c: People's Counsel
Richardson Engineering, LLC, Rick Richardson, 30 E Padonia Road, Timonium MD 21093

8-27

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 7, 2018

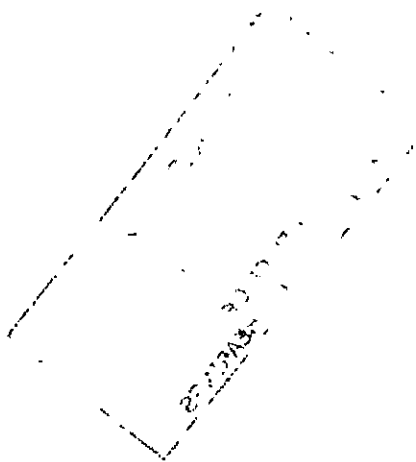
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2. Conserve fish, wildlife, and plant habitat; and

The property is not waterfront and there are no habitat protection areas on site. The development must meet Critical Area lot coverage, forest/tree requirements, and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

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 proposal for construction of a garage on the property can be consistent with this goal if the development can comply with all Critical Area requirements. Based on the current information, it appears that the amount of lot coverage may be an issue, and trees/shrubs may need to be planted on the site.

Reviewer: Paul Dennis

Date: 8/6/18

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

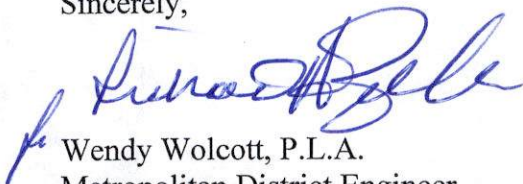
Dear Ms. Lewis:

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. 2019-0034-A

*Administrative Variance
James Helso & Stephanie Lynn Wacker
2312 Turkey Point 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

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 7, 2018

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Reviewer: Paul Dennis

CASE NO. 2019- 0034-AC H E C K L I S T

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

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2018 - 0203-A)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 8-12-18 by BenueSIGN POSTING (2nd) Date: 8-26-18 by "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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 15 Account Number - 1506571391			
Owner Information					
Owner Name:	WACKER JAMES KELSO WACKER STEPHANIE LYNN		Use:	RESIDENTIAL	
			Principal Residence:	YES	
Mailing Address:	2312 TURKEY POINT RD BALTIMORE MD 21221-1830		Deed Reference:	/19698/ 00129	
Location & Structure Information					
Premises Address:	2312 TURKEY POINT RD 0-0000		Legal Description:	LT 38.39 COR BEACH AV TURKEY POINT FARM	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0098	0015	0211		0000	38 2018 0006/0173
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1960	1,176 SF		6,250 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	SIDING	1 full	1 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2018	As of 07/01/2018	As of 07/01/2019	
Land:	76,200	76,200			
Improvements	113,000	116,200			
Total:	189,200	192,400	190,267	191,333	
Preferential Land:	0			0	
Transfer Information					
Seller: FREYER MARY R		Date: 03/05/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /19698/ 00129		Deed2:	
Seller: FREYER WILLIAM KELSO		Date: 06/14/2000		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /14526/ 00097		Deed2:	
Seller: FREYER WILLIAM K		Date: 11/04/1994		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10820/ 00341		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018	07/01/2019		
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: Approved 10/16/2013

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

ZAC AGENDA

Case Number: 2019-0033-A **Reviewer:** Aaron Tsui
Existing Use: COMMERCIAL **Proposed Use:**
Type: VARIANCE
Legal Owner: WINDSOR MZL LLC, Joshua Katz
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 1809 & 1811 ROLLING RD

Location: S/S of Security Boulevard, SE corner of the intersecting streets between Security Boulevard and rolling Road

Existing Zoning: BM-CT, BL **Area:** 7.11 ACRES

Proposed Zoning:

VARIANCE:

To permit 378 parking spaces for the Shopping Center in lieu of the required 452 parking spaces.

Attorney: Caroline L Hecker, 25 S Charles St, 21st floor, Baltimore MD 21201

Prior Zoning Cases: 1971-0009; 1978-0138; 1979-0053; 2000-0440; 2001-0195; 2001-0257; 2014-0173-A

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2019-0034-A **Reviewer:** Gary Hucik

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: James Kelso & Stephanie Lynn Wacker

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 2312 TURKEY POINT RD

Location: N/S of Turkey Point Road, 800 ft. NW to the centerline of Rockaway Beach Road

Existing Zoning: DR 3.5 **Area:** 12,500 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit an existing accessory structure (garage) with a height of 22 ft. in lieu of the required maximum height of 15 ft.

Attorney: Not Available

Prior Zoning Cases: 2018-0203-A

Concurrent Cases: None

Violation Cases: None

Closing Date: 08/27/2018

Miscellaneous Notes:

MS (AV) 3-5-18
Final Order

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(2312 Turkey Point Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
James K. & Stephanie L. Wacker	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0203-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, James K. and Stephanie L. Wacker (“Petitioners”). The Petitioners are requesting Variance relief pursuant to § 400.3 of the Baltimore County Zoning Regulations (“BCZR”), to approve an accessory structure (garage) to be 18 ft. tall in lieu of the permitted 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The property is located within the Chesapeake Bay Critical Area (“CBCA”) and is subject to Critical Area requirements as noted in the ZAC comment dated February 28, 2018 submitted by the Department of Environmental Protection and Sustainability (“DEPS”).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on February 18, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

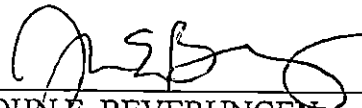
THEREFORE, IT IS ORDERED, this 9th day of **March, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the BCZR, to approve an accessory structure (garage) to be 18 ft. tall in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.

2. Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The garage shall not be used for commercial purposes.
4. Petitioners must comply with the ZAC comment received from DEPS, dated February 28, 2018; a copy of which is attached hereto and made a part hereof.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

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: February 28, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0203-A
Address 2312 Turkey Point Road
(Kelso & Wacker Property)

Zoning Advisory Committee Meeting of February 16, 2018.

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 requirements. Lot coverage areas on this site have exceeded the current maximum allowance of 31.25% since prior to the Critical Area law. The plan proposes a reduction in lot coverage to comply with requirements, but additional review will be needed to determine actual lot coverage compliance requirements. If the garage construction can comply with the LDA lot coverage and minimum tree requirements, the proposed development with the zoning relief requested can be accomplished with minimization of water quality impacts. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

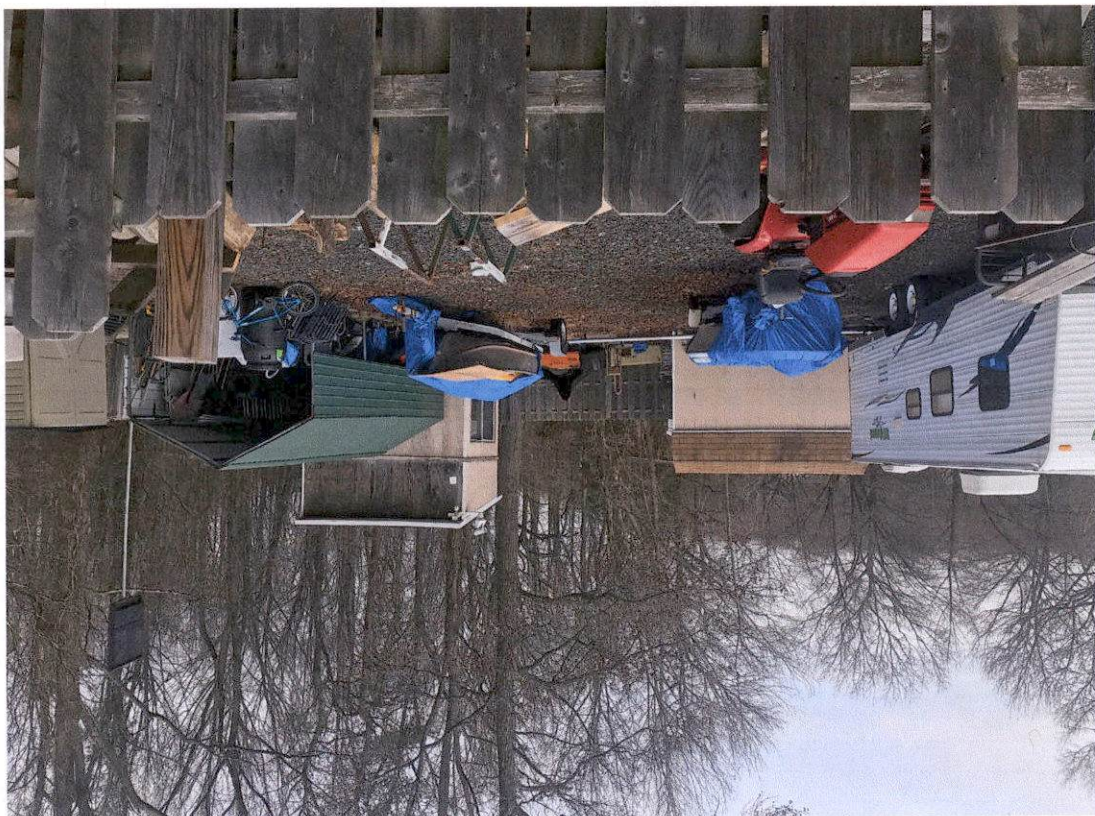
The property is not waterfront and there are no habitat protection areas on site. The development must meet Critical Area lot coverage, forest/tree requirements, and any mitigation requirements. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay watershed can be conserved if all Critical Area requirements are met.

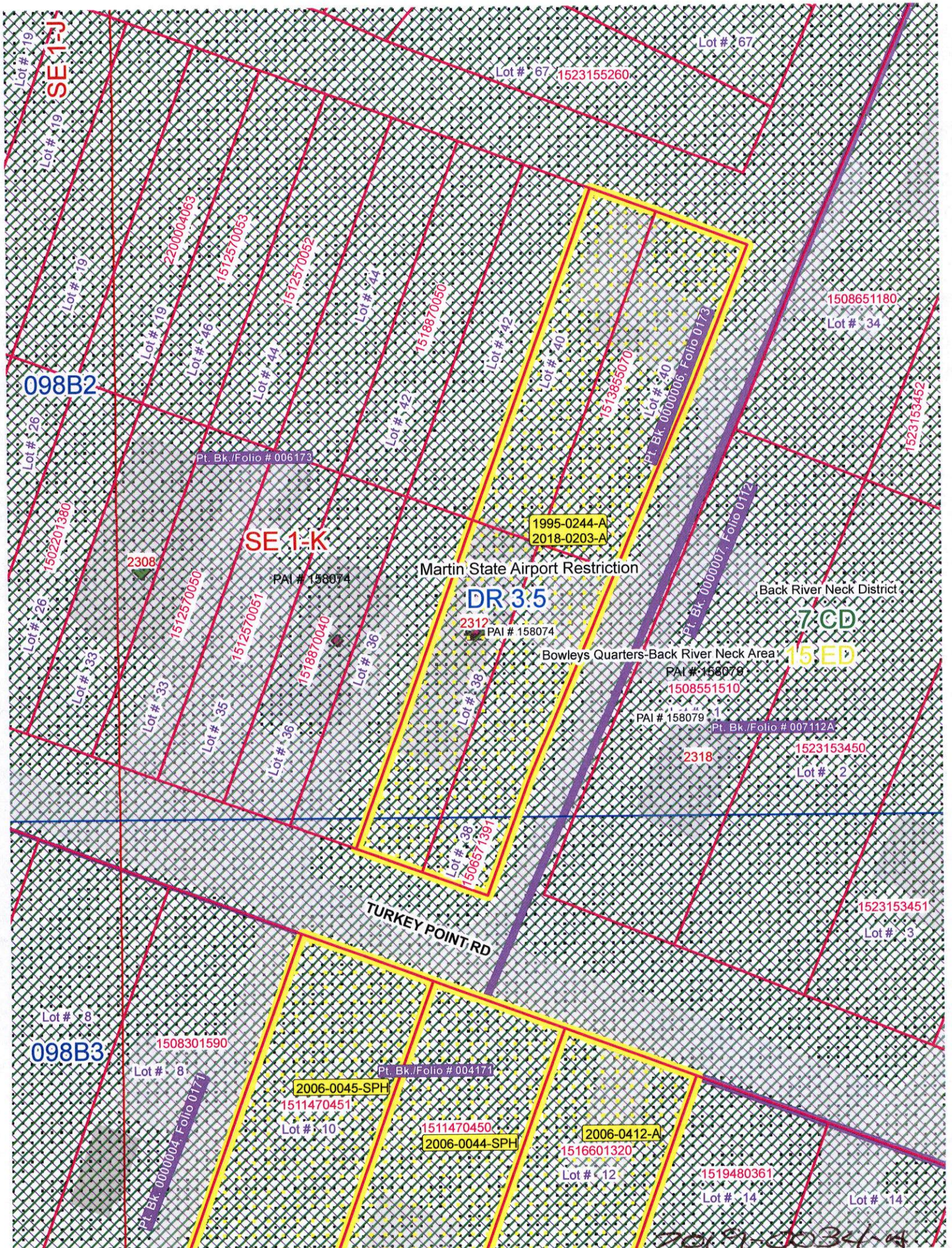
3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The applicant's proposal for construction of a garage on the property can be consistent with this goal if the development can comply with all Critical Area requirements. Based on the current information, it appears that the amount of lot coverage may be an issue, and trees/shrubs may need to be planted on the site.

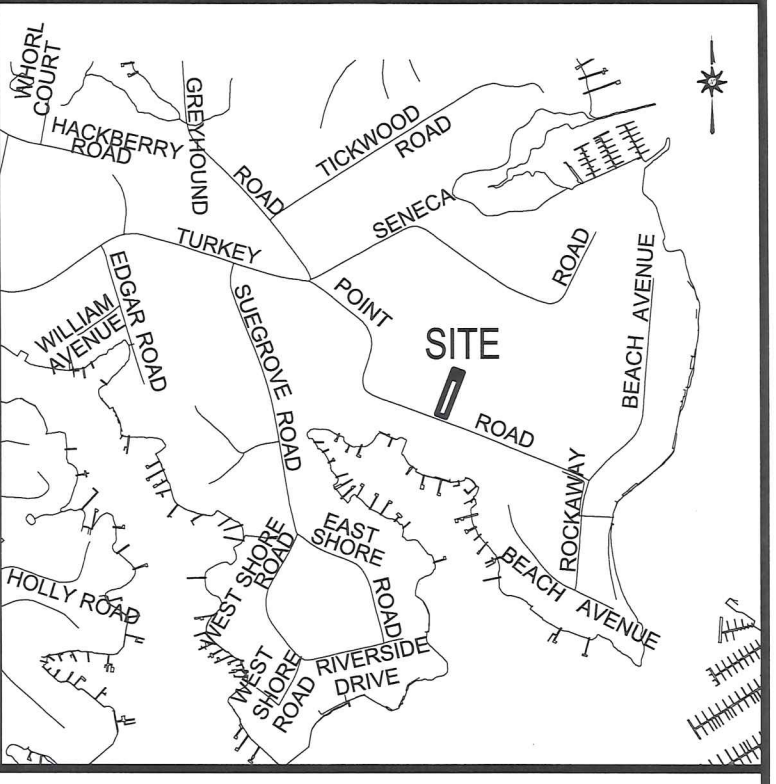
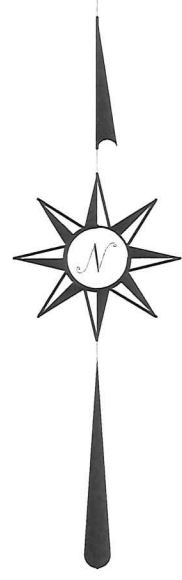
Reviewer: Paul Dennis

2019-0034-A





2019-0034-A



SITE DATA

- OWNER:
JAMES KELSO & STEPHANIE LYNN WACKER
2312 TURKEY POINT ROAD
BALTIMORE, MD 21221
 - SITE ADDRESS: 2312 TURKEY POINT ROAD
 - SITE AREA: 12,500 SF or 0.29 Ac.±
 - DEED REF: 19698/129
 - TAX MAP #98, GRID #15, PARCEL #211, LOTS #38-41
 - PLAT REF: 6-173 "TURKEY POINT FARM"
 - PRESIDENT ZONING: DR 3.5 (PER 1"-200' ZONING MAP 098B2)
 - USE: RESIDENTIAL
 - UTILITIES: PUBLIC WATER & PUBLIC SEWER
 - TAX ACCOUNT #1508571391
 - SITE LIE WITHIN ZONE X (AREAS OF 2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1') FLOOD ZONES (FIRM PANEL 2400100445F)
 - PREVIOUS ZONING CASES ON FILE: 1995-0244-A TO PERMIT A STORAGE OF FOUR (4) RECREATIONAL VEHICLES ON THE SUBJECT PROPERTY IN LIEU OF THE ONE (1) PERMITTED APPROVED 2/21/95
2018-0203-A TO PERMIT A GARAGE IN THE REAR YARD 18' TALL IN LIEU OF THE PERMITTED 15' APPROVED 3/9/18
 - PREVIOUS PERMITS ON FILE: B931081 FOR SOLAR PANELS
B941552 FOR A FENCE
 - SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
 - THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
 - WATERSHED: MIDDLE RIVER
 - IMPERVIOUS AREAS
- EXISTING:
- | | |
|-----------|---------------------|
| DWELLINGS | = 1,852 SF |
| SHEDS | = 440 SF |
| DRIVEWAY | = 2542 SF |
| WALKWAY | = 978 SF |
| POOL | = 2183 SF |
| TOTAL | = 7,995 SF OR 64.0% |
- PROPOSED:
- | | |
|----------|----------------------|
| DWELLING | = 1,852 SF |
| GARAGE | = 780 SF |
| DRIVEWAY | = 1566 SF |
| WALKWAY | = 978 SF |
| POOL | = 2183 SF |
| TOTAL | = 7,359 SF OR 58.9 % |
18. SETBACKS FOR DR 3.5
- | | | |
|--------|-----------------|------------------|
| FRONT: | REQUIRED
30' | PROVIDED
37'± |
| SIDE: | 10' | 4'± |
| REAR: | 30' | 123'± |

ZONING CASE: 2018-0203-A

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 9th day of March, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.3 of the BCZR, to approve an accessory structure (garage) to be 18 ft. tall in lieu of the permitted 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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- The garage shall not be used for commercial purposes.
- Petitioners must comply with the ZAC comment received from DEPS, dated February 28, 2018, a copy of which is attached hereto and made a part hereof.

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

JOSEPH BEVERIDGE
Administrative Law Judge for Baltimore County

Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR

WACKER RESIDENCE GARAGE 2312 TURKEY POINT ROAD ESSEX, MD 21221

BALTIMORE COUNTY 15TH ELECTION DISTRICT MARYLAND 7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: PCR	CHECKED BY: PCR	SCALE: 1" = 20'
	DATE: 08-01-18	JOB NO.: 18012	SHEET NO.: 1 OF 1

2019-0034-A