

M E M O R A N D U M

DATE: August 28, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0315-SPH- Appeal Period Expired

The appeal period for the above-referenced case expired on August 26, 2019. 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	*	BEFORE THE
(2216 & 2218 Poplar Road)		
15 th Election District	*	OFFICE OF
7 th Council District		
Joseph, Jr. & Helen Luhrman	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2019-0315-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Hearing filed on behalf of Joseph, Jr. & Helen Luhrman, legal owners ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve the nonconforming use of a marina (19 slips) on the subject property. A site plan was marked and admitted as Petitioners' Exhibit 1.

Petitioners and David Billingsley appeared in support of the petition. Timothy M. Kotroco, Esq. represented Petitioners. Two neighbors expressed concern about certain aspects of the request. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Environmental Protection and Sustainability ("DEPS"), the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR"). None of the reviewing agencies opposed the request.

The subject property is 17,600 square feet in size and is zoned RC-5. The waterfront property is comprised of two separate lots known as 2216 (improved with a single-family dwelling) & 2218 (which is unimproved) Poplar Road. Petitioners explained a marina has been operated at the site since the 1940s, although the owners have never obtained a declaration establishing the business as a lawful nonconforming use. Section 500.7 of the BCZR states that a

ORDER RECEIVED FOR FILING

Date 7/26/19
By Sen

petition for special hearing is the appropriate mechanism to “determine the existence of any purported nonconforming use on any premises.”

Mr. Billingsley testified he prepared the site plan and he submitted a series of historical aerial photos (Pet. Ex. 2) which show the marina on the subject property as far back as 1951. Mr. Luhrman testified his grandfather acquired the property in 1959 from a man named Mr. Conte, who had been operating a marina on the site since the early to mid-1940s. Mr. Luhrman testified the marina has operated on a continuous basis since his family acquired the property. The neighbors did not produce any evidence to rebut this *prima facie* case. This evidence establishes the marina was lawfully operated prior to the adoption of zoning regulations in Baltimore County in 1955. In these circumstances I believe Petitioners have established the existence of a lawful nonconforming use on the subject property pursuant to BCZR Section 104.

Included below are certain conditions upon the relief granted which I believe will help to address the concerns of the neighbors. While the neighbors suggested that the number of parking spaces provided on-site was insufficient, Petitioners have shown on the plan more than the number of spaces required by Section 409 of the BCZR. The spaces proposed for 2218 Poplar Road would be unpaved and unstriped. While the Regulations generally require a “durable and dustless” surface for off-street parking, marinas and boatyards in the Chesapeake Bay Critical Area are exempt from that requirement per BCZR Section 409.6.A.4.

THEREFORE, IT IS ORDERED this 26th day of **July, 2019** by this Administrative Law Judge, that the Petition for Special Hearing to approve the nonconforming use of a marina on the subject property, be and is hereby GRANTED.

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Date 7/26/19
By Sen

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. Prior to issuance of permits Petitioners must comply with the ZAC comment submitted by the DEPS, a copy of which is attached and made a part hereof.
3. The marina shall have a maximum of 16 slips, and only that number of boats may be kept on the premises.
4. Storage of boats and/or trailers shall not be permitted on land.
5. No major mechanical or engine repairs may be completed on boats at the marina.
6. Provide landscape screening along the adjoining property line with 2214 Poplar Road.

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:slm

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Date

7/26/19

By

slm



PETITION FOR ZONING VARIATION(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 2216 & 2218 Poplar Road which is presently zoned RC5
 Deed References: 35965/0136 10 Digit Tax Account # 1515740050 & 1515740040
 Property Owner(s) Printed Name(s) Joseph D. Luhrman, Jr., and Helen E. Luhrman

(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

See Attached

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

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)

TO BE DETERMINED AT THE HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Timothy M. Kotroco, Esquire

Name- Type or Print

Signature

305 Washington Avenue, Suite 502 Towson Md

Mailing Address City State

21204 / 410-299-2943 / Tkotroco@gmail.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Joseph D. Luhrman, Jr. / Helen E. Luhrman

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

Signature #1

Signature #2

8800 Walther Blvd., Apt 4607 Baltimore Maryland

Mailing Address City State

21234 / 410-585-5555 / joeluhrman@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Same as Attorney

Name - Type or Print

Signature

Mailing Address City State

21234 / 410-585-5555 / joeluhrman@gmail.com

Zip Code Telephone # Email Address

CASE NUMBER 2019-0015-004 Filing Date 5/8/19

Do Not Schedule Dates: Reviewer JF

ATTACHMENT TO SPECIAL HEARING PETITION

The Petitioner requests this special hearing to approve the non-conforming use of a marina (19 slips) on the subject property;

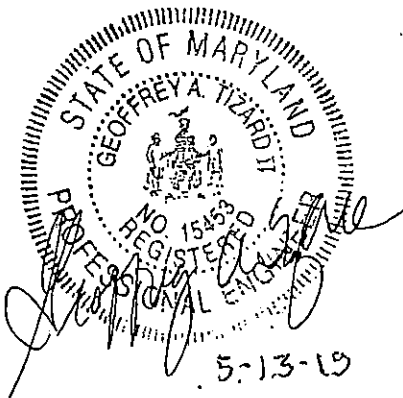
AND For such other and further relief as the nature of this cause may require.

ZONING DESCRIPTION
2216 – 2218 POPLAR ROAD

Beginning at a point on the north side of Poplar Road (30 feet wide) distant 586 feet northeasterly from its intersection with the centerline of Silver Lane (30 feet wide), thence being all of Lots 96 and 97 as shown on the plat entitled Cedar Beach recorded among the Baltimore County plat records in Plat Book 7 Folio 186.

Containing 17,600 square feet or 0.404 acre, more or less.

Being known as 2216 – 2218 Poplar Road. Located in the 15TH Election District, 7TH Councilmanic District of Baltimore County, Maryland.





JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 25, 2019

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: 2019-0315-SPH

2216 & 2218 Poplar Road

North side of Poplar Road at a distance of 586 ft. northeast from centerline of Silver Lane
15th Election District – 7th Councilmanic District

Legal Owners: Joseph & Helen Luhrman

Special Hearing to approve the non-conforming use of a marina (19 slips) on the subject property; and for such other and further relief as the nature of this cause may require.

Hearing: Wednesday, July 24, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Timothy Kotroco, 305 Washington Avenue, Ste. 502, Towson 21204
Mr. & Mrs. Luhrman, 8800 Walther Blvd., Apt. 4607, Baltimore 21234
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 THURSDAY, JULY 4, 2019.**
- (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: THE DAILY RECORD
Wednesday, July 3, 2019 - Issue

Please forward billing to:
David Billingsley
601 Charwood Court
Edgewood, MD 21040

410-679-8719

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: 2019-0315-SPH

2216 & 2218 Poplar Road

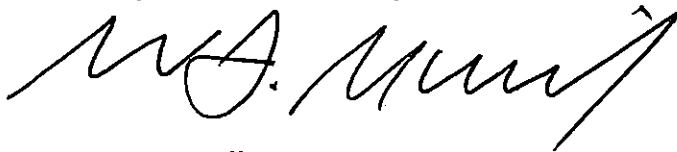
North side of Poplar Road at a distance of 586 ft. northeast from centerline of Silver Lane

15th Election District – 7th Councilmanic District

Legal Owners: Joseph & Helen Lührman

Special Hearing to approve the non-conforming use of a marina (19 slips) on the subject property; and for such other and further relief as the nature of this cause may require.

Hearing: Wednesday, July 24, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
2216 & 2218 Poplar Road; N/S of Poplar Road, * OF ADMINISTRATIVE
586' NE from c/line of Silver Lane * HEARINGS FOR
15th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): Joseph & Helen Luhrman *
Petitioner(s) *
2019-315-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.

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 30th day of May, 2019, a copy of the foregoing Entry of Appearance was mailed to Timothy Kotroco, Esquire, 305 Washington Avenue, Suite 502, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

JUN 03 2019

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

7/3/2019

Order #: 11762429
Case #: 2019-0315-SPH
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0315-SPH



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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: 2019-0315-SPH

2216 & 2218 Poplar Road

North side of Poplar Road at a distance of 586 ft. northeast from centerline of Silver Lane

15th Election District - 7th Councilmanic District

Legal Owners: Joseph & Helen Luhman

Special Hearing to approve the non-conforming use of a marina (19 slips) on the subject property; and for such other and further relief as the nature of this cause may require.

Hearing: Wednesday, July 24, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

/s/ Michael Mallinoff

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.

Jyb

JB 7-24-19
1:30 PM

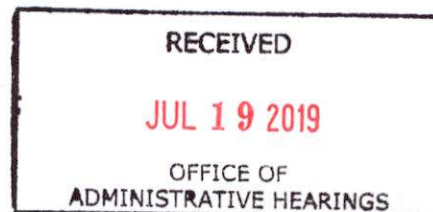
Debra Wiley

From: David Billingsley <dwb0209@yahoo.com>
Sent: Friday, July 19, 2019 11:27 AM
To: Administrative Hearings
Cc: Timothy M. Kotroco
Subject: 2216-2218 POPLAR RD CASE NO. 2019-0315-SPH
Attachments: Scan_0219.pdf

CAUTION: This message from dwb0209@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

POSTING RECERTIFICATIONS ATTACHED
THANKS

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL





CONFIDENTIAL

RECEIVED
ADMINISTRATIVE HEARINGS
UNIT

CERTIFICATE OF POSTING

RECERTIFY 7/19/19
Date: JULY 3, 2019

RE: Project Name: 2216-2218 POPLAR ROAD #1
Case Number /PAI Number: CASE NO. 2019-0315-SPH
Petitioner/Developer: LUHRMAN
Date of Hearing/Closing: JULY 24, 2019

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 2216-2218 POPLAR ROAD

The sign(s) were posted on

Jul 19, 2019 10:22:49 AM

RECERTIFY 7/19/19
JULY 3, 2019

(Month, Day, Year)

David Billingsley
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)

ZONING NOTICE

CASE NO. 2019-0315-SPH
2216 & 2218 POPLAR ROAD

A HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
PLACE: ROOM 205 JEFFERSON BUILDING, 105 WEST
CHESAPEAKE AVENUE, TOWSON, MD. 21204
TIME: WEDNESDAY JULY 24, 2019 @ 1:30 PM

SPECIAL HEARING TO APPROVE THE NON-
CONFORMING USE OF A MARINA (19 SLIPS) ON THE
SUBJECT PROPERTY; AND FOR SUCH OTHER AND
FURTHER RELIEF AS THE NATURE OF THIS CAUSE MAY
REQUIRE

Postponements due to weather or other conditions are sometimes necessary. To
confirm hearing or obtain additional information, contact Department of Permitting,
Approvals and Inspections, 111 West Chesapeake Avenue, Towson, Md. 21204 (410)
887-3351.

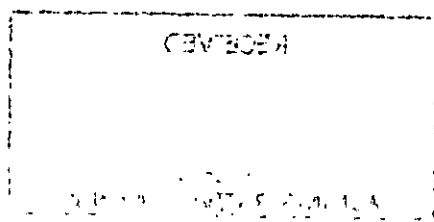
UNDER PENALTY OF LAW, DO NOT REMOVE THIS SIGN UNTIL THE DAY OF THE
HEARING. HEARINGS ARE HANDICAPPED ACCESSIBLE.

RECEIVED

JUL 19 2019

11/11

OFFICE OF
ADMINISTRATIVE HEARINGS



CERTIFICATE OF POSTING

RECERTIFY 7/19/19
Date: JULY 3, 2019

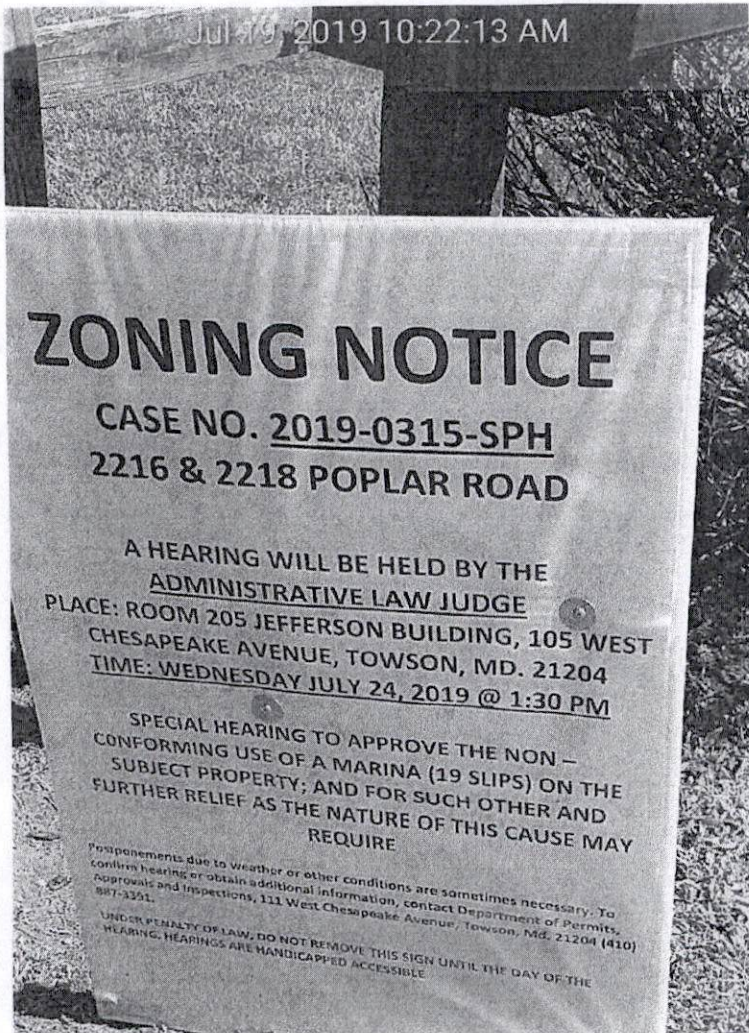
RE: Project Name: 2216-2218 POPLAR ROAD #2
Case Number /PAI Number: CASE NO. 2019-0315-SPH
Petitioner/Developer: LUHRMAN
Date of Hearing/Closing: JULY 24, 2019

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 2216-2218 POPLAR ROAD

The sign(s) were posted on _____

RECERTIFY 7/19/19
JULY 3, 2019

(Month, Day, Year)



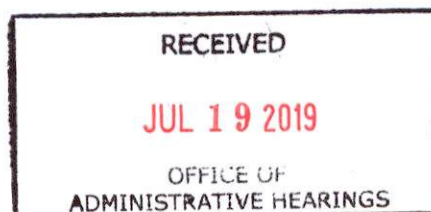
David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

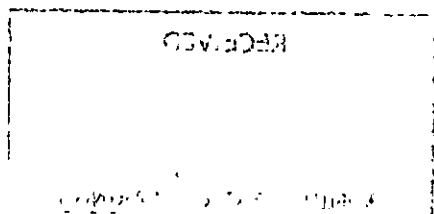
601 CHARWOOD COURT
(Street Address of Sign Poster)

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

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



11/11



CERTIFICATE OF POSTING

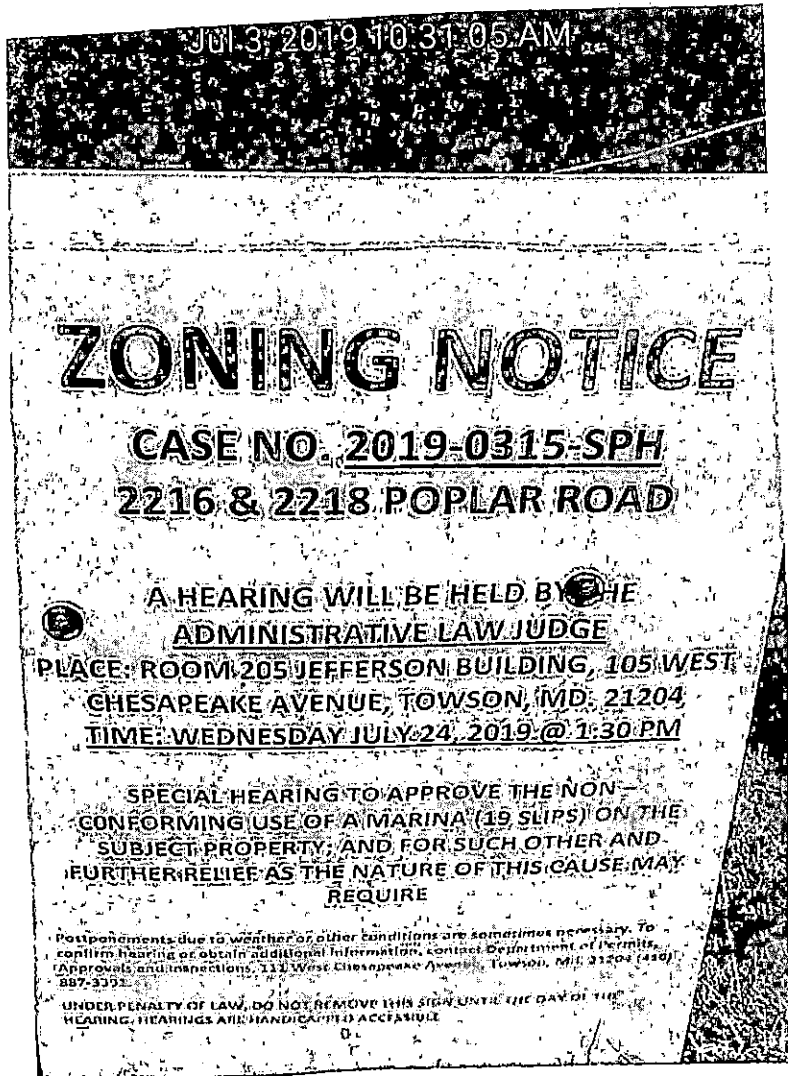
Date: JULY 3, 2019

RE: Project Name: 2216-2218 POPLAR ROAD #1
Case Number /PAI Number: CASE NO. 2019-0315-SPH
Petitioner/Developer: LUHRMAN
Date of Hearing/Closing: JULY 24, 2019

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 2216-2218 POPLAR ROAD

The sign(s) were posted on JULY 3, 2019

(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)

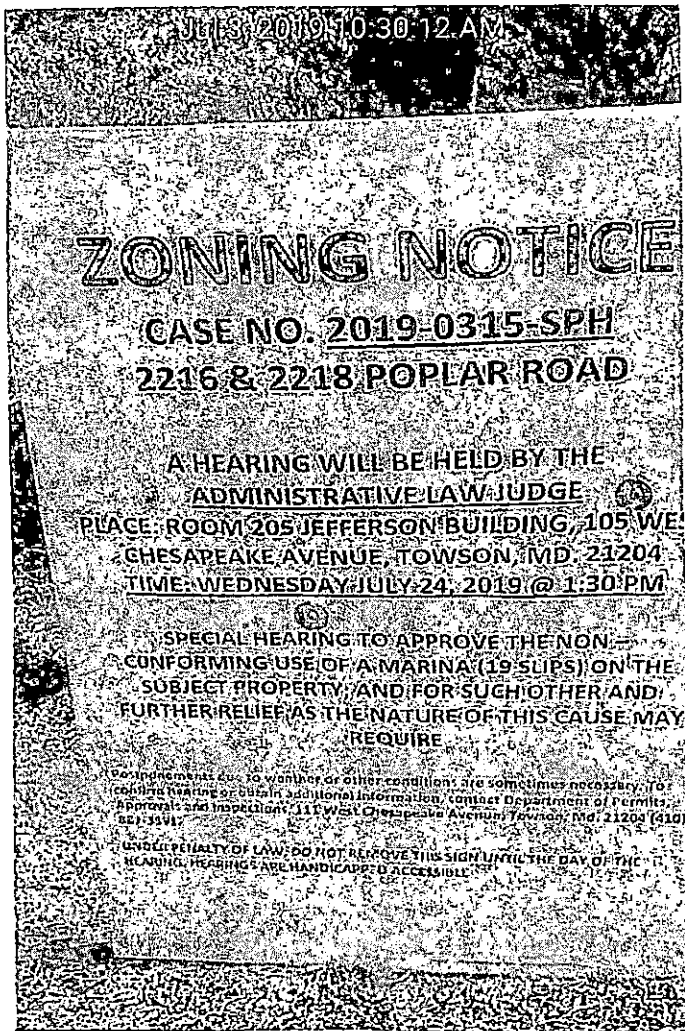
CERTIFICATE OF POSTING

Date: JULY 3, 2019

RE: Project Name: 2216-2218 POPLAR ROAD #2
Case Number /PAI Number: CASE NO. 2019-0315-SPH
Petitioner/Developer: LUHRMAN
Date of Hearing/Closing: JULY 24, 2019

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 2216-2218 POPLAR ROAD

The sign(s) were posted on JULY 3, 2019
(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)

**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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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: 2019-0315-SPH
Property Address: 2216-2218 POPLAR ROAD
Property Description: N. SIDE POPLAR RD 586' NE OF E
SILVER LANE
Legal Owners (Petitioners): JOSEPH D. LUHRMAN, JR.
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVE BILLINGSLEY
Company/Firm (if applicable): _____
Address: 601 CHARWOOD CT.
EDGEWOOD, MD. 21040

Telephone Number: (410) 679-8719



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 16, 2019

Timothy M. Kotroco
305 Washington Ave Suite 502
Towson MD 21204

RE: Case Number: 2019-0315-SPH, 2216 & 2218 Poplar 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 May 08, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Joseph D. Luhrman Jr. Helen E. Luhrman 8800 Walther Blvd Apt 4607 Baltimore MD 21234

BALTIMORE COUNTY, MARYLAND

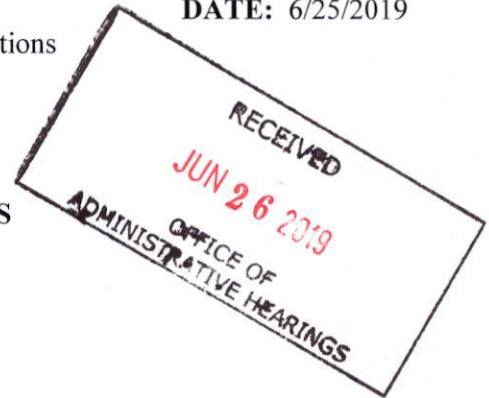
INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 6/25/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-315



INFORMATION:

Property Address: 2216 & 2218 Poplar Road
Petitioner: Joseph D. Luhrman, Jr.
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for special hearing to approve the non-conforming use of a marina (19 slips) on the subject property.

A site visit was conducted on June 4, 2019. There is an existing two-story dwelling and office building on the site (2216) and 2218 Poplar is a vacant lot. The pier with the 19 slips is located off of 2216. There is a small existing pier off of 2218 Poplar. The property sits adjacent to a single family dwelling located at 2214 Poplar Road and an existing marina/yacht club located at 2222 Poplar Road.

The Department has no objection to granting the petitioned zoning relief subject to the following conditions:

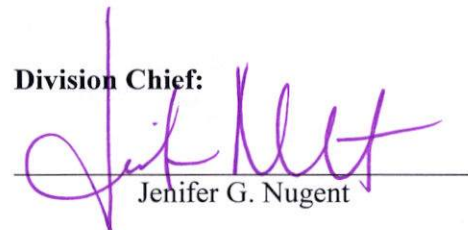
- Provide landscaped screening along the property line adjoining 2214 Poplar Road.
- Note on the plan that long term storage of trailers and boats are not permitted on land.
- Defer the parking layout/materials to the administrative law judge (ALJ) and Department of Environmental Protection & Sustainability (EPS)
- The Department recommends that the ALJ restrict major mechanical repairs being performed on site.

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

Prepared by:


Jessie Bialek

Division Chief:


Jenifer G. Nugent

Date: 6/21/2019
Subject: ZAC # 19-315
Page 2

CPG/JGN/JAB/

c: Krystle Patchak

James Hermann, R.L.A., Department of Permits, Approvals and Inspections

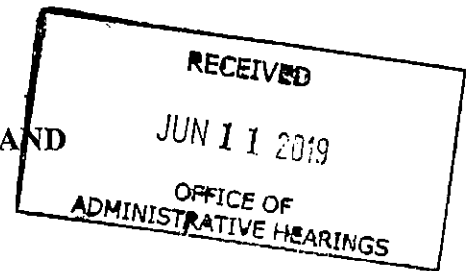
Timothy Kotroco

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: June 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0315-SPH
Address 2216-2218 Poplar Road
(Luhrman Property)

Zoning Advisory Committee Meeting of **June 3, 2019.**

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 and is subject to Critical Area lot coverage requirements. Lot coverage on this property is limited to a maximum of 31.25% of the property area above mean high water with mitigation required for any approved lot coverage over 25%. By meeting the lot coverage requirements and any water dependent facility requirements, the relief requested by the applicant will result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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

The entire property is within Critical Area buffer due to buffer expansion for highly erodible soils. Provided that all Critical Area requirements are met, including mitigation and water dependent facility requirements, the buffer functions can help conserve fish, wildlife, and plant habitat.

ORDER RECEIVED FOR FILING

Date

7/26/19

By

SLN

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 requests can be consistent with this goal provided that the property can meet all the Critical Area requirements stated above.

Reviewer: Paul Dennis

ORDER RECEIVED FOR FILING

Date 7/26/19

By SD

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Mallinoff, Director
Department of Permits, Approvals

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 03, 2019
Item No. 2019-0315-SPH

DATE: June 19, 2019

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

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. If lighting is proposed, a Lighting Plan is required.

*

*

*

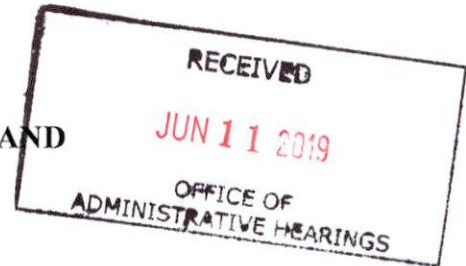
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VKD: cen
cc: File

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: June 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0315-SPH
Address 2216-2218 Poplar Road
(Luhrman Property)

Zoning Advisory Committee Meeting of **June 3, 2019.**

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 and is subject to Critical Area lot coverage requirements. Lot coverage on this property is limited to a maximum of 31.25% of the property area above mean high water with mitigation required for any approved lot coverage over 25%. By meeting the lot coverage requirements and any water dependent facility requirements, the relief requested by the applicant will result in minimal impacts to water quality. Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

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The entire property is within Critical Area buffer due to buffer expansion for highly erodible soils. Provided that all Critical Area requirements are met, including mitigation and water dependent facility requirements, the buffer functions can help conserve fish, wildlife, and plant habitat.

Q2N 2074

Q2N 2074

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 requests can be consistent with this goal provided that the property can meet all the Critical Area requirements stated above.

Reviewer: Paul Dennis

CASE NAME 2019-315-SPH
CASE NUMBER _____
DATE 7-24-19

[illegible]

CASE NAME 2019-315-SPH
CASE NUMBER _____
DATE 7-24-19

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

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

6/19

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

Comment

6/11

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

Comment

6/26

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)NO Objection
w/ Conditions

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/3/19

SIGN POSTING (1st) Date: 7/3/19

by Billingsley

SIGN POSTING (2nd) Date: 7/19/19

by Billingsley

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

Comments, if any: _____

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1/2

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

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1/2

Homestead Application Information

Homestead Application Status: Denied

Homeowners' Tax Credit Application Information

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

2019-0319 SPH

SE 2-J

Martin State Airport Restriction

098A3

BL

Lot # 98

1989-0041-SPH

1513752602
Pt. Bk. 0000007, Folio 0186

2222

2004-0464-A

Pt. Bk./Folio # 007186

Lot # 99

1502201091

Lot # 100

1520550560
2005-0068-A

1997-0221-SPH
1997-0222-A

Lot # 105
1502570550

2312

Lot # 106

1523004410

POPLAR RD

SILVER LN

Back River Neck District

PAI # 158051

PAI # 158051

Bowleys Quarters-Back River Neck Area

7CD

15 ED

RC-5

R-1954-3178

1999-0211-A

1513856360

Lot # 91

Lot # 93
1502152080

1504751040

Lot # 94
1502574270

Lot # 95
1513752603

Lot # 96
1515740040

Lot # 97
1515740050

Lot # 98
1513752602

Lot # 99
1502201091

Lot # 100
1520550560

Lot # 101
1502570550

Lot # 102
1523004410

Lot # 103
1504202010

Lot # 104
1504202010

Lot # 105
1502570550

Lot # 106
1523004410

Lot # 107
1504202010

Lot # 108
1504202010

Lot # 109
1504202010

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1504202010

Lot # 115
1504202010

Lot # 116
1504202010

Lot # 117
1504202010

Lot # 118
1504202010

Lot # 119
1504202010

Lot # 120
1504202010

2214

2212

2210

2208

2206

2202

2200

Lot # 89

1505880120

1502650090

2310

1600000382

1800006121

1989-0041-SPH

Pt. Bk./Folio # 012091

Pt. Bk. 0000012, Folio 0090

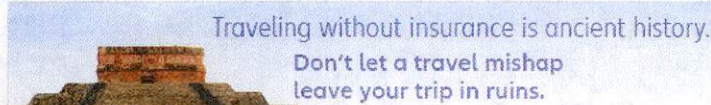
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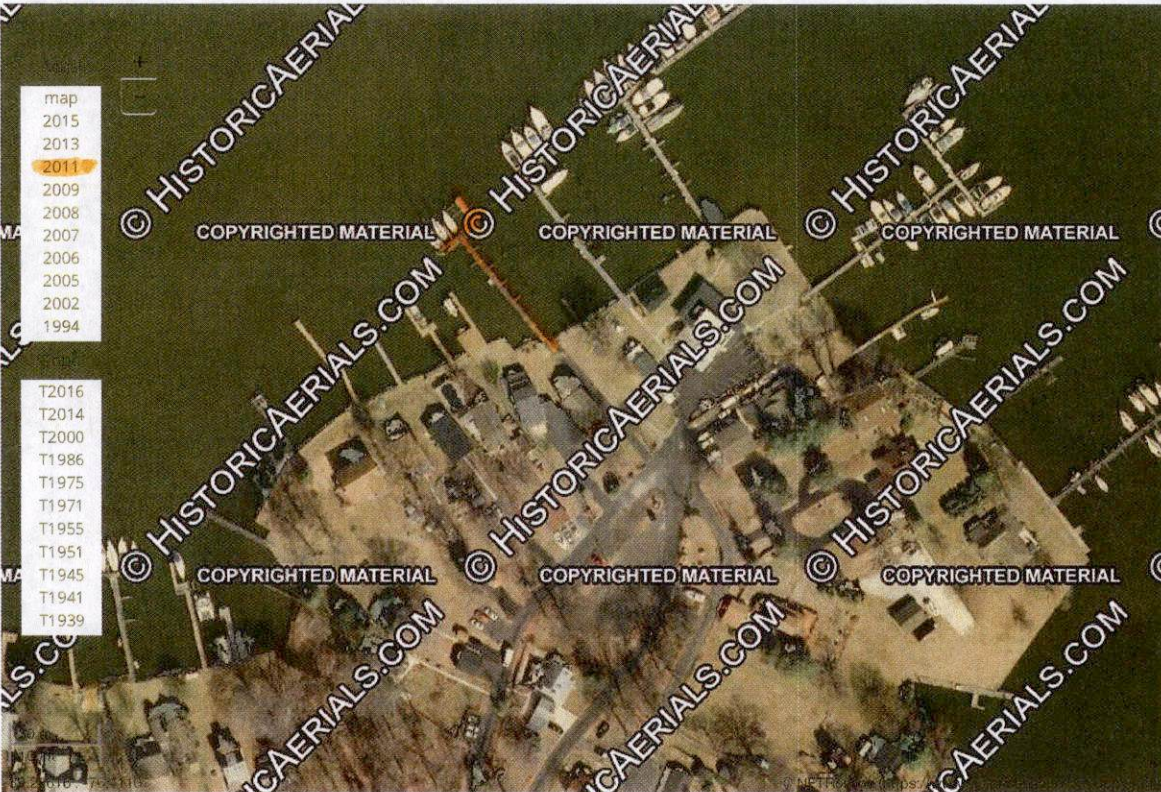
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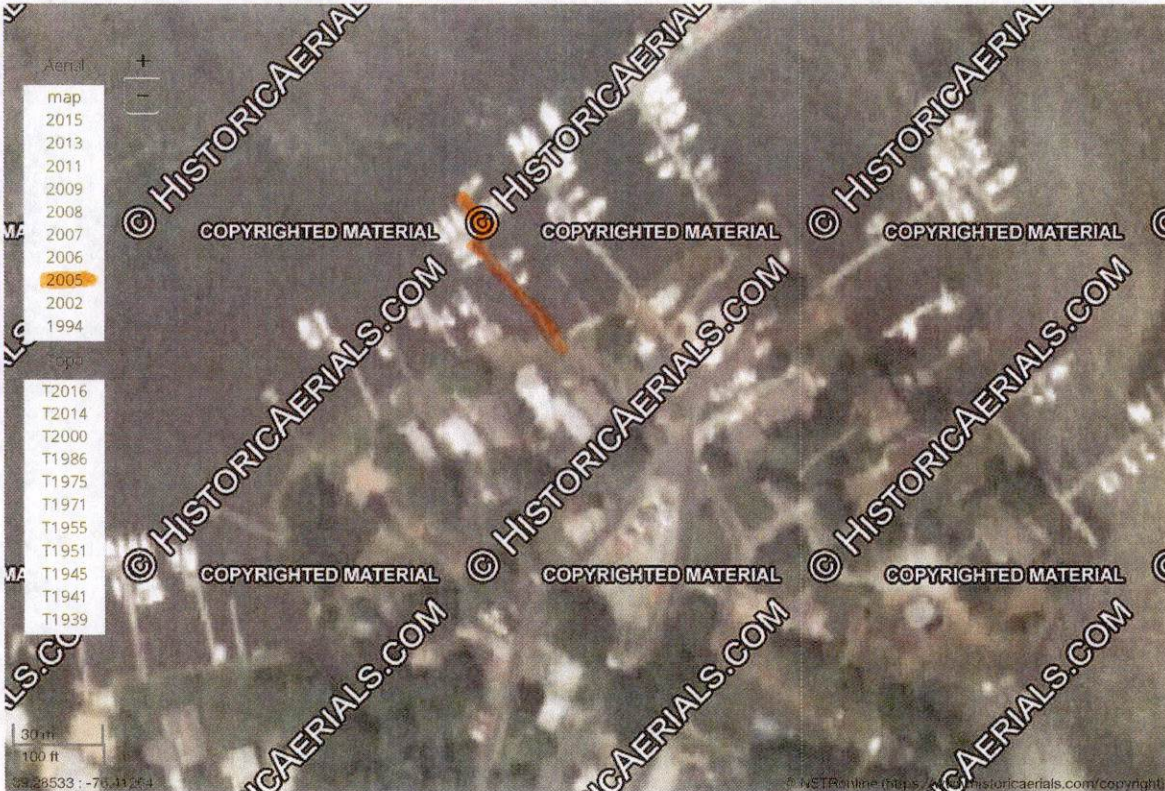
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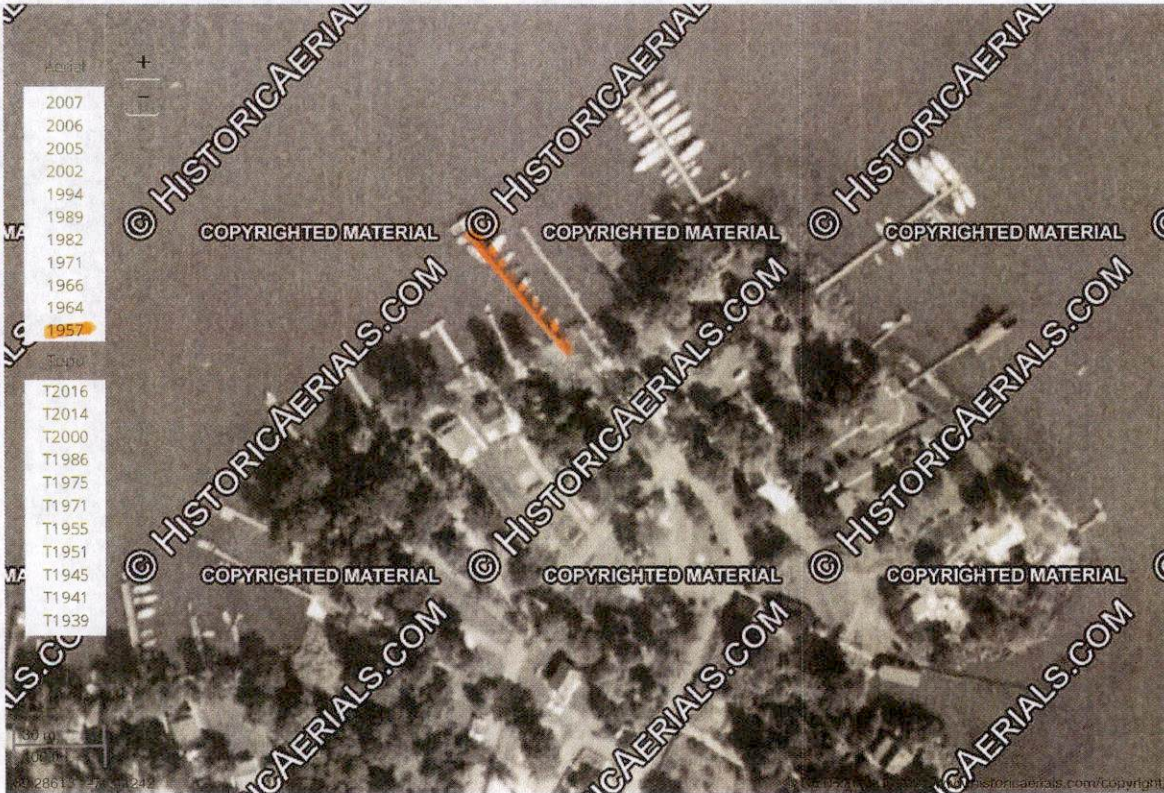
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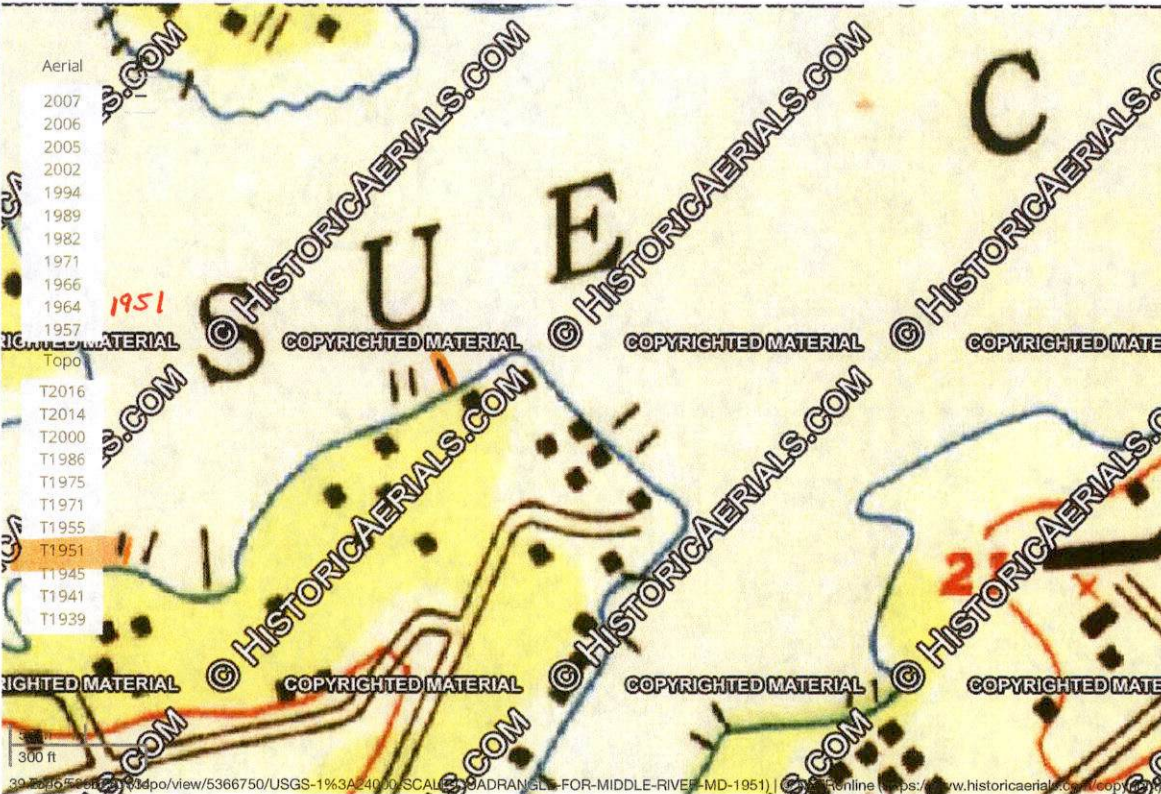
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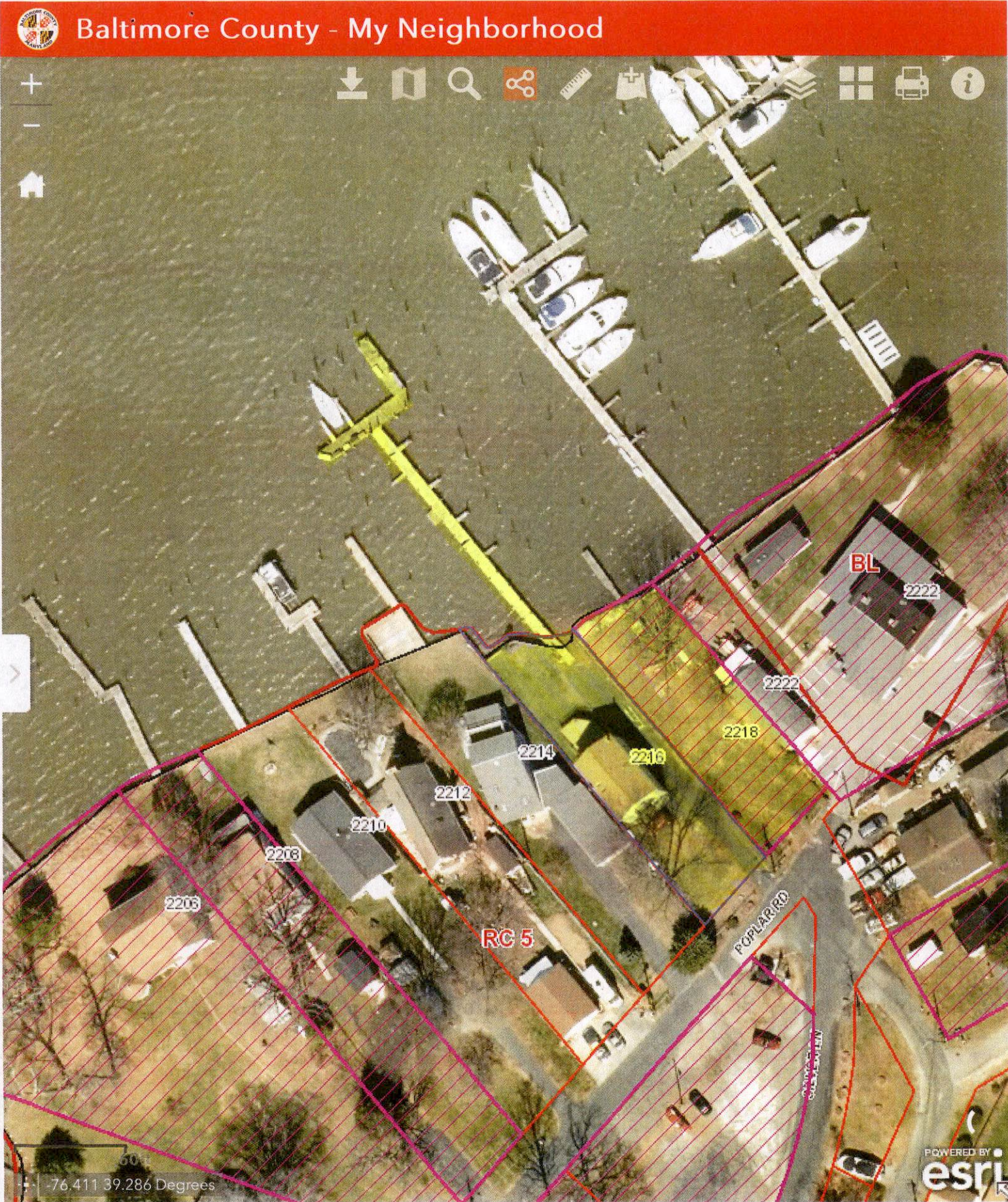
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Poplar Rd

Essex, Maryland

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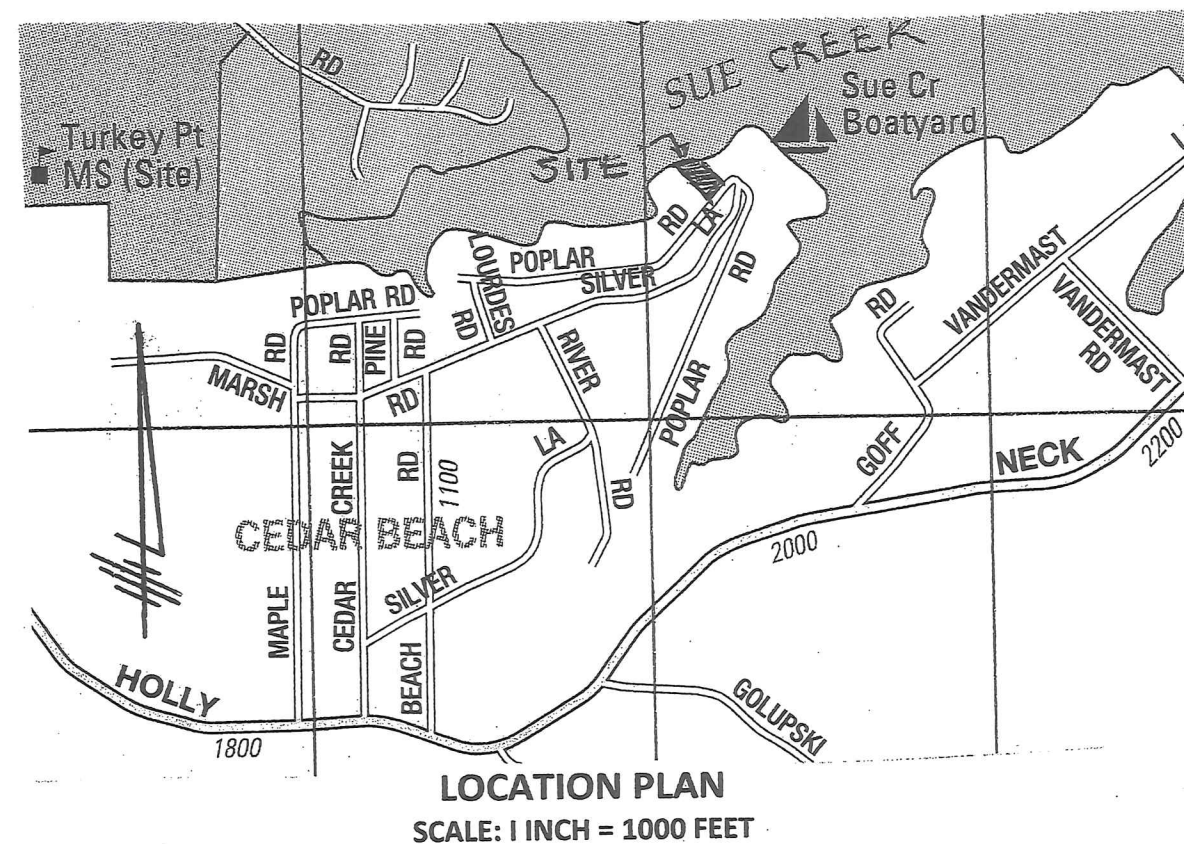
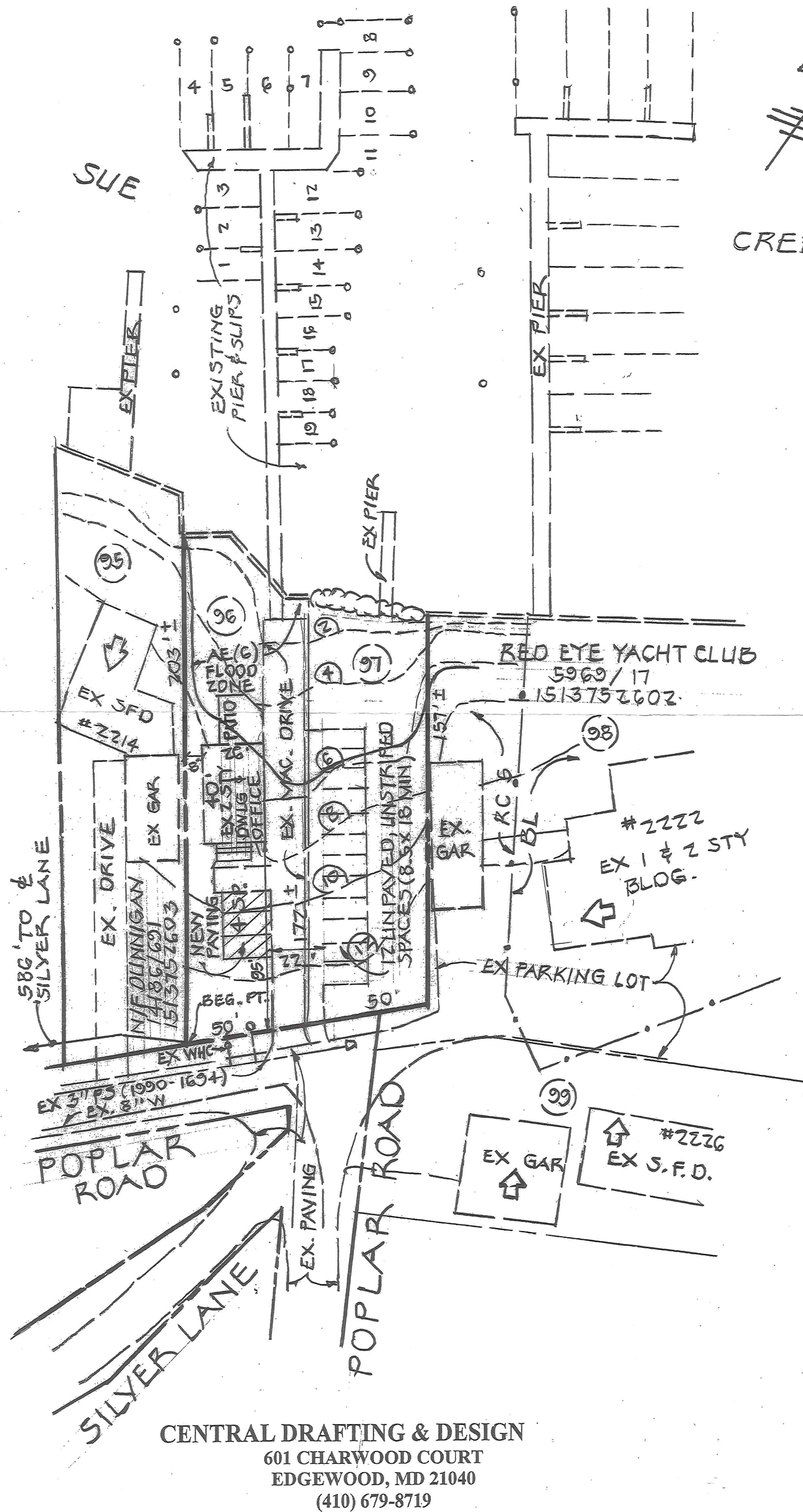
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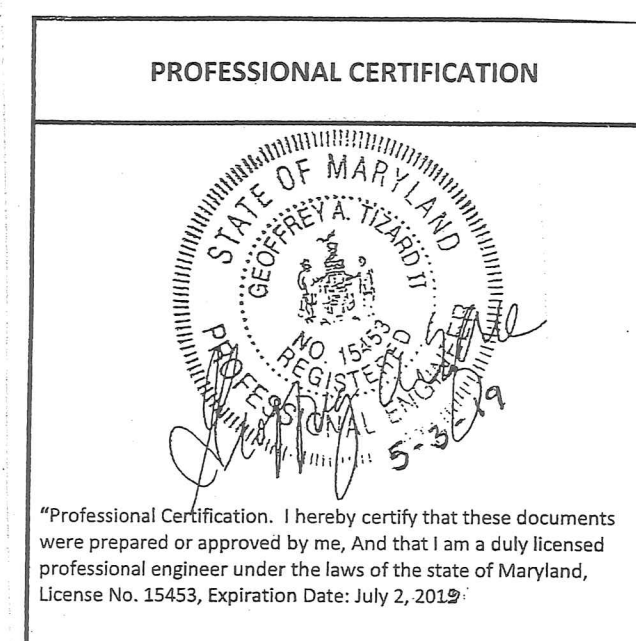
3





- NOTES**
1. ZONING.....RC5 (MAP NO. 098A3)
 2. GROSS AREA.....17,600 SF OR 0.404 ACRE
 3. EXISTING AND PROPOSED USE...SINGLE FAMILY DWELLING, OFFICE AND MARINA
 4. OFFSTREET PARKING DATA
REQUIRED...SINGLE FAMILY DWELLING = 2 SPACES
OFFICE 600 SF @ 3.3 SP / 1000 SF = 2 SPACES
MARINA 19 SLIPS @ 1 SP. / 2 SLIPS = 10 SPACES
TOTAL REQUIRED = 14 SPACES
TOTAL PROVIDED = 16 SPACES (12 MARINA SPACES)
SPACES FOR THE DWELLING AND OFFICE ARE TO BE 8.5' X 18' PAVED AND STRIPED.
12 MARINA SPACES WILL NOT BE STRIPED OR HAVE A DURABLE DUSTLESS SURFACE
 5. PREVIOUS ZONING HISTORY -
CASE NO. 2004-0464-A (JUNE 17, 2004) GRANTED A REPLACEMENT DWELLING WITH A STREET SIDE SETBACK OF 40 FEET FROM THE CENTER OF A STREET, FRONT SETBACK OF 15 FEET AND REAR SETBACK OF 8 FEET
 6. ANY NEW SIGNAGE MUST COMPLY WITH THE BALTIMORE COUNTY ZONING REGULATIONS.
 7. TO THE PREPARERS KNOWLEDGE, NO VIOLATIONS, HISTORIC STRUCTURES, OR UNDERGROUND STORAGE TANKS EXIST.
 8. THIS SITE IS NOT IN ANY FAILED BASIC SERVICES MAP AREA.
 9. A PORTION OF THIS SITE IS LOCATED IN A 100 YEAR FLOOD ZONE
 10. THIS SITE IS LOCATED IN THE CBCA

OWNER
JOSEPH D. JR. AND HELEN E. LUHRMAN
8800 WALTHER BOULEVARD, APT. 4607
BALTIMORE, MD. 21234
DEED REF: L.35965 F.136
ACCT. NO. 1515740040 & 1515740050

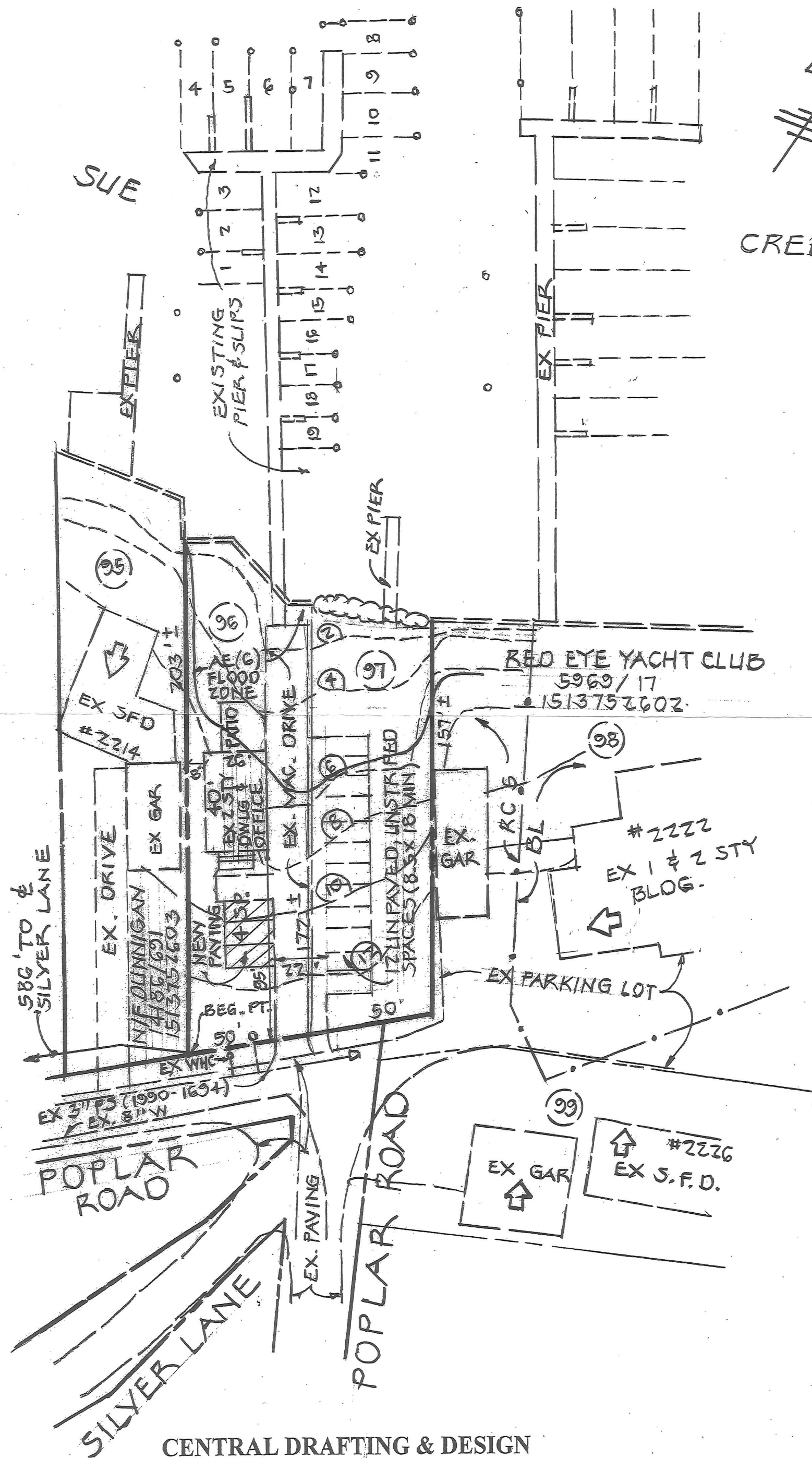


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5 LEADBURN COURT
TOWSON, MD. 21204

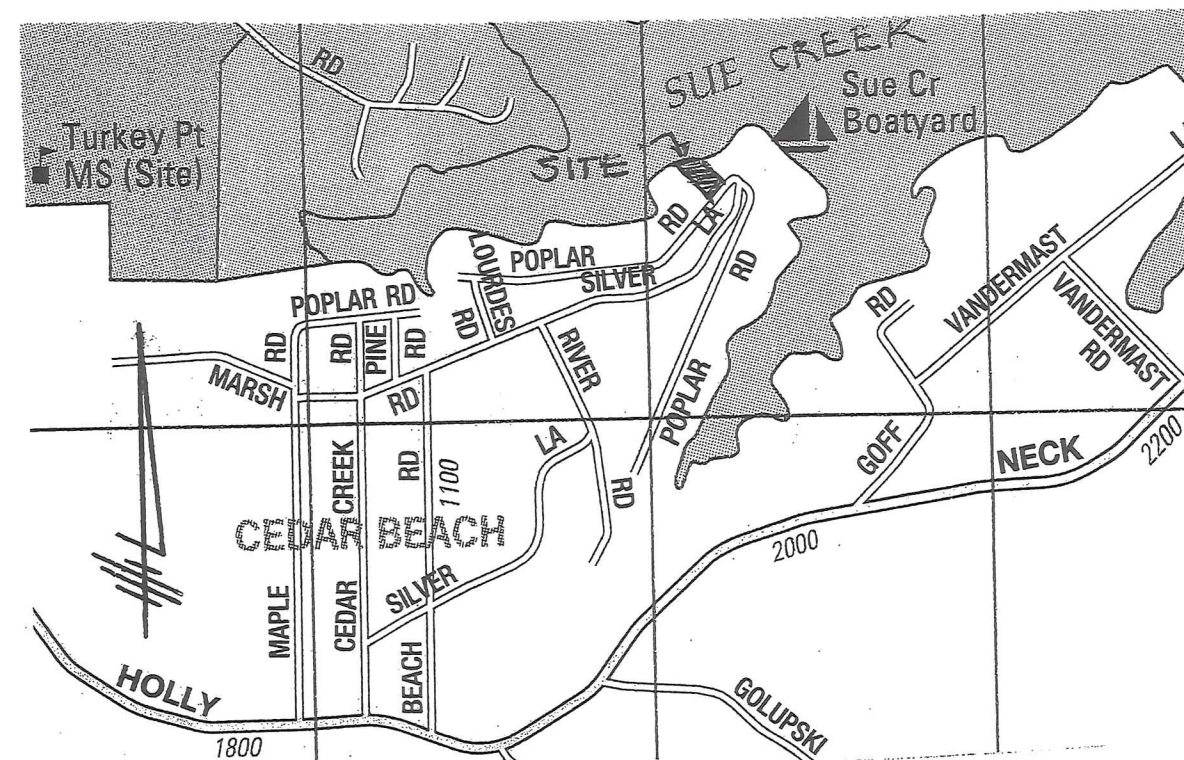
2019-0315-SPH

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
2216 - 2218 POPLAR ROAD
LOTS 96 AND 97 CEDAR BEACH PB 7/186
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET APRIL 26, 2019

PETS. Ex. 1



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



LOCATION PLAN
SCALE: 1 INCH = 1000 FEET

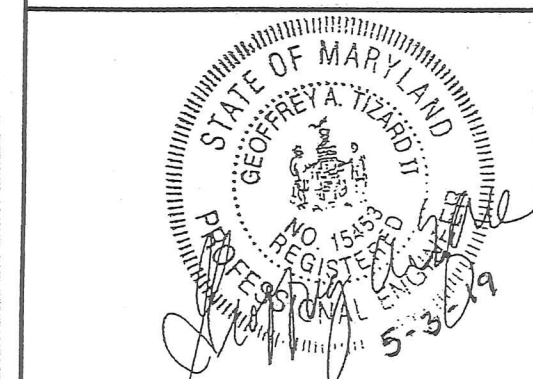
NOTES

1. ZONING.....RC5 (MAP NO. 098A3)
2. GROSS AREA.....17,600 SF OR 0.404 ACRE
3. EXISTING AND PROPOSED USE...SINGLE FAMILY DWELLING, OFFICE AND MARINA
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8800 WALTHER BOULEVARD, APT. 4607
BALTIMORE, MD. 21234
DEED REF: L.35965 F.136
ACCT. NO. 1515740040 & 1515740050

PROFESSIONAL CERTIFICATION



"Professional Certification. I hereby certify that these documents were prepared or approved by me, And that I am a duly licensed professional engineer under the laws of the state of Maryland, License No. 15453, Expiration Date: July 2, 2019"

GEOFFREY A. TIZARD, II, P.E.
5 LEADBURN COURT
TOWSON, MD. 21204

2019-0315-SPH

PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
2216 - 2218 POPLAR ROAD
LOTS 96 AND 97 CEDAR BEACH PB 7/186
ELECTION DISTRICT 15C7 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 40 FEET APRIL 26, 2019