

MEMORANDUM

DATE: September 4, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0355-X - Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
(11303 Beach Road)
11th Election District * OFFICE OF
6th Council District * ADMINISTRATIVE HEARINGS
11303 Beach Road, LLC, * FOR BALTIMORE COUNTY
Legal Owner *
Petitioner * **Case No. 2019-0355-X**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception filed on behalf of 11303 Beach Road, LLC, legal owner (“Petitioner”). The special exception petition was filed pursuant to Section 1A01.2.C.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit a community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social and educational activities.

Charles Wallis, Raqueal Muneses, and Gerald Welsh appeared in support of the petition. Zachary J. Wilkins, Esq. and Jason T. Vettori, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and the Department of Planning (“DOP”). Neither agency opposed the request.

The subject property is approximately 12,245 square feet in size and is zoned RC-2. A two-story building and garage were located on the site for many years, but those have been razed and the property is now unimproved. Petitioner in 2015 obtained a special exception to construct a community building on the site. The community experienced certain delays in bringing the project to fruition, and the special exception lapsed by operation of law per BCZR Section 502.1.

ORDER RECEIVED FOR FILING

Date 7-30-19

By 100

The request in this case is identical to the special exception request which was previously granted in Case No. 2016-0064-SPHXA. See Petitioner's Exhibit 1. The order in that case contained additional facts and details about the project, and it is therefore not necessary to repeat that information at this juncture.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. For the reasons stated in the final order in Case No. 2016-0064-SPHXA, the petition will be granted.

THEREFORE, IT IS ORDERED this 30th day of **July, 2019**, by this Administrative Law Judge, that the Petition for Special Exception to permit a community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social and educational activities, 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 regulations.

ORDER RECEIVED FOR FILING

Date 17-30-19

2

By BSW

3. The special exception must be utilized within five (5) years of the date hereof.
4. No lighting fixtures or illumination is permitted on the "parking lot" area leased from Baltimore County.
5. Petitioner shall provide no less than 25 passenger vehicle parking spaces (total), which may be situated on the subject property and/or the unimproved lot leased from Baltimore County. Petitioner shall not be required to comply with the "durable and dustless," striping, and 10 ft. setback requirements of BCZR Section 409.8.
6. Prior to issuance of permits, Petitioner must submit for approval by the DOP proposed building elevations.
7. Prior to issuance of permits, Petitioner shall submit to DPR a revised site plan (containing sufficient detail to enable agency review) showing the proposed location and orientation of the 25 parking spaces. Following that agency's review, Petitioner shall provide landscaping as determined in the sole discretion of the Baltimore County Landscape Architect.

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

JEB/sln:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 7-30-19

By ew



PETITION FOR ZONING HEARING(S)

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

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

Address 11303 Beach Road

which is presently zoned RC 2

Deed References: 26926/00202

10 Digit Tax Account # 1 1 0 3 0 0 1 0 2 5

Property Owner(s) Printed Name(s) 11303 Beach Road, 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

Please see the attached.

3. ☐ a **Variance** from Section(s)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Zachary J. Wilkins, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Signature

600 Washington Ave Towson MD

Mailing Address City State

21204 (410)821-0070 zwilkins@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

RAQUEL MUNES

AUTHORIZED Rep of 11303 Beach Rd, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11303 Beach Road

WHITE MARSH, MD

Mailing Address City State

21162

Zip Code Telephone # Email Address

Representative to be contacted:

Zachary J. Wilkins, Smith, Gildea & Schmidt, LLC

Name - Type or Print

Signature

600 Washington Ave Towson MD

Mailing Address City State

21204 (410)821-0070 zwilkins@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER

2019-0355-X

Filing Date

6/7/19

Do Not Schedule Dates:

8/14, 8/15, 8/16

Reviewer

AT

Rep of 1802 (2002)
10/10/02



ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION
11303 Beach Road

Special Exception Relief:

1. Pursuant to BCZR § 1A01.2.C.7, to permit a community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social, educational, or cultural activities; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2019- 0355-X

**ZONING PROPERTY DESCRIPTION FOR 11303 Beach Road, White Marsh, MD
21162**

Beginning at a point on the south side of Beach Road which is forty feet wide at the distance of one hundred twenty eight feet east of the centerline of the nearest improved intersecting street Opie Road which is forty feet wide.

Being Lot # 19 in the Subdivision of Bird River Beach as recorded in Baltimore County Plat Book # WPC No. 7, Folio # 187, containing 0.281 +/- acres. Located in the 11th Election District and 5th Council District.

Professional Certification. I hereby certify that this document was prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 20167, Expiration Date: August 30, 2019



2019-0355-X

501d-0322-X

Debra Wiley

From: Debra Wiley
Sent: Monday, July 29, 2019 7:35 AM
To: John Beverungen; John E. Beverungen Esq. (jbeverungen@baltimorecountymd.gov)
Subject: Hearing Today @ 1:30 PM
Attachments: 20190729072855017.pdf

Good Morning John,

Just a heads up that the 1:30 PM was not posted on the County's website when I checked on 7/19 and today, 7/29 (see attached).

It appears from reviewing the case file that Zachary Wilkins from Smith, Gildea & Schmidt is the attorney representing this case.

Let me know if you'd like me to reach out to them and advise accordingly.

Thanks.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Monday, July 29, 2019 7:29 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 07.29.2019 07:28:54 (-0400)

Queries to: adminhearingscpr@baltimorecountymd.gov

Development, Zoning Hearings & Meetings

Location: 1st Council District
2nd Council District

Type: Event or Activity
meet

Keyword(s):

<u>Previous</u>	<u>Jul 2019</u>	<u>Next</u>
<u>Select 30</u>	<u>1 2 3 4 5 6</u>	
<u>Select 7</u>	<u>8 9 10 11 12 13</u>	
<u>Select 14</u>	<u>15 16 17 18 19 20</u>	
<u>Select 21</u>	<u>22 23 24 25 26 27</u>	
<u>Select 28</u>	<u>29 30 31 1 2 3</u>	

Show Events By: Day Week Month RSS

RSS

Monday, July 29, 2019

Administrative Variances - 14614 Manor Road 3rd Council District

8:30am - 4:30pm

Administrative Variances - 4338 Church Road 3rd Council District

8:30am - 4:30pm

Zoning Hearings - 201 North Branch Road 7th Council District

10:00am - 11:00am

Zoning Hearings - 7814 Ruxwood Road 4th Council District

11:00am - 12:00pm

2019-0350-SPHA

2019-0351-SPHA

2019-0355-X
 11303 Beach Rd.
 Not listed
 for 11:30 PM
 as of 7/29/19

Development, Zoning Hearings & Meetings

Week of
7-29-19

all here

Location:

Type:

Keyword(s):

Previous Jul 2019 Next

Select 30 1 2 3 4 5 6
 Select 7 8 9 10 11 12 13
 Select 14 15 16 17 18 19 20
 Select 21 22 23 24 25 26 27
 Select 28 29 30 31 1 2 3

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11:00am - 12:00pm

} AV

2019-0350-SPHA ✓

2019-0351-SPHA ✓

2019-0355-X
 11303 Beach Rd.
 Not listed
 for 1:30 PM
 GO of 7-19-19

JB 7/29/19 1:30 pm
Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Saturday, July 27, 2019 11:55 PM
To: Administrative Hearings
Subject: Case # 2019-0355-X @ 11303 Beach Road
Attachments: Beach Rd. Cert. .jpeg; Beach Rd. Photos.docx

CAUTION: This message from luckylinda1954@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.

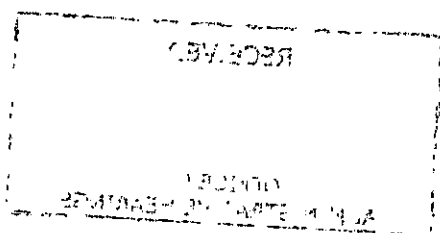
Hi Debbie,

I have a Cert. & Photos for you for Case # 2019-0355-X @ 11303 Beach Rd.
Have a nice day,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com





SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 7/27/2019

Case Number: 2019-0355-X

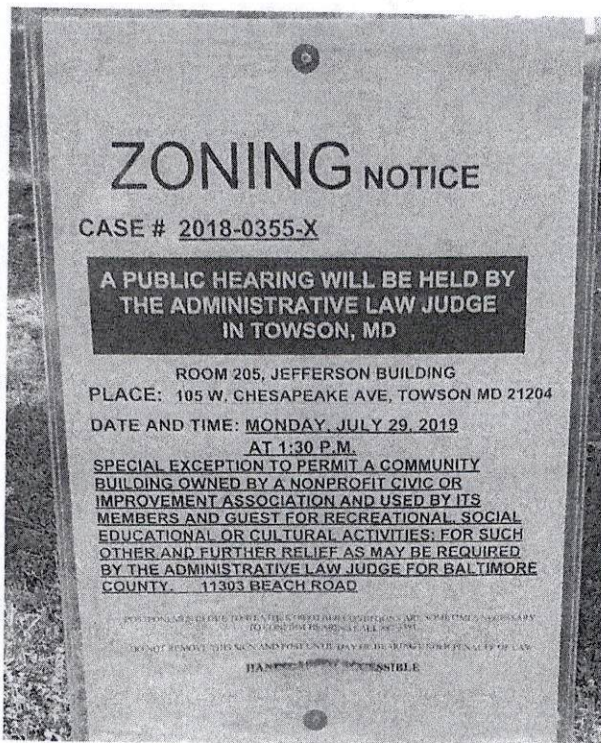
Petitioner / Developer: ZACHARY WILKENS, ESQ. ~
RAQUEL MUNESSES

Date of Hearing: JULY 29, 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:
11303 BEACH ROAD

The sign(s) were posted on: JULY 8, 2019

The sign(s) were re-photographed on: JULY 27, 2019



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



2

RECEIVED
JAN 10 1964
LIBRARY OF CONGRESS



Re-Photographed 1st Sign @ 11303 Beach Road ~ 7/27/2019



Re-Photographed 2nd Sign @ 11303 Beach Road ~ 7/27/2019

CASE # 2019-0355-X



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
 11303 Beach Road; S/S Beach Road, *
 128' E of Opie Road * OF ADMINSTRATIVE
 11th Election & 6th Councilmanic Districts *
 Legal Owner(s): 11202 Beach Road, LLC * HEARINGS FOR
 By Raquel Muneses, Authorized Rep. *
 Petitioner(s) * BALTIMORE COUNTY
 * 2019-355-X

* * * * *

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

RECEIVED
 JUN 14 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to Zachary Wilkins, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
11303 Beach Road; S/S Beach Road, *
128' E of Opie Road * OF ADMINISTRATIVE
11th Election & 6th Councilmanic Districts *
Legal Owner(s): 11303 Beach Road, LLC * HEARINGS FOR
By Raquel Muneses, Authorized Rep. *
Petitioner(s) * BALTIMORE COUNTY
* 2019-355-X

* * * * *

AMENDED 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

JUN 14 2019

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 14th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to Zachary Wilkins, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: THE DAILY RECORD
Tuesday, July 9, 2019 - Issue

Please forward billing to:
Zachary Wilkins
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2019-0355-X

11303 Beach Road

S/side of Beach Road, 128 ft. east of Opie Road

11th Election District – 6th Councilmanic District

Legal Owners: 11303 Beach Road, LLC, Racquel Muneses, Authorized Rep.

Special Exception to permit a community building owned by a nonprofit civic or improvement association and used by its members and guest for recreational, social, educational or cultural activities; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, July 29, 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.



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 2, 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: 2019-0355-X

11303 Beach Road

S/side of Beach Road, 128 ft. east of Opie Road

11th Election District – 6th Councilmanic District

Legal Owners: 11303 Beach Road, LLC, Racquel Muneses, Authorized Rep.

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Hearing: Monday, July 29, 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", is written over a horizontal line.

Michael Mallinoff
Director

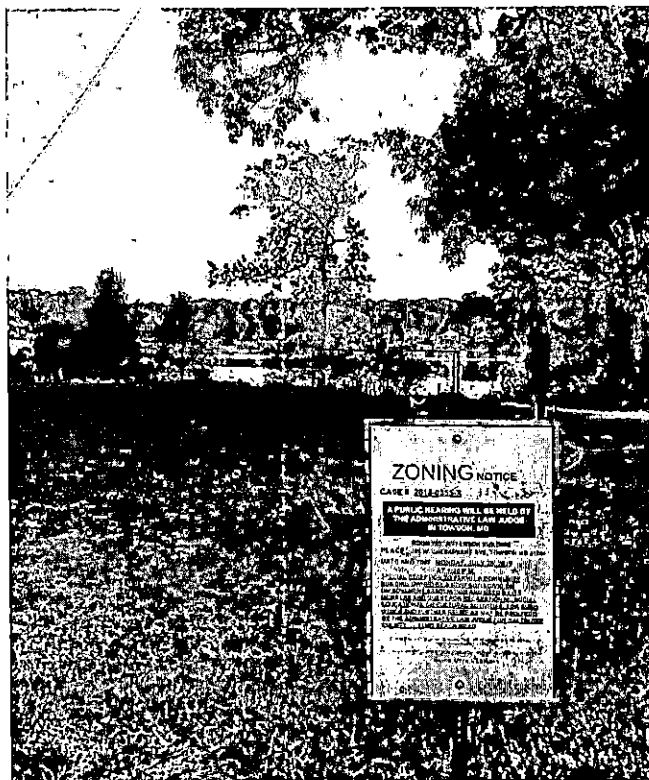
MM:kl

C: Zachary Wilkins, 600 Washington Avenue, Towson 21204
Raquel Muneses, 11303 Beach Road, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 9, 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.**



Background Photo 1st Sign @ 11303 Beach Rd. ~ 7/8/2019



Background photo 2nd Sign @ 11303 Beach Rd. ~ 7/8/2019

CASE # 2019-0355-X

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/8/2019

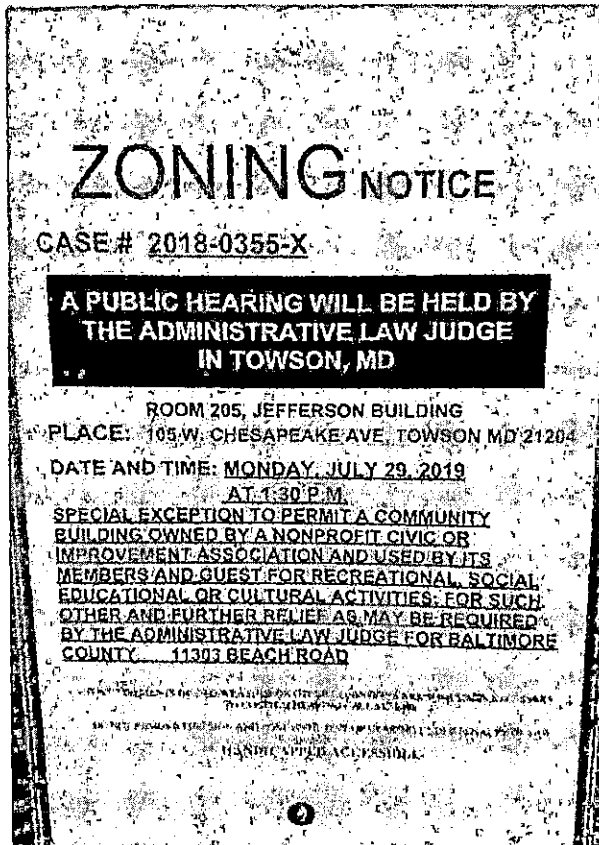
Case Number: 2019-0355-X

Petitioner / Developer: ZACHARY WILKENS, ESQ. ~
RAQUEL MUNESSES

Date of Hearing: JULY 29, 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:
11303 BEACH ROAD

The sign(s) were posted on: JULY 8, 2019



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

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:

7/9/2019

Order #: 11765721
Case #: 2019-0355-X
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0355-X



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: 2019-0355-X

11303 Beach Road

S/side of Beach Road, 128 ft. east of Opie Road

11th Election District - 6th Councilmanic District

Legal Owners: 11303 Beach Road, LLC, Racquel Muneses, Authorized Rep.

Special Exception to permit a community building owned by a nonprofit civic or improvement association and used by its members and guest for recreational, social, educational or cultural activities; for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, July 29, 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.

jy9

**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: 2019-0355-X

Property Address: 11303 Beach Road

Property Description: _____

Legal Owners (Petitioners): Bowerman Loreley Beach Association

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Zachary J. Wilkins, Esquire

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015

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

No. **18471.**

PAID RECEIPT

Date: **6/7/19**

BUSINESS ACTUAL TIME DRW
 6/07/2019 6/07/2019 09:10:47 5

REG WSD5 WALKIN LRB
 >>RECEIPT # 010520 6/07/2019 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$500

Dent 5 528 ZONING VERIFICATION

EX 184717
 Recpt Tot \$ 500.00
 500.00 CK .00 CA

Baltimore County, Maryland

Total: **\$500.**

Rec From: **SMITH, GILDEA & SCHMIDT, LLC**

For: **11303 BEACH RD**

2019-0355-X

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 24, 2019

Zachary J. Wilkins
600 Washington Ave
Towson MD 21204

RE: Case Number: 2019-0355-X, 11303 Beach 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 June 7, 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

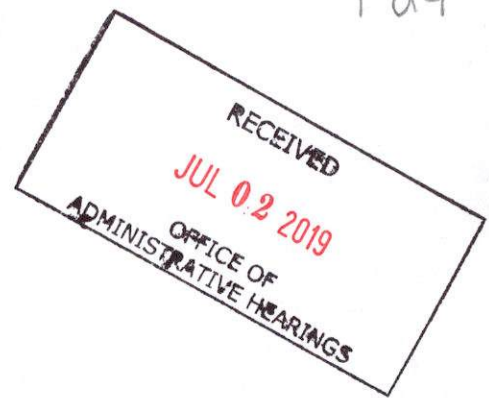
WCR/kl

Enclosures

c: People's Counsel
Raquel Muneses 11303 Beach Road White Marsh MD 21162

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: July 2, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0355-X
Address 11303 Beach Road
(11303 Beach Road, LLC Property)

Zoning Advisory Committee Meeting of June 17, 2019.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to permit a community association building. The lot is waterfront and the proposed building is outside of the 100-foot buffer. No lot coverage information was provided. Lot coverage is limited to a maximum of 3,826 square feet, with mitigation required for lot coverage between 3,061 square feet and 3,826 square feet. In addition, 4 trees are required to meet the afforestation requirement. If the lot coverage and afforestation can be met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront. Not enough information was provided to determine if the proposal will meet lot coverage and afforestation requirements. If these

requirements are met, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

At this time there is not enough information provided to determine if it meets the lot coverage and afforestation requirements. If the applicant can meet these requirements the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-355



INFORMATION:

Property Address: 11303 Beach Road
Petitioner: Raquel Muneses, Authorized Rep. of 11303 Beach Road
Zoning: RC 2
Requested Action: Special Exception

The Department of Planning has reviewed the petition for special exception to use the property for a community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social, educational, or cultural activities.

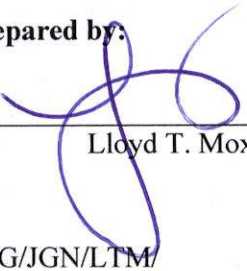
A site visit was conducted on June 18, 2019. The subject property is vacant. The site was the subject of prior zoning case no. 16-106 SPHXA wherein the Administrative Law Judge granted special hearing approval for a modified parking plan, special exception to use the property for a community building and variance relief to allow side yard setbacks of 5' in lieu of the required 35' with conditions.

The Department has no objection to granting the petitioned zoning relief provided that all conditions established in the aforementioned zoning case 16-106 SPHXA are made a part of any Opinion and Order granting such relief. Said conditions are namely:

- No lighting fixtures or illumination is permitted on the "parking lot" area leased from Baltimore County.
- Petitioner shall provide no less than 25 passenger vehicle parking spaces (total), which may be situated on the subject property and/or the unimproved lot leased from Baltimore County. Petitioners shall not be required to comply with the "durable and dustless," striping, and 10 ft. setback requirements of BCZR. Section 409.9.
- Prior to issuance of permits, petitioner must submit for approval by the Department of Planning proposed building elevations.
- Prior to issuance of permits, petitioner shall submit to Development Plans Review a revised site plan (containing sufficient detail to enable agency review) showing the proposed location and orientation of the 25 parking spaces. Following that agency's review, petitioner shall provide landscaping as determined in the sole discretion of the Baltimore County Landscape Architect.

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

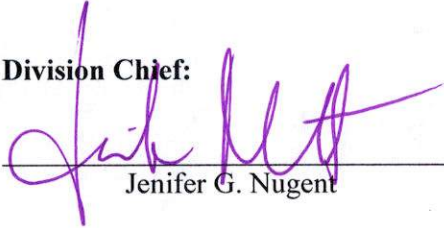
Prepared by:



Lloyd T. Moxley

CPG/JGN/LTM/

Division Chief:



Jenifer G. Nugent

c: Krystle Patchak
Zachary J. Wilkins, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

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

Date: 6/12/19

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

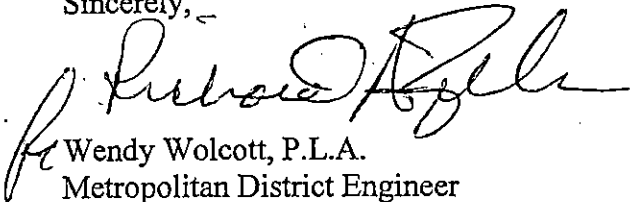
Dear Ms. Lewis:

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. 2019-0355-X

*Special Exception
11303 Beach Road, LLC, Raquel Munoz
11303 Beach 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

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
(11303 Beach Road) *	OFFICE OF
11 th Election District	
6 th Council District *	ADMINISTRATIVE HEARINGS
11303 Beach Road, LLC, <i>Legal Owner</i>	
* FOR BALTIMORE COUNTY	
Petitioner *	Case No. 2016-0064-SPHXA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of 11303 Beach Road, LLC, the legal owner ("Petitioner").

The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve a modified parking plan and for a determination of the required number of parking spaces and their configuration as more particularly shown on the site plan filed with the Petition.

A Petition for Special Exception was filed pursuant to B.C.Z.R. §1A01.2.C.7 to permit a community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social, educational, or cultural activities. Finally, a Petition for Variance seeks approval for side yard setbacks of 5 ft. in lieu of the 35 ft. required.

Appearing at the public hearing in support of the requests was George Prochaska and Charles Wallis, a professional engineer (and member of the community) who signed and sealed the site plan. Chris Corey, Esq., represented the Petitioner. There were no protestants and/or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were

submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 0.281 acres in size and is zoned RC 2. The property was purchased by Petitioner in 2008, and is used as the headquarters for the Lorely Beach Community Association. The property is improved with a single family dwelling and detached garage, both of which are in poor condition. Petitioner proposes to raze the existing structures and construct in essentially the same footprint a 2,800 square foot community center. To do so requires zoning relief.

SPECIAL HEARING

The special hearing concerned the parking for the proposed community building. This case is somewhat unique in that the Petitioner not only owns the subject property (which based on the testimony of Mr. Prochaska has space for parking at least 6 vehicles) but also leases from Baltimore County an unimproved 0.6 acre parcel adjacent to the subject property. The County leases the property to the Petitioner for the "nominal rent" of \$1.00 per year, and specifies in the lease the use is for a "parking lot" to be used in connection with a proposed "clubhouse for use by the community."

Based on testimony at the hearing, I believe 25 parking spaces is sufficient for the proposed use. The community has leased this property from the County since 2009, and has since that time held meetings and events in the existing dwelling on the subject property. The president of the community association, George Prochaska, testified he has lived in the area all of his life and that parking has never been a problem at the site. Mr. Prochaska also noted parking is allowed on Beach Road (on which the subject property fronts), although he did not recall visitors needing to do so when attending community meetings or events at the site. In these

circumstances, I do not believe the “parking lot” needs to be paved and striped in accordance with the Regulations. In fact, the Petitioner would be unable to do so without the County’s approval. In addition, the property is within the Critical Area, and additional impervious surfaces would be detrimental to the environment as well.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People’s Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

No such evidence was presented in this case, and the petition will be granted. Petitioner noted the new building will be located farther from the water than is the current single family dwelling, and the side yard setbacks will be increased as well. In these circumstances I do not believe the use will be detrimental to the community.

VARIANCES

Based upon the testimony and evidence presented, I will also grant the petition for 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 Petitioner has met this test. The property is waterfront, narrow (50 ft.) and extremely deep (250 ft.) and is therefore unique. If the B.C.Z.R. were strictly interpreted, the Petitioner would suffer a practical difficulty since it would be unable to construct the proposed community building. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 4th day of November, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve a modified parking plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to B.C.Z.R. §1A01.2.C.7 to permit a community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social, educational, or cultural activities, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §1A01.3.B.3 to allow side yard setbacks of 5 ft. in lieu of the 35 ft. required, 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. The special exception must be utilized within three years of the date hereof.

3. No lighting fixtures or illumination is permitted on the "parking lot" area leased from Baltimore County.
4. Petitioner shall provide no less than 25 passenger vehicle parking spaces (total), which may be situated on the subject property and/or the unimproved lot leased from Baltimore County. Petitioner shall not be required to comply with the "durable and dustless," striping, and 10 ft. setback requirements of B.C.Z.R. §409.8.
5. Prior to issuance of permits, Petitioner must submit for approval by the DOP proposed building elevations.
6. Prior to issuance of permits, Petitioner shall submit to DPR a revised site plan (containing sufficient detail to enable agency review) showing the proposed location and orientation of the 25 parking spaces. Following that agency's review, Petitioner shall provide landscaping as determined in the sole discretion of the Baltimore County Landscape Architect.

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

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

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

7/12

DEPS

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

Comment

FIRE DEPARTMENT

6/26

PLANNING

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

NO OBJ
w/ Conditions

6/12

STATE HIGHWAY ADMINISTRATION

NO Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

7/9/19

SIGN POSTING (1st)

Date:

7/8/19

by

O'Keefe

SIGN POSTING (2nd)

Date:

7-29-19

by

11

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

View Map			View GroundRent Redemption			View GroundRent Registration				
Tax Exempt:			Special Tax Recapture:							
Exempt Class:			NONE							
Account Identifier:			District - 11 Account Number - 1103001025							
Owner Information										
Owner Name:		11303 BEACH ROAD LLC					Use:		RESIDENTIAL	
							Principal Residence:		NO	
Mailing Address:		C/O BOWERMAN LORELEY BEACH 11303 BEACH RD WHITE MARSH MD 21162-1605					Deed Reference:		/26926/ 00202	
Location & Structure Information										
Premises Address:		11303 BEACH RD WHITE MARSH 21162-1605 Waterfront					Legal Description:			11303 BEACH RD BIRD RIVER BEACH
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0073	0020	0316		0000			19	2018	Plat Ref: 0007/0187	
Special Tax Areas:				Town:			NONE			
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						11,320 SF		34		
Stories	Basement	Type	Exterior	Full/Half Bath		Garage	Last Major Renovation			
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of 01/01/2018		As of 07/01/2018		As of 07/01/2019		
Land:		91,100		91,100						
Improvements		38,300		6,300						
Total:		129,400		97,400		97,400		97,400		
Preferential Land:		0						0		
Transfer Information										
Seller: BARNES STANLEY K				Date: 04/24/2008			Price: \$249,900			
Type: NON-ARMS LENGTH OTHER				Deed1: /26926/ 00202			Deed2:			
Seller: WOODARD KAREN				Date: 12/05/2000			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /14845/ 00091			Deed2:			
Seller: WOODARD FRANCIS J,3RD				Date: 06/29/1995			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /11110/ 00368			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: No Application

Homeowners' Tax Credit Application Information

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

DATE _____

7-29-2019

PETITIONER'S SIGN-IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

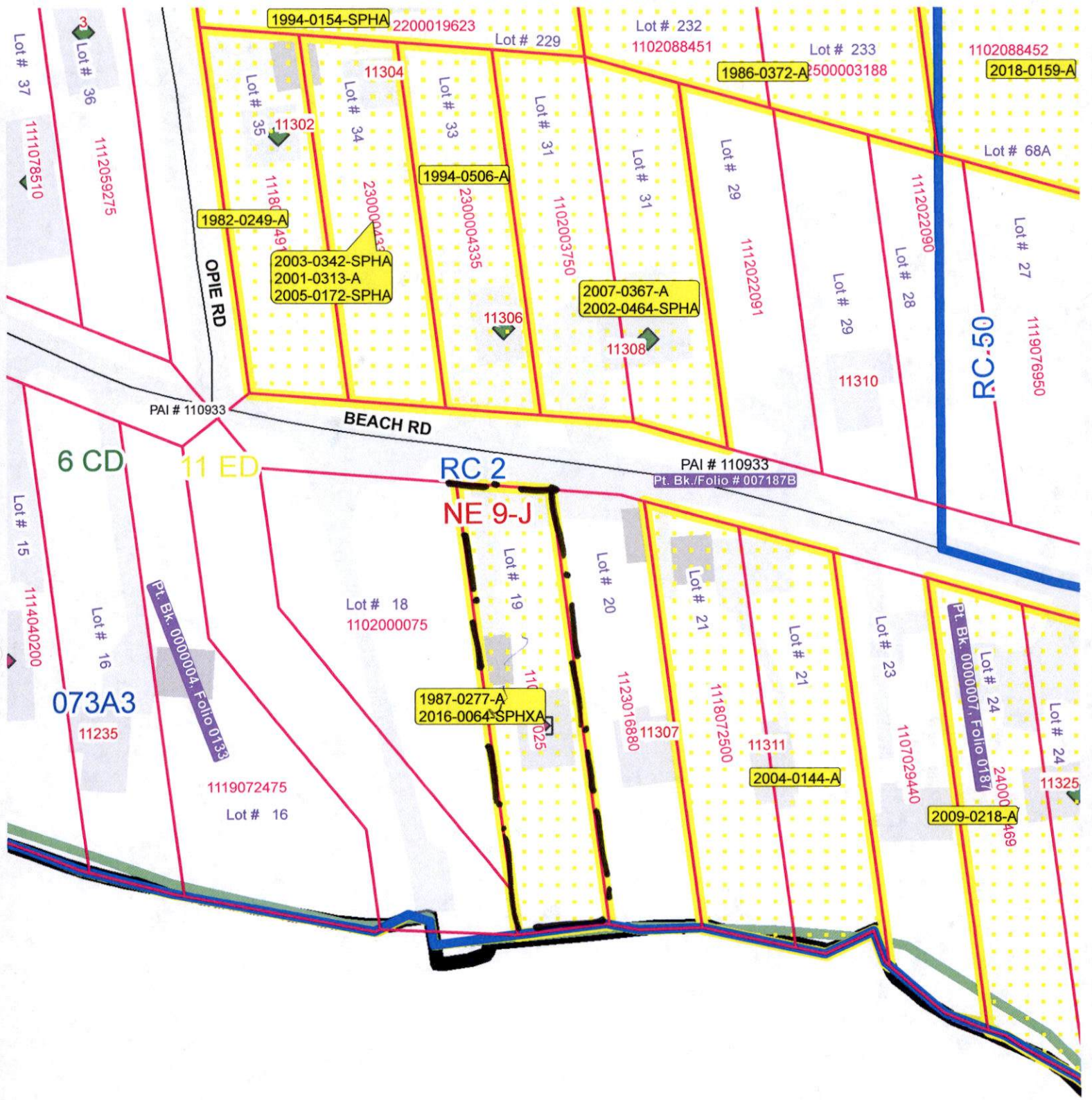
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NE 8-J

2019-0355-X

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	
(11303 Beach Road) *	OFFICE OF
11 th Election District	
6 th Council District *	ADMINISTRATIVE HEARINGS
11303 Beach Road, LLC, <i>Legal Owner</i>	
	FOR BALTIMORE COUNTY
Petitioner *	Case No. 2016-0064-SPHXA

* * * * *

OPINION AND ORDER

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Appearing at the public hearing in support of the requests was George Prochaska and Charles Wallis, a professional engineer (and member of the community) who signed and sealed the site plan. Chris Corey, Esq., represented the Petitioner. There were no protestants and/or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Zoning Advisory Committee (ZAC) comments were

PETITIONER' S

EXHIBIT NO. 1

submitted by the Department of Planning (DOP) and the Bureau of Development Plans Review (DPR).

The subject property is approximately 0.281 acres in size and is zoned RC 2. The property was purchased by Petitioner in 2008, and is used as the headquarters for the Lorely Beach Community Association. The property is improved with a single family dwelling and detached garage, both of which are in poor condition. Petitioner proposes to raze the existing structures and construct in essentially the same footprint a 2,800 square foot community center. To do so requires zoning relief.

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The special hearing concerned the parking for the proposed community building. This case is somewhat unique in that the Petitioner not only owns the subject property (which based on the testimony of Mr. Prochaska has space for parking at least 6 vehicles) but also leases from Baltimore County an unimproved 0.6 acre parcel adjacent to the subject property. The County leases the property to the Petitioner for the "nominal rent" of \$1.00 per year, and specifies in the lease the use is for a "parking lot" to be used in connection with a proposed "clubhouse for use by the community."

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circumstances, I do not believe the "parking lot" needs to be paved and striped in accordance with the Regulations. In fact, the Petitioner would be unable to do so without the County's approval. In addition, the property is within the Critical Area, and additional impervious surfaces would be detrimental to the environment as well.

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Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

No such evidence was presented in this case, and the petition will be granted. Petitioner noted the new building will be located farther from the water than is the current single family dwelling, and the side yard setbacks will be increased as well. In these circumstances I do not believe the use will be detrimental to the community.

VARIANCES

Based upon the testimony and evidence presented, I will also grant the petition for 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
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Cromwell v. Ward, 102 Md. App. 691 (1995).

The Petitioner has met this test. The property is waterfront, narrow (50 ft.) and extremely deep (250 ft.) and is therefore unique. If the B.C.Z.R. were strictly interpreted, the Petitioner would suffer a practical difficulty since it would be unable to construct the proposed community building. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition.

THEREFORE, IT IS ORDERED this 4th day of November, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.) to approve a modified parking plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception filed pursuant to B.C.Z.R. §1A01.2.C.7 to permit a community building owned by a nonprofit civic or improvement association and used by its members and guests for recreational, social, educational, or cultural activities, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §1A01.3.B.3 to allow side yard setbacks of 5 ft. in lieu of the 35 ft. required, 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. The special exception must be utilized within three years of the date hereof.

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



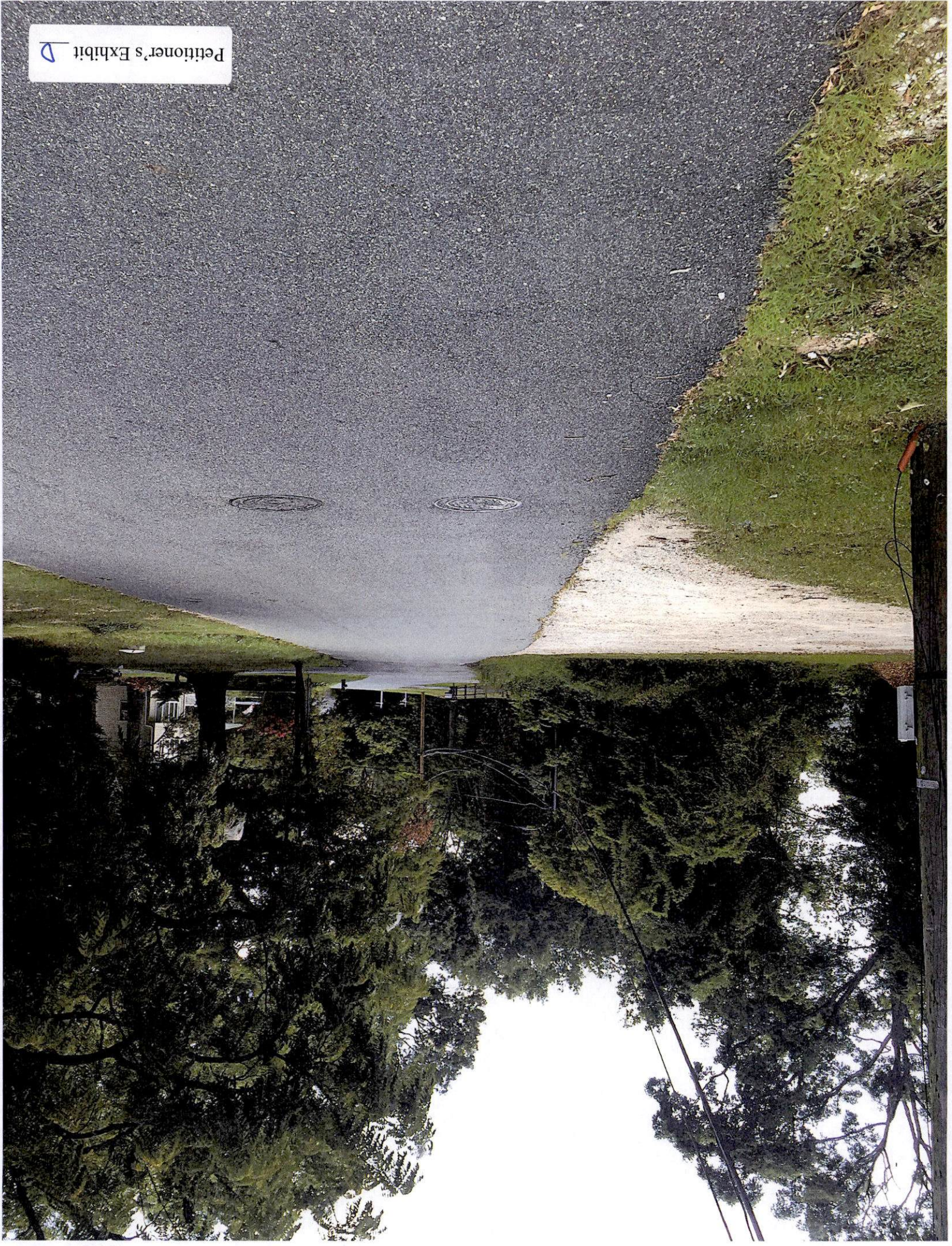
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln





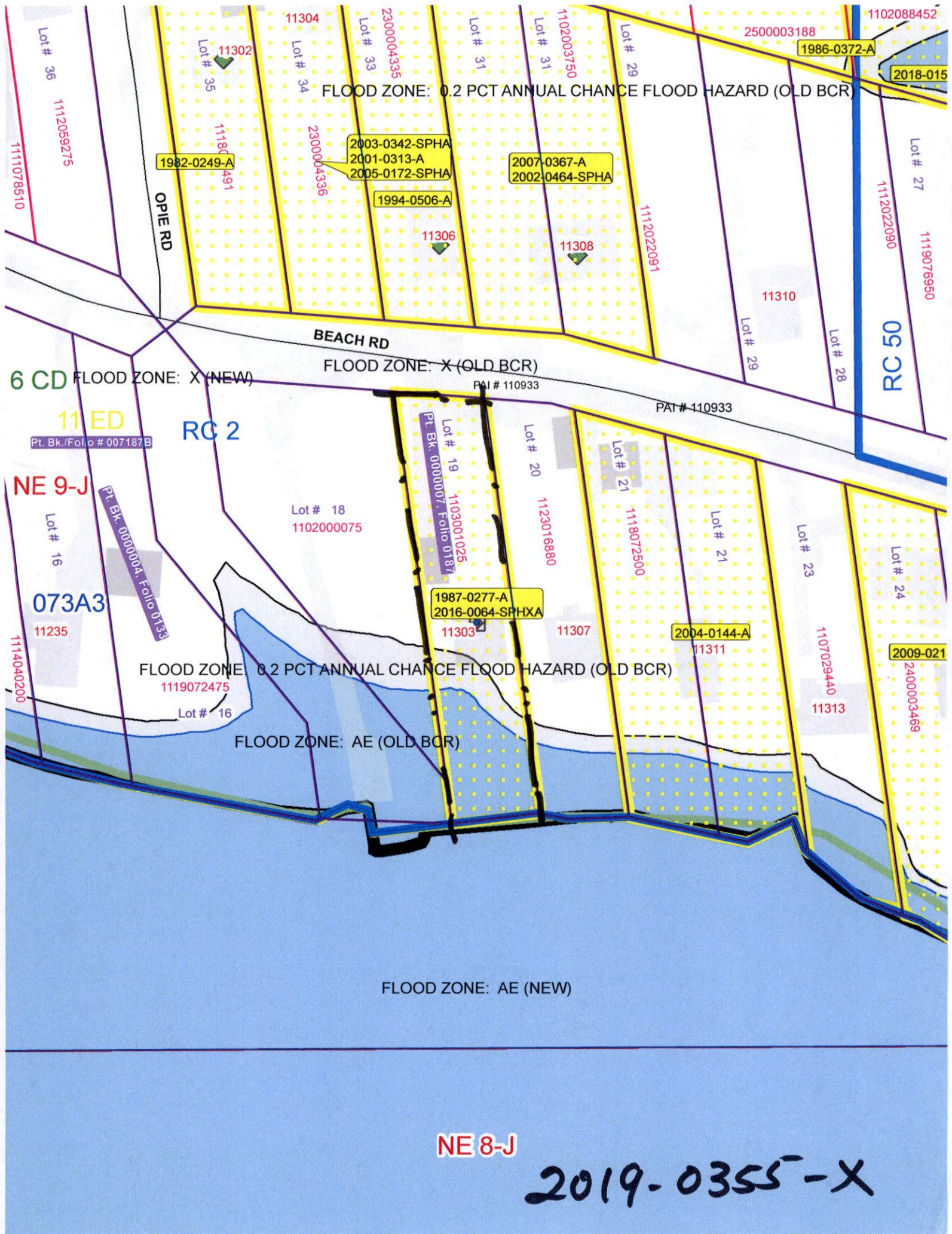






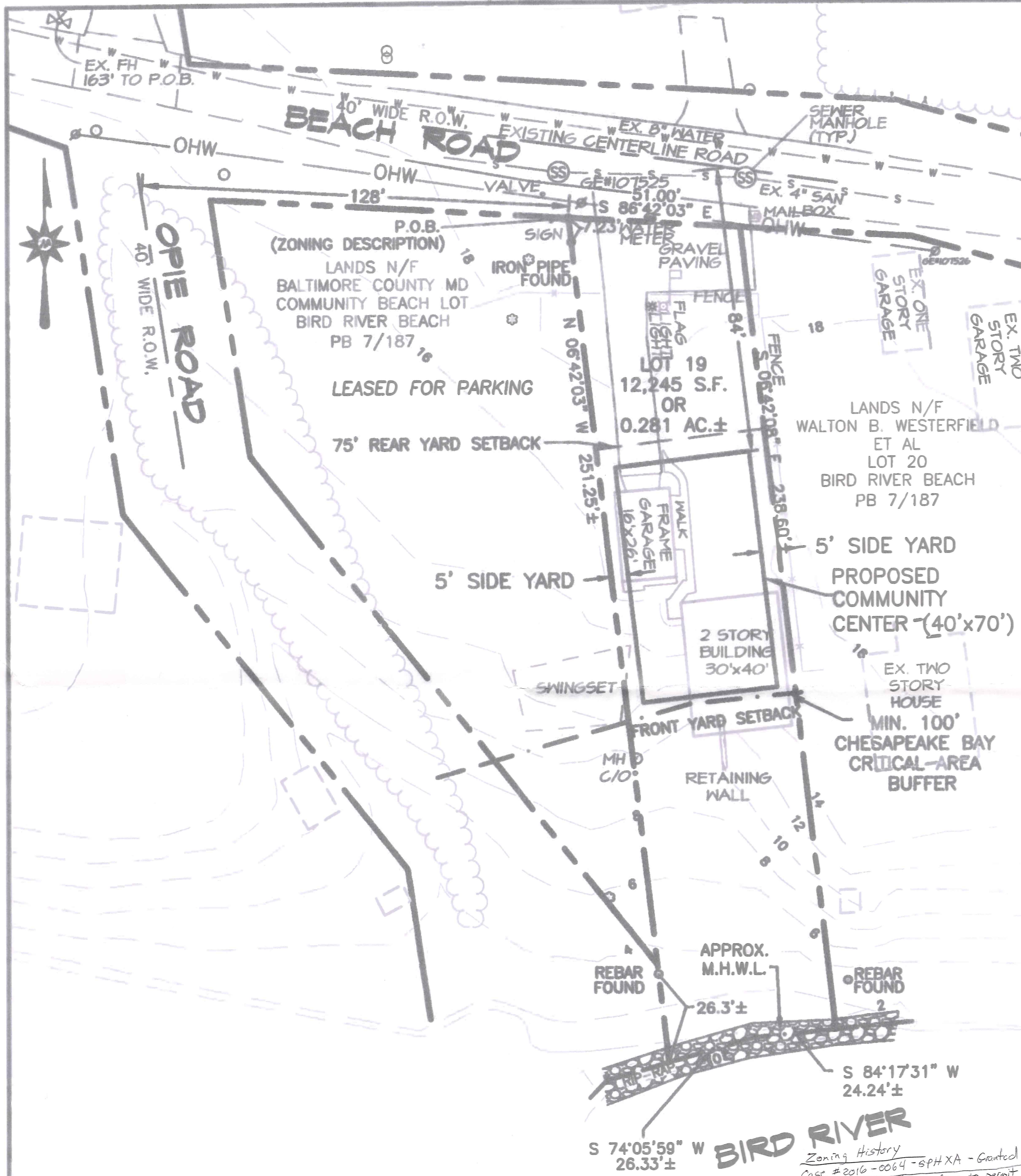






NE 8-J

2019-0355-X



GENERAL NOTES

1. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
2. THERE ARE NO KNOWN HISTORICAL STRUCTURES OR SITES ON THIS PROPERTY.
3. THERE ARE NO KNOWN HAZARDOUS MATERIALS ON THIS SITE.
4. THE BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON IS FROM A SURVEY COMPLETED BY CNA, INC. ON 12/16/2013.
5. THIS SURVEY WAS PREPARED BASED ON DEED L26926 F.202 WITHOUT BENEFIT OF A REVIEW OF AN ABSTRACT TITLE.
6. COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND COORDINATE SYSTEM NAD 83/2010 NORTH AS PROJECTED FROM RTK GPS OBSERVATIONS.
7. FOR PLAT REFERENCE SEE PLAT OF BIRD RIVER BEACH RECORDED IN PLAT BOOK 7/187 AND 4/133.
8. THIS PROPERTY IS NOT SUBJECT TO ANY PRIOR KNOWN ZONING CASES.

SITE DATA

1. OWNER/DEVELOPER: 11303 BEACH ROAD, LLC
c/o BOWERMAN LORELY
BEACH COMMUNITY ASSOCIATION, LLC
11303 BEACH ROAD
WHITE MARSH, MD 21162
ATTN: GEORGE L. PROCHASKA
2. PROJECT ADDRESS: 11303 BEACH ROAD
WHITE MARSH, MD 21162
3. TAX MAP INFO: TM 73 PARCEL 316
DEED REF. 26926/202, PLAT REF. 7/187
4. ZONING: RC2
5. ELECTION DISTRICT: 11
6. COUNCILMATIC DISTRICT: 5
7. PROPERTY TAX ACCOUNT NO.: 1103001025
8. EXISTING USE: COMMUNITY ASSOCIATION BUILDING
9. PROPOSED USE: COMMUNITY ASSOCIATION BUILDING
10. SITE AREA: 12,245 S.F. ± = 0.281 AC. ±
11. CENSUS TRACT: 411302
12. WATERSHED: BRD RIVER
13. FLOOR AREA: 2,800 SF
14. BUILDING HEIGHT: MAX 35 FT
15. GROSS FLOOR AREA: 0.23
16. ALL SIGNAGE WILL COMPLY WITH BCZR SECTION 450.
17. THE PROPERTY IS SERVED BY PUBLIC UTILITIES.
18. THE PROPERTY IS NOT LOCATED WITHIN A FAILING AREA WITHIN THE BASIC SERVICES MAPS.
19. THE AMOUNT OF PARKING WILL BE DETERMINED BY THE ZONING COMMISSIONER.

20. Existing improvements have been razed since initial plan. *CMW 7/29/19*

Zoning History

- Case #2016-0064 - SPH XA - Granted
- ① Petition for Special Exception to permit a community building owned by a nonprofit civic or improvement association and use by its members and guests for recreational, social, educational or cultural activities.
 - ② Petition for Special Hearing to approve a modified parking plan and for the ALJ to determine the required number of parking spaces and their configuration as more particularly shown on the site plan.
 - ③ Petition for variance for relief to allow a sideyard setback of 5 feet in lieu of the 35 feet required.

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. 20167, Expiration Date: 08/30/2019.



LOCATION MAP
SCALE 1" = 2000'

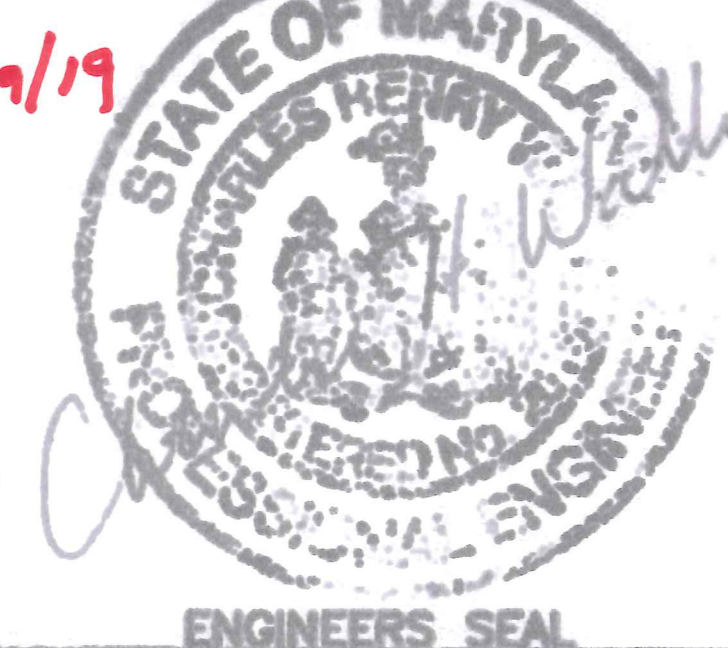
EXISTING LEGEND

---	PROPERTY BOUNDARY
---	MINOR CONTOUR
---	MAJOR CONTOUR
---	CURB
---	FENCE
---	SETBACK
---	PROPERTY ADJOINERS
---	SOILS
---	EDGE OF ROAD
W	WATER UTILITY
S	SANITARY SEWER UTILITY
SD	STORM DRAIN UTILITY
○	LIGHT
⊗	WATER VALVE
⊕	FIRE HYDRANT
○	CLEAN OUT
⊕	SIGN (TYP.)
⊕	POWER POLE

PROPOSED LEGEND

---	BUILDING
---	CURB
---	CONTOUR
---	STORM DRAIN
---	WATER UTILITY
---	SANITARY SEWER UTILITY
---	LIMITS OF DISTURBANCE

ZONING BOARD SEPARATION:



PLAN TO ACCOMPANY
SPECIAL EXCEPTION, VARIANCE, & SPECIAL HEARING
SEPTEMBER 2015

FOR
**BIRD RIVER BEACH
COMMUNITY BUILDING**
11303 BEACH ROAD

11TH ELECTION DISTRICT BALTIMORE COUNTY

Drawn: CRM Date: 09/08/2015 Scale: 1"=40' Job No: 13060

SURVEY BY:

CNA
engineers, surveyors & landscape architects

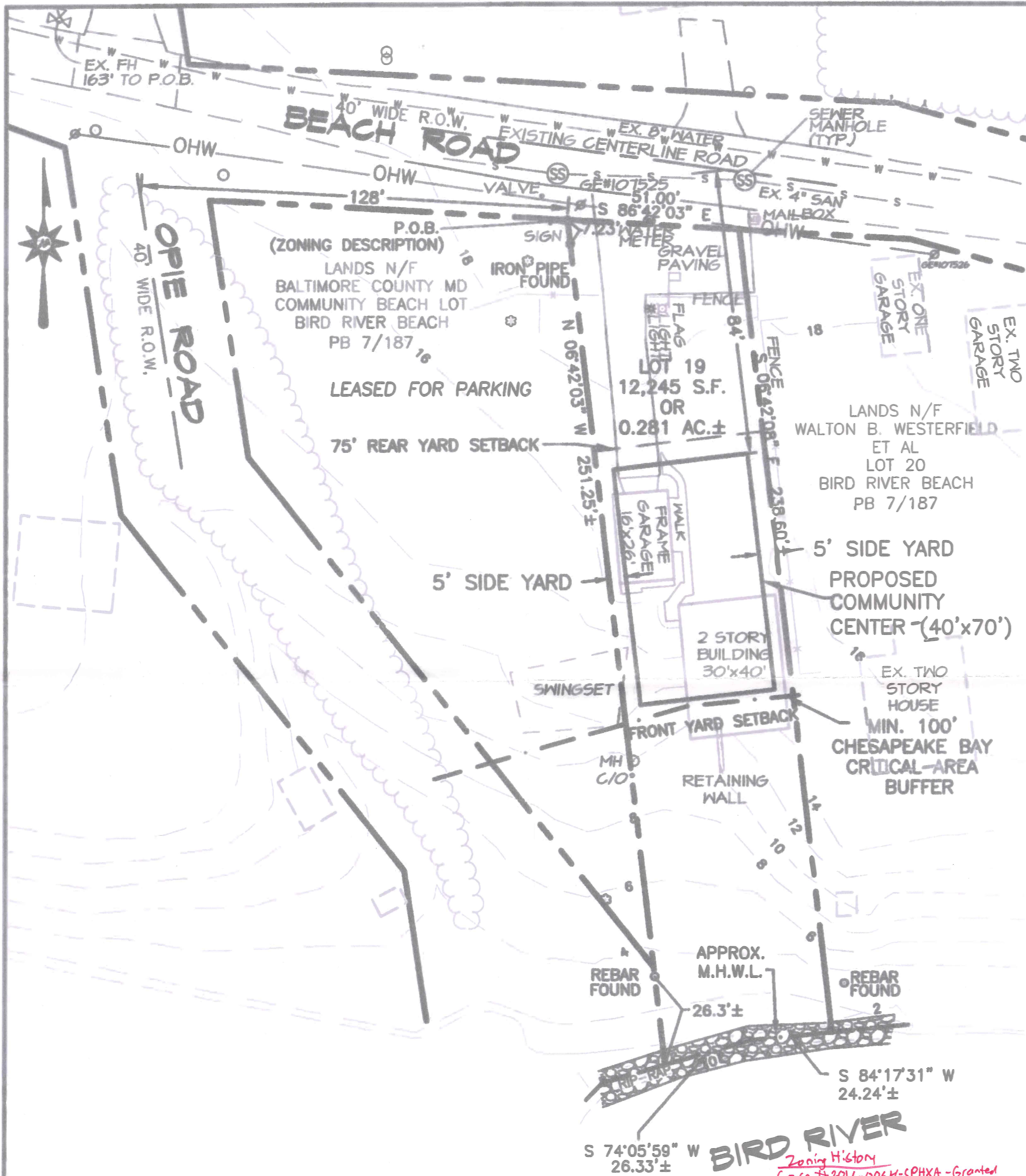
Old Baltimore - Land Surveyors - Landscape Architects
Planners - Environmental Engineers - Environmental Engineers
2015 License Renewal
Phone: (410) 670-3000 • Fax: (410) 670-1011
E-mail: cna@engineers.com

PETITIONER'S

EXHIBIT NO. 2

Title



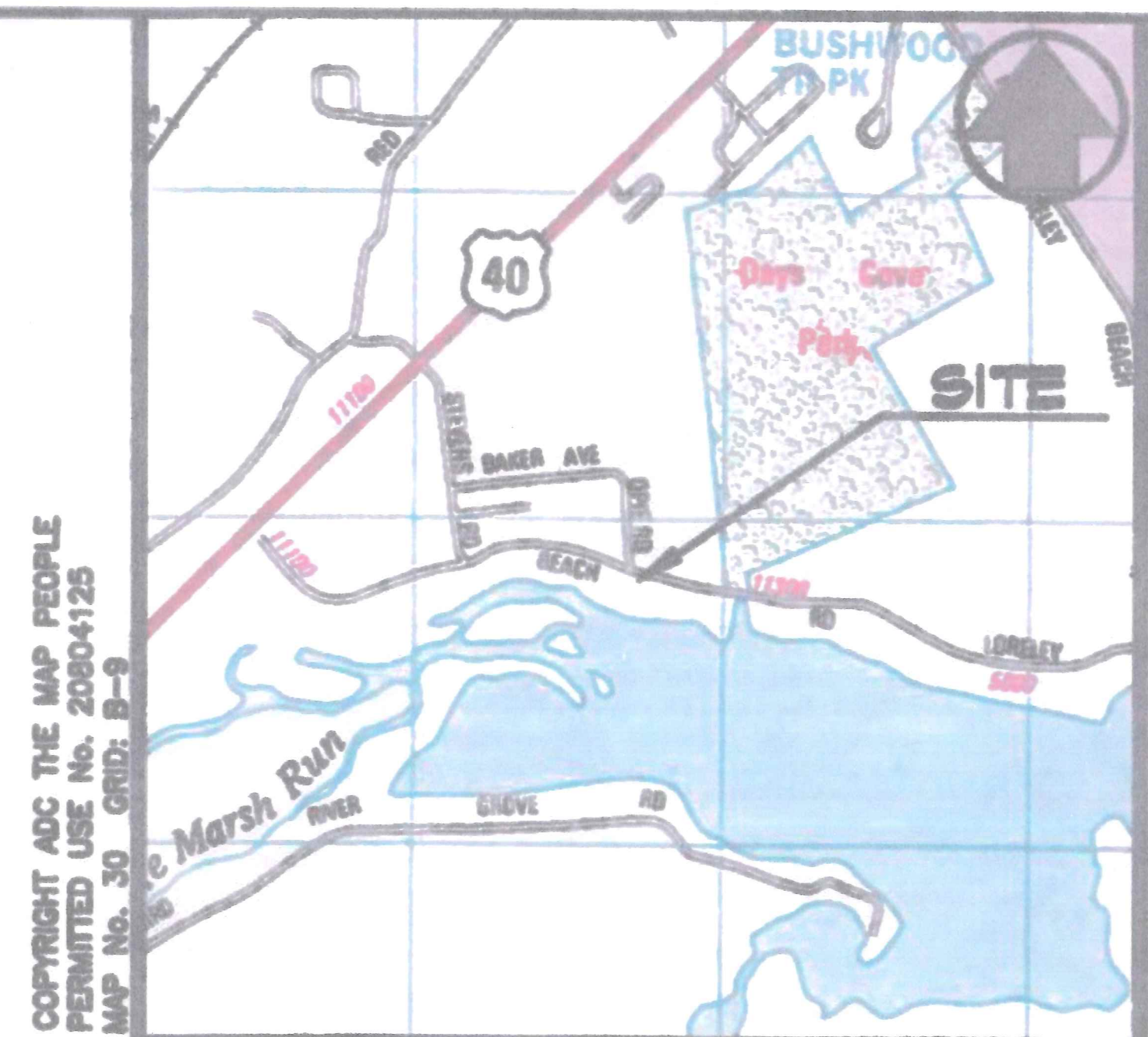


GENERAL NOTES

- 1. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.
- 2. THERE ARE NO KNOWN HISTORICAL STRUCTURES OR SITES ON THIS PROPERTY.
- 3. THERE ARE NO KNOWN HAZARDOUS MATERIALS ON THIS SITE.
- 4. THE BOUNDARY AND TOPOGRAPHY AS SHOWN HEREON IS FROM A SURVEY COMPLETED BY CNA, INC. ON 12/16/2013.
- 5. THIS SURVEY WAS PREPARED BASED ON DEED L26926 F.202 WITHOUT BENEFIT OF A REVIEW OF AN ABSTRACT TITLE.
- 6. COORDINATES SHOWN HEREON ARE BASED ON THE MARYLAND COORDINATE SYSTEM NAD 83/2010 NORTH AS PROJECTED FROM RTK GPS OBSERVATIONS.
- 7. FOR PLAT REFERENCE SEE PLAT OF BIRD RIVER BEACH RECORDED IN PLAT BOOK 7/187 AND 4/133.
- 8. ~~THIS PROPERTY IS NOT SUBJECT TO ANY PRIOR KNOWN ZONING CASES.~~

SITE DATA

- | | |
|---|--|
| 1. OWNER/DEVELOPER: | 11303 BEACH ROAD, LLC
c/o BOWERMAN LORELY
BEACH COMMUNITY ASSOCIATION, LLC
11303 BEACH ROAD
WHITE MARSH, MD 21162
ATTN: GEORGE L. PROCHASKA |
| 2. PROJECT ADDRESS: | 11303 BEACH ROAD
WHITE MARSH, MD 21162 |
| 3. TAX MAP INFO: | TM 73 PARCEL 316
DEED REF. 26926/202, PLAT REF. 7/187 |
| 4. ZONING: | RC2 |
| 5. ELECTION DISTRICT: | 11 |
| 6. COUNCILMATIC DISTRICT: | 5 |
| 7. PROPERTY TAX ACCOUNT NO.: | 1103001025 |
| 8. EXISTING USE: | COMMUNITY ASSOCIATION BUILDING |
| 9. PROPOSED USE: | COMMUNITY ASSOCIATION BUILDING |
| 10. SITE AREA: | 12,245 S.F. ± = 0.281 AC. ± |
| 11. CENSUS TRACT: | 411302 |
| 12. WATERSHED: | BIRD RIVER |
| 13. FLOOR AREA: | 2,800 SF |
| 14. BUILDING HEIGHT: | MAX 35 FT |
| 15. GROSS FLOOR AREA: | 0.23 |
| 16. ALL SIGNAGE WILL COMPLY WITH BCZR SECTION 450. | |
| 17. THE PROPERTY IS SERVED BY PUBLIC UTILITIES. | |
| 18. THE PROPERTY IS NOT LOCATED WITHIN A FAILING AREA WITHIN THE BASIC SERVICES MAPS. | |
| 19. THE AMOUNT OF PARKING WILL BE DETERMINED BY THE ZONING COMMISSIONER. | |



LOCATION MAP
SCALE 1" = 2000'

EXISTING LEGEND

- | | |
|-----|------------------------|
| --- | PROPERTY BOUNDARY |
| --- | MINOR CONTOUR |
| --- | MAJOR CONTOUR |
| --- | CURB |
| --- | FENCE |
| --- | SETBACK |
| --- | PROPERTY ADJOINERS |
| --- | SOILS |
| --- | EDGE OF ROAD |
| --- | WATER UTILITY |
| --- | SANITARY SEWER UTILITY |
| --- | STORM DRAIN UTILITY |
| --- | LIGHT |
| --- | WATER VALVE |
| --- | FIRE HYDRANT |
| --- | CLEAN OUT |
| --- | SIGN (TYP.) |
| --- | POWER POLE |

PROPOSED LEGEND

- | | |
|-----|------------------------|
| --- | BUILDING |
| --- | CURB |
| --- | CONTOUR |
| --- | STORM DRAIN |
| --- | WATER UTILITY |
| --- | SANITARY SEWER UTILITY |
| --- | LIMITS OF DISTURBANCE |

Zoning History
Case #2016-0064-SPHXA - Granted
① Petition for Special Exception to permit a community building owned by a nonprofit civic or improvement association and use by its members and guests for recreational, social, educational, or cultural activities.
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PLAN TO ACCOMPANY
SPECIAL EXCEPTION, VARIANCE, & SPECIAL HEARING
SEPTEMBER 2015
FOR
**BIRD RIVER BEACH
COMMUNITY BUILDING**
11303 BEACH ROAD
11TH ELECTION DISTRICT BALTIMORE COUNTY

Drawn: CRM	Date: 09/09/2015	Scale: 1"=40'	Job No: 13060
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SURVEY BY:
CNA
Civil, Survey & Landscape Architects
Planners & Consulting Engineers
210 Green Road
Farmingdale, NY 11735
Phone (516) 696-7300 • Fax (516) 696-1811
E-mail: cna@engineers.com