

MEMORANDUM

DATE: February 14, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0532-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 13, 2020. 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 VARIANCE

(1224 E. Riverside Avenue)

15th Election District

7th Council District

James and Somjai Simon

Legal Owners

Petitioners

*

BEFORE THE OFFICE

*

OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2019-0532-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by James and Somjai Simon, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from § 1B02.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit a replacement dwelling with a side set back of 10 ft. in lieu of the required 15 ft. with a sum of 20 ft. in lieu of the required 25 ft. A site plan was marked as Petitioners’ Exhibit 1.

James and Somjai Simon appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability (“DEPS”).

The site is approximately 17,650 square feet in size and is zoned DR 3.5.

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).

ORDER RECEIVED FOR FILING

Date

1/14/2020

By

Sen

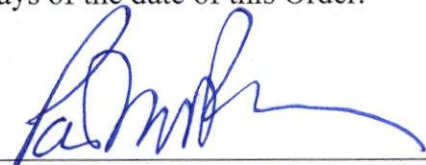
The property is waterfront and is long and rectangular. Like all the other lots on the street, it is only 50 feet wide and was laid out prior to the adoption of the zoning regulations at issue. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the replacement dwelling. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 14th day of **January, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit a replacement dwelling with a side set back of 10 ft. in lieu of the required 15 ft. with a sum of 20 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of Permits, Petitioners must comply with ZAC comment submitted by the DEPS, a copy of which is attached hereto and made a part hereof.

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING

Date 1/14/2020

By sln



PETITION FOR ZONING HEARING(S)

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

To the Office of Administrative Law of Baltimore County for the property located at:
 Address 1224 E Riverside Ave Essex, MD 21221 which is presently zoned DR 3.5
 Deed References: 40230/00486 10 Digit Tax Account # 1508301020
 Property Owner(s) Printed Name(s) James E & Sonjai Simon

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

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

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

3. ☒ a Variance from Section(s) 1 B02.3 To permit a replacement dwelling with a side set back of 10 Ft. in lieu of the required 15 Ft. WITH A SUM OF 20 FEET IN LIEU OF REQUIRED 25 FEET of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

James E Simon, Sonjai Simon
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

18676 Queen Elizabeth Dr. Brooksville, MD
 Mailing Address City State

20833 (301) 906-5759 JSimon0926@gmail.com
 Zip Code Telephone # Email Address

Representative to be contacted: Sonjai @ concast.net

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2019-0532-A Filing Date 12/04/19

Do Not Schedule Dates: By Sen Reviewer GH/AT

DC 3-2

1301 E Riverline Ave Essex, MD 21221

402501 12480 James E + Sonnia Simon

With a line set back of 10 ft in lieu of the required 15 ft.
1301-3 To permit a replacement dwelling

James E Simon 30 N W 1st Avenue
Baltimore, MD
1301-3 (601) 232-1200
simonj.com

11/11/2011
212

ZONING DESCRIPTION

1224 E. RIVERSIDE AVENUE

Beginning for the same at a point on the west side of E. Riverside Avenue (30 feet wide), distant 525 feet southerly from its intersection with the center of Bay Avenue, thence being all of Lot 39 as shown on the plat entitled Back River Neck Park recorded among the Baltimore County plat records in Plat Book 7 Folio 4.

Containing 17,650 square feet or 0.405 acre of land, more or less.

Being known as 1224 E. Riverside Avenue. Located in the 15th Election District, 7th Councilmanic District of Baltimore County, Md.

2019-0532-A

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11825508
 Case #: 2019-0532-A
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0532-A

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:

12/24/2019



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: 2019-0582-A

1224 East Riverside Avenue

West side of East Riverside Avenue south of Bay Avenue

16th Election District, 7th Councilmanic District

Legal Owners: James & Sonjai Simon

Variance to permit a replacement dwelling with a side setback of 10 ft. in lieu of the required 15 ft. with a sum of 20 ft. in lieu of the required 25 ft.

Hearing: Monday, January 13, 2020 at 10:00 a.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.

d24

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
1224 E. Riverside Avenue; W/S of *
E. Riverside Avenue, 525' S of Bay Avenue * OF ADMINISTRATIVE
15th Election 7th Councilmanic Districts *
Legal Owner(s): James & Somjai Simon * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-532-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
DEC 11 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 11th day of December, 2019, a copy of the foregoing Entry of Appearance was mailed to James & Somjai Simon, 18676 Queen Elizabeth Drive, Brookeville, Maryland 20833, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 10, 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: 2019-0532-A

1224 East Riverside Avenue
West side of East Riverside Avenue south of Bay Avenue
15th Election District – 7th Councilmanic District
Legal Owners: James & Somjai Simon

Variance to permit a replacement dwelling with a side setback of 10 ft. in lieu of the required 15 ft. with a sum of 20 ft. in lieu of the required 25 ft.

Hearing: Monday, January 13, 2020 at 10:00 a.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: James & Somjai Simon, 18676 Queen Elizabeth Drive, Brookeville 20833

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 24, 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
Tuesday, December 24, 2019 – Issue

Please forward billing to:
James & Somjai Simon
18676 Queen Elizabeth Drive
Brookeville, MD 20833

301-774-7542

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: 2019-0532-A

1224 East Riverside Avenue

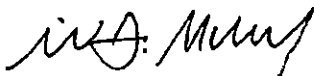
West side of East Riverside Avenue south of Bay Avenue

15th Election District – 7th Councilmanic District

Legal Owners: James & Somjai Simon

Variance to permit a replacement dwelling with a side setback of 10 ft. in lieu of the required 15 ft. with a sum of 20 ft. in lieu of the required 25 ft.

Hearing: Monday, January 13, 2020 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

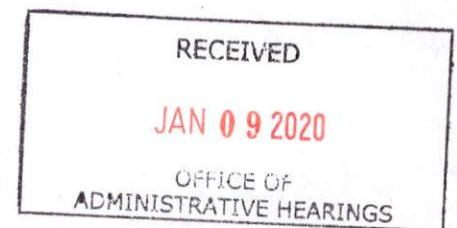
- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

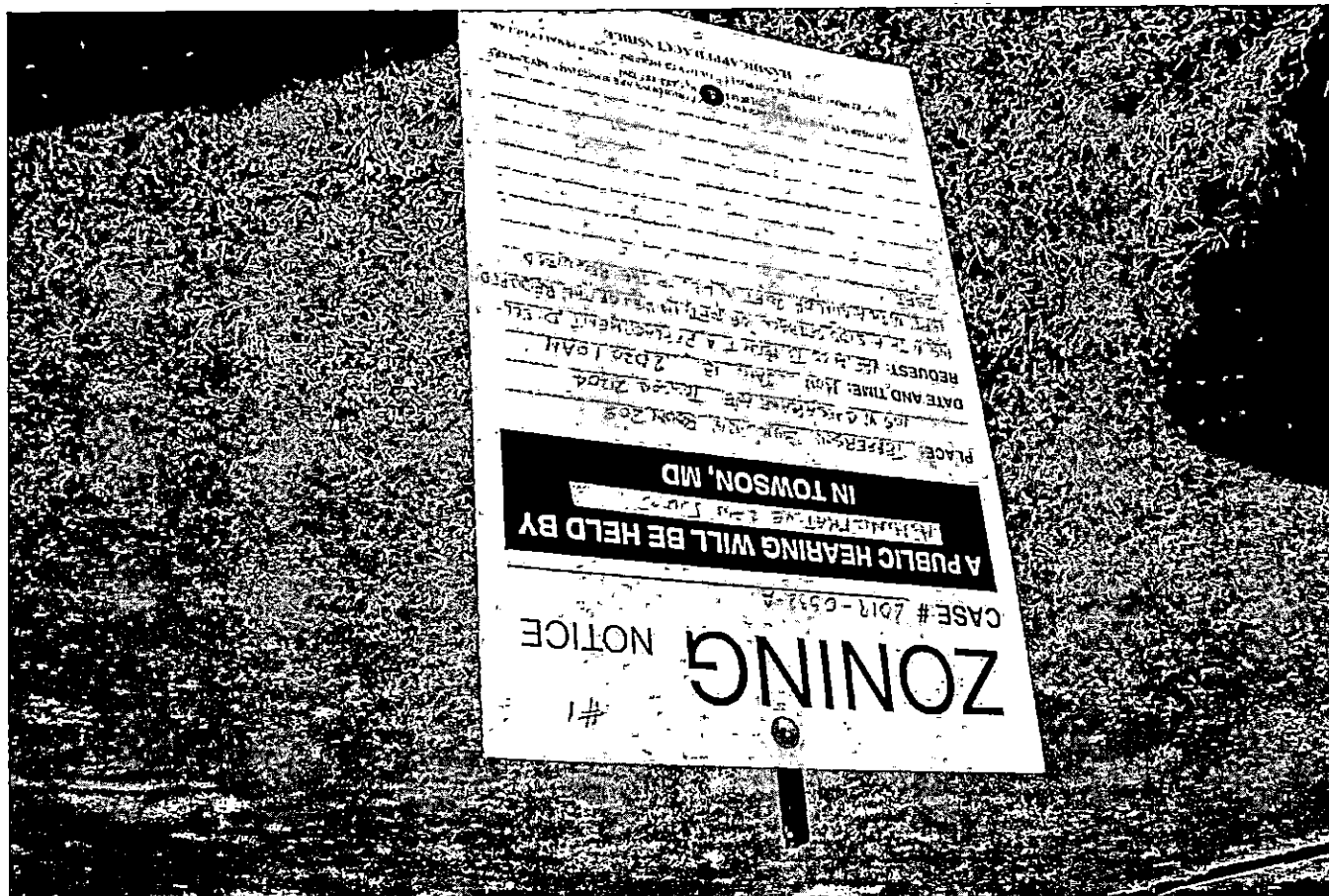
PM 1-13-2020
10 Am

Debra Wiley

From: Larry Pilson <lpilson@hotmail.com>
Sent: Thursday, January 9, 2020 1:26 PM
To: Administrative Hearings; Kristen L Lewis; James Simon
Subject: 2019-0532-A 1224 East Riverside Ave.
Attachments: DSC_0978.JPG; DSC_0979.JPG; 1224 E. Riverside Ave. Recert.pdf

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





#1

ZONING

NOTICE

CASE # 2013-0532-A

A PUBLIC HEARING WILL BE HELD BY

THE BOARD OF ZONING

IN TOWSON, MD

PLACE: TOWSON, MD
DATE AND TIME: MON, MAY 20, 2013
REQUEST: RE: A ZONING VARIATION
FOR THE PROPOSED CONSTRUCTION OF A
NEW 10,000 SQ. FT. BUILDING

BY THE BOARD OF ZONING
ON MAY 20, 2013
AT 7:00 PM
IN THE BOARD ROOM
OF THE TOWSON TOWNSHIP
BUILDING

ZONING NOTICE

CASE # 2019-0532-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING - ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON. JAN. 13, 2020, 10AM

REQUEST: VARIANCE TO PERMIT A REPLACEMENT DWELLING
WITH A SIDE SETBACK OF 10 FT. IN LIEU OF THE REQUIRED
15 FT. WITH A SUM OF 10 FT. IN LIEU OF THE REQUIRED
25 FT.

FOR INFORMATION ONLY TO WEATHER OR CITY
DO NOT REMOVE THIS SIGN AND
TO CONFIRM THE

CERTIFICATE OF POSTING

Date: 1-9-~~20~~20

RE: Case Number: 2019-0532-A RECERT

Petitioner/Developer: Simon

Date of Hearing/Closing: 1-13-20 10 AM

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 1224 E. Riverside Ave

The signs(s) were posted on RECERT 1-9-~~20~~20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: 12-20-19

RE: Case Number: 2019-0572-A

Petitioner/Developer: Simon

Date of Hearing/Closing: 1-17-20 10 AM

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 1224 E. Riverside Ave

The signs(s) were posted on 12-20-19
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2019-0532-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: JEFFERSON BUILDING ROOM 205

105 W. CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: MON. JAN. 13 2020 10AM

REQUEST: VARIANCE TO PERMIT A REPLACEMENT DWELL-
ING WITH A SIDE SETBACK OF 10FT IN LIEU OF THE REQUIRED
15FT WITH A MIN. OF 20FT IN LIEU OF THE REQUIRED
25FT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOME TIMES NECESSARY.
TO CONFIRM HEARING DATE AND TIME, PLEASE CALL 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING

#2
NOTICE

CASE # 2019-0532-A

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: JEFFERSON BUILDING ROOM 205
105 W. CHESAPEAKE AVE. TOWSON 21204

DATE AND TIME: MON JAN. 13 2020 10AM

REQUEST: VARIANCE TO PERMIT A REPLACEMENT DWELLING
WITH A SIDE SETBACK OF 10 FT. IN LIEU OF THE REQUIRED
15 FT. WITH A SUM OF 20 FT. IN LIEU OF THE REQUIRED
25 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING DATE, CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

**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: 2019-0532-A
Property Address: 1224 E. RIVERSIDE AVE
Property Description: _____

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

* PLEASE FORWARD ADVERTISING BILL TO:

Name: James / Somjai Simon
Company/Firm (if applicable): _____
Address: 18676 Queen Elizabeth Dr.
Brookeville, MD 20833

Telephone Number: (301) 774-7542

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

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

January 8, 2020

James E Simon
18676 Queen Elizabeth Dr.
Brookeville MD 20833

RE: Case Number: 2019-0532-A, 1224 E Riverside Ave

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 December 04, 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

1-13-19

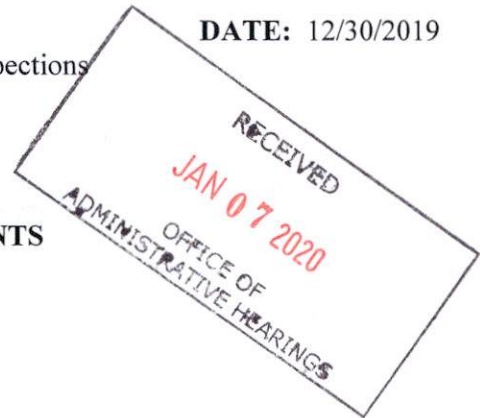
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 12/30/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-532



INFORMATION:

Property Address: 1224 E Riverside Ave
Petitioner: James E Simon and Samjai Simon
Zoning: DR 3.5
Requested Action: Variance

The applicant is requesting a Variance from §1B02.3 of the Baltimore County Zoning Regulations (BCZR) to permit a replacement dwelling with a side setback of 10 ft. in lieu of the required 15 ft., with a sum of 20 ft. in lieu of the required 25 ft. The variance requested is not atypical for the area.

The site is located on the eastern side of Bear Creek in Essex. The property is zoned DR 3.5 and is in a residential area characterized by narrow rectangular lots that stretch from Riverside Avenue to the waterfront of Bear Creek.

A site visit was conducted on December 18, 2019. The western portion of the property lies within the Modified Buffer Area of the Chesapeake Bay Critical Area. Only a small sliver of the property abutting Bear Creek is within the FEMA Flood Plain.

The Department of Planning has no objection to the Variance request.

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

Division Chief:

Jennifer G. Nugent

CPG/JGN/LTM/

c: Joseph Fraker
James E Simon and Samjai Simon
Office of the Administrative Hearings
People's Counsel for Baltimore County

11/13

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0532-A
Address 1224 E. Riverside Avenue
(Simon Property)

Zoning Advisory Committee Meeting of December 16, 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 proposed development must meet LDA and MBA requirements for lot coverage. With the property area above mean high water less than half an acre (about 16,500 square feet), the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. Lot coverage information was not provided on the plan. If the existing amount is over 31.25%, lot coverage would need to be removed for compliance. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Back River with the required Critical Area buffer covering about one-third of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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;

If the proposed development can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0532-A
Address 1224 E. Riverside Avenue
(Simon Property)

Zoning Advisory Committee Meeting of **December 16, 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 proposed development must meet LDA and MBA requirements for lot coverage. With the property area above mean high water less than half an acre (about 16,500 square feet), the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. Lot coverage information was not provided on the plan. If the existing amount is over 31.25%, lot coverage would need to be removed for compliance. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Back River with the required Critical Area buffer covering about one-third of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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;

If the proposed development can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 12/11/19

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

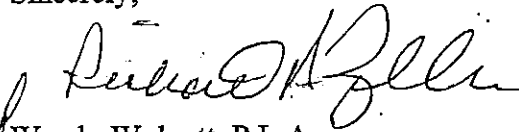
Dear Ms. Lewis:

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. 2019-0532-A

*Variance
James E. Somjai Simon
1224 E. Riverside Avenue*

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@mdot.maryland.gov).

Sincerely,



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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/30/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-532

INFORMATION:

Property Address: 1224 E Riverside Ave
Petitioner: James E Simon and Samjai Simon
Zoning: DR 3.5
Requested Action: Variance

The applicant is requesting a Variance from §1B02.3 of the Baltimore County Zoning Regulations (BCZR) to permit a replacement dwelling with a side setback of 10 ft. in lieu of the required 15 ft., with a sum of 20 ft. in lieu of the required 25 ft. The variance requested is not atypical for the area.

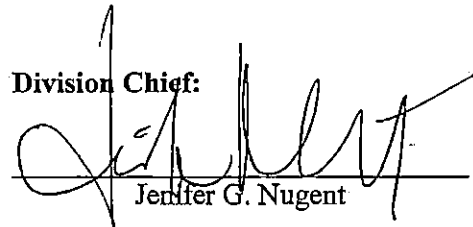
The site is located on the eastern side of Bear Creek in Essex. The property is zoned DR 3.5 and is in a residential area characterized by narrow rectangular lots that stretch from Riverside Avenue to the waterfront of Bear Creek.

A site visit was conducted on December 18, 2019. The western portion of the property lies within the Modified Buffer Area of the Chesapeake Bay Critical Area. Only a small sliver of the property abutting Bear Creek is within the FEMA Flood Plain.

The Department of Planning has no objection to the Variance request.

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

Division Chief:



Jennifer G. Nugent

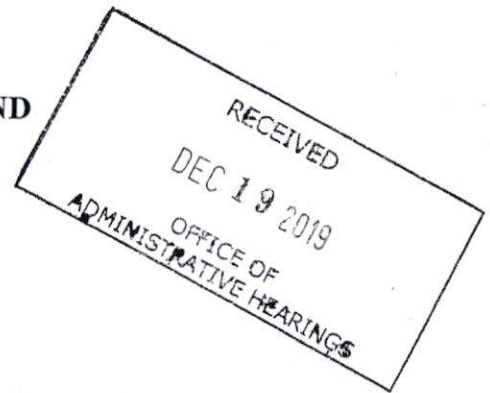
CPG/JGN/LTM/

c: Joseph Fraker
James E Simon and Samjai Simon
Office of the Administrative Hearings
People's Counsel for Baltimore County

11/13

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 19, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0532-A
Address 1224 E. Riverside Avenue
(Simon Property)

Zoning Advisory Committee Meeting of **December 16, 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 proposed development must meet LDA and MBA requirements for lot coverage. With the property area above mean high water less than half an acre (about 16,500 square feet), the maximum Critical Area defined lot coverage allowance for this property is 31.25% with mitigation for any new amount over 25%. Lot coverage information was not provided on the plan. If the existing amount is over 31.25%, lot coverage would need to be removed for compliance. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage and buffer impacts, the relief requested can result in minimal adverse impacts to water quality. Critical Area Lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17).

ORDER RECEIVED FOR FILING

Date 11/14/2020

By Sen

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property located on Back River with the required Critical Area buffer covering about one-third of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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;

If the proposed development can meet all modified buffer area, lot coverage, tree, and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

ORDER RECEIVED FOR FILING

Date 1/14/2020

By Sen

CASE NAME _____
CASE NUMBER _____
DATE _____

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

[illegible]

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

DEVELOPMENT PLANS REVIEW

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

DEPS

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

FIRE DEPARTMENT

PLANNING

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING.

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

12/24/19 Daily Record

SIGN POSTING (1st)

Date:

12/20/19 by Pulson

SIGN POSTING (2nd)

Date:

1/9/20 by Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

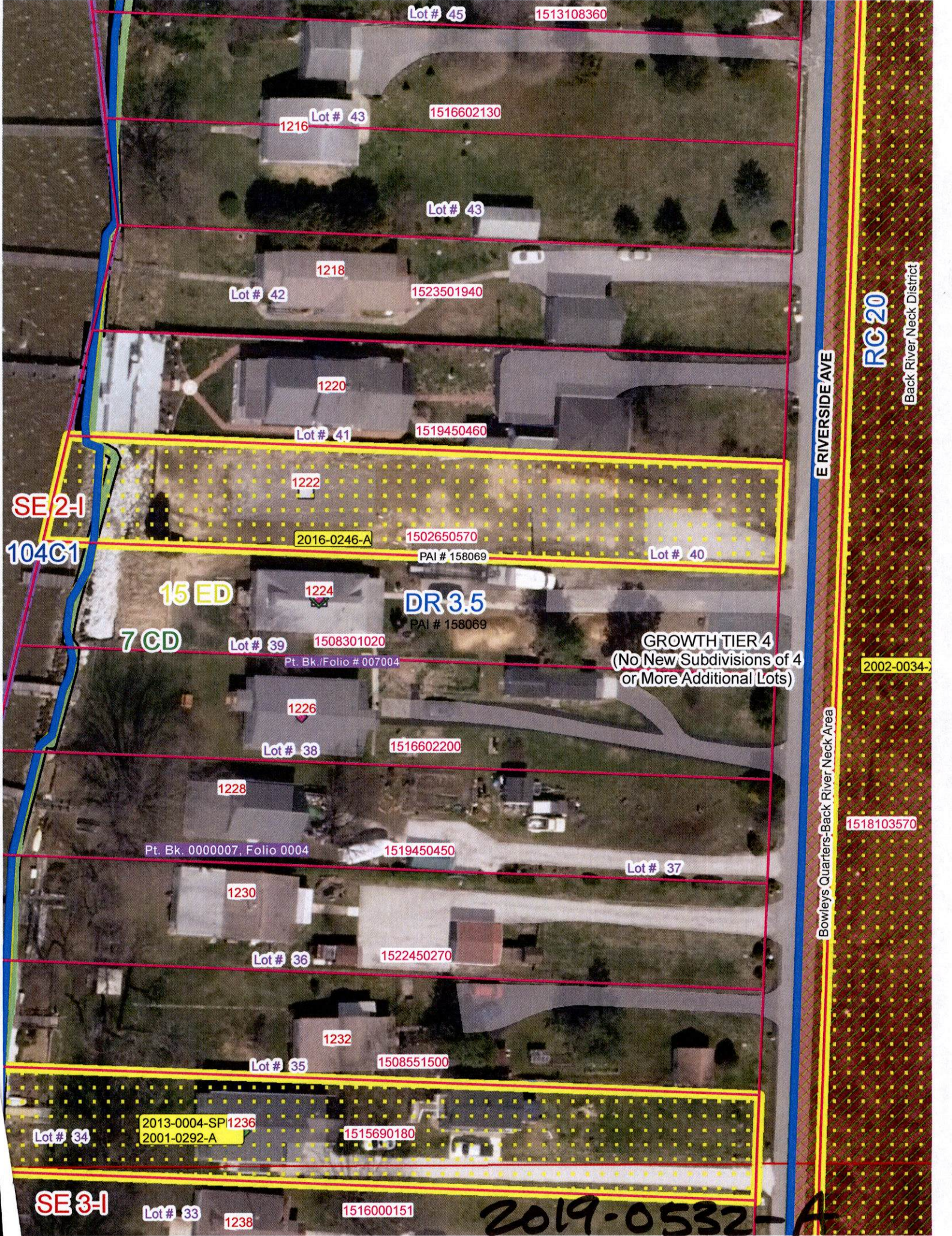
View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 15 Account Number - 1508301020			
Owner Information					
Owner Name:		SIMON JAMES SIMON SOMJAI		Use: Principal Residence: RESIDENTIAL NO	
Mailing Address:		18676 QUEEN ELIZABETH DR BROOKEVILLE MD 20833-		Deed Reference: /40230/ 00486	
Location & Structure Information					
Premises Address:		1224 E RIVERSIDE AVE ESSEX 21221- Waterfront		Legal Description: BACK RIVER NECK PARK	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0007/0004
0104	0006	0226	15090084.04	0000	39 2018
Special Tax Areas: None				Town: None Ad Valorem: None Tax Class: None	
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
				Property Land Area 17,650 SF	
County Use		34			
Stories	Basement	Type	Exterior /	Quality	Full/Half Bath
					Garage
Last Notice of Major Improvements					
Value Information					
		Base Value		Value	
				As of 01/01/2018	
				Phase-in Assessments	
				As of 07/01/2019	
				As of 07/01/2020	
Land:		203,400		203,400	
Improvements		2,200		2,200	
Total:		205,600		205,600	
Preferential Land:		0		205,600	
				0	
Transfer Information					
Seller: BARTELS MARK		Date: 05/08/2018		Price: \$220,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /40230/ 00486		Deed2:	
Seller: MORTGAGE EQUITY CONVERSION		Date: 12/02/2015		Price: \$175,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36938/ 00479		Deed2:	
Seller: MARMION WILLIAM R		Date: 04/15/2015		Price: \$151,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36059/ 00331		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2019 07/01/2020	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00 0.00 0.00 0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Account Identifier:		District - 15 Account Number - 1508301020			
Owner Information					
Owner Name:	SIMON JAMES SIMON SOMJAI		Use:	RESIDENTIAL	
			Principal Residence:	NO	
Mailing Address:	18676 QUEEN ELIZABETH DR BROOKEVILLE MD 20833-		Deed Reference:	/40230/ 00486	
Location & Structure Information					
Premises Address:	1224 E RIVERSIDE AVE ESSEX 21221- Waterfront		Legal Description:	BACK RIVER NECK PARK	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0104	0006	0226	15090084.04	0000	
					Block:
					39
					Lot:
					2018
					Assessment Year:
					Plat No:
					Plat Ref:
					0007/0004
Special Tax Areas: None			Town:	None	
			Ad Valorem:	None	
			Tax Class:	None	
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			17,650 SF	34	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
					Garage
					Last Notice of Major Improvements
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2018	07/01/2019	07/01/2020	
Land:	203,400	203,400			
Improvements	2,200	2,200			
Total:	205,600	205,600	205,600	205,600	
Preferential Land:	0			0	
Transfer Information					
Seller: BARTELS MARK		Date: 05/08/2018		Price: \$220,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /40230/ 00486		Deed2:	
Seller: MORTGAGE EQUITY CONVERSION		Date: 12/02/2015		Price: \$175,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36938/ 00479		Deed2:	
Seller: MARMION WILLIAM R		Date: 04/15/2015		Price: \$151,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36059/ 00331		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019		07/01/2020	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Homestead Application Information					
Homestead Application Status: No Application					

2019-0532-A



Lot # 45 1513108360

1216 Lot # 43 1516602130

Lot # 42 1218 1523501940

1220 Lot # 41 1519450460

SE 2-I
104C1

1222 2016-0246-A 1502650570
PAI # 158069 Lot # 40

15 ED 1224 DR 3.5
PAI # 158069
7 CD Lot # 39 1508301020
Pt. Bk./Folio # 007004

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

2002-0034-

1226 Lot # 38 1516602200
1228 1519450450
Pt. Bk. 0000007, Folio 0004 Lot # 37

1518103570

1230 Lot # 36 1522450270

1232 Lot # 35 1508551500

Lot # 34 2013-0004-SP 1236
2001-0292-A 1515690180

SE 3-I Lot # 33 1238 1516000151

E RIVERSIDE AVE

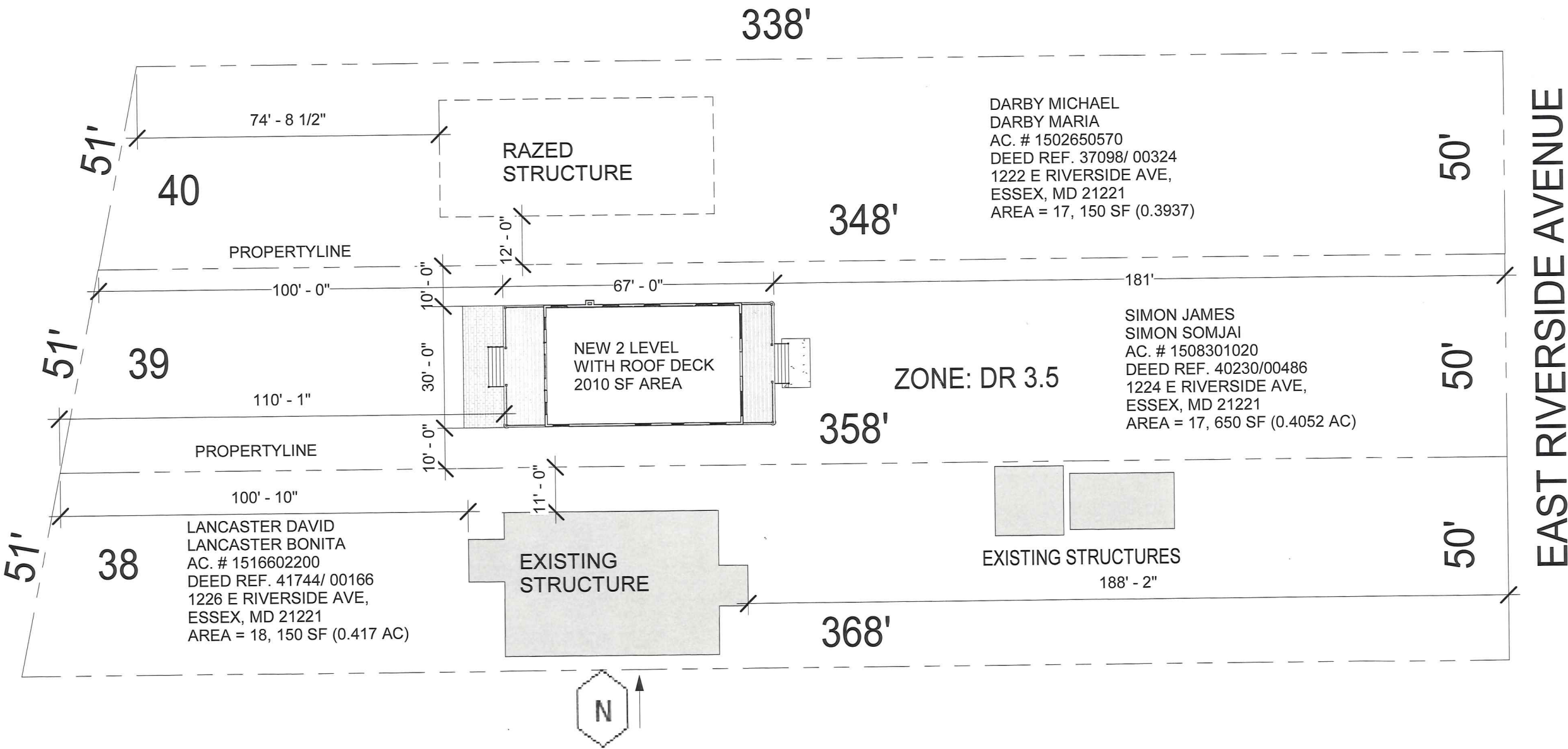
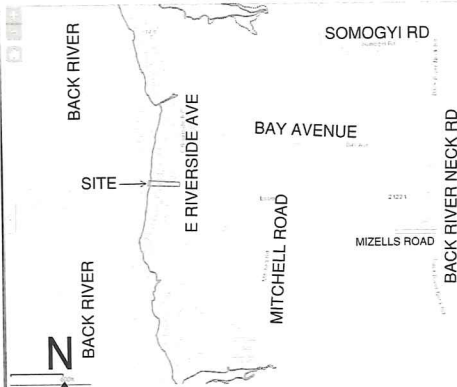
RC20

Back River Neck District

Bowleys Quarters-Back River Neck Area

2019-0532-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 1224 E RIVERSIDE AVE ESSEX 21221 OWNER(S) NAME(S) JAMES SIMON & MRS. SOMJAI SIMON
SUBDIVISION NAME BACK RIVER NECK PARK LOT # 39 BLOCK # SECTION #
PLAT BOOK # 0007 FOLIO # 004 10 DIGIT TAX # 1508301020 DEED REF. # 40230 / 00486



MAP IS NOT TO SCALE
ZONING MAP# 0104
SITE ZONED DR 3.5
ELECTION DISTRICT 15
COUNCIL DISTRICT 7
LOT AREA ACREAGE 0.405
OR SQUARE FEET 17,650
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? YES
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING?
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

1 SITE PLAN - PROPOSED
A01 1" = 30'-0"

PLAN DRAWN BY EDGAR DAVID DATE 11-25-2019 SCALE: 1 INCH = 30' FEET
PROFESSIONAL ENGINEER: QUINTON E. WORRELL
REG. NO. : 8541 EXPIRATION DATE : 05-18-2020

PETITIONER'S
EXHIBIT NO. 1

VIOLATION CASE INFO:
2019-0532-A

Project Address:

1224 E RIVERSIDE AVE,
ESSEX, MARYLAND 21221

2 LEVEL SINGLE FAMILY HOME

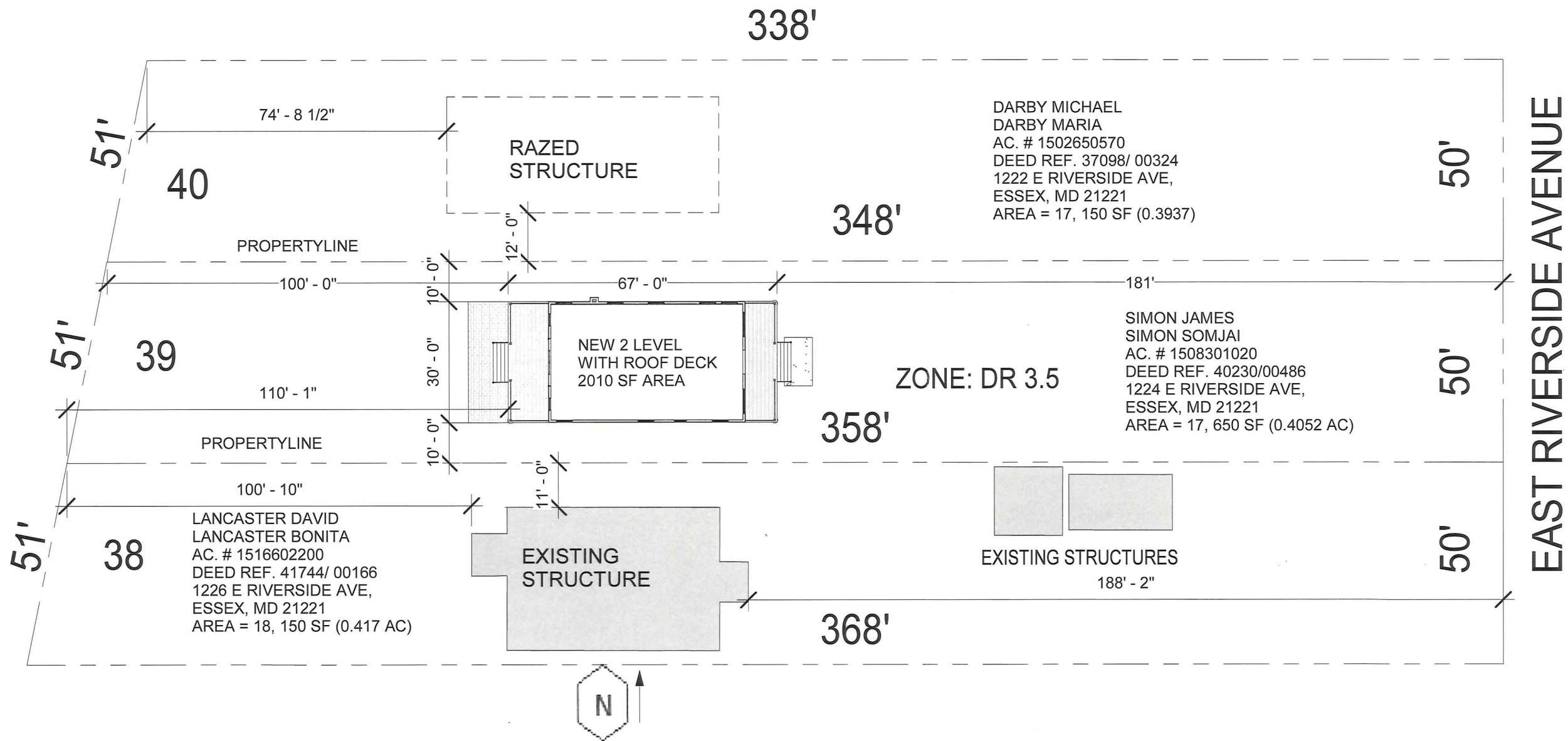
OWNER: JAMES & SOMJAI SIMON

No.	Description	Date

SITE PLAN - VARIANCE

Project number	019-012	A01
Date	NOV-25, 2019	
Drawn by	EQD	
Checked by	QWE	
		Scale As indicated

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 1224 E RIVERSIDE AVE ESSEX 21221 OWNER(S) NAME(S) JAMES SIMON & MRS. SOMJAI SIMON
SUBDIVISION NAME BACK RIVER NECK PARK LOT # 39 BLOCK # _____ SECTION # _____
PLAT BOOK # 0007 FOLIO # 004 10 DIGIT TAX # 1508301020 DEED REF. # 40230 / 00486



MAP IS NOT TO SCALE
ZONING MAP# 0104
SITE ZONED DR 3.5
ELECTION DISTRICT 15
COUNCIL DISTRICT 7
LOT AREA ACREAGE 0.405
OR SQUARE FEET 17, 650
HISTORIC ? NO
IN CBCA ? YES
IN FLOOD PLAIN ? YES
UTILITIES ? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING ? _____
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

1 SITE PLAN - PROPOSED
A01 1" = 30'-0"

PLAN DRAWN BY EDGAR DAVID DATE 11-25-2019 SCALE: 1 INCH = 30' FEET
PROFESSIONAL ENGINEER: QUINTON E. WORRELL
REG. NO. : 8541 EXPIRATION DATE : 05-18-2020

VIOLATION CASE INFO:

2019-0532-A

Project Address:

1224 E RIVERSIDE AVE,
ESSEX, MARYLAND 21221

2 LEVEL SINGLE FAMILY HOME

OWNER: JAMES & SOMJAI SIMON

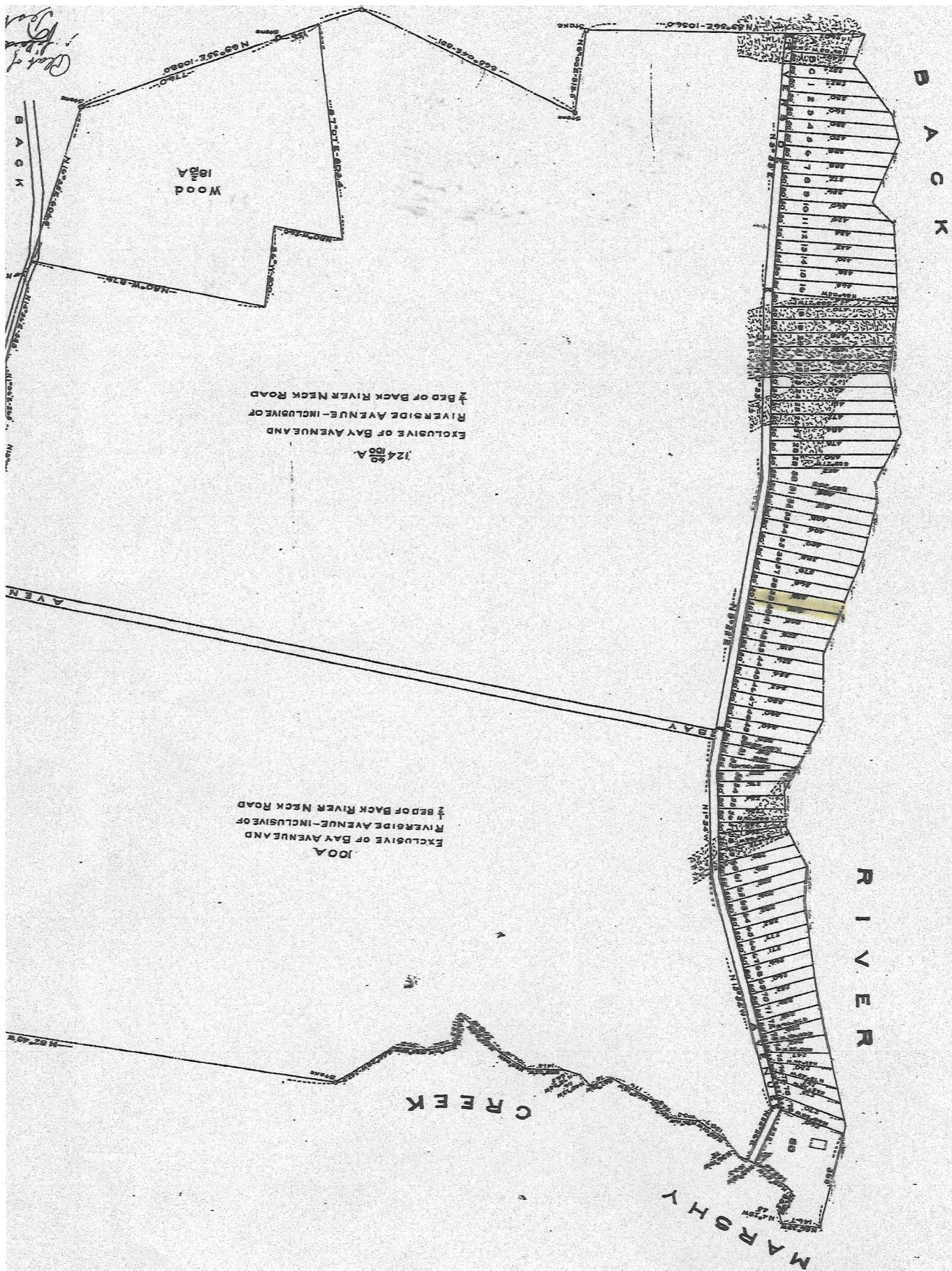
No.	Description	Date

SITE PLAN - VARIANCE

Project number 019-012
Date NOV-25, 2019
Drawn by EQD
Checked by QWE

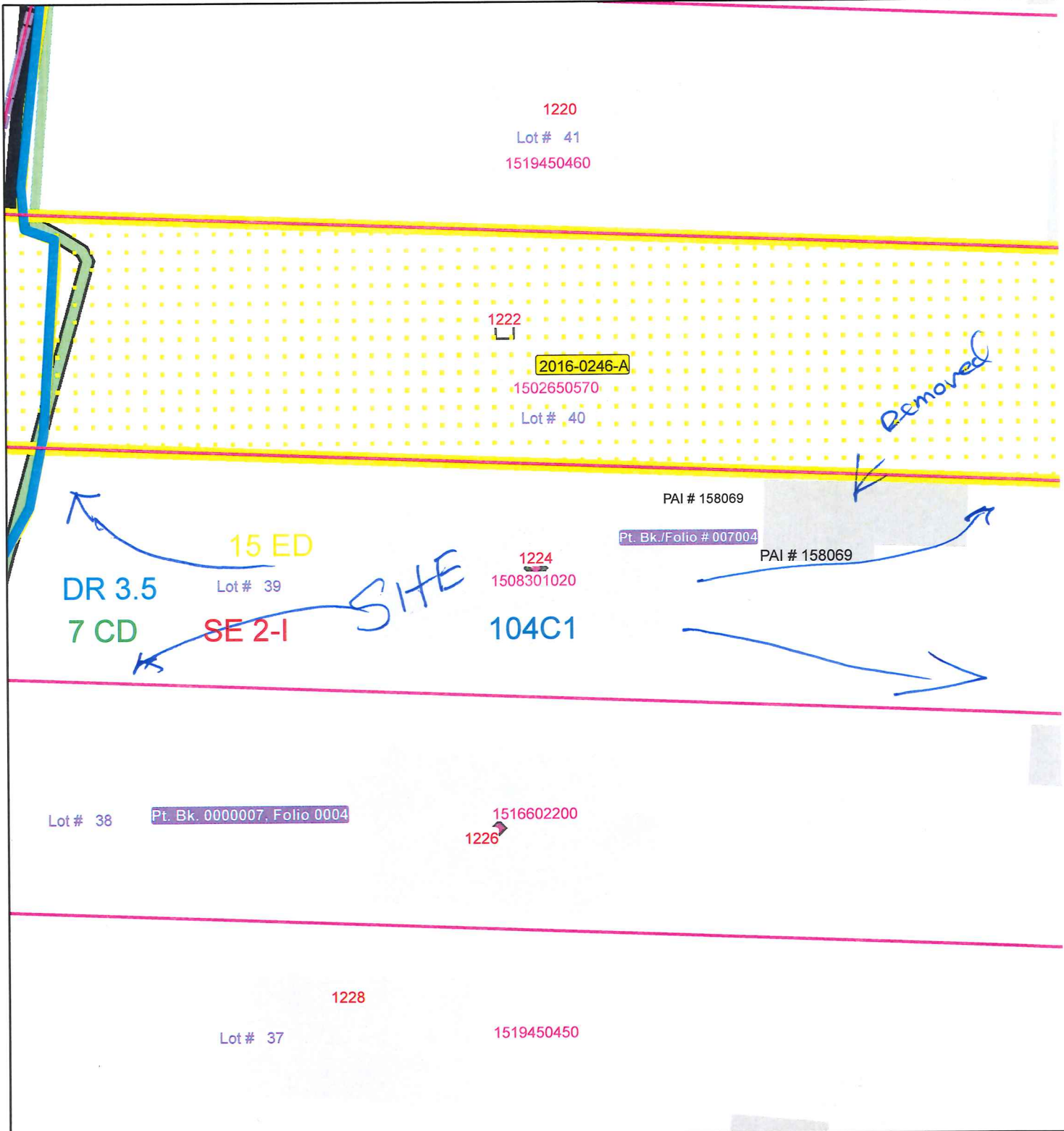
A01

Scale As indicated



2019-0532-A

Enter Property Address Here



Publication Date: 12/4/2019



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 30 feet

2019-0532-A