MEMORANDUM

DATE: December 17, 2020

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2020-0133-SPH – Appeal Period Expired

The appeal period for the above-referenced cases expired on November 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 SPECIAL HEARING**	*	BEFORE THE
(4005 Briar Point Road)		
15th Election District	*	OFFICE OF
6th Council District		
Catherine Ann Orzolek/Noreen Honeycutt	*	ADMINISTRATIVE HEARINGS
Legal Owners		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2020-0133-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Catherine Ann Orzolek and Noreen Honeycutt. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") § 1A01.3.B.1 to confirm that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two (2) separate lots of record.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

The property is located within the Chesapeake Bay Critical Area ("CBCA") and is subject to Critical Area requirements as noted in the ZAC comment dated June 17, 2020 submitted by the Department of Environmental Protection and Sustainability ("DEPS"). A ZAC comment was also received from the Department of Planning ("DOP") which did not oppose the requested relief.

The property owners/petitioners, Catherine Ann Orzolek and Noreen Honeycutt appeared. J. Scott Dallas, the surveyor who prepared the site plan, assisted with the presentation of the case. An adjoining property owner, Mark Roush, also testified but does not oppose the requested relief, subject to a condition that will be incorporated into the Order.

The subject property is approximately 3.68 acres and is zoned RC 5. Mr. Dallas testified that it is presently deeded as one parcel. It is bifurcated by Briar Point Road. The portion of the property on the south side of the road is 1.218 acres and on it is a residence that was built in 1959, prior to the present RC 5 zoning designation. The portion on the north side of the road is 1.936 acres. The north portion has frontage on a tributary of Seneca Creek and the south portion fronts on the Chesapeake Bay. The parcel lies entirely within the Chesapeake Bay Critical Area and within a 100 year tidal floodplain.

Ms. Honeycutt testified that the petitioners inherited the property from their father/father in law, Joseph Orzolek. The residence is currently occupied by Ms. Orzolek's son. She explained that there are no current plans to develop the north portion but that she and her sister-in-law, Catherine Orzolek, wish to create two parcels for estate planning purposes. She understands that any building plans would need to conform to the CBCA and floodplain regulations.

Mr. Roush testified that he owns the adjoining property to the west of the north portion of the subject property. He has plans to construct a pier and is concerned that if another pier were built off of the north portion of the subject property that it would impact his ability to build a pier from his property. That is the only concern he has and does not otherwise object to the requested relief. Ms. Honeycutt testified that the petitioners have no problem agreeing to this proposed restriction as a condition of the relief being granted.

Pursuant to BCZR § 1A01.3.B.1.b.1, the owner of a single lot of record that was in existence prior to September 2, 2003, can be granted special hearing relief from the minimum acreage requirements of BCZR § 1A01.3.B.1.a. Based on the record evidence I find that the requested relief can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety, or welfare. I note that the combined acreage of the parcel exceeds the

minimum 3 acres for two parcels. Indeed, if the existing public road bisected the property a little further north, then the special relief would not even be required because the newly created parcel to the south of the road would meet the 1.5 acre requirement. Further, any environmental impacts caused by future residential development of the newly created northern parcel will be addressed by the relevant County agencies during the building permit and inspection process.

THEREFORE, IT IS ORDERED this **14th** day of **October, 2020** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from the BCZR § 1A01.3.B.1 to confirm that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two (2) separate lots of record be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 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, Petitioner would be required to return the subject property to its original condition.

- The property is subject to certain environmental regulations as noted in the ZAC comment, dated June 17, 2020, submitted by the Department of Environmental Protection and Sustainability (DEPS). A copy of which is attached hereto and made a part hereof.

- No additional pier shall be permitted on the north parcel.

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

Paul M. Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING
Date 10/14/20
By D Mignon

PMM/dlm

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 4005 Briar Point Road **which is presently zoned** RC 5

Deed References: 11330-173 41154-92 10 Digit Tax Account # 1515640140

Property Owner(s) Printed Name(s) Catherine Ann Orzolek/Noreen Honeycutt

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

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

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

PLEASE SEE ATTACHMENT

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

3. ____ **a Variance** from Section(s)

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

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

Legal Owners (Petitioners):

Catherine Ann Orzolek/ Noreen Honeycutt

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

Signature #1 Signature # 2

7237 Gunpowder Rd Baltimore MD

Mailing Address City State

21220 / 410-530-7040 / Noreenhoneycutt@gmail.co

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

J. Scott Dallas

Name – Type or Print

Signature

P.O. Box 26 Baldwin MD

Mailing Address City State

21013 / 410-817-4600 / jsdinc@aol.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0133-SPH **Filing Date** 6/8/2020 **Do Not Schedule Dates:** _____ **Reviewer** CP

REV. 10/4/11

#4005 BRIAR POINT RD

(Petition attachment)

A **Special Hearing** about BCZR 1A01.3.B.1 of the Zoning regulations to confirm that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record

2020- 0133- SAH

J.S. DALLAS, INC.

Surveying & Engineering
P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF #4005 BRIAR POINT ROAD
(PER EXISTING DEED)

BEGINNING *at a point in the center of Briar Point Road, 20 feet wide, distant 46 feet northeast from the centerline of paving extended of Bay Drive thence running* ***(1)*** *North 18 degrees 18 minutes West 469.50 feet,* ***(2)*** *North 63 degrees 57 minutes East 201.6 feet and* ***(3)*** *South 18 degrees 18 minutes East 456.90 feet to the northwest side of a 20 foot road thence continuing on said line* ***(4)*** *13.25 feet thence* ***(5)*** *South 53 degrees 49 minutes East 8.55 feet to the southeast side of said road 20 feet wide thence* ***(5)*** *South 53 degrees 49 minutes East 540.00 feet,* ***(6)*** *South 41 degrees 12 minutes West 102.05 feet and* ***(7)*** *North 53 degrees 49 minutes West 595.50 feet to the center of said 20 foot road thence* ***(8)*** *South 63 degrees 35 minutes West 87.28 feet to the place of beginning.*

CONTAINING 152,661 square feet (or 3.505 acres) of land, more or less.

ALSO *known as* ***# 4005 BRIAR POINT ROAD*** *and located in the 15th Election District, 6th Councilmanic District.*

Note: above description is based on existing deed and is for zoning purposes only.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 468
REGISTERED
PROPERTY LINE SURVEYOR

2020-0133-SPH

J.S. DALLAS, INC.
Surveying & Engineering
P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF #4005 BRIAR POINT ROAD
("NORTH LOT")

BEGINNING *at a point on the north side of Briar Point Road, 20 feet wide, distant 46 feet northeast from the centerline of paving extended of Bay Drive thence running* ***(1)*** *North 18 degrees 18 minutes West 428.20 feet to the waters of the Goose Harbor Inlet, thence running thereon, in an easterly direction* ***(2)*** *12.41 feet,* ***(3)*** *12.40 feet,* ***(4)*** *22.58 feet and* ***(5)*** *160.13 feet thence leaving said Inlet and running* ***(5)*** *South 18 degrees 18 minutes East 411.10 feet to the north side of said Briar Point Road, 20 feet wide thence binding thereon* ***(6)*** *South 63 degrees 35 minutes West 203.60 feet to the place of beginning.*

CONTAINING 84,349 square feet (or 1.936 acres) of land, more or less.

ALSO *known as* ***# 4005 BRIAR POINT ROAD*** *and located in the 15th Election District, 6th Councilmanic District.*

Note: above description is based on existing deed and is for zoning purposes only.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 468
REGISTERED
PROPERTY LINE SURVEYOR

2020-0133-SPH

J.S. DALLAS, INC.
Surveying & Engineering
P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF #4005 BRIAR POINT ROAD
("SOUTH LOT")

BEGINNING *at a point on the south side of Briar Point Road, 20 feet wide, distant 133.28 feet northeast from the centerline of paving extended of Bay Drive thence running with said Road* ***(1)*** *North 63 degrees 35 minutes East 114.50 feet thence* ***(2)*** *South 53 degrees 49 minutes East 490.33 feet to the waters of the Chesapeake Bay thence with said Bay* ***(3)*** *102.20 feet thence* ***(4)*** *North 53 degrees 49 minutes West 553.57 feet to the place of beginning.*

CONTAINING 53,061 square feet (or 1.218 acres) of land, more or less.

ALSO *known as* ***# 4005 BRIAR POINT ROAD*** *and located in the 15th Election District, 6th Councilmanic District.*

Note: above description is based on existing deed and is for zoning purposes only.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 468
REGISTERED
PROPERTY LINE SURVEYOR

2020-0133-SPH

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 14, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0133-SPH
4005 Briar Point Road
North and south side of Briar Point Road, 46 ft. northeast of Bay Drive
6th Election District – 6th Councilmanic District
Legal Owners: Catherine Ann Orzolek, Noreen Honeycutt

Special Hearing to confirm that this RC-5 property of a singly ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record.

Hearing: Tuesday, October 13, 2020 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Catherine Orzolek, Noreen Honeycutt, 7237 Gunpowder Road, Baltimore 21220
J. Scott Dallas, P.O. Box 26, Baldwin 21013

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., SEPTEMBER 23, 2020**

10/13
11 Am

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 14, 2020

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Michael Mallinoff
Director

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C: Catherine Orzolek, Noreen Honeycutt, 7237 Gunpowder Road, Baltimore 21220
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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 4005 Briar Point Road which is presently zoned RC 5

Deed References: 11330-173 41154-92 10 Digit Tax Account # 1515640140

Property Owner(s) Printed Name(s) Catherine Ann Orzolek/Noreen Honeycutt

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

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PLEASE SEE ATTACHMENT

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

3. ____ a **Variance** from Section(s)

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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

Legal Owners (Petitioners):

Catherine Ann Orzolek/ Noreen Honeycutt

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

Signature #1 Signature # 2

7237 Gunpowder Rd Baltimore MD

Mailing Address City State

21220 410-530-7040 Noreenhoneycutt@gmail.co

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

J. Scott Dallas

Name – Type or Print

Signature

P.O. Box 26 Baldwin MD

Mailing Address City State

21013 410-817-4600 jsdinc@aol.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0133-SPH Filing Date 6/8/2020 Do Not Schedule Dates: _____ Reviewer CP

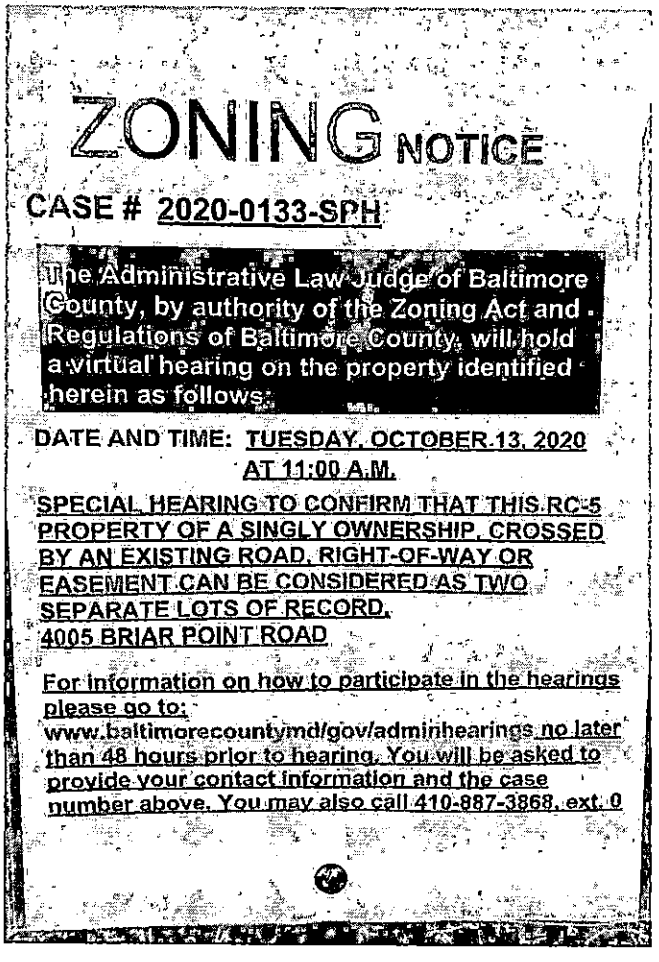
REV. 10/4/11

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS
DATE: 9/23/2020
Case Number: 2020-0133-SPH
Petitioner / Developer: J. SCOTT DALLAS ~ CATHERINE ORZOLEK ~ NOREEN HONEYCUTT
Date of Hearing: OCTOBER 13, 2020

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:
4005 BRIAR POINT ROAD

The sign(s) were posted on: SEPTEMBER 23, 2020



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

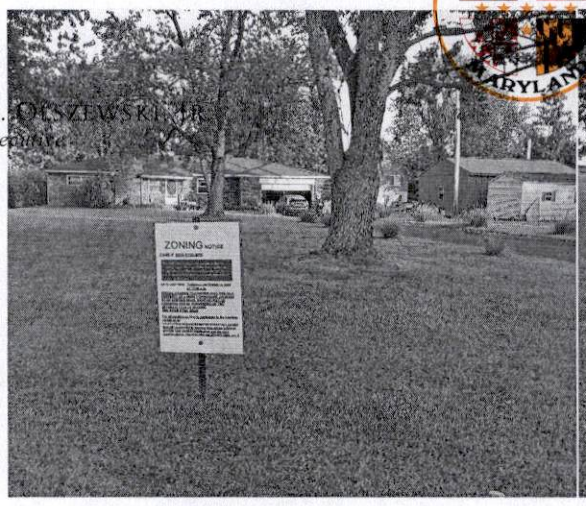
523 Penny Lane
(Street Address of Sign Poster)

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

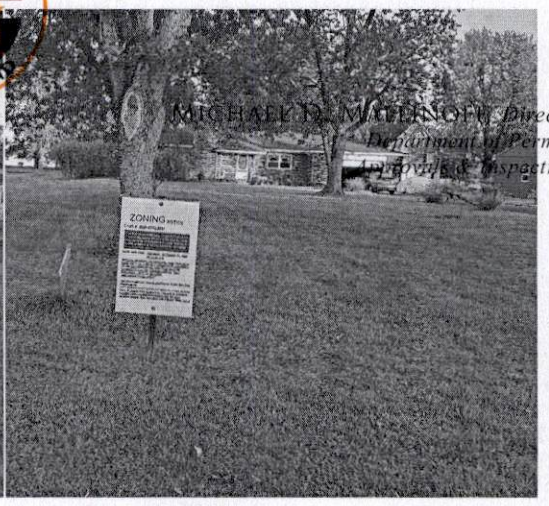
410-666-5366
(Telephone Number of Sign Poster)

JOHN A. COLSZEWSKI, JR.
County Executive

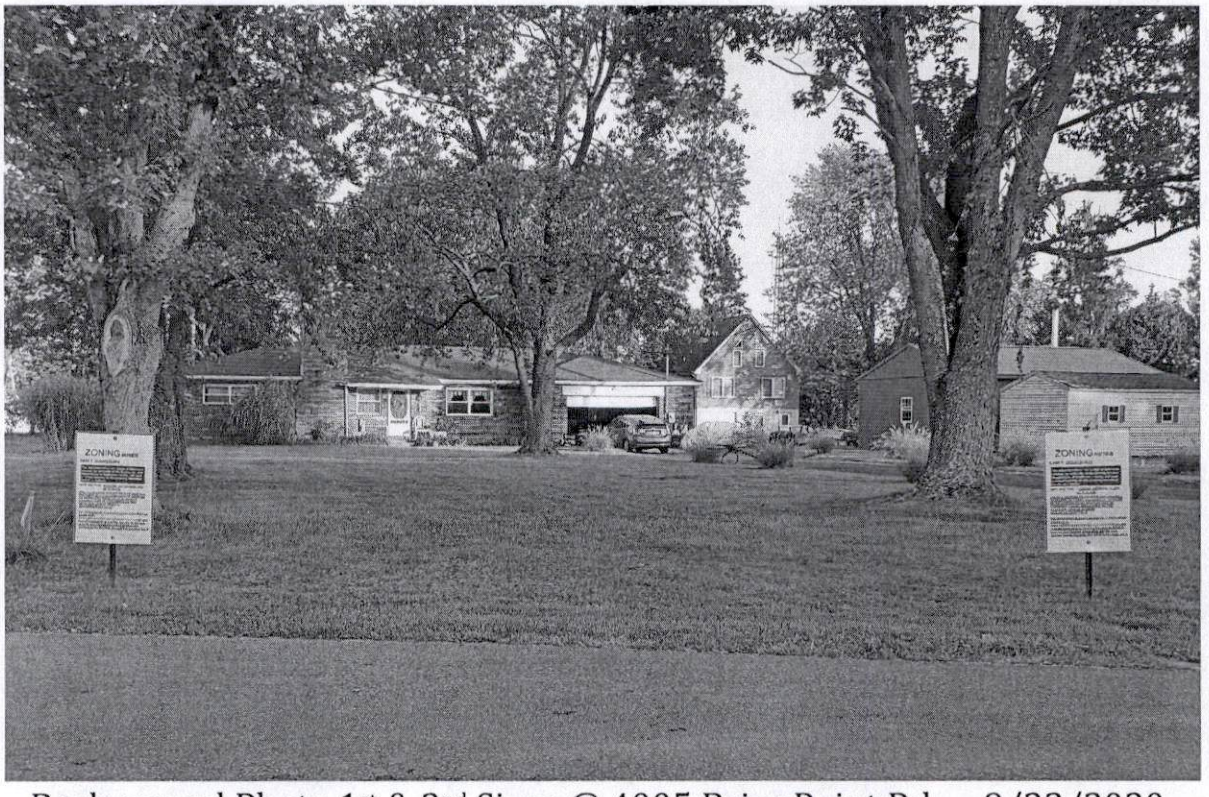
MICHAEL D. MALLINOFF, *Director*
Department of Permits, Development Inspections



1st Sign



2nd Sign



Background Photo 1st & 2nd Signs @ 4005 Briar Point Rd. ~ 9/23/2020

CASE # 2020-0133-SPH

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11918623
Case #:
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0133-SPHA

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:

9/23/2020

Darlene Miller

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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0133-SPHA
4005 Briar Point Road
North and south side of Briar Point Road, 46 ft. northeast of Bay Drive
6th Election District - 6th Councilmanic District
Legal Owners: Catherine Ann Orzolek, Noreen Honeycutt

Special Hearing to confirm that this RC-5 property of a singly ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record.

Hearing: Tuesday, October 13, 2020 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

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

s23

JOHN A. OLSZEWSKI, JR.
County Executive

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

September 14, 2020

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0133-SPH
4005 Briar Point Road
North and south side of Briar Point Road, 46 ft. northeast of Bay Drive
6th Election District – 6th Councilmanic District
Legal Owners: Catherine Ann Orzolek, Noreen Honeycutt

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For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Michael Mallinoff
Director

MM:kl

C: Catherine Orzolek, Noreen Honeycutt, 7237 Gunpowder Road, Baltimore 21220
J. Scott Dallas, P.O. Box 26, Baldwin 21013

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., SEPTEMBER 23, 2020**

TO: THE DAILY RECORD
Wednesday, September 23, 2020 - Issue

Please forward billing to:
Noreen Honeycutt
7237 Gunpowder Road
Baltimore, MD 21220

410-530-7040

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: 2020-0133-SPHA
4005 Briar Point Road
North and south side of Briar Point Road, 46 ft. northeast of Bay Drive
6th Election District – 6th Councilmanic District
Legal Owners: Catherine Ann Orzolek, Noreen Honeycutt

Special Hearing to confirm that this RC-5 property of a singly ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record.

Hearing: Tuesday, October 13, 2020 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

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

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2020-0133-SPH

Property Address. #4005 Briar Pt. Rd.

Property Description: Both sides Briar Pt. Rd.
46' NE of Bay Drive

Legal Owners (Petitioners): Catherine Ann Orzolek / Noreen Honeycutt

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Noreen Honeycutt

Company/Firm (if applicable): _____

Address: 7237 Gunpowder Rd.
Baltimore MD. 21220

Telephone Number: 410-530-7040

Revised 7/9/2015

JOHN A. OLSZEWSKI, JR.
County Executive

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

October 5, 2020

J Scott Dallas,
P.O Box 26
Baldwin MD 21013

RE: Case Number: 2020-0133-SPH, 4005 Briar Point 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 08, 2020. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

JOHN A. OLSZEWSKI, JR.
County Executive

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

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

DATE: 7/9/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-133

INFORMATION:
Property Address: 4005 Briar Point Road
Petitioner: Catherine Ann Orzolek, Noreen Honeycutt
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing regarding § 1A01.3.B.1 of the Baltimore County Zoning Regulations (BCZR) to determine that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record.

A site visit was conducted on 7/6/2020. The property stretches the full width of a small peninsula at the end of Bowleys Quarters. It stretches from a tributary of Seneca Creek at the northern end to the Chesapeake Bay at the southern end. The southern portion of the lot (south of Briar Point Rd) is improved with an existing home and is 100 feet in width and 1.218 acres. The northern end of the lot is improved with a gravel driveway and a dock but is otherwise vacant. It is 200 feet in width and 1.936 acres. Both sections of the property are located in the Limited Development Area and Modified Buffer Area of the CBCA. Both sections of the lot are also fully within the 100-year floodplain.

If the two sections of this property were considered separate lots of record, the lot to the south of Briar Point Road would be less than the minimum required of 1.5 acres for the RC 5 zoning district while the lot to the north would meet the 1.5 acre requirement. § 1A04.3.B.1.a of the BCZR states that a lot having an area of less than one and one-half acres may not be created in an R.C.5 Zone. Other properties along Briar Point Road have similar or less acreage than the 1.218 acres of the southern portion of the lot in question. Therefore, allowing this parcel to be treated as two separate lots of record would not be out of the ordinary.

The Department of Planning has no objection to the request for special hearing provided the proposed parcels follow Chesapeake Bay Critical Area laws and Baltimore County floodplain regulations.

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

JOHN A. ... JR.
County Executive

Prepared by:

Krystle Patchak

Division Chief: MALLINOFF, *Director*
Department of Permits, Approvals & Inspections

Jennifer G. Nugent

CPG/JGN/kma/

c: Joseph Fraker
J. Scott Dallas
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: June 17, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0133-SPH
Address 4005 Briar Point Road
(Orzolek & Honeycutt Property)

Zoning Advisory Committee Meeting of **June 22, 2020**.

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;

   These properties are located within a Limited Development Area (LDA) and Modified Buffer Area (MBA) and are subject to Critical Area requirements. Any proposed development must meet LDA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in the State of Maryland Natural Resources Article §8-1802(a)(17). The maximum Critical Area defined lot coverage allowance for this site when considered as one or two properties is 15% of the land area above mean high water. If the applicant can meet these requirements, and meet all mitigation requirements, any proposed development on the property can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

   This property borders tidal waters to the north and to the south. All Critical area buffer, lot coverage, and forest/woodland requirements must be met for any proposed development. Meeting these requirements can 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;

   If any proposed development can be designed to meet all Critical Area buffer, lot coverage, forest/woodland, and any mitigation requirements, it can be consistent with established land-use policies.

Reviewer: Paul Dennis

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Secretary

Tim Smith, P.E.
Acting Administrator

June 15, 2020

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. **2020-0133-SPH**

Special Hearing
Catherine Ann Orzolek / Noreen Honeycutt
4005 Briar Point Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 7/9/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-133

INFORMATION:
Property Address: 4005 Briar Point Road
Petitioner: Catherine Ann Orzolek, Noreen Honeycutt
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing regarding § 1A01.3.B.1 of the Baltimore County Zoning Regulations (BCZR) to determine that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record.

A site visit was conducted on 7/6/2020. The property stretches the full width of a small peninsula at the end of Bowleys Quarters. It stretches from a tributary of Seneca Creek at the northern end to the Chesapeake Bay at the southern end. The southern portion of the lot (south of Briar Point Rd) is improved with an existing home and is 100 feet in width and 1.218 acres. The northern end of the lot is improved with a gravel driveway and a dock but is otherwise vacant. It is 200 feet in width and 1.936 acres. Both sections of the property are located in the Limited Development Area and Modified Buffer Area of the CBCA. Both sections of the lot are also fully within the 100-year floodplain.

If the two sections of this property were considered separate lots of record, the lot to the south of Briar Point Road would be less than the minimum required of 1.5 acres for the RC 5 zoning district while the lot to the north would meet the 1.5 acre requirement. § 1A04.3.B.1.a of the BCZR states that a lot having an area of less than one and one-half acres may not be created in an R.C.5 Zone. Other properties along Briar Point Road have similar or less acreage than the 1.218 acres of the southern portion of the lot in question. Therefore, allowing this parcel to be treated as two separate lots of record would not be out of the ordinary.

The Department of Planning has no objection to the request for special hearing provided the proposed parcels follow Chesapeake Bay Critical Area laws and Baltimore County floodplain regulations.

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

Prepared by:

Krystle Patchak

Division Chief:

Jennifer G. Nugent

CPG/JGN/kma/

c: Joseph Fraker
J. Scott Dallas
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 18 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

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: June 17, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0133-SPH
Address 4005 Briar Point Road
(Orzolek & Honeycutt Property)

Zoning Advisory Committee Meeting of **June 22, 2020**.

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;

   These properties are located within a Limited Development Area (LDA) and Modified Buffer Area (MBA) and are subject to Critical Area requirements. Any proposed development must meet LDA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in the State of Maryland Natural Resources Article §8-1802(a)(17). The maximum Critical Area defined lot coverage allowance for this site when considered as one or two properties is 15% of the land area above mean high water. If the applicant can meet these requirements, and meet all mitigation requirements, any proposed development on the property can result in minimal adverse impacts to water quality.

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   This property borders tidal waters to the north and to the south. All Critical area buffer, lot coverage, and forest/woodland requirements must be met for any proposed development. Meeting these requirements can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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If any proposed development can be designed to meet all Critical Area buffer, lot coverage, forest/woodland, and any mitigation requirements, it can be consistent with established land-use policies.

Reviewer: Paul Dennis

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 7/9/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-133

INFORMATION:
Property Address: 4005 Briar Point Road
Petitioner: Catherine Ann Orzolek, Noreen Honeycutt
Zoning: RC 5
Requested Action: Special Hearing

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

Prepared by:

Krystle Patchak

Division Chief:

Jennifer G. Nugent

CPG/JGN/kma/

c: Joseph Fraker
J. Scott Dallas
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: June 17, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0133-SPH
Address , 4005 Briar Point Road
(Orzolek & Honeycutt Property)

Zoning Advisory Committee Meeting of **June 22, 2020**.

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   If any proposed development can be designed to meet all Critical Area buffer, lot coverage, forest/woodland, and any mitigation requirements, it can be consistent with established land-use policies.

Reviewer: Paul Dennis

ORDER RECEIVED FOR FILING
Date 10/14/20
By D Mignon

Donna Mignon

From: Donna Mignon
Sent: Monday, October 5, 2020 10:36 AM
To: 'noreenhoneycutt@gmail.com'; 'jsdinc@aol.com'
Subject: Web Ex Hearing: October 13, 2020 at 11:00 a.m. - Case No: 2020-0133-SPH

Good Morning,
A webex hearing is scheduled for October 13, 2020 at 11:00 a.m. in regard to your Petition for Zoning.
You should have received an invitation in an email around September 15, 2020.

All hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in Word or PDF format at least two business days in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov.

Zoning petitioners, developers and all registered hearing participants who wish to submit exhibits must separately number each exhibit and submit with their exhibits an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

From:	Debra Wiley
Sent:	Tuesday, September 15, 2020 8:59 AM
To:	Kristen L Lewis
Cc:	Donna Mignon
Subject:	Link - 2020-0133-SPH

Event Information

Event:	Zoning Hearing - 4005 Briar Point Road - Case No. 2020-0133-SPH
Type:	Listed Event
Event address for attendees:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ecf6db6
Event address for panelists:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e3c34c
Date and time:	Tuesday, October 13, 2020 11:00 am Eastern Daylight Time (New York, GMT-04:00)
Duration:	1 hour
Description:	Zoning Hearing 4005 Briar Point Road Case No. 2020-0133-SPH Catherine Ann Orzolek, Noreen Honeycutt
Event number:	172 991 0366
Event password:	1234
Host key:	920426
Alternate Host:	Donna Mignon,Henry Ayakwah
Panelist Info:	
Panelist password:	
Panelist numeric password:	552618
Video Address:	1729910366@baltimorecountymd.webex.com You can also dial 173.243.2.68 and enter your meeting number.
Audio conference:	US Toll +1-415-655-0001 Show all global call-in numbers Access code: 172 991 0366

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Catherine Orzolek & Noreen Honeycutt	noreenhoneycutt@gmail.com	1-	New York Time	English	U.S.
J. Scott Dallas	jsdinc@aol.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

OK

Donna Mignon

From: Kristen L Lewis
Sent: Tuesday, September 15, 2020 11:36 AM
To: Debra Wiley; Donna Mignon
Subject: FW: WEBEX INVITEES Re: 2020-0133-SPH 4005 BRIAR PT RD Re: Message from "RNP5838792833FE"

Hello ladies,

This is the names and emails of the participants for 2020-0133-SPH per the request of Scott Dallas. Thank you,

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: SCOTT DALLAS [mailto:jsdinc@aol.com]
Sent: Tuesday, September 15, 2020 10:01 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; jsdinc@aol.com
Cc: assistant.jsd@gmail.com; NoreenHoneycutt@gmail.com; corzolek@mcdaniel.edu
Subject: WEBEX INVITEES Re: 2020-0133-SPH 4005 BRIAR PT RD Re: Message from "RNP5838792833FE"

2020-0133-SPH 4005 BRIAR PT RD
ADDITIONAL NAMES AND EMAIL
FOR WEBEX INVITATION

Noreen J. Honeycutt
noreenhoneycutt@gmail.com

Catherine Orzolek
corzolek@mcdaniel.edu

(also- ALREADY INCLUDED:
J Scott Dallas
jsdinc@aol.com)

thanks

-scott-

J Scott Dallas

Reg No 468
J S Dallas, Inc
410-817-4600
In a message dated 9/15/2020 8:41:50 AM Eastern Standard Time, cpr111@baltimorecountymd.gov writes:

This E-mail was sent from "RNP5838792833FE" (MP 4055).

Scan Date: 09.15.2020 08:42:54 (-0400)
Queries to: cpr111@baltimorecountymd.gov

[http://www.baltimorecountymd.gov/sebin/g/i/signature-covid-mask.gif]<https://www.baltimorecountymd.gov/news/coronavirus.html>

<http://www.baltimorecountymd.gov>

Connect with Baltimore County

[http://www.baltimorecountymd.gov/sebin/x/g/social-icon-facebook.png]<https://www.facebook.com/baltcogov> [http://www.baltimorecountymd.gov/sebin/p/o/social-icon-twitter.png] <https://twitter.com/BaltCoGov> [http://www.baltimorecountymd.gov/sebin/z/n/social-icon-news.png] <http://www.baltimorecountymd.gov/News/BaltimoreCountyNow> [http://www.baltimorecountymd.gov/sebin/b/d/social-icon-youtube.png] <https://www.youtube.com/user/BaltimoreCounty> [http://www.baltimorecountymd.gov/sebin/l/y/social-icon-flickr.png] <https://www.flickr.com/photos/baltimorecounty> [http://www.baltimorecountymd.gov/sebin/t/q/social-icon-linkedin.png] <https://www.linkedin.com/company/baltimore-county-government>

www.baltimorecountymd.gov<http://www.baltimorecountymd.gov>

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Select Contacts... Import Contacts...

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Catherine Orzolek & Noreen Honeycutt	noreenhoneycutt@gmail.com	1-	English	New York Time	U.S.
☐	J. Scott Dallas	jsdinc@aol.com	1-	English	New York Time	U.S.
☐	Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	Catherine Orzolek	corzolek@mcdaniel.edu	1-	English	New York Time	U.S.

Invite Select All Clear All Delete Cancel

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region 1 Number (with area/city code)

Time Zone: New York (Eastern Daylight Time, GMT-04:00)

Language: English

Locale: U.S.

☐ Add new panelist in my address book

☐ Invite as alternate host

Add to Invitation List

ZAC AGENDA

Case Number: 2020-0133-SPH **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Catherine Ann Orzolek/ Noreen Honeycutt
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 6

Property Address: 4005 BRIAR POINT RD
Location: North and South side of Briar Point Road 46 feet North East of Bay Drive.

Existing Zoning: RC 5 **Area:** 3.68 AC
Proposed Zoning:
SPECIAL HEARING:
BCZR 1A01.3.B.1 of the Zoning regulations to confirm that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date:

Miscellaneous Notes:

Case Number: 2020-0134-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Melvin Ansell
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 3

Property Address: 2805 NORTHWIND RD
Location: Northeast side of North Wind Road North West 2,430 feet to the center line of Hardford Road.

Existing Zoning: DR 5.5 **Area:** 3.02 AC
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
400.3 of the BCZR To permit a proposed accessory structure (garage) with a height of 19 feet in lieu of the maximum height of 15 feet.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 07/06/2020

Miscellaneous Notes:

10-13

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Thursday, October 8, 2020 11:46 AM
To: Donna Mignon; Debra Wiley
Subject: Request to Testify

Results of Form Submission

RECEIVED
OCT 08 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

Request to Testify

Label	Value
First Name	Mark
Last Name	Roush
Email	baysidecustom@gmail.com
Phone	4438290376
Address	3918 Briar Point Road
City	Middle River
State	Maryland
ZIP Code	21220
Case Number	2020-0133-SPH
Scheduled Hearing Date	October 13th 2020 11am

✓ 10/8

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Beth Huesman	bethhuesman@yahoo.com	1-	New York Time	English	U.S.
Catherine Orzolek	corzolek@mcdaniel.edu	1-	New York Time	English	U.S.
Catherine Orzolek & Noreen Honeycutt	noreenhoneycutt@gmail.com	1-	New York Time	English	U.S.
J. Scott Dallas	jsdinc@aol.com	1-	New York Time	English	U.S.
✓ Mark Roush 10/8	baysidecustom@gmail.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

OK

Debra Wiley

From: messenger@webex.com
Sent: Thursday, October 8, 2020 3:39 PM
To: Debra Wiley
Subject: Email delivery status for Web seminar: Zoning Hearing - 4005 Briar Point Road - Case No. 2020-0133-SPH

cisco Webex

Webex sent the email message "Panelist Invitation" for your event.

Number of email addresses the message was sent to successfully: 1

Number of email addresses the message could not be sent to: 0

Need help? Go to http://help.webex.com

Donna Mignon

From: Donna Mignon
Sent: Thursday, October 8, 2020 1:31 PM
To: 'jsdinc@aol.com'
Subject: Web Ex Hearing: October 13, 2020 at 11:00 a.m. - Case No: 2020-0133-SPH

Importance: High

Good Afternoon Mr. Dallas,
Per our conversation, please see the below email.
If you have any questions or concerns, please feel free to contact our office.

We do advise that you log on at least 10-15 minutes before the hearing to make sure everything is working.

Thank you.

From: Donna Mignon
Sent: Monday, October 5, 2020 10:36 AM
To: 'noreenhoneycutt@gmail.com' <noreenhoneycutt@gmail.com>; 'jsdinc@aol.com' <jsdinc@aol.com>
Subject: Web Ex Hearing: October 13, 2020 at 11:00 a.m. - Case No: 2020-0133-SPH

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Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

2020-433-SPH
10-13-20
11 Am

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
✓ Beth Huesman added 10-7-20	bethhuesman@yahoo.com	1-	New York Time	English	U.S.
Catherine Orzolek	corzolek@mcdaniel.edu	1-	New York Time	English	U.S.
Catherine Orzolek & Noreen Honeycutt	noreenhoneycutt@gmail.com	1-	New York Time	English	U.S.
J. Scott Dallas	jsdinc@aol.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.

OK

Debra Wiley

From: messenger@webex.com
Sent: Wednesday, October 7, 2020 2:10 PM
To: Debra Wiley
Subject: Email delivery status for Web seminar: Zoning Hearing - 4005 Briar Point Road - Case No. 2020-0133-SPH

cisco Webex

Webex sent the email message "Panelist Invitation" for your event.

Number of email addresses the message was sent to successfully: 1

Number of email addresses the message could not be sent to: 0

Need help? Go to http://help.webex.com

Donna Mignon

From: Administrative Hearings
Sent: Tuesday, October 6, 2020 12:02 PM
To: Dave Hash
Subject: RE: 2020-0133-SPH
Attachments: Zoning petition with attachment - 2020-0133-SPH.pdf

Good Afternoon,
Per your request, please find the attached. Thank you.

From: Dave Hash <dhash@jhmi.edu>
Sent: Monday, September 28, 2020 12:10 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: RE: 2020-0133-SPH

Thanks so much...I'll wait for you to get the info...Dave

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, September 28, 2020 12:05 PM
To: Dave Hash <dhash@jhmi.edu>
Subject: RE: 2020-0133-SPH

Dear Mr. Hash,
Unfortunately, we do not have a copy of that. I would contact zoning and ask them to email you a copy.
We should get the file sometime next week if it can wait.

Thanks again.

From: Dave Hash <dhash@jhmi.edu>
Sent: Monday, September 28, 2020 11:59 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: RE: 2020-0133-SPH

Thanks for the copy of the petition. It makes reference to an attachment, which is what I'm looking for. Is that sendable?? Thanks again...Dave

---

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, September 28, 2020 11:31 AM
To: Dave Hash <dhash@jhmi.edu>
Subject: RE: 2020-0133-SPH

Good Morning Mr. Hash,
Please find attached a copy of the Petition for Zoning Hearing.
We don't have the complete file yet from the Dept of Zoning. We usually get the entire file the week before the hearing.
If you need anything additional you can contact them at 410-887-3391.

Thank you so much.

From: Dave Hash <dhash@jhmi.edu>
Sent: Monday, September 28, 2020 11:17 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: 2020-0133-SPH

Good morning...The subject item is scheduled for a hearing on Oct. 13th. Would it be possible for you to email me a copy of the filing, or give me a link if it is on your website? I am the Zoning chair of the Bowleys Qtrs. Imp. Assoc. and I try to get such info for my board. Thanks...Dave Hash

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

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 4005 Briar Point Road **which is presently zoned** RC 5

Deed References: 11330-173 41154-92 10 Digit Tax Account # 1515640140

Property Owner(s) Printed Name(s) Catherine Ann Orzolek/Noreen Honeycutt

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

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

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

PLEASE SEE ATTACHMENT

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

3. ____ **a Variance** from Section(s)

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

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

Legal Owners (Petitioners):

Catherine Ann Orzolek/ Noreen Honeycutt

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

Signature #1 Signature # 2

7237 Gunpowder Rd Baltimore MD

Mailing Address City State

21220 410-530-7040 Noreenhoneycutt@gmail.co

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

J. Scott Dallas

Name – Type or Print

Signature

P.O. Box 26 Baldwin MD

Mailing Address City State

21013 410-817-4600 jsdinc@aol.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0133-SPH Filing Date 6/8/2020 Do Not Schedule Dates: _____ Reviewer CP

REV. 10/4/11

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 -** 1515640140

Owner Information

Owner Name:	HONEYCUTT NOREEN ORZOLEK CATHERINE ANN	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	7237 GUNPOWDER RD BALTIMORE MD 21220-	**Deed Reference:**	/41154/ 00092

Location & Structure Information

Premises Address:	4005 BRIAR POINT RD BALTIMORE 21220-4019 Waterfront	**Legal Description:**	3.68 AC BS BRIAR PT 250 SW GOOSE HARBOR RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0006	0020	15030020.04	0000				2021	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1959	1,504 SF		3.6800 AC	34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	BRICK/	4	1 full/ 1 half	1Att/1Det	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	364,600	364,600		
Improvements	124,900	124,900		
Total:	489,500	489,500	489,500	
Preferential Land:	0			

Transfer Information

Seller: ORZOLEK JOSEPH S	**Date:** 02/19/2019	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /41154/ 00092	**Deed2:**
Seller: ORZOLEK JOSEPH S	**Date:** 12/04/1995	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11330/ 00173	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Denied

Homeowners' Tax Credit Application Information

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

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Monday, October 12, 2020 11:49 PM
To: Administrative Hearings
Subject: Certifications
Attachments: Briar point Cert..jpeg; Briar Point Photos.docx; Mill Run Circle Cert. .jpeg; 1st Set Sign Mill Run Circle Photos.docx; 2nd & 3rd Set of Signs Mill Run Circle photos.docx; Reisterstown Rd. Cert. .jpeg; 2ND & 3rd Sign Photos Reisterstown Rd. .docx; Reisterstown Rd. Group Photos.docx

Hi Donna,

I am attaching the 2nd Certifications along with photos for your records. of Case # 2020-0133-SPH @ 4005 Briar Point Road. Case # 2020-0144-A @ 10240 (aka 10210) Mill Run Circle, & Case # 2020-0139-SPHXA @ 11723 Reisterstown Road.

I hope you are doing well and it's good to be busy again.
Thank you,

Linda

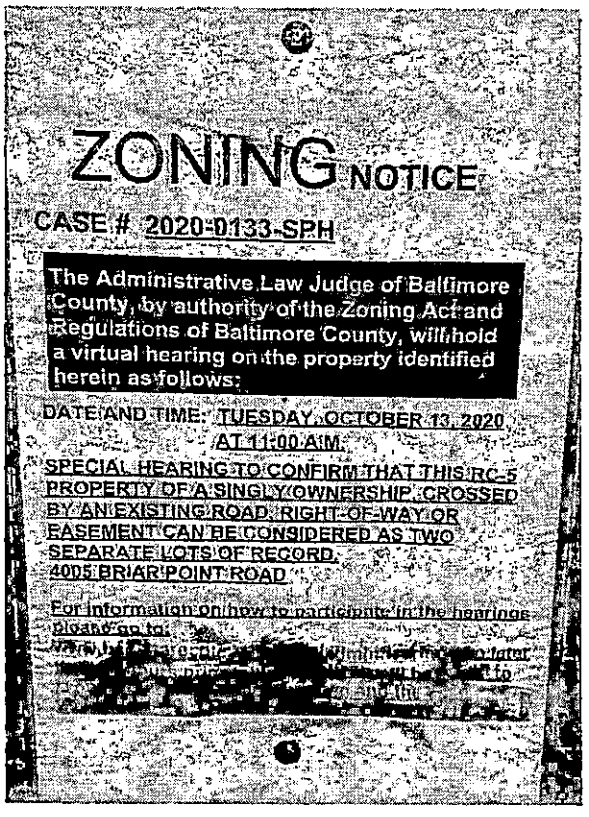
Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com

SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON
DATE: 10/12/2020
Case Number: 2020-0133-SPH
Petitioner / Developer: J. SCOTT DALLAS ~ CATHERINE ORZOLEK ~ NOREEN HONEYCUTT
Date of Hearing: OCTOBER 13, 2020

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:
4005 BRIAR POINT ROAD

The sign(s) were posted on: SEPTEMBER 23, 2020
The sign(s) were re-photographed on: OCTOBER 12, 2020



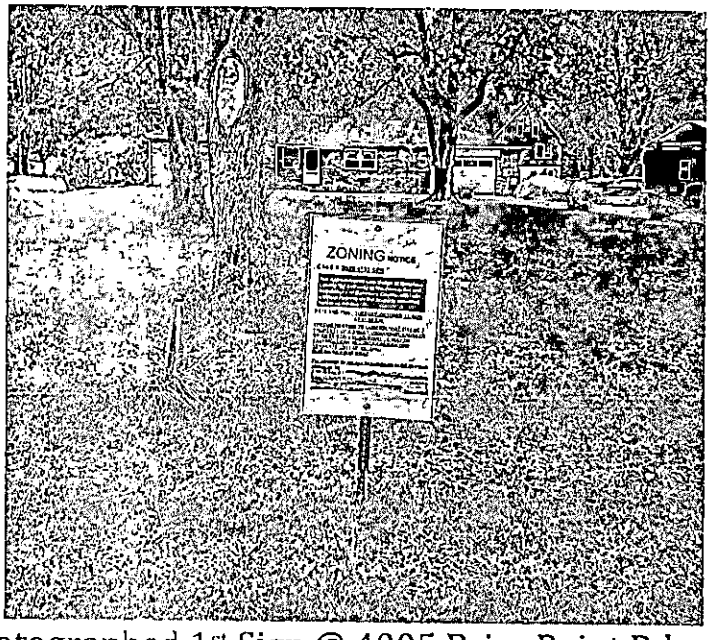
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

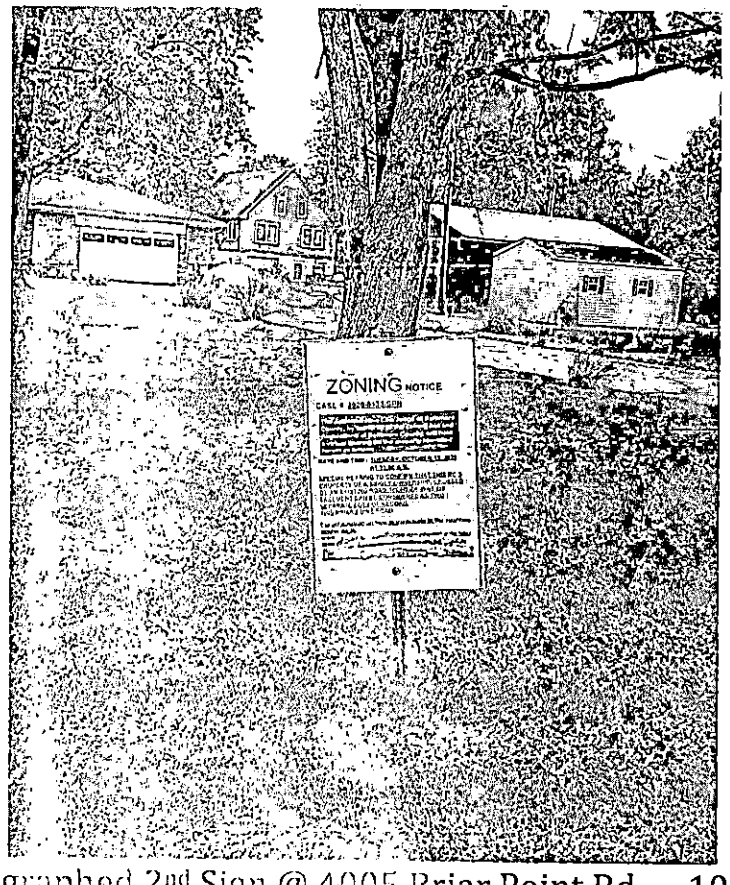
523 Penny Lane
(Street Address of Sign Poster)

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

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



Re-Photographed 1st Sign @ 4005 Briar Point Rd. ~ 10/12/2020



Re-Photographed 2nd Sign @ 4005 Briar Point Rd. ~ 10/12/2020

CASE # 2020-0133-SPH

JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

October 14, 2020

Catherine Ann Orzolek
Noreen Honeycutt
7237 Gunpowder Road
Baltimore, MD 21220

RE: Petition for Special Hearing
Case No. 2020-0133 SPH
Property: 4005 Briar Point Road

Dear Ms. Orzolek and Ms. Honeycutt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure
c: J. Scott Dallas, P.O. Box 26, Baldwin, MD 21013
Mark Roush, 3918 Briar Point Road, Middle River, MD 21220

IN RE: **PETITION FOR SPECIAL HEARING**	*	BEFORE THE
(4005 Briar Point Road)		
15th Election District	*	OFFICE OF
6th Council District		
Catherine Ann Orzolek/Noreen Honeycutt	*	ADMINISTRATIVE HEARINGS
Legal Owners		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	**Case No. 2020-0133-SPH**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Special Hearing filed by Catherine Ann Orzolek and Noreen Honeycutt. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations ("BCZR") § 1A01.3.B.1 to confirm that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two (2) separate lots of record.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

The property is located within the Chesapeake Bay Critical Area ("CBCA") and is subject to Critical Area requirements as noted in the ZAC comment dated June 17, 2020 submitted by the Department of Environmental Protection and Sustainability ("DEPS"). A ZAC comment was also received from the Department of Planning ("DOP") which did not oppose the requested relief.

The property owners/petitioners, Catherine Ann Orzolek and Noreen Honeycutt appeared. J. Scott Dallas, the surveyor who prepared the site plan, assisted with the presentation of the case. An adjoining property owner, Mark Roush, also testified but does not oppose the requested relief, subject to a condition that will be incorporated into the Order.

The subject property is approximately 3.68 acres and is zoned RC 5. Mr. Dallas testified that it is presently deeded as one parcel. It is bifurcated by Briar Point Road. The portion of the property on the south side of the road is 1.218 acres and on it is a residence that was built in 1959, prior to the present RC 5 zoning designation. The portion on the north side of the road is 1.936 acres. The north portion has frontage on a tributary of Seneca Creek and the south portion fronts on the Chesapeake Bay. The parcel lies entirely within the Chesapeake Bay Critical Area and within a 100 year tidal floodplain.

Ms. Honeycutt testified that the petitioners inherited the property from their father/father in law, Joseph Orzolek. The residence is currently occupied by Ms. Orzolek's son. She explained that there are no current plans to develop the north portion but that she and her sister-in-law, Catherine Orzolek, wish to create two parcels for estate planning purposes. She understands that any building plans would need to conform to the CBCA and floodplain regulations.

Mr. Roush testified that he owns the adjoining property to the west of the north portion of the subject property. He has plans to construct a pier and is concerned that if another pier were built off of the north portion of the subject property that it would impact his ability to build a pier from his property. That is the only concern he has and does not otherwise object to the requested relief. Ms. Honeycutt testified that the petitioners have no problem agreeing to this proposed restriction as a condition of the relief being granted.

Pursuant to BCZR § 1A01.3.B.1.b.1, the owner of a single lot of record that was in existence prior to September 2, 2003, can be granted special hearing relief from the minimum acreage requirements of BCZR § 1A01.3.B.1.a. Based on the record evidence I find that the requested relief can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety, or welfare. I note that the combined acreage of the parcel exceeds the

minimum 3 acres for two parcels. Indeed, if the existing public road bisected the property a little further north, then the special relief would not even be required because the newly created parcel to the south of the road would meet the 1.5 acre requirement. Further, any environmental impacts caused by future residential development of the newly created northern parcel will be addressed by the relevant County agencies during the building permit and inspection process.

THEREFORE, IT IS ORDERED this **14th** day of **October, 2020** by this Administrative Law Judge, that the Petition for Special Hearing seeking relief from the BCZR § 1A01.3.B.1 to confirm that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two (2) separate lots of record be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 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, Petitioner would be required to return the subject property to its original condition.

- The property is subject to certain environmental regulations as noted in the ZAC comment, dated June 17, 2020, submitted by the Department of Environmental Protection and Sustainability (DEPS). A copy of which is attached hereto and made a part hereof.

- No additional pier shall be permitted on the north parcel.

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

Paul M. Mayhew

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 18 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

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: June 17, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0133-SPH
Address 4005 Briar Point Road
(Orzolek & Honeycutt Property)

Zoning Advisory Committee Meeting of **June 22, 2020.**

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;

   These properties are located within a Limited Development Area (LDA) and Modified Buffer Area (MBA) and are subject to Critical Area requirements. Any proposed development must meet LDA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in the State of Maryland Natural Resources Article §8-1802(a)(17). The maximum Critical Area defined lot coverage allowance for this site when considered as one or two properties is 15% of the land area above mean high water. If the applicant can meet these requirements, and meet all mitigation requirements, any proposed development on the property can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

   This property borders tidal waters to the north and to the south. All Critical area buffer, lot coverage, and forest/woodland requirements must be met for any proposed development. Meeting these requirements can 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;

If any proposed development can be designed to meet all Critical Area buffer, lot coverage, forest/woodland, and any mitigation requirements, it can be consistent with established land-use policies.

Reviewer: Paul Dennis

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

Account Identifier: **District** - 15 **Account Number** - 1515640140

Owner Information

Owner Name:	HONEYCUTT NOREEN ORZOLEK CATHERINE ANN	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	7237 GUNPOWDER RD BALTIMORE MD 21220-	**Deed Reference:**	/41154/ 00092

Location & Structure Information

Premises Address:	4005 BRIAR POINT RD BALTIMORE 21220-4019 Waterfront	**Legal Description:**	3.68 AC BS BRIAR PT 250 SW GOOSE HARBOR RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0006	0020	15030020.04	0000				2018	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1959	1,504 SF		3.6800 AC	34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	BRICK/	4	1 full/ 1 half	1Att/1Det	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2019	Phase-in Assessments As of 07/01/2020
Land:	364,600	364,600		
Improvements	110,700	124,900		
Total:	475,300	489,500	484,767	489,500
Preferential Land:	0			0

Transfer Information

Seller: ORZOLEK JOSEPH S	**Date:** 02/19/2019	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /41154/ 00092	**Deed2:**
Seller: ORZOLEK JOSEPH S	**Date:** 12/04/1995	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11330/ 00173	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**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: Denied

Homeowners' Tax Credit Application Information

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

JD20-0133-SPH


1965-0042-XA
1511771400
1513401860
4026
1700002078
4024
1519610830
4018
4022
1600002105
2017-0284-SPHA
1516001980
4016
4010
1519072730
4021
2009-0075-A
1508007410
1515640140
NE 2-L
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
1515640141
2006-0004-SPH
2001-0179-A
Martin State Airport Restriction
4013
2003-0387-A
098C1
1509050040
4009
1516003010
6 CD
15 ED
RC 5
2005-0194-SPH
1509050041
3914
Back River Neck District
4005
1504002310
2014-0283-SPH
1989-0431-A
99999
2005-0370-SPH
2005-0405-SPH
2005-0406-SPH
1511000560
3919
1502006450
4041
3912
1501540250
1511000230
1519390140
4034
3915
1988-0526-A
1503371050
2003-0539-A
1513401750
4030
BRIAR POINT RD
1508005090
1508802210
4035
Lot # 321
Lot # 320
1511670130
1511890320
1502653830
2007-0026-SPH
1526200160
PAI # 150010
1508001991
1513200590
1522000420
Pt. Bk./Folio # 008010A
1516000520
4027
Lot # 317
NE 1-L
1508802020
1513205560
Lot # 318
1508900110

exhibit 1 SPECIAL HEARING ZONING PLA...	Plat	5/14/2020 2:27 PM	Adobe Acrobat D...	884 KB
exhibit 2 HIGHLIGHTED 4005 BRIAR POIN...	Tax Map	10/8/2020 4:48 PM	Adobe Acrobat D...	809 KB
exhibit 3 4005 briar poirit - SDAT SHEET.....	SDAT	10/8/2020 5:28 PM	Adobe Acrobat D...	692 KB
exhibit 4 4005 BRIAR POINT ROAD Baltim...	My Neigh.	10/8/2020 5:20 PM	Adobe Acrobat D...	2,085 KB
exhibit 5 4005 BRIAR POINT DRC -tabled ...	DRC + LLA	10/8/2020 5:21 PM	Adobe Acrobat D...	1,263 KB
exhibit 6 RC2 BISECTED BY ROAD 1A01.3...	Zoning Reqs.	4/6/2020 11:32 AM	JPG File	116 KB
exhibit 7 zoning description 4005 Briar Po...	Descr. All	10/8/2020 5:36 PM	Microsoft Word D...	126 KB
exhibit 8 zoning description 4005 Briar Po...	Descr. N. Lot	10/8/2020 4:55 PM	Microsoft Word D...	126 KB
exhibit 9 zoning description 4005 Briar Po...	Descr. S. Lot	10/8/2020 4:56 PM	Microsoft Word D...	126 KB
exhibit 10 briar point- planning commen...	Planning Comment	10/8/2020 5:37 PM	Microsoft Word D...	59 KB

4005 BRIAR POINT RD.
PETITIONERS EXHIBITS - J.S. Dallas Inc
10-8-20

2020-133-SPH

GENERAL NOTES:

1. OWNER: MOREEN HONEYCUTT
CATHERINE ANN DRZOLEK
7237 GUNPOWDER RD
BALTIMORE, MD. 21220
PHONE: 410-530-7040

2. SITE AREA:

P.20 152,681 SqFt. = 3.505 AC.+- (NOTE: 3.45 AC. PER DEED DESCRIPTION AND 3.68 AC PER SDAT)
(INCLUDING BRIAR POINT ROAD AREA)

NORTH LOT:
84,348 SQ. FT. 1.936 AC.+-

SOUTH LOT:
53,081 SQ. FT. 1.219 AC.+-

3. BUILDING AREA:
EX #4006 - 3483 SQ. FT. (FOOTPRINT).
P.20 NORTH OF ROAD IS UNIMPROVED

4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER

5. THE SITE LIES WITHIN ZONE "AE" & "X"(SHADED) AS SHOWN ON F.I.R.M. 24005C0045G DATED MAY 05, 2014.

6. NO NEW CONSTRUCTION PROPOSED AT THIS TIME.

7. DEED REF P.20 41154-92 AND 11330-179
8. TAX ACCOUNT: P. 20 #1512840140

9. COUNCILMANIC DISTRICT 6TH

10. CENSUS TRACT: 4518.02

11. WATERSHED: GUNPOWDER RIVER

12. ZONING: RC5
(PER BALT. CO. "MY NEIGHBORHOOD" WEBSITE)

13. TAX MAP: #0088, PARCEL 0020

14. NO KNOWN PREVIOUS ZONING CASES ON FILE:

15. NO KNOWN PERMITS ON FILE

16. THE SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA LDA

17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR IS THE SITE IT'SELF HISTORIC PER BALT. CO. "MY NEIGHBORHOOD" WEBSITE

18. NO KNOWN PREVIOUS DRC MEETINGS

19. BRIAR POINT ROAD IS 30' WIDE PER DEED

20. NO CLEARING PROPOSED.

21. NO CURRENT CHANGE IN LOT COVERAGE

22. NO IMPACT TO ANY STEEP SLOPES.

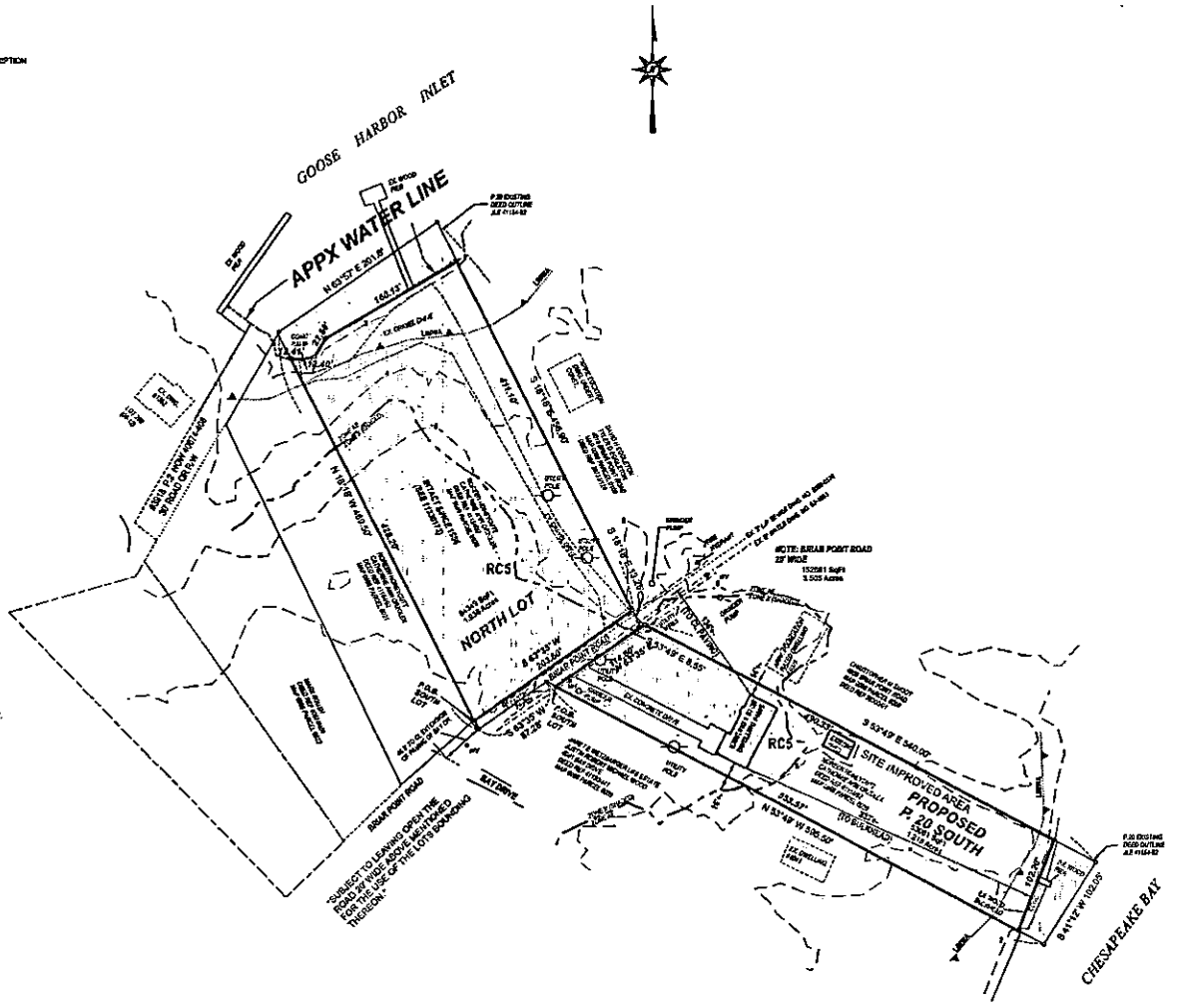
23. NO ADDITIONAL LOTS OR INTENSITY OF USE.

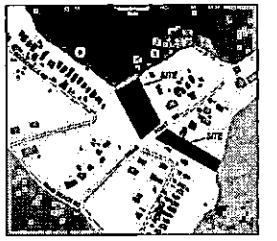
24. NO SUPPORT TO DEVELOPMENT ACTIVITIES OUTSIDE THE CBCA.

25. NO IMPACT TO HABITAT PROTECTION AREAS.

26. NO PROPOSED DEVELOPMENT ACTIVITIES REQUIRING BWM AT THIS TIME.

27. NO STRUCTURES EXIST IN THE PROPOSED P.20 AREA NORTH OF ROAD.





VICINITY MAP
1"=500'

PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
TO CONFIRM THAT THIS R.C.5 PROPERTY
OF A SINGLE OWNERSHIP, CROSSED
BY AN EXISTING ROAD, RIGHT-OF-WAY
OR EASEMENT CAN BE CONSIDERED 2
SEPARATE LOTS OF RECORD

84005 BRIAR POINT ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
MAP 0088 PARCEL 0020
DEED REFERENCE-
JLE 41154-92
(PARCEL 1)

SCALE: 1"=60' DATE: 05-14-2020

0 60'

FILE NAME 19-1772.TRV		
SCALE 1"=60'	DATE 05-14-2020	DRAWN BY J.S.D./R.M.S.
JOB BRIAR POINT	REVISION	SHEET

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD.
(410)-817-4600

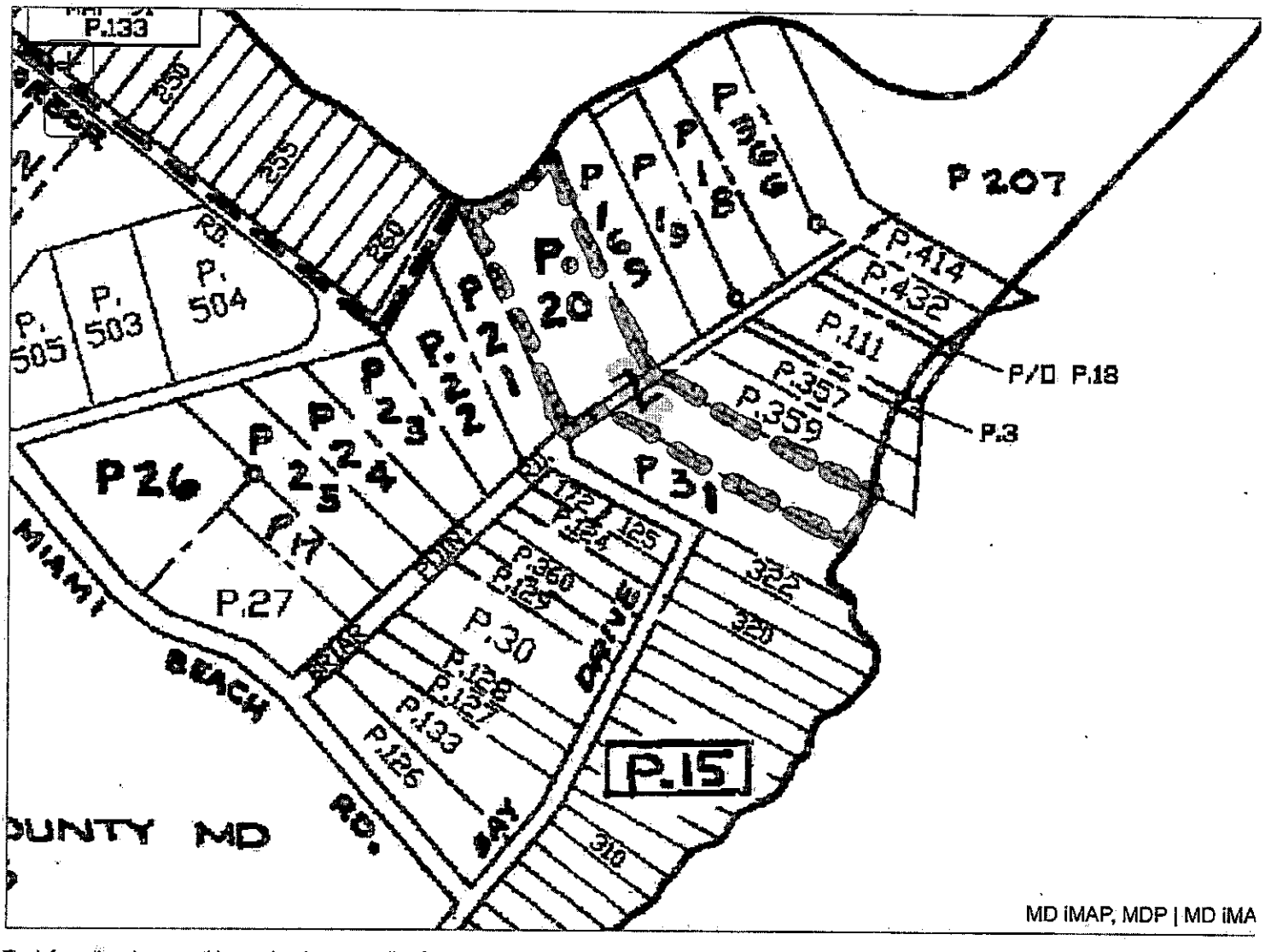
05-14-2020
DATE

PETITIONER'S

EXHIBIT NO. 1

Baltimore County New Search (https://sdat.dat.maryland.gov/RealProperty)

District: 15 Account Number: 1515640140



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (http://www.plats.net).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx (http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx).

4005 BRIAR PT. RD.
TAX MAP 98 P. 20

PETITIONER'S
EXHIBIT NO. 2

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 -** 1515640140

Owner Information

Owner Name:	HONEYCUTT NOREEN ORZOLEK CATHERINE ANN	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	7237 GUNPOWDER RD BALTIMORE MD 21220-	**Deed Reference:**	/41154/ 00092

Location & Structure Information

Premises Address:	4005 BRIAR POINT RD< BALTIMORE 21220-4019 Waterfront	**Legal Description:**	3.68 AC BS BRIAR PT 250 SW GOOSE HARBOR RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0006	0020	15030020.04	0000				2021	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1959	1,504 SF		3.6800 AC	34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	BRICK/	4	1 full/ 1 half	1Att/1Det	

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	364,600	364,600		
Improvements	124,900	124,900		
Total:	489,500	489,500	489,500	
Preferential Land:	0			

Transfer Information

Seller: ORZOLEK JOSEPH S	**Date:** 02/19/2019	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /41154/ 00092	**Deed2:**
Seller: ORZOLEK JOSEPH S	**Date:** 12/04/1995	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /11330/ 00173	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Denied

Homeowners' Tax Credit Application Information

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

PETITIONER'S

EXHIBIT NO. 3

Baltimore County - My Neighborhood

4005 Brier Pt. Rd.

PETITIONER'S

EXHIBIT NO. 4

JOHN A. OLSZEWSKI, JR.
County Executive

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

Mr. Jonathan S. Dallas
J.S. Dallas, Inc.
P.O. Box 26
Baldwin, MD 21013

March 18, 2020

RE: #4005 Briar Point Road
Tracking Number: DRC-2020-00024
DRC Number: 012820-LLA-1; Dist. 15C6

Dear Mr. Dallas:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions so designated by their directors to represent their respective departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director of the Department of Permits Approvals and Inspections (PAI).

The DRC has met in an open meeting on March 17, 2020 and determined that your project is tabled to Zoning Review. Please contact Lloyd T. Moxley or Dawn Chaney at 410-887-3321, if you have any further questions, or to have the item placed on the DRC agenda as "old business."

Sincerely,

FOR: DEV. MGR.

Michael D. Mallinoff
Director

MM: LTM:dc

C: File

PETITIONER'S
EXHIBIT NO. 5

JOHN A. OLSZEWSKI, JR.
County Executive

March 17, 2020

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

J. Scott Dallas
P.O. Box 26
Baldwin, MD 21013

Re: 4005 Briar Point Road, OB#012820-LLA, 21220, Dist. 15C6
DRC Number: 031720-LLA1

Dear Sir/Madam:

Pursuant to Section 32-4-106(a)(1) of the Baltimore County Code (BCC), this letter constitutes an administrative order and decision on the request you filed with this department.

Your request has been submitted for careful review and consideration to the Director and Zoning Office. It has been determined that your proposal:

☐ Provisionally meets the requirements of a limited exemption under Section 32-4-106(a)(1)(v), BCC.

☐ Meets the requirements of a limited exemption under Section 32-4-106(a)(1)(ii) or (a)(1)(v), BCC.

☐ Does not meet the requirements of a limited exemption under Section 32-4-106(a)(1), BCC.

☒ Needs additional materials/information for review. (Zoning cannot approve the revised plan)

☐ Does not reach the scope or extent that would require Baltimore County development approval.

☐ All or a portion of the property is located within the Chesapeake Bay Critical Area, therefore prior to any County action you are required to apply for and receive approval of Lot Consolidation and Reconfiguration through the Dept. of Environmental Protection and Sustainability (Comar 27.01.02.08) After receiving approval, resubmit your application for LLA with documentation of DEPS approval.

When recording deeds in the land records, please attach this letter and the survey plat as exhibits. Also, if the property(s) are improved or any Baltimore County permits are applied for or anticipated in the future, an existing record plat may be required to be amended and the following approval agencies should be contacted to resolve any possible development issues: Development Plans Review – 410-887-3751, Planning 410-887-3480, Environmental Protection & Sustainability – 410-887-5859.

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

§ 1A01.3. - Height and area regulations.

A. Height regulation. No structure hereafter erected in an R.C.2 Zone shall exceed a height of 35 feet, except as otherwise provided under Section 300.

B. Area regulations.

[Bill No. 178-1979]

1. Subdivision lot density. No lot of record lying within an R.C.2 Zone and having a gross area of less than two acres may be subdivided. No such lot having a gross area between two and 100 acres may be subdivided into more than two lots (total), and such a lot having a gross area of more than 100 acres may be subdivided only at the rate of one lot for each 50 acres of gross area. In cases where land in single ownership is crossed by existing or proposed roads, rights-of-way or easements, the portions of land on either side of the road, right-of-way or easement shall not be considered separate parcels for the purpose of calculating the number of lots of record.

PETITIONER'S

EXHIBIT NO. 6

J.S. DALLAS, INC.

Surveying & Engineering
P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF #4005 BRIAR POINT ROAD
(PER EXISTING DEED)

BEGINNING *at a point in the center of Briar Point Road, 20 feet wide, distant 46 feet northeast from the centerline of paving extended of Bay Drive thence running* ***(1)*** *North 18 degrees 18 minutes West 469.50 feet,* ***(2)*** *North 63 degrees 57 minutes East 201.6 feet and* ***(3)*** *South 18 degrees 18 minutes East 456.90 feet to the northwest side of a 20 foot road thence continuing on said line* ***(4)*** *13.25 feet thence* ***(5)*** *South 53 degrees 49 minutes East 8.55 feet to the southeast side of said road 20 feet wide thence* ***(5)*** *South 53 degrees 49 minutes East 540.00 feet,* ***(6)*** *South 41 degrees 12 minutes West 102.05 feet and* ***(7)*** *North 53 degrees 49 minutes West 595.50 feet to the center of said 20 foot road thence* ***(8)*** *South 63 degrees 35 minutes West 87.28 feet to the place of beginning.*

CONTAINING 152,661 square feet (or 3.505 acres) of land, more or less.

ALSO *known as* ***# 4005 BRIAR POINT ROAD*** *and located in the 15th Election District, 6th Councilmanic District.*

Note: above description is based on existing deed and is for zoning purposes only.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 468
REGISTERED
PROPERTY LINE SURVEYOR

PETITIONER'S
EXHIBIT NO. 7

J.S. DALLAS, INC.
Surveying & Engineering
P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF #4005 BRIAR POINT ROAD
("NORTH LOT")

BEGINNING *at a point on the north side of Briar Point Road, 20 feet wide, distant 46 feet northeast from the centerline of paving extended of Bay Drive thence running* ***(1)*** *North 18 degrees 18 minutes West 428.20 feet to the waters of the Goose Harbor Inlet, thence running thereon, in an easterly direction* ***(2)*** *12.41 feet,* ***(3)*** *12.40 feet,* ***(4)*** *22.58 feet and* ***(5)*** *160.13 feet thence leaving said Inlet and running* ***(5)*** *South 18 degrees 18 minutes East 411.10 feet to the north side of said Briar Point Road, 20 feet wide thence binding thereon* ***(6)*** *South 63 degrees 35 minutes West 203.60 feet to the place of beginning.*

CONTAINING 84,349 square feet (or 1.936 acres) of land, more or less.

ALSO *known as* ***# 4005 BRIAR POINT ROAD*** *and located in the 15th Election District, 6th Councilmanic District.*

Note: above description is based on existing deed and is for zoning purposes only.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 468
REGISTERED
PROPERTY LINE SURVEYOR

PETITIONER'S
EXHIBIT NO. 8

J.S. DALLAS, INC.

Surveying & Engineering
P.O. Box 26
Baldwin, MD 21013
(410)817-4600
FAX (410)817-4602

ZONING DESCRIPTION OF #4005 BRIAR POINT ROAD
("SOUTH LOT")

BEGINNING *at a point on the south side of Briar Point Road, 20 feet wide, distant 133.28 feet northeast from the centerline of paving extended of Bay Drive thence running with said Road* ***(1)*** *North 63 degrees 35 minutes East 114.50 feet thence* ***(2)*** *South 53 degrees 49 minutes East 490.33 feet to the waters of the Chesapeake Bay thence with said Bay* ***(3)*** *102.20 feet thence* ***(4)*** *North 53 degrees 49 minutes West 553.57 feet to the place of beginning.*

CONTAINING 53,061 square feet (or 1.218 acres) of land, more or less.

ALSO *known as* ***# 4005 BRIAR POINT ROAD*** *and located in the 15th Election District, 6th Councilmanic District.*

Note: above description is based on existing deed and is for zoning purposes only.

STATE OF MARYLAND
JONATHAN SCOTT DALLAS
No. 468
REGISTERED
PROPERTY LINE SURVEYOR

PETITIONER'S
EXHIBIT NO. 9

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 7/9/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-133

INFORMATION:
Property Address: 4005 Briar Point Road
Petitioner: Catherine Ann Orzolek, Noreen Honeycutt
Zoning: RC 5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing regarding § 1A01.3.B.1 of the Baltimore County Zoning Regulations (BCZR) to determine that this RC 5 property of a single ownership, crossed by an existing road, right-of-way or easement can be considered as two separate lots of record.

A site visit was conducted on 7/6/2020. The property stretches the full width of a small peninsula at the end of Bowleys Quarters. It stretches from a tributary of Seneca Creek at the northern end to the Chesapeake Bay at the southern end. The southern portion of the lot (south of Briar Point Rd) is improved with an existing home and is 100 feet in width and 1.218 acres. The northern end of the lot is improved with a gravel driveway and a dock but is otherwise vacant. It is 200 feet in width and 1.936 acres. Both sections of the property are located in the Limited Development Area and Modified Buffer Area of the CBCA. Both sections of the lot are also fully within the 100-year floodplain.

If the two sections of this property were considered separate lots of record, the lot to the south of Briar Point Road would be less than the minimum required of 1.5 acres for the RC 5 zoning district while the lot to the north would meet the 1.5 acre requirement. § 1A04.3.B.1.a of the BCZR states that a lot having an area of less than one and one-half acres may not be created in an R.C.5 Zone. Other properties along Briar Point Road have similar or less acreage than the 1.218 acres of the southern portion of the lot in question. Therefore, allowing this parcel to be treated as two separate lots of record would not be out of the ordinary.

The Department of Planning has no objection to the request for special hearing provided the proposed parcels follow Chesapeake Bay Critical Area laws and Baltimore County floodplain regulations.

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

PETITIONER'S
EXHIBIT NO. 10

Prepared by:

Krystle Patchak

Division Chief:

Jennifer G. Nugent

CPG/JGN/kma/

c: Joseph Fraker
J. Scott Dallas
Office of the Administrative Hearings
People's Counsel for Baltimore County

Donna Mignon

From: Beth Huesman <bethhuesman@yahoo.com>
Sent: Thursday, October 8, 2020 1:14 PM
To: Administrative Hearings
Subject: Case #2020-0133-SPH - 4005 Briar Pt Rd
Attachments: IMG_0604.jpg

Storage of marine construction materials

Sent from my iPhone

PROTESTANT'S

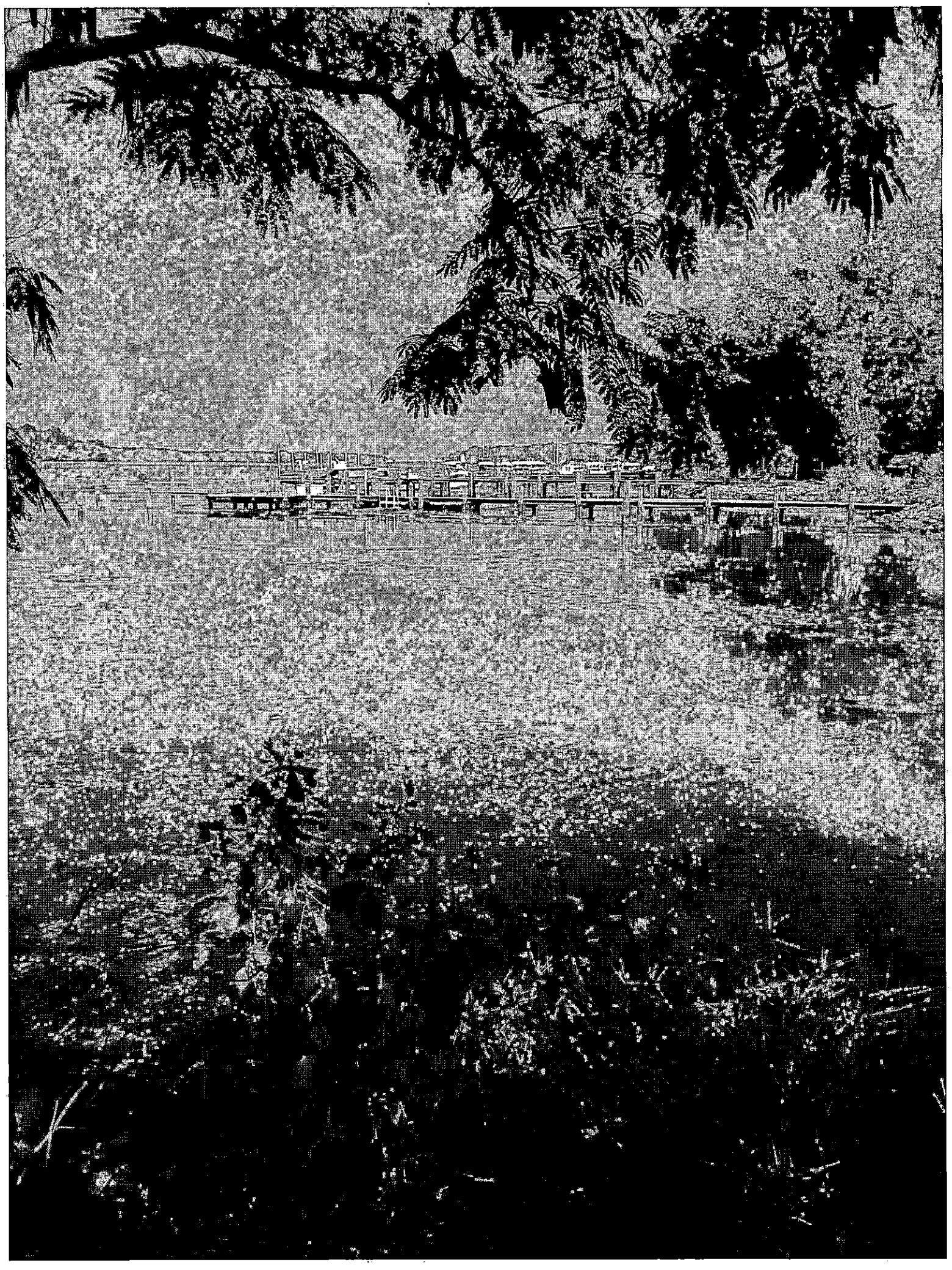
EXHIBIT NO. 1

Donna Mignon

From: Beth Huesman <bethhuesman@yahoo.com>
Sent: Thursday, October 8, 2020 1:15 PM
To: Administrative Hearings
Subject: Case #2020-0133-SPH - 4005 Briar Pt Rd
Attachments: IMG_0608.jpg

Existing pier

Sent from my iPhone

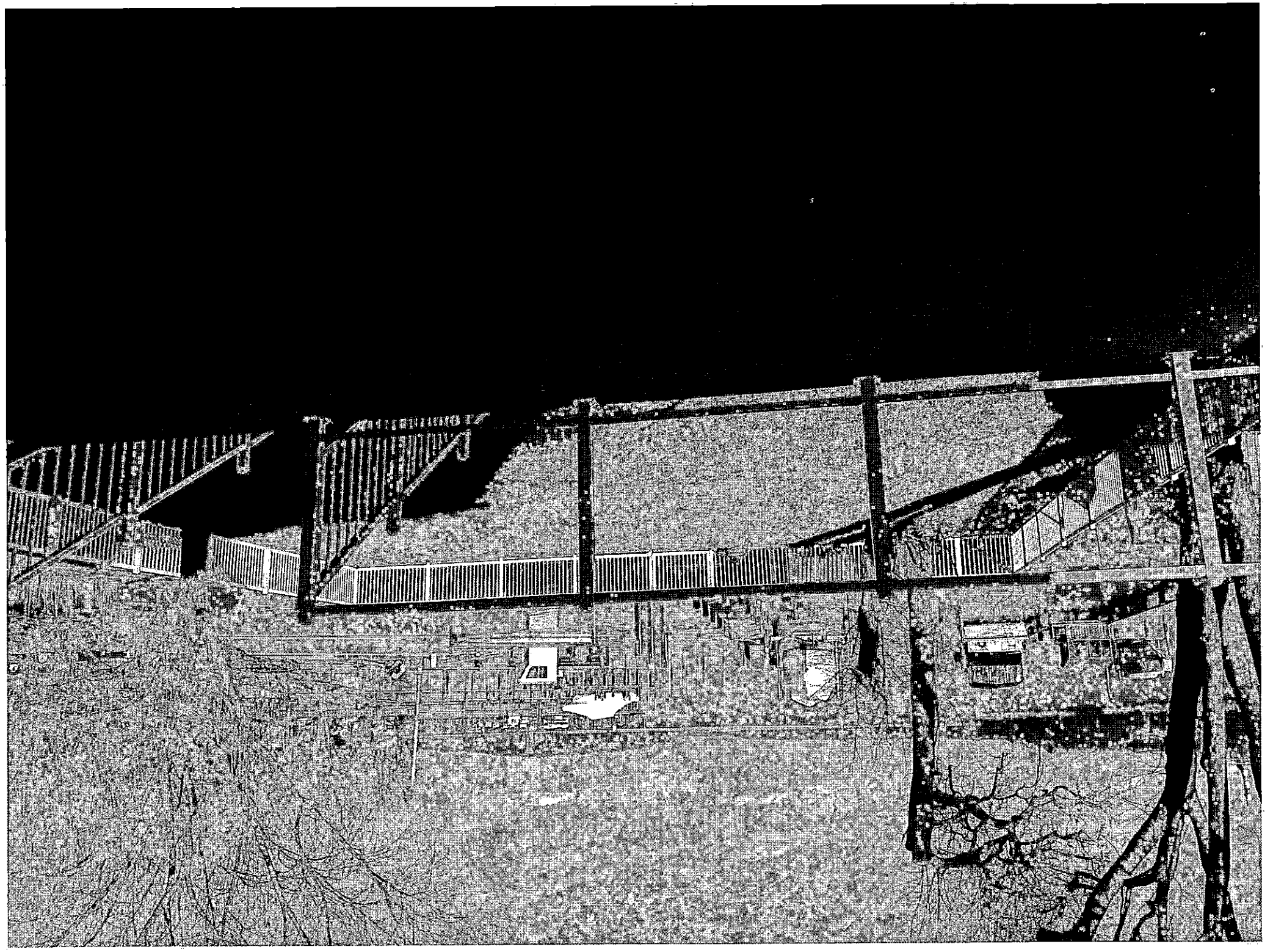


Donna Mignon

From: Beth Huesman <bethhuesman@yahoo.com>
Sent: Thursday, October 8, 2020 1:16 PM
To: Administrative Hearings
Subject: Case #2020-0133-SPH - 4005 Briar Pt Rd
Attachments: IMG_0382.jpg

Marine construction company operating in a currently zoned RC5 zone

Sent from my iPhone



Donna Mignon

From: Beth Huesman <bethhuesman@yahoo.com>
Sent: Thursday, October 8, 2020 1:18 PM
To: Administrative Hearings
Subject: Case #2020-0133-SPH - 4005 Briar Pt Rd
Attachments: IMG_0318.jpg

Frequent water front view obstruction

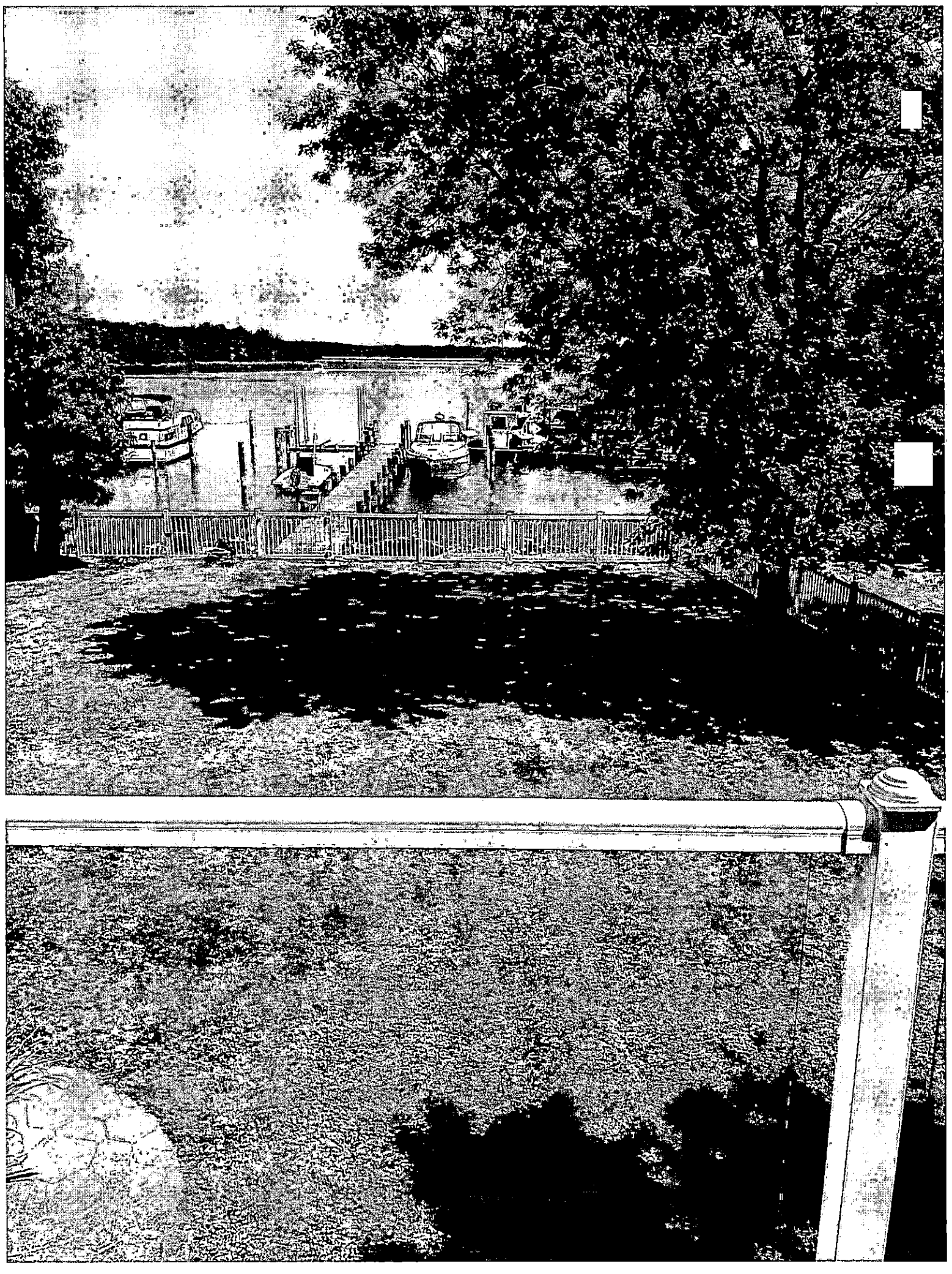
Sent from my iPhone

Donna Mignon

From: Beth Huesman <bethhuesman@yahoo.com>
Sent: Thursday, October 8, 2020 1:19 PM
To: Administrative Hearings
Subject: Case #2020-0133-SPH - 4005 Briar Pt Rd
Attachments: IMG_0136.jpg

Marine construction equipment left at dock but more importantly blocking our ability to move pleasure boat out of slip

Sent from my iPhone



Donna Mignon

From: Beth Huesman <bethhuesman@yahoo.com>
Sent: Thursday, October 8, 2020 1:27 PM
To: Administrative Hearings
Subject: Case #2020-0133-SPH - 4005 Briar Pt Rd
Attachments: IMG_0376.jpg

Marine construction company 630 AM delivery of materials

Sent from my iPhone

4005
Briar Pt.
G.I.S.
Map.

2020-0133-SPH

GENERAL NOTES:

1. OWNER: NOREEN HONEYCUTT
CATHERINE ANN ORZOLEK
7237 GUNPOWDER RD
BALTIMORE, MD. 21220
PHONE: 410-530-7040

2. SITE AREA:

P.20 152,661 Sq.Ft. - 3.505 Ac.+-
(INCLUDING BRIAR POINT ROAD AREA)

(NOTE: 3.46 AC. PER DEED DESCRIPTION AND 3.68 AC PER SDAT)

NORTH LOT:
84,349 SQ. FT. 1.936 AC.+-

SOUTH LOT:
53,061 SQ. FT. 1.218 AC. +-

3. BUILDING AREA:
EX #4005 - 2403 SQ. FT. (FOOTPRINT).
P.20 NORTH OF ROAD IS UNIMPROVED

4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER

5. THE SITE LIES WITHIN ZONE "AE" & "X"(SHADED) AS SHOWN ON F.I.R.M. 2400100465G DATED MAY 05, 2014.

6. NO NEW CONSTRUCTION PROPOSED AT THIS TIME.

7. DEED REF.P.20 41154-92 AND 11330-173

8. TAX ACCOUNT: P. 20 #1515640140

9. COUNCILMANIC DISTRICT: 6TH

10. CENSUS TRACT: 4518.02

11. WATERSHED: GUNPOWDER RIVER

12. ZONING: RC5
(PER BALT. CO. "MY NEIGHBORHOOD" WEBSITE)

13. TAX MAP: #0098, PARCEL 0020

14. PREVIOUS ZONING CASES ON FILE: D.R.C. 01-28-20 LLA TABLED, SUBJECT TO THIS SPECIAL HEARING.

15. NO KNOWN PERMITS ON FILE

16. THE SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA. **LDA**

17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR IS THE SITE ITSELF HISTORIC PER BALT. CO. "MY NEIGHBORHOOD" WEBSITE

18. NO KNOWN PREVIOUS DRC MEETINGS

19. BRIAR POINT ROAD IS 20' WIDE PER DEED

20. NO CLEARING PROPOSED.

21. NO CURRENT CHANGE IN LOT COVERAGE

22. NO IMPACT TO ANY STEEP SLOPES.

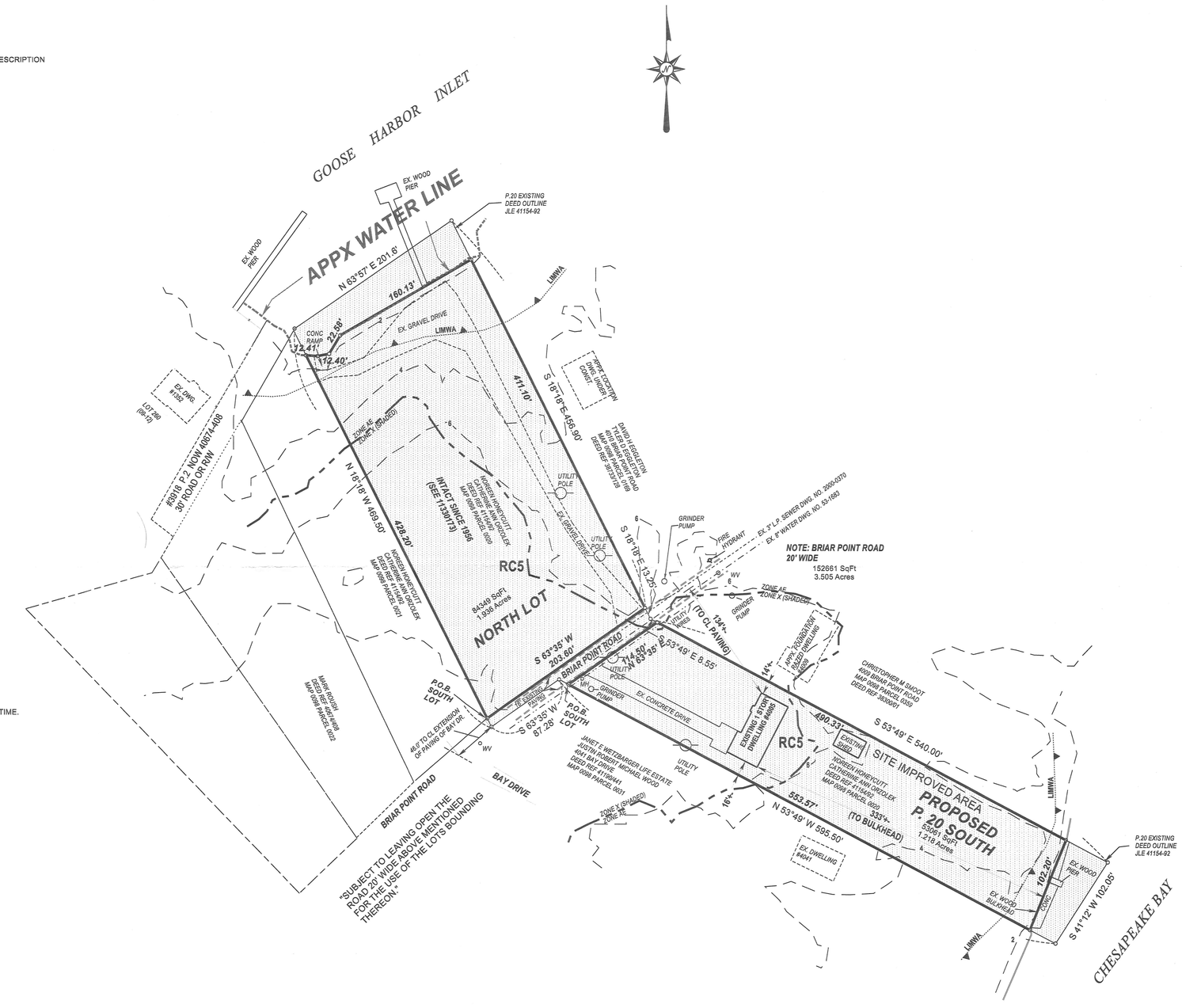
23. NO ADDITIONAL LOTS OR INTENSITY OF USE.

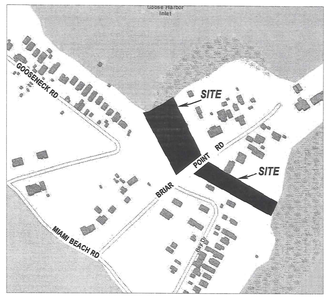
24. NO SUPPORT TO DEVELOPMENT ACTIVITIES OUTSIDE THE CBCA.

25. NO IMPACT TO HABITAT PROTECTION AREAS.

26. NO PROPOSED DEVELOPMENT ACTIVITIES REQUIRING SWM AT THIS TIME.

27. NO STRUCTURES EXIST IN THE PROPOSED NORTH LOT





VICINTY MAP

1"=500'

PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING TO CONFIRM THAT THIS R.C.5 PROPERTY OF A SINGLE OWNERSHIP, CROSSED BY AN EXISTING ROAD, RIGHT-OF-WAY OR EASEMENT CAN BE CONSIDERED 2 SEPARATE LOTS OF RECORD

#4005 BRIAR POINT ROAD
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
MAP 0098 PARCEL 0020
DEED REFERENCE-
JLE 41154-92
(PARCEL 1)

SCALE: 1"=60' DATE: 05-14-2020

0 60'

FILE NAME 19-1722.TRV		
SCALE 60 Ft/in	DATE 05-14-2020	DRAWN BY J.S.D./R.N.G.
JOB BRIAR POINT	REVISION	SHEET

STATE OF MARYLAND JONATHAN SCOTT DALLAS No. 22677 PROFESSIONAL LAND SURVEYOR

05-14-2020
DATE

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD.
(410)-817-4600

Traverse PC

2020-0133-SPM