

M E M O R A N D U M

DATE: September 15, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0167-A- Appeal Period Expired

The appeal period for the above-referenced case expired on September 11, 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.'

/dlm

cc: Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE *
(1023 Beach Road)
15th Election District *
7th Council District *
Stephen and Catherine Feinman *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2020-0167-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Stephen and Catherine Feinman (“Petitioners”). The Petitioners are requesting Variance relief from §§ 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations (“BCZR”), to permit proposed attached garage, carport, and front porch additions in front, side and rear of the dwelling with a front yard setback of 40.5 ft. to the center of the road, a side and rear yard setbacks of 32 and 35 ft. for the proposed carport, in lieu of the required 75, 37.5 & 37.5 ft., and to permit an existing rear deck with 31 ft. rear yard setback and the existing house with 40 ft. rear and 9 ft. side yard setbacks, in lieu of the required 37.5, 50 and 50 ft., respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. No adverse ZAC comments were received from any of the County reviewing agencies. However, it is to be noted that a letter of support was contained in the case file from Jim Green (1025 Beach Road), who has no objections to the Petitioner’s zoning request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 26, 2020, and there being no request for a public hearing, a decision

ORDER RECEIVED FOR FILING

Date 8/12/20

By D. Magnon

shall be rendered based upon the documentation presented.

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

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

THEREFORE, IT IS ORDERED, this 12th day of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1A04.3.B.2.b and 301.1.A of the Baltimore County Zoning Regulations ("BCZR"), to permit proposed attached garage, carport, and front porch additions in front, side and rear of the dwelling with a front yard setback of 40.5 ft. to the center of the road, a side and rear yard setbacks of 32 and 35 ft. for the proposed carport, in lieu of the required 75, 37.5 & 37.5 ft., and to permit an existing rear deck with 31 ft. rear yard setback and the existing house with 40 ft. rear and 9 ft. side yard setbacks, in lieu of the required 37.5, 50 and 50 ft., respectively be GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date

By

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

ORDER RECEIVED FOR FILING

Date

8/12/20

By

DMagnon



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 1023 Beach Rd, Essex, MD-21221 Currently zoned RCS
 Deed Reference 42767 100406 10 Digit Tax Account # 1512400201
 Owner(s) Printed Name(s) Stephen + Catherine Feinman

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

SEE ATTACHMENT

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

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Stephen Feinman Catherine Feinman
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

1023 Beach Rd, Essex MD
 Mailing Address City State

21221 443-366-6020 sfeis@aol.com
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

ORDER RECEIVED FOR FILING
8/17/20
[Signature]
 Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

Representative to be contacted:

Stephen Feinman
 Name - Type or Print

[Signature]
 Signature

1023 Beach Rd, Essex, MD
 Mailing Address City State

21221 443-366-6020 sfeis@aol.com
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2020-0167A Filing Date 7/15/2020 Estimated Posting Date 7/26/2020 Reviewer AT

- 8/10/2020

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1023 Beach Rd Essex MO 21221
Print or Type Address of property City State Zip Code

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

See attached letter, photos, and neighbor signatures.

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

[Signature]
Signature of Owner (Affiant)
Stephen P. Feinman
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
Catherine L. Feinman
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

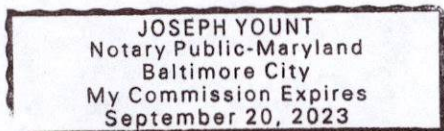
I HEREBY CERTIFY, this 14th day of July, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Stephen Feinman, Catherine Feinman

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
Sept, 2023
My Commission Expires



REV. 5/5/2016

2020 0167-A

Re: Administrative Variance for 1023 Beach Road

From Section 1A04.3.B.2.b and 301.1.A of BCZR to permit proposed attached garage, carport, and front porch additions in front, side and rear of the dwelling with a front yard setback of 40.5 feet to the center of the road, a side and rear yard setbacks of 32 and 35 feet for the proposed carport, in lieu of the required 75, 37.5, & 37.5 feet, and, to permit an existing rear deck with 31 feet rear yard setback and the existing house with 40 feet rear and 9 feet side yard setbacks, in lieu of the required 37.5, 50 and 50 feet, respectively.

2020-0167-A

07/10/2020

Baltimore County Zoning Review Office
Department of Permits, Approvals, and Inspections
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

To whom it may concern:

I am requesting that you approve an administrative variance on our property at 1023 Beach Rd, Essex, MD 21221. We purchased this property on April 10, 2020, which included buying a third lot that was separate from the initial property. When we purchased this, we were told that the third property was buildable and, if we wanted, we could add a small home. The previous owner showed us papers granting him permission to build a house on that lot. However, we did not want this and just wanted to improve the existing property and make the home's appearance nicer for our neighbors. After purchasing the house, we hired an architect and engineer to design an attractive garage that would replace the portable garage and build upon the dilapidated foundation and fence that already existed on the property. The design includes a 2-car garage and attached RV port. We had seen similar structures around the community and decided to use that design to improve the aesthetics of our property. We did not want to come out further to the road or expand further into the property, but just use the existing space that was already paved and/or had a foundation. Since we own a Class A RV, the design includes a 40x18' RV port to protect the unit as well to park the vehicle in such a way that it does not devalue the property or obstruct our neighbors' views of the street (enclosed is a picture of our RV). Without this property redesign, the only option for safely parking our RV on stable ground is to put it on the driveway, which would be closer to the road. This would, of course, have aesthetic consequences for us and our neighbors and would hinder our ability to park our daily commuting vehicles in the driveway.

Unfortunately, new zoning laws prevent improvement of the property in a manner that is reasonable, customary, and consistent with other properties in the area. This home was purchased with 3 existing structures already on the property: the house, a portable garage, and a preexisting foundation and walkway. The walkway and foundation with fencing around it expanded into the third lot. We decided to utilize these existing structures in our design to minimize the spatial impact and avoid disturbing any of the grassy areas of the property. As we designed this structure, we kept in mind not going further back except for the RV port to maintain the initial roof line across the old and new structures. This design avoids violating existing front footage between the structures and the road. However, we were informed that the sides and the back of the property no longer meet the new variances. As such, there is no way anyone could build anything on this property under new zoning laws and none of the existing homes on our street would meet these requirements either.

2020-0167-A

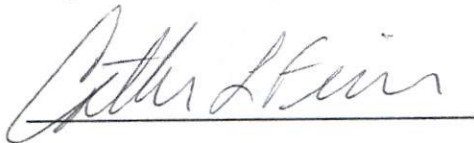
Again, we are asking for an administrative variance so we can further beautify our property and the neighborhood. The bottom line is that our home and the others on our street were built in the 1950s under old zoning laws. Our goal is to beautify the area and have a place to park a 36-foot RV, which requires a structure that can fit the length and width. We have discussed our building plans with our neighbors and obtained their enclosed signatures, addresses, and phone numbers. Also enclosed are pictures of our property showing exactly what the existing structures are and how we would not interfere with any other properties or cause conflicts. I am also enclosing pictures of the surrounding homes showing how their properties are set on their lots as well. As you can see, even with our proposed garage and RV port, the structure would sit further away from the property line than other homes on the same street. As mentioned previously, this neighborhood was built prior to the new zoning requirements. Not only were we never informed that our home was noncompliant with new requirements, but we were shown a county document from the previous owner that a new home could be built even closer to the property line than the structure we are proposing. We spent a lot of money for an architect and engineer in order to be compliant with all county regulations and permits.

In conclusion, we are asking for an exception for variance so we can enhance and improve the property in a manner that is reasonable and consistent with other properties within the community. This request for variance would provide a functional space that is more aesthetically pleasing to those who live and travel on our street.

Respectfully,



Stephen P. Feinman



Catherine Feinman

1023 Beach Road, Essex, MD 21221

443-366-6020

sfei5@aol.com

2020-0167-A

Re: Administrative Variance for 1023 Beach Road

From Section 1A04.3.B.2.b and 301.1.A of BCZR to permit proposed attached garage, carport, and front porch additions in front, side and rear of the dwelling with a front yard setback of 40.5 feet to the center of the road, a side and rear yard setbacks of 32 and 35 feet for the proposed carport, in lieu of the required 75, 37.5, & 37.5 feet, and, to permit an existing rear deck with 31 feet rear yard setback and the existing house with 40 feet rear and 9 feet side yard setbacks, in lieu of the required 37.5, 50 and 50 feet, respectively.

2020-0167-A

**Property Description for 1023 Beach Road, Essex
Maryland 21221**

Beginning at a point on the east side of Beach Road which is 40 feet wide at a distance of 242 feet south of the centerline of the nearest intersecting street Marsh Road which is 25 feet wide.

Being Lots 478, 479, & 480, in the subdivision of Center Beach, as recorded in Baltimore County Plat Book 13 Folio 57, containing 15,700 square feet, and, located in 15th Election District and 7th Council District.

2020-0167-A

CERTIFICATION OF POSTING

RE: Case No. 2020-0167-A

Petitioner: Stephen Feinman

Closing Date: 8/10/20

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204



This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

1023 Beach Road – (front N. side of property) - (1 of 3)

1023 Beach Road – (front S. side of property) - (2 of 3)

1023 Beach Road - (enlargement of sign wording) - (3 of 3)

_____ on 7/26/20

Sincerely,

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Re-Certification of Posting

Case No 2020-0167-A



1023 Beach Road – Front north side of property (1 of 3)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

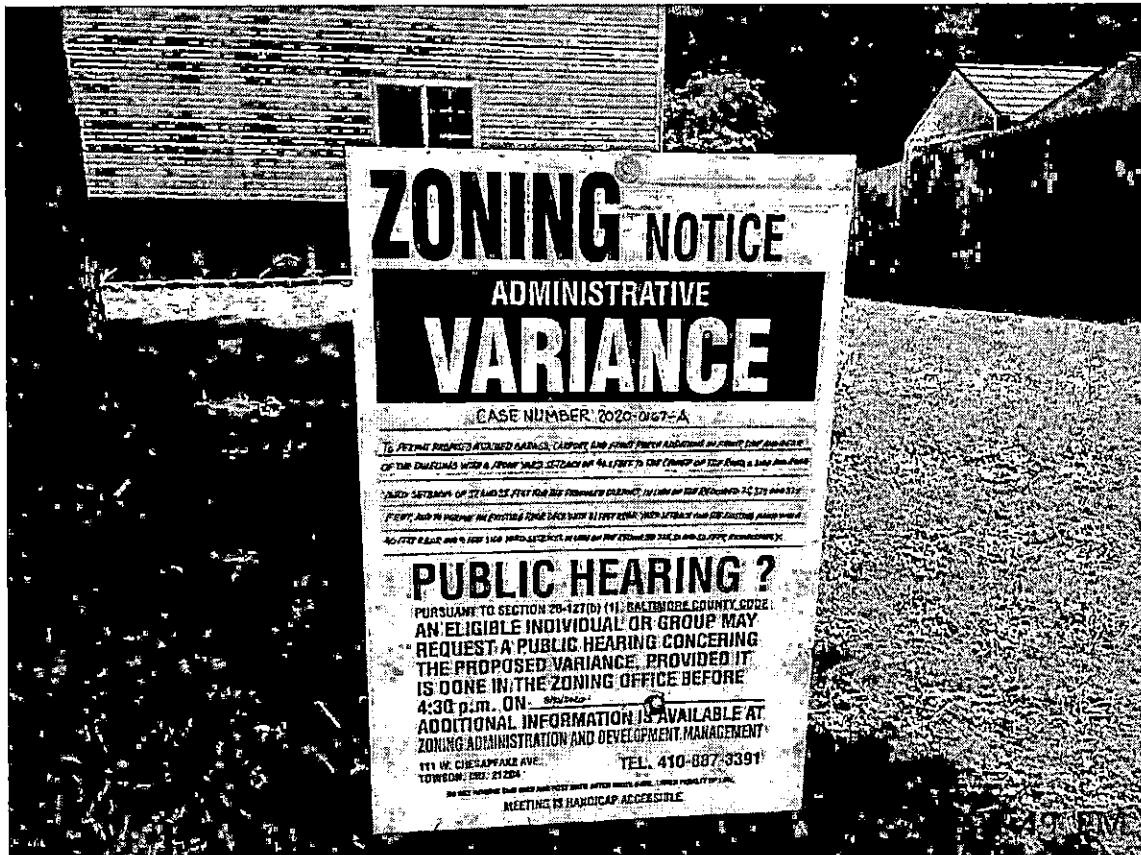
Fallston, Md. 21047

443-243-7360

RECEIVED
JAN 11 1961
U.S. AIR FORCE
WASHINGTON, D.C.

Re-Certification of Posting

Case No 2020-0167-A



1023 Beach Road – Front south side of property (2 of 3)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No 2020-0167-A

VARIANCE

CASE NUMBER 2020-0167-A

TO PERMIT PROPOSED ATTACHED GARAGE, CARPORT, AND FRONT PORCH ADDITIONS IN FRONT, SIDE AND REAR OF THE DWELLING WITH A FRONT YARD SETBACK OF 40.5 FEET TO THE CENTER OF THE ROAD, A SIDE AND REAR YARD SETBACKS OF 32 AND 35 FEET FOR THE PROPOSED CARPORT, IN LIEU OF THE REQUIRED 7.5, 37.5 AND 37.5 FEET, AND TO PERMIT AN EXISTING REAR DECK WITH 31 FEET REAR YARD SETBACK AND THE EXISTING HOUSE WITH A 40 FEET REAR AND 9 FEET SIDE YARD SETBACKS, IN LIEU OF THE REQUIRED 37.5, 50 AND 50 FEET, RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE 06/20 12:00 PM

1023 Beach Road – enlargement of wording (3 of 3)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Donna Mignon

From: RICHARD HOFFMAN <dick_e@comcast.net>
Sent: Friday, August 7, 2020 11:27 AM
To: Administrative Hearings
Subject: Case Number 2020-0167 / 1023 Beach Road
Attachments: Re-Certification of Posting-1023 Beach Rd.-1.docx; Re-Certification of Posting-1023 Beach Rd.-2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

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

Hi,

Attached are copies of the photo's and Re-Certification for the signs posted at the subject property.

Thanks so much,
dickh

Re-Certification of Posting

Case No 2020-0167-A



1023 Beach Road – Front north side of property (1 of 2)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No 2020-0167-A



1023 Beach Road – Front south side of property (2 of 2)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

CERTIFICATION OF POSTING

RE: Case No. 2020-0167-A

Petitioner: Stephen Feinman

Closing Date: 8/10/20

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
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1023 Beach Road – (front N. side of property) - (1 of 3)

1023 Beach Road – (front S. side of property) - (2 of 3)

1023 Beach Road - (enlargement of sign wording) - (3 of 3)

_____ on 7/26/20

Sincerely,

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Re-Certification of Posting

Case No 2020-0167-A



1023 Beach Road – Front north side of property (1 of 3)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No 2020-0167-A



1023 Beach Road – Front south side of property (2 of 3)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No 2020-0167-A

VARIANCE

CASE NUMBER 2020-0167-A

TO PERMIT PROPOSED ATTACHED GARAGE, CARPORT, AND FRONT PORCH ADDITIONS IN FRONT, SIDE AND REAR OF THE DWELLING WITH A FRONT YARD SETBACK OF 40.5 FEET TO THE CENTER OF THE ROAD, A SIDE AND REAR YARD SETBACKS OF 32 AND 35 FEET FOR THE PROPOSED CARPORT, IN LIEU OF THE REQUIRED 75, 32.5 AND 37.5 FEET, AND TO PERMIT AN EXISTING REAR DECK WITH 31 FEET REAR YARD SETBACK AND THE EXISTING HOUSE WITH A 40 FEET REAR AND 9 FEET SIDE YARD SETBACKS, IN LIEU OF THE REQUIRED 32.5, 50 AND 50 FEET, RESPECTIVELY.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE 2/26/20 12:00 PM

1023 Beach Road – enlargement of wording (3 of 3)

Richard E. Hoffman (signed)

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0167- A

Address 1023 Beach Road

Contact Person: Aaron Tsui
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 07/15/2020

Posting Date: 07/26/2020

Closing Date: 08/10/2020

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2020- 0167 - A Address: 1023 Beach Road

Petitioner's Name: Stephen Feinman

Telephone : 443-366-6020

Posting Date: 07/26/2020

Closing Date: 08/10/2020

Wording for Sign: To permit proposed attached garage, carport, and front porch additions in front, side and rear of the dwelling with a front yard setback of 40.5 feet to the center of the road, a side and rear yard setbacks of 32 and 35 feet for the proposed carport, in lieu of the required 75, 37.5, & 37.5 feet, and, to permit an existing rear deck with 31 feet rear yard setback and the existing house with 40 feet rear and 9 feet side yard setbacks, in lieu of the required 37.5, 50 and 50 feet, respectively.



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 10, 2020

Stephen Feiman.
1023 Beach Road
Essex MD 21221

RE: Case Number: 20-0167-A, 1023 Beach Road

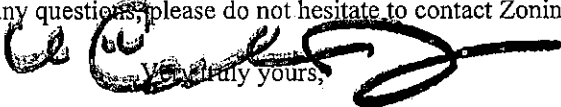
Dear Stephen Feiman:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 15, 2020.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. As of this date, we have not received any comments from any of these agencies. You may verify any possible comments by contacting the agency directly at the numbers listed below:

Development Plans Review (Traffic)	410-887-3751
Fire Department	410-887-4880
State Highway Administration	410-545-5600
Office of Planning	410-887-3480
Department of Environmental Protection and Resource Management (DEPRM)	410-887-5859
Recreation and Parks	410-887-3824
Maryland Office of Planning - Chesapeake Bay Critical Area (CBCA)	410-767-4489
Department of Natural Resources - Floodplain	410-631-3914

If you need further information or have any questions, please do not hesitate to contact Zoning Review at 410-887-3391.


Sincerely yours,

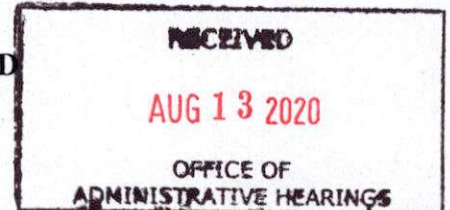
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:

C: People's Counsel

P
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: August 13, 2020

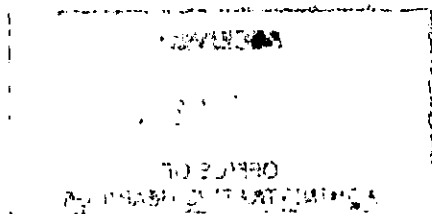
SUBJECT: DEPS Comment for Zoning Item # 2020-0167-A
Address 1023 Beach Road
(Feinman Property)

Zoning Advisory Committee Meeting of **July 27, 2020**.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

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

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. Critical Area lot coverage (defined in State of Maryland Natural Resources Article §8-1802(a)(17)) is limited to 25% (3,925 square feet), or a maximum of 31.25% (4,906 square feet), if approved, and with mitigation for the amount over 25%. Also, the site must meet the 15% forest requirement. In addition, it appears that a stream/wetland area exists on or near the property, and the required Critical Area buffer would cover most if not all of the property. Based on this, a Critical Area administrative variance would be required for this proposal. No resource delineations, or a Critical Area variance application have been received to evaluate these impacts. Without an approved stream/wetland/buffer delineation, or any required Critical Area variance, it cannot be determined that the relief requested by the applicant will result in minimal adverse impacts to water quality.



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

Because it appears that there may be impacts proposed within the required Critical Area buffer, and there has been no evaluation of resource delineations or a Critical Area variance, the conservation of fish, plant, and wildlife habitat related to this proposal cannot be determined at this time. The applicant must submit a wetland delineation, buffer determination, and Critical Area variance to this office so that the proposed development can be evaluated. The Critical Area review may require the applicant to request additional road-side setback relief.

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.

As submitted, the Critical Area information is incomplete, and therefore it cannot be determined if the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

AV 8-10

CASE NO. 2020- 0167-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>8/13</u>	<u>* 2nd day after Order issued</u> DEPS (if not received, date e-mail sent _____)	<u>None C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	<u>None</u>
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____

_____	COMMUNITY ASSOCIATION	_____
<u>7/12/20</u>	ADJACENT PROPERTY OWNERS -	<u>< Jim Greene ></u> <u>1025 Beach Rd.</u>

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 7-26-20 by Hoffman

SIGN POSTING (2nd) Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Date

7/12/2020

Name

Jim Green

To whom it may concern:

This is to inform you that Stephen and Catherine Feinman who live at 1023 Beach Road, Essex, MD 21221 have informed me of their plans to build a garage and RV port. The Feinmans explained all issues involving the zoning and showed me the designs of their addition to the property.

After discussing this with the Feinmans, we are informing all parties involved that we accept their plans and have no issues with them building their 2-car garage and RV port on their property.

Respectfully:

Name:

Jim Green

Address:

1025 Beach Road

Essex MD

Telephone:

410 419 7382

Signature

James Feinman

2020-0167-A

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 - 1505930070		
Owner Information		
Owner Name:	GREEN JAMES F	Use: RESIDENTIAL
Mailing Address:	1025 BEACH RD BALTIMORE MD 21221-6102	Principal Residence: YES Deed Reference: /15873/ 00447
Location & Structure Information		
Premises Address:	1025 BEACH RD 0-0000	Legal Description: 1025 BEACH RD CEDAR BEACH
Map: 0105	Grid: 0002	Parcel: 0121
Neighborhood: 15080077.04	Subdivision: 0000	Section: 481
Block: 2021	Lot: 481	Assessment Year: 2021
Plat No: 0013/ 0057	Plat Ref: 0013/ 0057	
Town: None		
Primary Structure Built: 1950	Above Grade Living Area: 616 SF	Finished Basement Area: 1.3000 AC
County Use: 04		
Stories: 1	Basement: NO	Type: STANDARD UNIT
Exterior: FRAME/	Quality: 3	Full/Half Bath: 1 full
Garage:	Last Notice of Major Improvements:	
Value Information		
	Base Value	Value
		As of 01/01/2018
		Phase-in Assessments
		As of 07/01/2020
		As of 07/01/2021
Land:	97,800	97,800
Improvements:	34,400	34,400
Total:	132,200	132,200
Preferential Land:	0	
Transfer Information		
Seller: EWING JOSEPH A	Date: 12/19/2001	Price: \$27,500
Type: NON-ARMS LENGTH OTHER	Deed1: /15873/ 00447	Deed2:
Seller: EWING LEE E	Date: 05/20/1986	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07165/ 00776	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 03/30/2011		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:		District - 15 Account Number - 1512400701
Owner Information		
Owner Name:	FEINMAN CATHERINE FEINMAN STEPHEN	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	1023 BEACH RD ESSEX MD 21221-	Deed Reference: /42767/ 00406
Location & Structure Information		
Premises Address:	1023 BEACH RD ESSEX 21221-	Legal Description: LT 479,480 CEDAR BEACH
Map:	Grid:	Parcel:
0105	0002	0119
Neighborhood:	Subdivision:	Section:
15080077.04	0000	
Block:	Lot:	Assessment Year:
		2018
		Plat No:
		Plat Ref: 0013/ 0057
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1950	2,500 SF	
Property Land Area	County Use	
10,400 SF	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	3	1 full/ 1 half
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	70,300	70,300
Improvements	137,400	142,400
Total:	207,700	212,700
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		211,033
		212,700
Transfer Information		
Seller: MYRICK JAMES	Date: 05/01/2020	Price: \$350,000
Type: ARMS LENGTH MULTIPLE	Deed1: /42767/ 00406	Deed2:
Seller: LIPSCOMB SAMUEL P	Date: 06/24/2017	Price: \$45,000
Type: NON-ARMS LENGTH OTHER	Deed1: /39131/ 00501	Deed2:
Seller:	Date:	Price: \$0
Type:	Deed1: /04694/ 00039	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2019
State:	000	07/01/2020
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Application received		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		Date:

2020-0167-A

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 - 1512400701		
Owner Information		
Owner Name:	FEINMAN CATHERINE FEINMAN STEPHEN	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	1023 BEACH RD ESSEX MD 21221-	Deed Reference: /42767/ 00406
Location & Structure Information		
Premises Address:	1023 BEACH RD ESSEX 21221-	Legal Description: LT 479,480 CEDAR BEACH
Map: 0105	Grid: 0002	Parcel: 0119
Neighborhood: 15080077.04	Subdivision: 0000	Section: 0000
Block: 0000	Lot: 0000	Assessment Year: 2018
Plat No: 0013/ 0057		Plat Ref: 0013/ 0057
Town: None		
Primary Structure Built: 1950	Above Grade Living Area: 2,500 SF	Finished Basement Area: 10,400 SF
Property Land Area: 04	County Use: 04	
Stories: 2	Basement: YES	Type: STANDARD UNIT
Exterior: SIDING/	Quality: 3	Full/Half Bath: 1 full/ 1 half
Garage: 1 full/ 1 half	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2018
		As of 07/01/2019
		As of 07/01/2020
Land:	70,300	70,300
Improvements	137,400	142,400
Total:	207,700	212,700
Preferential Land:	0	0
Transfer Information		
Seller: MYRICK JAMES	Date: 05/01/2020	Price: \$350,000
Type: ARMS LENGTH MULTIPLE	Deed1: /42767/ 00406	Deed2:
Seller: LIPSCOMB SAMUEL P	Date: 06/24/2017	Price: \$45,000
Type: NON-ARMS LENGTH OTHER	Deed1: /39131/ 00501	Deed2:
Seller:	Date:	Price: \$0
Type:	Deed1: /04694/ 00039	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Application received		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		Date:

ZAC AGENDA

Case Number: 2020-0167-A

Reviewer: Aaron Tsui

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Stephen & Catherine Feinman

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 1023 BEACH RD

Location: East side of Beach Road 242 South of the center line of Marsh Road.

Existing Zoning: RC 5

Area: 15,700 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

From section 1A04.3.B.2.b and 301.1.A of BCZR To permit proposed attached garage, carport, and front porch additions in front, side and rear of the dwelling with a front yard setback of 40.5 feet to the center of the road, a side and rear yard setbacks of 32 and 35 feet for the proposed carport, in lieu of the required 75, 37.5 & 37.5 feet, and to permit an existing rear deck with 31 feet rear yard setback and the existing house with 40 feet rear and 9 feet side yard setbacks, in lieu of the required 37.5, 50 and 50 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 08/10/2020

Miscellaneous Notes:



Ryan Architecture, Inc.

Ryan Architecture, Inc.
1134 Sandberg Drive
Farmingdale, Maryland
21052

Phone:
(410) 599-2880

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Inc.

When these drawings
are used for construction,
the owner shall be
responsible for obtaining
all necessary permits
and for obtaining the
necessary approvals
from the appropriate
authorities.

DATE:

**FEINMAN
RESIDENCE**
1023 Beach Road
Crown, MD 21221

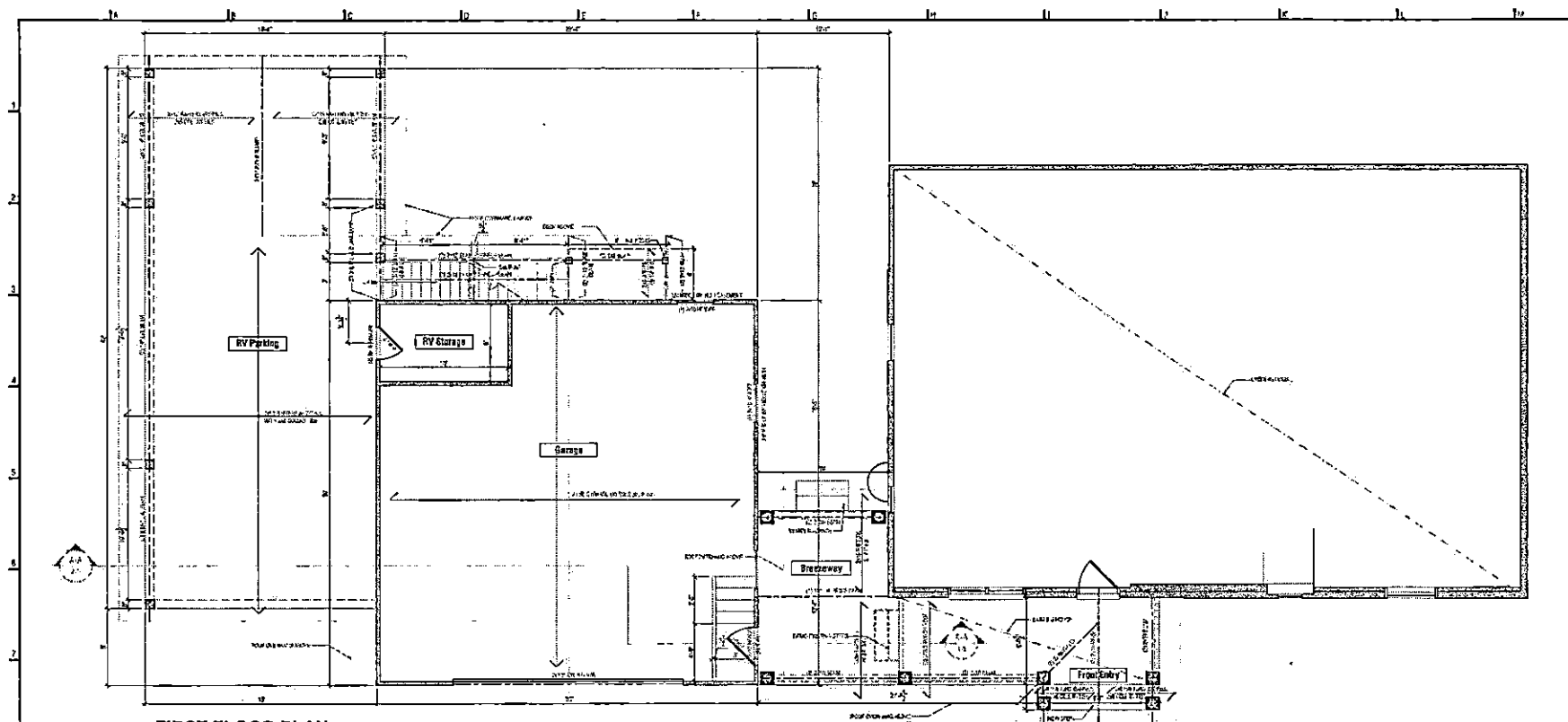
Lot: 478, 479 & 480
Crown Beach
Baltimore County, MD

**Schematic
Plan and
Elevation**

DATE: 12/24/20
SHEET: 1 OF 1
4/15/23

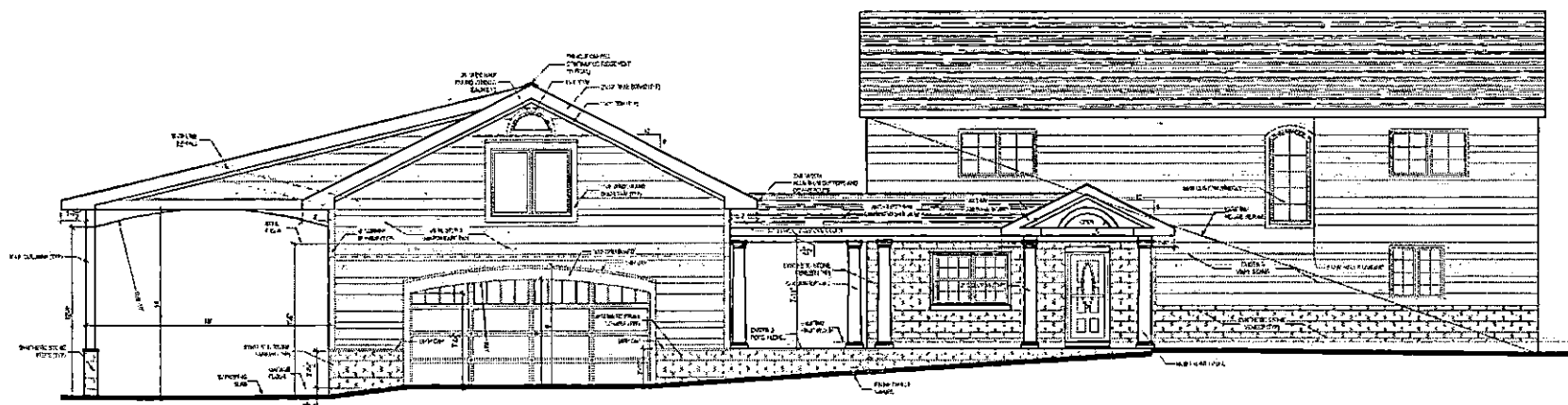
PLAN AND ELEVATION

A2



FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

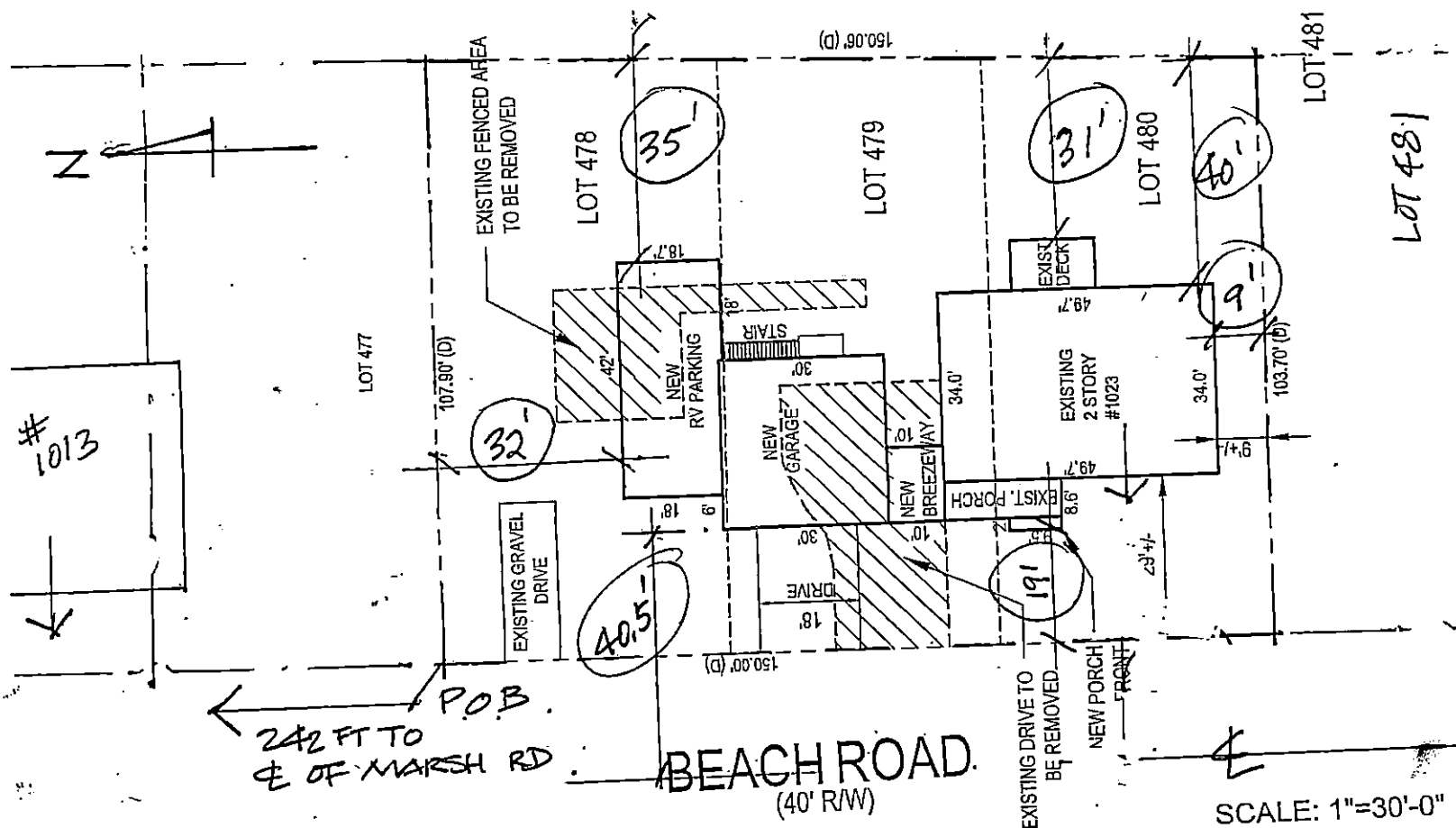


FRONT ELEVATION

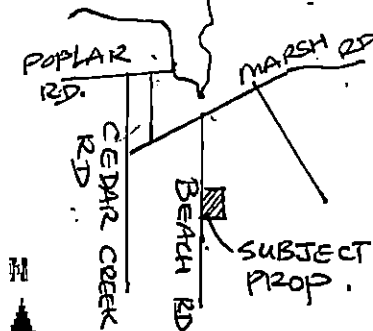
SCALE: 1/4"=1'-0"

2020-0167-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1023 BEACH ROAD OWNER(S) NAME(S) CATHERINE & STEPHEN FEINMAN
 SUBDIVISION NAME CEDAR BEACH LOT # 480 BLOCK # — SECTION # —
 PLAT BOOK # 0013 FOLIO # 0057 10 DIGIT TAX # 1512400701 DEED REF. # 42767100406
1512400700



SITE VICINITY MAP



MAP IS NOT TO SCALE

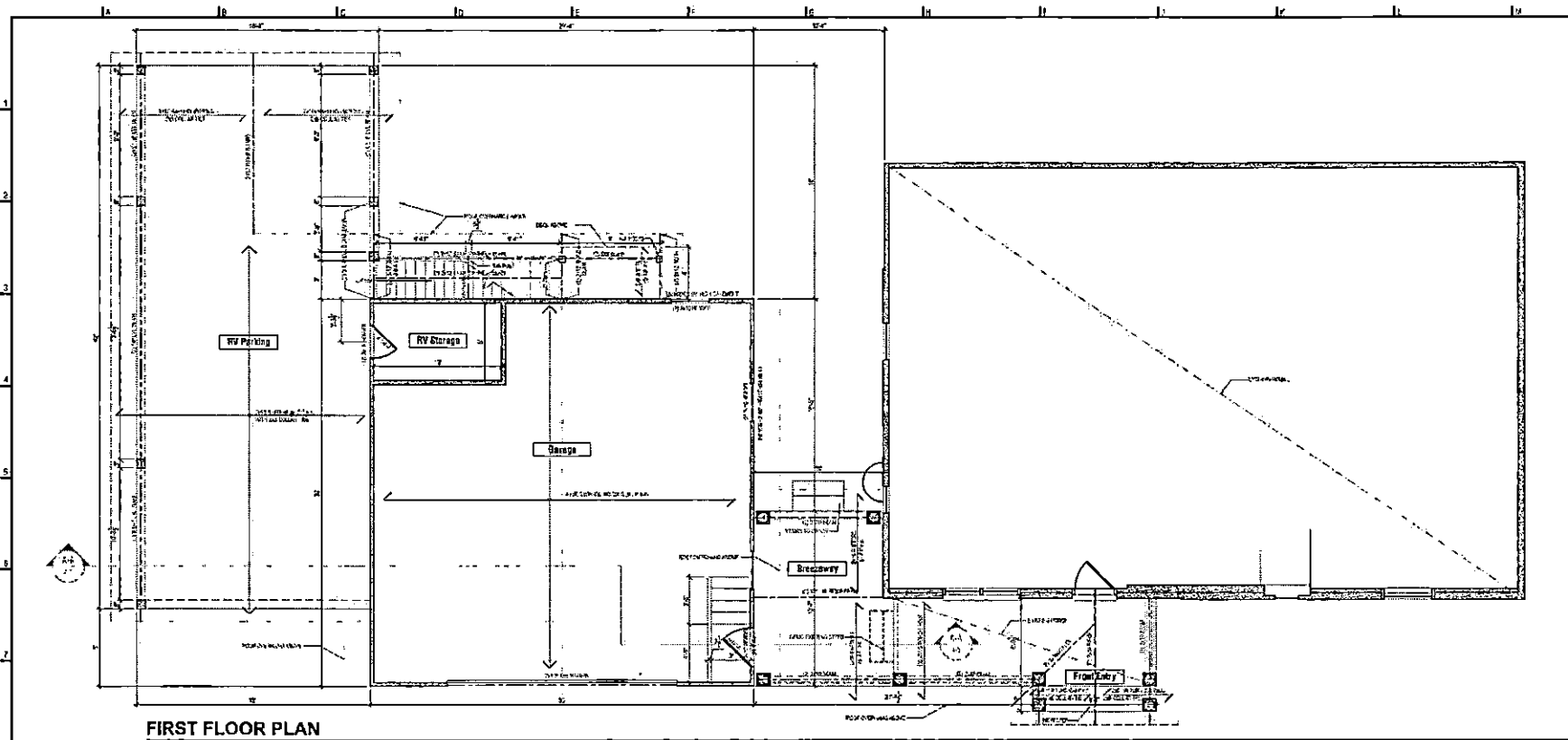
ZONING MAP# 105A1
 SITE ZONED RC5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE —
 OR SQUARE FEET 15,700
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH 'X'
 WATER IS: PUBLIC ☒ PRIVATE ☐
 SEWER IS: PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING? NIL
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
N/A

SCALE: 1"=30'-0"

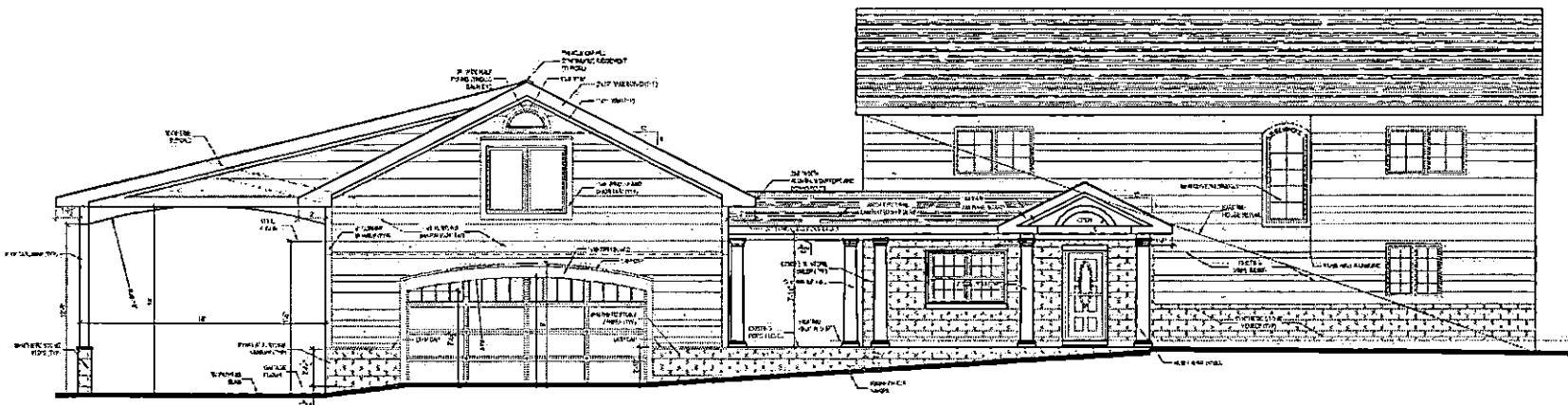
VIOLATION CASE INFO:

N/A

2020-0167-A



FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"



FRONT ELEVATION
SCALE: 1/4"=1'-0"



RIA
Ryan Architects, Inc.

Ryan Architects, Inc.
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Annapolis, Maryland
21402

Phone:
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PROJECT:
FEINMAN RESIDENCE
1523 Beach Road
Essex, MD 21221

Lot: 475, 477 & 480
Cedar Branch
Baltimore County, MD

DATE:
12/24/20

SCHEMATIC PLAN AND ELEVATION

DATE:
12/24/20

ORIGINAL DATE:
12/24/20

PROJECT NUMBER:
A2

2020-0167-A



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PROJECT:
FERMAN RESIDENCE
1023 Birch Road
Essex, MD 21221

Lot 476, 479 & 480
Coppin Branch
Baltimore County, MD

PROJECT TITLE:
Garage Attic Floor Plan, Section & Side Elevation

LAST REVISION DATE:
8/24/20

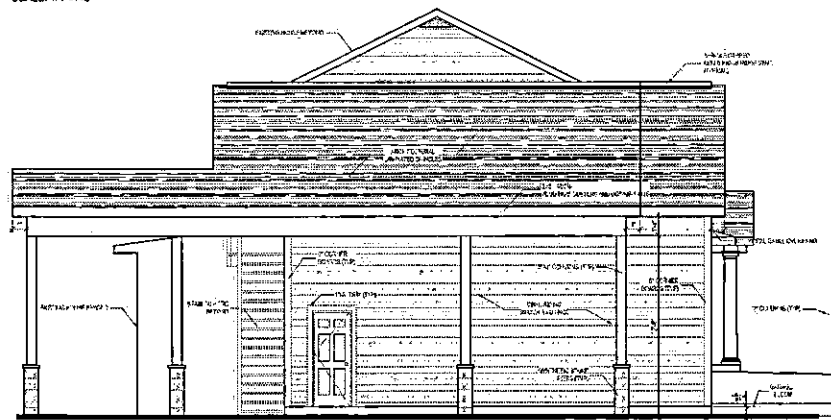
OLD REV. DATE:
4/15/20

DRAWING NUMBER:

A3

GARAGE ATTIC FLOOR PLAN

SCALE: 1/4"=1'-0"

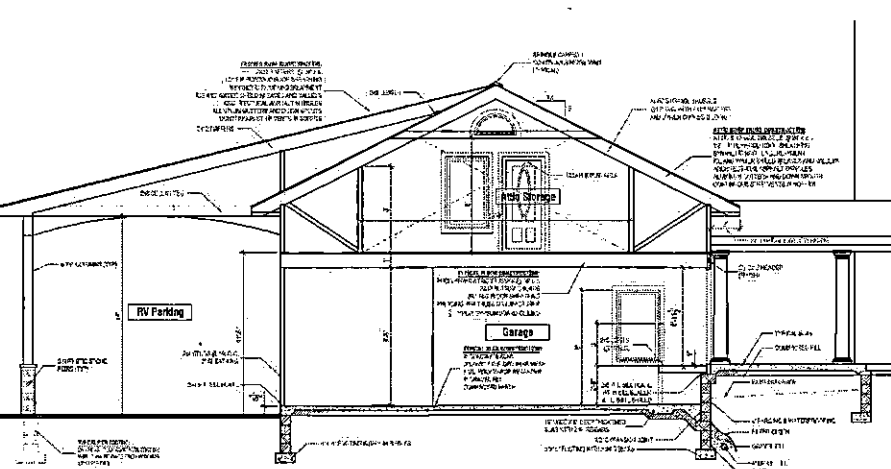


SIDE ELEVATION

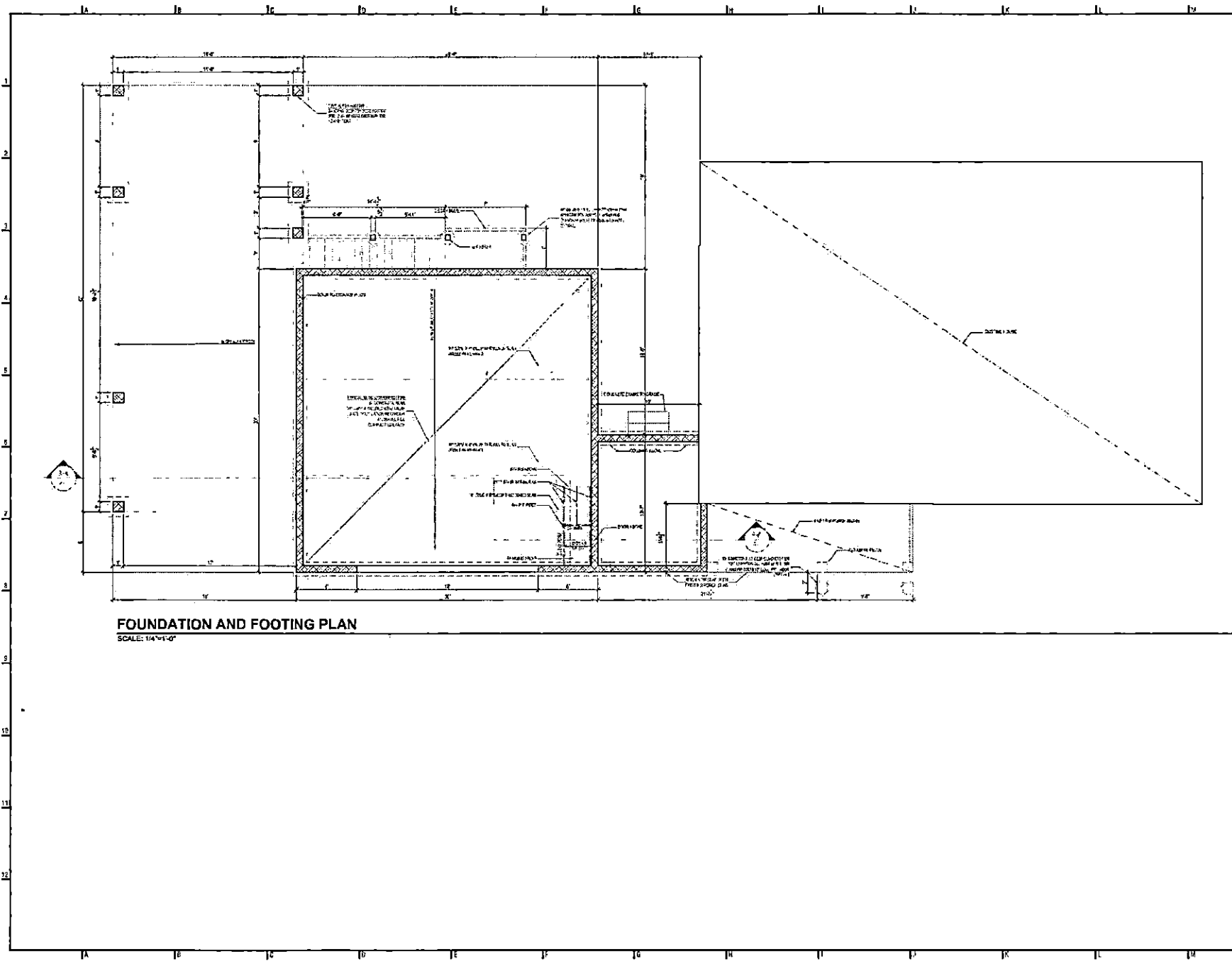
SCALE: 1/4"=1'-0"

SECTION A-A

SCALE: 1/4"=1'-0"



2020-0167-A



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PROJECT

FEINMAN RESIDENCE
1023 Beach Road
Cockeysville, MD 21221
Lot 473, 474, 475
Baltimore County, MD

DATE

9/24/16

ORIGINAL START DATE

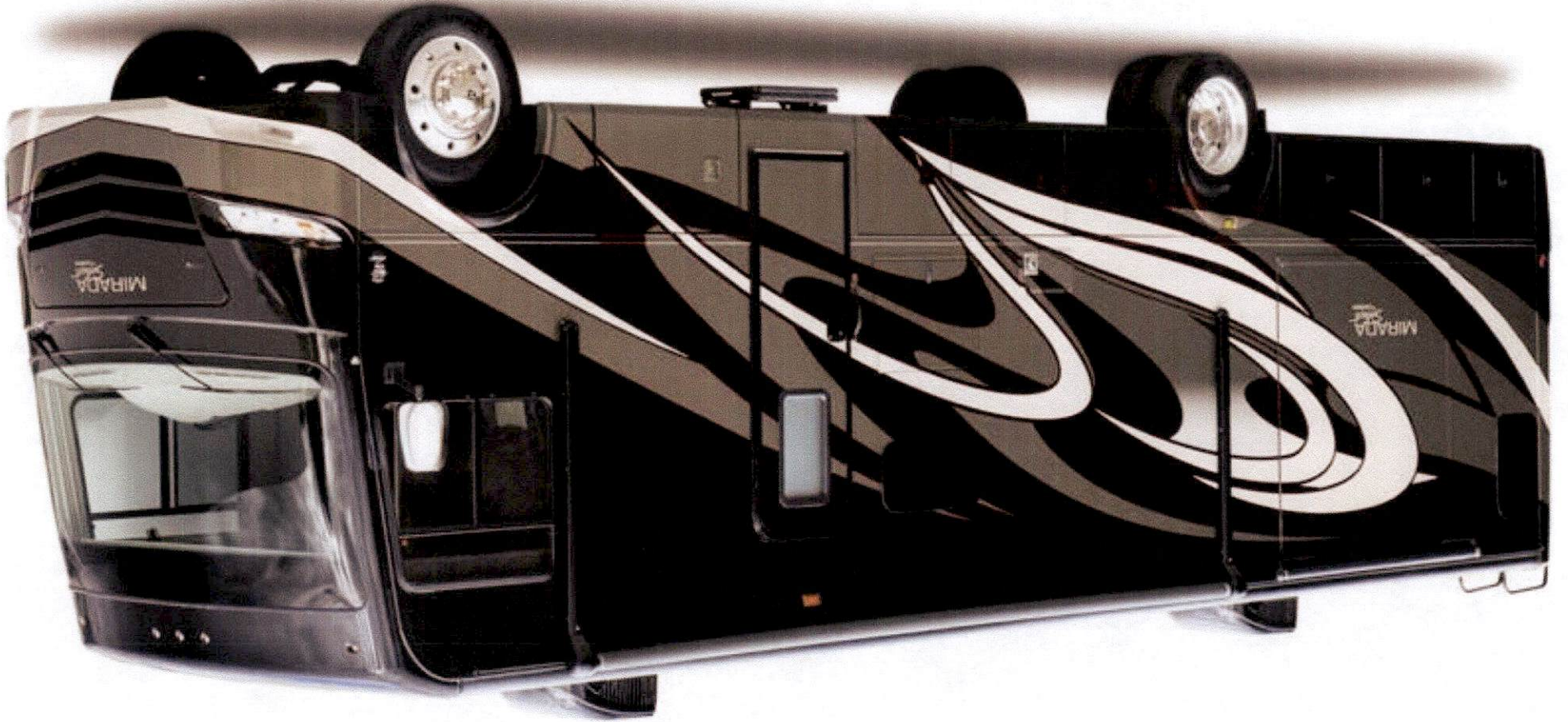
4/15/16

DRAWING NUMBER

A1

2020-0167-A

2020-0167-A



Our RV

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

10/10/10

Neighbor houses
across the street
with a lot less room
between houses



2020-0167-A

2020-0167-A



Neighbor house
across the street
with garage behind
home because
of narrow
lot.

Photo before portable
garage was added by
existing fencing previous owner.
RV port would
end about here



Property line
to neighbor's
property has a
chain link fence.

2020-0167-A

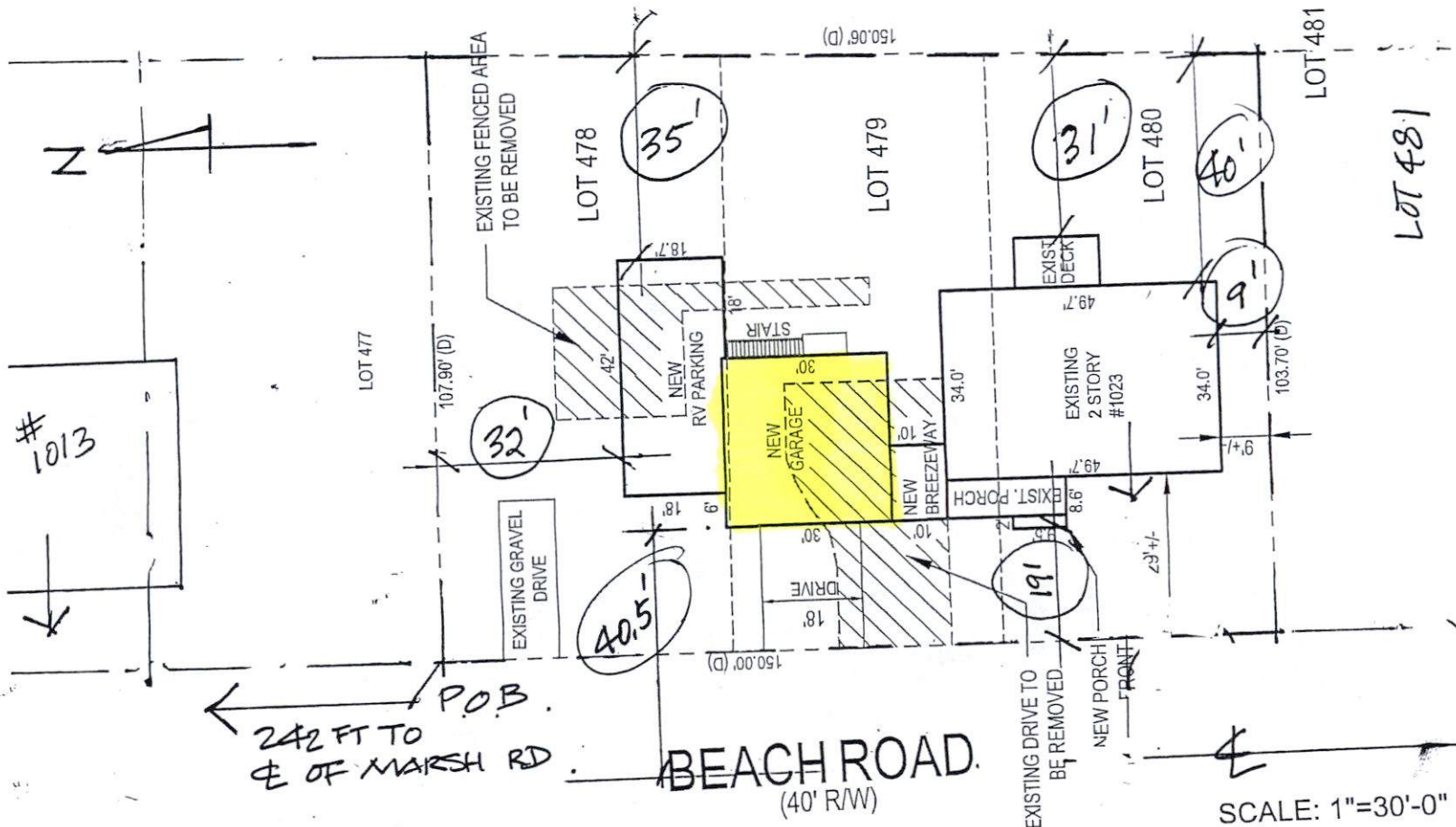
Proposed garage
would end near
the end of the
portable garage,
and existing driveway.



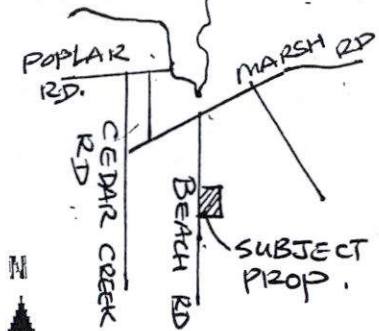
bright MLS

2020-0167-A

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING ☐ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1023 BEACH ROAD OWNER(S) NAME(S) CATHERINE & STEPHEN FEINMAN
 SUBDIVISION NAME CEDAR BEACH LOT # 480 BLOCK # — SECTION # —
 PLAT BOOK # 0013 FOLIO # 0057 10 DIGIT TAX # 1512400701 DEED REF. # 42767100406
1512400700



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 105A1
 SITE ZONED RC5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 7
 LOT AREA ACREAGE —
 OR SQUARE FEET 15,700
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH X
 WATER IS: PUBLIC ☒ PRIVATE ☐
 SEWER IS: PUBLIC ☒ PRIVATE ☐
 PRIOR HEARING? NIL
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
N/A

VIOLATION CASE INFO:

N/A

2020-0167-A

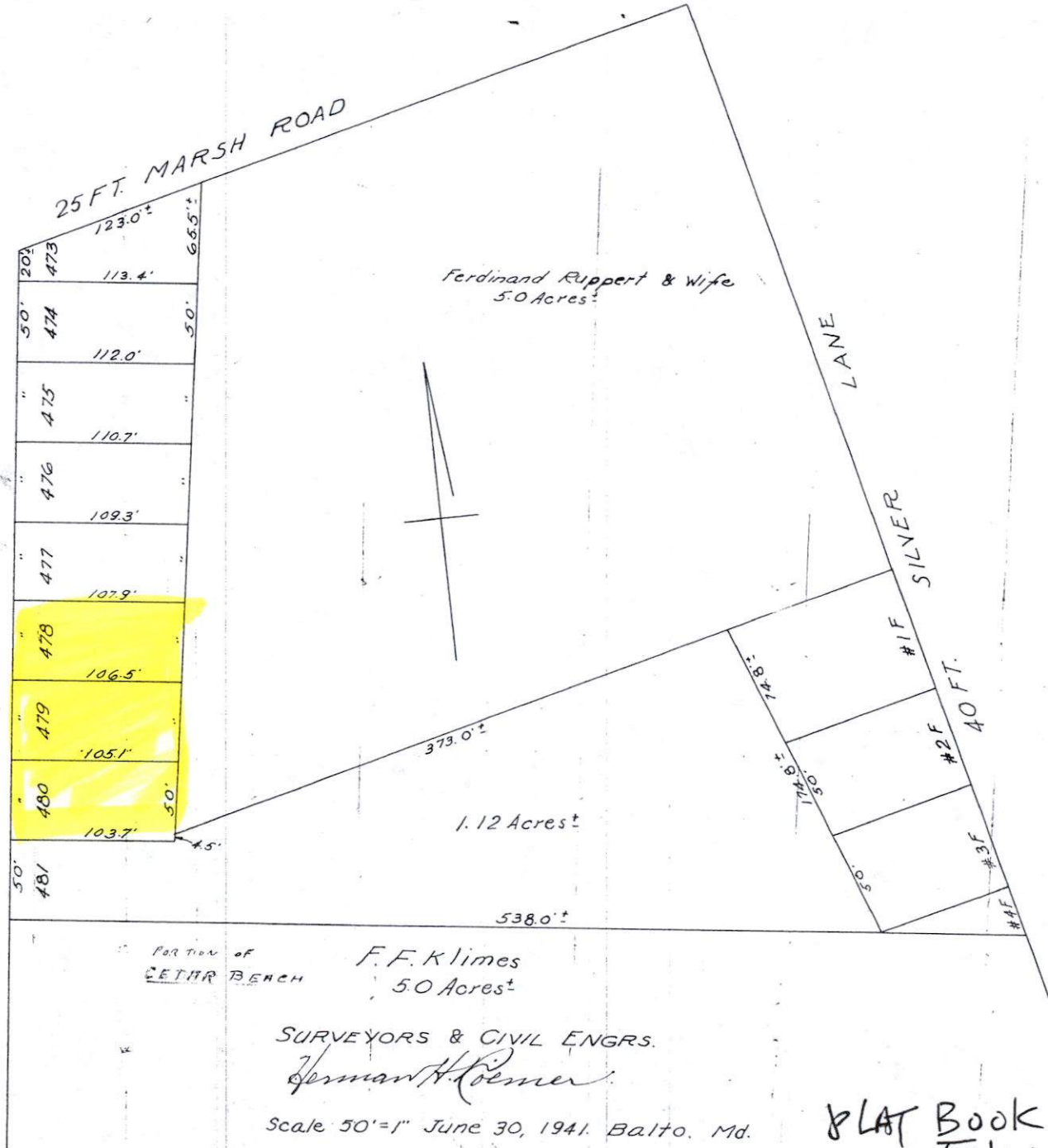
PetoExo1

4-6910-0202



431	430	429	428	427	426	425	424	423	422	421	420	419	418	417	416	415	414	413
25'																	25'	

40 FT. BEACH ROAD



PLAT Book 13,
Folio 57.



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21403

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construction shall be
responsible for
obtaining all
necessary permits.
Contractors shall be
responsible for
obtaining all
necessary permits.
Architects shall be
responsible for
obtaining all
necessary permits.

DATE: 10/1/2020
PROJECT: FEINMAN
RESIDENCE
1231 South Road
Essex, MD 21221

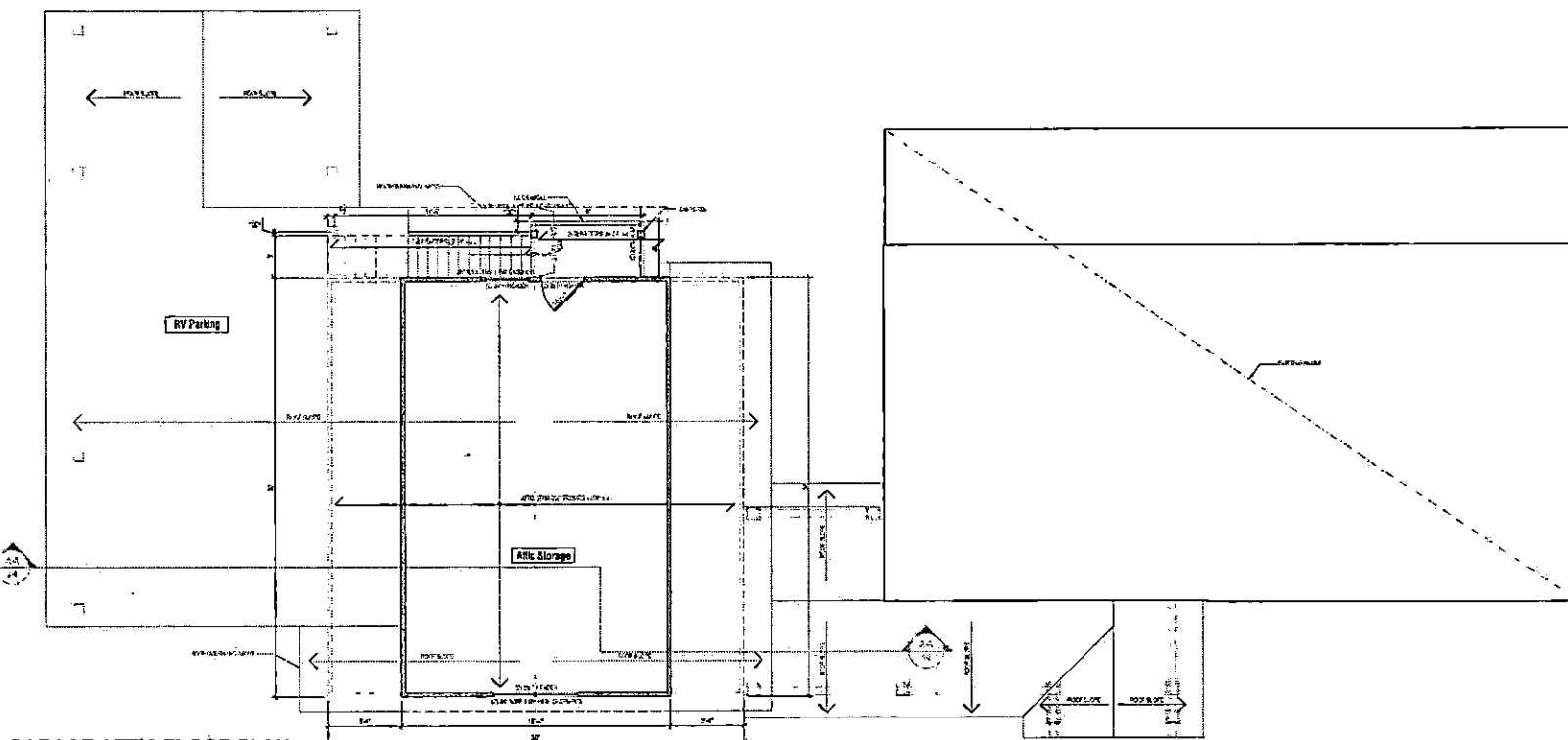
Lot: 478, 479 & 480
Camp Beach
Baltimore County, MD

Garage
Attic Floor
Plan,
Section &
Side
Elevation

DATE: 10/1/2020
PROJECT: FEINMAN
RESIDENCE
1231 South Road
Essex, MD 21221

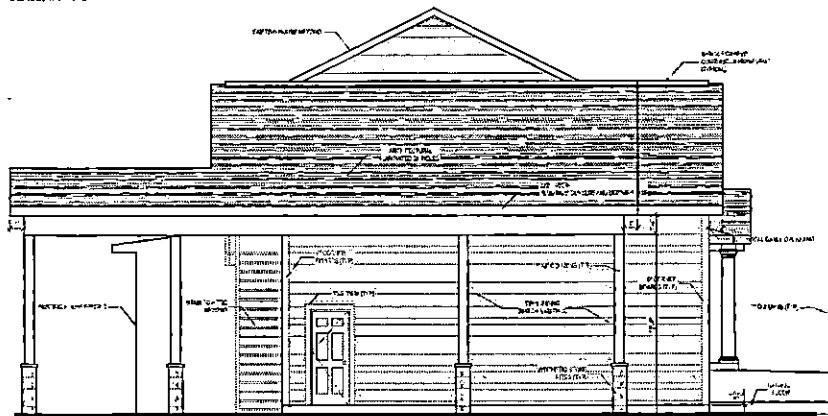
DATE: 10/1/2020
PROJECT: FEINMAN
RESIDENCE
1231 South Road
Essex, MD 21221

DATE: 10/1/2020
PROJECT: FEINMAN
RESIDENCE
1231 South Road
Essex, MD 21221



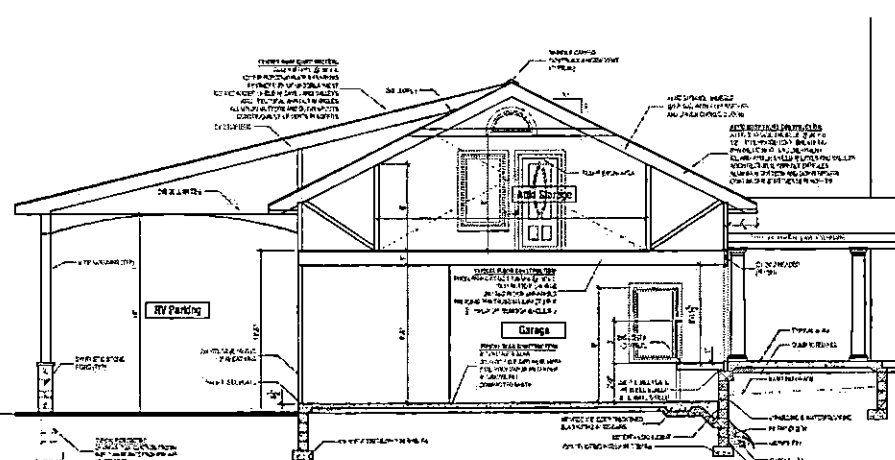
GARAGE ATTIC FLOOR PLAN

SCALE: 1/4"=1'-0"



SIDE ELEVATION

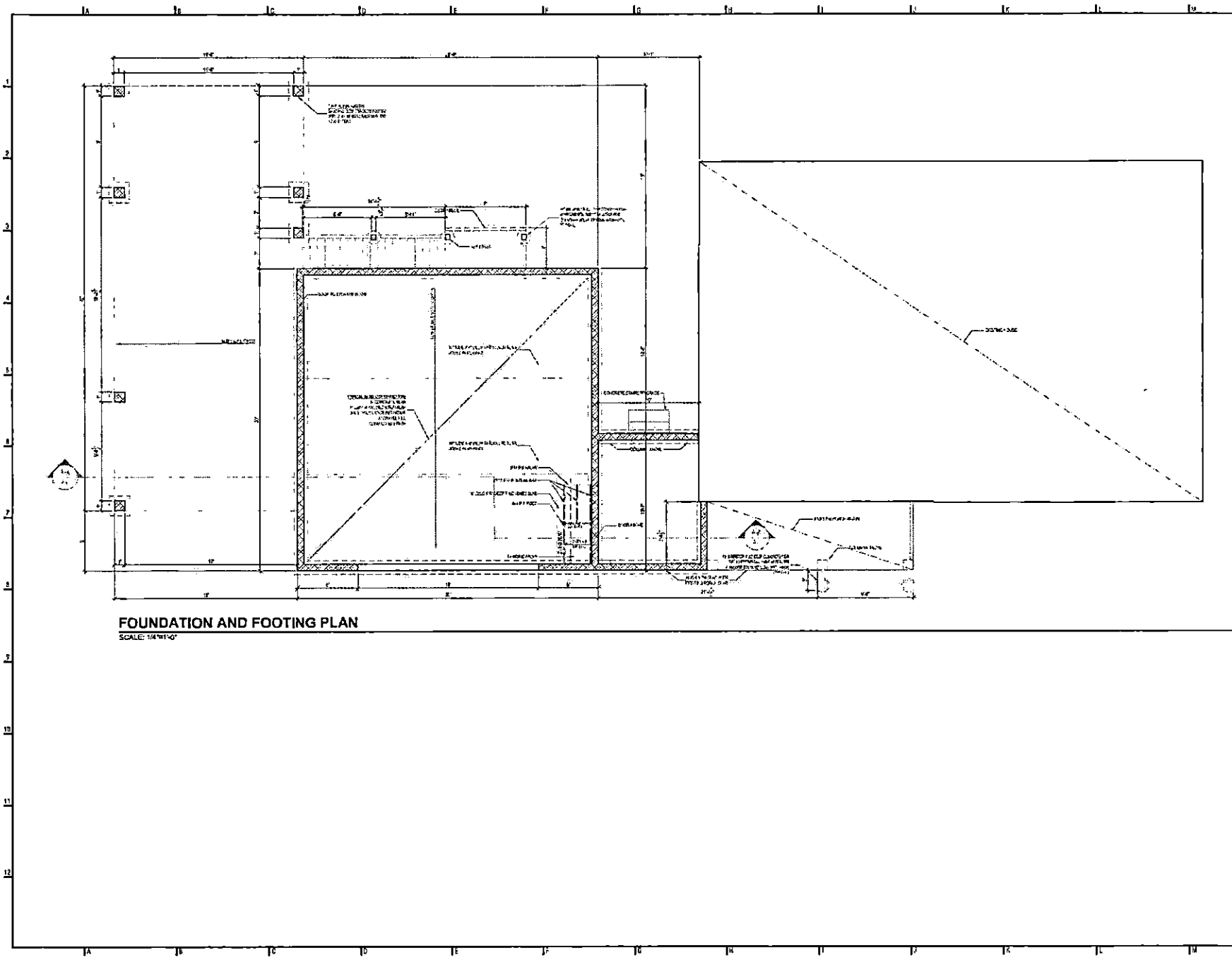
SCALE: 1/4"=1'-0"



SECTION A-A

SCALE: 1/4"=1'-0"

2020-0167-A



FOUNDATION AND FOOTING PLAN
SCALE: 1/4"=1'-0"



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PROJECT:
**FEINMAN
RESIDENCE**
10101 Silverleaf Drive
Annapolis, MD 21402

Lot 428, 429 & 430
Center Beach
Baltimore County, MD

DRAWING TITLE:
**Foundation
Plan**

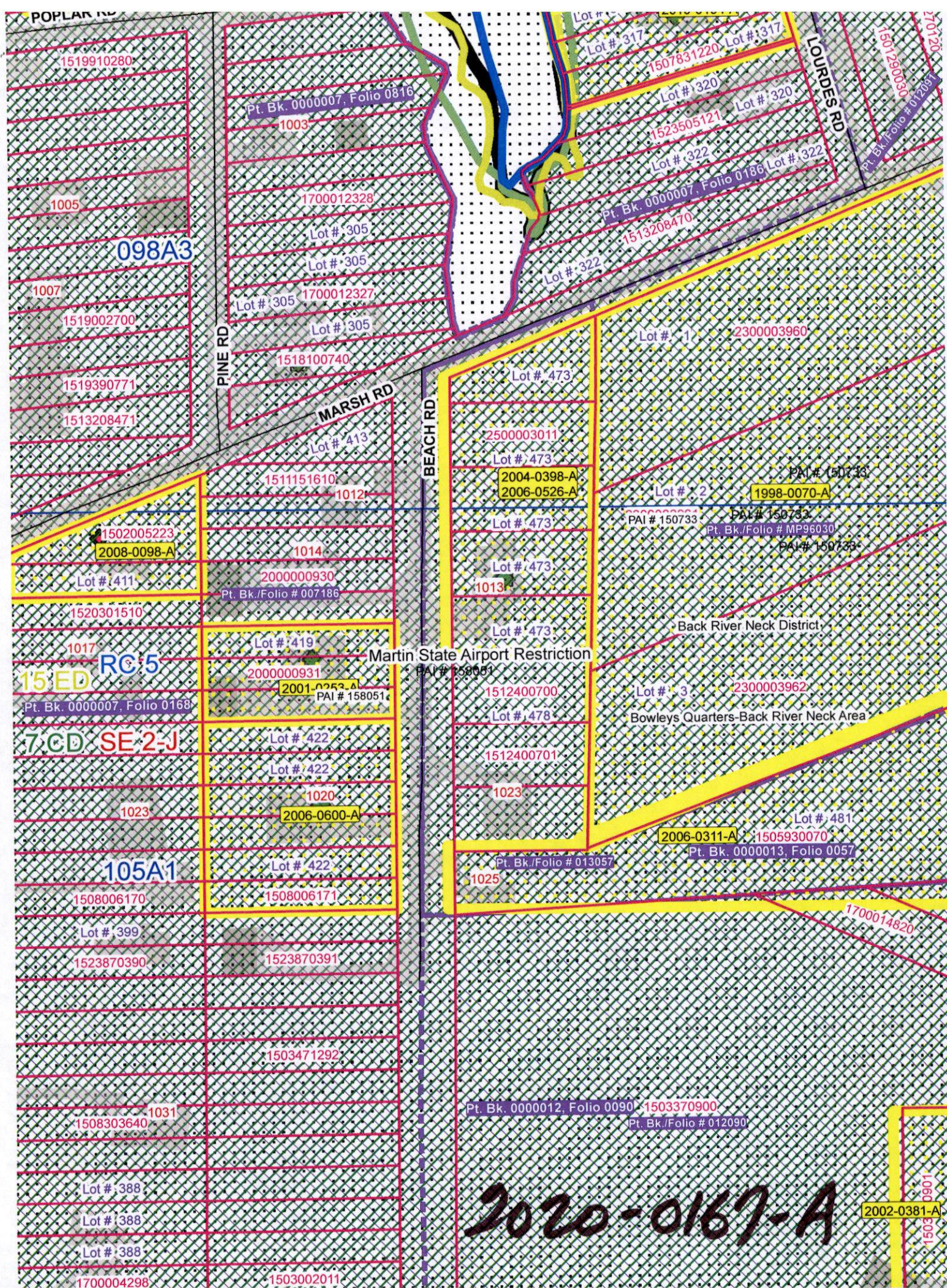
LAST REVISION DATE:
02/21/20

ORIGINAL START DATE:
01/15/20

DRAWING NUMBER

A1

2020-0167-A



7-220-2202