

IN RE: PETITION FOR VARIANCE

(639 Rockway Beach Avenue)

15th Election District

7th Council District

Joseph M. & Theresa M. Carter

Legal Owners/Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2020-0250-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Joseph M. and Theresa M. Carter (the “Petitioners”) for property located at 639 Rockaway Beach Avenue (the “Property”). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1 to permit a proposed replacement single-family detached dwelling with a lot width of 50 feet in lieu of the required 70 feet and to allow a sum of side yard widths of 20 feet in lieu of the 25 feet required for a replacement dwelling.

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. Joseph and Theresa Carter, appeared in support of the Petition along with Geoffrey C. Schultz, professional land surveyor with Polaris Land Consultants. Howard L. Alderman, Jr., Esquire represented the Petitioners. John B. Gontrum, Esquire, represented Dr. Ricardo Yazigi and his wife, Cecelia M. Yazigi (the “Yazigis”), who own adjoining property to east at 637 Rockaway Beach Avenue, who appeared in opposition. Edward A. Schatz, who owns adjoining property to the west at 641 Rockaway Beach Avenue, appeared as an interested person.

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9/10/21

By

D. Mignon

Zoning Advisory Comments were received from the Department of Planning and the Department of Environmental Protection and Sustainability ("DEPS"), which agencies did not oppose the requested relief provided their comments were addressed in any grant of relief.

The case proceeded with Mr. Alderman examining Geoffrey Schultz who was accepted as an expert in surveying, planning, zoning and land development. Mr. Schultz prepared and sealed the Plat to Accompany Petition for Zoning Variance (the "Site Plan") which was marked and accepted as Petitioners' Exhibit No. 1. The Site Plan depicted a lot, 50 feet wide and, as originally platted, 200 feet long, with a bulk head across the width of the lot adjacent to Sue Creek. Mr. Schultz indicated that the Site Plan showed the Property as dimensioned, being Lot No. 52 shown on the subdivision "Plat of Turkey Point Farm", recorded among the Plat Records of Baltimore County, on September 9, 1915, in Plat Book No. 4 at page 171 (Petitioners' Exhibit No. 2). The Site Plan also showed the footprint of the previous structure on the Property, as well as the Petitioners' proposed new dwelling which is to be 30 feet in width and 60 feet in length and will front Rockaway Beach Avenue. The rear of the proposed dwelling is shown in line with that of the Yazigis' home, which is dimensioned 62 feet north of the bulkhead on the Yazigis' property.

Testimony and evidence produced through Mr. Schultz, included: i) a print from the County's My Neighborhood website, the cross-hatching on which highlighted a number of lots in the area of the Property that have also obtained variance relief due to their size and shape (Petitioners' Exhibit No. 3); ii) eight (8) prior Opinions of this Office for properties in the immediate vicinity granting relief from side yard setback requirements and other relief (Petitioners' Exhibit No. 4); iii) a drainage study conducted by Mr. Schultz for the Property indicating how stormwater would be handled to comply with applicable law and so as not to impair adjoining properties (Petitioners' Exhibit No. 5) ; iv) a series of photographs of properties in the

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[Signature]

immediate area that have obtained variance relief so that a new home could be constructed (Petitioners' Exhibit No. 6; and v) letters from owners in the immediate area expressing support for the relief requested by the Petitioners (Petitioners' Exhibit No. 7).

Mr. Schultz then testified regarding the uniqueness of the Property in that unlike many, if not most of the other lots in the area, the Property had been improved with a dilapidated dwelling that was untenable. Additional testimony from Mr. Schultz described the practical difficulty that would be faced by the Petitioners if the requested relief were not granted, that the requested relief would do substantial justice to the Petitioners and others in the neighborhood, many of whom received similar relief for new home construction or alteration and that, in his expert opinion, the relief could be granted so that the spirit and intent of the BCZR will be observed and public health, safety and welfare secured.

Mr. Carter testified that he needed a home 30 feet in width to ensure that it was handicap accessible for his mother-in-law. Mr. Carter also testified that he understood any new construction must comply with the Chesapeake Bay Critical Area requirements and he acknowledged that he would be installing the drainage system designed by Mr. Schultz, once it was approved by the County.

Mr. Gontrum then presented the testimony of Dr. Yazigi, who indicated he and his wife had made improvements to their home. He described how their property received quite a bit of water, primarily from the street, but he and his wife were concerned that construction on the Petitioners' property may result in additional water. Dr. Yazigi agreed that he would work with the Petitioners' in their installation of the proposed drainage system on the Property. Dr. Yazigi's testimony included a series of photographs to illustrate his and his wife's concerns regarding the size and height of the Petitioners' proposed home and the impact it may have on sunlight reaching

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the Yazigis' property. Photographs of the bulkhead on the Property were introduced as well as correspondence from DEPS indicating that due to mean high tide encroaching up to that bulkhead, the Petitioners' actual net site area was less than the required 10,000 square feet, which requires approval of an undersized lot of record.

Following Mr. Gontrum's case, Mr. Schultz was recalled. On re-direct, Mr. Schultz testified that he did not perform a survey of the Property and used the dimensions and property lines used in the conveyance of the Property as shown on the recorded Plat of Turkey Point Farm. Mr. Schultz concluded his testimony describing how 'rainscaping' will be implemented between the proposed dwelling and Sue Creek to meet the Chesapeake Bay Critical Area requirements and that, without the requested relief, the Petitioners would not be able to construct a handicapped accessible home.

The hearing was concluded, saving the submission of memoranda by legal counsel for the parties addressing the issues raised in this case. Prior to the agreed upon date for submission of memoranda, this Judge was advised that the parties were discussing terms and conditions in resolution of concerns and differences. The parties were extended additional time to pursue resolution. A Development Agreement, dated August 18, 2021 has been reached among the Petitioners, the Yazigis and Mr. Schatz, agreeing to modified variance relief and imposing conditions, in addition to those outlined in the ZAC comments, all of which will be incorporated herein as conditions on the relief granted.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, the Petitioners will experience a practical difficulty or hardship.

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Cromwell v. Ward, 102 Md. App. 691 (1995)

I find that special circumstances or conditions exist that are peculiar to the Property which is the subject of this variance request. The Property is in a subdivision which was recorded among the Land Records of Baltimore County in 1915, many years before any zoning regulation existed in the County and more than one-half century before the DR regulations were imposed on this Property. Consequently, I find that the zoning regulations impact this Property in a way different from those lots not on the water and created after the DR regulations were imposed.

I find that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship. Obviously, if strictly enforced the Petitioners would be unable to replace a dilapidated dwelling with a modern, handicap accessible dwelling. Given that a home had been located previously on the Property, no increase in density by the relief granted will result.

Furthermore, I find that the variance relief as modified by agreement among those most affected by it can be granted in strict harmony and within the spirit and intent of the BCZR and in such a manner as to not result in injury to the public health, safety or general welfare. As noted above, to ensure compatibility with the neighborhood and the Critical Area requirements, the relief granted will be subjected to the conditions specified below. The Petition has been properly advertised, the Property has been posted as required and the required public hearing concluded.

THEREFORE, IT IS ORDERED, this **10th** day of **September 2021**, by the Administrative Law Judge for Baltimore County, that variance relief from Section 1B01.2.3.C.1 of the Baltimore County Zoning Regulations to permit a proposed replacement single-family dwelling on the Property of the Petitioners, with a side yard of 8 feet in lieu of the 10 feet required and a sum of

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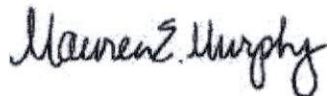
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side yard widths of 19.5 feet in lieu of the 25 feet required, and a net lot area of 9,293 sq. ft. in lieu of the 10,000 sq. ft. required, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, the Petitioners will be required to return the subject property to its original conditions.
2. Petitioners must comply with the ZAC Comments from the Department of Planning and the Department of Environmental Protection and Sustainability.
3. The Development Agreement, dated August 18, 2021, among the parties, and the agreements, terms and conditions therein are specifically incorporated herein and may be enforced as if those agreements, terms and conditions were set forth in their entirety herein.
4. Exhibit A to the Development Agreement shall, for purposes of this Order and the relief granted herein, replace Petitioners' Exhibit No. 1 as introduced at the public hearing held.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

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DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made this 18th day of August, 2021, by and among **JOSEPH M. CARTER** and **THERESA M. CARTER** (referred to collectively herein as "**Carters**" or "**Petitioners**"); **RICARDO YAZIGI** and **CECELIA M. YAZIGI**, each a Trustee under the Yazigi Revocable Trust, dated February 27, 2016 (referred to collectively herein after as the "**Yazigis**"); and **EDWARD A. SCHATZ** (referred collectively herein the "**Schatz**").

BACKGROUND

WHEREAS, the Carters own property at 639 Rockaway Beach Avenue (the "**639 Property**") from which a dwelling has been razed and on which the Carters propose to construct a new dwelling; and

WHEREAS, the Yazigis own property at 637 Rockaway Beach Avenue which adjoins and has a common property line with the 639 Property (the "**637 Property**"); and

WHEREAS, Schatz owns property at 641 Rockaway Beach Avenue which adjoins and has a common property line with the 639 Property (the "**641 Property**"); and

WHEREAS, given the size and narrowness of the 639 Property, certain relief is required to be obtained from the *Baltimore County Zoning Regulations* ("**BCZR**") for construction of the Carters' proposed dwelling; and

WHEREAS, the Carters filed a Petition for Zoning Variance, seeking the relief necessary to permit construction of the proposed dwelling, which was docketed as Case No. 2020-0250-A (the "**Petition**"); and

WHEREAS, a virtual public hearing on the Petition was held before an Administrative Law Judge ("**ALJ**") on May 13, 2021, attended by the Petitioners, the Yazigis and Schatz, during which legal counsel for the Yazigis raised issues related to concerns the Yazigis had with the proposed zoning relief; and

WHEREAS, following the public hearing legal counsel for the Petitioners and the Yazigis requested that the ALJ provide their respective clients with additional

time in an attempt to reach a compromise on the zoning relief that would permit construction on the 639 Property and address the Yazigis' concerns; and

WHEREAS, the Petitioners and the Yazigis have reached agreement on revised zoning relief, subject to conditions, which they intend to present to the ALJ for consideration in issuing the required final ALJ Order; and

WHEREAS, Schatz is a party to this Agreement solely for the purpose of acknowledging his assent to the revised zoning relief.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1) and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The above Background statements are incorporated herein as if restated in their entirety.

2. In lieu of the original relief contained in the Petition, the parties hereto agree that the following relief is to be substituted:

2.1. The minimum side yard setback for the proposed dwelling on the 639 Property shall be eleven and one-half (11.5') feet between the proposed dwelling and the common property line between the 637 Property and the 639 Property as shown on the revised "Plat to Accompany Petition for Zoning Variance" attached hereto and incorporated herein as Exhibit "A".

2.2. The minimum side yard setback for the proposed dwelling on the 639 Property shall be eight (8') feet between the proposed dwelling and the common property line between the 641 Property and the 639 Property as shown on Exhibit "A".

2.3. The sum of the two side yard setbacks shall be nineteen and one-half (19.5') feet in lieu of the twenty-five (25') feet required by the BCZR.

2.4. The 639 Property shall be approved to allow construction of the Carters' proposed dwelling.

3. In addition to any standard conditions contained in final orders on zoning petitions filed, the final Order in the Carters' Petition shall be conditioned as follows:

3.1. The dwelling to be constructed on the 639 Property will not be mounded or built up in elevation but will adhere to the grading shown on Petitioners' Exhibit No. 5, page 13, entitled "Grading Plan".

3.2. Petitioners agree to construct a swale between the 637 Property and the proposed dwelling on the 639 Property on the 639 Property to convey stormwater runoff to a suitable location as approved by the appropriate Baltimore County agencies.

3.3. The Yazigis shall be permitted to use the swale on the 639 Property for any stormwater runoff amelioration installed by the Yazigis.

4. The terms and conditions of this Agreement shall be binding on the parties hereto and their respective heirs, personal representatives, successors and assigns as the case may be whether or not the same acknowledge the existence and/or terms of this Agreement.

5. The parties hereto each warrant and represent that they have the power and requisite legal authority to bind themselves, their trust if acting as a trustee and their successors and assigns to the agreements herein contained.

6. The failure in any instance to enforce any of the terms or conditions contained in this Agreement shall in no event constitute a waiver or estoppel of the right to enforce the same or any other term or condition in the event of another violation occurring prior or subsequent thereto.

7. The parties hereto covenant and agree to execute such instrument or instruments as may be necessary from time to time to carry out the intent of the Agreement or to amend this Agreement as may be required by all applicable laws, regulations and codes in keeping with the spirit and intent of this Agreement.

8. This Agreement contains the full and complete agreement of the parties hereto and no oral agreements, past, present or future shall be effective or binding on or against the parties unless the same shall be reduced to writing and executed in the same manner as this Agreement.

9. Each of the parties hereto warrant that they or it have had the opportunity to consult legal counsel of their choice and have carefully read and

understand this Agreement and are cognizant of the terms and conditions hereof and the obligations associated herewith.

10. Notwithstanding any provision hereof to the contrary, in the event a final and unappealable order of the ALJ in Case No. 2020-0250-A is issued granting zoning relief different than as specifically set forth in Sections 2.1, 2.2, 2.3 and 2.4 or in the event the Carters do not obtain a final and unappealable building permit to construct a dwelling on the 639 Property within the setbacks set forth in Sections 2.1, 2.2, 2.3 and 2.4, this Agreement shall terminate immediately and shall thereafter be unenforceable by any person or entity.

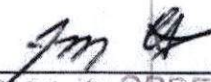
11. This Agreement shall be construed, interpreted and enforced according to the laws of the State of Maryland, without regard to principles of conflict of laws. Should any provisions of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms of any such provision shall be more strictly construed against one party or the other by reason of the rule of construction that a document is to be construed most strictly against the party who itself or through its agent who prepared the same, it being agreed that the agents of all parties hereto have participated in the preparation of this Agreement.

12. Each party shall indemnify and hold the other harmless against any claims, damages, losses and expenses, including attorney's fees, expert's and consultant's fees and court costs, arising out of the breach hereof or the failure to perform its obligations hereunder.

13. This Agreement may be executed in counterparts, each of which shall be deemed an original for all purposes, all of which shall together constitute a single and the same Agreement; each counterpart may be signed and transmitted initially as an attachment to an email message and the same shall be considered as containing original signatures, provided that said counterpart is provided subsequently to each other party in its original form.

IN WITNESS WHEREOF, the parties hereto have affixed their respective hands and seals the date and year first above written.

CARTERS:



Joseph M. Carter

Theresa M. Carter

Theresa M. Carter

YAZIGIS:

Ricardo Yazigi, Trustee

Cecelia M. Yazigi, Trustee

SCHATZ:

Edward A. Schatz

Edward A. Schatz

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By

9/10/21
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Theresa M. Carter

YAZIGIS:

Ricardo Yazigi, Trustee

Cecilia M. Yazigi, Trustee

SCHATZ:

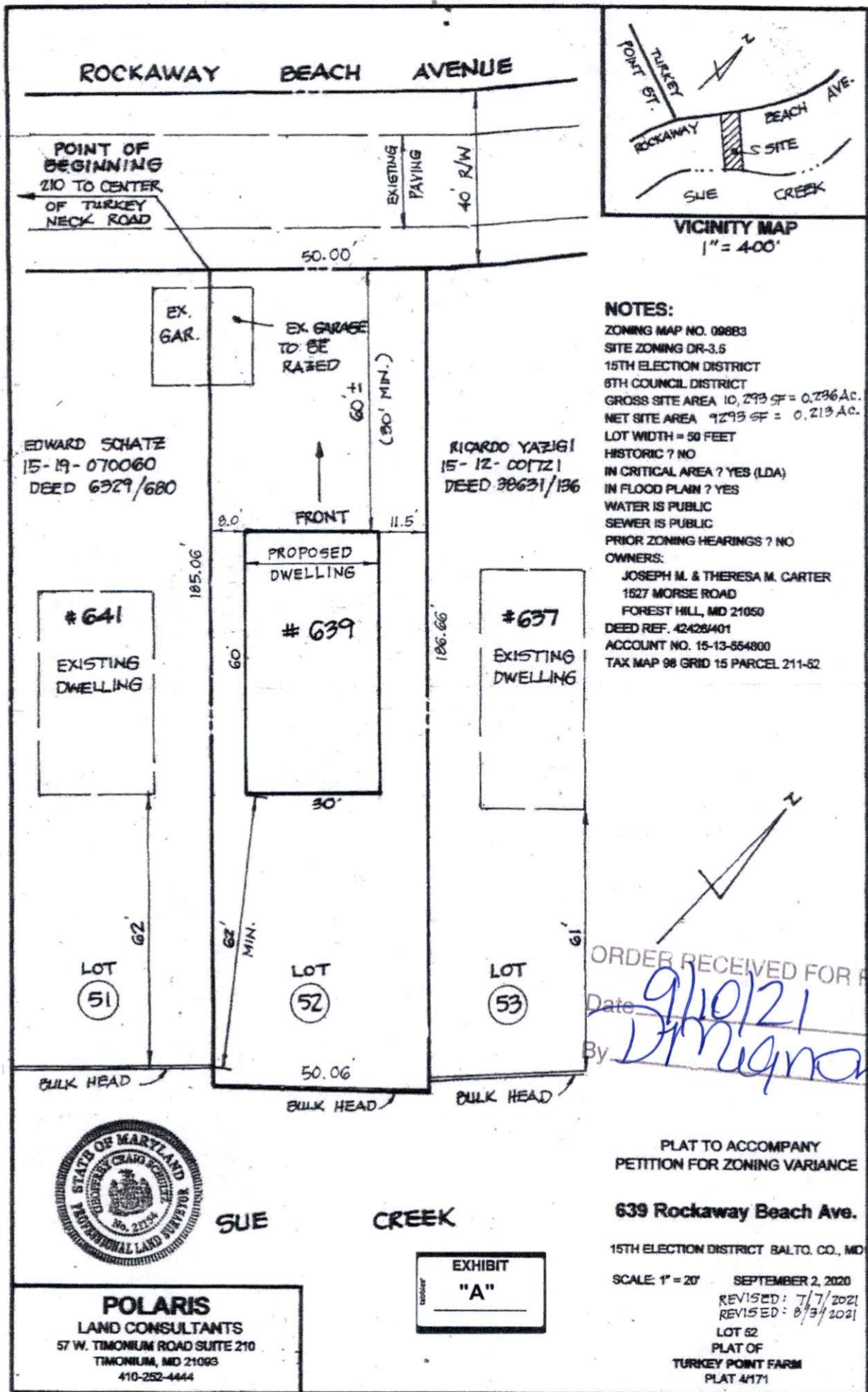
Edward A. Schatz

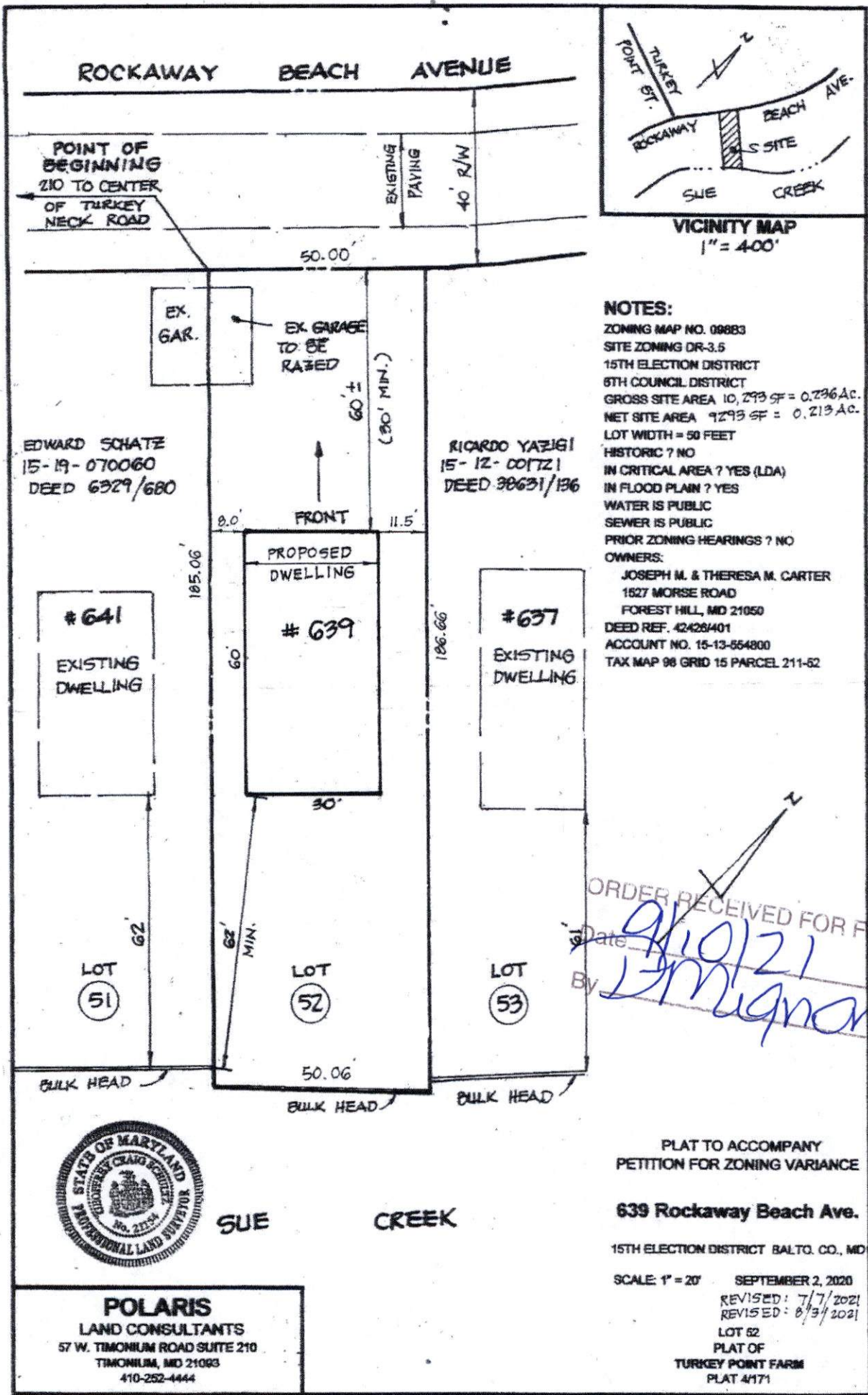
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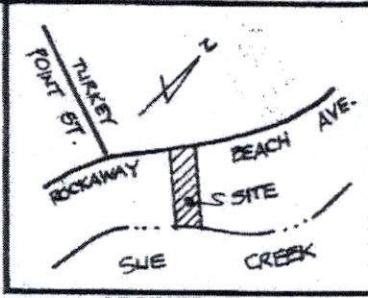
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POINT OF BEGINNING
210 TO CENTER
OF TURKEY
NECK ROAD



VICINITY MAP
1" = 400'

NOTES:

ZONING MAP NO. 09883
SITE ZONING DR-3.5
15TH ELECTION DISTRICT
6TH COUNCIL DISTRICT
GROSS SITE AREA 10,293 SF = 0.236 Ac.
NET SITE AREA 9293 SF = 0.213 Ac.
LOT WIDTH = 50 FEET
HISTORIC ? NO
IN CRITICAL AREA ? YES (LDA)
IN FLOOD PLAIN ? YES
WATER IS PUBLIC
SEWER IS PUBLIC
PRIOR ZONING HEARINGS ? NO
OWNERS:
JOSEPH M. & THERESA M. CARTER
1527 MORSE ROAD
FOREST HILL, MD 21050
DEED REF. 42428/401
ACCOUNT NO. 15-13-554800
TAX MAP 98 GRID 15 PARCEL 211-52

EDWARD SCHATZ
15-19-070060
DEED 6329/680

RICARDO YAZIGI
15-12-007721
DEED 38631/196



POLARIS
LAND CONSULTANTS
57 W. TIMONUM ROAD SUITE 210
TIMONUM, MD 21083
410-252-4444

PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE

639 Rockaway Beach Ave.

15TH ELECTION DISTRICT BALTO. CO., MD

SCALE: 1" = 20' SEPTEMBER 2, 2020
REVISED: 7/7/2021
REVISED: 8/3/2021
LOT 52
PLAT OF
TURKEY POINT FARM
PLAT 4/171



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 639 ROCKAWAY BEACH AVE. which is presently zoned DR-3.5
 Deed References: 42426 / 401 10 Digit Tax Account # 1513554800
 Property Owner(s) Printed Name(s) JOSEPH M. & THERESA M. CARTER

(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. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s) 1302.3.C.1. TO ALLOW A LOT WIDTH OF 50 IN LIEU OF THE MINIMUM REQUIRED 70 FEET AND TO ALLOW A SUM OF SIDE YARD WIDTHS OF 20 FEET IN LIEU OF THE 25 FOOT MINIMUM of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

N/A
 Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

N/A
 Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

JOSEPH M. CARTER , THERESA M. CARTER

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

X Jm X Theresa M. Carter
 Signature #1 Signature #2

1527 MORSE RD. FOREST HILL, MD

Mailing Address City State

21050 , 410-808-7490 , JCPHINC@ZOOM

Zip Code Telephone # Email Address

Representative to be contacted:

GEOFFREY SCHULTZ - POLARIS LC

Name - Type or Print

Signature

57 W. TIMONIUM RD. #210 TIMONIUM MD

Mailing Address City State

21093 , 410 252 4444 , GSCHULTZ@POLARIS

Zip Code Telephone # Email Address

CASE NUMBER 2020-0250-A Filing Date 10/8/2020

Do Not Schedule Dates: Reviewer JCM



57 WEST TIMONIUM ROAD
SUITE 210
TIMONIUM, MD 21093
PHONE: (410) 252-4444
WWW.POLARISLC.COM

Zoning Description of
639 Rockaway Beach Avenue
15th Election District
6th Councilmanic District
Baltimore County, MD



A handwritten signature in black ink, appearing to be "GCS", written over the bottom right portion of the surveyor's seal.

Beginning at a point on the South side of Rockaway Beach Avenue, said point being 210 feet East of the center of Turkey Point Road and being Lot 52 of the Plat of "Turkey Point Farm" recorded in Plat Book 4 Page 171.

Containing 10,000 square feet or 0.230 Acres of land as recorded in deed Liber 42426 Folio 401.

Kristen L Lewis

From: Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Sent: Thursday, March 18, 2021 5:34 PM
To: Administrative Hearings; Kristen L Lewis; Donna Mignon
Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com; Cecilia Grand Yazigi
Subject: Case No. 2020-0250-A Motion to Postpone
Attachments: 2021-03-18 16-34.pdf

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

Case No. 2020-0250-A,
March 29, 2021 at 10:00 am.

MOTION TO POSTPONE

We, Ricardo Yazigi and Cecilia Yazigi currently residing at 1306 Carrollton Ave, Towson 21204 are the owners of the property located on 637 Rockaway Beach Ave, Essex, Maryland. A variance hearing concerning the next-door lot #52, 639 Rockaway Beach Ave is scheduled for Monday, March 29, 2021, at 10:00 am. The property is owned by Joseph M. Carter and Theresa M Carter with current address registered at 1527 Morse Rd, Forest Hill, MD 21050. Their representative is

Geoffrey Schultz at Polaris LC at 57 W. Timonium Rd #210, Timonium, MD 21093.

Ricardo Yazigi is a physician and has a schedule conflict affecting his clinical duties for that day. For this reason, we would like to request a postponement of the hearing to a future day.

We are emailing a copy of this request to Joseph M. Carter at jcphinc@zoominternet.com and Geoffrey Schultz at gschultz@polarisl.com.

We are also mailing a copy by regular mail and we are hand delivering an additional copy to the addresses indicated above.

If you need to contact us regarding this request, our contact information is as follows:

Ricardo Yazigi cell phone number 410-960-5546. Email ryazigi@msn.com.

Cecilia Yazigi cell phone number 410-960-56423. Email ceciliayazigi@hotmail.com

Thank you for kind your consideration to this matter.

Sincerely,

Ricardo Yazigi , MD.

Cecilia Yazigi

Case number 2020-0250-A, March 29, 2021 at 10:00 am.

MOTION TO POSTPONE

Baltimore, Thursday, March 18, 2021.

We, Ricardo Yazigi and Cecilia Yazigi currently residing at 1306 Carrollton Ave, Towson 21204 are the owners of the property located on 637 Rockaway Beach Ave, Essex, Maryland. A variance hearing concerning the next-door lot #52, 639 Rockaway Beach Ave is scheduled for Monday, March 29, 2021, at 10:00 am. The property is owned by Joseph M. Carter and Theresa M Carter with current address registered at 1527 Morse Rd, Forest Hill, MD 21050. Their representative is Geoffrey Schultz at Polaris LC at 57 W. Timonium Rd #210, Timonium, MD 21093.

Ricardo Yazigi is a physician and has a schedule conflict affecting his clinical duties for that day. For this reason, we would like to request a postponement of the hearing to a future day.

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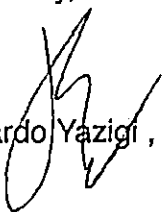
If you need to contact us regarding this request, our contact information is as follows:

Ricardo Yazigi cell phone number 410-960-5546. Email ryazigi@msn.com.

Cecilia Yazigi cell phone number 410-960-56423. Email ceciliayazigi@hotmail.com

Thank you for kind your consideration to this matter.

Sincerely,


Ricardo Yazigi, MD.


Cecilia Yazigi

The Daily Record
 200 St. Paul Place, Suite 2480
 Baltimore, Maryland 21202
 (410) 521-5100
 www.thedailyrecord.com

JOHN A. OLSZEWSKI, JR.
 County Executive

PUBLISHER'S AFFIDAVIT

Order #: C. PETE GUTWALD, AICP, Director
 Case #: 1978585 Department of Permits,
 2020-0250-A Approvals & Inspections
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0250-A

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

3/9/2021



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 on the property identified herein as follows:

CASE NUMBER: 2020-0250-A

639 Rockaway Beach Road

South side of Rockaway Beach Road, east of the centerline of Turkey Point Road

15th Election District - 7th Councilmanic District

Legal Owners: Joseph & Theresa Carter

Variance to allow a lot width of 50 ft. in lieu of the minimum required 70 ft. and to allow a sum of side yard widths of 20 ft. in lieu of the 25 ft. minimum.

Hearing: Monday, March 29, 2021 at 10:00 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.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

mh9

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
639 Rockaway Beach Avenue; S/S of Rockaway		
Beach Ave, 210' E of c/line of Turkey Point Rd.*		OF ADMINISTRATIVE
15 th Election & 7 th Councilmanic Districts		
Legal Owner(s): Joseph M. Theresa M. Carter *		HEARINGS FOR
Petitioner(s)	*	BALTIMORE COUNTY
	*	2020-250-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of November, 2020, a copy of the foregoing Entry of Appearance was emailed to Geoffrey Schultz, 57 W. Timonium Road, Suite 210, Timonium, Maryland 21093, GSchultz@PolarisLC.com, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CERTIFICATE OF POSTING



CASE NO. 2020-0250-A

PETITIONER/DEVELOPER

County Executive

Geoffrey Schultz

DATE OF HEARING/CLOSING

March 29, 2021

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

639 Rockaway Beach Road

SIGN 1

THE SIGN(S) POSTED ON March 8, 2021

(MONTH, DAY, YEAR)

SINCERLEY ,

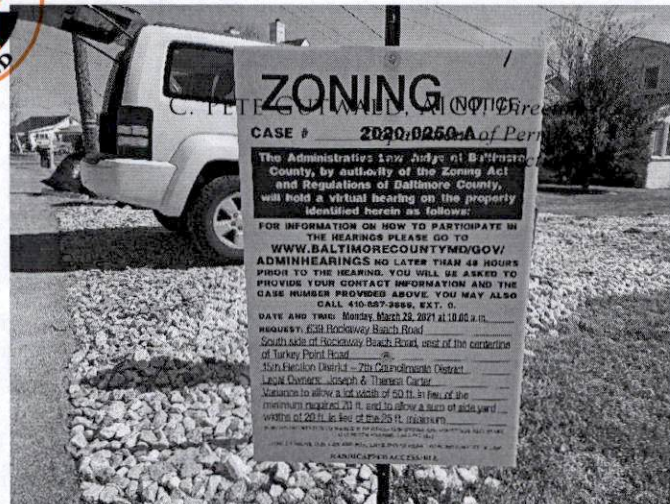
MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411



CERTIFICATE OF POSTING



CASE NO. 2020-0250-A

PETITIONER/DEVELOPER

John A. Olszewski, Jr.
County Executive

Geoffrey Schultz

DATE OF HEARING/CLOSING

March 29, 2021

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

639 Rockaway Beach Road

SIGN 2



THE SIGN(S) POSTED ON March 8, 2021

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

**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: 2020-0250-A
Property Address: 639 ROCKAWAY BEACH AVENUE
Property Description: _____
Legal Owners (Petitioners): JOSEPH & THERESA CARTER
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH CARTER
Company/Firm (if applicable): _____
Address: 1527 MORSE RD. FOREST HILL, MD 21050

Telephone Number: 410-808-7490

Revised 7/9/2015

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: May 11, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0250-A- **corrected**
Address 639 Rockway Beach Avenue
(Carter Property)

Zoning Advisory Committee Meeting of November 30, 2020.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The proposed development must meet LDA and MBA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the property area above mean high water, it appears that the maximum Critical Area defined lot coverage allowance for this property is 2,922 square feet with mitigation for any new amount over 25%. Future plans need to show all existing and proposed lot coverage on the property. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property on Middle River with a required Critical Area buffer covering about a half of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation

requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

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

Reviewer: Paul Dennis – corrected 05-11-2021

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: May 11, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0250-A- **corrected**
Address 639 Rockway Beach Avenue
(Carter Property)

Zoning Advisory Committee Meeting of November 30, 2020.

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Reviewer: Paul Dennis – *corrected 05-11-2021*

PCL XL error

Warning: IllegalMediaSource

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: May 11, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0250-A- *corrected*
Address 639 Rockway Beach Avenue
(Carter Property)

Zoning Advisory Committee Meeting of **November 30, 2020.**

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

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https://murphyslawbz-my.sharepoint.com/personal/maureen_murphyslaw_bz/Documents/MEM/ALJ/Opinions/Waterfront/639 RockawayBeach/DEPSZACcorrectedComment.doc

DATE RECEIVED FOR FILING
Date 9/10/21
By Dr. M. M. M. M. M.

requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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Reviewer: Paul Dennis – corrected 05-11-2021

ORDER RECEIVED FOR FILING

Date

By

9/19/21
J. M. Magon

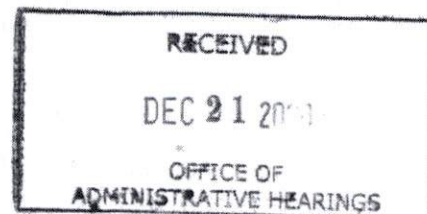
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 12/17/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-250-A



INFORMATION:

Property Address: 639 Rockaway Beach Ave.
Petitioner: Joseph M. and Theresa M. Carter
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the application for Variance from §1B02.3.C.1 of the BCZR to allow a lot width of 50 feet in lieu of the minimum required 70 feet and to allow a sum of side yard widths of 20 feet in lieu of the 25 foot minimum. The applicant is proposing to raze the existing dwelling on the property and replace with a new single family home.

A site visit was conducted on 12/3/2020. The property sits at the end of the Turkey Point peninsula on Rockaway Beach Avenue. The portion of the property immediately abutting Sue Creek is within the floodplain, however, the footprint of the current dwelling is just outside the floodplain. The new dwelling is proposed for slightly farther back from the floodplain line than the existing dwelling. These types of requests are not uncommon for waterfront properties in this area.

The Department has no objections to the requests, provided the applicant submits elevations prior to permitting to ensure that the architecture and massing is not out of proportion with the adjacent properties.

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

Prepared by:

Handwritten signature of Krystle Patchak in black ink.

Krystle Patchak

Division Chief:

Handwritten signature of Jennifer G. Nugent in black ink.

Jennifer G. Nugent

CPG/JGN/KP/

c: Joseph Fraker
Geoffrey Schultz – Polaris LC
Office of the Administrative Hearings
People's Counsel for Baltimore County

ORDER RECEIVED FOR FILING

Date

By



(<https://baltimorecountymd.webex.com/>)

Webex Events

New User Reference

(<https://help.webex.com/>)

Attend an Event

List of Events

(/ec3300/eventcenter/eventcenter.do?theAction=listevents_date&siteurl=baltimorecountymd)

Unlisted Events

(</ec3300/eventcenter/enroll.do?siteurl=baltimorecountymd>)

Event Recordings

(</ec3300/eventcenter/recording.do?theAction=archive>)

Search

(</ec3300/eventcenter/eventcenter.do?siteurl=baltimorecountymd>)

Host an Event

Schedule an Event

(</ec3300/eventcenter/schedule.do?actionType=schedule&serv>)

Event Deleted

You have successfully deleted the following event.

Event Information

Topic: Zoning Hearing - Case No: 2020-02
Beach Avenue - Owners: Joseph &
Host: Donna Mignon
Date and time: Monday, March 29, 2021 10:00 am
Eastern Daylight Time (New York, G
Location: <https://baltimorecountymd.webex.cc>

© 2021 Cisco and/or its affiliates. All rights reserved.

Donna Mignon

Subject: Event cancelled: Zoning Hearing - Case No: 2020-0250-A - 639 Rockaway Beach Avenue - Owners: Joseph & Theresa Carter
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e0025c39868343177c63a1c2005328a0f>
Start: Mon 3/29/2021 10:00 AM
End: Mon 3/29/2021 11:00 AM
Show Time As: Free
Recurrence: (none)
Meeting Status: Accepted
Organizer: webex

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

You canceled the following Webex event.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)

Monday, March 29, 2021 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Need help? Go to <https://help.webex.com>

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Cecilia Yazigi	ceciliayazigi@hotmail.com	1-	New York Time	English	U.S.
Geoffrey Schultz	gschulz@polarisl.com	1-	New York Time	English	U.S.
Joseph & Theresa Carter	jcphinc@zoominternet.com	1-	New York Time	English	U.S.
Ricardo Yazigi Ryazigi	ryazigi@msn.com	1-	New York Time	English	U.S.

Donna Mignon

From: Kristen L Lewis
Sent: Friday, March 19, 2021 8:57 AM
To: Cecilia Grand Yazigi; Administrative Hearings; Donna Mignon
Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com
Subject: RE: Case No. 2020-0250-A Motion to Postpone

Good morning,

The postponement request has been granted by the Director of PAI. Please provide me of **non-available** dates for the month of April so that a new hearing date can be reset. Thank you,

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391

From: Cecilia Grand Yazigi [mailto:ceciliayazigi@hotmail.com]
Sent: Thursday, March 18, 2021 5:34 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: Case No. 2020-0250-A Motion to Postpone

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

Case No. 2020-0250-A,
March 29, 2021 at 10:00 am.

MOTION TO POSTPONE

We, Ricardo Yazigi and Cecilia Yazigi currently residing at 1306 Carrollton Ave, Towson 21204 are the owners of the property located on 637 Rockaway Beach Ave, Essex, Maryland. A variance hearing concerning the next-door lot #52, 639 Rockaway Beach Ave is scheduled for Monday, March 29, 2021, at 10:00 am. The property is owned by Joseph M. Carter and Theresa M Carter with current address registered at 1527 Morse Rd, Forest Hill, MD 21050. Their representative is

Geoffrey Schultz at Polaris LC at 57 W. Timonium Rd #210, Timonium, MD 21093.

Ricardo Yazigi is a physician and has a schedule conflict affecting his clinical duties for that day. For this reason, we would like to request a postponement of the hearing to a future day.

We are emailing a copy of this request to Joseph M. Carter at jcphinc@zoominternet.com and Geoffrey Schultz at gschultz@polarisl.com.

We are also mailing a copy by regular mail and we are hand delivering an additional copy to the addresses indicated above.

If you need to contact us regarding this request, our contact information is as follows:

Ricardo Yazigi cell phone number 410-960-5546. Email ryazigi@msn.com.

Cecilia Yazigi cell phone number 410-960-56423. Email ceciliayazigi@hotmail.com

Thank you for kind your consideration to this matter.

Sincerely,
Ricardo Yazigi , MD.
Cecilia Yazigi

Donna Mignon

From: Donna Mignon
Sent: Tuesday, March 2, 2021 11:58 AM
To: Kristen L Lewis
Cc: Debra Wiley
Subject: RE: Webex 2020-0250-A

Thanks Kristen. I will set this up.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Tuesday, March 2, 2021 11:58 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Webex 2020-0250-A

Good afternoon,

Below is the information for a new webex to be created. Thank you,

Case 2020-0250-A
639 Rockaway Beach Avenue
Owners: Jospeh & Theresa Carter – jcphinc@zoominternet.com
Geoffrey Schultz – Rep – gschultz@polarisl.com
3/29/21 at 10 a.m.

Kristen Lewis-Colts
PAI – Zoning Review
410-887-3391

Donna Mignon

From: Donna Mignon
Sent: Tuesday, March 2, 2021 12:05 PM
To: Kristen L Lewis
Subject: Link - RE: Webex 2020-0250-A

Event Information

Event: Zoning Hearing - Case No: 2020-0250-A - 639 Rockaway Beach Avenue - Ow
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTII>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTII>
Date and time: Monday, March 29, 2021 10:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0250-A
Address: 639 Rockaway Beach Avenue
Owners: Joseph & Theresa Carter
Event number: 160 675 9948
Event password: 1234
Host key: 891546
Alternate Host: Deb Wiley, Maureen Murphy, Paul Mayhew
Panelist Info:
Panelist password:
Panelist numeric password: 675943
Video Address: 1606759948@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: 160 675 9948
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No

Password required: No

Password:

Approval required: No

Custom registration form: No

After registration, go to URL:

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Tuesday, March 2, 2021 11:58 AM

To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Subject: Webex 2020-0250-A

Good afternoon,

Below is the information for a new webex to be created. Thank you,

Case 2020-0250-A

639 Rockaway Beach Avenue

Owners: Jospeh & Theresa Carter – jcphinc@zoominternet.com

Geoffrey Schultz – Rep – gschultz@polarisl.com

3/29/21 at 10 a.m.

Kristen Lewis-Colts

PAI – Zoning Review

410-887-3391

ZAC AGENDA

Case Number: 2020-0250-A **Reviewer:** Joseph Merrey

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: VARIANCE

Legal Owner: Joseph M. Theresa M. Carter

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 639 ROCKWAY BEACH AVE

Location: South side of Rockaway Beach Ave, 210 feet East of the center line of Turkey Point Road.

Existing Zoning: DR 3.5

Area: 11,000 SQ FT

Proposed Zoning:

VARIANCE:

1B02.3.C.1 To allow a lot width of 50 ft in lieu of the minimum required 70 feet and to allow a sum of side yard widths of 20 feet in lieu of the 25 foot minimum.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: December 1, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0250-A rev.
Address 639 Rockway Beach Avenue
(Carter Property)

Zoning Advisory Committee Meeting of November 30, 2020.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The proposed development must meet LDA and MBA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the property area above mean high water (27,250 square feet), the maximum Critical Area defined lot coverage allowance for this property is 5,445 square feet with mitigation for any new amount over 15%. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property on Bird River with a required Critical Area buffer covering about one-third of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation

requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

If the proposed development can be designed to meet the Critical Area defined lot coverage requirements, and meet all modified buffer area, tree, and mitigation requirements, the relief requested will 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: 12/17/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-250-A



INFORMATION:

Property Address: 639 Rockaway Beach Ave.
Petitioner: Joseph M. and Theresa M. Carter
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the application for Variance from §1B02.3.C.1 of the BCZR to allow a lot width of 50 feet in lieu of the minimum required 70 feet and to allow a sum of side yard widths of 20 feet in lieu of the 25 foot minimum. The applicant is proposing to raze the existing dwelling on the property and replace with a new single family home.

A site visit was conducted on 12/3/2020. The property sits at the end of the Turkey Point peninsula on Rockaway Beach Avenue. The portion of the property immediately abutting Sue Creek is within the floodplain, however, the footprint of the current dwelling is just outside the floodplain. The new dwelling is proposed for slightly farther back from the floodplain line than the existing dwelling. These types of requests are not uncommon for waterfront properties in this area.

The Department has no objections to the requests, provided the applicant submits elevations prior to permitting to ensure that the architecture and massing is not out of proportion with the adjacent properties.

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/KP/

c: Joseph Fraker
Geoffrey Schultz – Polaris LC
Office of the Administrative Hearings
People's Counsel for Baltimore County

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Thursday, March 11, 2021 10:47 AM
To: Administrative Hearings
Subject: Request to Testify

Invited
3/11/21

Results of Form Submission

Request to Testify

Label	Value
First Name	Cecilia
Last Name	Yazigi
Email	ceciliayazigi@hotmail.com
Phone	4109605643
Address	1306 Carrollton Ave
City	Towson
State	Maryland
ZIP Code	21204
Case Number	2020-0250-A
Scheduled Hearing Date	03/29/2021

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
☐ <u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Paul Mayhew</u> (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Cecilia Yazigi</u>	ceciliayazigi@hotmail.com	1-	English	New York Time	U.S.
☐ <u>Geoffrey Schultz</u>	gschulz@polarisl.com	1-	English	New York Time	U.S.
☐ <u>Joseph & Theresa Carter</u>	jcphinc@zoominternet.com	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 Number (with area/city code)Time Zone: New York (Eastern Standard Time, GMT-05:00) ▼Language: English ▼Locale: U.S. ▼☐ Add new panelist in my address book☐ Invite as alternate host[Add to Invitation List](#)

Donna Mignon

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Friday, March 26, 2021 12:46 PM
To: Administrative Hearings
Subject: Name Corrections

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Judge Murphy's name should have been, The Honorable Maureen E. Murphy. Please excuse the error.

Howard



ALDERMAN LAW

Howard L. Alderman, Jr., Esquire
Alderman Law LLC
7505 Mount Vista Road
Kingsville, Maryland 21087-1759
halderman@aldermanlaw.net
O: 410-929-9113
C: 410-456-8501
F: 410-817-6769

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Debra Wiley

3-29-21
10 AM
2020-0250-A

From: webmaster@baltimorecountymd.gov
Sent: Friday, March 12, 2021 8:13 AM
To: Administrative Hearings
Subject: Request to Testify

Follow Up Flag: Follow up
Flag Status: Flagged

Results of Form Submission

Request to Testify

Label	Value
First Name	Ricardo
Last Name	Yazigi
Email	Ryazigi@msn.com
Phone	410-960-5546
Address	1306 Carrollton Ave
City	Towson
State	Maryland
ZIP Code	21204
Case Number	2020-0250-A
Scheduled Hearing Date	03/29/2021

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
☐	<u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Paul Mayhew</u> (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Cecilia Yazigi</u>	ceciliayazigi@hotmail.com	1-	English	New York Time	U.S.
☐	<u>Geoffrey Schultz</u>	gschulz@polarisl.com	1-	English	New York Time	U.S.
☐	<u>Joseph & Theresa Carter</u>	jcphinc@zoominternet.com	1-	English	New York Time	U.S.
☒	<u>Ricardo Yazigi Ryazigi</u>	ryazigi@msn.com	1-	English	New York Time	U.S.

[Invite](#)
[Select All](#)
[Clear All](#)
[Delete](#)
[Cancel](#)

New Panelist

Full name: (required)

Email address: (required)

Country/Region: Number (with area/city code):

Phone number:

Time Zone: New York (Eastern Standard Time, GMT-05:00) ▼

Language: English ▼

Locale: U.S. ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

[Add to Invitation List](#)



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

May 03, 2021

Geoffrey Schuilitz,
57 W. Timonium Road #210
Timonium MD 21093

RE: Case Number: 2020-0250-A, 639 Rockaway Beach Ave

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 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,
Jeffrey Perlow

Jeff Perlow
Supervisor
Department of Zoning

PCG

Enclosures

CC: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: December 1, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0250-A rev.
Address 639 Rockway Beach Avenue
(Carter Property)

Zoning Advisory Committee Meeting of November 30, 2020.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The proposed development must meet LDA and MBA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the property area above mean high water (27,250 square feet), the maximum Critical Area defined lot coverage allowance for this property is 5,445 square feet with mitigation for any new amount over 15%. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property on Bird River with a required Critical Area buffer covering about one-third of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation

requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

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

Reviewer: Paul Dennis

Kristen L Lewis

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Friday, April 02, 2021 12:53 PM
To: Cecilia Grand Yazigi; Kristen L Lewis; Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net
Cc: gschultz@polarisl.com
Subject: RE: Case No. 2020-0250-A Motion to Postpone

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

Kristen, having reviewed my schedule and my expert's schedule, here are the available dates in May: May 6, 10, 11, 13, 17 & 18.

April may be too early, but here are our available dates: April 12, 13, 15, 16, 27 (afternoon only), 30

Howard

Howard L. Alderman, Jr., Esquire
Alderman Law LLC
halderman@aldermanlaw.net
O: 410-929-9113
C: 410-456-8501
F: 410-817-6769

From: Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Sent: Friday, March 26, 2021 2:04 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Gontrum, John <jgontrum@wtplaw.com>; Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net
Cc: gschultz@polarisl.com
Subject: Re: Case No. 2020-0250-A Motion to Postpone

Kristen and Donna,

These are our non available days for the month of May 3, 7, 12, 16, 19, 20, 21, 24, and 26.
Thank you,

Cecilia Yazigi

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 11:40 AM
To: Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net

Cc: gschultz@polarislc.com; Cecilia Grand Yazigi
Subject: RE: Case No. 2020-0250-A Motion to Postpone

Great, thank you.

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Friday, March 26, 2021 11:38 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net
Cc: gschultz@polarislc.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: RE: Case No. 2020-0250-A Motion to Postpone

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Kristen and Donna,

I will be sending over my entry of appearance today.

The following dates are dates when I am not available in April and May:

April 6, 8, 9, 14, 21 and 28.

May 4, 19, 20, 26.

John

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 11:21 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net; Gontrum, John <JGontrum@wtplaw.com>
Cc: gschultz@polarislc.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: [EXTERNAL] RE: Case No. 2020-0250-A Motion to Postpone

Good morning,

Yes it doesn't look there was any entry of appearance for either Mr. Alderman or Mr. Gontrum, the rep at Polaris was the only person listed on the application for the Petition for the Variance. I have already received non-available dates from the Yazigi's for April. If all parties can send me non-available dates for May then I will be able to narrow down a date that works for all parties. Thank you all and have a great weekend.

Kristen Lewis-Coles
PAI- Zoning Review
410-887-3391

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 7:54 AM
To: Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net; jgontrum@wtplaw.com
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Case No. 2020-0250-A Motion to Postpone

Good Morning,

Kristen L Lewis

From: Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Sent: Friday, March 26, 2021 2:04 PM
To: Kristen L Lewis; Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net
Cc: gschultz@polarisl.com
Subject: Re: Case No. 2020-0250-A Motion to Postpone

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

Kristen and Donna,

These are our non available days for the month of May 3, 7, 12, 16, 19, 20, 21, 24, and 26.
Thank you,

Cecilia Yazigi

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 11:40 AM
To: Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net
Cc: gschultz@polarisl.com; Cecilia Grand Yazigi
Subject: RE: Case No. 2020-0250-A Motion to Postpone

Great, thank you.

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Friday, March 26, 2021 11:38 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net
Cc: gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: RE: Case No. 2020-0250-A Motion to Postpone

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Kristen and Donna,

I will be sending over my entry of appearance today.

The following dates are dates when I am not available in April and May:

April 6, 8, 9, 14, 21 and 28.
May 4, 19, 20, 26.

John

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Friday, March 26, 2021 11:21 AM

To: Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net; Gontrum, John <JGontrum@wtplaw.com>

Cc: gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>

Subject: [EXTERNAL] RE: Case No. 2020-0250-A Motion to Postpone

Good morning,

Yes it doesn't look there was any entry of appearance for either Mr. Alderman or Mr. Gontrum, the rep at Polaris was the only person listed on the application for the Petition for the Variance. I have already received non-available dates from the Yazigi's for April. If all parties can send me non-available dates for May then I will be able to narrow down a date that works for all parties. Thank you all and have a great weekend.

Kristen Lewis-Coles

PAI- Zoning Review

410-887-3391

From: Donna Mignon <dmignon@baltimorecountymd.gov>

Sent: Friday, March 26, 2021 7:54 AM

To: Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net; jgontrum@wtplaw.com

Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>

Subject: Case No. 2020-0250-A Motion to Postpone

Good Morning,

I am not sure if you entered your appearance in this case, please see below. Thank you.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Friday, March 19, 2021 8:57 AM

To: Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>; Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com

Subject: RE: Case No. 2020-0250-A Motion to Postpone

Good morning,

The postponement request has been granted by the Director of PAI. Please provide me of **non-available** dates for the month of April so that a new hearing date can be reset. Thank you,

Kristen Lewis-Coles

PAI – Zoning Review

410-887-3391

From: Cecilia Grand Yazigi [<mailto:ceciliayazigi@hotmail.com>]

Sent: Thursday, March 18, 2021 5:34 PM

To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>

Subject: Case No. 2020-0250-A Motion to Postpone

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

Case No. 2020-0250-A,
March 29, 2021 at 10:00 am.

MOTION TO POSTPONE

We, Ricardo Yazigi and Cecilia Yazigi currently residing at 1306 Carrollton Ave, Towson 21204 are the owners of the property located on 637 Rockaway Beach Ave, Essex, Maryland. A variance hearing concerning the next-door lot #52, 639 Rockaway Beach Ave is scheduled for Monday, March 29, 2021, at 10:00 am. The property is owned by Joseph M. Carter and Theresa M Carter with current address registered at 1527 Morse Rd, Forest Hill, MD 21050. Their representative is

Geoffrey Schultz at Polaris LC at 57 W. Timonium Rd #210, Timonium, MD 21093.

Ricardo Yazigi is a physician and has a schedule conflict affecting his clinical duties for that day. For this reason, we would like to request a postponement of the hearing to a future day.

We are emailing a copy of this request to Joseph M. Carter at jcphinc@zoominternet.com and

Geoffrey Schultz at gschultz@polarisl.com.

We are also mailing a copy by regular mail and we are hand delivering an additional copy to the addresses indicated above.

If you need to contact us regarding this request, our contact information is as follows:

Ricardo Yazigi cell phone number 410-960-5546. Email ryazigi@msn.com.

Cecilia Yazigi cell phone number 410-960-56423. Email ceciliayazigi@hotmail.com

Thank you for kind your consideration to this matter.

Sincerely,

Ricardo Yazigi , MD.

Cecilia Yazigi



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JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

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(800) 987-8705

March 26, 2021

Sent via email - administrativehearings@baltimorecountymd.gov

The Honorable Paul M. Mayhew
Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue
Jefferson Building
Suite 103
Towson, Maryland 21204

Re: 639 Rockaway Beach Avenue
Case No. 2020-0250-A

Dear Judge Mayhew:

Please accept this letter as my entry of appearance in the above-referenced matter on behalf of my clients, Ricardo & Cecilia Yazigi. My phone number and address are as stated above.

Thank you for your attention to this matter.

Very truly yours,


John B. Gontrum

JBG:tm
11708600

cc: Howard Alderman, Esq. (via email - halderman@aldermanlaw.net)

3/29 @
10-

Postponed

CASE NO. 2020-

0250A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

*Veed
SDAT*

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

12/1

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

Comment

FIRE DEPARTMENT

12/17

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

Comment
No obj

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: _____ by _____

SIGN POSTING (2nd) Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Donna Mignon

From: Maureen E Murphy
Sent: Thursday, May 13, 2021 12:57 PM
To: Administrative Hearings
Subject: Re: Case # 2020-0250-A (639 Rockaway Beach Avenue)

Memos in lieu of Closing argument are due May 28.

Maureen E. Murphy
Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
mmurphy@baltimorecountymd.gov

From: Administrative Hearings
Sent: Thursday, May 13, 2021 11:49:07 AM
To: Maureen E Murphy
Subject: FW: Case # 2020-0250-A (639 Rockaway Beach Avenue)

Maureen,

Just came in during your hearing -- interested in decision once completed.

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

From: Kevin McDonough <kevinmcdonough@comcast.net>
Sent: Thursday, May 13, 2021 11:28 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case # 2020-0250-A (639 Rockaway Beach Avenue)

CAUTION: This message from kevinmcdonough@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.

Good Morning,

My name is Kevin McDonough and I am reaching out on behalf of the Rockaway Beach Improvement Association Inc. in regards to the above referenced case.

While the community association has not adopted a position on this zoning request, we remain interested in the case.

Once a final decision is reached and order prepared, we would kindly ask to be sent a copy of the order passed in this case (either by US Mail or by E-Mail, whichever is easier for you).

Our mailing address is:
Rockaway Beach Improvement Assoc. Inc.
628 Rockaway Beach Avenue
Essex, Maryland 21221

Email is:
Info@turkeypoint.org

Thank you.

Regards,

Kevin M. McDonough
Vice President
Rockaway Beach Improvement Association Inc.

Sent from my iPhone

Donna Mignon

From: Administrative Hearings
Sent: Monday, May 10, 2021 11:09 AM
To: 'Howard Alderman'; Administrative Hearings; Debra Wiley
Subject: RE: ZAC Comments - Case No. 2020-0250-A

Good Morning,
We received your email and voicemail.
We have been conducting hearings this morning.

The Judge has the file and we have emailed the Judge to please scan any comments. Once they have had the opportunity they will let you know.

Thank you. Have a great day.

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Monday, May 10, 2021 7:30 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: ZAC Comments - Case No. 2020-0250-A

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

ADDRESS: 639 Rockaway Beach Rd

Good morning. The above referenced case is scheduled for hearing on Thursday. I've checked with the Petitioner and surveyor and neither has received the ZAC Comments. I have entered my appearance previously on behalf of the Petitioner.

I would appreciate it if the ZAC Comments could be sent to me via email.

Thank you, Howard

Howard Alderman

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 12:40 PM
To: Howard Alderman; Administrative Hearings
Cc: Joe Carter (joe@carterplumbingandheating.com); jgontrum@wtplaw.com
Subject: RE: Entry of Appearance - Case No. 2020-0250-A

Received. Thank you.

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Friday, March 26, 2021 12:38 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>

Cc: Joe Carter (joe@carterplumbingandheating.com) <joe@carterplumbingandheating.com>; jgontrum@wtplaw.com
Subject: Entry of Appearance - Case No. 2020-0250-A

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

Dear Judges Mayhew and Murphy:

Attached, please find my entry of appearance on behalf of the Petitioners in Case No. 2020-0250-A.

c: John B. Gontrum, Esq.



Howard L. Alderman, Jr., Esquire
Alderman Law LLC
7505 Mount Vista Road
Kingsville, Maryland 21087-1759
halderman@aldermanlaw.net
O: 410-929-9113
C: 410-456-8501
F: 410-817-6769

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Donna Mignon

From: Maureen E Murphy
Sent: Monday, May 10, 2021 12:07 PM
To: halderman@aldermanlaw.net
Cc: Debra Wiley; Donna Mignon
Subject: 639 Rockaway Beach
Attachments: DEPSZACComment05102021.pdf; DOPZACComment05102021.pdf

Howard - attached are the ZAC Comments you requested.

Maureen E. Murphy
Administrative Law Judge
105 West Chesapeake Ave., Suite 103
Towson, Maryland 21204
410-887-3868
mmurphy@baltimorecountymd.gov

Donna Mignon

From: Administrative Hearings
Sent: Monday, May 10, 2021 7:33 AM
To: Maureen E Murphy; Debra Wiley
Subject: FW: ZAC Comments - Case No. 2020-0250-A

Good Morning Maureen,
This file is with you. Can you please check the file and send him any ZAC comments.? Thank you.

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Monday, May 10, 2021 7:30 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: ZAC Comments - Case No. 2020-0250-A

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

ADDRESS: 639 Rockaway Beach Rd

Good morning. The above referenced case is scheduled for hearing on Thursday. I've checked with the Petitioner and surveyor and neither has received the ZAC Comments. I have entered my appearance previously on behalf of the Petitioner.

I would appreciate it if the ZAC Comments could be sent to me via email.

Thank you, Howard

Howard Alderman

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 12:40 PM
To: Howard Alderman; Administrative Hearings
Cc: Joe Carter (joe@carterplumbingandheating.com); jgontrum@wtplaw.com
Subject: RE: Entry of Appearance - Case No. 2020-0250-A

Received. Thank you.

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Friday, March 26, 2021 12:38 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Cc: Joe Carter (joe@carterplumbingandheating.com) <joe@carterplumbingandheating.com>; jgontrum@wtplaw.com
Subject: Entry of Appearance - Case No. 2020-0250-A

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

Dear Judges Mayhew and Murphy:

Attached, please find my entry of appearance on behalf of the Petitioners in Case No. 2020-0250-A.

c: John B. Gontrum, Esq.



Howard L. Alderman, Jr., Esquire
Alderman Law LLC
7505 Mount Vista Road
Kingsville, Maryland 21087-1759
halderman@aldermanlaw.net
O: 410-929-9113
C: 410-456-8501
F: 410-817-6769

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-929-9113 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you. This message is covered by the Electronic Communications Privacy Act, Title 18, United States Code, §§ 2510-2521. This e-mail and any attached files are deemed privileged and confidential, and are intended solely for the use of the individual(s) or entity to whom this e-mail is addressed.

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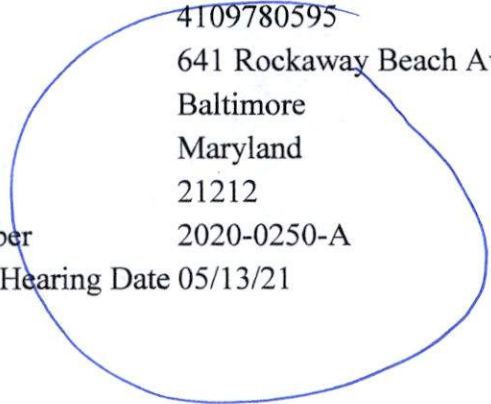
www.baltimorecountymd.gov

From: webmaster@baltimorecountymd.gov
Sent: Friday, May 7, 2021 6:40 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Edward
Last Name	Schatz
Email	edschatz@comcast.net
Phone	4109780595
Address	641 Rockaway Beach Ave.
City	Baltimore
State	Maryland
ZIP Code	21212
Case Number	2020-0250-A
Scheduled Hearing Date	05/13/21



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
☐ <u>Deb Wiley</u> (Alternate Host)	dwiley@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Paul Mayhew</u> (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Cecilia Yazigi</u>	ceciliayazigi@hotmail.com	1-	English	New York Time	U.S.
☒ <u>Edward Schatz</u>	edschatz@comcast.net	1-	English	New York Time	U.S.
☐ <u>Gregory Schultz</u>	gschultz@polarisl.com	1-	English	New York Time	U.S.
☐ <u>Howard Alderman</u>	halderman@comcast.net	1-	English	New York Time	U.S.
☐ <u>John Gontrum</u>	jgontrum@wtplaw.com	1-	English	New York Time	U.S.
☐ <u>Joseph Carter</u>	jcphinc@zoominternet.com	1-	English	New York Time	U.S.
☐ <u>Ricardo Yazigi</u>	ryazig@msn.com	1-	English	New York Time	U.S.

[Invite](#)
[Select All](#)
[Clear All](#)
[Delete](#)
[Cancel](#)

New Panelist

 Full name: (required)

 Email address: (required)

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

 Time Zone: ▼

 Language: ▼

 Locale: ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

[Add to Invitation List](#)

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Cecilia Yazigi	ceciliayazigi@hotmail.com	1-	New York Time	English	U.S.
Gregory Schultz	gschulz@polarisic.com	1-	New York Time	English	U.S.
Howard Alderman	halderman@comcast.net	1-	New York Time	English	U.S.
John Gontrum	jgontrum@wtplaw.com	1-	New York Time	English	U.S.
Joseph Carter	jcphinc@zoominternet.com	1-	New York Time	English	U.S.
Ricardo Yazigi	ryazig@msn.com	1-	New York Time	English	U.S.

OK

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 - 1513554800			
Owner Information					
Owner Name:	CARTER JOSEPH M CARTER THERESA M		Use:	RESIDENTIAL	
Mailing Address:	1527 MORSE RD FOREST HILL MD 21050-		Principal Residence:	NO	
			Deed Reference:	/42426/ 00401	
Location & Structure Information					
Premises Address:	639 ROCKAWAY BEACH AVE ESSEX 21221-1811 Waterfront		Legal Description:	ROCKAWAY BEACH	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0098	0015	0211	15080075.04	0000	
					Block:
					52
					Lot:
					2021
					Assessment Year:
					Plat No:
					Plat Ref: 0004/ 0171
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1931		1,656 SF		10,000 SF	
				County Use	
				34	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
1 1/2	NO	STANDARD UNIT	SIDING/	3	1 full
					Garage
					1 Detached
Last Notice of Major Improvements					
Value Information					
		Base Value		Value	
				As of	
				01/01/2021	
				Phase-in Assessments	
				As of	
				07/01/2020	
				As of	
				07/01/2021	
Land:		202,000		202,000	
Improvements		95,600		95,600	
Total:		297,600		297,600	
Preferential Land:		0		0	
				297,600	297,600
Transfer Information					
Seller: MICHALOSKI ANTHONY G		Date: 02/04/2020		Price: \$405,000	
Type: ARMS LENGTH IMPROVED		Deed1: /42426/ 00401		Deed2:	
Seller: ALTOMARE PAULINE		Date: 08/12/1969		Price: \$13,950	
Type: ARMS LENGTH IMPROVED		Deed1: /05024/ 00680		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		0.00 0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Donna Mignon

From: Administrative Hearings
Sent: Thursday, May 6, 2021 8:36 AM
To: Gontrum, John; Administrative Hearings
Subject: RE: Case No. 2020-250-A - 239 Rockaway Beach
Attachments: comments 2020-0250-A.pdf

Good Morning,
Please find attached the Zac Comments. Have a great day.

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Wednesday, May 5, 2021 3:02 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case No. 2020-250-A - 239 Rockaway Beach

CAUTION: This message from prvs=6759b47cf7=jgontrum@wtplaw.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

The above-referenced matter is scheduled for next Thursday so I don't know if it has been brought over. If, however, it has or you receive the file in the next few days, may I please have a copy of any County comments?

Thanks,

John

This transmission contains information from the law firm of Whiteford, Taylor & Preston LLP which may be confidential and/or privileged. The information is intended to be for the exclusive use of the planned recipient. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this transmission in error, please notify the sender immediately.

Donna Mignon

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Wednesday, May 5, 2021 3:02 PM
To: Administrative Hearings
Subject: Case No. 2020-250-A - 239 Rockaway Beach

CAUTION: This message from prvs=6759b47cf7=jgontrum@wtplaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

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Thanks,

John

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Donna Mignon

From: Donna Mignon
Sent: Tuesday, May 4, 2021 10:55 AM
To: 'Howard Alderman'; 'Gontrum, John'
Subject: Case No; 2020-0250-A 639 Rockaway Beach Road

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for May 13, 2021. You should have received an invitation in an email which invited you to this hearing.

Please note that all electronic hearing exhibits, documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit. **Please bring a hard copy of all exhibits and drop them off in our lobby before the hearing date. Thank you.**

If you have any questions or concerns, please feel free to contact our office.
Thank you so much.

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

Donna Mignon

⑨ 5/13/21
10:21

From: Kristen L Lewis
Sent: Thursday, April 15, 2021 12:04 PM
To: Howard Alderman; ~~Gentrum~~, John; gschultz@polarisl.com; Cecilia Grand Yazigi
Cc: Debra Wiley; Donna Mignon; Maureen E Murphy
Subject: Hearing Date 2020-0250-A (639 Rockaway Beach Road)

Good morning,

Based on the available and non-available dates provided by all parties, I have set the above-referenced case in for **Thursday, May 13th at 10 a.m.** Per the ALJ's office, this case does not need to be reposted or advertised. If you have any further questions, feel free to let me know. Thank you and have a great day.

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391

ltr
Order ✓
✓

Donna Mignon

From: Donna Mignon
Sent: Thursday, April 15, 2021 12:16 PM
To: Kristen L Lewis
Cc: Debra Wiley
Subject: Link - RE: Hearing Date 2020-0250-A (639 Rockaway Beach Road)

Top of Form

Event Information

Event: Zoning Hearing - Case No: 2020-0250-A - 639 Rockway Beach Avenue - Josep
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Date and time: Thursday, May 13, 2021 10:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0250-A
Address: 639 Rockway Beach Avenue
Owners: Joseph & Theresa M. Carter
Event number: 160 990 2487
Event password: 1235
Host key: 507919
Alternate Host: Deb Wiley, Maureen Murphy, Paul Mayhew
Panelist Info:
Panelist password:
Panelist numeric password: 362790
Video Address: 1609902487@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: 160 990 2487
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No
Password required: No
Password:

Approval required: No
Custom registration form: No
After registration, go to URL:

Bottom of Form

Top of Form

Bottom of Form

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From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Thursday, April 15, 2021 12:04 PM

To: Howard Alderman <halderman@aldermanlaw.net>; Gontrum, John <jgontrum@wtplaw.com>;
gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>

Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E
Murphy <mmurphy@baltimorecountymd.gov>

Subject: Hearing Date 2020-0250-A (639 Rockaway Beach Road)

Good morning,

Based on the available and non-available dates provided by all parties, I have set the above-referenced case in for **Thursday, May 13th at 10 a.m.** Per the ALJ's office, this case does not need to be reposted or advertised. If you have any further questions, feel free to let me know. Thank you and have a great day.

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew (Alternate Host)	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Cecilia Yazigi	ceciliayazigi@hotmail.com	1-	New York Time	English	U.S.
Gregory Schultz	gschulz@polarisl.com	1-	New York Time	English	U.S.
Howard Alderman	halderman@comcast.net	1-	New York Time	English	U.S.
John Gontrum	jgontrum@wtplaw.com	1-	New York Time	English	U.S.
Ricardo Yazigi	ryazig@msn.com	1-	New York Time	English	U.S.
unknown	jcphinc@zoominternet.com	1-	New York Time	English	U.S.

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - Case No: 2020-0250-A - 639 Rockway Beach Avenue - Joseph & Theresa M. Carter
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e30b08eb0c9f0a7d7c81c67ab7135c6ea>
Start: Thu 5/13/2021 10:00 AM
End: Thu 5/13/2021 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

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

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 160 990 2487

Thursday, May 13, 2021 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e30b08eb0c9f0a7d7c81c67ab7135c6ea>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e8db73889d18b60e9279b983d22>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1609902487@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 362790

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=ec382305c95a072446126290a7246f851>

Need help? Go to <https://help.webex.com>

Donna Mignon

From: Donna Mignon
Sent: Tuesday, April 13, 2021 11:22 AM
To: Kristen L Lewis
Subject: 2020-0250-A

Hi Kristen

I spoke to Paul and he indicated that the Petitioners do not have to repost because the neighbor was the one that requested the postponement.

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

Donna Mignon

From: mert1114@aol.com <Johnogle@comcast.net>
Sent: Saturday, March 27, 2021 4:22 PM
To: Donna Mignon
Subject: 2nd set of Certificates
Attachments: Rockaway Beach 1A.docx; Rockaway Beach 2A.docx

3-29-21
10 Am
PP
2020-0250-A

CAUTION: This message from johnogle@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.

Good afternoon , hope you receive these . I'm using a different email account. Have a good day Marty.

Sent from Mail for Windows 10
Martin Ogle

CERTIFICATE OF POST

CASE NO. 2020-0250-A
PETITIONER/DEVELOPER
Geoffrey Schultz

DATE OF HEARING/CLOSING
March 29 , 2021

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

639 Rockaway Beach Road

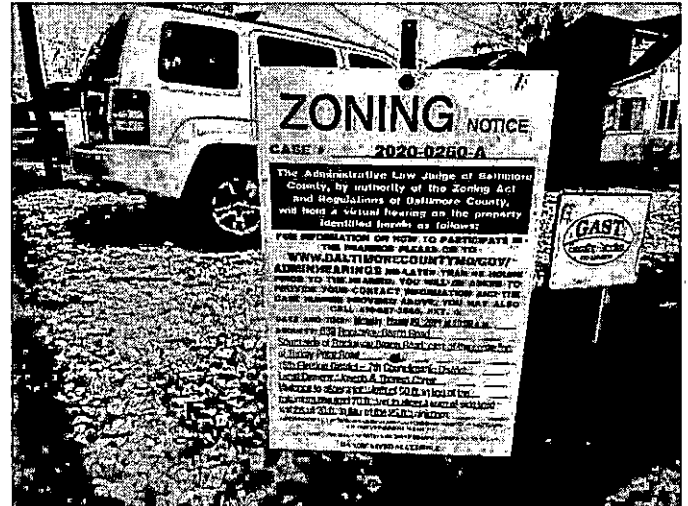
SIGN 1

THE SIGN(S) POSTED ON March 8 , 2021 March 27, 2021
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE ,MD 21234
443-629-3411



CERTIFICATE OF POSTING

CASE NO. 2020-0250-A
PETITIONER/DEVELOPER
Geoffrey Schultz

DATE OF HEARING/CLOSING
March 29, 2021

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

639 Rockaway Beach Road

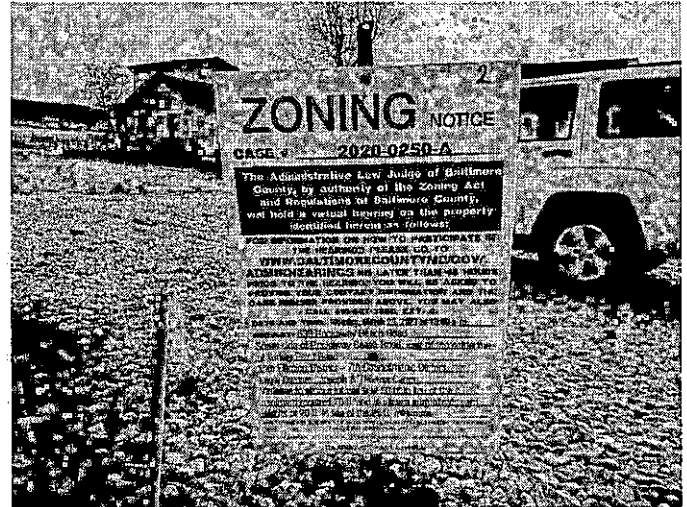
SIGN 2

THE SIGN(S) POSTED ON March 8, 2021 March 27, 2021
(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE ,MD 21234
443-629-3411



Donna Mignon

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Friday, April 2, 2021 12:53 PM
To: Cecilia Grand Yazigi; Kristen L Lewis; Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net
Cc: gschultz@polarisl.com
Subject: RE: Case No. 2020-0250-A Motion to Postpone

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

Kristen, having reviewed my schedule and my expert's schedule, here are the available dates in May: May 6, 10, 11, 13, 17 & 18.

April may be too early, but here are our available dates: April 12, 13, 15, 16, 27 (afternoon only), 30

Howard

Howard L. Alderman, Jr., Esquire
Alderman Law LLC
halderman@aldermanlaw.net
O: 410-929-9113
C: 410-456-8501
F: 410-817-6769

From: Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Sent: Friday, March 26, 2021 2:04 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Gontrum, John <jgontrum@wtplaw.com>; Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net
Cc: gschultz@polarisl.com
Subject: Re: Case No. 2020-0250-A Motion to Postpone

Kristen and Donna,

These are our non available days for the month of May 3, 7, 12, 16, 19, 20, 21, 24, and 26.
Thank you,

Cecilia Yazigi

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 11:40 AM
To: Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net

Cc: gschultz@polarisl.com; Cecilia Grand Yazigi
Subject: RE: Case No. 2020-0250-A Motion to Postpone

Great, thank you.

From: Gontrum, John <JGontrum@wtplaw.com>
Sent: Friday, March 26, 2021 11:38 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net
Cc: gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: RE: Case No. 2020-0250-A Motion to Postpone

CAUTION: This message from prvs=4719ab1660=jgontrum@wtplaw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Kristen and Donna,

I will be sending over my entry of appearance today.

The following dates are dates when I am not available in April and May:

April 6, 8, 9, 14, 21 and 28.

May 4, 19, 20, 26.

John

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 11:21 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net; Gontrum, John <JGontrum@wtplaw.com>
Cc: gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: [EXTERNAL] RE: Case No. 2020-0250-A Motion to Postpone

Good morning,

Yes it doesn't look there was any entry of appearance for either Mr. Alderman or Mr. Gontrum, the rep at Polaris was the only person listed on the application for the Petition for the Variance. I have already received non-available dates from the Yazigi's for April. If all parties can send me non-available dates for May then I will be able to narrow down a date that works for all parties. Thank you all and have a great weekend.

Kristen Lewis-Coles
PAI- Zoning Review
410-887-3391

From: Donna Mignon <dmignon@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 7:54 AM
To: Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net; jgontrum@wtplaw.com
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Case No. 2020-0250-A Motion to Postpone

Good Morning,

I am not sure if you entered your appearance in this case, please see below. Thank you.

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 19, 2021 8:57 AM
To: Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>; Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com
Subject: RE: Case No. 2020-0250-A Motion to Postpone

Good morning,

The postponement request has been granted by the Director of PAI. Please provide me of **non-available** dates for the month of April so that a new hearing date can be reset. Thank you,

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391

From: Cecilia Grand Yazigi [<mailto:ceciliayazigi@hotmail.com>]
Sent: Thursday, March 18, 2021 5:34 PM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>
Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: Case No. 2020-0250-A Motion to Postpone

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--

Case No. 2020-0250-A,
March 29, 2021 at 10:00 am.

MOTION TO POSTPONE

We, Ricardo Yazigi and Cecilia Yazigi currently residing at 1306 Carrollton Ave, Towson 21204 are the owners of the property located on 637 Rockaway Beach Ave, Essex, Maryland. A variance hearing concerning the next-door lot #52, 639 Rockaway Beach Ave is scheduled for Monday, March 29, 2021, at 10:00 am. The property is owned by Joseph M. Carter and Theresa M Carter with current address registered at 1527 Morse Rd, Forest Hill, MD 21050. Their representative is

Geoffrey Schultz at Polaris LC at 57 W. Timonium Rd #210, Timonium, MD 21093.

Ricardo Yazigi is a physician and has a schedule conflict affecting his clinical duties for that day. For this reason, we would like to request a postponement of the hearing to a future day.

We are emailing a copy of this request to Joseph M. Carter at jcphinc@zoominternet.com and Geoffrey Schultz at gschultz@polarisl.com.

We are also mailing a copy by regular mail and we are hand delivering an additional copy to the addresses indicated above.

If you need to contact us regarding this request, our contact information is as follows:

Ricardo Yazigi cell phone number 410-960-5546. Email ryazigi@msn.com.

Cecilia Yazigi cell phone number 410-960-56423. Email ceciliayazigi@hotmail.com

Thank you for kind your consideration to this matter.

Sincerely,

Ricardo Yazigi , MD.
Cecilia Yazigi



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www.baltimorecountymd.gov [\[baltimorecountymd.gov\]](http://baltimorecountymd.gov)

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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.

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	<u>Donna Mignon</u> (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Adam Rosenblatt, Esq.</u>	amrosenblatt@venable.com	1-	English	New York Time	U.S.
☐	<u>David Bossi</u>	dave.bossi@outlook.com	1-	English	New York Time	U.S.
☐	<u>David Karceski, Esq.</u>	dhkarceski@venable.com	1-	English	New York Time	U.S.
☐	<u>David Thaler</u>	dsthaler@dsthaler.com	1-	English	New York Time	U.S.
☐	<u>Dr. Norman Barton</u>	norman.barton@sirogenesis.com	1-	English	New York Time	U.S.
☐	<u>Elizabeth Mitchell</u>	mitch21131@gmail.com	1-	English	New York Time	U.S.
☐	<u>Ellen Barton</u>	ellenbarton@gmail.com	1-	English	New York Time	U.S.
☐	<u>Gerard and Nancy Poiter</u>	terpman800-zoninghearing@yahoo.com	1-	English	New York Time	U.S.
☐	<u>Kevin Cordell</u>	kcordell@gmail.com	1-	English	New York Time	U.S.
☐	<u>Laura Bossi</u>	lndbossi@comcast.net	1-	English	New York Time	U.S.
☐	<u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Stacey McArthur</u>	smcarthur@dsthaler.com	1-	English	New York Time	U.S.

New Panelist

Full name: (required)

Email address: (required)

Phone number: Country/Region: 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

Donna Mignon

From: Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Sent: Friday, March 26, 2021 2:04 PM
To: Kristen L Lewis; Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net
Cc: gschultz@polarisl.com
Subject: Re: Case No. 2020-0250-A Motion to Postpone

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

Kristen and Donna,

These are our non available days for the month of May 3, 7, 12, 16, 19, 20, 21, 24, and 26.
Thank you,

Cecilia Yazigi

From: Kristen L Lewis <klewis@baltimorecountymd.gov>
Sent: Friday, March 26, 2021 11:40 AM
To: Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net
Cc: gschultz@polarisl.com; Cecilia Grand Yazigi
Subject: RE: Case No. 2020-0250-A Motion to Postpone

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Sent: Friday, March 26, 2021 11:38 AM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net
Cc: gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
Subject: RE: Case No. 2020-0250-A Motion to Postpone

CAUTION: This message from prvs=4719ab1660=jgontrum@wtplaw.com originated from a non-Baltimore County Government or non-BCPL email system. Hover over any links before clicking and use caution opening attachments.

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May 4, 19, 20, 26.

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To: Donna Mignon <dmignon@baltimorecountymd.gov>; Maureen E Murphy <mmurphy@baltimorecountymd.gov>; halderman@comcast.net; Gontrum, John <JGontrum@wtplaw.com>

Cc: gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>

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PAI- Zoning Review

410-887-3391

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Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>

Subject: Case No. 2020-0250-A Motion to Postpone

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Case No. 2020-0250-A,
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Cecilia Yazigi cell phone number 410-960-56423. Email ceciliayazigi@hotmail.com

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Sincerely,

Ricardo Yazigi , MD.

Cecilia Yazigi



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Donna Mignon

From: Howard Alderman <halderman@aldermanlaw.net>
Sent: Friday, March 26, 2021 12:38 PM
To: Administrative Hearings
Cc: Joe Carter (joe@carterplumbingandheating.com); jgontrum@wtplaw.com
Subject: Entry of Appearance - Case No. 2020-0250-A
Attachments: Entry of Appearance -Carter 639 Rockaway Beach Ave.pdf

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

Dear Judges Mayhew and Murphy:

Attached, please find my entry of appearance on behalf of the Petitioners in Case No. 2020-0250-A.

c: John B. Gontrum, Esq.



ALDERMAN LAW

Howard L. Alderman, Jr., Esquire
Alderman Law LLC
7505 Mount Vista Road
Kingsville, Maryland 21087-1759
halderman@aldermanlaw.net
O: 410-929-9113
C: 410-456-8501
F: 410-817-6769

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Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.



Howard L. Alderman, Jr., Esquire
O: 410.929.9113 | halderman@aldermanlaw.net

March 26, 2021

Transmitted via email message attachment only

[administrativehearings@baltimorecountymd.gov]

The Honorable Paul M. Mayhew, Managing
Administrative Law Judge
The Honorable Maureen M. Murphy, Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, STE 103
Towson, Maryland 212004

RE: 639 Rockaway Beach Avenue
Case No. 2020-0250-A

Dear Judge Mayhew and Judge Murphy:

On behalf of my clients, Joseph and Theresa Carter, Petitioners in the above-referenced matter, please enter my appearance in this case. Should either of you need any additional information, please do not hesitate to contact me.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Howard L. Alderman, Jr.', with a stylized flourish at the end.

Howard L. Alderman, Jr.

HLA/gk

c: Mr. and Mrs. Joseph Carter
John B. Gontrum, Esq.

[via email attachment only]

[via email attachment only to: jgontrum@wtplaw.com]

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
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FACSIMILE (410) 832-2015

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March 26, 2021

Sent via email - administrativehearings@baltimorecountymd.gov

The Honorable Paul M. Mayhew
Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue
Jefferson Building
Suite 103
Towson, Maryland 21204

Re: 639 Rockaway Beach Avenue
Case No. 2020-0250-A

Dear Judge Mayhew:

Please accept this letter as my entry of appearance in the above-referenced matter on behalf of my clients, Ricardo & Cecilia Yazigi. My phone number and address are as stated above.

Thank you for your attention to this matter.

Very truly yours,


John B. Gontrum

JBG:tm
11708600

cc: Howard Alderman, Esq. (via email - halderman@aldermanlaw.net)

Donna Mignon

From: Kristen L Lewis
Sent: Friday, March 26, 2021 11:41 AM
To: Gontrum, John; Donna Mignon; Maureen E Murphy; halderman@comcast.net
Cc: gschultz@polarisl.com; Cecilia Grand Yazigi
Subject: RE: Case No. 2020-0250-A Motion to Postpone

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Cc: gschultz@polarisl.com; Cecilia Grand Yazigi <ceciliayazigi@hotmail.com>
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May 4, 19, 20, 26.

John

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PAI- Zoning Review
410-887-3391

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<administrativehearings@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com

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PAI – Zoning Review

410-887-3391

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Sent: Thursday, March 18, 2021 5:34 PM

To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>; Kristen L Lewis

<kewis@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Cc: jcphinc@zoominternet.com; gschultz@polarisl.com; ryazigi@msn.com; Cecilia Grand Yazigi

<ceciliayazigi@hotmail.com>

Subject: Case No. 2020-0250-A Motion to Postpone

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Cecilia Yazigi



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<ceciliayazigi@hotmail.com>

Subject: Case No. 2020-0250-A Motion to Postpone

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

Case No. 2020-0250-A,
March 29, 2021 at 10:00 am.

MOTION TO POSTPONE

We, Ricardo Yazigi and Cecilia Yazigi currently residing at 1306 Carrollton Ave, Towson 21204 are the owners of the property located on 637 Rockaway Beach Ave, Essex, Maryland. A variance hearing concerning the next-door lot #52, 639 Rockaway Beach Ave is scheduled for Monday, March 29, 2021, at 10:00 am. The property is owned by Joseph M. Carter and Theresa M Carter with current address registered at 1527 Morse Rd, Forest Hill, MD 21050. Their representative is

Geoffrey Schultz at Polaris LC at 57 W. Timonium Rd #210, Timonium, MD 21093.

Ricardo Yazigi is a physician and has a schedule conflict affecting his clinical duties for that day. For this reason, we would like to request a postponement of the hearing to a future day.

We are emailing a copy of this request to Joseph M. Carter at jcphinc@zoominternet.com and Geoffrey Schultz at gschultz@polarisl.com.

We are also mailing a copy by regular mail and we are hand delivering an additional copy to the addresses indicated above.

If you need to contact us regarding this request, our contact information is as follows:

Ricardo Yazigi cell phone number 410-960-5546. Email ryazigi@msn.com.

Cecilia Yazigi cell phone number 410-960-56423. Email ceciliayazigi@hotmail.com

Thank you for kind your consideration to this matter.

Sincerely,

Ricardo Yazigi , MD.

Cecilia Yazigi

5-13-21
10 Am

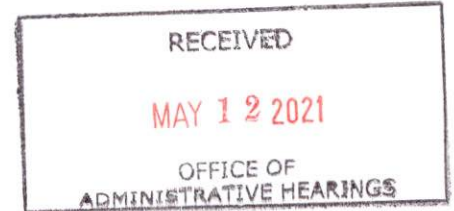


ALDERMAN LAW

Howard L. Alderman, Jr., Esquire
O: 410.929.9113 | halderman@aldermanlaw.net

May 12, 2021

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



RE: Joseph & Theresa Carter
639 Rockaway Beach Avenue
Case No. 2020-0250-A
Hearing Date: May 13, 2021/10:00 a.m.
Revised Exhibit List & 2 New Exhibits

Dear Ms. Mignon:

This morning, I sent two (2) additional photos (Petitioners' Exhibit Nos. 6I & 6J) provided late last evening by my client and a revised Petitioners' Exhibit List to administrativehearings@baltimorecountymd.gov and to John B. Gontrum, Esquire. Enclosed herewith is a hard copy of Petitioners' Exhibits 6I and 6J for the hearing tomorrow.

Should you need any additional information in advance of the hearing, please do not hesitate to contact me.

Thank you.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

Enclosures

c (w/out encl.): Mr. and Mrs. Joseph Carter
John B. Gontrum, Esquire

REVISED

6:37 am, May 12, 2021

Joseph & Theresa Carter

Case No. 2020-0250-A

LIST OF PETITIONERS' EXHIBITS

EXHIBIT	DESCRIPTION
1	Plat to accompany Petition for Zoning Variance
2	Plat of "Rockaway Beach - Turkey Point Farm" PB No. 4/page 171; Subject Property Outlined in Yellow
3	"My Neighborhood" Map of Rockaway Beach - Subject Property Outlined in Yellow
4 [35 pages]	Cover Sheet - Rockaway Beach Variance Cases; My Neighborhood Map showing location of 8 Variance Cases; Copies of Opinion/Order in 8 Variance cases
5	Drainage Study - Polaris Land Consultants LLC
6A-J	Photos of homes in area of Subject Property and of previous home on subject property
7A-F	Letters of Support of Requested Relief from 603, 605, 633, 635, 641 [adjacent] and 645



19





Howard L. Alderman, Jr., Esquire
O: 410.929.9113 | halderman@aldermanlaw.net

May 11, 2021

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



RE: Joseph & Theresa Carter
639 Rockaway Beach Avenue
Case No. 2020-0250-A
Hearing Date: May 13, 2021/10:00 a.m.
Exhibit List & Exhibits

Dear Ms. Mignon:

In accordance with your email message scheduling a virtual hearing on the above-referenced matter, I enclose herewith the following:

- a List of Petitioners' Exhibits, Nos: 1 through 7
- a hard copy of Petitioners' Exhibits, Nos: 1 through 7

Additionally, I will be transmitting .pdf copies of the above, via email attachment(s) to administrativehearings@baltimorecountymd.gov. Should you need any additional information in advance of the hearing, please do not hesitate to contact me.

Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Howard L. Alderman, Jr.', written over the typed name.

Howard L. Alderman, Jr.

HLA/gk

Enclosures

c (w/out encl.):

Mr. and Mrs. Joseph Carter

c (w/encl.):

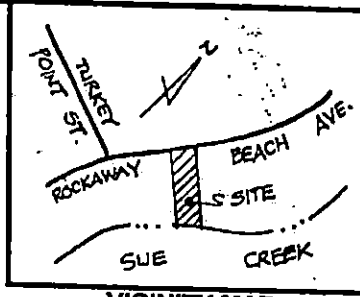
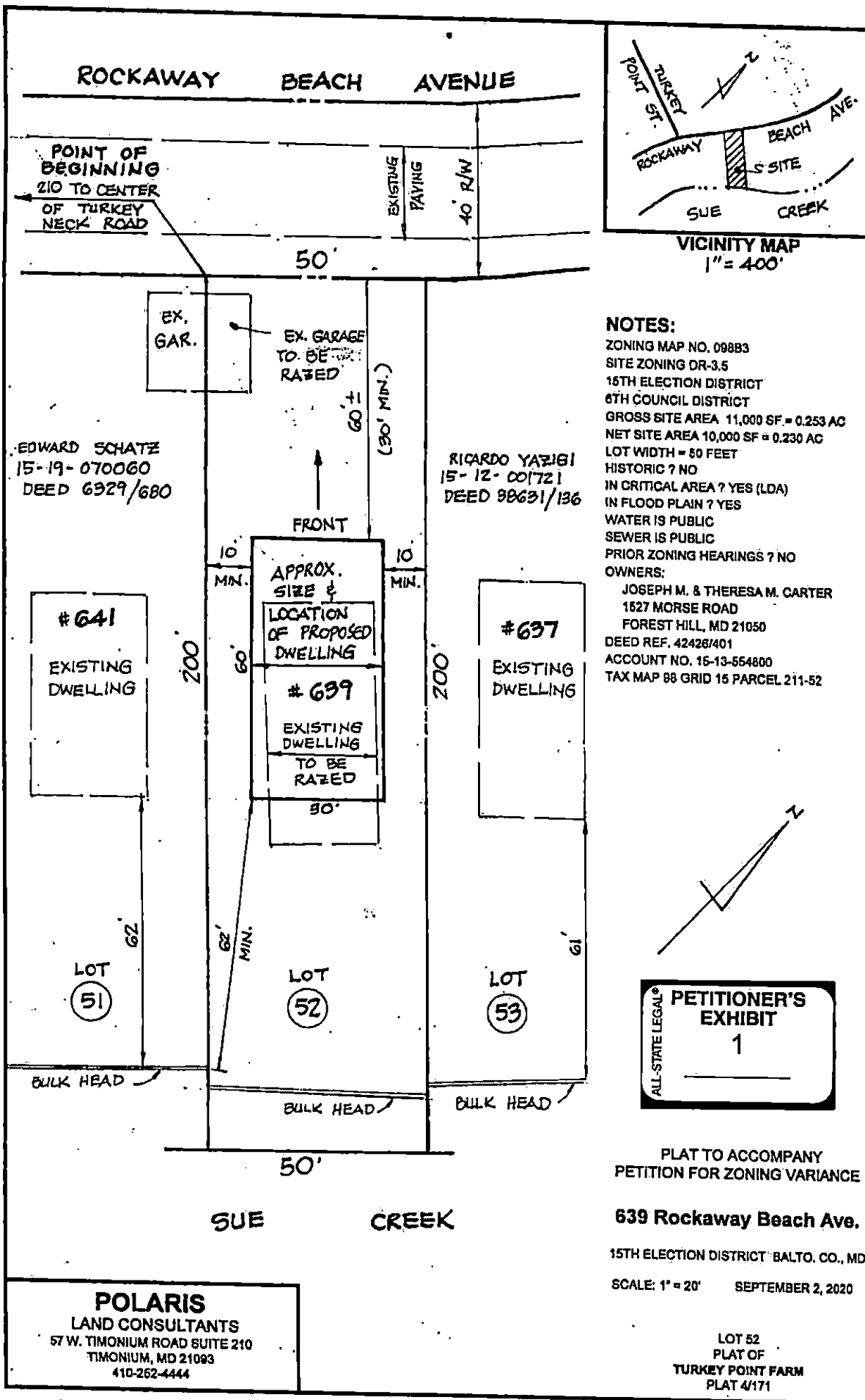
John B. Gontrum, Esquire [via attachments to email only]

Joseph & Theresa Carter

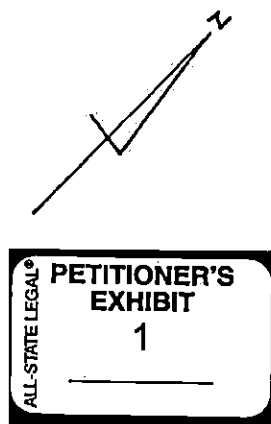
Case No. 2020-0250-A

LIST OF PETITIONERS' EXHIBITS

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5	Drainage Study - Polaris Land Consultants LLC
6A-H	Photos of homes in area of Subject Property
7A-F	Letters of Support of Requested Relief from 603, 605, 633, 635, 641 [adjacent] and 645



NOTES:
 ZONING MAP NO. 09883
 SITE ZONING DR-3.5
 15TH ELECTION DISTRICT
 6TH COUNCIL DISTRICT
 GROSS SITE AREA 11,000 SF = 0.253 AC
 NET SITE AREA 10,000 SF = 0.230 AC
 LOT WIDTH = 50 FEET
 HISTORIC ? NO
 IN CRITICAL AREA ? YES (LDA)
 IN FLOOD PLAIN ? YES
 WATER IS PUBLIC
 SEWER IS PUBLIC
 PRIOR ZONING HEARINGS ? NO
 OWNERS:
 JOSEPH M. & THERESA M. CARTER
 1527 MORSE ROAD
 FOREST HILL, MD 21050
 DEED REF. 42428/401
 ACCOUNT NO. 15-13-554800
 TAX MAP 88 GRID 15 PARCEL 211-52



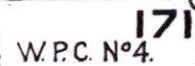
PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE

639 Rockaway Beach Ave.

15TH ELECTION DISTRICT BALTO. CO., MD

SCALE: 1" = 20' SEPTEMBER 2, 2020

LOT 52
PLAT OF
TURKEY POINT FARM
PLAT 4/171



ALL-STATE LEGAL®

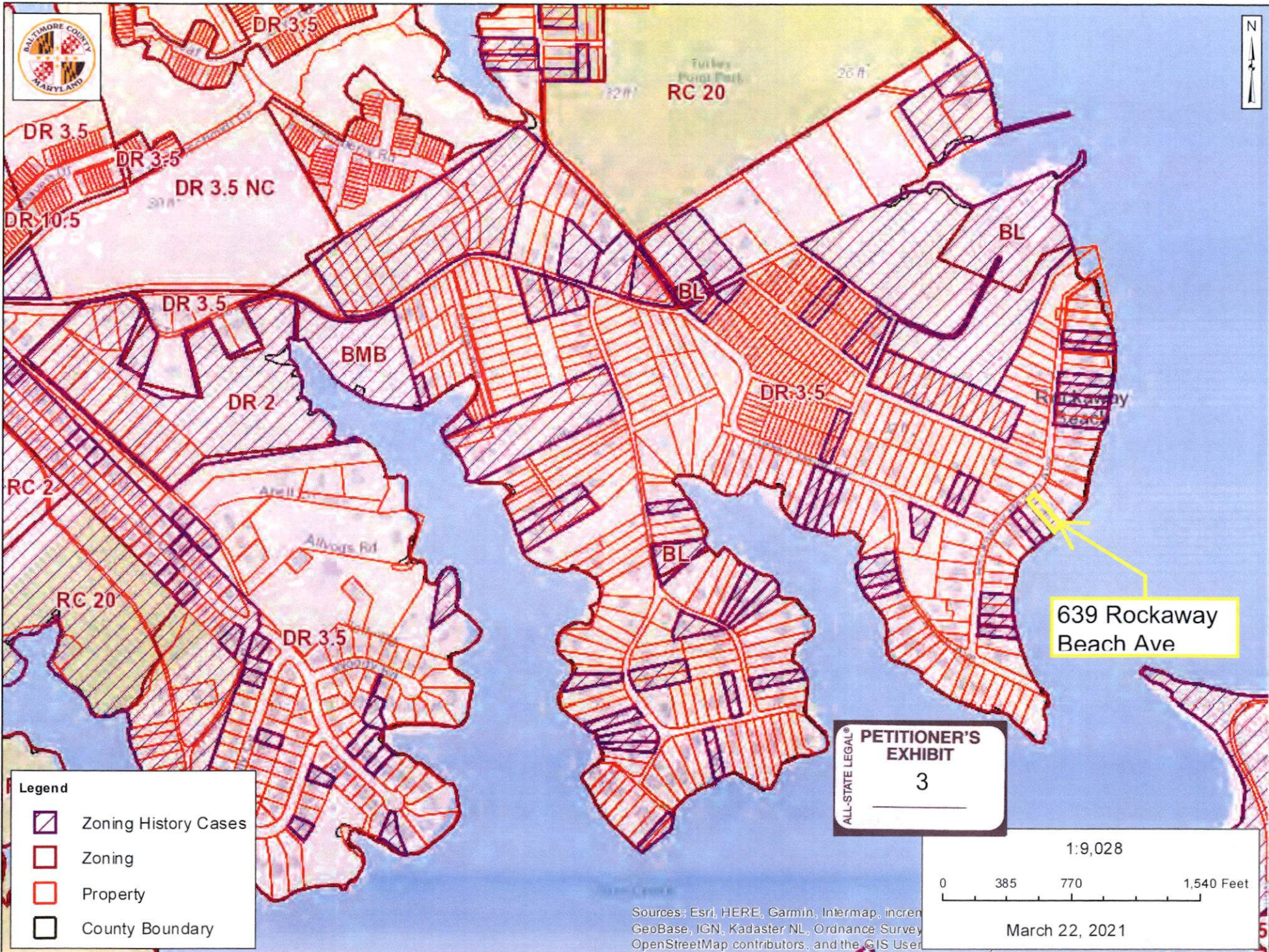
PETITIONER'S
EXHIBIT

2

TURKEY POINT FARM
Scale: 100:1

Edw. V Coorner & Co
Surveyors & Civil Engrs
231 Courtland St.

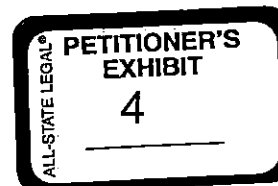
Rockaway Beach



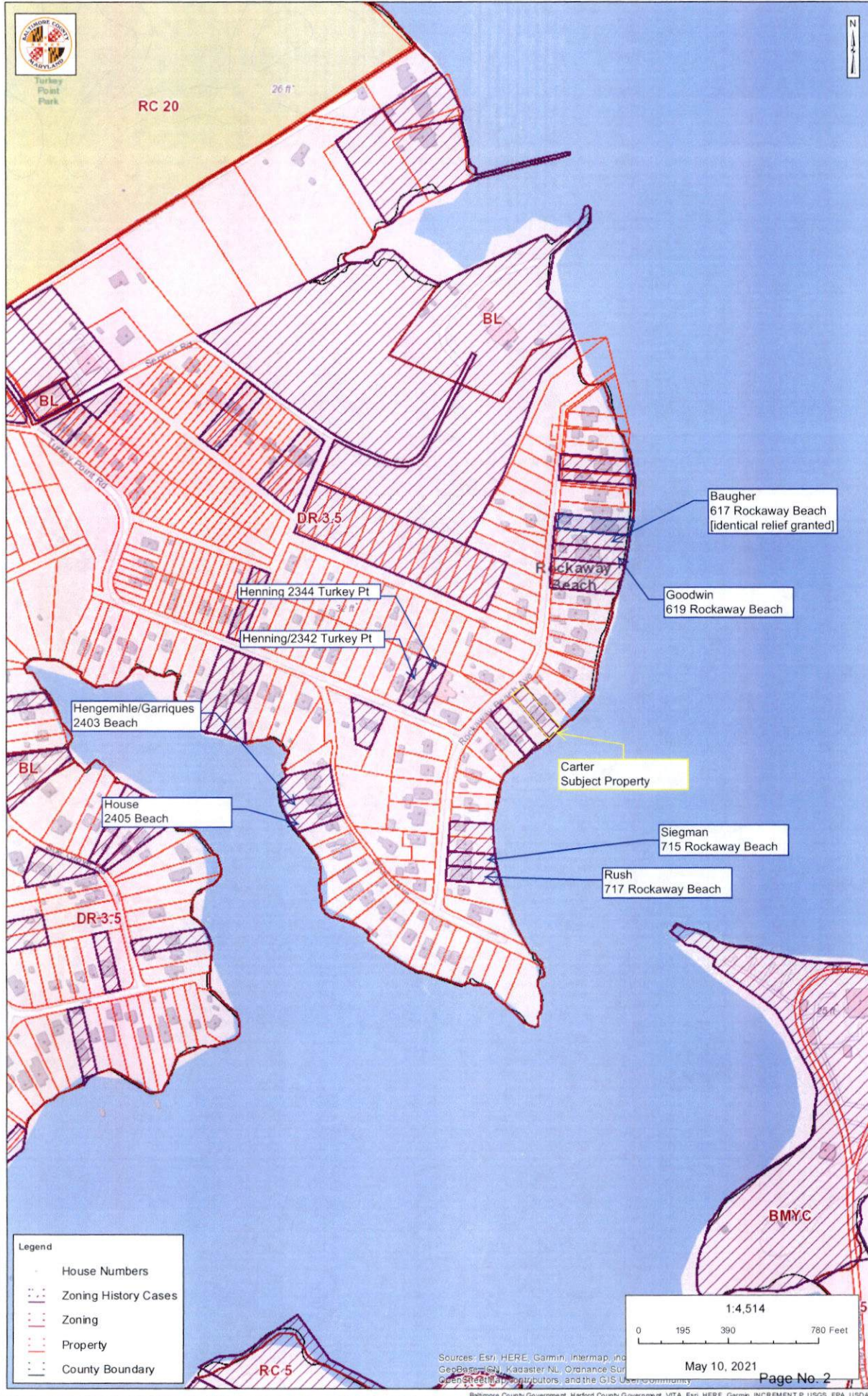
639 Rockaway Beach Avenue
Case No. 2020-0250-A

**ROCKAWAY BEACH AREA
VARIANCE CASES**

Address	Petitioner	Case No.	Relief Granted
617 Rockaway Beach [Case #1]	Baughner	2014-0290-A	Side yard of 10' in lieu of the 15' and sum of side yards of 20' in lieu of required 25' for replacement dwelling [50' wide lot; replacement home of 30' in width]
619 Rockaway Beach [Case #2]	Goodwin	2007-121-A	Side yard setbacks of 5.5' and 4.0' in lieu of the required 10' and a sum of 9.5' in lieu of the required sum of 25'
715 Rockaway Beach [Case #3]	Siegman	1999-321-A	Minimum side yard setback of 3' in lieu of the required 10' and a sum of 16' in lieu of the required sum of 25'
717 Rockaway Beach [Case #4]	Rush	2005-579-A	Side yard setback of 1' in lieu of the required 10', a sum of side yards of 12' in lieu of the required 25' and rear yard of 24' in lieu of the required 30'
2405 Beach [Case #5]	House	2009-0334-A	Side yard sum of 22' in lieu of the required 25'
2403 Beach [Case #6]	Hengemihle Garriques	2000-294-A	Front setback of 16' in lieu of 25.8' average; side yard setbacks of 6' in lieu of the required 10' and a sum of 12' in lieu of the required 25'
2344 Turkey Point [Case #7]	Henning	2001-365-A	Sum of side yards of 23' in lieu of the required 25'
2342 Turkey Point [Case #8]	Henning	2001-366-A	Sum of side yards of 23' in lieu of the required 25'



Rockaway Beach Variances



9/4/14

CASE #1

IN RE: PETITION FOR VARIANCE
(617 Rockaway Beach Avenue)
15th Election District
6th Council District
David W. & Darlene J. Baugher
Petitioners

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2014-0290-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of the legal owners of the subject property. The Petition seeks variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) § 1B02.3.C.1 to permit a side yard of 10' in lieu of the required 15' and a sum of side yards of 20' in lieu of the required 25' for a replacement dwelling. 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.

Appearing at the public hearing in support of the request was David and Darlene Baugher. David Billingsley with Central Drafting & Design, Inc., whose firm prepared the site plan, appeared and assisted the Petitioners. Mrs. Goodwin, who lives at 619 Rockaway Beach Avenue, appeared and opposed the relief. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received.

The property is approximately 0.271 acres and is zoned DR 3.5. The site is improved with a modest single-family dwelling constructed in 1919. Petitioners propose to raze this dwelling, and construct on the lot a new single family dwelling. To do so requires variance relief.

ORDER RECEIVED FOR FILING

Date

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To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to construct the house as planned, which would be centered on the lot. I believe the variance can be granted in harmony with the B.C.Z.R. and without negatively impacting the health, safety and welfare of the community. The home proposed would be similar in size to those nearby. In addition, Mr. Billingsley indicated that the positioning of the home on the lot would satisfy the Buffer Management Area (BMA) regulations promulgated by the Department of Environmental Protection and Sustainability (DEPS). Those regulations (unlike the B.C.Z.R.) contain specific provisions concerning where on a waterfront lot a new or rebuilt home may be located, with the aim of preserving the viewsheds of the adjoining neighbors.

In addition to concerns about their water views (a point discussed above), Ms. Goodwin also stated that she and her husband were concerned with drainage and having a two story structure so close to the property line. The height of the proposed dwelling satisfies the B.C.Z.R., and thus that is not at issue. With respect to the closeness of the proposed home, that is in essence an existing site condition; and one that is dictated by the narrow 50' lot widths in the area. In 2007, the Goodwins were granted variance relief allowing 4' and 5.5' side yard setbacks. Case No. 2007-0121-A (Petitioners' Exhibit 8). The Petitioners request here is more modest, proposing 10' setbacks on each side. In these circumstances, I do not believe the Protestant's concern is well-founded. Finally, the drainage issues will be addressed by County

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Date

9/4/14

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Page No. 4

reviewers prior to issuance of building permits, and I am confident that Ms. Goodwin's concerns will be addressed.

THEREFORE, IT IS ORDERED, this 4th day of September, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from B.C.Z.R. § 1B02.3.C.1 to permit a side yard of 10' in lieu of the required 15' and a sum of side yards of 20' in lieu of the required 25' for a replacement dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

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Date 9/4/14
By dlw

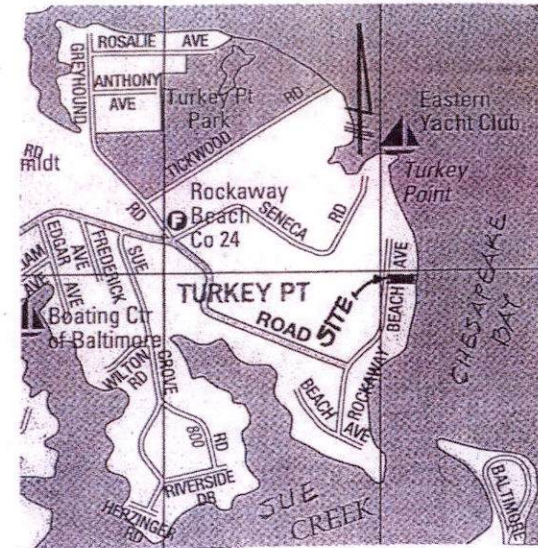
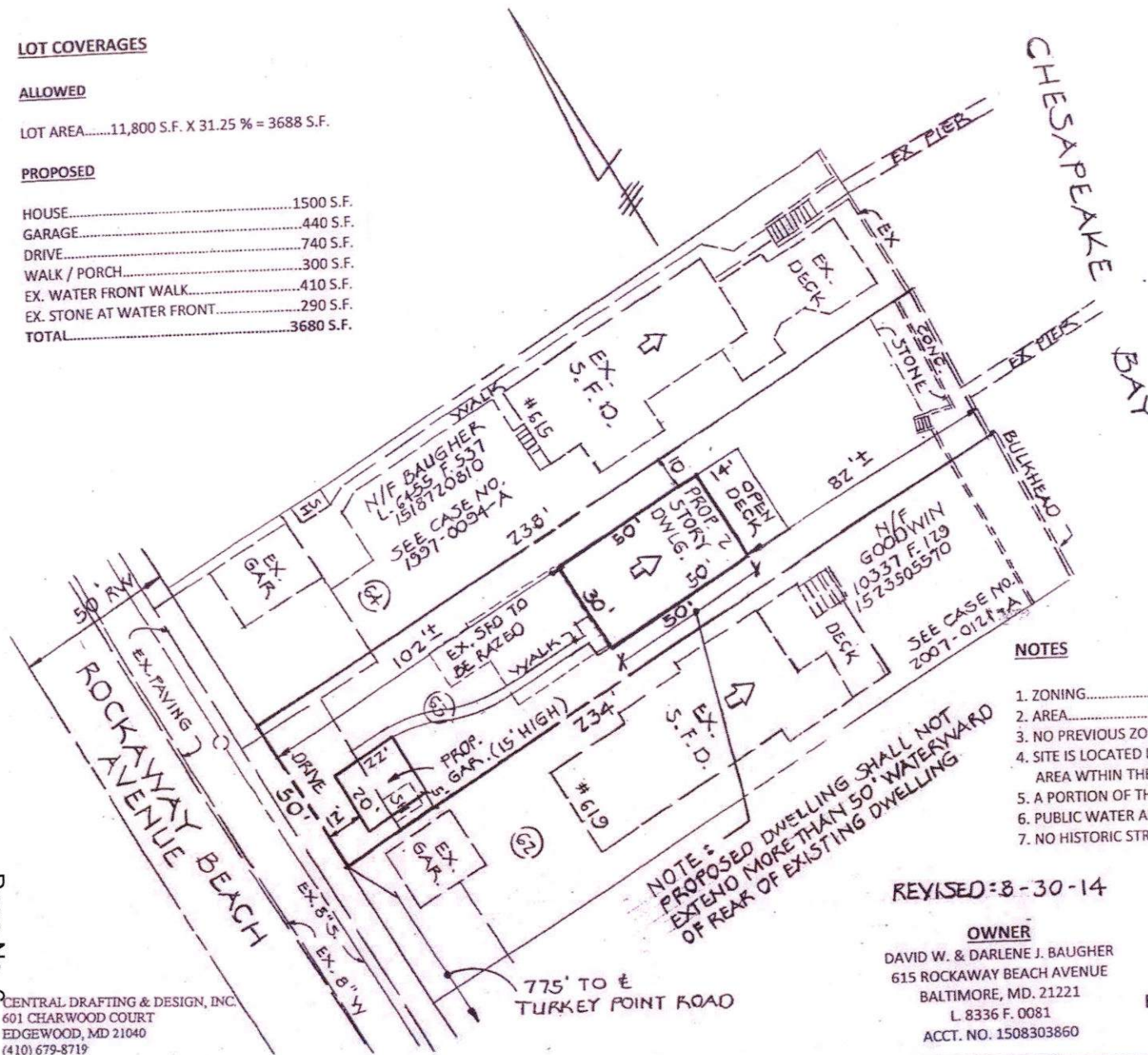
LOT COVERAGES

ALLOWED

LOT AREA.....11,800 S.F. X 31.25 % = 3688 S.F.

PROPOSED

HOUSE.....	1500 S.F.
GARAGE.....	440 S.F.
DRIVE.....	740 S.F.
WALK / PORCH.....	300 S.F.
EX. WATER FRONT WALK.....	410 S.F.
EX. STONE AT WATER FRONT.....	290 S.F.
TOTAL.....	3680 S.F.



VICINITY MAP
SCALE 1" = 1000'

PETITIONER'S
EXHIBIT NO. 1

NOTES

1. ZONING.....DR 3.5 (MAP NO. 098B2)
2. AREA.....11,800 S.F. = 0.271 ACRE +/-
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
4. SITE IS LOCATED IN A LIMITED DEVELOPMENT AREA AND BUFFER MANAGEMENT AREA WITHIN THE CHESAPEAKE BAY CRITICAL AREA
5. A PORTION OF THIS SITE IS LOCATED IN THE 100 YEAR TIDAL FLOOD ZONE
6. PUBLIC WATER AND SEWER IS EXISTING
7. NO HISTORIC STRUCTURES OR UNDERGROUND STORAGE TANKS ARE KNOWN TO EXIST

REVISED: 8-30-14

OWNER

DAVID W. & DARLENE J. BAUGHER
615 ROCKAWAY BEACH AVENUE
BALTIMORE, MD. 21221
L 8336 F. 0081
ACCT. NO. 1508303860

PLAT TO ACCOMPANY PETITION FOR VARIANCE

617 ROCKAWAY BEACH AVENUE
LOT 63 ROCKAWAY BEACH PB 4 F 171
ELECTION DISTRICT 15C6 BALTIMORE COUNTY, MD
SCALE: 1 INCH = 30 FEET JUNE 25, 2014

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Rockaway Beach Avenue, 700 feet
North of Turkey Point Road
15th Election District
6th Councilmanic District
(619 Rockaway Beach Road)

* BEFORE THE
* DEPT Y ZONING COMMISSIONER
* OF BALTIMORE COUNTY

William and Anita Goodwin
Petitioners

* CASE NO. 07-121-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, William and Anita Goodwin. The variance request is for property located at 619 Rockaway Beach Road. The variance request is from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5.5 feet and 4 feet and a sum of 9.5 feet in lieu of the required 10 feet minimum and sum of 25 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners wish to add a 380 square foot sunroom to their home. The location for the proposed addition lends itself to the utilization of existing facilities without interruptions to the current floor plan. The sunroom addition will help to insulate and reduce the heating bills. The sunroom will provide a place to enjoy the outdoors without being bothered by the weather or bugs. The addition will improve the appearance of the house. The restrictive area of the lot does not lend itself to an addition of usable size without obtaining a variance.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment letter was received from the Department of Environmental Protection and Resource Management dated October 12, 2006

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which contained restrictions. A copy of which is incorporated herein and made a part hereof of the file.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 22, 2006 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. 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

Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

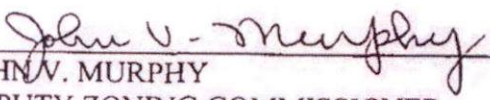
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Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 23rd day of October, 2006, that a variance from Section 1B02.3.c.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 5.5 feet and 4 feet and a sum of 9.5 feet in lieu of the required 10 feet minimum and sum of 25 feet be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).
3. This property is within the Limited Development Area (LDA) and Buffer Management Area (BMA) of the CBCA. LDA regulations state that the lot is limited to 25% impervious surface area and that 15% tree cover must be maintained. BMA regulations state that any proposed development in the 100-foot buffer to tidal waters requires mitigation approved by the Department of Environmental Protection and Resource Manage. .

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

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IN RE: PETITION FOR VARIANCE
E/S Rockaway Beach Avenue, 140' N
of the c/l of Beach Avenue
(715 Rockaway Beach Avenue)
15th Election District
5th Councilmanic District

William F. Siegman, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-321-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, William F. and Marcyann S. Siegman. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum side yard setback of 3 feet in lieu of the required 10 feet and a side setback sum of 16 feet in lieu of the required 25 feet for a proposed dwelling. In addition, relief is sought from Section 304 of the B.C.Z.R. to permit construction of a dwelling on an undersized lot. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were William and Marcyann Siegman, property owners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a waterfront lot, which fronts on Middle River, consisting of a gross area of 0.20 acres, more or less, zoned D.R.

3.5. The property has existed in Mrs. Siegman's family since 1953 and is improved with an old shore home, which has been rented out for some time and is beyond renovation. The Petitioners are desirous of razing the old structure and constructing a new single family dwelling for themselves. The Petitioners testified that public water and sewer is available and that the new

ORDER RECEIVED FOR FILING

Date

By

house will be located in approximately the same location as the old home. However, in order to proceed with the proposed improvements, the requested variances are necessary.

After due consideration of the testimony and evidence presented, in the opinion of this Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented have established that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner, and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

ORDER RECEIVED FOR FILING

Date

By

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

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 16th day of April, 1999 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum side yard setback of 3 feet in lieu of the required 10 feet, a side setback sum of 16 feet in lieu of the required 25 feet for a proposed dwelling, and construction of a dwelling on an undersized lot, pursuant to Section 304 of the B.C.Z.R., and in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource

Management (DEPRM), dated March 5, 1999, and the Bureau of Development Plans Review, dated March 19, 1999, copies of which are attached hereto and made a part hereof.

- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 3/16/99

By [Signature]

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
E/S of Rockaway Beach Avenue, 427 ft.	*	
S centerline of Turkey Point Road	*	DEPUTY ZONING COMMISSIONER
15th Election District	*	
6th Councilmanic District	*	FOR BALTIMORE COUNTY
(717 Rockaway Beach Avenue)	*	
	*	CASE NO. 05-579-A
Maryann & William R. Rush	*	
<i>Petitioners</i>	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Maryann and William R. Rush. The Petitioners are requesting variance relief for property located at 717 Rockaway Beach Road in the eastern area of Baltimore County. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed replacement single-family dwelling with a side yard of 1 ft., a rear yard of 24 ft., a sum of side yards of 12 ft. on a lot having a width of 50 ft. in lieu of the required 10 ft., 30 ft., 25 ft. and 70 ft. respectively.

The property was posted with Notice of Hearing on June 14, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on June 23, 2005 to notify any interested persons of the scheduled hearing date.

Amended Petition

The Petitioners indicated that as the result of negotiations with their neighbors, they amended their request to allow a 4 ft. side yard setback on the Nuth side of the property rather than the 1 ft. previously requested. Ten feet is required. As a result of this change, they are now also requesting to allow a sum of the side yard setbacks of 15 ft. in lieu of the 25 ft. required by the regulations.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

7/13/05
J. Ray

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated May 25, 2005, a copy of which is attached hereto and made a part hereof. In addition, the Office of Planning submitted a ZAC comment dated June 6, 2005, a copy of which is attached hereto and made a part hereof. Finally, a ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 14, 2005 stating that the Petitioners must comply with the Chesapeake Bay Critical Area Regulations, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Bob and Maryann Rush, Petitioners. Ruth Nuth, Jackie Nickel and Trish McDonough attended the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

This property is zoned D.R. 3.5 and is 9,027 sq. ft. in area. This is a 50 ft. wide waterfront lot known as Lot 40 of the "Rockaway Beach" subdivision which was recorded among the Land

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Ray

Records of Baltimore County in 1915 with most lots, such as here, 50 ft. wide. The Petitioners propose to replace the existing home on the property, which was built in 1929 with a modern 2 1/2 story home. Originally, the garage attached to the new home was proposed to be built virtually on the south property line. See Petitioners' Exhibit 1. However, Ms Nuth, the neighbor to the south, objected and a compromise was reached so that the garage would be 4 ft. from the property line. See Petitioners' Exhibit 2. The sum of the side yards would then be 15 ft. in lieu of the required 25 ft. The Petitioners are also requesting that they be allowed to build their home 24 ft. from the rear property line (the road side) in lieu of the required 30 ft.

The Petitioners indicated that they purchased the property in 2004 and intend to raze the existing cottage, garage and shed so as to build a new home (as a permanent home) that would be large enough to accommodate the Petitioners' four children and a mother-in-law. The Petitioners presented photographs, which showed many other homes in the neighborhood that had little or no setbacks to property lines. See Petitioners' Exhibit 4. They opined that the proposed house would improve the neighborhood and that the 11 ft. side yard would allow emergency vehicles to have access to the water.

The Protestants were concerned about the side yard setback, but Ms. Nuth indicated that she was satisfied with the compromise reached. They also wanted to see the height and configuration of the new home to determine what impact the actual home would have on Ms. Nuth's property. As mentioned at the hearing, the Planning Office will review the design for compatibility as indicated in the Planning Office comment. No variance is requested for height.

Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This is a subdivision which was recorded among the Land Records of Baltimore County in 1915 many years before the DR regulations were imposed on

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J. R. [signature]

this property. Consequently, I find that the zoning regulations impact this property in a way different from those lots not on the water and created after the DR regulations were imposed.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Obviously, if strictly enforced the Petitioner cannot build a home to accommodate their large family. There is an existing home presently situated on the property now, so no increase in density will result.

Furthermore, I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. I am sure that if the neighbors will follow the subsequent review of the proposed building with the Planning Office, the new home will be compatible with the neighborhood and adjoining homes.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance requests should be granted.

THEREFORE, IT IS ORDERED, this 13 day of July, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed replacement single-family dwelling with a side yard of 4 ft., a rear yard of 24 ft., a sum of side yards of 15 ft. on a lot having a width of 50 ft. in lieu of the required 10 ft., 30 ft., 25 ft. and 70 ft. respectively, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted

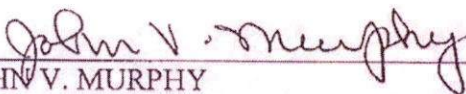
herein:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;

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J. Ray

2. Compliance with the ZAC comments made by the Bureau of Development Plans Review dated May 25, 2005, a copy of which is attached hereto and made a part hereof;
3. Compliance with the ZAC comments made by the Office of Planning dated June 6, 2005, a copy of which is attached hereto and made a part hereof;
4. Compliance with the ZAC comments made by DEPRM dated June 14, 2005, a copy of which is attached hereto and made a part hereof;
5. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
7/13/05
Ray

IN RE: PETITION FOR VARIANCE

W/S Beach Avenue, 470' N of c/line of
 Rockaway Beach Avenue
(2405 Beach Avenue)
 15th Election District
 5th Council District

Samuel W. House, et ux
Petitioners

BEFORE THE

 ZONING COMMISSIONER

 OF

 BALTIMORE COUNTY

 Case No. 2009-0334-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Samuel W. House, and his wife, Eva A. House. The Petitioners request variance relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new dwelling with a minimum sum of side yard widths of 22 feet in lieu of the required 25 feet, and to permit the replacement of an existing dwelling with a larger area pursuant to Section 305 of the B.C.Z.R.¹ The subject property and requested relief are more particularly described on the amended site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Patrick M. O'Keefe, a consultant assisting the property owner through the permitting process, and Charles Jones, of Freestate General Contractors, the Petitioners' builder. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the property under consideration is a

¹ The subject property has 50 feet of width on Beach Avenue, is 152 feet deep, and has 50 feet of frontage at the rip rap bulkhead on Sue Creek. The Zoning Commissioner's Policy Manual (Z.C.P.M.) Sections 400.1A and 400.2A provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure as facing the water. In this case, it is noted that the Zoning Review Office and the Petitioner have the front of the home facing Sue Creek and the rear facing Beach Avenue.

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 By 193

rectangular shaped waterfront parcel identified as Lot 21 in the subdivision of Turkey Point Farm located on the Sue Creek on the west side of Beach Avenue in the Rockaway Beach area of eastern Baltimore County. The property contains a gross area of 7,257 square feet, zoned D.R.3.5 and improved with a small (23' wide x 40' deep) one-story dwelling featuring a detached garage and wooden pier. As is often the case with older subdivisions, Turkey Point Farm was laid out many years ago, well prior to the adoption of any zoning regulations in Baltimore County. Thus, many of the lots in the neighborhood are undersized and do not meet current area and width requirements. In this regard, the subject property is approximately 50 feet wide and 150 feet deep and as previously noted contains a gross area of 7,257 feet. See the subdivision plat recorded in 1915 received as Petitioners' Exhibit 4 illustrating 72 similar sized lots of record. Current D.R.3.5 regulations require a *minimum area of 10,000 square feet, and a minimum width of 70 feet.* Thus the subject lot, while vested, is undersized by today's development standards.

Testimony indicated that the Petitioners have owned the subject property since 2008 and had used it as their home. As shown on the site plan, the Houses' are desirous of removing the existing dwelling built in 1939 and propose to construct a new one-story dwelling 28' wide x 51'-9" deep with a front open deck and in the process realigning or squaring up its orientation on the lot. See Petitioners' Exhibit 1 highlighting the location of the proposed structure. The dwelling is to be centered on the lot consistent with other homes in the area and will have the same side yard setbacks as the existing home so as to provide setback distances consistent with other homes on adjacent properties. The building elevations will be submitted to the Office of Planning for review and approval prior to the Petitioners being granted a building permit. The Office of Planning will determine the compatibility of size, exterior building materials, color and

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By [signature]

architectural detail. I will leave it to that office to determine that the proposed home is consistent with the existing dwellings in the area. In support of the request, the Houses' have neighbors who have no objections and support the proposal. In essence, the new home will be 5' wider and 11' longer than the existing structure with a front porch. In view of the narrow configuration and size of the lot, compliance with the regulations is not practical or possible. Additionally, the property is located in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) which requires that the proposed development must comply with these regulations and, in particular, the impervious surfaces which are limited to 25% of the property. Thus, variance relief is requested in order to comply with the spirit and intent of these regulations.

Based upon the testimony and evidence presented, I am persuaded to grant the requested relief. In my judgment, the Petitioners have satisfied the requirements of Sections 305 and 307 of the B.C.Z.R. and *Cromwell v. Ward*, 102 Md. App. 691 (1995). In considering the issue presented, there are two Sections of the B.C.Z.R. that are relevant. The first is Section 305, entitled "Replacement of Destroyed or Damaged Dwellings." That Section provides that in the event of a complete or partial loss by fire, a dwelling that does not comply with the height or area requirements of the zone in which it is located can be restored, provided that the area or height deficiencies of the dwelling before the fire are not increased in any respect. Secondly, the language set out in Section 104.2 of the B.C.Z.R. is applicable. Section 104 of the B.C.Z.R. governs nonconforming uses. A nonconforming use is a use that is illegal under the current regulations, however is "grandfathered" and therefore may remain.

In this case, the subject property and original dwelling do not comply with the zoning requirements for the D.R.3.5 zone. The lot itself is undersized and the original house had insufficient setbacks. Nonetheless, the Petitioners are eligible to reconstruct a dwelling on the lot, given the collective language of Sections 305 and 104.2 of the B.C.Z.R. The new dwelling

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Date 9-2-09
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will essentially occupy the same footprint as the old structure. The language in Section 305 of the B.C.Z.R. specifically exempts the new dwelling from strict compliance with height and area regulations. Moreover, the language in Section 104.2 of the B.C.Z.R. allows a nonconforming use to continue. The variance in this case is driven by the configuration and size of the lot. Moreover, this property is served by public water and public sewer, which has been made available in the area. Strict compliance with the regulations would cause a practical difficulty upon the Petitioners in that a reasonable use of the land would not be permitted. Finally, the neighbors are not opposed to the proposal. Thus, I find that relief can be granted without detrimental impact to the adjacent properties. In this regard, it is noted that many other houses in the community are built on similarly sized lots. However, in granting the relief, the Petitioners are reminded that they need to comply with the CBCA regulations enforced by the Department of Environmental Protection and Resource Management (DEPRM).

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of September 2009 that the Petition for Variance seeking relief from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a new dwelling with a minimum sum of side yard widths of 22 feet in lieu of the required 25 feet, and to permit the replacement of an existing dwelling with a larger area pursuant to Section 305 of the B.C.Z.R. in accordance with Petitioners' Exhibit 1, be and the same is hereby GRANTED; subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the thirty (30) day appeal period

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Date 9-2-09
By [Signature]

from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval to insure compatibility with the neighborhood.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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Date 9-2-09
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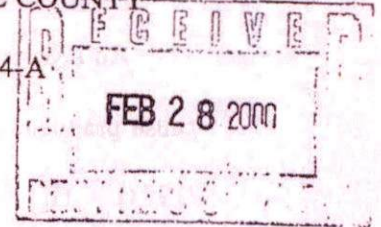
p. 42 2/23/00

IN RE: PETITION FOR VARIANCE
 W/S Beach Avenue, 530' NW
 Centerline Rockaway Beach Avenue
 15th Election District
 5th Councilmanic District
 (2403 Beach Avenue)

Pamela Hengemihle & Lucinda Garriques
 Petitioners

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY

CASE NO. 00-294-A



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Pamela Hengemihle and Lucinda Garriques. The Petitioners are requesting a variance for property they own at 2403 Beach Avenue, which property is zoned D.R.3.5. The variance request is from Sections 303.1, 1B02.3.C, 303 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to have a front yard setback of 16 ft. in lieu of the required front average of 25.8 ft., a side yard setback of 6 ft. totaling a sum of 12 ft. in lieu of the required 10 ft. and 25 ft. respectively, to allow an open projection with a setback of 8 ft. in lieu of the required 19.3 ft., and to approve an undersized lot.

Appearing at the hearing on behalf of the variance request were Lucinda Garriques and Pamela Hengemihle, property owners, Cheryl Williams, homebuilder and Bruce Doak, property line surveyor. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request consists of 0.193 acres, more or less, and is zoned D.R.3.5. The subject property is a waterfront lot located on Sue Creek in the Turkey Point area of Baltimore County. The property is currently improved with a small one-story single family frame dwelling. The Petitioners are

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Date 2/23/00

By R. Jameson

desirous of tearing down the old shore home and constructing a new single family residential dwelling in its place. In order to proceed with their plans, the variance requests are necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and

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Date 02/23/00
By J. P. J. J.

that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioners any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations (attached herewith) which describe what steps the Petitioners must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

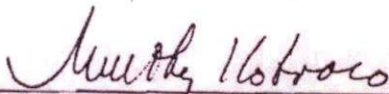
- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the 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.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 23rd day of February, 2000, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Sections 303.1, 1B02.3.C, 303 and 304 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a dwelling to have a front yard setback of 16 ft. in lieu of the required front average of 25.8 ft., a side yard setback of 6 ft. totaling a sum of 12 ft. in lieu of the required 10 ft. and 25 ft. respectively, to allow an open projection with a setback of 8 ft. in lieu of the required 19.3 ft., and to approve an undersized lot, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Compliance with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated January 28, 2000, a copy of which is attached hereto and made a part hereof.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 2/23/00
By R. J. [Signature]

IN RE: PETITION FOR VARIANCE
 NE/S Turkey Point Road, 140' W
 of Rockaway Beach Road
 15th Election District
 5th Councilmanic District
 (2344 Turkey Point Road)

Howard M. and Elizabeth Henning
 Petitioners

* BEFORE THE
 * DEPUTY ZONING COMMISSIONER
 * OF BALTIMORE COUNTY
 * CASE NO. 01-365-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Howard and Elizabeth Henning. The Petitioners are requesting a variance for property they own at 2344 Turkey Point Road. The variance request is from Section 1B02.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing single-family dwelling with a lot width of 50 ft. in lieu of the required 70 ft. and to approve a sum of the side yard setbacks of 23 ft. in lieu of the required 25 ft.

Appearing at the hearing on behalf of the variance request were Mr. and Mrs. Henning, owners of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.2066 acres, more or less, split-zoned DR 3.5, with a small portion of BL. The subject property is improved with an existing single-story residential dwelling which has been owned by the Hennings for approximately 12 years. In addition to owning the subject dwelling, the Petitioners also own a vacant 50 ft. wide lot located to the west of this property. They are desirous of constructing a new single-family dwelling on the adjacent lot for

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themselves and their family. By virtue of the construction of a new home on the adjacent lot, the variance requests for their existing home are generated.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should, therefore, be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioners; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioners any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations (attached

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R. J. [Signature]

herewith) which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

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

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 7th day of May, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve an existing single-family dwelling with a lot width of 50 ft. in lieu of the required 70 ft. and to approve a sum of the side yard setbacks of 23 ft. in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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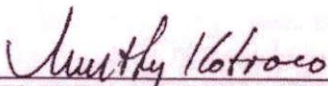
Date

5/7/01

By

R. J. Jernigan

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

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MAY 5 5/3/01
BY R. J. JAMESON

IN RE: PETITION FOR VARIANCE
NE/S Turkey Point Road, 190' W
of Rockaway Beach Avenue
15th Election District
5th Councilmanic District
(2342 Turkey Point Road, Lot 11)

Howard M. and Elizabeth Henning
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-366-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Howard and Elizabeth Henning. The Petitioners are requesting a variance for property they own at 2342 Turkey Point Road. The variance request is from Section 1B02.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a proposed single-family dwelling with a lot width of 50 ft. in lieu of the required 70 ft. and to allow a sum of the side yards of 22 ft. in lieu of the required 25 ft.

Appearing at the hearing on behalf of the variance request were Mr. and Mrs. Henning, owners of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.2066 acres, more or less, zoned DR 3.5. The subject property is unimproved at this time. The Petitioners have owned the property for the past 12 years and have actually resided in the house which is adjacent to the subject site. However, the Petitioners currently reside at No. 6 Horney Court in Essex and are desirous of constructing a new single-family home on this vacant lot within which they will eventually live. In order to proceed with the construction of a new home on this property, the variance requests are necessary. The

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By

5/7/01
R. J. Gannon

subject lot is of similar size and dimension as other lots along this area of Turkey Point Road in Essex.

After due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should, therefore, be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioners; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioners of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioners any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations (attached

COPIES TO THE ZONING
5/17/01
R. J. Jernigan

herewith) which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

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

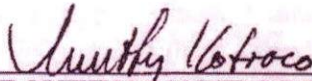
These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED this 7th day of May, 2001, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a proposed single-family dwelling with a lot width of 50 ft. in lieu of the required 70 ft. and to allow a sum of the side yards of 22 ft. in lieu of the required 25 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

ORIGINAL FILED FOR FILING
10/15/01
R. J. J. J.

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER PROVIDED FOR FILING

DATE 5/2/01
BY 

DRAINAGE STUDY

FOR

639 ROCKAWAY BEACH AVENUE

APRIL 24, 2021

(UPDATED 4/29/21)

PREPARED BY:

Polaris Land Consultants, LLC
57 W. Timonium Road
Suite 210
Timonium, MD 21093
410-252-4444



Note:
Double-
Sided Print

4/29/21



DRAINAGE STUDY

THE PURPOSE OF THIS STUDY IS TO ESTABLISH A GRADING PLAN AND DRAINAGE DESIGN FOR THE CONSTRUCTION OF THE NEW HOUSE AT #639 ROCKAWAY BEACH AVE. THAT WILL PREVENT ANY NEGATIVE EFFECTS TO #637 FROM A STORM RUNOFF/ DRAINAGE STANDPOINT.

THIS STUDY WILL BE BASED ON THE RUNOFF VOLUME GENERATED BY A 100 YEAR STORM, AND 50% OF FREEBOARD WILL BE ADDED TO THE PROPOSED DRAINAGE SYSTEM'S CAPACITY TO FURTHER ENSURE NO ADVERSE IMPACTS.

THE PROPOSED DRAINAGE SYSTEM BETWEEN THE LOTS WILL CONSIST OF A GRASSED SWALE, WHICH WILL BE DESIGNED WITH CAPACITY TO CARRY THE 100 YEAR STORM VOLUME AND FREEBOARD AT A VELOCITY THAT WILL BE NON-EROSIVE.

SWALE DESIGN

2 of 5

* DRAINAGE AREA = 0.37 AC.

* SEE EXHIBIT 1 - DRAINAGE AREA MAP

- DETERMINE "C" FACTOR

SOIL TYPE IS MKB, WHICH HAS A HYDROLOGIC SOIL RATING OF C (* SEE EXHIBIT 2)

BASED ON THAT C RATING, AND A SLOPE RANGE OF 2-6% WITHIN THE DRAINAGE AREA, THE C FACTOR FOR THE AVERAGE OF $\frac{1}{4}$ ACRE AND $\frac{1}{8}$ ACRE LOTS IS 0.61. (* SEE EXHIBIT 3)

- DETERMINE TIME OF CONCENTRATION (t_c)

A. SHEET FLOW PT. A TO B 50' @ 5%

* FROM PLATE DA-4 - $t_c = 3.6$ min (SEE EXHIBIT 4)

B. SWALE FLOW PT B TO C 225' @ 4.7%

* SLOPE 4.7% YIELDS VELOCITY OF 0.87 FPS

$$225 \text{ Feet} / 0.87 = 4.3 \text{ MIN}$$

* (SEE EXHIBIT 5)

C. SWALE FLOW PTC TO PT D 150' @ 3.3% YIELDS $V = 0.73$ FPS

$$150 \text{ Feet} / 0.73 = 3.4 \text{ MIN (EXHIBIT 5)}$$

$$\text{TOTAL TIME} = A + B + C = 3.6 + 4.3 + 3.4 = 11.3 \text{ MIN}$$

With A time of concentration of 11.8 mins, ^{3 of 5}
INTENSITY FOR THE 100 YEAR STORM
IS 6.7. * (SEE EXHIBIT 6)

THEREFORE, TOTAL RUNOFF QUANTITY CAN
BE CALCULATED AS

$$Q_{100} = CIA = (0.61)(6.7)(0.37 \text{ Ac})$$

$$Q_{100} = 1.51 \text{ CFS}$$

HYDRAULICS

A GRASS SWALE WILL BE USED
BETWEEN THE PROPERTIES.

SHAPE - TRAPEZOIDAL (SOD)

HEIGHT - 0.67' BOTTOM WIDTH = 2'

WIDTH - 6' SIDE SLOPES = 3:1

* BASED ON DESIGN MANUAL P. 7-32,
COEFFICIENT OF ROUGHNESS FOR THE
SWALE 'n' = 0.06 (SOD STABILIZATION)

* SEE EXHIBIT 6

THE CAPACITY OF THE CHANNEL WILL BE
DETERMINED BY THE RELATIONSHIP:

$$Q = AV$$

WHERE

Q = QUANTITY OF FLOW (IN CUBIC FEET / SEC)

A = AREA OF FLOW

V = VELOCITY

AND MANNINGS FORMULA MUST BE SATISFIED

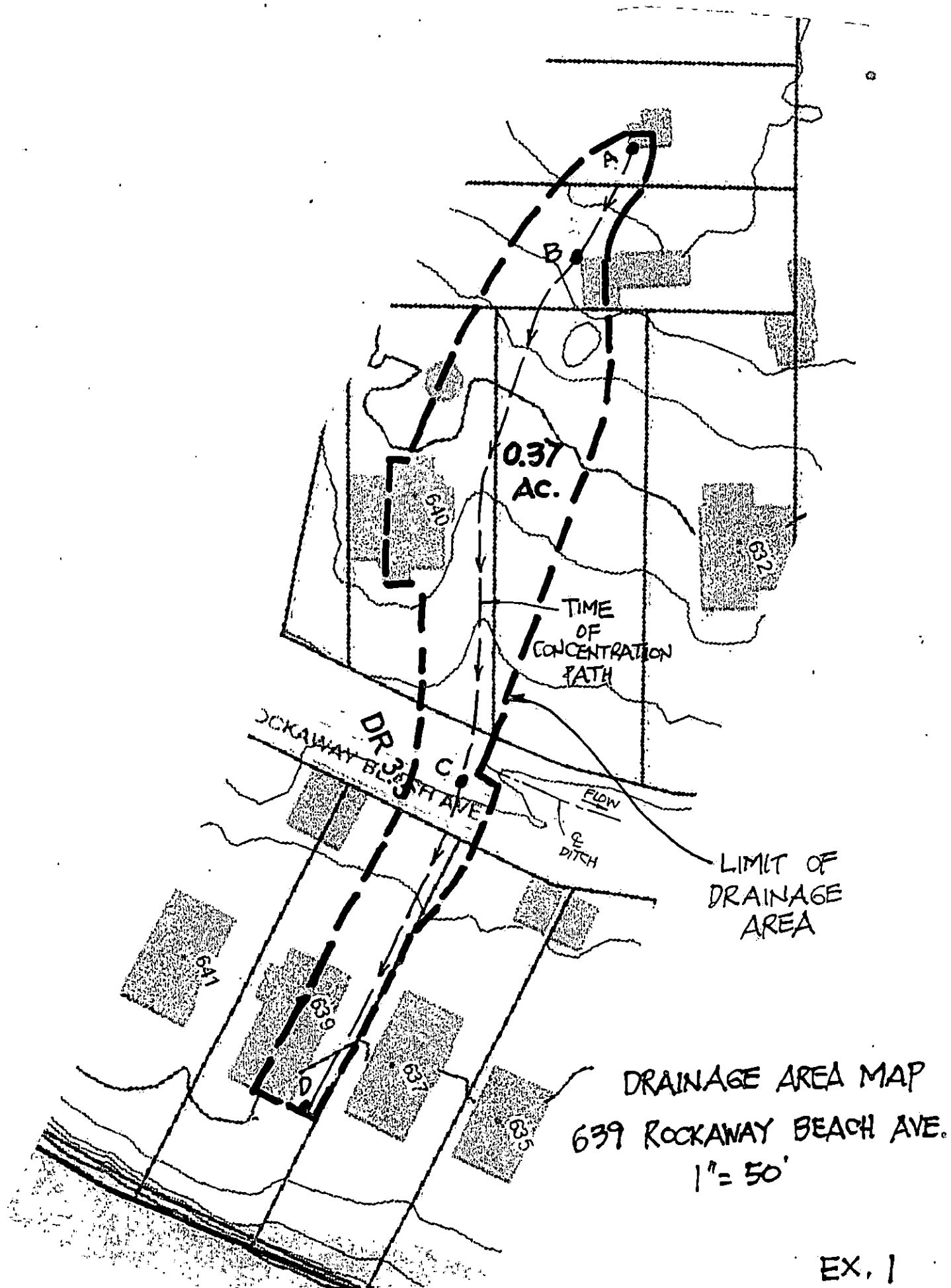
$$V = \frac{1.486}{n} R^{2/3} S^{1/2}$$

WHERE R = HYDRAULIC RADIUS (CROSS SECTION AREA / WETTED PERIMETER)

S = SLOPE OF CHANNEL

EXHIBIT 7 DELINEATES A GRADING STUDY OF THE PROPOSED SWALE AND THE ASSOCIATED HOUSE GRADING. THE SWALE IS EASILY ACCOMMODATED WITHIN THE 10 FOOT HOUSE SETBACK. FINALLY, EXHIBIT 8 IS A COMPUTER MODEL OF THE SWALES HYDRAULICS. THE SWALE HAS A CAPACITY OF 1.61 CFS, GREATER THAN THE REQUIRED DESIGN Q, AND A VELOCITY OF 1.71 FPS, WHICH IS LESS THAN THE MAXIMUM ALLOWED VELOCITY OF 4.0 FPS LISTED ON EXHIBIT 6.

EXHIBIT 8 ALSO REVEALS A CROSS-SECTION OF THE PROPOSED SWALE. WITH A FLOW DEPTH OF 0.32 feet, and a CONSTRUCTED HEIGHT OF 0.67 feet, the swale depth is MORE THAN TWICE THE REQUIRED DEPTH TO CONTAIN THE 100 YR. STORM.



 Warning: Soil Ratings Map may not be valid at this scale.

Tables — Hydrologic Soil Group — Summary By Map Unit

Summary by Map Unit — Baltimore County, Maryland (MD005)

Summary by Map Unit — Baltimore County, Maryland (MD005)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percentage
MkB	Mattapex-Urban land complex, 0-5 percent slopes	C *	1.3	100
W	Water		0.0	0
Totals for Area of Interest			1.3	100

Description — Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned one of four groups according to the rate of water infiltration when the soils are n

Runoff Coefficients for the Rational Formula by Hydrologic Soil Group and Slope Range

For Storm Return Period of 25 years or Less

LAND USE	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Crop land ¹	0.14	0.23	0.35	0.17	0.26	0.34	0.21	0.30	0.39	0.26	0.34	0.43
Pasture / Open Space ¹	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
Meadow	0.10	0.18	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
Woods ¹	0.12	0.18	0.28	0.16	0.25	0.34	0.22	0.31	0.40	0.28	0.35	0.47
Resident Lot Size 1/8 acre ²	0.60	0.63	0.66	0.62	0.66	0.69	0.64	0.68 0.61*	0.71	0.66	0.70	0.73
Lot Size 1/4 acre ²	0.40	0.45	0.51	0.44	0.50	0.56	0.48	0.54	0.60	0.51	0.57	0.64
Lot Size 1/3 acre ²	0.34	0.40	0.47	0.38	0.45	0.52	0.43	0.50	0.57	0.47	0.54	0.61
Lot Size 1/2 acre ²	0.31	0.37	0.44	0.35	0.43	0.49	0.40	0.47	0.55	0.44	0.52	0.59
Lot Size 1 acre ²	0.27	0.33	0.41	0.32	0.40	0.47	0.36	0.44	0.52	0.41	0.49	0.57
Institutional ^{3,4}	0.61	0.64	0.67	0.63	0.66	0.69	0.65	0.68	0.72	0.67	0.70	0.74
Industrial ^{2,4}	0.65	0.68	0.70	0.67	0.70	0.72	0.69	0.71	0.74	0.70	0.73	0.76
Commercial ^{2,4}	0.75	0.76	0.78	0.76	0.77	0.79	0.77	0.78	0.80	0.78	0.79	0.81
Streets including R/W	0.70	0.71	0.72	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87

Source: Kibler, D.F. et al. 1982. *Recommended Hydrologic Procedures for Computing Urban Runoff in Pennsylvania Commonwealth of Pa. Harrisburg Pa.: Dept. of Environmental Resources (Revised as noted)*

Note: ¹ Adjusted to reflect NRCS RCN values.

² Adjusted to reflect new Open Space runoff coefficients.

³ Values derived from aerial photograph of University of Maryland, College Park Campus.

⁴ Because of the variety of these types of land use, for more accurate runoff coefficient, calculate the percentage of impervious area and open space area and use the C-Factor chart on sheet DA-2 to find the correct C value.

HYDROLOGIC SOIL GROUPS

(by U.S. Soil Conservation Service 1986)

- A Soils with high infiltration rates even when thoroughly wetted; consist chiefly of deep and well drained sands or gravels.
- B Soils with moderate infiltration rates when thoroughly wetted; consist chiefly of moderately deep to deep, moderately well to well drained soils with moderately fine to moderately coarse textures.
- C Soils with slow infiltration rates when thoroughly wetted; consist chiefly of soils with a layer that impeded downward movement of water, and soils with moderately fine to fine texture.
- D Soils with very slow infiltration rates when thoroughly wetted; consist chiefly clay soils with high swelling potential, soils with permanent high water table, soils with a clay layer at or near the surface, and shallow soils over nearly impervious material.

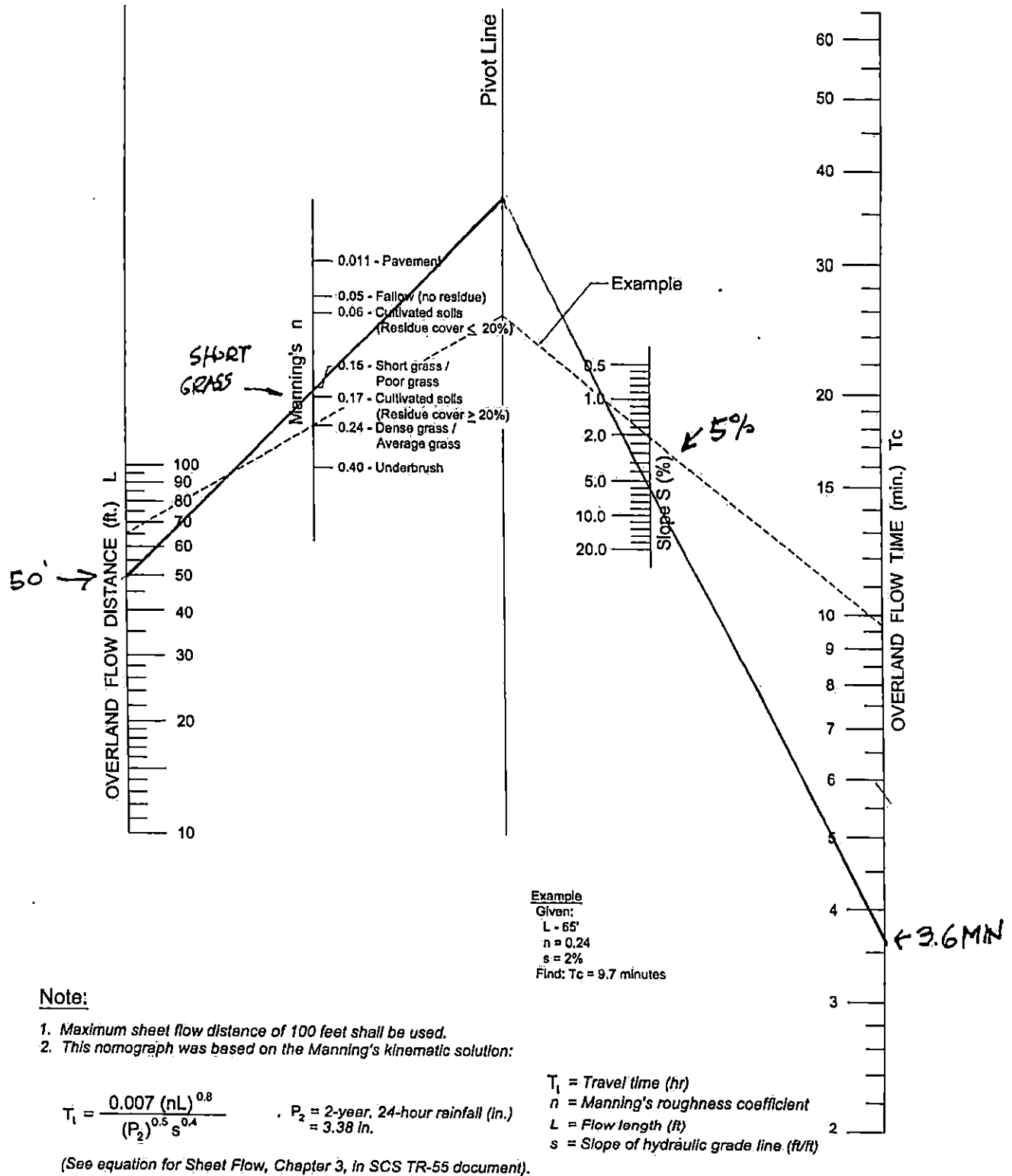


DEPARTMENT OF PUBLIC WORKS
STORM DRAINAGE DESIGN
RUNOFF COEFFICIENTS
RATIONAL METHOD

ISSUED: FEBRUARY 7, 2008
REVISED: _____
REVISED: _____

PLATE
DA-3
(HYDROLOGY)

EX. 3

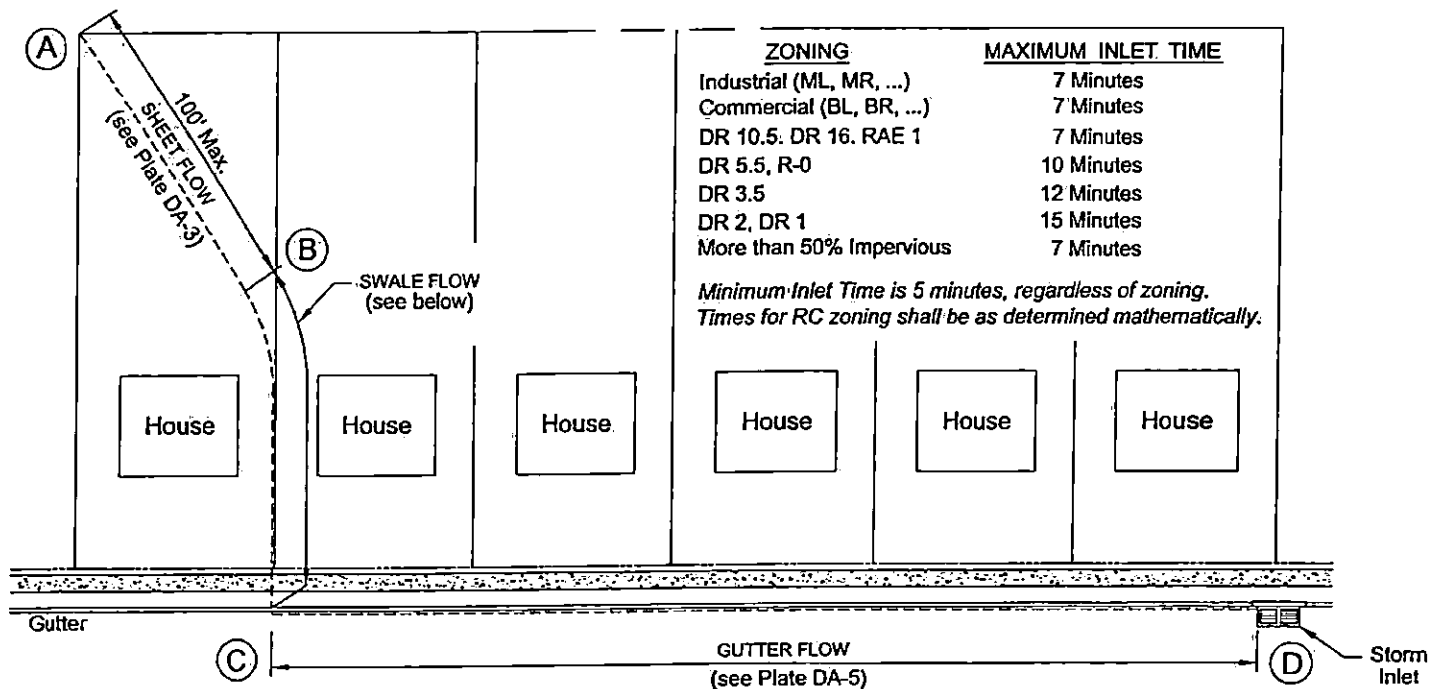


DEPARTMENT OF PUBLIC WORKS
 STORM DRAINAGE DESIGN
SHEET FLOW TIME
 RATIONAL AND TR-55 METHODS

ISSUED: FEBRUARY 7, 2008
 REVISED:
 REVISED:

PLATE
DA-4
 (HYDROLOGY)

2/7/2008 5:13 PM
 DA-4.DWG



VELOCITY OF SWALE FLOW	
Slope of Lawn (%)	Velocity (ft / sec.) (Clay or Sandy Lawn)
0.5	0.4
1.0	0.5
2.0	0.6
3.0	0.7
4.0	0.8
5.0	0.9
6.0	1.0
8.0	1.1

SLOPE 3.3%

SLOPE 4.7%

0.73 fps

0.87 fps

Note:

1. Velocities shown for swale flow where Q is about 0.1 cfs in a 6:1 Vee ditch.
2. Compute velocities for other conditions.

EXAMPLE FOR DR 5.5 ZONING

Reach	Slope	Distance	Velocity	Time
A to B	2.0%	75'	-	9.7 min. ¹
B to C	2.0%	70'	0.6 fps	1.9 min. ²
C to D	5.5%	305'	5.2 fps	1.0 min. ³

Total Inlet Time = 12.6 min.

Use 10 minute Maximum Inlet Time (DR 5.5 zoning)

¹ See SHEET Flow Time, Design Plate DA-4.

² See Velocity of Swale Flow Table, this Design Plate.

³ See Gutter Flow Chart, Design Plate DA-5



DEPARTMENT OF PUBLIC WORKS
STORM DRAINAGE DESIGN
INLET TIME SOLUTION
RATIONAL AND TR-55 METHODS

ISSUED: February 7, 2008

REVISED:

REVISED:

PLATE
DA-1
(HYDROLOGY)

EX. 5

27772008 5:04 PM DA-1.dwg

computations for that design prior to approval by the County. The design must address potential erosion issues as well as slope stability.

b. Materials

Smaller improved channels such as roadside ditches shall be constructed of sod, commercial matting, gabions or riprap, depending upon velocity of flow. The entire section of the improved channel will be stabilized with the material specified. See **Standard Details D-5.04 and 5** for examples.

<u>Material</u>	<u>n-Factor</u>	<u>Max. Allowed Velocity</u>
Seed and Mulch	0.030	2.0 fps too fast to use
Solid Sodding, Good Lawn (flow depth > 6")	0.040	4.0 fps
Solid Sodding, Good Lawn (flow depth < 6")	0.060	4.0 fps OK to use
Soil Stabilization Matting	0.040	4.5 fps
Earth Gutters and Ditches (Existing)	0.025	1 to 3 fps
Concrete gutters, paving, ditches, channels	0.015	25 fps
H.M.A. Surfacing with Concrete Curb	0.016	10 fps
Stone-filled Wire Baskets (Gabions)	0.030	25 fps
Grouted Riprap, Natural Shale or Rock	0.025	25 fps
Stone Slope, Channel Protection (Riprap Cl. 0, 1)	0.035	Note A
Stone Slope, Channel Protection (Riprap Cl. 2, 3)	0.041	Note A
Natural Stream Channels	0.035 to 0.150	Note B
Existing Well-established Grasses, Short Blades	0.040	4.0 fps

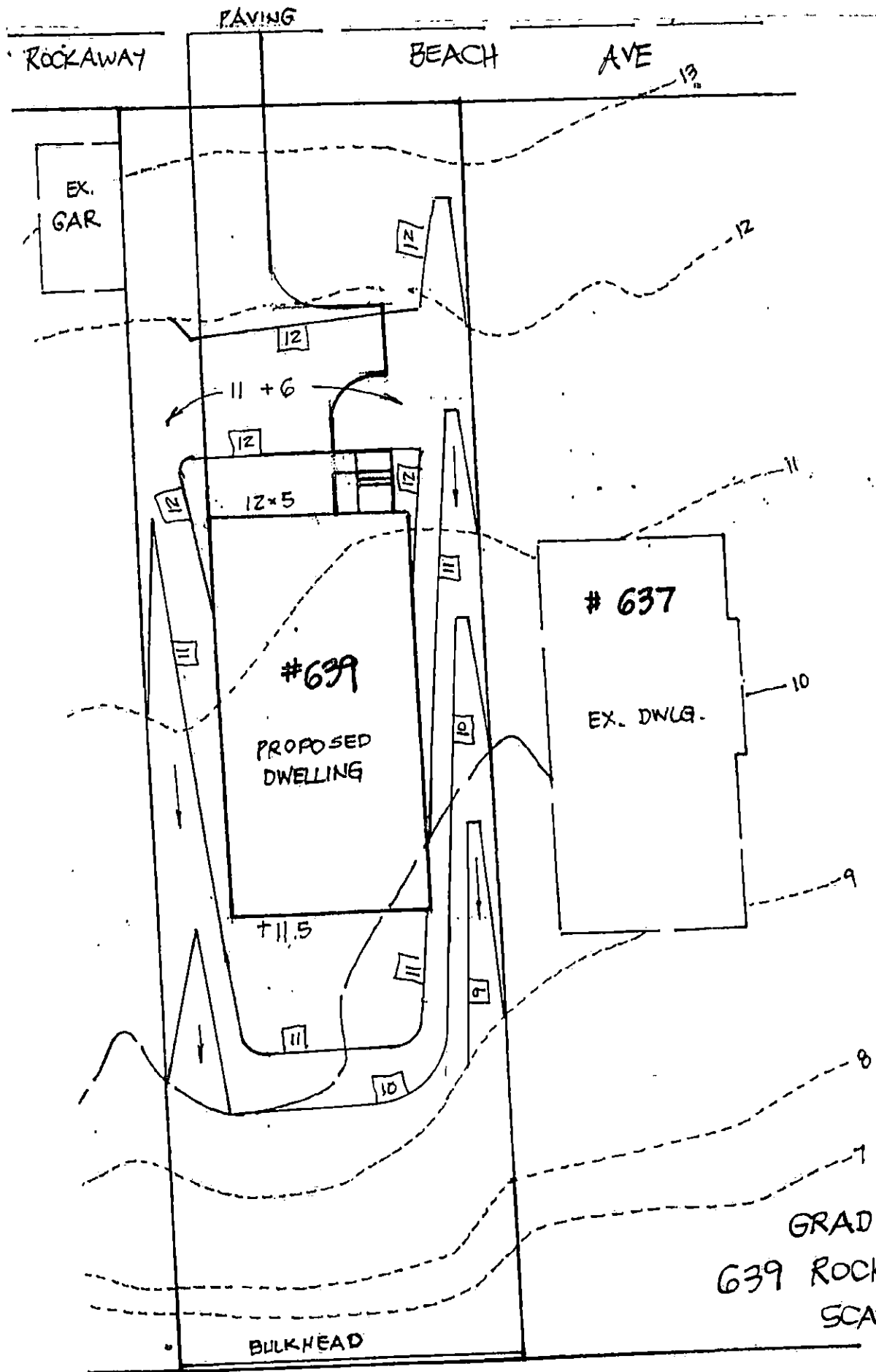
Note A: Riprap size shall be selected to reduce flow velocity to a level acceptable for the unprotected downstream area. Refer to tables F-18-6 and 7, 1994 *Maryland Standards and Specifications for Soil Erosion and Sediment Control*.

Note B: Refer to listed references for determining n-Factors for an existing channel. Allowable velocity is that which causes no erosion of channel material.

For channels not completely lined with vegetation, the following velocities are to be used as maximum velocities: (Ref: **Chow, Open Channel Hydraulics**)

<u>Channel Material</u>	<u>Maximum Velocity</u>
Sand and Sandy Loam, Silt Loam	2.0 to 2.5 fps
Sandy Clay Loam, Clay Loam	3.0 to 3.5 fps
Clay, Fine Gravel & Graded Loam to Gravel	4.0 fps
Graded Silt to Cobbles	4.0 to 5.0 fps
Shale, Hardpan & Coarse Gravels	6.0 fps

Larger improved channels will generally have a sod or riprap lined bottom (determined by flow velocity) with stabilized slopes or gabion walls. See **Standard Detail D-5.06**.



GRADING STUDY
639 ROCKAWAY BEACH AVE.
SCALE: 1"=20'

Open-Channel Flow

This calculator uses Chézy and Manning's formula to calculate the wetted perimeter, hydraulic radius, flow area, Chézy coefficient flow velocity.

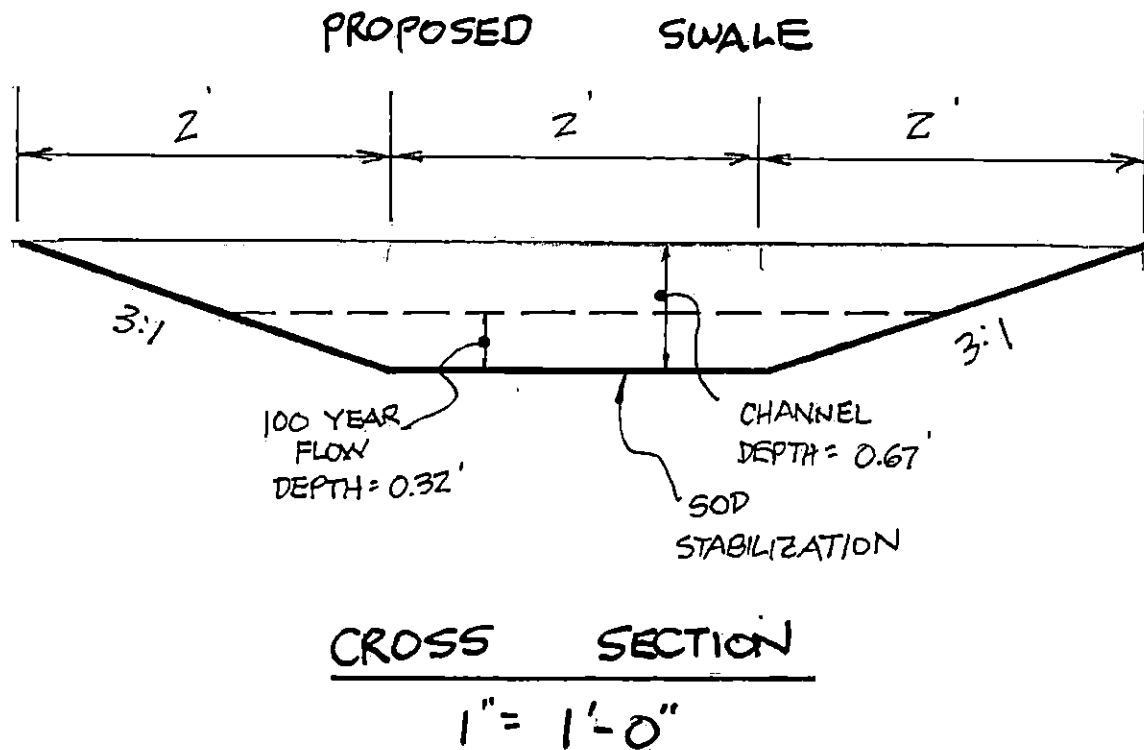
For experimental values of Manning's n factor, [click here](#)

Required Information

Enter the Slope:	.0325	Enter the Channel Top Width (ft):	6
Enter the Channel Bottom Width (ft):	2	Enter the Channel Height (ft):	0.67
Enter the Flow Depth (ft):	.32	Enter the n value:	.06

Results

The wetted perimeter is 4.01479 ft	The flow is 1.614735 ft ³ /s
The flow area is 0.94567 ft ²	The flow is 724.693495 gal/min
The hydraulic radius is 0.23554 ft	The velocity is 1.707501 ft/s
The C value is 19.51556	



601 Rockaway Beach Avenue

6A





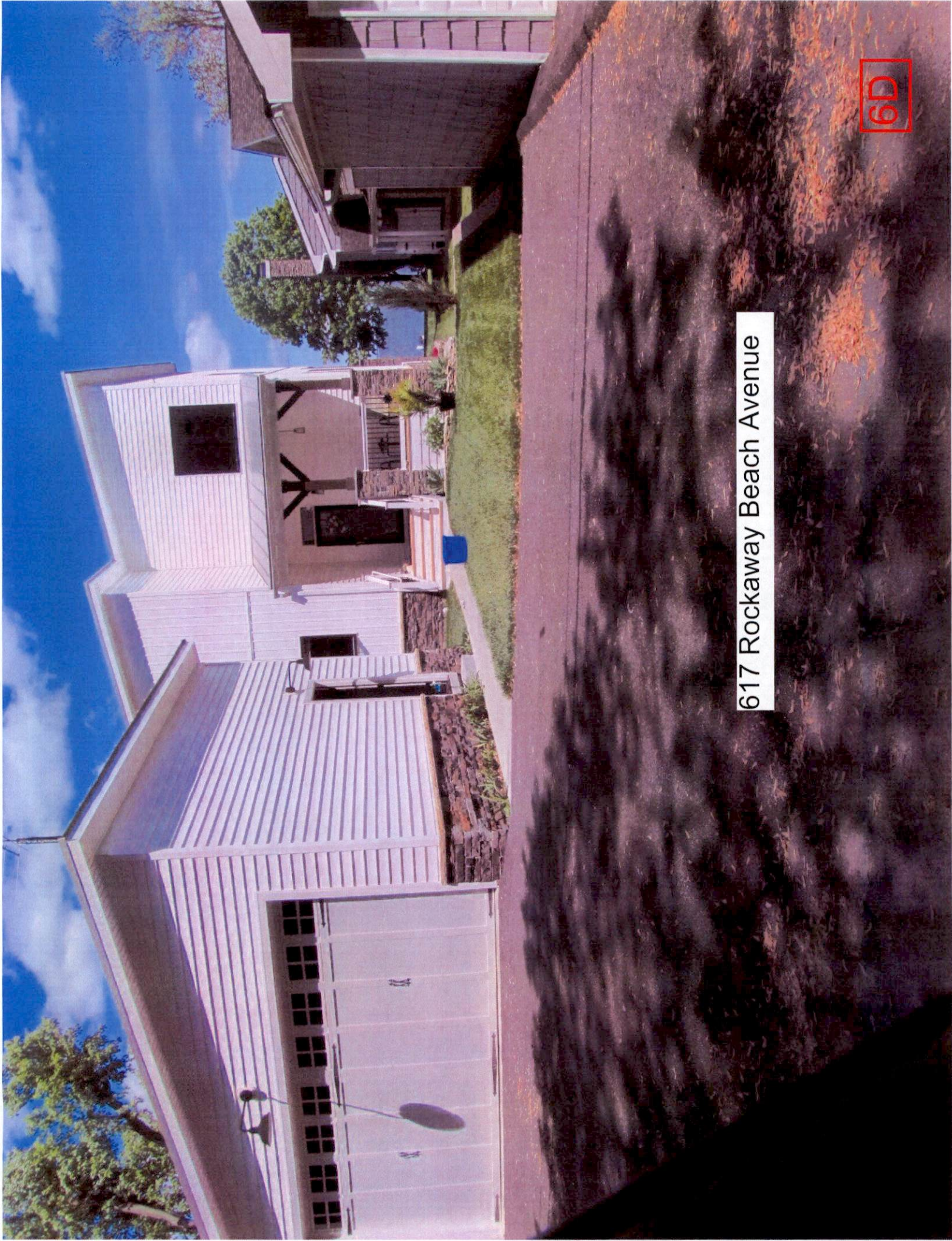
603 Rockaway Beach Avenue

6B



605 Rockaway Beach Avenue

60



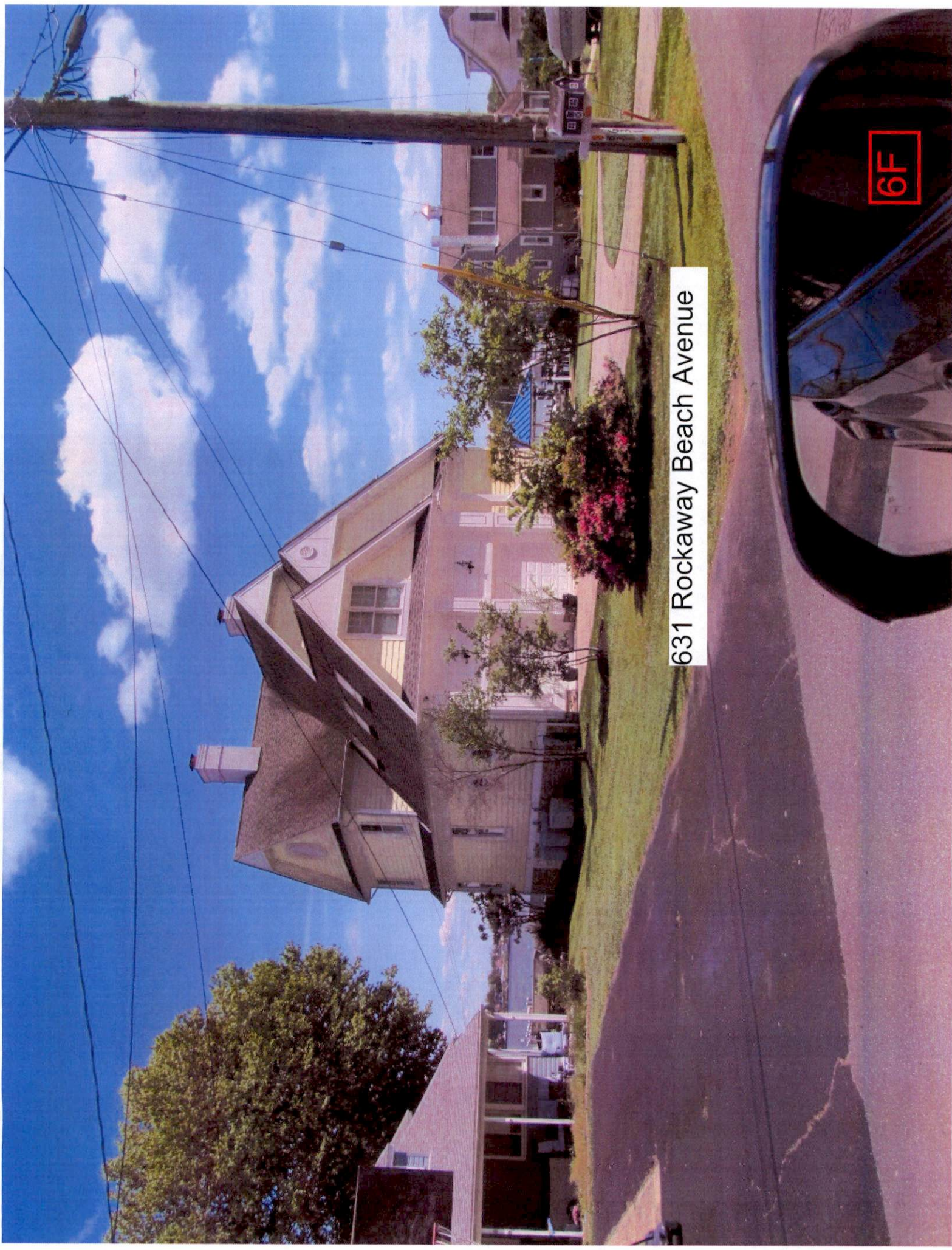
617 Rockaway Beach Avenue

6D



623 Rockaway Beach Avenue

6E



631 Rockaway Beach Avenue

6F

69

2403 Turkey Point Road





2405 Turkey Point Rd

6H

April 30, 2021

Paul M. Mayhew, Managing Administrative Law Judge [pmayhew@baltimorecountymd.gov]

Maureen E. Murphy, Administrative Law Judge [mmurphy@baltimorecountymd.gov]
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Ave., STE 103
Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance
639 Rockaway Beach Avenue
Joseph and Theresa Carter, Owners
Case No. 2020-0250-A

Dear Judge Mayhew and Judge Murphy:

Our neighbors, Joe and Terry Carter, are removing an old shore home on their property and intend to replace it with a new, modern dwelling. We live approximately 100 feet from their lot. Many of our other neighbors have done the same thing, improving the value of our community as well as the appearance.

Joe and Terry have shared their plans with us and discussed the need to obtain a variance from the Zoning Regulations. Again, many of our neighbors have had to go through the same process to improve their property.

We are writing to express our complete support for Joe and Terry's plans and the granting of whatever variance is necessary to enable them to complete their new home. We are sending this letter in the event we are unable to attend your hearing on May 13, 2021.

Please contact us should you need additional information or a further explanation of our support for our neighbors.

Sincerely,

Sign with name and address

[Signature] Melissa Steidl
645 Rockaway Beach Ave
Essex MD
21221



April 30, 2021

Paul M. Mayhew, Managing Administrative Law Judge [pmayhew@baltimorecountymd.gov]

Maureen E. Murphy, Administrative Law Judge [mmurphy@baltimorecountymd.gov]
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Ave., STE 103
Towson, Maryland 21204

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639 Rockaway Beach Avenue
Joseph and Theresa Carter, Owners
Case No. 2020-0250-A

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Sincerely,

Sign with name and address

Edmund A. Schief
641 ROCKAWAY BEACH AVE.
ESSEX, MD 21221

April 30, 2021

Paul M. Mayhew, Managing Administrative Law Judge (pmayhew@balco.net)
Meredith E. Murphy, Administrative Law Judge (mmurphy@balco.net)
Baltimore County Office of Administrative Hearings
103 W. Chesapeake Ave., STE 103
Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance
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Joseph and Theresa Carter, Owners
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Please contact us should you need additional information or a further explanation of our support for our neighbors.

Sincerely,

Sign with name and address

Maguerite Watts
635 Rockaway Beach Ave.
Baltimore, MD 21221

April 30, 2021.

Paul M. Mayhew, Managing Administrative Law Judge [pmayhew@baltimorecountymd.gov]

Maureen E. Murphy, Administrative Law Judge [mmurphy@baltimorecountymd.gov]

Baltimore County Office of Administrative Hearings

105 W. Chesapeake Ave., STE 103

Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance

639 Rockaway Beach Avenue

Joseph and Theresa Carter, Owners

Case No. 2020-0250-A

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Sincerely,

Sign with name and address

John Conuzzi
Theresa Conuzzi
633 Rockaway Beach Ave.

April 30, 2021

Paul M. Mayhew, Managing Administrative Law Judge [pmayhew@baltimorecountymd.gov]

Maureen E. Murphy, Administrative Law Judge [mmurphy@baltimorecountymd.gov]

Baltimore County Office of Administrative Hearings
105 W. Chesapeake Ave., STE 103
Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance

639 Rockaway Beach Avenue

Joseph and Theresa Carter, Owners

Case No. 2020-0250-A

Dear Judge Mayhew and Judge Murphy:

Our neighbors, Joe and Terry Carter, are removing an old shore home on their property and intend to replace it with a new, modern dwelling. We live approximately 800 feet from their lot. Many of our other neighbors have done the same thing, improving the value of our community as well as the appearance.

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Please contact us should you need additional information or a further explanation of our support for our neighbors.

Sincerely,

Sign with name and address

Terry Turner
605 Rockaway Ave
Balto 21221 Md
372-1291

7E

April 30, 2021

Paul M. Mayhew, Managing Administrative Law Judge [pmayhew@baltimorecountymd.gov]

Maureen E. Murphy, Administrative Law Judge [mmurphy@baltimorecountymd.gov]

Baltimore County Office of Administrative Hearings.

105 W. Chesapeake Ave., STE 103

Towson, Maryland 21204

RE: Petition for Administrative Zoning Variance

639 Rockaway Beach Avenue

Joseph and Theresa Carter, Owners

Case No. 2020-0250-A

Dear Judge Mayhew and Judge Murphy:

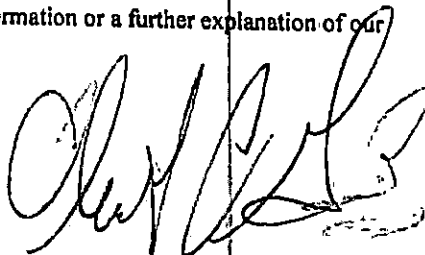
Our neighbors, Joe and Terry Carter, are removing an old shore home on their property and intend to replace it with a new, modern dwelling. We live approximately 850 feet from their lot. Many of our other neighbors have done the same thing, improving the value of our community as well as the appearance.

Joe and Terry have shared their plans with us and discussed the need to obtain a variance from the Zoning Regulations. Again, many of our neighbors have had to go through the same process to improve their property.

We are writing to express our complete support for Joe and Terry's plans and the granting of whatever variance is necessary to enable them to complete their new home. We are sending this letter in the event we are unable to attend your hearing on May 13, 2021.

Please contact us should you need additional information or a further explanation of our support for our neighbors.

Sincerely,



Sign with name and address

Charles C. Gist
603 Rockaway Beach Ave.

WHITEFORD, TAYLOR & PRESTON L.L.P.

JOHN B. GONTRUM
DIRECT LINE (410) 832-2055
DIRECT FAX (410) 339-4058
JGontrum@wtplaw.com

TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5025
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

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(800) 987-8705

May 10, 2021

VIA HAND DELIVERY

Honorable Paul M. Mayhew, Administrative Law Judge
Office of Administrative Hearings
Jefferson Building, Suite 103
105 W. Chesapeake Avenue
Towson, Maryland 21204

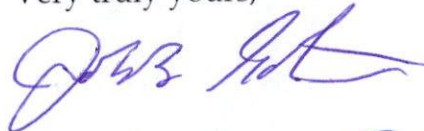
**Re: 639 Rockaway Beach Road
Case No. 2020-0250-A**

Dear Judge Mayhew:

Enclosed are the Exhibits, along with an Exhibit list, for the hearing set to be heard on May 13, 2021. I have emailed these over as well.

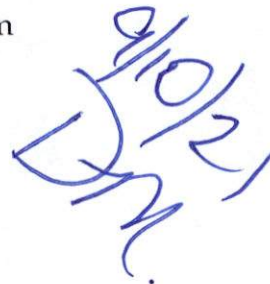
Thank you, and please let me know if you have any questions or concerns.

Very truly yours,



John B. Gontrum

JBG:tdm
Enclosures
11750258

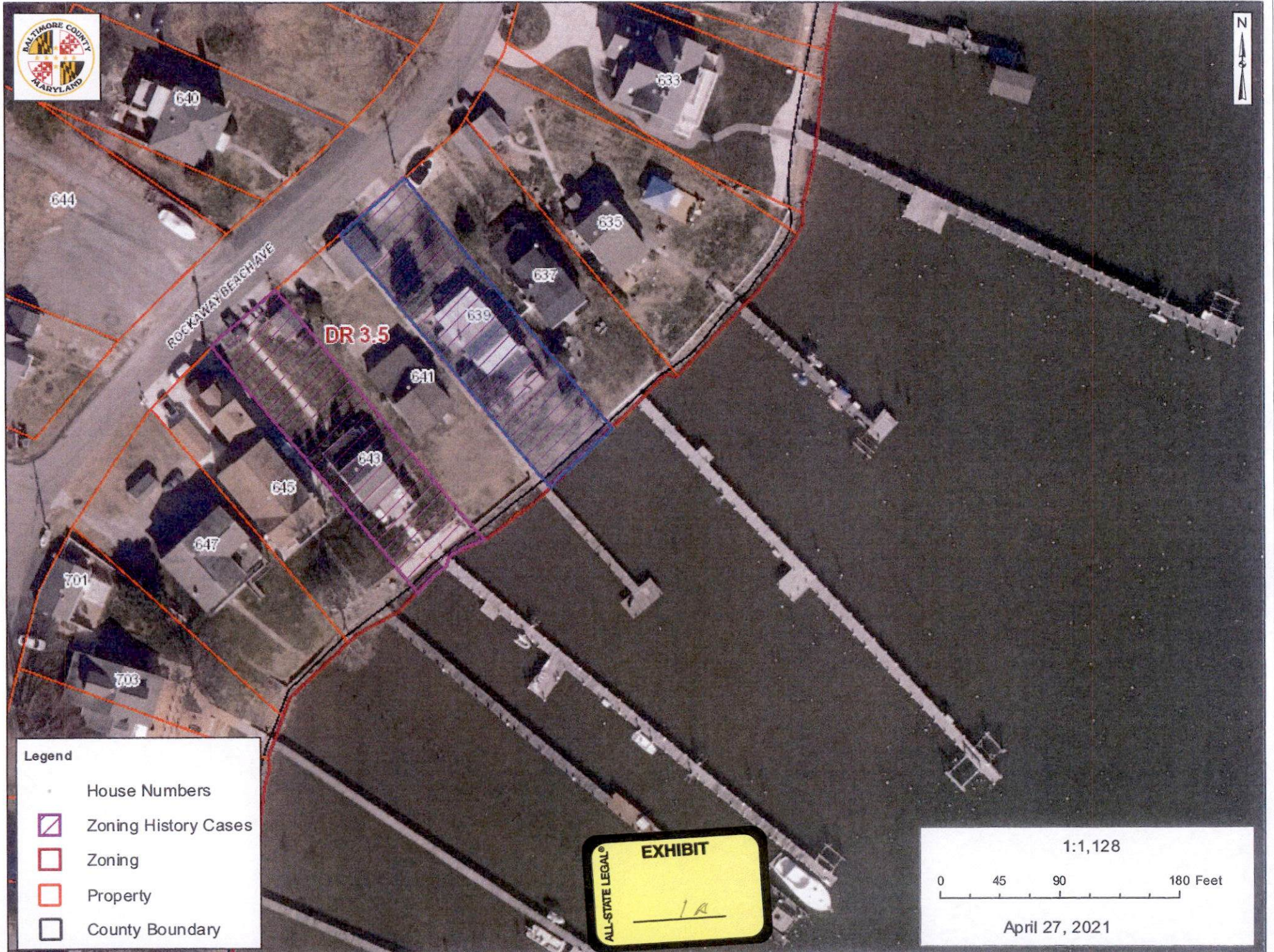


Protestants' Exhibits

- 1A. Aerial Picture of Shoreline houses on Middle RiverSite plan
- 1B. Close up of shoreline of subject property and Yaziggi Lot
- 2. Baltimore County Zoning Regulations pertaining to the Bowleys Quarters and Back River Neck Area Growth Management Plan
- 3. Drainage Study for 639 Rockaway Beach Road
- 4 A-N. Photos of waterfront dwellings on Rockaway Beach Road
- 5. Photo from Yaziggi pier of 641, 639 and 637 Rockaway Beach Road
- 6 A-E: Shadow cast images from previous 639 dwelling onto 637 lot on June 22
- 7A. Waterfront photo of bulkhead along 639 and 641 Rockaway Beach Road
- 7B. Waterfront photo of bulkhead along 639 Rockaway Beach Road
- 8A. Correspondence from Paul Dennis attaching Environmental Protection Comments
- 8B. Environmental Protection Comments

2020

Baltimore County - My Neighborhood



Legend

House Numbers

 Zoning History Cases

 Zoning

 Property

 County Boundary

ALL-STATE LEGAL®

EXHIBIT

1A

1:1,128

0 45 90 180 Feet

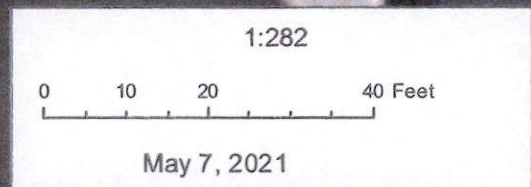
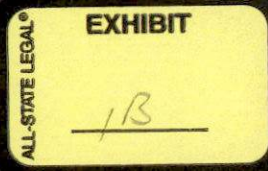
April 27, 2021

Baltimore County - My Neighborhood



Legend

- House Numbers
- Zoning History Cases
- Zoning
- Property
- County Boundary



SECTION 4A03

Growth Management Plan for Bowleys Quarters and Back River Neck Areas¹
[Bill No. 28-2001]**§ 4A03.1. Definitions.**

In this section the following words have the meanings indicated.

SUBDIVISION — The division of property into two or more lots.

UNDERSIZED LOT — An unimproved platted lot or a lot of record on or before August 6, 1999, that does not meet the area, height or setback requirements in these Zoning Regulations to allow the construction of a dwelling.

§ 4A03.2. Application. [Bill Nos. 60-2003; 15-2004]

Except as provided in Sections 4A03.13 and 4A03.14, this section applies to property zoned D.R. or R.C.5 and located in the Bowleys Quarters and Back River Neck areas defined in the map attached as Exhibit A and incorporated by reference in this section.²

§ 4A03.3. Connection to public sewer or water. [Bill No. 5-2006]

A property owner with a dwelling in existence on or before February 19, 2006, or with a nonexpired building permit that was issued on or before February 19, 2006, shall be required to connect to a public sewer, public water or both if the property is:

A. Zoned D.R. or R.C. 5; and

B. Served by public sewer, public water or both with adequate capacity.

1. **Editor's Note**—This topic was originally added as Section 206 by Bill No. 64-1999. Sections 3 through 7 of Bill No. 64-1999, as amended by Bill No. 28-2001, provided as follows:

Section 3. Consistent with the county's Water and Sewer Plan, public sewer service may not be extended to property zoned R.C. 20 in area depicted in the map attached as Exhibit A except:

- (1) For properties with a dwelling in existence on or before August 6, 1999, to which public sewer is extended;
- (2) As provided in § 35-177 of the Code [now § 20-2-102 of the Baltimore County Code, 2003]; and
- (3) For properties that have been transferred in accordance with Section 1A05.5 of the Baltimore County Zoning Regulations to which public sewer is extended.

Section 4. This Act may not be construed to:

- (1) Require the county to extend public sewer capacity to any property; or
- (2) Prohibit the Department of Environmental Protection and Resource Management from issuing permits for on-site disposal systems in accordance with the Baltimore County Code for properties zoned R.C. 20.

Section 5. The Department of Public Works, in consultation with the Departments of Planning, Permits and Development Management, and Environmental Protection and Resource Management, shall report annually to the County Council, beginning in July of 2000, on the capacity of the public sewer in the Back River Neck and Bowleys Quarters areas depicted in the map attached as Exhibit A and the potential for the connection of public sewer to properties that are not zoned D.R., R.C. 5, or R.C. 20.

Section 6. Section 4A03.4.A.4 of the Baltimore County Zoning Regulations does not apply to property that is zoned D.R. and has an approved development plan on or before May 28, 1999, except that the minimum lot size requirement for the approved development plan shall be 12,000 square feet.

Section 7. Section 4A03.11 of the Baltimore County Zoning Regulations does not apply to a property owner who has a pending application for growth allocation under § 26-123 of the Baltimore County Code [now Article 32, Title 9 of the Baltimore County Code, 2003] on or before July 6, 1999.

2. **Editor's Note**—Said map is on file in the County offices.



§ 4A03.4. Building permits. [Bill No. 5-2006]

- A. Except as provided in Paragraph B of this subsection, a building permit may be issued for the construction of a dwelling on an unimproved lot or lot of record that meets all of the zoning requirements subject to the following conditions: **[Bill No. 67-2008]**
1. Variances are not required for the construction of the dwelling;
 2. The property owner connects to a public sewer, public water or both where available and with adequate capacity;
 3. The dwelling meets the design requirements provided for in this section; and
 4. No further subdivision of the lot is allowed, except in the case of a minor subdivision, or a single-tract parcel that is zoned D.R.3.5 and located in the Back River Neck Area.
- B. A building permit may be issued for the construction of a dwelling on an undersized lot subject to the following conditions:
1. The owner of the lot does not own sufficient adjoining land that if combined with the adjoining land would allow the property owner to conform to the current zoning requirements;
 2. No further subdivision of the lot is allowed;
 3. The property owner obtains a variance as provided for in Section 307 of these Zoning Regulations if in the D.R. Zone or the property owner obtains special hearing relief in accordance with Section 1A04.3.B.1.b of these Zoning Regulations if in the R.C.5 Zone; and
 4. The property owner connects to a public sewer, public water, or both where available and with adequate capacity.

§ 4A03.5. Building permit application. [Bill No. 122-2010]

- A.
1. Any person desiring to erect a dwelling in accordance with the provisions of this section shall file with the Department of Permits, Approvals and Inspections, at the time of application for a building permit, plans sufficient to allow the Department of Planning to prepare the guidelines provided in Paragraph B of this subsection. **[Bill No. 55-2011]**
 2. Elevation drawings may be required in addition to plans and drawings otherwise required to be submitted as part of the application for a building permit.
 3. Photographs representative of the neighborhood where the lot or tract is situated may be required by the Department of Planning in order to determine the appropriateness of the proposed new building in relation to existing structures in the neighborhood. **[Bill No. 55-2011]**
- B.
1. At the time of application for the building permit, as provided above, the Director of Permits, Approvals and Inspections shall request comments from the Directors of

the Department of Planning and the Departments of Environmental Protection and Sustainability and Public Works. [Bill No. 55-2011]

2. Within 15 days after receipt of a request from the Director of Permits, Approvals and Inspections, the Directors shall provide to the Department of Permits, Approvals and Inspections written recommendations concerning the application with regard to the following:
 - A. Site design. New buildings shall be appropriate in the context of the neighborhood in which they are proposed to be located. Appropriateness shall be evaluated on the basis of new building size, lot coverage, building orientation and location on the lot or tract.
 - B. Architectural design. Appropriateness shall be evaluated based on one or more of these architectural design elements or aspects:
 - [1] Height;
 - [2] Bulk or massing;
 - [3] Major divisions, or architectural rhythm, of facades;
 - [4] Proportions of openings such as windows and doors in relation to walls;
 - [5] Roof design and treatment; and
 - [6] Materials and colors, and other aspects of facade texture or appearance.
 - C. Design amendments. The Director of Permits, Approvals and Inspections may recommend approval, disapproval or modification of the building permit after consideration of the recommendations proposed by the Directors.

§ 4A03.6. Public notice. [Bill No. 122-2010]

For undersized lots, on application for a building permit in accordance with this section, the subject property shall be posted conspicuously under the direction of the Department of Permits, Approvals and Inspections with notice of the application for a period of at least 15 days.

§ 4A03.7. Public hearing.

- A. This subsection applies to undersized lots.
- B. Within the 15-day posting period: [Bill No. 122-2010]
 1. Any owner or occupant within 1,000 feet of the lot may file a written request for a public hearing with the Department of Permits, Approvals and Inspections; or
 2. The Director of Permits, Approvals and Inspections may require a public hearing.
- C. The Department of Permits, Approvals and Inspections shall notify the applicant within 20 days after the receipt of a request for a public hearing. [Bill No. 122-2010]
- D. The Zoning Commissioner shall hold the public hearing within 30 days after receiving the request for a public hearing.
- E. At the public hearing, the Zoning Commissioner shall determine whether the proposed dwelling is appropriate.

DRAINAGE STUDY

FOR

639 ROCKAWAY BEACH AVENUE

APRIL 24, 2021

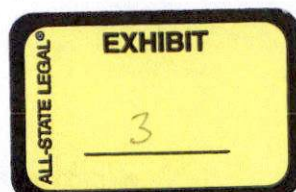
(UPDATED 4/29/21)

PREPARED BY:

Polaris Land Consultants, LLC
57 W. Timonium Road
Suite 210
Timonium, MD 21093
410-252-4444



4/29/21



DRAINAGE STUDY

THE PURPOSE OF THIS STUDY IS TO ESTABLISH A GRADING PLAN AND DRAINAGE DESIGN FOR THE CONSTRUCTION OF THE NEW HOUSE AT #639 ROCKAWAY BEACH AVE. THAT WILL PREVENT ANY NEGATIVE EFFECTS TO #637 FROM A STORM RUNOFF/DRAINAGE STANDPOINT.

THIS STUDY WILL BE BASED ON THE RUNOFF VOLUME GENERATED BY A 100 YEAR STORM, AND 50% OF FREEBOARD WILL BE ADDED TO THE PROPOSED DRAINAGE SYSTEM'S CAPACITY TO FURTHER ENSURE NO ADVERSE IMPACTS.

THE PROPOSED DRAINAGE SYSTEM BETWEEN THE LOTS WILL CONSIST OF A GRASSED SWALE, WHICH WILL BE DESIGNED WITH CAPACITY TO CARRY THE 100 YEAR STORM VOLUME AND FREEBOARD AT A VELOCITY THAT WILL BE NON-EROSIVE.

SWALE DESIGN

2 of 5

* DRAINAGE AREA = 0.37 AC.

* SEE EXHIBIT 1 - DRAINAGE AREA MAP

- DETERMINE "C" FACTOR

SOIL TYPE IS MKB, WHICH HAS A HYDROLOGIC SOIL RATING OF C (* SEE EXHIBIT 2)

BASED ON THAT C RATING, AND A SLOPE RANGE OF 2-6% WITHIN THE DRAINAGE AREA, THE C FACTOR FOR THE AVERAGE OF 1/4 ACRE AND 1/8 ACRE LOTS IS 0.61. (* SEE EXHIBIT 3)

- DETERMINE TIME OF CONCENTRATION (t_c)

A. SHEET FLOW PT. A TO B 50' @ 5%

* FROM PLATE DA-4 - $t_c = 3.6$ min (SEE EXHIBIT 4)

B. SWALE FLOW PT B TO C 225' @ 4.7%

* SLOPE 4.7% YIELDS VELOCITY OF 0.87 FPS

$$225 \text{ FEET} / 0.87 = 4.3 \text{ MIN}$$

* (SEE EXHIBIT 5)

C. SWALE FLOW PTC TO PT D 150' @ 3.3% YIELDS $V = 0.73$ FPS

$$150 \text{ FEET} / 0.73 = 3.4 \text{ MIN (EXHIBIT 5)}$$

$$\text{TOTAL TIME} = A + B + C = 3.6 + 4.3 + 3.4 = 11.3 \text{ MIN}$$

WITH A time of concentration of 11.3 mins, ^{3 cfs}
INTENSITY FOR THE 100 YEAR STORM
IS 6.7. * (SEE EXHIBIT 6)

THEREFORE, TOTAL RUNOFF QUANTITY CAN
BE CALCULATED AS

$$Q_{100} = CIA = (0.61)(6.7)(0.37 \text{ Ac})$$

$$Q_{100} = 1.51 \text{ CFS}$$

HYDRAULICS

A GRASS SWALE WILL BE USED
BETWEEN THE PROPERTIES.

SHAPE - TRAPEZOIDAL (SOD)

HEIGHT - 0.67' BOTTOM WIDTH = 2'

WIDTH - 6' SIDE SLOPES : 3:1

* BASED ON DESIGN MANUAL P. 7-32,
COEFFICIENT OF ROUGHNESS FOR THE
SWALE 'n' = 0.06 (SOD STABILIZATION)

* SEE EXHIBIT 6

THE CAPACITY OF THE CHANNEL WILL BE
DETERMINED BY THE RELATIONSHIP:

$$Q = AV$$

WHERE

Q = QUANTITY OF FLOW (IN CUBIC FEET / SEC)

A = AREA OF FLOW

V = VELOCITY

AND MANNINGS FORMULA MUST BE SATISFIED

$$V = \frac{1.486}{n} R^{2/3} S^{1/2}$$

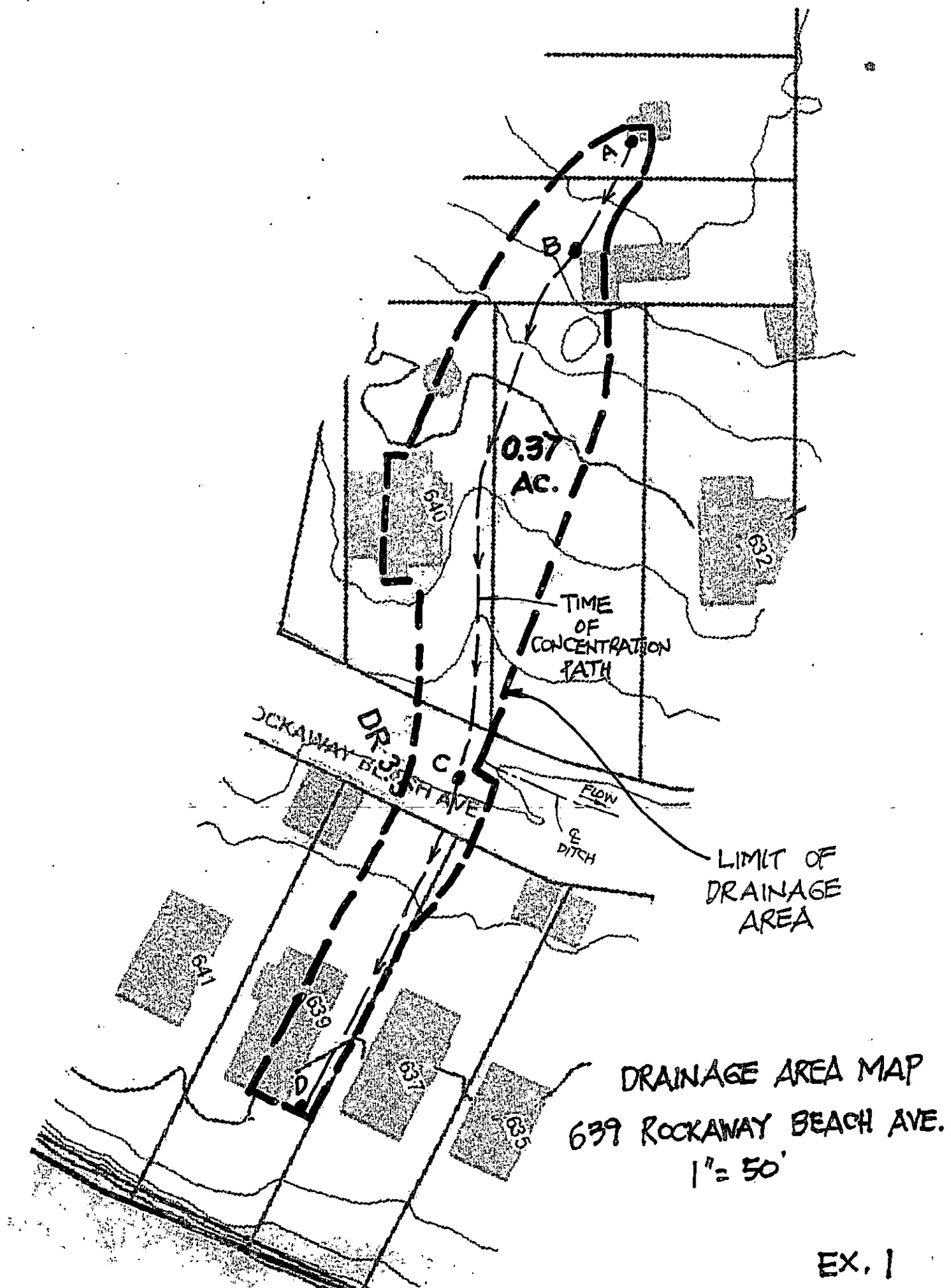
WHERE R = HYDRAULIC RADIUS (CROSS SECTION AREA / WETTED PERIMETER)

S = SLOPE OF CHANNEL

EXHIBIT 7 DELINEATES A GRADING STUDY OF THE PROPOSED SWALE AND THE ASSOCIATED HOUSE GRADING. THE SWALE IS EASILY ACCOMMODATED WITHIN THE 10 FOOT HOUSE SETBACK.

FINALLY, EXHIBIT 8 IS A COMPUTER MODEL OF THE SWALES HYDRAULICS. THE SWALE HAS A CAPACITY OF 1.61 CFS, GREATER THAN THE REQUIRED DESIGN Q, AND A VELOCITY OF 1.71 FPS, WHICH IS LESS THAN THE MAXIMUM ALLOWED VELOCITY OF 4.0 FPS LISTED ON EXHIBIT 6.

EXHIBIT 8 ALSO REVEALS A CROSS-SECTION OF THE PROPOSED SWALE. WITH A FLOW DEPTH OF 0.32 feet, and a CONSTRUCTED HEIGHT OF 0.67 feet, the swale depth is MORE THAN TWICE THE REQUIRED DEPTH TO CONTAIN THE 100 YR. STORM.



 **Warning: Soil Ratings Map may not be valid at this scale.**

Tables — Hydrologic Soil Group — Summary By Map Unit

Summary by Map Unit — Baltimore County, Maryland (MD005)

Summary by Map Unit — Baltimore County, Maryland (MD005)

Map unit symbol	Map unit name	Rating	Acres in AOI	Potential
MkB	Mattapex-Urban land complex, 0-5 percent slopes	C*	1.3	10
W	Water		0.0	
Totals for Area of Interest			1.3	10

Description — Hydrologic Soil Group

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned one of four groups according to the rate of water infiltration when the soils are n

Runoff Coefficients for the Rational Formula by Hydrologic Soil Group and Slope Range

For Storm Return Period of 25 years or Less

LAND USE	A			B			C			D		
	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+	0-2%	2-6%	6%+
Crop land ¹	0.14	0.23	0.35	0.17	0.26	0.34	0.21	0.30	0.39	0.26	0.34	0.43
Pasture / Open Space ¹	0.12	0.20	0.30	0.18	0.28	0.37	0.24	0.34	0.44	0.30	0.40	0.50
Meadow	0.10	0.16	0.25	0.14	0.22	0.30	0.20	0.28	0.36	0.24	0.30	0.40
Woods ¹	0.12	0.18	0.28	0.16	0.25	0.34	0.22	0.31	0.40	0.28	0.35	0.47
Resident Lot Size 1/8 acre ²	0.60	0.63	0.66	0.62	0.66	0.69	0.64	0.68 0.61*	0.71	0.66	0.70	0.73
Lot Size 1/4 acre ²	0.40	0.45	0.51	0.44	0.50	0.56	0.48	0.54	0.60	0.51	0.57	0.64
Lot Size 1/3 acre ²	0.34	0.40	0.47	0.38	0.45	0.52	0.43	0.50	0.57	0.47	0.54	0.61
Lot Size 1/2 acre ²	0.31	0.37	0.44	0.35	0.43	0.49	0.40	0.47	0.55	0.44	0.52	0.59
Lot Size 1 acre ²	0.27	0.33	0.41	0.32	0.40	0.47	0.36	0.44	0.52	0.41	0.49	0.57
Institutional ^{3,4}	0.61	0.64	0.67	0.63	0.66	0.69	0.65	0.68	0.72	0.67	0.70	0.74
Industrial ^{2,4}	0.65	0.68	0.70	0.67	0.70	0.72	0.69	0.71	0.74	0.70	0.73	0.76
Commercial ^{2,4}	0.75	0.76	0.78	0.76	0.77	0.79	0.77	0.78	0.80	0.78	0.79	0.81
Streets including R/W	0.70	0.71	0.72	0.71	0.72	0.74	0.72	0.73	0.76	0.73	0.75	0.78
Parking	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87	0.85	0.86	0.87

Source: Kibler, D.F. et al. 1982. *Recommended Hydrologic Procedures for Computing Urban Runoff in Pennsylvania Commonwealth of Pa. Harrisburg Pa.: Dept. of Environmental Resources (Revised as noted)*

Note: ¹ Adjusted to reflect NRCS RCN values.

² Adjusted to reflect new Open Space runoff coefficients.

³ Values derived from aerial photograph of University of Maryland, College Park Campus.

⁴ Because of the variety of these types of land use, for more accurate runoff coefficient, calculate the percentage of impervious area and open space area and use the C-Factor chart on sheet DA-2 to find the correct C value.

HYDROLOGIC SOIL GROUPS

(by U.S. Soil Conservation Service 1986)

- A Soils with high infiltration rates even when thoroughly wetted; consist chiefly of deep and well drained sands or gravels.
- B Soils with moderate infiltration rates when thoroughly wetted; consist chiefly of moderately deep to deep, moderately well to well drained soils with moderately fine to moderately coarse textures.
- C Soils with slow infiltration rates when thoroughly wetted; consist chiefly of soils with a layer that impeded downward movement of water, and soils with moderately fine to fine texture.
- D Soils with very slow infiltration rates when thoroughly wetted; consist chiefly clay soils with high swelling potential, soils with permanent high water table, soils with a clay layer at or near the surface, and shallow soils over nearly impervious material.

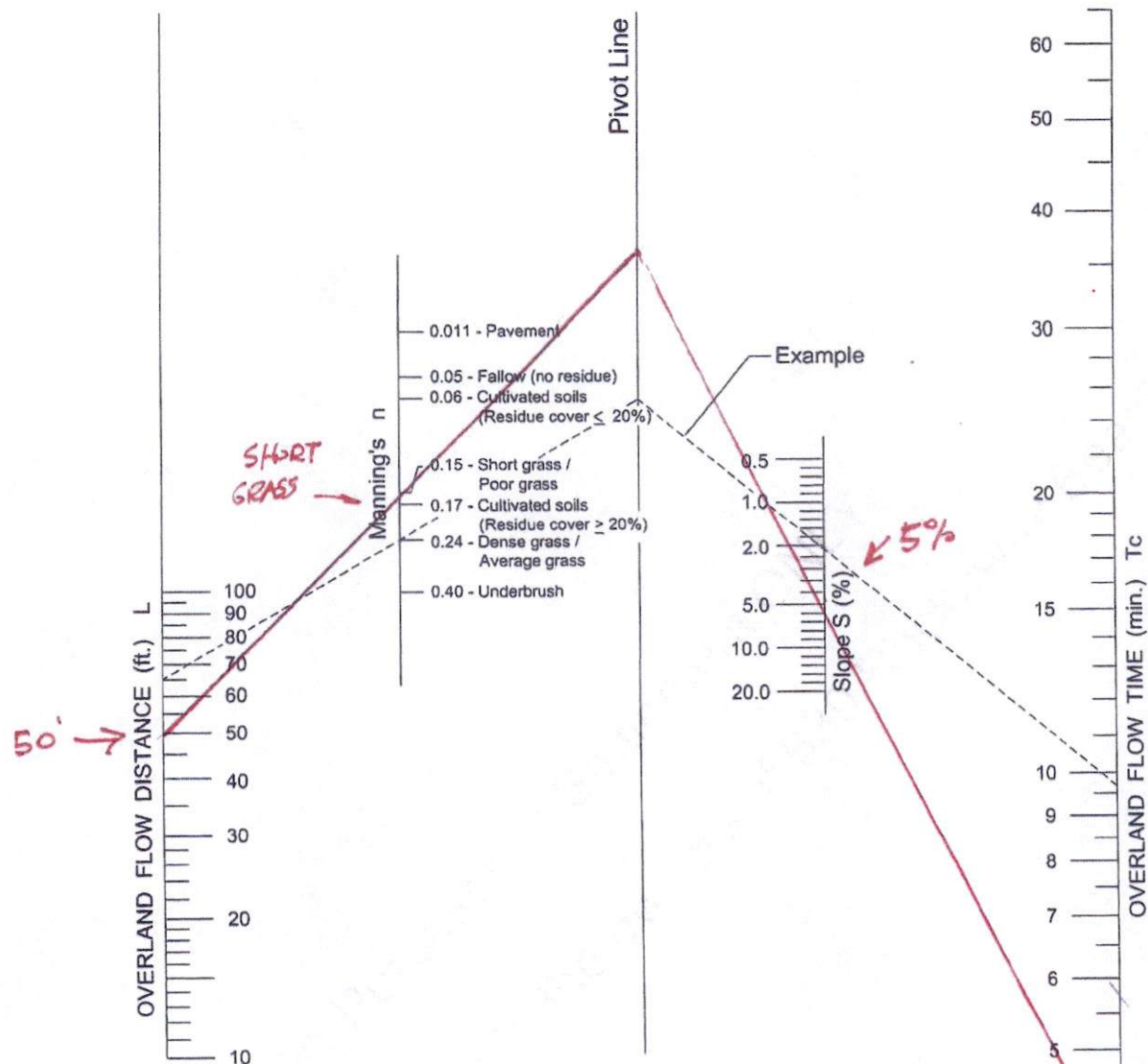


DEPARTMENT OF PUBLIC WORKS
STORM DRAINAGE DESIGN
RUNOFF COEFFICIENTS
RATIONAL METHOD

ISSUED: FEBRUARY 7, 2008
REVISED: _____
REVISED: _____

PLATE
DA-3
(HYDROLOGY)

EX. 3



Note:

1. Maximum sheet flow distance of 100 feet shall be used.
2. This nomograph was based on the Manning's kinematic solution:

$$T_t = \frac{0.007 (nL)^{0.8}}{(P_2)^{0.5} S^{0.4}}$$

P_2 = 2-year, 24-hour rainfall (in.) = 3.38 in.

(See equation for Sheet Flow, Chapter 3, in SCS TR-55 document).

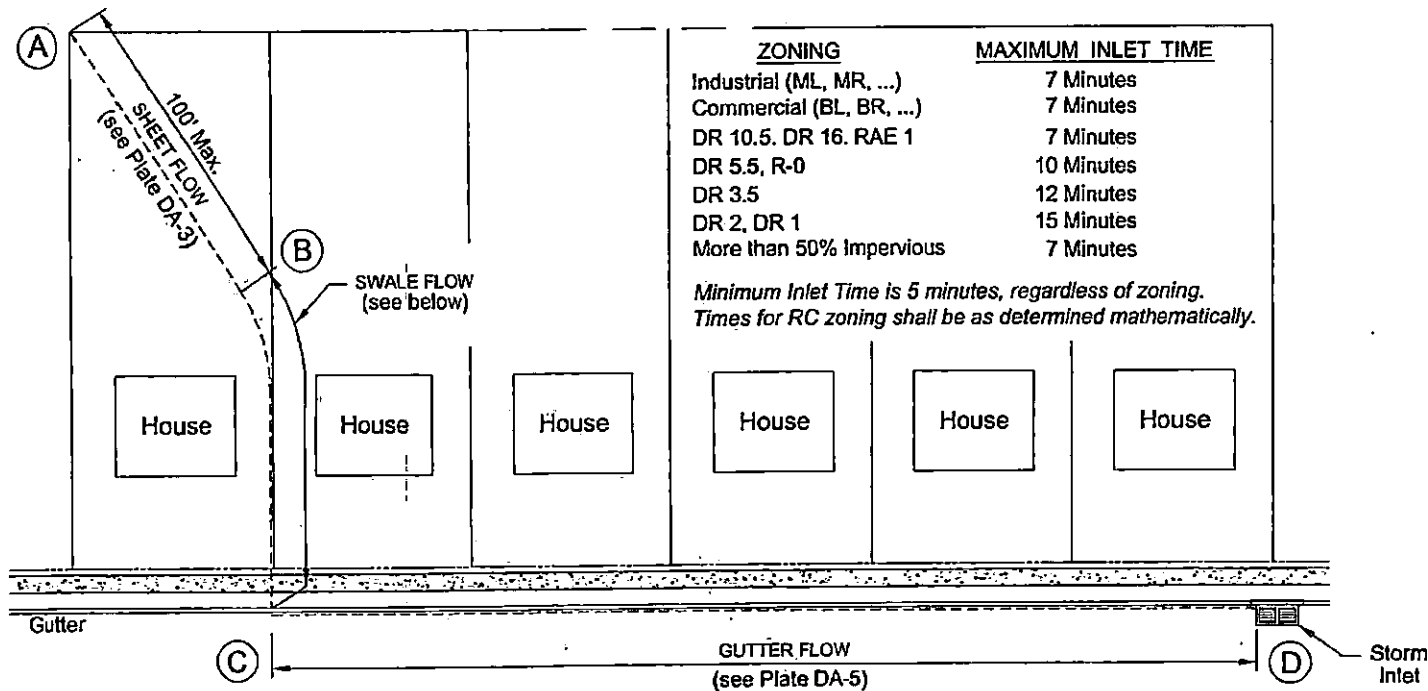
T_t = Travel time (hr)
 n = Manning's roughness coefficient
 L = Flow length (ft)
 s = Slope of hydraulic grade line (ft/ft)



DEPARTMENT OF PUBLIC WORKS
 STORM DRAINAGE DESIGN
SHEET FLOW TIME
 RATIONAL AND TR-55 METHODS

ISSUED: FEBRUARY 7, 2008
 REVISED: _____
 REVISED: _____

PLATE
DA-4
 (HYDROLOGY)



VELOCITY OF SWALE FLOW	
Slope of Lawn (%)	Velocity (ft / sec.) (Clay or Sandy Lawn)
0.5	0.4
1.0	0.5
2.0	0.6
3.0	0.7
4.0	0.8
5.0	0.9
6.0	1.0
8.0	1.1

SLOPE 3.3%

SLOPE 4.7%

0.73 fps

0.87 fps

Note:

1. Velocities shown for swale flow where Q is about 0.1 cfs in a 6:1 Vee ditch.
2. Compute velocities for other conditions.

EXAMPLE FOR DR 5.5 ZONING

Reach	Slope	Distance	Velocity	Time
A to B	2.0%	75'	-	9.7 min. ¹
B to C	2.0%	70'	0.6 fps	1.9 min. ²
C to D	5.5%	305'	5.2 fps	1.0 min. ³

Total Inlet Time = 12.6 min.

Use 10 minute Maximum Inlet Time (DR 5.5 zoning)

¹ See SHEET Flow Time, Design Plate DA-4.

² See Velocity of Swale Flow Table, this Design Plate.

³ See Gutter Flow Chart, Design Plate DA-5



DEPARTMENT OF PUBLIC WORKS STORM DRAINAGE DESIGN INLET TIME SOLUTION RATIONAL AND TR-55 METHODS

ISSUED: February 7, 2008
REVISED: _____
REVISED: _____

PLATE
DA-1
(HYDROLOGY)

computations for that design prior to approval by the County. The design must address potential erosion issues as well as slope stability.

b. Materials

Smaller improved channels such as roadside ditches shall be constructed of sod, commercial matting, gabions or riprap, depending upon velocity of flow. The entire section of the improved channel will be stabilized with the material specified. See **Standard Details D-5.04 and 5** for examples.

Material	n-Factor	Max. Allowed Velocity
Seed and Mulch	0.036	2.8 fps too fast to use
Solid Sodding, Good Lawn (flow depth > 6")	0.040	4.0 fps
Solid Sodding, Good Lawn (flow depth < 6")	0.060	4.0 fps OK to use
Soil Stabilization Matting	0.040	4.5 fps
Earth Gutters and Ditches (Existing)	0.025	1 to 3 fps
Concrete gutters, paving, ditches, channels	0.015	25 fps
H.M.A. Surfacing with Concrete Curb	0.016	10 fps
Stone-filled Wire Baskets (Gabions)	0.030	25 fps
Grouted Riprap, Natural Shale or Rock	0.025	25 fps
Stone Slope, Channel Protection (Riprap Cl. 0, 1)	0.035	Note A
Stone Slope, Channel Protection (Riprap Cl. 2, 3)	0.041	Note A
Natural Stream Channels	0.035 to 0.150	Note B
Existing Well-established Grasses, Short Blades	0.040	4.0 fps

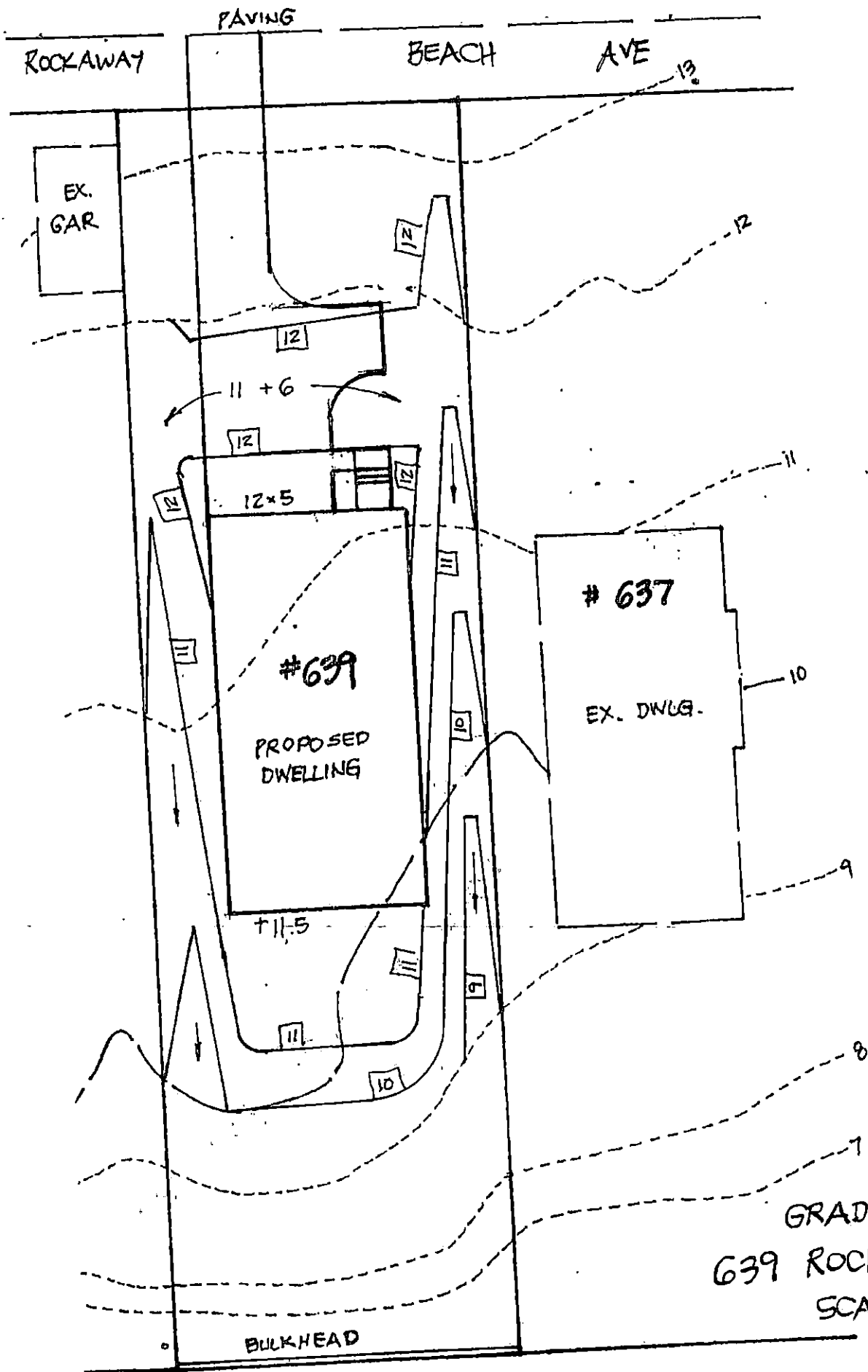
Note A: Riprap size shall be selected to reduce flow velocity to a level acceptable for the unprotected downstream area. Refer to tables F-18-6 and 7, 1994 *Maryland Standards and Specifications for Soil Erosion and Sediment Control*.

Note B: Refer to listed references for determining n-Factors for an existing channel. Allowable velocity is that which causes no erosion of channel material.

For channels not completely lined with vegetation, the following velocities are to be used as maximum velocities: (Ref: **Chow, Open Channel Hydraulics**)

Channel Material	Maximum Velocity
Sand and Sandy Loam, Silt Loam	2.0 to 2.5 fps
Sandy Clay Loam, Clay Loam	3.0 to 3.5 fps
Clay, Fine Gravel & Graded Loam to Gravel	4.0 fps
Graded Silt to Cobbles	4.0 to 5.0 fps
Shale, Hardpan & Coarse Gravels	6.0 fps

Larger improved channels will generally have a sod or riprap lined bottom (determined by flow velocity) with stabilized slopes or gabion walls. See **Standard Detail D-5.06**.



GRADING STUDY
639 ROCKAWAY BEACH AVE.
SCALE: 1"=20'

Open-Channel Flow

This calculator uses Chézy and Manning's formula to calculate the wetted perimeter, hydraulic radius, flow area, Chézy coefficient flow velocity.

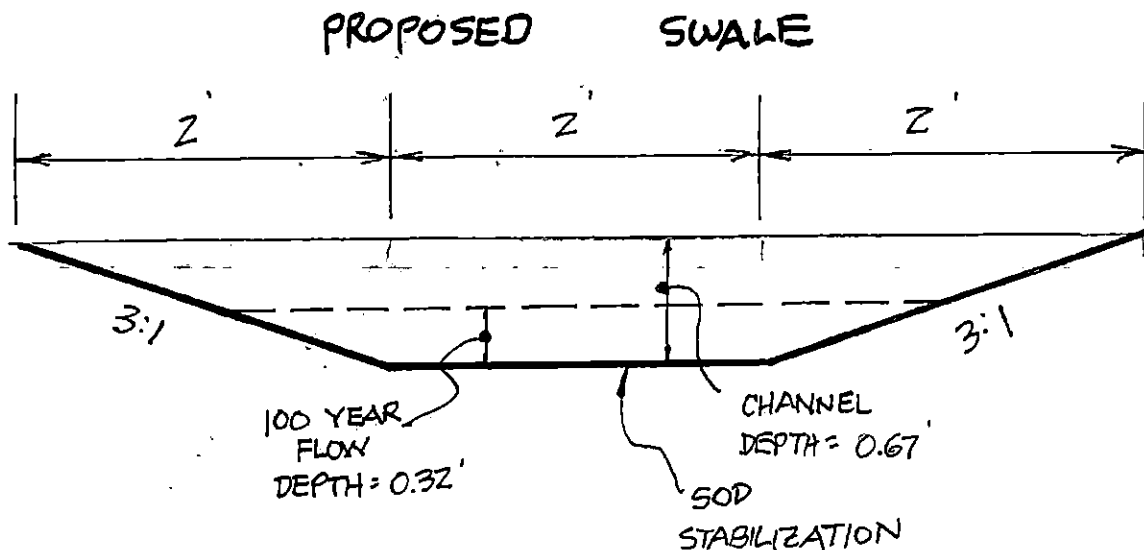
For experimental values of Manning's n factor, [click here](#)

Required Information

Enter the Slope:	.0325	Enter the Channel Top Width (ft):	6
Enter the Channel Bottom Width (ft):	2	Enter the Channel Height (ft):	0.67
Enter the Flow Depth (ft):	.32	Enter the n value:	.06

Results

The wetted perimeter is 4.01479 ft	The flow is 1.614735 ft^3/s
The flow area is 0.94567 ft^2	The flow is 724.693495 gal/min
The hydraulic radius is 0.23554 ft	The velocity is 1.707501 ft/s
The C value is 19.51556	



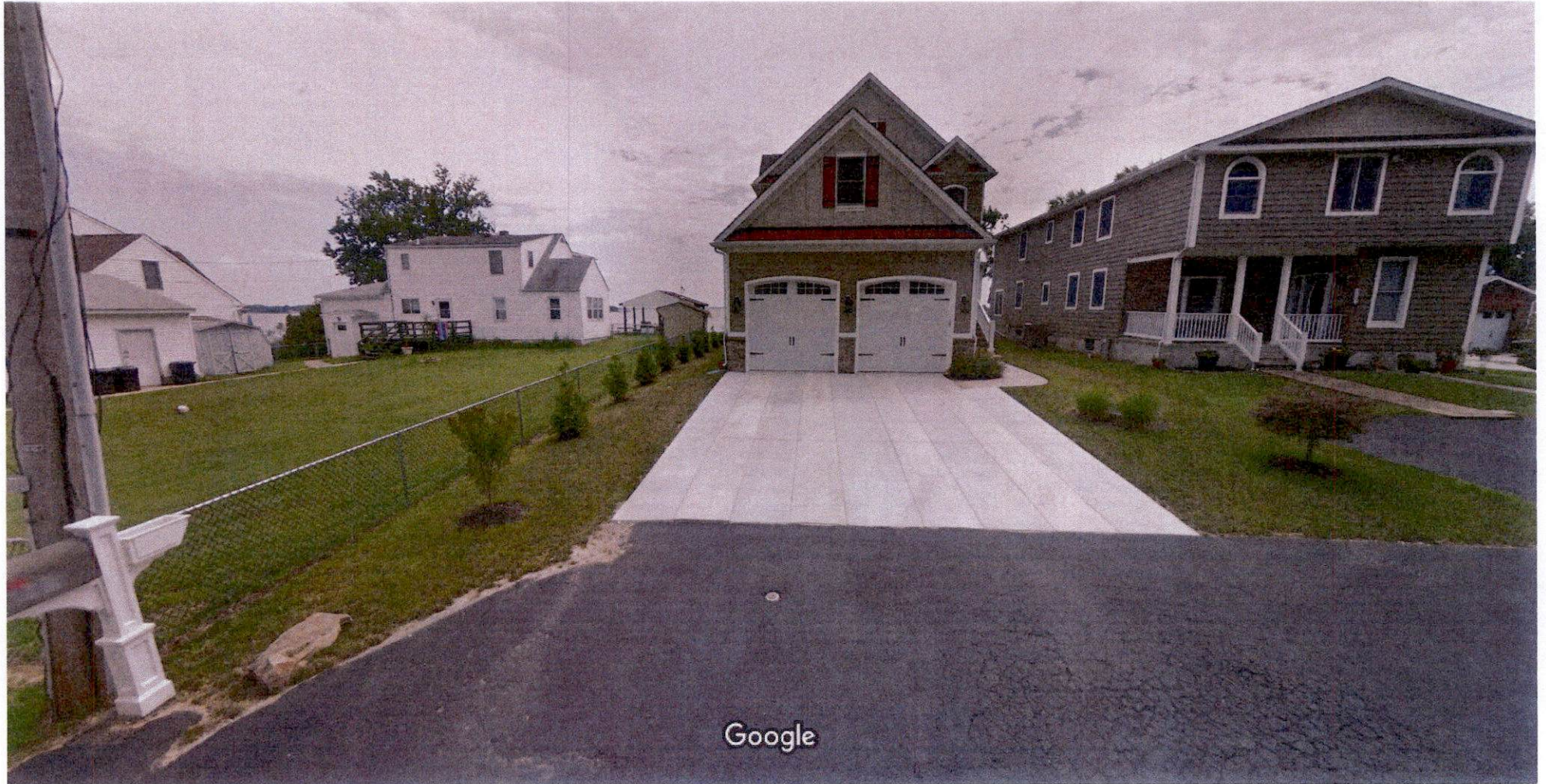


Image capture: Jul 2016 © 2021 Google

Essex, Maryland



Street View





Image capture: Jul 2016 © 2021 Google

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Street View

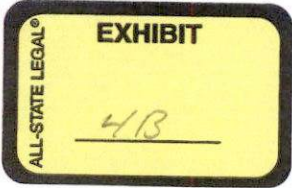




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Essex, Maryland



Street View





Image capture: Jul 2016 © 2021 Google

Essex, Maryland



Street View





Image capture: Jul 2016 © 2021 Google

Essex, Maryland



Street View





Image capture: Jul 2016 © 2021 Google

Essex, Maryland



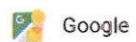
Street View





Image capture: Jul 2016 © 2021 Google

Essex, Maryland



Street View



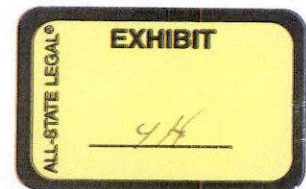


Image capture: Jul 2016 © 2021 Google

Essex, Maryland



Street View



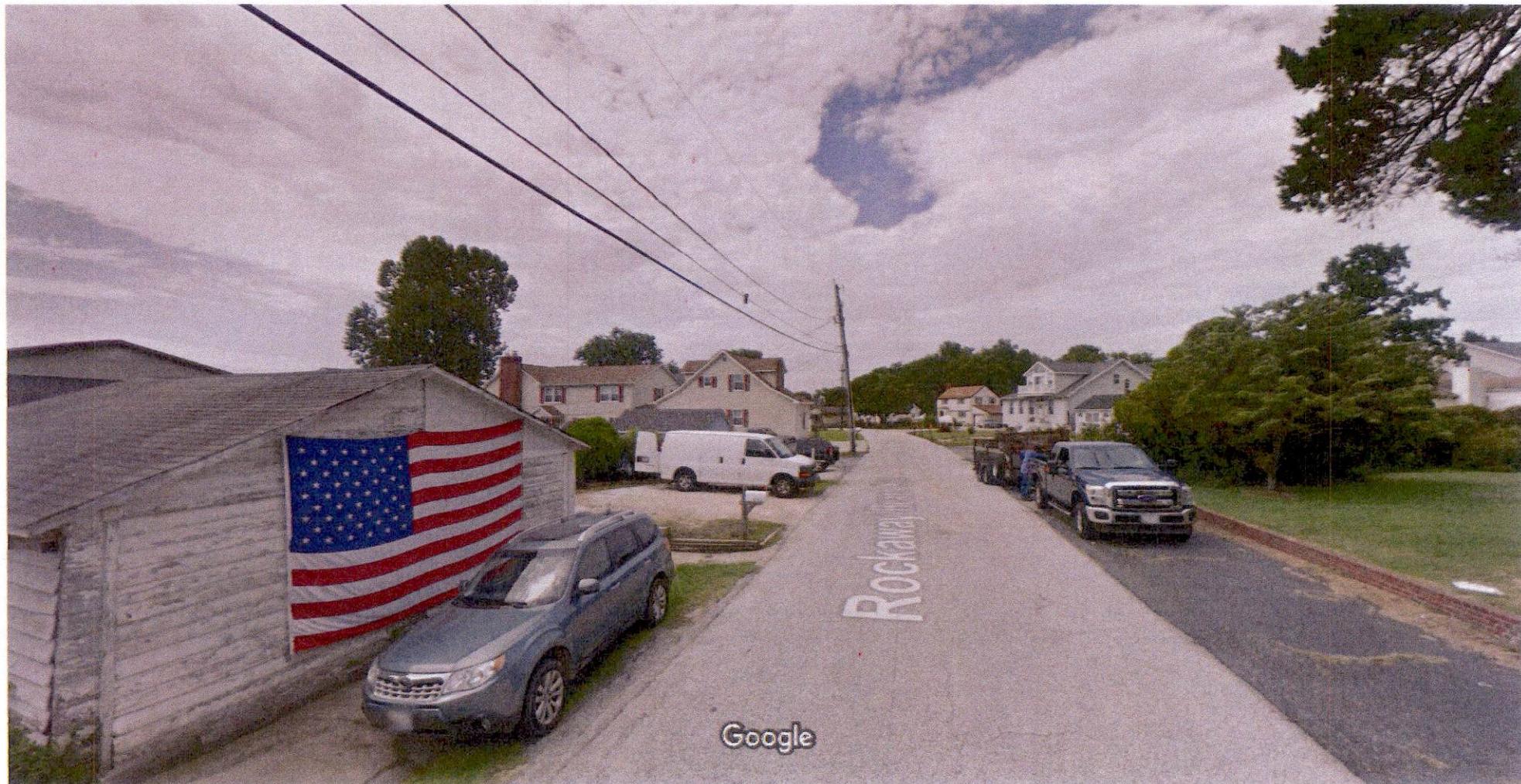
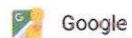


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Street View





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Street View



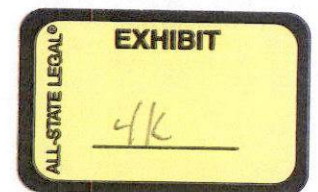


Image capture: Jul 2016 © 2021 Google

Essex, Maryland



Street View





Google

Image capture: Jul 2016 © 2021 Google

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Street View

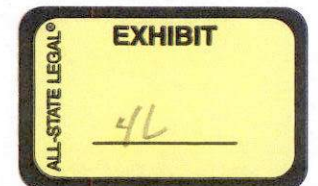




Image capture: Jul 2016 © 2021 Google

Essex, Maryland



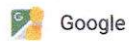
Street View



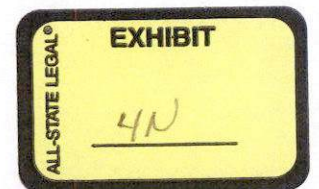


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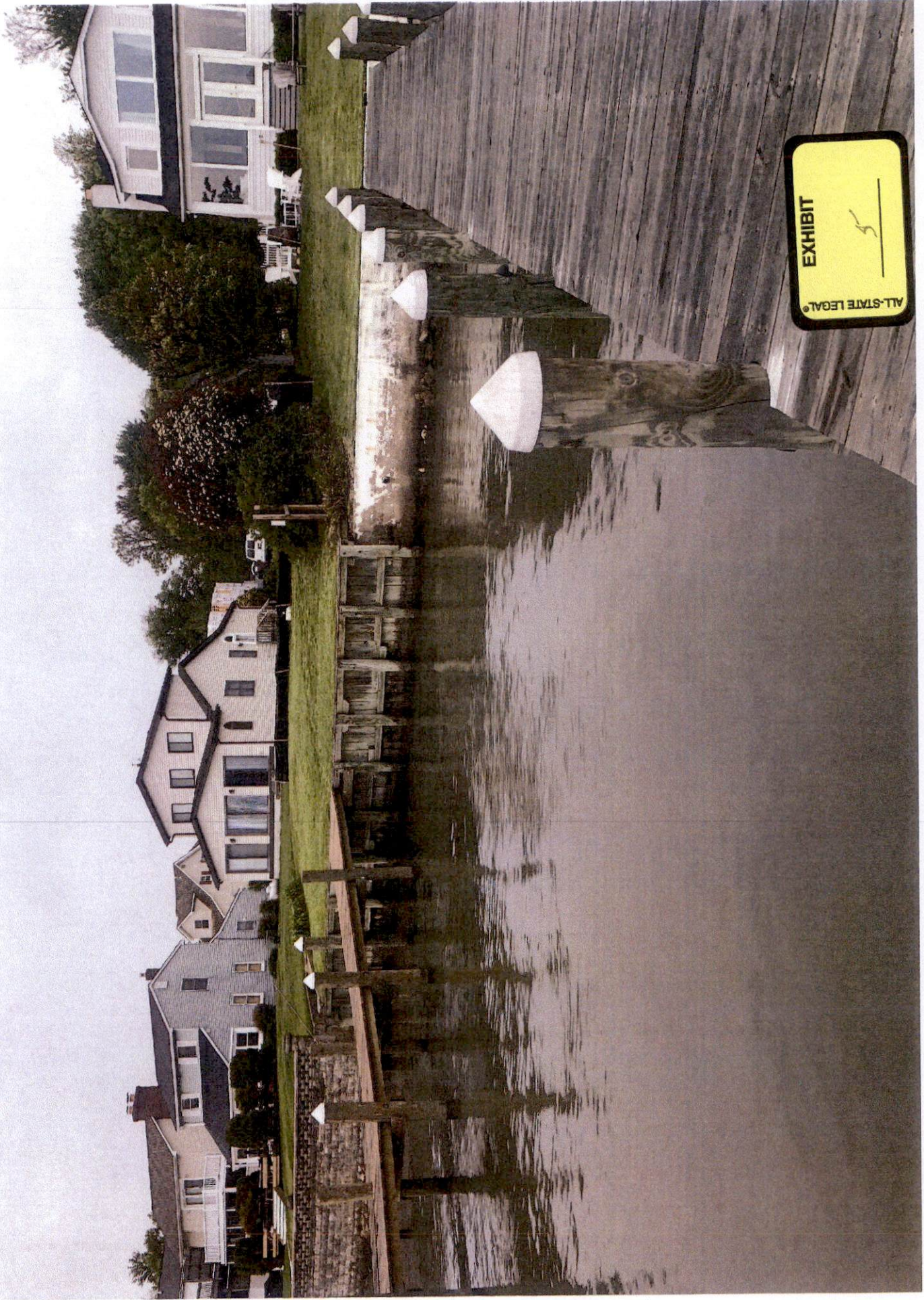
Essex, Maryland



Street View



ALL-STATE LEGAL®
EXHIBIT





Google

Reimagery ©2021

Height: 10 → Shadow: 2.95 m



13:29

< 6/22/2020 >

↔ 14h 56m

now: 13:29 197° 74°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:37 302°



today

3/19/2021

↔ 12h 6m

now: 13:29 186° 50°

sunrise: 07:11 90°

noon: 13:14 180° 50°

sunset: 19:17 270°



midsummer

6/22/2021

↔ 14h 56m

now: 13:29 197° 74°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:36 302°



midwinter

12/22/2021

↔ 9h 24m

now: 13:29 201° 24°

sunrise: 07:23 120°

noon: 12:05 180° 27°

sunset: 16:46 240°

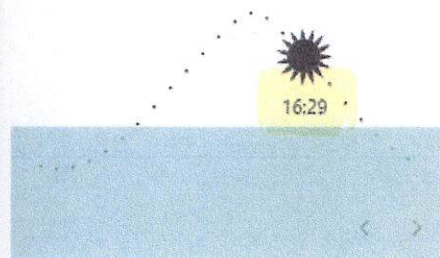




Google

ReImagery ©2021

Height: 10 → Shadow: 10.02 m



< 6/22/2020 >

↔ 14h 56m

now: 16:29 265° 45°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:37 302°



today

3/19/2021

↔ 12h 6m

now: 16:29 241° 30°

sunrise: 07:11 90°

noon: 13:14 180° 50°

sunset: 19:17 270°



midsummer

6/22/2021

↔ 14h 56m

now: 16:29 265° 45°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:36 302°



midwinter

12/22/2021

↔ 9h 24m

now: 16:29 237° 2°

sunrise: 07:23 120°

noon: 12:05 180° 27°

sunset: 16:46 240°

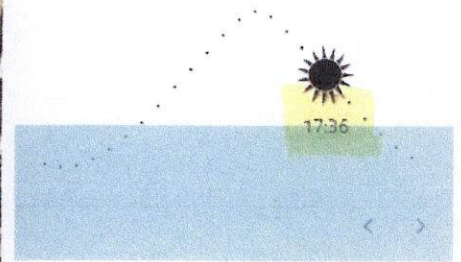


2





Height: 10 → Shadow: 16.00 m



< 6/22/2020 >

→ 14h 56m

now: 17:36 275° 32°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:37 302°



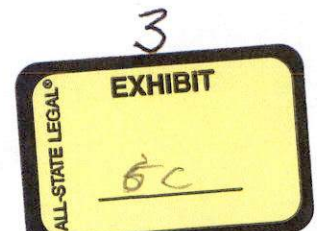
today
3/19/2021
→12h 6m

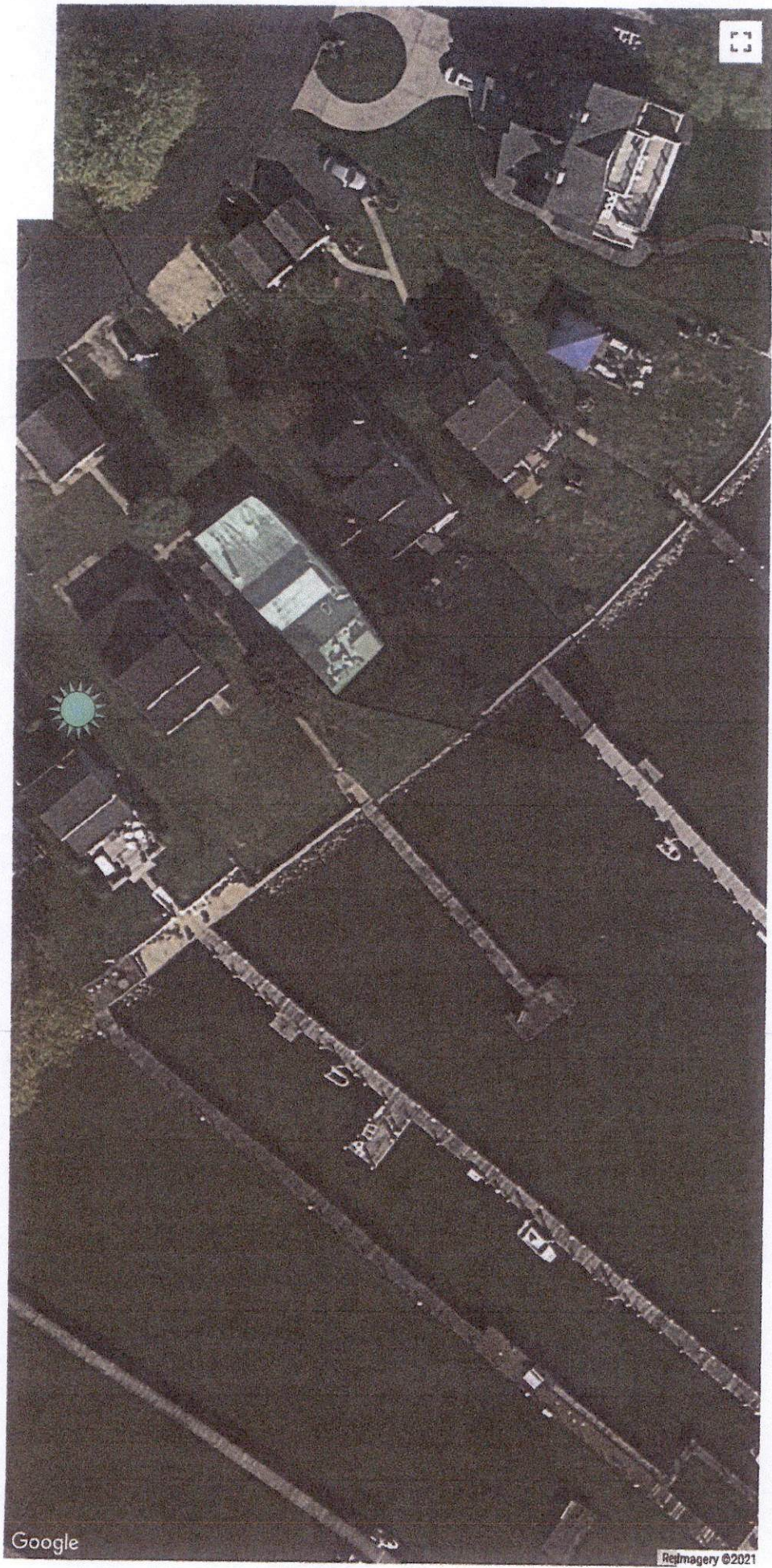


midsummer
6/22/2021
→14h 56m



midwinter
12/22/2021
→9h 24m

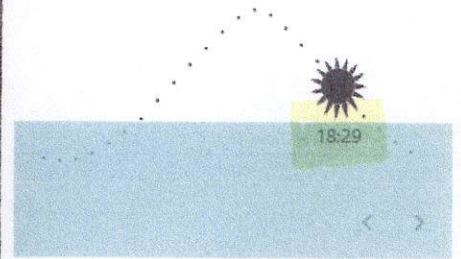




Google

Reimagery ©2021

Height: 10 → Shadow: 24.89 m



< 6/22/2020 >

↔ 14h 56m

now: 18:29 283° 22°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:37 302°



today

3/19/2021

↔ 12h 6m

now: 18:29 263° 8°

sunrise: 07:11 90°

noon: 13:14 180° 50°

sunset: 19:17 270°



midsummer

6/22/2021

↔ 14h 56m

now: 18:29 283° 22°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:36 302°



midwinter

12/22/2021

↔ 9h 24m

now: 18:29 255° -19°

sunrise: 07:23 120°

noon: 12:05 180° 27°

sunset: 16:46 240°

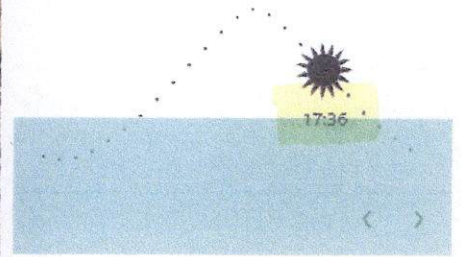


4





Height: 10 → Shadow: 16.00 m



< 6/22/2020 >

↔ 14h 56m

now: 17:36 275° 32°

sunrise: 05:40 58°

noon: 13:08 181° 74°

sunset: 20:37 302°



today

3/19/2021

↔ 12h 6m



midsummer

6/22/2021

↔ 14h 56m



midwinter

12/22/2021

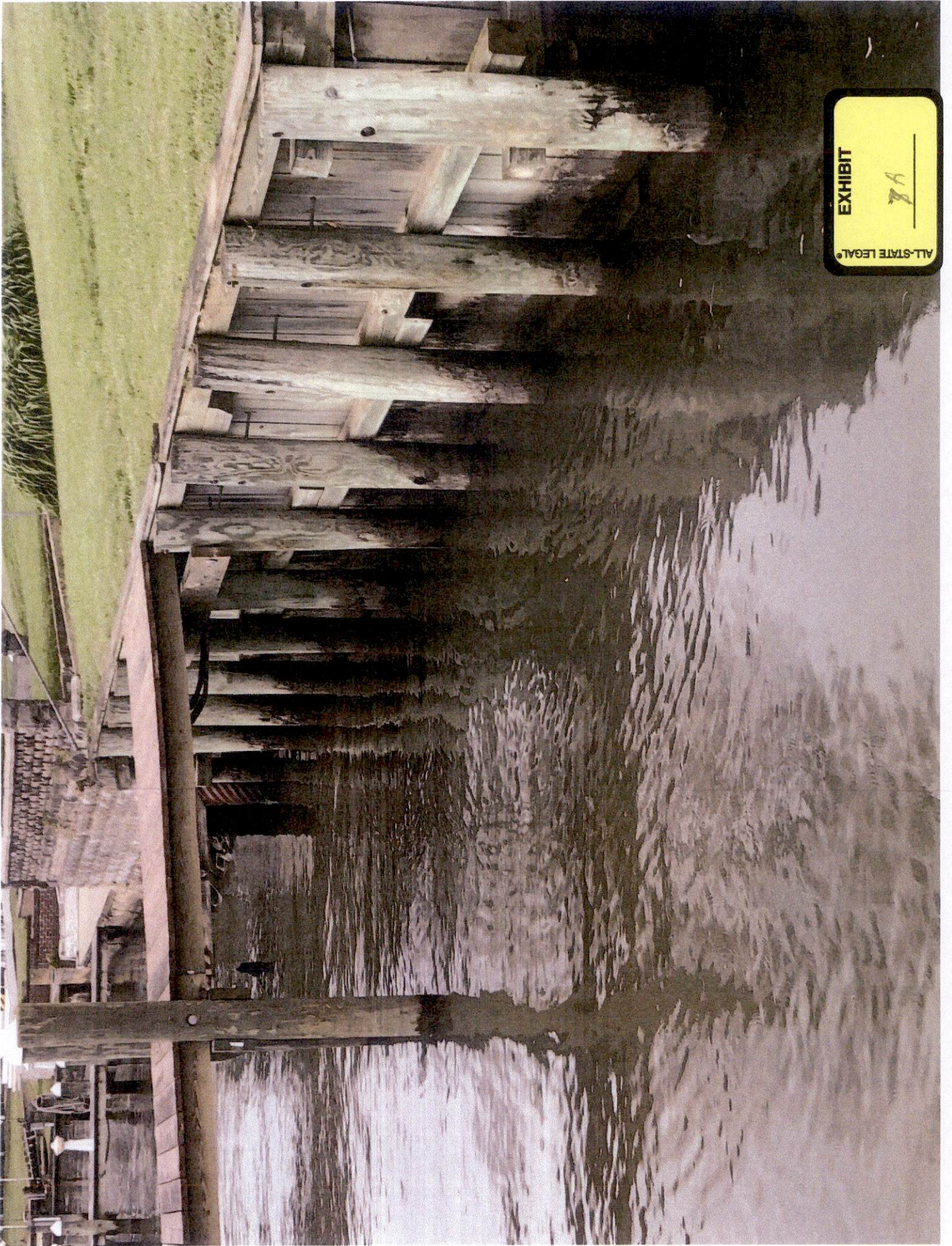
↔ 9h 24m

day duration

Map data ©2021 Imagery ©2021

5





EXHIBIT

2A

ALL-STATE LEGAL®



EXHIBIT

ALL-STATE LEGAL®

B

Gontrum, John

From: Paul A. Dennis <pdennis@baltimorecountymd.gov>
Sent: Monday, May 10, 2021 11:29 AM
To: Gontrum, John
Subject: [EXTERNAL] 639 Rockaway Beach ZP EPS Comments
Attachments: 3370_001.pdf

Attached are the comments.....The 2,922 sq ft of lot coverage is the maximum (31.25%). Property size = 9,350 sq ft. above mean high water



Paul A. Dennis

Natural Resource Specialist

Department of Environmental Protection and Sustainability

Environmental Impact Review

111 West Chesapeake Ave Room 305

Towson MD 21204

410.887.3980



[\[facebook.com\]](https://www.facebook.com/baltimorecountymd.gov)



[\[baltimorecountymd.gov\]](https://www.baltimorecountymd.gov)



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www.baltimorecountymd.gov [\[baltimorecountymd.gov\]](https://www.baltimorecountymd.gov)



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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2020-0250-A
Address 639 Rockway Beach Avenue
(Carter Property)

Zoning Advisory Committee Meeting of November 30, 2020.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The proposed development must meet LDA and MBA requirements for Critical Area lot coverage. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the property area above mean high water, it appears that the maximum Critical Area defined lot coverage allowance for this property is 2,922 square feet with mitigation for any new amount over 25%. Future plans need to show all existing and proposed lot coverage on the property. If the applicant can meet these requirements, and meet all mitigation requirements for lot coverage, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property on Middle River with a required Critical Area buffer covering about a half of the property. Meeting the modified buffer area requirements, lot coverage requirements, tree requirements, and any mitigation



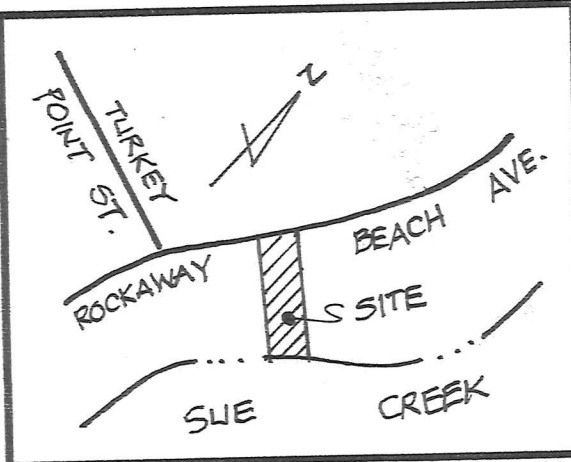
requirements for buffer impacts will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

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

Reviewer: Paul Dennis

ROCKAWAY BEACH AVENUE



VICINITY MAP
1" = 400'

NOTES:

ZONING MAP NO. 098B3
SITE ZONING DR-3.5
15TH ELECTION DISTRICT
6TH COUNCIL DISTRICT
GROSS SITE AREA 11,000 SF = 0.253 AC
NET SITE AREA 10,000 SF = 0.230 AC
LOT WIDTH = 50 FEET
HISTORIC ? NO
IN CRITICAL AREA ? YES (LDA)
IN FLOOD PLAIN ? YES
WATER IS PUBLIC
SEWER IS PUBLIC
PRIOR ZONING HEARINGS ? NO
OWNERS:
JOSEPH M. & THERESA M. CARTER
1527 MORSE ROAD
FOREST HILL, MD 21050
DEED REF. 42426/401
ACCOUNT NO. 15-13-554800
TAX MAP 98 GRID 15 PARCEL 211-52

POINT OF BEGINNING
210 TO CENTER
OF TURKEY
NECK ROAD

EXISTING
PAYING
40' R/W

50'

EX.
GAR.

EX. GARAGE
TO BE
RAZED

EDWARD SCHATZ
15-19-070060
DEED 6329/680

RICARDO YAZIGI
15-12-001721
DEED 38631/136

FRONT

10'
MIN.

APPROX.
SIZE &
LOCATION
OF PROPOSED
DWELLING

10'
MIN.

#641

EXISTING
DWELLING

200'

#639

EXISTING
DWELLING
TO BE
RAZED

30'

200'

#637

EXISTING
DWELLING

LOT
51

LOT
52

LOT
53

BULK HEAD

BULK HEAD

BULK HEAD

50'

SUE

CREEK

POLARIS
LAND CONSULTANTS
57 W. TIMONIUM ROAD SUITE 210
TIMONIUM, MD 21093
410-252-4444



PLAT TO ACCOMPANY
PETITION FOR ZONING VARIANCE

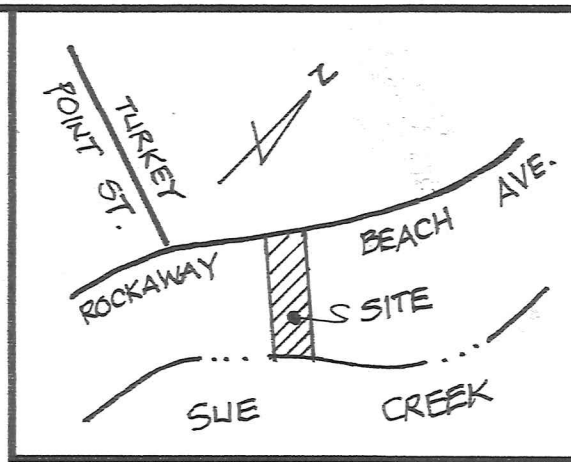
639 Rockaway Beach Ave.

15TH ELECTION DISTRICT BALTO. CO., MD

SCALE: 1" = 20' SEPTEMBER 2, 2020

LOT 52
PLAT OF
TURKEY POINT FARM
PLAT 4/171

ROCKAWAY BEACH AVENUE



VICINITY MAP
1" = 400'

NOTES:

ZONING MAP NO. 098B3
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POINT OF BEGINNING
210 TO CENTER
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NECK ROAD

EXISTING
PAYING
40' R/W

50'

EX.
GAR.

EX. GARAGE
TO BE
RAZED

60' ±
(30' MIN.)

EDWARD SCHATZ
15-19-070060
DEED 6329/680

RICARDO YAZIGI
15-12-001721
DEED 38631/136

FRONT

10'
MIN.

APPROX.
SIZE &
LOCATION
OF PROPOSED
DWELLING

10'
MIN.

#639

EXISTING
DWELLING
TO BE
RAZED

30'

#637

EXISTING
DWELLING

#641

EXISTING
DWELLING

200'

60'

200'

LOT
51

LOT
52

LOT
53

BULK HEAD

BULK HEAD

BULK HEAD

50'

SUE

CREEK

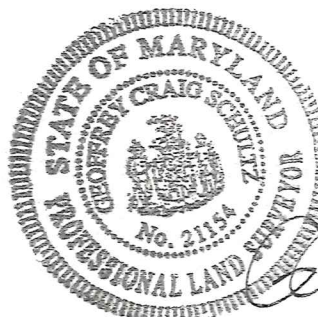
PLAT TO ACCOMPANY
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639 Rockaway Beach Ave.

15TH ELECTION DISTRICT BALTO. CO., MD

SCALE: 1" = 20' SEPTEMBER 2, 2020

POLARIS
LAND CONSULTANTS
57 W. TIMONIUM ROAD SUITE 210
TIMONIUM, MD 21093
410-252-4444



LOT 52
PLAT OF
TURKEY POINT FARM
PLAT 4/171