BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
JUN 14 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

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

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

DATE: June 11, 2021

SUBJECT: DEPS Comment for Zoning Item # 2021-0109-A
Address 11 Lynbrook Road
(Luke Star, LLC Property)

Zoning Advisory Committee Meeting of **May 31, 2021**.

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

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

   The subject property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is subject to Critical Area requirements. The applicant is proposing to permit an unattached garage. The lot is waterfront and is within a non-modified buffer area. Any proposed development must meet all LDA and buffer requirements, including lot coverage limits, non-disturbance of the buffer, and afforestation requirements. Lot coverage is limited to a maximum of 5,445 square feet (sf), with mitigation required for any new lot coverage between 15% (4,713 sf) and 5,445 sf. The site plan indicates proposed lot coverage of 4,748 sf. Mitigation will be required for the 35 sf above 15%. 15% afforestation (9 trees) is required. The existing trees on the property adequately fulfill the 15% afforestation requirement. No impacts are permitted within the non-modified 100-foot buffer from tidal waters. No impacts to the buffer are proposed. If the lot coverage, afforestation, and buffer non-disturbance requirement are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

   This property is waterfront and is within a non-modified buffer area. The property must meet all lot coverage, afforestation requirements, and a buffer non-disturbance requirements. If lot coverage, afforestation, and buffer requirements are met, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

   This is a grandfathered lot. Provided that the applicants meet their lot coverage, afforestation, and buffer requirements, then the relief requested will be consistent with the established land-use policies.

Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 6/10/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 21-0109

RECEIVED
JUN 15 2021
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:
Property Address: 11 Lynbrook Rd
Petitioner: Wai-Yi Lau
Zoning: BL
Requested Action: Variance

The Department of Planning has reviewed the petition for a Special Hearing to approve the construction of an accessory structure (detached garage) to be 20' in height in lieu of the required 15 feet.

The use of the property is a legally non-conforming residential use in the BL zone. The site is located in a neighborhood of majority commercial and light industrial uses adjacent to Eastern Blvd and Martin State Airport. The original structure was permitted as an attached garage, but has since been constructed as a non-conforming detached garage above the required 15 feet in height. The current intended use of the garage will be for storage of merchandise for an off-site business run by the property owner. Only shipments will be delivered to the property, there will not be any customers or clients visiting the property.

The Department supports the request.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: Mark Landolina
Richardson Engineering, LLC.
Dino Lafiandra
Office of Administrative Hearings
People's Counsel for Baltimore County

S:\Planning\Dev Rev\ZAC\ZACs 2021\Due 5-28\21-0109-A Mark Due 5-28\Shell\21-109.docx