

IN RE: PETITION FOR VARIANCE
(5903 Loreley Beach Road)
11th Election District
3rd Council District
Robert Dory & Yvonne Higgins
Legal Owners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **Petitioners**
* **CASE NO. 2022-0293-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by Robert Dory and Yvonne Higgins legal owners and Petitioners (“Petitioners”) for property located at 5903 Loreley Beach Road, White Marsh (“Property”). A formal demand was filed by abutting property owners Christopher O’Brien – 5905 Loreley Beach Rd., and Roger Smith, 5901 Loreley Beach Rd. The Petition was filed requesting Administrative Variance relief from the Baltimore County Zoning Regulations (“BCZR”) as follows:

- (1) §400.1 to permit a proposed accessory building (detached garage, with storage loft) to be located in the front yard (road side) of the dwelling in lieu of the required rear yard (waterfront);
- (2) §400.3 to permit the proposed accessory building with a height of 20 ft in lieu of the maximum allowed height of 15 ft; and
- (3) §1A01.3.B.3 and 1992 ZCPM Policy 400.1(d)(2): (double frontage lot) to permit a street centerline setback of 17 ft in lieu of the required 75 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner Robert Dory appeared at the hearing along with Kenneth Wells, licensed surveyor, who prepared and sealed a site plan (the “Site Plan”). Howard L. Alderman, Jr., Esquire represented the Petitioners. Chris O’Brien and his wife Megan O’Brien, 5905 Loreley Beach Rd.; James Williams 5853 Loreley Beach Rd.; and Roger Smith and

his wife Carolyn Smith, 5901 Loreley Beach Rd. each testified in opposition to the Petition.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) and Development Plans Review (“DPR”) which agencies did not oppose the requested relief. Department of Planning (“DOP”) sent an email dated February 9, 2023 stating that DOP would not be providing any ZAC comment.

The case was presented as a modified proffer by Mr. Alderman. Mr. Wells was accepted as an expert licensed surveyor with special knowledge of the BCZR and land development in Baltimore County. The Property measures 0.530 acres +/- (23,094 sf) and consists of two (2) lots (Lots 30 and 31) which were created on the Plat of Loreley Beach as recorded in the Land Records of Baltimore County (Book 10, page 8) on October 23, 1931. It is improved with a 2-story, 3,340 sf single family dwelling constructed in 1932, and a 126 sf shed which is to be removed. The Property is zoned Agricultural (RC 2).

The length and width of the Property are not symmetrical. On the street side, the width is 50.69 ft but on the water side, the width is 50.21. (Pet. Ex. 1). Similarly, the eastern side measures 227.37 ft while the western side 232.92 ft. The proffered evidence confirmed that the Petitioners consider the street side to be the front yard. The rear yard is extended by a pier which faces Bird River. Aerial photograph of the Property shows the extent of the improvements. (Pet. Ex. 2). Mr. Wells testified that the topography of the Property is steep as it approaches and ends at the water. (Pet. Ex. 3). Additionally, Mr. Wells pointed out that the Chesapeake Bay Critical Area (“CBCA”) regulations and steep slope prevents construction in the rear yard.

Petitioners propose to construct a 1,200 sf garage on the street side of the Property with a height of 20 ft in lieu of the maximum of 15 ft. Mr. Alderman pointed out that the original Petition only requested Variance relief for location and height, but that the Office of Zoning Review

(“OZR”) added relief for a 17 ft setback from the centerline of Loreley Road in lieu of the required 75 ft under BCZR, §1A01.3.B.3. Both Mr. Wells and Mr. Alderman disagreed that the added relief was needed asserting that BCZR, §1A01.3.B.3 only applies to principal dwellings or structures.

Mr. Wells also analyzed the sight distance down Loreley Rd. from the perspective of 5901 and 5905. (Pet. Ex. 5A-5E). The analysis revealed that if the garage is constructed as proposed, a vehicle exiting the O’Briens’ driveway at 5905 Loreley Beach Rd. has a sight distance of 350 ft +/-, and a vehicle exiting the Smiths’ driveway has a sight distance of 365 ft +/- . Mr. Wells opined that there is safe access from both driveways. Petitioners also submitted an aerial which included the Property and noted 8 other properties with street-side detached structures which are either garages or sheds.

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

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

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

The Property is unique due to its asymmetrical shape and steep topography. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed garage could not be located on the street side of the Property given the CBCA regulations and the steep topography prohibits construction of a garage on the waterfront side. Given the numerous street-side garages lining Loreley Beach Rd., certainly a precedent has been set which is indicative that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly given the adequate

sight distance from both 5901 and 5905 after construction of the garage. I further find that an additional 5 ft in height is necessary to provide needed storage space which this home. In regard to the OZR's addition to the Petitioner for relief under BCZR, §1A01.3.B.3, OZR has read that Section to apply "whether or not [the proposed garage] is a principal structure." As this Section has also been requested in other cases where street side garages are proposed, the express wording of that Section is indicative that the 75 setback does apply here. Accordingly, the requested Variance relief will be granted.

THEREFORE, IT IS ORDERED, this 28th day of **February 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §400.1 to permit a proposed accessory building (detached garage, with storage loft) to be located in the front yard (road side) of the dwelling in lieu of the required rear yard (waterfront) be, and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §400.3 to permit the proposed accessory building with a height of 20 ft in lieu of the maximum allowed height of 15 ft be, and it is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §1A01.3.B.3 and 1992 ZCPM Policy 400.1(d)(2): (Double frontage lot) to permit a street centerline setback of 17 ft in lieu of the required 75 ft, be, and it 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, Petitioner would be required to return the subject property to its original condition.

2. Petitioners and subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, bathroom, living area, or kitchen facilities.
3. There shall be no second utility and/or electric meter(s). There shall be no separate water line to the garage. All utility, electric and water lines shall connect to the house.
4. The proposed garage shall not be used for commercial purposes. There shall not be any auto repair, auto-body work or auto painting conducted in the garage.
5. Petitioners must comply with the ZAC comment from the Department of Environmental Protection and Sustainability (“DEPS”) dated January 17, 2023, which is attached and made a part hereof.

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

MEM/dlm



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

February 28, 2023

Howard Alderman, Esquire - halderman@aldermanlaw.net
Alderman Law LLC
7505 Mount Vista Road
Kingsville, MD 21087

RE: Petition for Variance
Case No. 2022-0293-A
Property: 5903 Loreley Beach Road

Dear Mr. Alderman:

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

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

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: -See next page-

Robert Dory – bob.yvonnne@outlook.com
Roger Smith – carolroge5901@hotmail.com
Jim Williams – jwilliams310@comcast.net
Ken Wells – kwells@kjwellsinc.com
Megan O'Brien – megohartley@gmail.com
Chris O'Brien – christophermobrien1@gmail.com

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: January 17, 2023

SUBJECT: DEPS Comment for Zoning Item: 2022-0293-A
Address: 5903 Loreley Beach Road
Legal Owner: Robert Dory and Yvonne Higgins

Zoning Advisory Committee Meeting of Dec. 19, 2022.

The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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 construct a 20-foot tall detached garage in the front yard of the property in lieu of the required rear yard and in lieu of the maximum allowed height of 15 feet. They also propose a street centerline setback of 17 feet in lieu of the required 75 feet. The lot is waterfront and within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits 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% (3,464 sf) and 5,445 sf. Proposed lot coverage information has not been provided. There is a 15% afforestation

requirement in the LDA. On a lot of this size seven (7) trees are required. Mitigation for any new impacts to the MBA are required. It appears that no impacts to the MBA are proposed. If the lot coverage, afforestation, and MBA requirements 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 within a Modified Buffer Area (MBA). The property must meet all lot coverage, afforestation, and MBA mitigation requirements. If lot coverage, afforestation, and MBA mitigation 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 MBA mitigation requirements, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 12/29/22

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
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This is a grandfathered lot. Provided that the applicants meet their lot coverage, afforestation, and MBA mitigation requirements, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 12/29/22

CERTIFICATE OF POSTING

Date: 2-9-23

RE: Case Number: 2022-0293-A RECERT

Petitioner/Developer: Dory Higgins

Date of Hearing/Closing: 2-14-23 1:30 PM

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 5903 Lorelay Beach Rd

The signs(s) were posted on RECERT 2-9-23
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

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

~~410-343-1443~~ 443-834-8162
(Telephone Number of Sign Poster)

ZONING NOTICE

#2

CASE # 2022-0293-A

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

PLACE: FOR INFO ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.EASTMORSECURITY.MD/GOV/ADMINHEARINGS NO LATER
THAN 48 HRS. PRIOR TO HEARING. YOU CAN ALSO CALL 410-397-3268 EXT. 0

DATE AND TIME: TUESDAY FEBRUARY 14, 2023 1:30 PM

REQUEST: VARIANCE TO PERMIT A PROPOSED ACCESSORY BUILDING
(DETACHED GARAGE WITH STORAGE LOFT) TO BE LOCATED IN THE
FRONT YARD (ROAD SIDE) OF THE DWELLING IN LIEU OF THE REQUIRED
REAR YARD (WATERFORD) TO PERMIT THE PROPOSED ACCESSORY
BUILDING WITH A HEIGHT OF 20 FEET IN LIEU OF THE MAXIMUM
ALLOWED HEIGHT OF 15 FEET TO PERMIT A STREET CENTERLINE
SETBACK OF 17 FEET IN LIEU OF THE REQUIRED 75 FEET.

POSTED HERE DUE TO WEATHER OR OTHER REASONS THERE ARE SOMETIMES NECESSARY
TO REMOVAL FROM TOWNSHIP CALL 410-397-3391
DO NOT REMOVE THIS SIGN AND POST 1 DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2022-0293-A

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

PLACE: FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD.GOV/ADMIN/HEARINGS NO LATER THAN
48 HOURS PRIOR TO THE HEARING. TO MAKE ANS CALL 410-387-3868 EXT. 0

DATE AND TIME: TUESDAY FEBRUARY 14, 2023 1:30PM

REQUEST: VARIANCE TO PERMIT A PROPOSED ACCESSORY
BUILDING (DETACHED GARAGE WITH STORAGE LIFT) TO BE LOCATED

IN THE FRONT YARD (ROAD SIDE) OF THE DWELLING IN LIEU OF THE
REQUIRED REAR YARD (WATERFRONT) TO PERMIT THE PROPOSED
ACCESSORY BUILDING WITH A HEIGHT OF 20 FEET IN LIEU OF THE

MAXIMUM ALLOWED HEIGHT OF 15 FEET TO PERMIT A STREET CENTER LINE
SETBACK OF 15 FEET IN LIEU OF THE REQUIRED 25 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
DO NOT REMOVE THIS SIGN OR POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW.
TO CANCEL CALL 410-387-3791

HANDICAPPED ACCESSIBLE

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING December 19, 2022
FORMAL OR INFORMAL RESPONSE DUE AT December 26, 2022 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovement@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2022-0293-A **Reviewer:** Gary Hucik
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Robert Dory and Yvonne Higgins
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 3

Property Address: 5903 LORELEY BEACH RD

Location: Property located on the South side of Loreley Beach Rd. West 1,108 feet of the centerline of North Loreley Beach Rd.

Existing Zoning: RC 2 **Area:** 23,120 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1.) BCZR 400.1: To permit a proposed accessory building (detached garage, with storage loft) to be located in the front yard (road side) of the dwelling in lieu of the required rear yard (waterfront).

2.) BCZR 400.3: To permit the proposed accessory building with a height of 20 feet in lieu of the maximum allowed height of 15 feet.

3.) BCZR 1A01.3.B.3. and 1992 ZCPM Policy 400.1.d(2): (Double frontage lot): To permit a street centerline setback of 17 feet in lieu of the required 75 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/09/2023

Miscellaneous Notes:

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2022 - 0293-A Address 5903 Loreley Beach Road

Contact Person: Gary Huik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/12/22 Posting Date: 12/25/22 Closing Date: 01/09/23

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

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

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2022 - 0293 -A Address 5903 Loreley Beach Road

Petitioner's Name: Robert Dory & Yvonne Higgins Telephone (Cell) 410-626-1847

Posting Date: 12/25/22 Closing Date: 1/9/23

Wording for Sign: To Permit 1. To permit a proposed accessory building (detached garage with storage 10 ft) located in the front yard with a height of 20 feet in lieu of the maximum height of 15 feet, with a street center line setback of 17 feet in lieu of the required 75 feet.



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 5903 Loreley Beach Rd Currently Zoned RC2
Deed Reference 45210 / 396 10 Digit Tax Account # 1 1 1 9 0 1 1 4 4 0
Owner(s) Printed Name(s) Robert Dory and Yvonne Higgins

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

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

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

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

See attached request.

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

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

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

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

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

Owner(s)/Petitioner(s):

Robert Dory / Yvonne Higgins
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 _____ Signature #2 _____
5903 Loreley Beach Rd White Marsh MD
Mailing Address City State

21162 / 410 625-1847 / bob.yvonne@outlook.com
Zip Code Telephone #s (Cell and Home) Email Address

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

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

Robert Dory
Name - Type or Print

Signature

5903 Loreley Beach Rd White Marsh MD
Mailing Address City State

21162 / 410 625-1847 / bob.yvonne@outlook.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2022-0293-A Filing Date 12/12/22 Estimated Posting Date 12/25/22 Reviewer gh

Revised 3/2022

0293

Affidavit in Support of Administrative Variance

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

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

Address: _____

Print or Type Address of Property	City	State	Zip Code
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Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. **(Clearly state practical difficulty or hardship here)**

See attached explanation.

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

Robert Day
Signature of Owner (Affiant)

Signature of Owner (Affiant) Yvonne Hopper

Robert Dory
Name - Print or Type

Yvonne Higgins
Name - Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 6 day of December, 2022, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: analia hanev yvonne higgins + robert don

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

AS WITNESS my hand and Notaries Seal

Amel Horz
Notary Public

My Commission Expires 06/16/2025

Anealia Harvey
NOTARY PUBLIC
BALTIMORE COUNTY
MARYLAND
MY COMMISSION EXPIRES 06/16/2025

2022-0293 D

11/30/2022

5903 Loreley Beach Road

Variance Requests:

1. To permit a proposed accessory building (detached garage with storage loft) to be located in the front yard (road side) of the dwelling in lieu of the required rear yard (waterfront) per §400.1 of BCZR; and
2. To permit the proposed accessory building with a height of 20 feet in lieu of the maximum allowed height of 15 feet per §400.3 of BCZR respectively.

3. ~~Per~~ sections: A01.3.B.3 (BCZR) § 400.1.d(2) (ZCPM)
(Double frontage lot) To permit a street center line setback of 17 feet
in lieu of the required 75 feet.

Variance Request Explanation:

We request permission to construct a garage with storage over the garage in the front yard (next to the road) of our existing residence, as opposed to the rear yard (abutting the Bird River). The steep slope of the property on the waterfront side and the proximity of the house to the water prevent locating the garage on the river side of the house, as the garage would be within the Critical Buffer Area per the Chesapeake Bay Critical Area regulations. At present we do not have garage accommodation or an electrical recharging station for our current electric vehicle and additional electrical vehicles we may purchase in the future. To accommodate storage needs, we propose the height of the garage from grade to ridge of 20 feet which exceeds the 15-foot height limitation in the property code. Siting of the existing house and setback requirements prohibit construction of additional storage area adjoining the house. This hardship is particular to our property in contrast with other properties in the zoning district and is not the result of our own actions. Failure to grant this request for a variance would result in the failure of our ability to make reasonable use of our property.

2022-0293-A

kjWellsInc

Land Surveying, Site Planning and Landscape Architecture

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

November 29, 2022

Zoning Description of 5903 Loreley Beach Road Baltimore County Maryland

Beginning at a point on the south side of Loreley Beach Road which is 30 feet wide at a distance 1,108 feet west of the centerline of the nearest improved intersecting street known as Loreley Beach Road North which is 30 feet wide.

Being Lots 30 and 31 in the subdivision of Plat No.1 Loreley Beach as recorded in Baltimore County Plat Book 10 folio 8, containing 23,094 square feet or 0.530 acres of land. Located in the 11th Election District and 5th Councilmanic District.



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: 2022-0293-A
Property Address: 5903 Loreley Beach Rd, White Marsh, MD 21162
Legal Owners (Petitioners): Robert Dory and Yvonne Higgins
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Kj Wells Inc
Address: 7403 New Cut Rd
Kingsville, MD 21087
Telephone Number: 410 592-8800

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 11 Account Number - 1119011440

Owner Information

Owner Name: DORY ROBERT J **Use:** RESIDENTIAL
HIGGINS YVONNE M **Principal Residence:** YES

Mailing Address: 5903 LORELEY BEACH RD **Deed Reference:** /45210/ 00396
WHITE MARSH MD 21162-1608

Location & Structure Information

Premises Address: 5903 LORELEY BEACH RD **Legal Description:** LT 30,31
WHITE MARSH 21162-1608 5903 LORELEY BEACH RD
Waterfront LORELEY BEACH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1
0073 0021 0348 11010002.04 0000 30 2021 **Plat Ref:** 0010/ 0008

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1932 3,340 SF 23,120 SF 34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNITS	SIDING/4	2 full/1 half			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	104,700	104,700		
Improvements	345,200	365,800		
Total:	449,900	470,500	463,633	470,500
Preferential Land:	0	0		

Transfer Information

Seller: SCHUELER KAREN TRUSTEE	Date: 08/02/2021	Price: \$675,000
Type: ARMS LENGTH IMPROVED	Deed1: /45210/ 00396	Deed2:
Seller: SCHUELER KAREN	Date: 04/22/2015	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /36086/ 00175	Deed2:
Seller: SCHUELER KAREN TRUSTEE	Date: 04/22/2015	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /36086/ 00150	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
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:**

2022-0293-A



2022-0293-A



2022 - 0293-A



2022-029-A



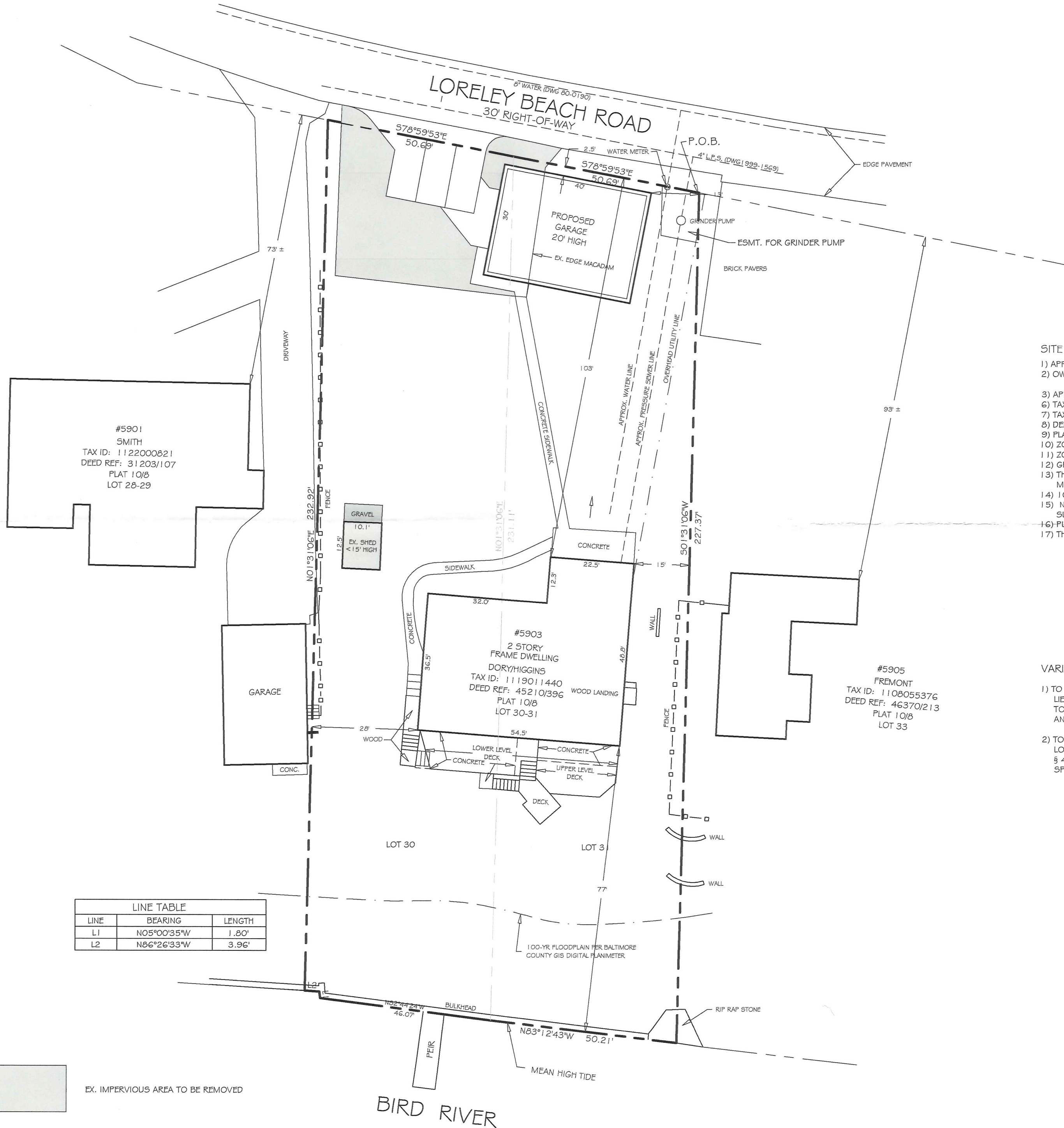
2022-0213-4



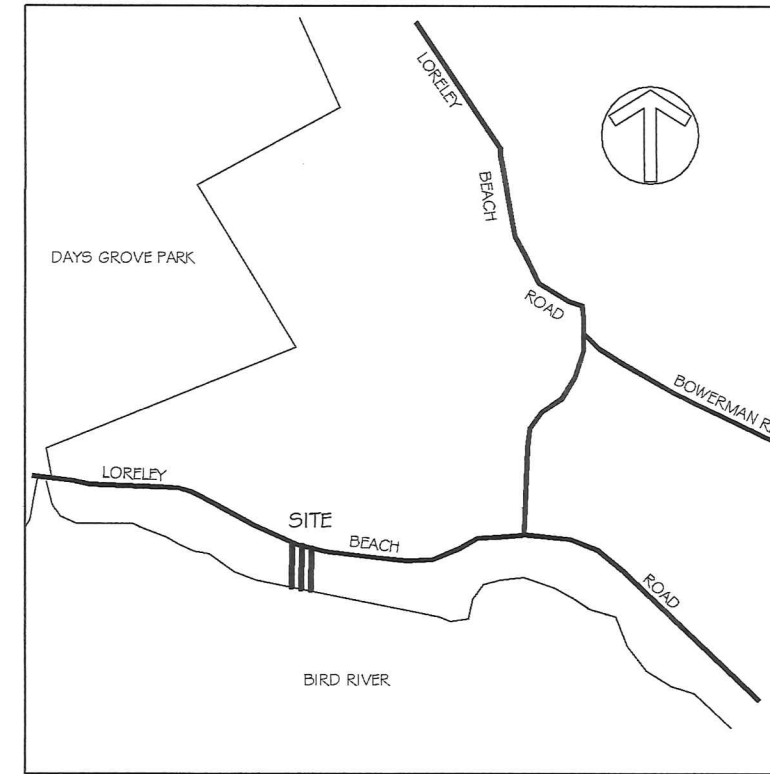
2022-0293-A



2022-0203-A



LINE TABLE		
LINE	BEARING	LENGTH
L1	N05°00'35\"W	1.80'
L2	N86°26'33\"W	3.96'



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA:

- 1) APPLICANT/OWNERS: ROBERT DORY AND YVONNE HIGGINS
- 2) OWNERS' ADDRESS: 5903 LORELEY BEACH ROAD
WHITEMARSH, MARYLAND 21162
- 3) APPLICANT'S TELEPHONE NO.: 410-625-1847
- 6) TAX ACCOUNT NUMBERS: 119011440
- 7) TAX MAP: 73 GRID: 21 PARCELS: 348
- 8) DEED REFERENCES: 45210/396
- 9) PLAT REFERENCE: 10/8 (LOTS 30 AND 31)
- 10) ZONING MAP: 073B3
- 11) ZONING: RC 2
- 12) GROSS AREA: 0.530 ACRES/23,094 SQ. FT.
- 13) THE SUBJECT PROPERTY DOES LIE WITHIN THE CBCA MODIFIED BUFFER AREA (LDA).
- 14) 100-YEAR FLOODPLAIN IS LOCATED WITHIN THE PROPERTY.
- 15) NO HISTORICALLY SIGNIFICANT STRUCTURES ON THE SUBJECT PROPERTY.
- 16) PUBLIC WATER AND SEWER ARE PROVIDED.
- 17) THERE ARE PREVIOUS ZONING CASES.

VARIANCE REQUESTS:

- 1) TO ALLOW THE HEIGHT OF AN ACCESSORY STRUCTURE TO BE 20 FEET IN LIEU OF THE REQUIRED MAXIMUM 15 FEET PER § 400.3 OF THE BCZR TO ACCOMMODATE THE STORAGE OF A RECREATIONAL WATER CRAFT AND/OR RECREATIONAL VEHICLE; AND
- 2) TO ALLOW THE LOCATION OF THE ACCESSORY STRUCTURE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PER § 400.1 OF THE BCZR OR, AS AN ALTERNATIVE, THE GRANTING OF THE SPECIAL EXCEPTION REQUEST.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

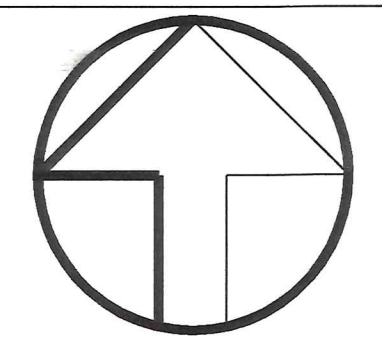
kjWellsInc
7403 NEW CUT ROAD
KINGSVILLE, MARYLAND 21087
(410) 592-8800

Land Surveying, Site Planning & Landscape Architecture



PLAN TO ACCOMPANY PETITION
FOR ZONING VARIANCES AND
A SPECIAL HEARING
5903 LORELEY BEACH ROAD

BALTIMORE COUNTY
MARYLAND
11TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT



DRAWN BY: CAV/KJW

CHECKED BY: KJW

DATE: 11/6/2022

PROJECT NO.: 2022-021

SHEET 1 OF 1