



JOHN A. OLSZEWSKI, JR.
County Executive

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

May 22, 2023

Eric Thomas – clearwaterllc@gmail.com
Blackwater Development, LLC
8622 Sandy Plains Road
Dundalk, MD 21222

RE: MOTION FOR RECONSIDERATION
Case No. 2023-0025-A
Property: 8622 Sandy Plains Road

Dear Mr. Thomas:

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 "Paul M. Mayhew". The signature is written in a cursive, flowing style.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: Donny Ankri – da@donnyankri.com
JP – Jeffrey.pensak@marcusmillichap.com
Karmel Bowling – dundalkmale2@gmail.com

PETITION FOR VARIANCE

(8622 Sandy Plains Road)

12th Election District

7th Council District

Blackwater Development, LLC

Legal Owner

Petitioner

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

*

CASE NO. 2023-0025-A

* * * * *

ORDER DENYING MOTION TO RECONSIDER

This matter came before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Blackwater Development, LLC (“Petitioner”) for property located at 8622 Sandy Plains Road, Dundalk (“Property”). The Petitioner requested variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1: to permit a replacement dwelling with a combined sum of side yard setback of 20 feet and a lot width at the foundation line of 47 feet in lieu of the required 25 feet and 70 feet respectively.

The Petition was properly advertised and posted. On March 21, 2023 a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The owner/petitioner, Eric Thomas, appeared on behalf of Blackwater Development, LLC. There were no other interested parties in attendance. The hearing lasted from 10:02 a.m. until 10:07 a.m. during which time the Petitioner submitted a site plan which was admitted as Petitioner’s Exhibit 1. Petitioner then explained the basis for the requested variances. After the hearing concluded the undersigned entered an Opinion and Order granting the variance relief. On April 21, 2023 at approximately 6:06 p.m. Karmel Bowling sent an email asking the undersigned to reverse the Opinion and Order and deny the variances. That email will be accepted as a Motion for Reconsideration. Mr. Bowling explained that he was “unable to find link to meeting because Ms. Wiley (an OAH staff member)

sent it so early (at 9:41 a.m.).” Mr. Bowling further explained that he resides next to the subject property and that the construction of the proposed dwelling will “block the sunshine from my home.”

I understand Mr. Bowling’s frustration over missing the hearing but these reasons are not sufficient to warrant reversing the Opinion and Order in this case. I note that the Department of Planning did not oppose the requested variances because, as the planner explained, “the size, location, and setbacks for the proposed dwelling are consistent with the neighborhood . . . and are consistent with those of the existing building to be razed.” I further note that the Petitioner did not seek a height variance so I do not believe the proposed dwelling will block Mr. Bowling’s sunlight any more than is allowed by the Baltimore County zoning regulations. Finally, in the Opinion and Order I conditioned the variance relief on Petitioner’s compliance with numerous environmental regulations requested by the Department of Environmental Protection and Sustainability and these will ensure that Mr. Bowling’s lot is not adversely impacted.

THEREFORE, IT IS ORDERED, this 22Nd day of **May, 2023**, by the Administrative Law Judge for Baltimore County, that the Motion for Reconsideration is hereby **DENIED**.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 23, 2023

Eric Thomas – clearwaterllc@gmail.com
Blackwater Development, LLC
8622 Sandy Plains Road
Dundalk, MD 21222

RE: Petition for Variance
Case No. 2023-0025-A
Property: 8622 Sandy Plains Road

Dear Mr. Thomas:

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, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

c: Donny Ankri – da@donnyankri.com
JP – Jeffrey.pensak@marcusmillichap.com
Karmel Bowling – dundalkmale2@gmail.com

IN RE: PETITION FOR VARIANCE
(8622 Sandy Plains Road)
12th Election District
7th Council District
Blackwater Development, LLC
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2023-0025-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Blackwater Development, LLC (“Petitioner”) for property located at 8622 Sandy Plains Road, Dundalk (“Property”). The Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1: to permit a replacement dwelling with a combined sum of side yard setback of 20 feet and a lot width at the foundation line of 47 feet in lieu of the required 25 feet and 70 feet respectively.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The owner/petitioner, Eric Thomas, appeared on behalf of Blackwater Development, LLC. There were no other interested parties in attendance.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and from the Department of Environmental Protection and Sustainability (“DEPS”). These agencies did not oppose the requested relief, subject to conditions requested by DEPS, which will be imposed.

Mr. Thomas provided the following information with reference to the site plan that was admitted as Petitioner’s Exhibit 1. The property is approximately 8,480 sq. ft. and is zoned DR 3.5. It is located on Sandy Plains Road in Dundalk, Maryland. It is a waterfront lot on Chink

Creek. It is in a tidal floodplain and is subject to the Chesapeake Bay Critical Area, Limited Development Area, and Modified Buffer Area regulations. There is an existing dwelling on the site that is in disrepair and will be razed in order to construct the proposed dwelling. Due to the setback requirements from the water boundary the new dwelling must be moved back several feet from the footprint of the existing dwelling. This causes the need for the side yard setback variance because the lot is wedge shaped and grows narrower toward the rear or street side.

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).

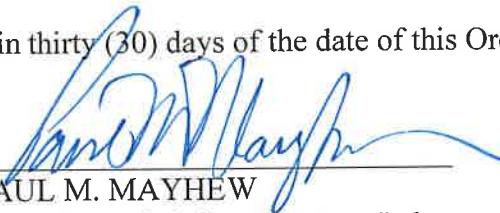
As explained above, the subject site is unique in a number of ways. It is waterfront and subject to numerous environmental restraints. It is also irregularly shaped, which necessitates the variance request. Further, if the variances were denied the Petitioner would suffer practical difficulty and hardship because he would be unable to construct the proposed new dwelling. I find that with the conditions below, which will protect the environment, that the variances are within the spirit and intent of the regulations and that they will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this **23rd day of March, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 1B02.3.C.1: to permit a replacement dwelling with a combined sum of side yard setbacks of 20 feet in lieu of the required 25 feet; and a lot width at the foundation of 47 feet in lieu of the required 70 feet, are hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner shall comply with the ZAC Comments of the Department of Environmental Protection, which are attached hereto and made a part hereof.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm



PETITION FOR ZONING HEARING(S)

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 8622 SANDY PLAINS ROAD DUNDALK MD 21222 Currently Zoned DR 3.5
Deed Reference 45549 / 00348 10 Digit Tax Account # 1202070350
Owner(s) Printed Name(s) BLACKWATER DEVELOPMENT LLC

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

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. 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)

BCZR: 1B02.3.C.1. → To permit a replacement dwelling with a combined sum of side yard setback of 20 feet and a lot width at the foundation line of 47 feet in lieu of the required 25 feet and 70 feet, respectively.

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.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

BLACKWATER DEVELOPMENT, LLC

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

Signature #1

Signature #2

8622 SANDY PLAINS ROAD DUNDALK MD 21222

Mailing Address City State

443-864-8311 CLEARWATERLLC@GMAIL.COM

Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

DONNY ANKRI

Name - Type or Print

Signature

6803 CHEROKEE DRIVE BALTIMORE MD 21209

Mailing Address City State

443-929-2377 DA@DONNYANKRI.COM

Zip Code Telephone # Email Address

CASE NUMBER 2023-0025-A Filing Date 2 / 13 / 23 Do Not Schedule Dates Reviewer JS
3/2022

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

Zoning Property Description For: 8622 SANDY PLAINS ROAD DUNDALK MD 21222

Beginning at a point on the NORTH side of SANDY PLAINS RD which is 30 feet wide at the distance of 580 feet EAST of the centerline of the nearest improved intersecting street LYNCH RD which is 30 feet wide.

2023-0025-A



PETITION FOR ZONING HEARING(S)

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 8622 SANDY PLAINS ROAD DUNDALK MD 21222 Currently Zoned DR 3.5
Deed Reference 45549 / 00348 10 Digit Tax Account # 1202070350
Owner(s) Printed Name(s) BLACKWATER DEVELOPMENT LLC

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

BLACKWATER DEVELOPMENT, LLC
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
Mailing Address 8622 SANDY PLAINS ROAD DUNDALK MD 21222 City _____ State _____
Zip Code _____ Telephone #s (Cell and Home) 443-864-8311 Email Address CLEARWATERLLC@GMAIL.COM

Representative to be contacted:

DONNY ANKRI
Name - Type or Print _____
Signature _____
Mailing Address 6803 CHEROKEE DRIVE BALTIMORE MD 21209 City _____ State _____
Zip Code _____ Telephone # 443-929-2377 Email Address DA@DONNYANKRI.COM

CASE NUMBER 2023-0025-A Filing Date 2 / 13 / 23 Do Not Schedule Dates _____ Reviewer JS
3/2022

THE ZONING HEARING PROPERTY DESCRIPTION

Part A

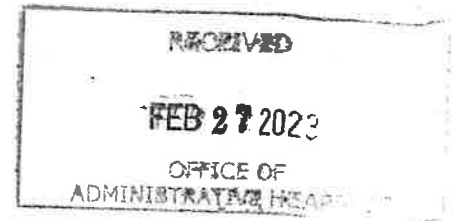
Zoning Property Description For: 8622 SANDY PLAINS ROAD DUNDALK MD 21222

Beginning at a point on the NORTH side of SANDY PLAINS RD which is 30 feet wide at the distance of 580 feet EAST of the centerline of the nearest improved intersecting street LYNCH RD which is 30 feet wide.

2073-0075-A

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: February 24, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0025-A
Address: 8622 Sandy Plains Rd
Legal Owner: Blackwater Development, LLC.

Zoning Advisory Committee Meeting of February 27, 2023.

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) and Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is seeking a special hearing to reduce side yard setbacks. The proposed waterfront setback of the home is at the minimum allowed per MBA regulations, requiring the side yard setback variance. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with mitigation pursuant to Critical Area requirements.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront lot with a 100-foot Critical Area buffer extending onto the property from Chink Creek. The proposed home complies with Critical Area regulations. Meeting buffer requirements, lot coverage requirements, and the 15% afforestation requirement 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 home meets buffer, lot coverage, and afforestation requirements, this development will be consistent with established land-use policies.

Reviewer: Marie Brady

Re-Certification of Posting

Case No. 2022-0025-A



8622 Sandy Plains Road - Southeast side of property (1 of 2)

Richard E. Hoffman (signed) 3/18/23

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No. 2022-0025-A



8622 Sandy Plains Road - Northwest side of property (2 of 2)

Richard E. Hoffman (signed) 3/18/23

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

CERTIFICATION OF POSTING

RE: Case No. 2023-0025 A

Petitioner: Donny Ankri

Hearing Date: 3/21/23

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

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

8622 Sandy Plains Road – Southeast side of property (1 of 2)

8622 Sandy Plains Road – Northwest side of property (2 of 2)

on 3/1/23 and re-photographed on 3/18/23

Sincerely,

Richard E. Hoffman (signed) 3/18/23

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Certification of Posting

Case No. 2022-0025-A



8622 Sandy Plains Road - Southeast side of property (1 of 3)

Richard E. Hoffman (signed) 3/1/23

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certification of Posting

Case No. 2022-0025-A



8622 Sandy Plains Road - Northwest side of property (2 of 3)

Richard E. Hoffman (signed) 3/1/23

Richard E. Hoffman

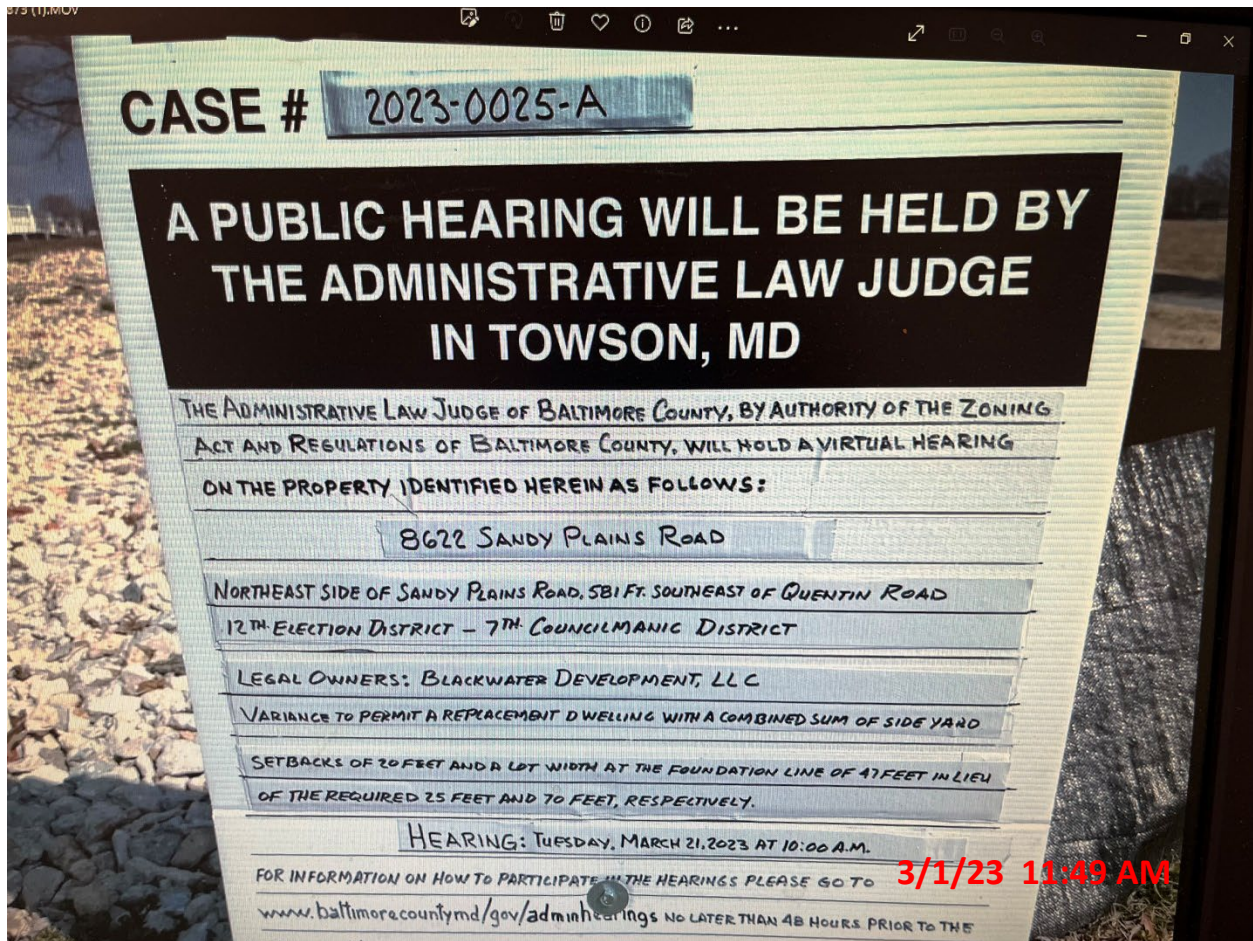
904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certification of Posting

Case No. 2022-0025-A



8622 Sandy Plains Road – Close up of sign wording (3 of 3)

Richard E. Hoffman (signed) 3/1/23

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

CERTIFICATION OF POSTING

RE: Case No. 2023-0025 A

Petitioner: Donny Ankri

Hearing Date: 3/21/23

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

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

8622 Sandy Plains Road – Southeast side of property (1 of 2)

8622 Sandy Plains Road – Northwest side of property (2 of 2)

8622 Sandy Plains Road – Close up of sign wording (3 of 3)

on 3/1/23

Sincerely,

Richard E. Hoffman (signed) 3/1/23

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

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: February 24, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0025-A
Address: 8622 Sandy Plains Rd
Legal Owner: Blackwater Development, LLC.

Zoning Advisory Committee Meeting of February 27, 2023.

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) and Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is seeking a special hearing to reduce side yard setbacks. The proposed waterfront setback of the home is at the minimum allowed per MBA regulations, requiring the side yard setback variance. Based on this, EPS has determined that adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with mitigation pursuant to Critical Area requirements.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront lot with a 100-foot Critical Area buffer extending onto the property from Chink Creek. The proposed home complies with Critical Area regulations. Meeting buffer requirements, lot coverage requirements, and the 15% afforestation requirement 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 home meets buffer, lot coverage, and afforestation requirements, this development will be consistent with established land-use policies.

Reviewer: Marie Brady

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/22/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-025-A

INFORMATION:

Property Address: 8622 Sandy Plains Road
Petitioner: Blackwater Development LLC
Zoning: DR 3.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a Variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a replacement dwelling with a combined sum of side yard setbacks of 20 feet in lieu of the required 25 feet and a lot width at the foundation line of 47 feet in lieu of the required 70 feet.

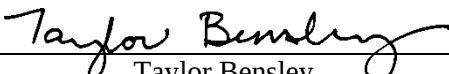
The subject site is an 8,480 square foot irregularly shaped parcel along Chink Creek. The site is currently improved with a two-story, single family detached dwelling. Surrounding uses include single family detached dwellings on various sized lots; many other lots are irregularly shaped due to their waterfront nature. The petitioner proposes razing the existing dwelling and constructing a new, three-story, single family detached dwelling on the lot.

The site is within the boundaries of the following community plans: the Eastern Baltimore County Revitalization Strategy, the Eastern Baltimore County Pedestrian and Bicycle Access Plan, and the Greater Dundalk-Edgemere Community Conservation Plan. The site is also within the boundary of the Greater Dundalk Sustainable Community.

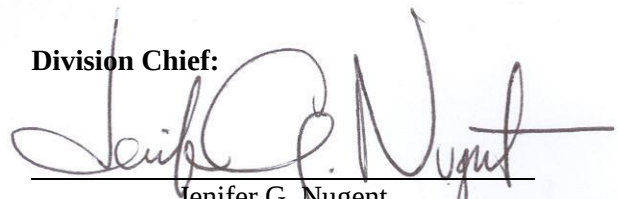
The Department of Planning has no objections to the requested relief. The size, location, and setbacks of the proposed dwelling are consistent with the neighborhood. Further, the side yard setbacks for the proposed dwelling are consistent with those of the existing dwelling to be razed.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:


Taylor Bensley

Division Chief:


Jenifer G. Nugent

SL/JGN

c: Donny Ankri
David Birkenthal
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
8622 Sand Plains Road; NE/S of Sandy Plains *
581' SE of Quentin Road * OF ADMINISTRATIVE
12th Election & 7th Councilmanic Districts
Legal Owner(s): Blackwater Development LLC* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2023-025-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/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Donny Ankri, 6803 Cherokee Drive, Baltimore, Maryland 21209, DA@donnyankri.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
323 Riverside Drive; NE/S of Riverside Drive, *
195' NW of Cedar Avenue * OF ADMINISTRATIVE
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Sandra Rivera * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2023-026-SPH

* * * * *

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/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Leah Biddinger, President, Sussex Community Associations, Inc., 327 Margaret Avenue, Essex, MD 21221, Leahmbiddinger@gmail.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
1309 Malvern Avenue; SE/S of Malvern *
Avenue, SW 125' to c/line of Ruxton Road * OF ADMINISTRATIVE
9th Election & 2nd Councilmanic Districts *
Legal Owner(s): Robert Williams * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2023-028-SPH

* * * * *

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/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to Austin Childs, 16850 Gerting Road, Monkton, Maryland 21111, achildsaia@msn.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING February 20, 2023
FORMAL OR INFORMAL RESPONSE DUE AT February 27, 2023 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: 2023-0025-A **Reviewer:** Jason Seidelman

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

Type: VARIANCE

Legal Owner: Blackwater Development, LLC

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 8622 SANDY PLAINS RD

Location: Property located on the Northeast side of Sandy Plains (40 feet), 581 feet Southeast of Quentin Rd. (60 feet).

Existing Zoning: DR 3.5

Area: 8,480 SQ FT.

Proposed Zoning:

VARIANCE:

BCZR 1B02.3.C.1: To permit a replacement dwelling with a combined sum of side yard setback of 20 feet and a lot width at the foundation line of 47 feet in lieu of the required 25 feet and 70 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0026-SPH **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Sandra Rivera
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 323 RIVERSIDE DR

Location: Property located beginning at the Northeast side of Riverside, 195 feet Northwest of Cedar Ave.

Existing Zoning: DR 5.5 **Area:** 39,878 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To determine the following:

- 1.) Is the current use of the property as a storage lot for vehicles in compliance with its DR 5.5 zoning?
- 2.) Is the current use of the property commercial in nature and in violation of its DR 5.5 zoning?
- 3.) Does the current storage of inoperable vehicles on the property constitute a violation of BCZR Section 428.1?
- 4.) Does the property and its usage otherwise comply with all other applicable Baltimore County Zoning Regulations?

Attorney: Not Available

Prior Zoning Cases: 2007-0326-A

Concurrent Cases: None

Violation Cases: cc2214605

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0027-A **Reviewer:** Jason Seidelman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Michael and Lauren Andrews
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 6 **Council Dist:** 3

Property Address: 10 TIMBERSHED CT

Location: Property located on the Northwest side of Timbershed Ct. (50 feet), 2210 feet Southwest of Slab Bridge Rd.

Existing Zoning: RC 8 (RC 4) **Area:** 2.95 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and 400.3: To permit an accessory building (detached garage) to be located in the front/side yards with a height of 22 feet in lieu of the required rear yard placement and maximum height of 15 feet, respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/13/2023

Miscellaneous Notes:

Case Number: 2023-0028-SPH **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Robert Williams
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** Yes **Historic:** No **Election Dist:** 9 **Council Dist:** 2

Property Address: 1309 MALVERN AVE

Location: Property located on the Southeast side of Malvern Ave. Southwest 125 feet to centerline of Ruxton Rd.

Existing Zoning: DR 2 **Area:** 1.65 ACRES

Proposed Zoning:

SPECIAL HEARING:

Special Hearing/Waiver from Section 500.7 of BCZR; Building Code Parts 123, 124, 125; and BCC Sections 32-4-414, 32-4-107 (a) (2), and 32-8-301: To permit a proposed second story addition on an existing house which is partially located in a riverine floodplain.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0029-A **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Douglas and Amy Honbarrier
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 12538 REGWOOD RD

Location: Property located on the West side of Regwood Rd.; 75 feet South of Upland Rd.

Existing Zoning: RC 5; RC 2

Area: 3.31 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1: To allow an accessory structure (detached garage) in the side yard in lieu of the required rear yard.

BCZR 400.3: To allow an accessory structure (detached garage) with a height of 28 feet in lieu of the required 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/13/2023

Miscellaneous Notes:

**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: 2023-0025-A

Property Address: 8622 SANDY PLAINS ROAD DUNDALK MD 21222

Property Description: _____

Legal Owners (Petitioners): BLACKWATER DEVELOPMENT LLC C/O ERIC THOMAS

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: BLACKWATER DEVELOPMENT LLC C/O ERIC THOMAS

Company/Firm (if applicable): _____

Address: 931 SAHLIN FARM ROAD ANNAPOLIS MD 21401

Telephone Number: 443-864-8311

Revised 7/9/2015

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 12 Account Number - 1202070350	
Owner Information		
Owner Name:	BLACKWATER DEVELOPMENT LLC	Use: RESIDENTIAL
Mailing Address:	931 SAHLIN FARM RD ANNAPOLIS MD 21401-	Principal Residence: NO Deed Reference: /45549/ 00348
Location & Structure Information		
Premises Address:	8622 SANDY PLAINS RD DUNDALK 21222- Waterfront	Legal Description: LT BEAR CREEK 8622 SANDY PLAINS RD NS N OF SANDY PLAINS RD
Map:	Grid:	Parcel:
0104	0019	0185
Neighborhood:	Subdivision:	Section:
12030051.04	0000	
Block:	Lot:	Assessment Year:
		2021
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
	8,480 SF	34
Stories	Basement	Type Exterior
		Quality Full/Half Bath
		Garage Last Notice of Major Improvements
Value Information		
	Base Value	Value
		As of
		01/01/2021
Land:	122,100	122,100
Improvements	5,500	6,000
Total:	127,600	128,100
Preferential Land:	0	0
		147,033
		128,100
Transfer Information		
Seller: RHODES FRANK EDWARD JR	Date: 10/01/2021	Price: \$191,000
Type: ARMS LENGTH IMPROVED	Deed1: /45549/ 00348	Deed2:
Seller: DAUGHERTY BARBARA BROSE	Date: 05/15/2000	Price: \$60,000
Type: NON-ARMS LENGTH OTHER	Deed1: /14468/ 00080	Deed2:
Seller: BROSE EVELYN A	Date: 01/04/1994	Price: \$28,500
Type: NON-ARMS LENGTH OTHER	Deed1: /10258/ 00450	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2022
County:	000	0.00
State:	000	0.00
Municipal:	000	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:		

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 218957

Date: 2/10/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00
Total:								\$ 75.00

Rec From: DONNY ANKRI ARCHITECTS

For: 2023-0075-A

8622 SANDY PLAINS

JSS

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

DONNY ANKRI ARCHITECTS

6803 CHEROKEE DRIVE
BALTIMORE, MD 21209

1147



65-270/550

Date 1/25/2023

Pay to the order of Baltimore County

\$75.00

— seventy five only —

00
100

Dollars



Security Features
Included.
Details on Back.

SUNTRUST

ACH RT 061000104

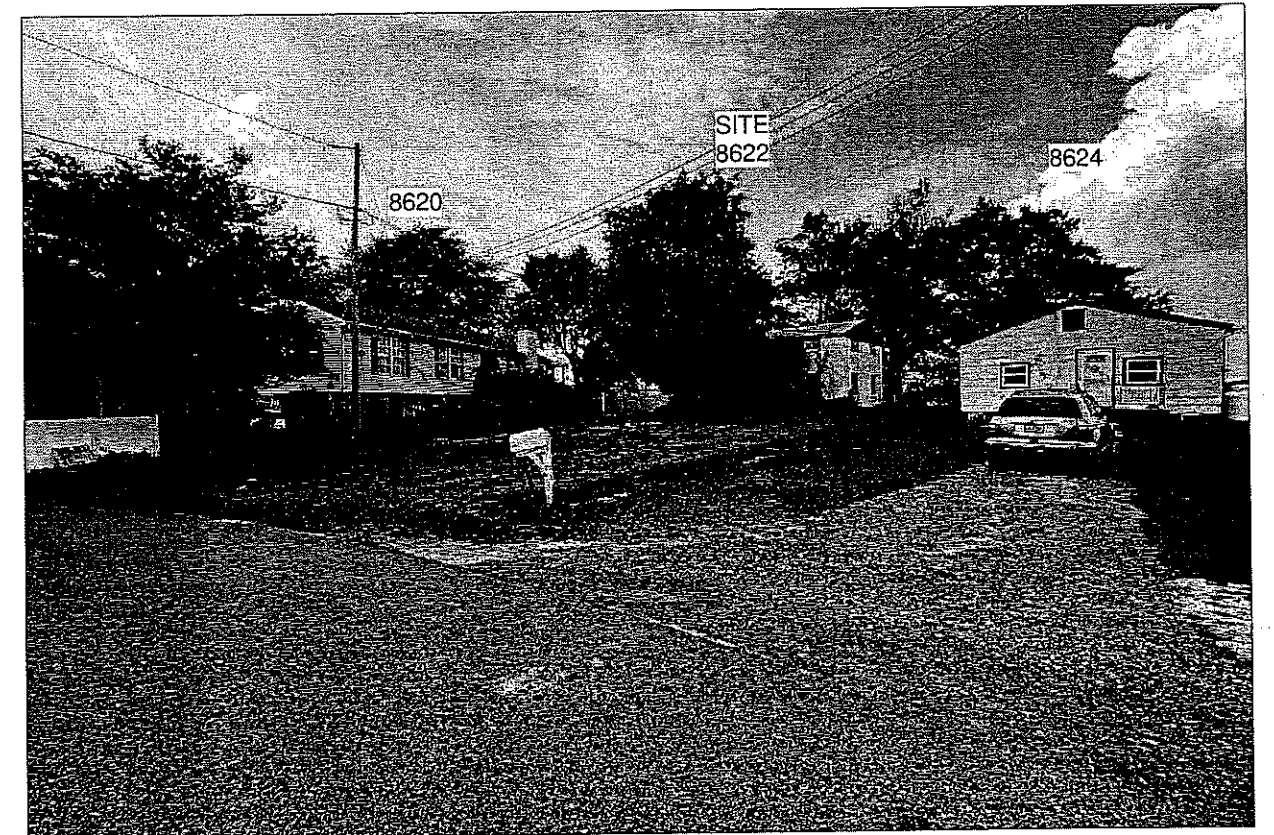
For Thomas Variance 8622 Sandy Plains Rd.

MP

7 CD



EXISTING AERIAL VIEW



EXISTING HOUSE (VIEW FROM STREET)



EXISTING HOUSE (VIEW FROM WATER)

ADMINISTRATIVE VARIANCE:
8622 SANDY PLAINS RD, DUNDALK MD 21222
BALTIMORE COUNTY

PROJECT SCOPE:

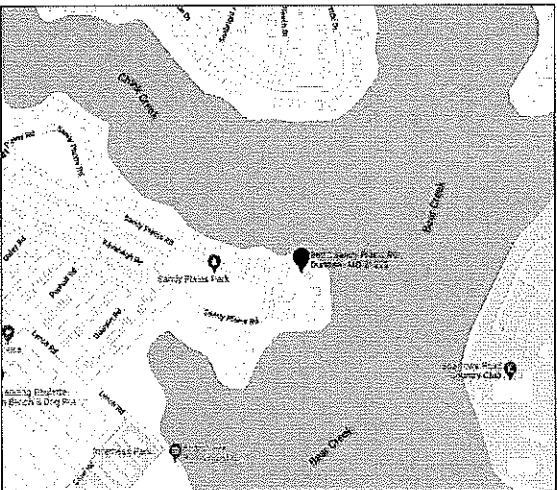
NEW 3-STORY SINGLE-FAMILY HOUSE W/ DECK. EXISTING 2-STORY HOUSE RAZED.
NEW HOUSE (NOT INCLUDING THE DECK) DOES NOT PROPOSE TO GO CLOSER TO THE
WATER EDGE THAN THE EXISTING HOUSE.

VARIANCE IS REQUIRED FOR SIDE SETBACKS. FRONT (WATER) SETBACK TYPICALLY
HAS A 100 FT SETBACK BUT ENVIRONMENTAL DEPT PROVIDED AN EMAIL STATING 48
FT IS ACCEPTABLE.

REQUIRED SETBACKS:

FRONT (WATER): 30'
FRONT (WATER) PER ENVIRONMENTAL: 48'
SIDE: 10' MIN (SUM 25')
REAR (STREET): 30'

SEE DRAWINGS FOR PROPOSED SETBACKS

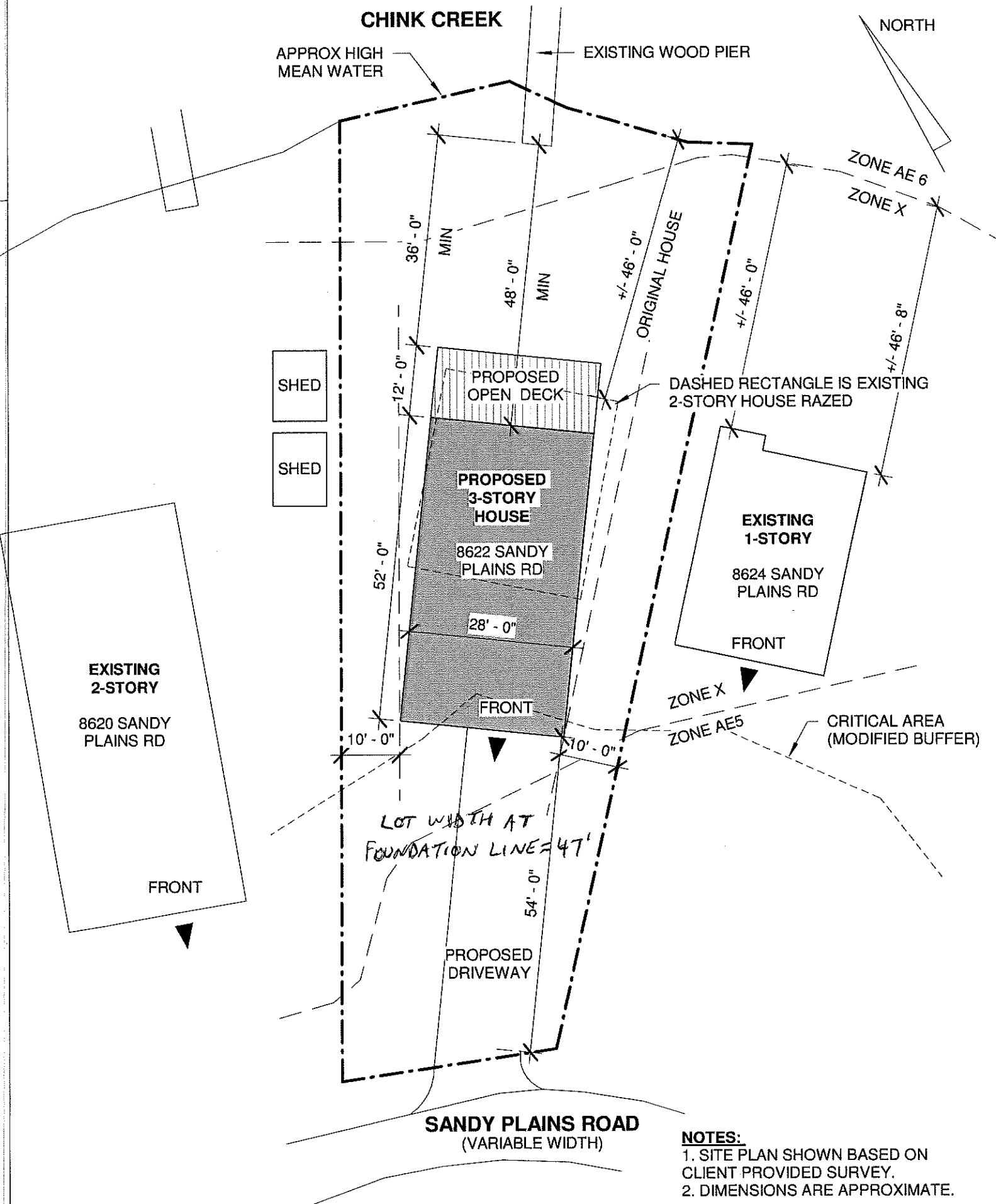


VICINITY PLAN (NORTH UP, NTS)

DRAWN BY:
DONNY ANKRI ARCHITECTS
CONTACT:
PH: 443-929-2377
EMAIL: DA@DONNYANKRI.COM
DATE: 02/09/2023

ADDRESS:
8622 SANDY PLAINS ROAD DUNDALK MD 21222 (WATERFRONT)
OWNER:
BLACKWATER DEVELOPMENT LLC
USE:
SINGLE FAMILY DWELLING
SUBDIVISION: LT BEAR CREEK
LOT#: NOT ON SDAT
PARCEL#: 185
BLOCK#: NOT ON SDAT
SECTION#: NOT ON SDAT
PLAT BOOK#: NOT ON SDAT
PLAT FOLIO#: NOT ON SDAT
10 DIGIT TAX ID#: 1202070350
DEED REF#: 45549 / 00348
MAP#: 104
ZONE: DR 3.5
ELECTION DISTRICT: 12
COUNCIL DISTRICT: 7
LOT AREA: 8,480 SQ. FT.
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? YES
UTILITIES? MARK X
SEWER IS:
PUBLIC ☒ PRIVATE ☐
SEWER IS:
PUBLIC ☒ PRIVATE ☐
PRIOR HEARING? NO

8622 SANDY PLAINS ROAD DUNDALK MD 21222 - BALT. COUNTY



NOTES:
1. SITE PLAN SHOWN BASED ON
CLIENT PROVIDED SURVEY.
2. DIMENSIONS ARE APPROXIMATE.

A1 SITE PLAN - NEW
1" = 20'-0"