



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 26, 2023

Leah Biddinger – leahmbiddinger@gmail.com
Sussex Community Association, Inc.
327 Margaret Avenue
Essex, MD 21221

RE: Petition for Special Hearing
Case No. 2023-0026-SPH
Property: 323 Riverside Drive

Dear Ms. Biddinger:

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, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure
c: *See next page*

Sandra Rivera – 323 Riverside Drive, Essex, MD 21221
Marisa Merrick – mmerrick@baltimorecountymd.gov
Kathleen Walker Beard – tombeardevt82@yahoo.com
Terry Horrocks – thorrocks67@gmail.com
Kaitlyn Dorn – dornfamily0330@gmail.com
David Tomma – najib1943@gmail.com
Bernie and Sharon Faloney - sfaloney@icloud.com
Dawn Hirsch – dawnhirsch78@yahoo.com
Tita – suretosure@yahoo.com
Michael Ruby – mildmannerecomm@aol.com
Kevin McDonough – kevinmcdonough@comcast.net
Devin Crum – devin.crum114@gmail.com
James Sills – jamesills96@gmail.com
Code Enforcement - paiefenforce@baltimorecountymd.gov

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(323 Riverside Drive)		
15 th Election District	*	OFFICE OF
7 th Council District		
Sandra Rivera	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Sussex Community Association, Inc.	*	FOR BALTIMORE COUNTY
<i>Petitioner</i>		
	*	Case No. 2023-0026-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by Sussex Community Association, Inc., (“SCA”), Leah Biddinger, Kathaleen Walker Beard, Terry Horrocks, Katlyn Dorn, David Tooma, Bernie and Sharon Faloney and Dawn Hirsch. The Petition seeks relief from Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) for a legal determination of the following questions:

- 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?

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and from the Department of Environmental Protection and Sustainability (“DEPS”).

The following were in attendance at the hearing: Leah Biddinger from Sussex Community Association, Inc. and Terry Horrocks, the resident of the property directly across Riverside Drive from the subject property. Tenant of the subject property, Tita Nwanna was also in attendance,

while Assistant County Attorney, Marissa Merrick, appeared on behalf of Baltimore County.

HEARING EVIDENCE

The subject property is in the Essex Community. It is approximately 39,878 sq. ft., 0.915 acres and is zoned DR 5.5. The site is improved with a single family detached dwelling, which the Maryland Department of Assessments and Taxation lists as being homeowner occupied. The property has a fence enclosing the front yard and a gated driveway. The property has prior zoning, Case No. 2007 -0326 A, which approved the construction of a fence with 10 feet of the adjoining front yard property line with a height of 72 inches in lieu of the permitted 42 inches. Baltimore County Citizen Access shows over 19 Code Enforcement Complaints for the property from December 2006 to November 2022. The majority of these complaints stem from untagged and inoperable vehicles being parked on the property. The property is surrounded by the DR 5.5 zone and single family detached dwellings. There have been 10 Code Enforcement violations since August of 2020 for which no one has appeared to respond to the citations from the subject property and fines and liens have been assessed.

Ms. Biddinger submitted into evidence aerial photos of the subject property dated January 22, 2023 which illustrated the presence of at least 15 cars, a limousine, RV, and a boat on this date. (Pet. Ex 4-1 through 4-7). She described that there is a stream that intersects the subject property that drains into Back River. (Pet. Ex. 4-9). Ms. Biddinger explained that trucks hauling car-carrier trailers deliver and remove vehicles from the subject property sometimes several times a week and at times varying throughout the day and night. She provided photos of such a trailer on Baltimore County property located across from the subject site, where she explained that disabled vehicles were often delivered, worked-on, and then driven onto the subject property. (Pet. Ex. 4-9 through 4-12). Pet Ex. 13 illustrates vehicles delivered directly in front of the

subject property, one with an out-of-state license plate and one appearing to be untagged. Ms. Biddinger provided another aerial photo of the property where as many as 31 cars are parked on the site. (Pet. Ex 4-23.)

Ms. Biddinger provided a photograph of a truck which she described as delivery vehicles to the subject property on multiple occasions and has been seen parked in other locations in the community. The company name on this truck is "London Towing and Transport & Roadside Assistance (Expedited Vehicle Shipping anywhere in the USA, (Pet. Ex 4-24). This vehicle displayed a USDOT number of 2499673. (Pet. Ex 4-25). A check of the Safer website reveals that this vehicle is listed to London Auto Sales Inc. (Pet. Ex. 4-30). A check of the Maryland SDAT website reveals that "London Auto Sales, Inc." has a resident agent listed as Tita Nwanna. (Pet. Ex 4-31).

Ms. Biddinger testified that vehicles often arrive on the car carrier in an inoperable condition and have to be worked on to be driven onto the subject property. Ms. Biddinger provided a photo of a car, still on the carrier, receiving a hot shot from another vehicle near the subject property. (Pet. Ex 4-12).

Terry Horrocks, who has lived directly across Riverside Drive from the subject property since 2018, testified that he sees car carriers delivering cars to the subject property several times a week. He noted that these vehicles sometimes have Florida license tags. He explained that on occasion wrecked cars have been left outside the subject property, along Riverside Drive. He states that these vehicles sometimes stay for several weeks. Mr. Horrocks expressed his environmental concerns that the apparent unregulated commercial use of the subject property for the storage of vehicles may cause to pollute the stream that leads to Back River. Mr. Horrocks commented that he has cordial interaction with the residents of the subject property and the

individuals who deliver vehicles to the subject property, who at times, have blocked the entrance to Mr. Horrocks' property.

Tita Nwanna, tenant of 323 Riverside Drive, testified regarding his use of the subject property. Mr. Nwanna testified that he has lived at the property for approximately three years and has two brothers who are tenants at the property as well. Mr. Nwanna explained that he and his brothers are car enthusiasts and own several cars among them. He explained that his one brother, owned four cars, but was unable to identify the make and model of these vehicles. He explained that his brother has owned these four cars for over three years. He stated that his other brother owned five cars and Mr. Nwanna was able to specifically describe 3 of these vehicles as two Toyotas and one Nissan. Mr. Nwanna testified to owning 10 vehicles which he often transports to car shows. When asked to identify the make of these vehicles, he testified to specifically owning a limousine, a Suburban, a GMC, 2 Dodge Chargers, 2 Dodge Challengers and 3 Dodge Rams (totaling 8 cars). He explained that the last car show he attended was in Atlanta. Mr. Nwanna stated that he is not presently employed and spends his time with his children and working on his cars. When asked about the truck with the "London" insignia he explained that the truck and trailer were his and used for transporting cars but was not used for business purposes. When first questioned as to whether "London" was registered with Maryland SDAT he answered in the negative. When confronted with the fact that this truck was registered to "London Auto Sales, Inc." he explained that the truck was just for personal use and that he was only the registered agent for "London Auto Sales, Inc.". SDAT Articles of Incorporation reflect that Mr. Nwanna was an incorporator and a director of London Auto Sales Inc. The use of the Corporation provided in these Articles of Incorporation was "to provide automotive services to the general public, including, without limitation sales, service, and rental and related services.

When asked about the photos and testimony regarding vehicles being delivered to his property, he explained that only his cars returning from show are transported to his property and that the photos and videos entered into evidence did not specifically show the vehicles being taken into his property. He further opined that the car trailers spotted traveling on Riverside Drive were going to and from “Kings Motors” that is located nearby. Mr. Nwanna continued to assert that all vehicles located on his property are lawfully tagged and licensed.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A Special Hearing under BCZR Section 500.7 is effectively a request for declaratory judgment. *Antwerpen v. Baltimore County*, 163 Md. App. 194, 209 (2006). Here the Petitioner seek a declaration that the alleged use of the subject property as a storage lot for vehicles is not in compliance with its DR 5.5 zoning, the current use of the property is commercial in nature and in violation of its DR 5.5 zoning; and that the alleged current storage of inoperable vehicles on the property constitutes a violation of BCZR Section 428.1.

A decision on the Petitioner’s Request for Special Hearing must be based on the relevant evidence presented during the hearing before the ALJ. Maryland Rule 5-401 defines relevant evidence as “evidence having any tendency to make the existence of any fact that is consequence to the determination of the action more probable or less probable than it would be without the evidence.” Relevant evidence can be both direct or circumstantial.

The Maryland Panel Jury Instructions defines direct and circumstantial evidence as follows:

There are two types of evidence--direct and circumstantial. An example of direct evidence that it is raining is when you look out the courthouse window and see that it is raining. An example of circumstantial evidence that it is raining is when you see someone come into the courthouse with a raincoat and umbrella that are dripping water.

The law makes no distinction between the weight to be given to either direct or circumstantial evidence. No greater degree of certainty is required of

circumstantial evidence than of direct evidence.

MPJI -Cr 3:01.

A. Is the current use of the Subject Property commercial in nature and in compliance with its DR 5.5 Zoning?

The general uses in D.R. zones include, but are not limited to, uses such as residential dwellings, trailers, mobile homes, churches, farms, garages, hospitals, local open space, private day care or nursery programs, and schools. Uses permitted by Special Exception include, but are not limited to: camps, conservatories, community buildings, community care centers, funeral establishments, television studios and volunteer fire stations. An automobile storage lot is neither permitted by right nor Special Exception in the D.R. 5.5 Zone (BCZR Section 1B01.1). As there is no specific Baltimore County regulation limiting the number of operable automobiles parked on a residential property, the relevant factual determination to be made in the requested Special Hearing relief is whether the storage of vehicles at the subject property is commercial in nature.

In reviewing the aerial photos of the subject site entered into evidence by the Petitioner, the number of vehicles present has varied from approximately 15 to over 30. (Pet. Ex 4-2, 4-7, and 4-23). While not dispositive of the issue, it is logical to conclude that this number of vehicles is not normally found on a residential property.

Both Ms. Biddinger and Mr. Horrocks testified to seeing cars being delivered by trailer to the subject property on a regular, if not weekly, basis. These cars are sometimes inoperable and display out of state tags. Mr. Horrocks testified to wrecked vehicles being left on the road outside the subject property as well. Both the frequency of cars being delivered and the condition of these vehicles is inconsistent with Mr. Nwanna's testimony that he and his brothers own a finite number of vehicles that he transports to "shows."

When initially questioned regarding his vocation, Mr. Nwanna testified that he was not employed, but rather took care of his children and worked on his cars. Mr. Nwanna was specifically asked whether he had a car business registered with the Maryland Department of Assessment and Taxation (“SDAT”), to which he responded in the negative. When asked about his connection to the truck with the “London” insignia often seen delivering vehicles to his property, he replied that “my company is called London” but that the truck was his for personal use. He still denied that the truck was used for business purposes, but rather used to transport his cars to shows. When asked to provide a description of the cars located on his property, Mr. Nwanna described that he owned 10, one brother owned 5 and his other brother owned 4, totaling 19 cars. When asked again how many vehicles were on his property presently when all cars were present, he stated “12 or 13, 15 at most.”

When Ms. Biddinger, on cross examination, presented Mr. Nwanna with information from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, Safety and Fitness Electronic Records (“SAFER Web”) showing that the truck was owned by London Auto Sales, Inc., he continued to assert that it was only for private use. When confronted with the fact that London Auto Sales, Inc. was a business listed with SDAT, he asserted that he only served as the company’s resident agent. This testimony is inconsistent with SDAT records showing him as an incorporator and director of the corporation.

Due to the contradictory and inconsistent testimony of Mr. Nwanna, and the circumstantial inferences that can be drawn by the regular transport of various vehicles to and from the subject property, and the number of vehicles stored on the property, I find that Mr. Nwanna’s assertion that he is not using the subject property in conjunction with a commercial operation lacks credibility. While Mr. Nwanna is not the owner of the subject property, his use of the property for

vehicle storage for commercial purposes is inconsistent with uses designated for D.R. zones and constitutes a violation of D.R. 5.5 Zoning. Consequently, I find that the Petitioners' Request for Special Hearing relief is granted as to whether the use of the subject property as a storage lot for vehicles is in compliance with its DR 5.5 zoning, and whether the current use of the property is commercial in nature and in violation of its DR 5.5 zoning.

B. Is the alleged current storage of inoperable vehicles on the property constitutes a violation of BCZR Section 428.1.?

BCZR Section 428.1 addressing the storage of inoperative and unlicensed motor vehicles on residential lots reads as follows:

Section 428.1. - Vehicle storage on residential lots.

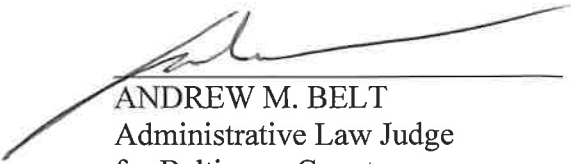
- A. An inoperative motor vehicle may not be stored outside on a residential lot.
- B. An unlicensed motor vehicle may not be stored outside on a residential lot except under the following conditions:
 - 1. Outside storage (i.e., not within a fully enclosed structure) for a period not exceeding 15 days, unless extended by the Zoning Commissioner, in any calendar year is permitted for no more than one such vehicle per dwelling unit per year.
 - 2. The vehicle may not be stored in a front or side yard unless placed in a driveway or other off-street parking area, and the vehicle may not be stored in a rear yard unless placed at least eight feet from any property line.
 - 3. The owner of the vehicle must reside on the lot upon which the vehicle is stored.
 - 4. The vehicle may not be used or dismantled for parts.
- C. Nothing contained in Subsection B shall be construed to prohibit the outside storage of unlicensed but operative farm tractors or farm equipment actually and regularly used on a farm, farmette or satellite farm.

The subject property has been previously cited by Code Enforcement for the presence of unlicensed vehicles. Testimony provided by Ms. Biddinger and Mr. Horrocks clearly illustrated that inoperable vehicles are often brought to the subject property and stored within. What could not be substantiated by the Petitioner is whether such vehicles are presently on the subject property. To determine whether such a violation is presently taking place requires a first-hand inspection of such vehicles to assess whether they are properly licensed and operable. I believe such a determination is better served by the contemporaneous observations of Code Enforcement officials when possible. While I am able to grant Special Hearing relief in declaring that the storage of inoperable vehicles on the subject property constitutes a violation of BCZR Section 428.1, I decline to declare that such vehicles are currently on the subject property.

THEREFORE, IT IS ORDERED this 26th day of **December, 2023** by this Administrative Law Judge that the Petition for Special Hearing is hereby **GRANTED**, and it is hereby **DECLARED** as follows:

- 1.) The current use of the property as a storage lot for vehicles is not in compliance with its DR 5.5 zoning.
- 2.) The current use of the property is commercial in nature and in violation of its DR 5.5 zoning.
- 3.) The storage of inoperable vehicles on the property constitutes a violation of BCZR Section 428.1, **however**, I am unable to declare that such vehicles are present on the property at this time.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

23-0106 SC



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 323 Riverside Drive - Essex, Maryland 21221 Currently Zoned DR 5.5
Deed Reference 42198 / 00363 10 Digit Tax Account # 1513751321
Owner(s) Printed Name(s) Sandra Rivera

(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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED

2. _____ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. _____ a **Variance** from Section(s)

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)

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).

Legal Owner

Sandra Rivera

Name - Type or Print
N/A
Signature
323 Riverside Drive | Essex, Maryland
Mailing Address City State
21221 / Unknown / Unknown
Zip Code Telephone # Email Address

Attorney for Petitioner:

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

Petitioners):

Name #1 - Type or Print Name #2 - Type or Print
Signature #1 SEE ATTACHED Signature #2
Mailing Address City State
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Sussex Community Association Inc., Lead Bidding- President

Name - Type or Print
Leah Biddinger
Signature
327 Margaret Avenue | Essex, Maryland
Mailing Address City State
21221 / 410.622.9527 / leahmbiddinger@gmail.com
Zip Code Telephone # Email Address

Case Number 2023-0026-SPH Filing Date 2/10/23 Do Not Schedule Dates _____ Reviewer SC

Revised 8/2022

Petition for Special Hearing - 323 Riverside Drive | Essex, Maryland 21221

A Special Hearing under section 500.7 of the Baltimore County Zoning Regulations is requested 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?

Petitioners:



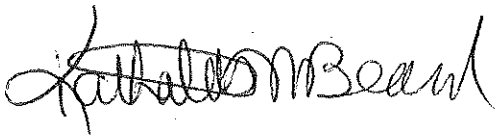
Sussex Community Association Inc.

Leah Biddinger, President

327 Margaret Avenue

Essex, Maryland 21221

leahmbiddinger@gmail.com | 410.622.9527

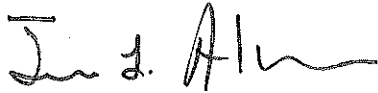


Kathaleen Walker Beard

318 Lorraine Avenue

Essex, Maryland 21221

tombeardvt82@yahoo.com | 410.336.1167



Terry Horrocks

326 Riverside Drive

Essex, Maryland 21221

thorrocks67@gmail.com | 443.987.0482

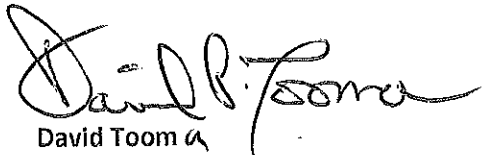
3211

2023-0026-SPH

Petitioners Continued:



Kaitlyn Dorn
313 Riverside Drive
Essex, Maryland 21221
dornfamily0330@gmail.com | 443.739.7476



David Toom
302 ½ Riverside Drive
Essex, Maryland 21221
najib1943@gmail.com | 410.733.4041



Bernie & Sharon Faloney
318 Riverside Drive
Essex, Maryland 21221
sfaloney@icloud.com | 410.360.6180



Dawn Hirsch
307 Riverside Drive
Essex, Maryland 21221
dawnhirsch78@yahoo.com | 443.319.2057

**ZONING DESCRIPTION
#323 RIVERSIDE DRIVE**

BEGINNING at a point on the northeast side of Riverside Drive which is 50 feet wide at the distance of 197.5 feet northwest of the centerline of Cedar Avenue which is 50 feet wide. Being Lots 23, 24, and 25, Block 21, in the subdivision of Essex as recorded in the Baltimore County Plat Book #9, Folio #74, containing 39,878 square feet, more or less. Also known as #323 Riverside Drive and located in the 15th Election District, 7th Councilmanic District.

CERTIFICATE OF POSTING

CASE NO. 2023-0026-SPH

PETITIONER/DEVELOPER

Leah Biddinger

DATE OF HEARING/CLOSING

December 11, 2023

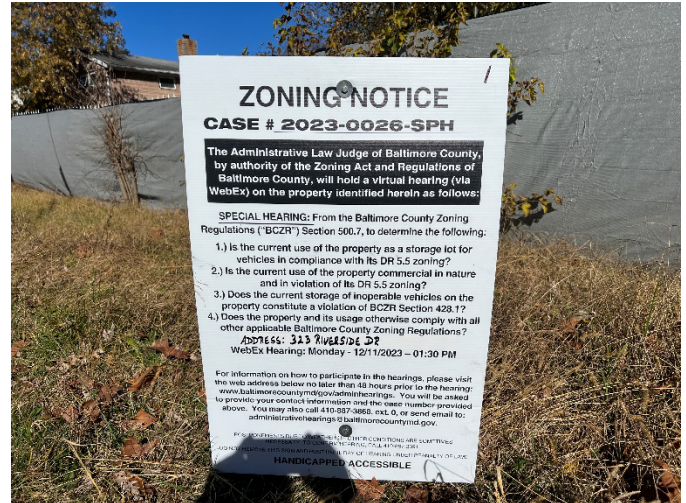
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

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

323 Riverside Drive

Sign 1



THE SIGN(S) POSTED ON November 18, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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: 2023-026-SPH

INFORMATION:

Property Address: 323 Riverside Drive
Petitioner: Sussex Community Association Inc. et al.
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine:

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

The subject site is approximately 0.915 acres zoned DR 5.5. It is improved with a single family detached dwelling, which the Maryland Department of Assessments and Taxation lists as being homeowner occupied. The property has a fence enclosing the front yard and a gated driveway. 2022 aerial imagery of the property, obtained from Google Maps, shows that the property had many vehicles parked on the property. Google Streetview from July 2022 shows three vehicles parked in the front yard. It is unknown if the vehicles are properly tagged or operational. The property has one past Variance – Case 2007-0326-A, which was approved to permit a fence within 10 feet of the adjoining front yard property line with a height of 72 inches in lieu of the permitted 42 inches. Baltimore County Citizen Access shows 19 Code Complaints for the property, ranging from December 2006 to November 2022. The majority of the complaints relate to untagged and inoperable vehicles being parked on the property. The property is surrounded by the DR 5.5 zone and single family detached dwellings.

The site is within the boundaries of the Community Conservation Plan for Essex-Middle River, the Eastern Baltimore County Revitalization Strategy, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The Community Conservation Plan for Essex-Middle River Land Use Map shows the property as to be used residentially. When discussing land use, the Plan specifically states “proper land use promotes stability and controlled growth” (page 19).

In general, the DR 5.5 Zone is intended for residential uses. Per Section 1B01.1 of the Baltimore County Zoning Regulations, other uses permitted by a matter of right include, but are not limited to: trailers or mobile homes, churches, farms, garages, hospitals, local open space, private day care or nursery programs, certain child care center, some research institutes, schools, and accessory structures. Uses permitted by Special Exception include, but are not limited to: camps, conservatories, community buildings, community care centers, funeral establishments, television studios, and volunteer fire stations.

Based on the Department of Planning's review of the submitted petition and the Zoning Regulations, the use of the property as a storage lot is not consistent with the DR 5.5 zoning.

Section 428.1 of the Baltimore County Zoning Regulations states:

- A. An inoperative motor vehicle may not be stored outside on a residential lot.
- B. An unlicensed motor vehicle may not be stored outside on a residential lot except under the following conditions:
 - 1. Outside storage (i.e., not within a fully enclosed structure) for a period not exceeding 15 days, unless extended by the Zoning Commissioner, in any calendar year is permitted for no more than one such vehicle per dwelling unit per year.
 - 2. The vehicle may not be stored in a front or side yard unless placed in a driveway or other off-street parking area, and the vehicle may not be stored in a rear yard unless placed at least eight feet from any property line.
 - 3. The owner of the vehicle must reside on the lot upon which the vehicle is stored.
 - 4. The vehicle may not be used or dismantled for parts.

Based on the information submitted with the petition, the past Code Complaints for the property, and imagery of the property provided by Google Maps and Google Streetview, the Department of Planning believes the use is likely in violation of Section 428.1 of the BCZR.

Regarding the question of the use being commercial in nature and if the property and its usage otherwise comply with the applicable Baltimore County Zoning Regulations, the Department defers to the Administrative Law Judge. Should the use be considered commercial, the Department of Planning finds that would be a violation of the DR 5.5 zoning.

The Department of Planning would like to note the properties close proximity to Back River. Although the property is not waterfront, the properties across the street are. The Department of Planning has concerns that the storage of vehicles, especially inoperable vehicles that are sitting indefinitely, could create an adverse environmental impact.

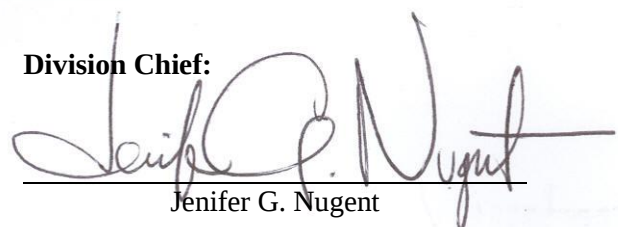
Should the Administrative Law Judge find the property as in violation of the DR 5.5 zone, the Department of Planning recommends use of the property as a storage lot be terminated.

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: Sussex Community Association Inc., c/o Leah Biddinger, President
David Birkenthal
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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 # 2023-0026-SPH
Address: 323 Riverside Dr.
Legal Owner: Sandra Rivera

Zoning Advisory Committee Meeting of February 27, 2023.

X 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 an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements. Any proposed development of the property must meet IDA requirements for 10% pollution reduction. The lot is not waterfront but a stream is present on the property. A 100-foot non-disturbance buffer off the stream is required. Any proposed or ongoing impact to the buffer requires a Critical Area Administrative Variance. If the applicant complies with any mitigation required to meet 10% pollution reduction and 100-foot buffer requirements, the requested amendment will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Any new development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation requirement for 10% pollution reduction and complies with 100-foot buffer requirements, 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 the IDA requirements for 10% pollution reduction for any new development and that 100-foot buffer requirements are met, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 2/24/23

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: 2023-026-SPH

INFORMATION:

Property Address: 323 Riverside Drive
Petitioner: Sussex Community Association Inc. et al.
Zoning: DR 5.5
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine:

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

The subject site is approximately 0.915 acres zoned DR 5.5. It is improved with a single family detached dwelling, which the Maryland Department of Assessments and Taxation lists as being homeowner occupied. The property has a fence enclosing the front yard and a gated driveway. 2022 aerial imagery of the property, obtained from Google Maps, shows that the property had many vehicles parked on the property. Google Streetview from July 2022 shows three vehicles parked in the front yard. It is unknown if the vehicles are properly tagged or operational. The property has one past Variance – Case 2007-0326-A, which was approved to permit a fence within 10 feet of the adjoining front yard property line with a height of 72 inches in lieu of the permitted 42 inches. Baltimore County Citizen Access shows 19 Code Complaints for the property, ranging from December 2006 to November 2022. The majority of the complaints relate to untagged and inoperable vehicles being parked on the property. The property is surrounded by the DR 5.5 zone and single family detached dwellings.

The site is within the boundaries of the Community Conservation Plan for Essex-Middle River, the Eastern Baltimore County Revitalization Strategy, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The Community Conservation Plan for Essex-Middle River Land Use Map shows the property as to be used residentially. When discussing land use, the Plan specifically states “proper land use promotes stability and controlled growth” (page 19).

In general, the DR 5.5 Zone is intended for residential uses. Per Section 1B01.1 of the Baltimore County Zoning Regulations, other uses permitted by a matter of right include, but are not limited to: trailers or mobile homes, churches, farms, garages, hospitals, local open space, private day care or nursery programs, certain child care center, some research institutes, schools, and accessory structures. Uses permitted by Special Exception include, but are not limited to: camps, conservatories, community buildings, community care centers, funeral establishments, television studios, and volunteer fire stations.

Based on the Department of Planning's review of the submitted petition and the Zoning Regulations, the use of the property as a storage lot is not consistent with the DR 5.5 zoning.

Section 428.1 of the Baltimore County Zoning Regulations states:

- A. An inoperative motor vehicle may not be stored outside on a residential lot.
- B. An unlicensed motor vehicle may not be stored outside on a residential lot except under the following conditions:
 - 1. Outside storage (i.e., not within a fully enclosed structure) for a period not exceeding 15 days, unless extended by the Zoning Commissioner, in any calendar year is permitted for no more than one such vehicle per dwelling unit per year.
 - 2. The vehicle may not be stored in a front or side yard unless placed in a driveway or other off-street parking area, and the vehicle may not be stored in a rear yard unless placed at least eight feet from any property line.
 - 3. The owner of the vehicle must reside on the lot upon which the vehicle is stored.
 - 4. The vehicle may not be used or dismantled for parts.

Based on the information submitted with the petition, the past Code Complaints for the property, and imagery of the property provided by Google Maps and Google Streetview, the Department of Planning believes the use is likely in violation of Section 428.1 of the BCZR.

Regarding the question of the use being commercial in nature and if the property and its usage otherwise comply with the applicable Baltimore County Zoning Regulations, the Department defers to the Administrative Law Judge. Should the use be considered commercial, the Department of Planning finds that would be a violation of the DR 5.5 zoning.

The Department of Planning would like to note the properties close proximity to Back River. Although the property is not waterfront, the properties across the street are. The Department of Planning has concerns that the storage of vehicles, especially inoperable vehicles that are sitting indefinitely, could create an adverse environmental impact.

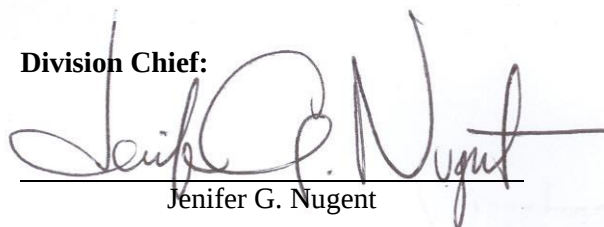
Should the Administrative Law Judge find the property as in violation of the DR 5.5 zone, the Department of Planning recommends use of the property as a storage lot be terminated.

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: Sussex Community Association Inc., c/o Leah Biddinger, President
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



JOHN A. OLSZEWSKI, JR.
County Executive

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

Note To File:

February 10, 2023

RE: Case No. 2023-0026-SPHA
Special Hearing
323 Riverside Drive

To the Administrative Law Judge:

This letter serves to clarify the uncommon request by the petitioners in this case. The Sussex Community Association, Inc. has filed this petition, as they believe it, relates to conditions at this property. The property has been the subject of numerous Code Enforcement complaints, and Zoning Review has previously provided the community association with answers to these questions. The community association feels it is in their best interest to have these questions answered by the Administrative Law Judge.

Thank you for your time and consideration in this matter.

Shaun Crawford

A handwritten signature in black ink, appearing to read "S. Crawford", is written over the printed name.

Planner
Zoning Review

LONDON
TOWING, TRANSPORT
& ROADSIDE ASSISTANCE

800-331-0101

Kaufman



2023-0026 SPH

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2623-0026-SPH



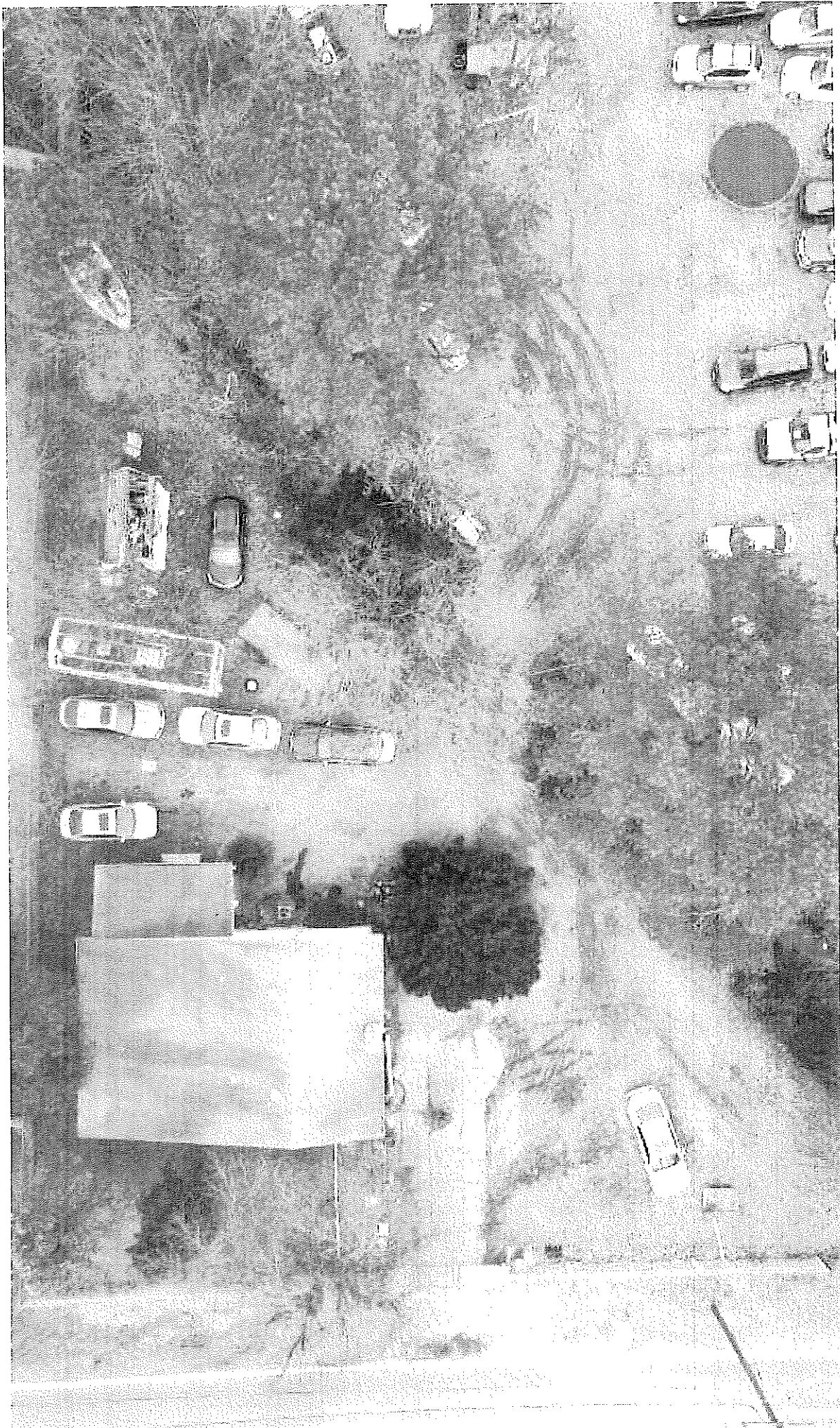
2023-0026-SP1



2023-0026-SPH



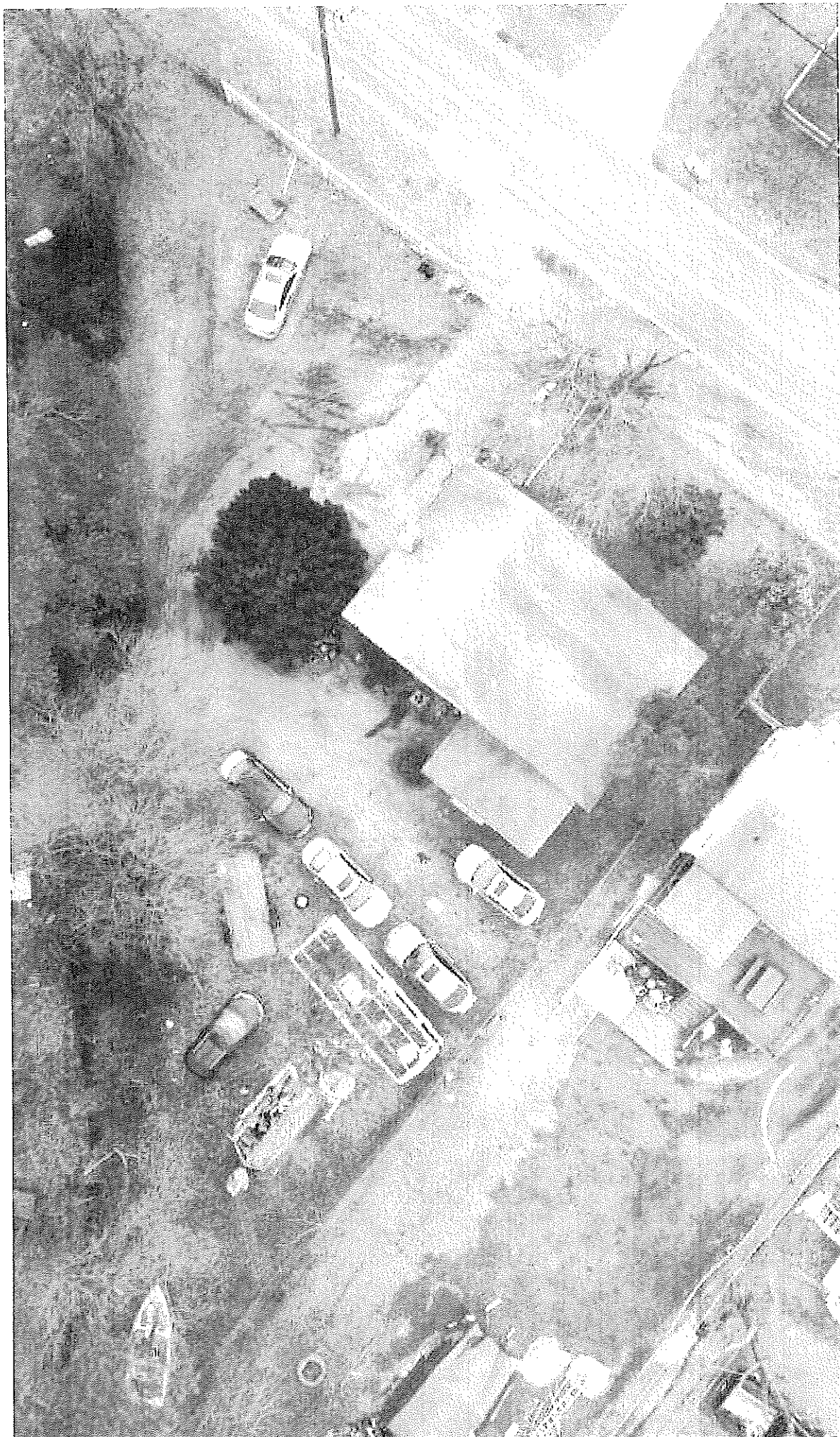
2023-0026-SP17



2023-0026-SP11



2073. 026. SPH



2023-0076-SP11









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 - 1513751321	
Owner Information		
Owner Name:	RIVERA SANDRA	Use: RESIDENTIAL
		Principal Residence: YES
Mailing Address:	323 RIVERSIDE DR BALTIMORE MD 21221-6829	Deed Reference: /42198/ 00363
Location & Structure Information		
Premises Address:	323 RIVERSIDE DR BALTIMORE 21221-6829	Legal Description: .915AC LTS 23,24,25 323 RIVERSIDE DR ESSEX
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:		
009700080365 15100095.04 0000 E 21 23 2021 Plat Ref: 0009/ 0074		
Town: None		
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use		
1958 1,676 SF 39,878 SF 04		
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements		
2 NO SPLIT LEVEL BRICK/ 3 1 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:	70,200	70,200
Improvements	82,900	131,500
Total:	153,100	201,700
Preferential Land:	0	0
Transfer Information		
Seller: RIVERA LAZARO	Date: 12/06/2019	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /42198/ 00363	Deed2:
Seller: GERBES JOSEPH B	Date: 01/03/2003	Price: \$154,900
Type: ARMS LENGTH IMPROVED	Deed1: /17315/ 00296	Deed2:
Seller: MORLEY WILLIAM L	Date: 09/30/2002	Price: \$115,000
Type: ARMS LENGTH IMPROVED	Deed1: /16879/ 00542	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:		

2023-0026-SPH

75

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

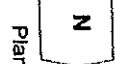
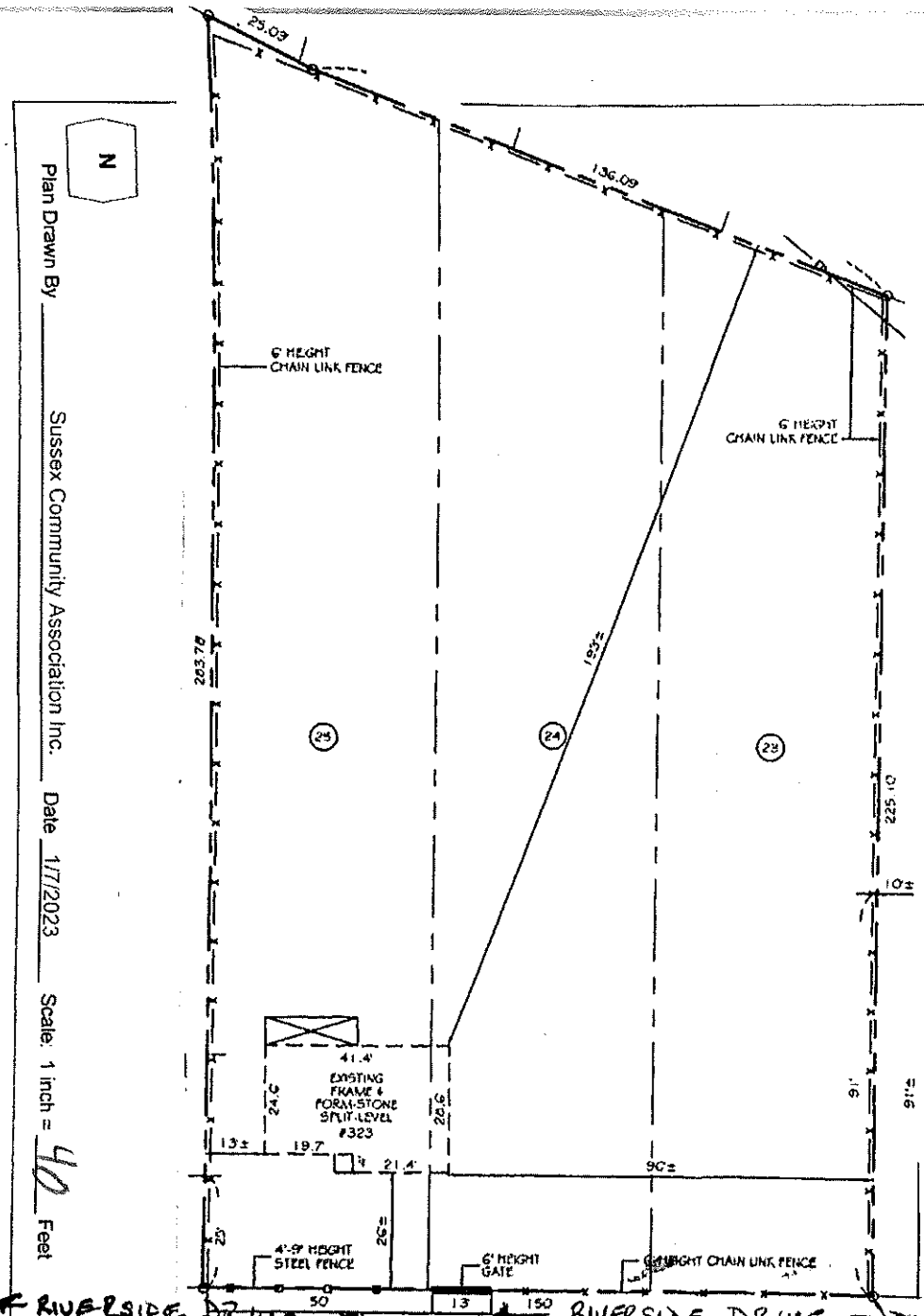
Concurrent Cases: None

Violation Cases: None

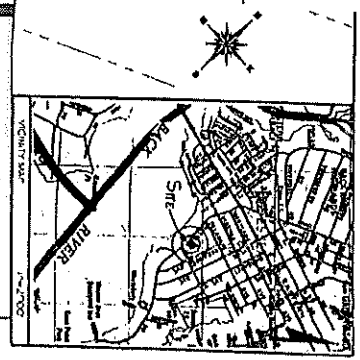
Closing Date: 03/13/2023

Miscellaneous Notes:

Zoning Hearing Plan for Variance _____ for Special Hearing ☒ Mark Type Requested with (X)
 Address 323 Riverside Drive | Essex, MD 21221 Owners(s) Name(s) Sandra Rivera
 Subdivision Name N/A Lot # 23, 24, 25 Block # 21 Section # E
 Plat Book # 9 Folio # 74 10 Digit Tax # 1513751321 Deed Reference # 42198 / 363



Plan Drawn By Sussex Community Association Inc. Date 1/7/2023 Scale: 1 inch = 40 Feet



MAP IS NOT TO SCALE

Zoning Map # 97
 Zoning DR 5.5
 Election District 15
 Council District 7
 Lot Area Acreage 0.915
 Lot Square Footage 39,878
 Historic (Yes or No) NO
 CBCA (Yes or No) Yes
 Flood Plain (Yes or No) No
 Utilities - Mark with (X)
 Water is: ☒ Public ☐ Private
 Sewer is: ☒ Public ☐ Private
 Prior Hearing (Yes or No) Y
 If (Yes) list Case Number(s) and order result(s) below:
2007-326-A (GRANTED
- Variance for 6ft Fence in
front yard)
 Violation Case Number(s)

2023-0626-SPH

2004-0472-SPH

1523156210

Lot # 2

1512200210

1949-1596-SPH

309 Lot # 32

1507001950

311

Lot # 31

1519512810

Lot # 30

1504002180

Lot # 29

1513152810

Lot # 28

315

Pl. Bk. 000009, Folio 0074

317

Pl. Bk. 000005, Folio 0039

319

Lot # 27

1507471940

1507291310

321

Lot # 26

323

Lot # 23

Lot # 23

2007-0326-A

PAI # 15809

7 CD

PAI # 158095

Pl. Bk. / Folio # 003074

1523503030

327

1520300997

329

Lot # 21

Lot # 22

1520300992 402

Lot # 19

CEDAR AVE
CEDARHILL

1523650000

111 352

336

NE 1-G

097A2

DR 5.5

2007-0076-A

1518002170

322

Lot # 13

Lot # 13

1502002411

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2022-0115-A

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1502002411

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332

1502190203

1504200190

Lot # 17

Lot # 17

Lot # 19

Lot # 16

Lot # 16

Lot # 17

Lot # 8

Lot # 8 1519320800

1502202410

Lot # 10

1501690260

Lot # 11

Lot # 12

1513323160

Lot # 24

1507151210

Lot # 6