



JOHN A. OLSZEWSKI, JR.  
*County Executive*

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

July 11, 2023

William Parler, Jr., Esquire – [w.parler@parlerlaw.com](mailto:w.parler@parlerlaw.com)  
Parler Law  
311 Gailridge Road  
Timonium, MD 21093

RE: Petition for Variance  
Case No. 2023-0096-A  
Property: 7214 and 7216 Bay Front Road

Dear Mr. Parler:

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,

  
PAUL M. MAYHEW  
Managing Administrative Law Judge  
for Baltimore County

PMM:dlm  
Enclosure

c: Mostafa Izadi, PE – [mizadi@aec-engineers.biz](mailto:mizadi@aec-engineers.biz)  
MKS Property Management, LLC – [interclimatecomfort@gmail.com](mailto:interclimatecomfort@gmail.com)  
Brian Hall – [oldbaymarina@gmail.com](mailto:oldbaymarina@gmail.com)  
Code Enforcement – [paienforce@baltimorecountymd.gov](mailto:paienforce@baltimorecountymd.gov)

**IN RE: PETITION FOR VARIANCE**  
**(7214 and 7216 Bay Front Road)**  
15<sup>th</sup> Election District  
7<sup>th</sup> Council District  
MSK Property Management, LLC  
*Legal Owner*

**Petitioner**

\* BEFORE THE  
\* OFFICE OF ADMINISTRATIVE  
\* HEARINGS OF  
\* BALTIMORE COUNTY  
\* **CASE NO. 2023-0096-A**

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by MSK Property Management, LLC (“Petitioner”) for property located at 7214 and 7216 Bay Front Road (“Property”). The Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1 – 7214 Bay Front – to permit a replacement dwelling to be rebuilt on the same footprint with a 1.3 ft., side setback in lieu of the required 10 ft. 7216 Bay Front – to permit an existing dwelling to have a side setback of 2.6 ft., in lieu of the required 10 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner was unable to attend the hearing, however he was represented by William Parler, Jr., Esquire. Also in attendance was Mostafa Izadi, PE, the engineer who prepared the Site Plan. The Site Plan was admitted as Exhibit 13. Also in attendance was Brian Hall, the owner of the adjacent Old Bay Marina, as well as the adjacent property to the west of the subject lot.

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.

On behalf of himself and the other adjacent neighbors Mr. Hall expressed support for the requested variance relief. He explained that in recent years the two structures on this parcel had been abandoned and then occupied as drug houses. This caused myriad problems in the neighborhood, requiring numerous police and emergency medical responses. He further explained that the neighbors are relieved that the Petitioner plans to modernize and improve both dwellings on the site.

There are two pending Code violations for the site. One arising out of the fact that the Petitioner had begun to raze and rebuild 7214 Bay Front Road without obtaining a razing or building permit. The other is for failure to properly register either dwelling as a rental unit. Mr. Parler explained at the outset of the case that the Petitioner was unaware of the need for the razing/building permits but that he has filed for the variance relief as the first step in obtaining all necessary permits. Mr. Parler further explained that the rental registration citations arose from the unauthorized occupation of the dwellings by the aforementioned drug addicts and that the Petitioner intends to reside in 7214 Bay Front and to have his mother live in 7216 Bay Front which will obviate the need for rental licensing. Finally, he acknowledged that if either dwelling is ever rented that the Petitioner understands he will need to properly register them.

The engineer Mr. Izadi then explained the site plan and proposed improvements in some detail. The parcel is approximately 17,947 sq. ft. (0.412 acres) and is zoned DR 5.5. It is Lot 7 of a plat that was recorded around the turn of the last century and well before the enactment of the Baltimore County Zoning Regulations. There are currently two dwellings on the site as well as a garage and shed. One of the dwellings (7214 Bay Front Road) is quite dilapidated and will be razed and a new 2 story building with a basement is proposed.

With regard to the other dwelling (7216 Bay Front Road), the Petitioner proposes to underpin and buttress the existing foundation and basement and to add a second story. In response to questions from the undersigned Mr. Izadi acknowledged that the side yard variance was not actually necessary for 7214 Bay Front because there is sufficient width on this parcel to accommodate the 10 foot setbacks on both sides of the proposed dwelling. He further agreed that this would enhance the property value of both the subject dwelling as well as the adjacent dwelling to the east.

Under Maryland common law “the authority to grant a variance should be exercised sparingly and only under exceptional circumstances.” *Mueller, supra*, 177 Md. App. at 71. This is because “a variance is an authorization for that which is prohibited by a zoning ordinance.” *Cromwell v. Ward*, 102 Md. App. 691, 699 (1995). And because “citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations.” *Salisbury Bd. Of Zoning Appeals v. Bounds*, 240 Md. 547, 555-56 (1965). Therefore, “[t]he burden is on the applicant to show facts to warrant a variance,” and “the specific need for the variance must be substantial and urgent and not merely for the convenience of the applicant.” *Mueller*, 177 Md. App. at 70.

Under BCZR Sec. 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, 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 is what necessitates the requested variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Cromwell v. Ward, supra*. Further, “unless there is a finding that the property is unique, unusual, or different, the process stops here and the variance is denied without any consideration of practical

difficulty or unreasonable hardship.” *Mueller, supra*, 177 Md. App. at 70. Finally, under Maryland law variance relief is properly denied when an owner can still make “reasonable use of his property” without the variance. *Montgomery County v. Rotwein*, 176 Md. App. 716, 732-33 (2006).

The subject site is unique in a number of ways. First, it is long and irregularly shaped and has water frontage. Further, it is part of a subdivision that was recorded long before the BCZR were enacted. Therefore, like most other parcels in the neighborhood, the existing dwellings do not meet all of the current setback requirements.

With regard to the dwelling associated with 7216 Bay Front Rd. I find that the variance should be granted because all that is proposed are improvements to the foundation and a second story addition. Therefore, it would cause needless hardship for the Petitioner if the side yard setback variance were denied because he would have to move the entire dwelling for no good reason. I note that there is no dwelling adjacent to this dwelling so there are no adverse impacts arising out of this variance request. This variance is therefore within the spirit and intent of the zoning regulations and will not harm the public health, safety or welfare.

However, under the controlling legal precedents, the variance request for 7214 Bay Front Rd. must be denied because, as explained above, there is sufficient lot width to allow for the proper 10 ft. side yard setbacks on both sides of the proposed new dwelling. And, as also explained above, the existing structure is going to be entirely razed and Mr. Izadi agreed that it would not be a real hardship to simply excavate the new basement and foundation in compliance with the 10 ft. setbacks. Therefore the need for the variance is not “substantial and urgent;” rather, it would be “merely for the convenience of the applicant.” *Mueller*, 177 Md. App. at 70. It is therefore not within the spirit and intent of the zoning regulations.

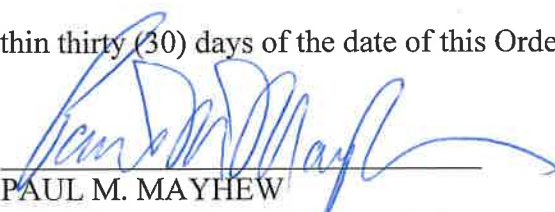
THEREFORE, IT IS ORDERED, this 11<sup>th</sup> day of July, 2023, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §1B02.3.C.1 for 7214 Bay Front Road – to permit a replacement dwelling to be rebuilt on the same footprint with a 1.3 ft., side setback in lieu of the required 10 ft. is hereby **DENIED**;

IT IS FURTHERED ORDERED, that the Petition for Variance from BCZR, §1B02.3.C.1 for 7216 Bay Front Road– to permit an existing dwelling to have a side setback of 2.6 ft., in lieu of the required 10 ft., is 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, (“DEPS”) and from the Department of Planning (“DOP”) 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.



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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 7214 & 7216 Bay Front Rd, Baltimore, MD 21219 Currently Zoned S5  
Deed Reference 377451 00103 10 Digit Tax Account # 1511671870  
Owner(s) Printed Name(s) MKS Property Management LLC

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a **Variance** from Section(s)

BCZR: 1B02.3.C.1. → 7214 Bay Front - To permit a replacement dwelling to be rebuilt on the same footprint with a 1.3 foot side setback in lieu of the required 10 feet. 7216 Bay Front - To permit an existing dwelling to have a side setback of 2.6 feet in lieu of the required 10 feet.

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

## Legal Owners (Petitioners):

MKS Property Management LLC  
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

9 Wade Ave, Catonsville MD  
Mailing Address City State

21228 443 962-5690 interclimatecomfort@gmail.com  
Zip Code Telephone #'s (Cell and Home) Email Address

## Representative to be contacted:

MOSTAFA IZADI, PE (AEC, PC)  
Name - Type or Print

Signature

P.O. Box 129, Ridgely MD  
Mailing Address City State

21139 410 382-9180 mizadi@aec-engineers.com  
Zip Code Telephone # Email Address

## Attorney for Petitioner:

William C. Fowler, Jr.  
Name - Type or Print

William C. Fowler, Jr.  
Signature

311 Gailridge Rd, Timonium, MD  
Mailing Address City State

21093 (410) 632-1805 w.fowler@parlaw.com  
Zip Code Telephone # Email Address

Case Number 2023-0096-A Filing Date 5/2/23 Do Not Schedule Dates    Reviewer

## SCOPE OF VARIANCE REQUESTED:

THIS PETITION IS FOR A VARIANCE BY THE OWNERS OF THE SUBJECT PROPERTY, MSK PROPERTY MANAGEMENT LLC. THE PETITIONER IS REQUESTING VARIANCE RELIEF FROM SECTION 1A04.3.B.2.B OF THE BALTIMORE COUNTY ZONING REGULATIONS ("B.C.Z.R.") AS FOLLOW:

### A. 7214 BAY FRONT ROAD:

1. TO PERMIT A BUILDING SIDE SETBACK OF 1.3 FEET IN LIEU OF 10 FEET REQUIREMENT (ON THE RIGHT SIDE).
2. RAZING THE EXISTING DETERIORATED TWO STORY, AND CONSTRUCT NEW FOUNDATION AND WALL ON THE EXISTING BUILDING FOOTPRINT. THE EXISTING VACANT/INHABITABLE HOUSE FOUNDATION IS UNSAFE AND NEED TO BE RECONSTRUCTED TO CARRY THE LOADS.
3. ADD A SECOND STORY.

### B. 7216 BAY FRONT ROAD:

1. TO PERMIT A BUILDING SIDE SETBACK OF 2.6 FEET IN LIEU OF 10 FEET REQUIREMENT (ON THE RIGHT SIDE).
2. UNDERPINNING THE EXISTING HOUSE, INCREASING THE BASEMENT HEIGHT, REHAB THE FIRST FLOOR AND ADD A SECOND FLOOR.

THE STRICT COMPLIANCE WITH THE BCZR WOULD RESULT IN PRACTICAL DIFFICULTY AND UNREASONABLE HARDSHIP AS FOLLOWS:

- (1) THE HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTION. THESE HOUSES AND NEIGHBORS HOUSES ARE EXISTING AND THEIR SETBACKS ARE GRANDFATHERED.
- (2) RAZING #7214 AND RECONSTRUCTING OF A NEW HOUSE WILL MAKE THIS HOUSE IN COMPLIANCE WITH THE BALTIMORE COUNTY BUILDING CODES. THIS HOUSE IS VACANT AND IS INHABITABLE AND IT IS A SAFETY ISSUE FOR THE NEIGHBORS.
- (3) THE REQUESTED VARIANCES WILL NOT CONTRAST WITH THE ADJACENT PROPERTIES IN THE ZONING DISTRICT; THEREFORE, IT WILL NOT NEGATIVELY IMPACT NEIGHBORING PROPERTIES. THE RELIEF IF GRANTED ADD TO THE NEIGHBORHOOD, ESPECIALLY BY CONSTRUCTION OF A NEW HOUSE AND REHABBING THE SECOND ONE (#7216).
- (4) THIS VARIANCE IS NOT DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, OR WELFARE; NOR IS IT INJURIOUS TO OTHER PROPERTIES.

2023-0096-A

## THE ZONING PROPERTY DESCRIPTION

### PART A:

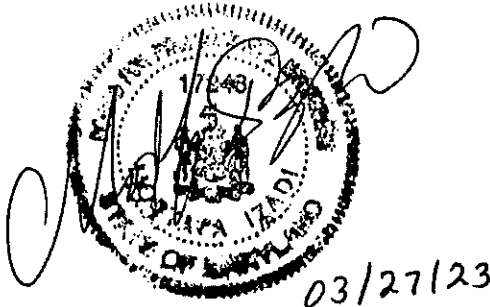
Zoning Property description for 7214 & 7216 BAY FRONT ROAD, BALTIMORE, MD 21219

Beginning at a point 51+/- feet west of ANNA Avenue center line.

### PART B:

Thence the following courses and distances:

S 86°27'13" W 49.42', N 3°32'47" W 225.50', N 55°56'23" E 25.66', N 52°57'59" E 26.76', S 16°31'39" E 145.83', S 3°32'47" E 231.60', back to the point of beginning as recorded in Deed Reference: Liber 37745, Folio 0103, containing 17,947 +/- Square feet or 0.412 +/- acres of Lot. Located in the 15th Election District and 7th Councilmanic District.



2023-0096-A



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Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

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Mailing Address City State

21228 443 962-5690 interclimatecomfort@gmail.com  
Zip Code Telephone #'s (Cell and Home) Email Address

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MOSTAFA IZADI, PE (AEC, PC)  
Name - Type or Print

Signature

P.O. Box 129 Ridgwood MD  
Mailing Address City State

21139 410 382-9180 mizadi@aec-engineers.com  
Zip Code Telephone # Email Address

## Attorney for Petitioner:

William C. Fowler, Jr.  
Name - Type or Print

William C. Fowler, Jr.  
Signature

311 Gailridge Rd. Timonium, MD  
Mailing Address City State

21093 (410) 632-1665 w.fowler@parlaw.com  
Zip Code Telephone # Email Address

Case Number 2023-0096-A Filing Date 5/2/23 Do Not Schedule Dates

Reviewer DB

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2023-0096-A

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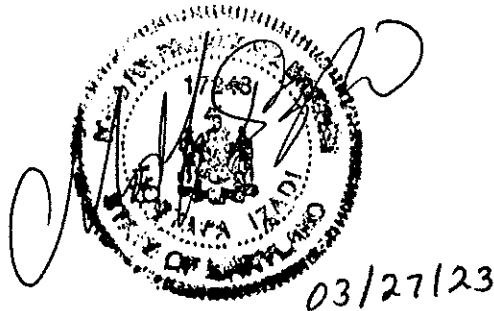
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2023-0096-A

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: June 29, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0096-A  
Address: 7214-7216 Bay Front Rd  
Legal Owner: MKS Property Management, LLC

Zoning Advisory Committee Meeting of May 15, 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 a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is subject to Critical Area requirements. The applicant is proposing to construct a replacement dwelling to be rebuilt on the same footprint with a 1.3-foot side setback in lieu of the required 10 feet at 7214 Bay Front Rd, and to permit an existing dwelling to have a side setback of 2.6 feet in lieu of the required 10 feet at 7216 Bay Front Rd. Both addresses are on one waterfront lot within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (5,608 square feet), with mitigation required for any new lot coverage between

25% (4,487 sf) and 31.25%. The site plan accompanying the zoning petition indicates that proposed lot coverage will be below the maximum limit. There is a 15% afforestation requirement in the LDA. On a lot of this size five (5) trees are required. Mitigation for any new impacts to the MBA are required. It appears that no impacts to the MBA are proposed. If the lot coverage, afforestation, and MBA requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and within a Modified Buffer Area (MBA). The property must meet all lot coverage, afforestation, and MBA mitigation requirements. If lot coverage, afforestation, and MBA mitigation requirements are met, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

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

Additional Comments:

Reviewer: Libby Errickson June 28, 2023

# BALTIMORE COUNTY, MARYLAND

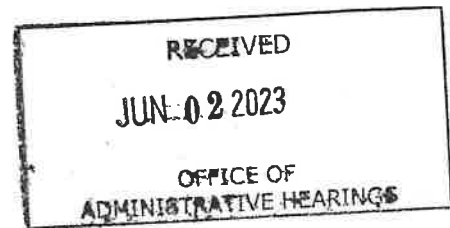
## INTER-OFFICE MEMORANDUM

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

**DATE:** 6/1/2023

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT:** ZONING ADVISORY COMMITTEE COMMENTS  
Case Number: 2023-0096-A



**INFORMATION:**

**Property Address:** 7214 and 7216 Bay Front Road  
**Petitioner:** MKS Property Management LLC  
**Zoning:** DR 5.5  
**Requested Action:** Variance

The Department of Planning has reviewed the petition for the following:

*Variance(s) -*

1. For 7214 Bay Front Road - To permit a replacement dwelling to be rebuilt on the same footprint with a 1.3 foot side setback in lieu of the required 10 feet; and
2. For 7216 Bay Front Road - To permit an existing dwelling to have a side setback of 2.6 feet in lieu of the required 10 feet.

The subject site is an approximately 18,315 square foot parcel along Jones Creek in the Edgemere area. Jones Creek is to the north of the subject site. To the east of the subject site, surrounding uses are primarily single family detached residential. To the south and west of the subject site is Old Bay Marina. Based on the site plan and satellite imagery available to the Department of Planning, the site is improved with two, single family detached dwellings (7214 and 7216 Bay Front Road), a metal garage, wood shed, and paving (i.e. a concrete pad and an asphalt driveway). 7214 Bay Front Road is the southern-most dwelling, located close to Bay Front Road; 7216 Bay Front Road is located, approximately, in the middle of the lot.

The applicants wish to raze the dwelling known as 7214 Bay Front Road and construct a new foundation and wall on the existing footprint. Per the scope of work, the existing house is vacant and inhabitable, and the foundation is unsafe. The applicants are seeking a Variance for the side yard setback. For 7216 Bay Front Road, the applicants are seeking a Variance for the existing side yard setback. Per the scope of work, the applicants wish to underpin the existing foundation, increase the basement height, rehabilitate the first floor, and add a second story. When all work is completed, the lot will have two, two-story, single family detached dwellings.

The site is within the boundaries of the following community plans: the Greater Dundalk-Edgemere Community Conservation Plan, the Eastern Baltimore County Pedestrian and Bicycle Access Plan, and the Eastern Baltimore County Revitalization Strategy. The Greater Dundalk-Edgemere Community Conservation Plan recognizes goals for the plan boundary area, including to stabilize and revitalize the

County's older communities through rehabilitation of the existing housing stock and the creation and expansion of homeownership, and to strengthen the County's inspection and enforcement procedures to ensure compliance with all laws, regulations, and development and zoning decisions (page 36).

The subject site has many past Code Complaints ranging from October of 2013 to June of 2022. Complaints include 7216 Bay Front Road being used as an unregistered and/or expired rental; tall grass; debris and a dumpster in the yard following a fire at 7216 Bay Front Road; and unpermitted demolition and construction. The majority of the complaints are either marked as in compliance or no violation, however two violations – CB2100427 from July 2021 for unpermitted demolition and construction and CRH2000353 from January 2020 for an unregistered rental – are marked as "Stop Work Order Issued" and "Citation Mailed", respectively.

The Department of Planning contacted the Zoning Review Office via email on May 22<sup>nd</sup>, 2023 for confirmation two dwelling units were allowed on the property. In their reply, it was stated that, "in the DR zones, you can have more than 1 dwelling on the same lot. However, you still must meet the minimum lot area and setbacks [as if] they are on separate lots. What the applicant should show is a Zoning Use Division Line, which, for zoning purposes, serves as a lot line to make sure that all the zoning requirements are met for each dwelling."

Because the dwellings and setbacks are existing and the granting of the Variance will make both dwellings inhabitable, the Department of Planning has no objections to the request, subject to the following conditions:

1. The two outstanding Code Violations (CB2100427 and CRH2000353) shall be resolved and closed out;
2. If either dwelling unit is used as a rental, it should be registered as such;
3. Show the Zoning Use Division Line mentioned by the Zoning Review Office on the Site Plan submitted with the Building Permit Application; and
4. Correct Note 20 on the Plan, which states the property is located outside of the Urban-Rural Demarcation Line (URDL). The property is inside the URDL.

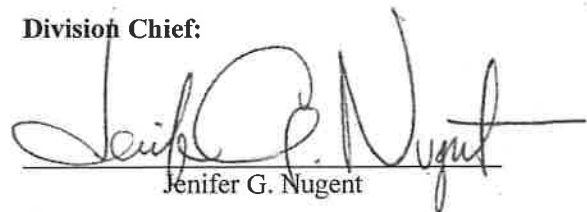
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

c: Mostafa Izadi, PE  
Michael Thomas, Community Planner  
Ngone Seye Diop, Community Planning Division Chief  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings

People's Counsel for Baltimore County

# CERTIFICATE OF POSTING

CASE NO. 2023-0096-A

PETITIONER/DEVELOPER

Mostafa Izadi

DATE OF HEARING/CLOSING

July 11, 2023

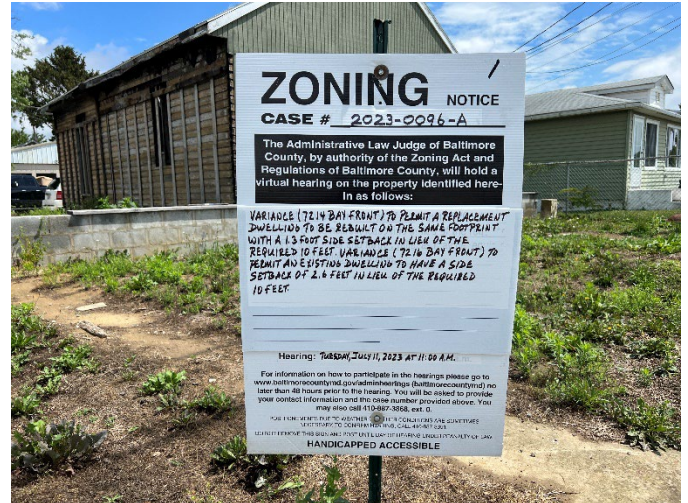
BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
COUNTY OFFICE BUILDING ROOM 111  
111 WEST CHESAPEAKE AVENUE  
ATTENTION:

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

7214- 7216 Bay Front Road

Sign 1



THE SIGN(S) POSTED ON June 24, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

## CERTIFICATE OF POSTING

CASE NO. 2023-0096-A

PETITIONER/DEVELOPER

Mostafa Izadi

DATE OF HEARING/CLOSING

July 11, 2023

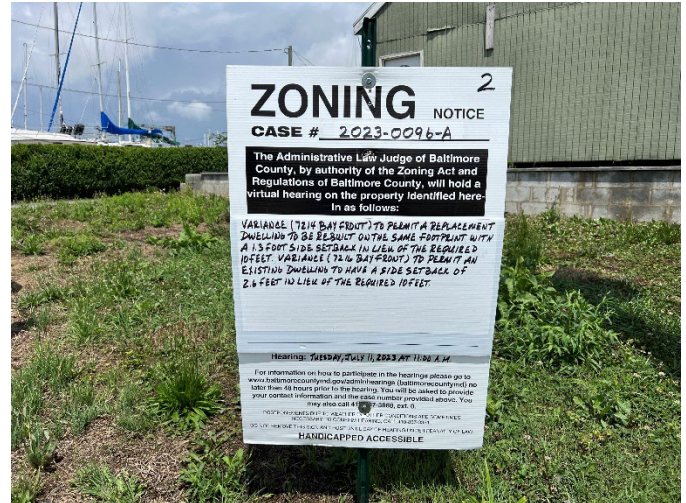
BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
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Sign 2



THE SIGN(S) POSTED ON June 24, 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:** 6/1/2023

**FROM:** Steve Lafferty  
Director, Department of Planning

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2023-0096-A

**INFORMATION:**

**Property Address:** 7214 and 7216 Bay Font Road  
**Petitioner:** MKS Property Management LLC  
**Zoning:** DR 5.5  
**Requested Action:** Variance

The Department of Planning has reviewed the petition for the following:

*Variance(s) -*

1. For 7214 Bay Front Road - To permit a replacement dwelling to be rebuilt on the same footprint with a 1.3 foot side setback in lieu of the required 10 feet; and
2. For 7216 Bay Front Road - To permit an existing dwelling to have a side setback of 2.6 feet in lieu of the required 10 feet.

The subject site is an approximately 18,315 square foot parcel along Jones Creek in the Edgemere area. Jones Creek is to the north of the subject site. To the east of the subject site, surrounding uses are primarily single family detached residential. To the south and west of the subject site is Old Bay Marina. Based on the site plan and satellite imagery available to the Department of Planning, the site is improved with two, single family detached dwellings (7214 and 7216 Bay Front Road), a metal garage, wood shed, and paving (i.e. a concrete pad and an asphalt driveway). 7214 Bay Front Road is the southern-most dwelling, located close to Bay Front Road; 7216 Bay Front Road is located, approximately, in the middle of the lot.

The applicants wish to raze the dwelling known as 7214 Bay Front Road and construct a new foundation and wall on the existing footprint. Per the scope of work, the existing house is vacant and inhabitable, and the foundation is unsafe. The applicants are seeking a Variance for the side yard setback. For 7216 Bay Front Road, the applicants are seeking a Variance for the existing side yard setback. Per the scope of work, the applicants wish to underpin the existing foundation, increase the basement height, rehabilitate the first floor, and add a second story. When all work is completed, the lot will have two, two-story, single family detached dwellings.

The site is within the boundaries of the following community plans: the Greater Dundalk-Edgemere Community Conservation Plan, the Eastern Baltimore County Pedestrian and Bicycle Access Plan, and the Eastern Baltimore County Revitalization Strategy. The Greater Dundalk-Edgemere Community Conservation Plan recognizes goals for the plan boundary area, including to stabilize and revitalize the

County's older communities through rehabilitation of the existing housing stock and the creation and expansion of homeownership, and to strengthen the County's inspection and enforcement procedures to ensure compliance with all laws, regulations, and development and zoning decisions (page 36).

The subject site has many past Code Complaints ranging from October of 2013 to June of 2022. Complaints include 7216 Bay Front Road being used as an unregistered and/or expired rental; tall grass; debris and a dumpster in the yard following a fire at 7216 Bay Front Road; and unpermitted demolition and construction. The majority of the complaints are either marked as in compliance or no violation, however two violations – CB2100427 from July 2021 for unpermitted demolition and construction and CRH2000353 from January 2020 for an unregistered rental – are marked as “Stop Work Order Issued” and “Citation Mailed”, respectively.

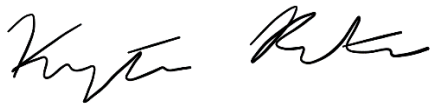
The Department of Planning contacted the Zoning Review Office via email on May 22<sup>nd</sup>, 2023 for confirmation two dwelling units were allowed on the property. In their reply, it was stated that, “in the DR zones, you can have more than 1 dwelling on the same lot. However, you still must meet the minimum lot area and setbacks [as if] they are on separate lots. What the applicant should show is a Zoning Use Division Line, which, for zoning purposes, serves as a lot line to make sure that all the zoning requirements are met for each dwelling.”

Because the dwellings and setbacks are existing and the granting of the Variance will make both dwellings inhabitable, the Department of Planning has no objections to the request, subject to the following conditions:

1. The two outstanding Code Violations (CB2100427 and CRH2000353) shall be resolved and closed out;
2. If either dwelling unit is used as a rental, it should be registered as such;
3. Show the Zoning Use Division Line mentioned by the Zoning Review Office on the Site Plan submitted with the Building Permit Application; and
4. Correct Note 20 on the Plan, which states the property is located outside of the Urban-Rural Demarcation Line (URDL). The property is inside the URDL.

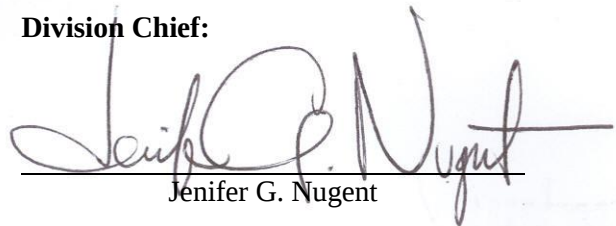
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jenifer G. Nugent

SL/JGN/KP

c: Mostafa Izadi, PE  
Michael Thomas, Community Planner  
Ngone Seye Diop, Community Planning Division Chief  
Jeff Perlow, Zoning Review  
Kristen Lewis, Zoning Review  
Office of Administrative Hearings

People's Counsel for Baltimore County

Real Property Data Search ( )  
Search Result for BALTIMORE COUNTY

|                          |                                            |                                              |
|--------------------------|--------------------------------------------|----------------------------------------------|
| <a href="#">View Map</a> | <a href="#">View GroundRent Redemption</a> | <a href="#">View GroundRent Registration</a> |
|--------------------------|--------------------------------------------|----------------------------------------------|

---

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1511671870

**Owner Information**

Owner Name: MSK PROPERTY MANAGEMENT LLC Use: RESIDENTIAL  
Principal Residence: NO

Mailing Address: 1204 MYSTIC CT  
CHURCHVILLE MD 21028- Deed Reference: /37745/ 00103

**Location & Structure Information**

Premises Address: 7216 BAY FRONT RD  
BALTIMORE 21219-2114  
Waterfront Legal Description: 7216 BAY FRONT RD  
CHESAPEAKE TERRACE

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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
0111 0022 0127 15130120.04 0000 A 7 2021 Plat Ref: 0005/ 0034

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Town: None

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|                         |                         |                        |                    |            |
|-------------------------|-------------------------|------------------------|--------------------|------------|
| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
| 1917                    | 2,152 SF                |                        | 18,315 SF          | 34         |

---

|                       |                                 |        |                                   |
|-----------------------|---------------------------------|--------|-----------------------------------|
| Stories Basement Type | Exterior Quality Full/Half Bath | Garage | Last Notice of Major Improvements |
| 1 YES STANDARD UNIT   | SIDING/ 3                       | 3 full |                                   |

---

**Value Information**

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As of      | As of                | As of      |
|                    |            | 01/01/2021 | 07/01/2022           | 07/01/2023 |
| Land:              | 164,000    | 164,000    |                      |            |
| Improvements       | 31,100     | 37,800     |                      |            |
| Total:             | 195,100    | 201,800    | 199,567              | 201,800    |
| Preferential Land: | 0          | 0          |                      |            |

---

**Transfer Information**

|                             |                      |                  |
|-----------------------------|----------------------|------------------|
| Seller: BUSSARD MONICA      | Date: 07/13/2016     | Price: \$180,000 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /37745/ 00103 | Deed2:           |

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|                             |                      |            |
|-----------------------------|----------------------|------------|
| Seller: KOZACZENKO IGNACY   | Date: 06/09/2008     | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /27067/ 00625 | Deed2:     |

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|         |        |        |
|---------|--------|--------|
| Seller: | Date:  | Price: |
| Type:   | Deed1: | 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  |

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Special Tax Recapture: None

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**Homestead Application Information**

Homestead Application Status: Denied

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**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:

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## ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

No. 220049

Date: 5/2/23

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

Total: \$ 75.00

Rec From: ADVANCED ENGINEERING

For: 2023-0096-A

7214 + 7216 BAY FRONT RD.

DISTRIBUTION

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

GOLD - ACCOUNTING

CASHIER'S  
VALIDATION

|                                      |                          |                  |                                                    |
|--------------------------------------|--------------------------|------------------|----------------------------------------------------|
| A.E.C. 09-02                         |                          | 7-11<br>520 6424 | 2742                                               |
| ADVANCED ENGINEERING CONSULTANTS, PC |                          |                  |                                                    |
| P.O. BOX 129                         |                          |                  |                                                    |
| RIDERWOOD, MD 21139                  |                          |                  |                                                    |
| DATE                                 |                          | 4/3/23           | ISSUED BY<br>KENTFIELD                             |
| PAY TO THE<br>ORDER OF               | Baltimore County, MD     | \$ 75.00         |                                                    |
| Security Five                        |                          | DOLLARS          | Security Features<br>Included.<br>Details on Back. |
| M&T Bank                             |                          |                  |                                                    |
| MEMO                                 | 7214 & 7216 Bay Front Rd |                  |                                                    |
|                                      | Variance                 |                  |                                                    |
| ⑆052000113⑆                          |                          | 9701958571 2742  |                                                    |



[illegible]

SE 8-H

BMB

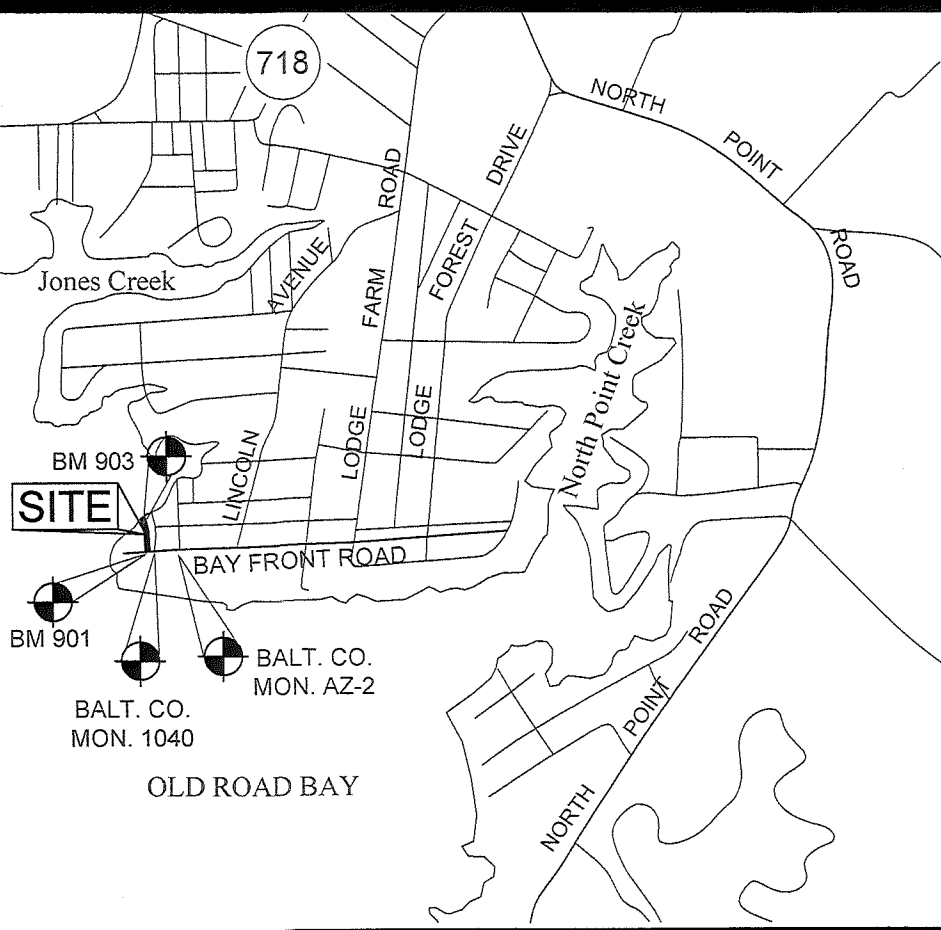
Lot # 3

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_  
ADDRESS: 7216 BAY FRONT RD, BALTIMORE, MD 21219  
OWNER NAME: MSK PROPERTY MANAGEMENT LLC  
CONTACT PERSON: KRASYUK, MYKYTA  
SUBDIVISION NAME 0000 LOT# 7 BLOCK# - SECTION# A  
PLAT BOOK# 0005 FOLIO# 0034 10 DIGIT TAX# 1511671870 DEED REF.# 37745/0103

ZONING MAP# 111B3  
SITE ZONED: DR. 5.5  
ELECTION DISTRICT: 15  
COUNCILMANIC DISTRICT: 07  
LOT AREA ACREAGE 0.412 ± AC  
LOT AREA SQUARE FEET 17,947 ± SF  
HISTORIC ? NO  
IN CBCA ? YES  
IN FLOODPLAIN YES (PARTIALLY)  
UTILITIES ? MARK WITH X  
WATER IS: PUBLIC X PRIVATE \_\_\_\_  
SEWER IS: PUBLIC X PRIVATE \_\_\_\_  
PRIOR HEARING ? NO  
IF SO GIVE CASE NUMBER  
AND ORDER RESULT BELOW: N/A  
VIOLATION CASE INFO: N/A

| ZONING BUILDING SETBACKS |        |
|--------------------------|--------|
| ZONING                   | DR 5.5 |
| FRONT SETBACK            | 25'    |
| REAR SETBACK             | 30'    |
| SIDES SETBACK            | 10'    |
| MAX. BUILDING HEIGHT     | 50'    |

SCOPE OF VARIANCE REQUESTED:  
SEE ATTACHED SHEET TO THE ZONING PETITION



ADC MAP# 26-G10 VICINITY MAP  
SCALE: 1"=2000'

| BENCHMARK LOCATION CHART |                          |        |             |
|--------------------------|--------------------------|--------|-------------|
| NAME                     | NORTHING AND EASTING     | ELEV.  | COMMENTS    |
| BM#901                   | E 1466332.82 N 566163.13 | 11.10' | MAG SPIKE   |
| BM#903                   | E 1466301.16 N 566458.45 | 4.97'  | REBAR & CAP |

THE OUTLINE SHOWN ON PLAN IS BASED ON A BOUNDARY AND TOPOGRAPHY FIELD RUN SURVEY PERFORMED BY ADCOCK & ASSOCIATES LLC, ON OR ABOUT MARCH 02, 2023.  
DESIGN AND DRAWING BASED ON MARYLAND COORDINATE SYSTEM  
HORIZONTAL-NAD 83/91 VERTICAL-NAD 88

SCOPE OF WORK:  
A. 7214 BAY FRONT ROAD:  
RAZING THE EXISTING DETERIORATED TWO STORY AND CONSTRUCT A THREE STORY NEW HOUSE INCLUDING A BASEMENT ON THE EXISTING BUILDING FOOTPRINT. THE EXISTING HOUSE FOUNDATION IS UNSAFE AND NEED TO BE RECONSTRUCTED TO CARRY THE LOADS.  
THERE WOULD BE NO ADDITIONAL IMPERVIOUS AREAS BY THESE MODIFICATIONS.  
B. 7216 BAY FRONT ROAD:  
UNDERPINNING THE EXISTING HOUSE, INCREASING THE BASEMENT HEIGHT, REHAB THE FIRST FLOOR AND ADD A SECOND FLOOR.  
THERE WOULD BE NO ADDITIONAL IMPERVIOUS AREAS BY THESE MODIFICATIONS.

GENERAL NOTES:

- OWNER/DEVELOPER: MSK PROPERTY MANAGEMENT LLC  
CONTACT PERSON: KRASYUK, MYKYTA  
OWNER'S MAILING ADDRESS: 9 WADE AVENUE  
CATONSVILLE, MD 21228  
PROPERTY LOCATION: 7214 & 7216 BAY FRONT ROAD  
BALTIMORE, MD 21219
- DEED REFERENCE: 37745/0103  
TAX ACCT# 1511671870  
TOTAL TRACT AREA: 0.412 ± AC  
TAX MAP: TAX MAP 111 GRID 22 PARCEL 01274.  
ZONING: DR. 5.5  
EXISTING LAND USE: RESIDENTIAL  
PROPOSED LAND USE: RESIDENTIAL  
ELECTION DISTRICT: 15  
COUNCILMANIC DISTRICT: 7  
ADC MAP#: 45-F13  
CENSUS TRACT: #4521  
WATERSHED: BALTIMORE HARBOR WATERSHED  
SUBSEWERED: #64N  
SCHOOLS: ELEMENTARY: CHESAPEAKE TERRACE  
MIDDLE: SPARROWS POINT  
HIGH: SPARROWS POINTS  
SEE ZONING MAP
- ZONING: THE PROPERTY WILL BE SERVED BY PUBLIC WATER AND SEWER.  
A BOUNDARY AND THE TOPOGRAPHY SHOWN HEREON ARE BASED ADCOCK & ASSOCIATES LLC, ON OR ABOUT MARCH 02, 2023.  
THERE ARE NO KNOWN HAZARDOUS MATERIALS OR UNDERGROUND FUEL TANKS ON THE SITE.  
THERE ARE NO ARCHEOLOGICAL SITES OR HISTORIC STRUCTURES ON SITE.  
THE PROPERTY SHOWN HEREON PARTIALLY LIE WITHIN THE FEMA BASE FLOOD ZONE AE ELEV. 6 FEET.  
THERE IS NO STREAM ON THE PROPERTY.  
THE PROPERTY SHOWN HEREON IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.  
THERE ARE NO WETLANDS ON THE PROPERTY.  
THE PROPERTY IS LOCATED OUTSIDE OF THE URBAN RURAL DEMARCATION LINE (U.T.D.L.).
- ENGINEER: MOSTAFA IZADI, P.E.  
ADVANCED ENGINEERING CONSULTANTS, PC.  
ENGINEERS & PLANNERS  
TEL. 410-382-9180



SITE PLAN  
SCALE: 1"=30'

| LEGEND             |             |
|--------------------|-------------|
| PROPERTY LINE      | ---         |
| ADJOINING BOUNDARY | ---         |
| EXISTING CONTOUR   | --- 10' --- |
| WOOD/VINYL FENCE   | ---         |
| CHAIN LINK FENCE   | ---         |
| OVERHEAD WIRES     | OH          |
| EX BUSH            | ---         |
| EX WATER           | ---         |
| EX WATER METER     | ⊙           |
| MAIL BOX           | □ MB        |
| UTILITY POLE       | ⊙           |
| EX TREES           | •           |
| RIP RAP            | ---         |
| EXISTING PAVEMENT  | ---         |

CRITICAL AREA LOT COVERAGE REQUIREMENTS

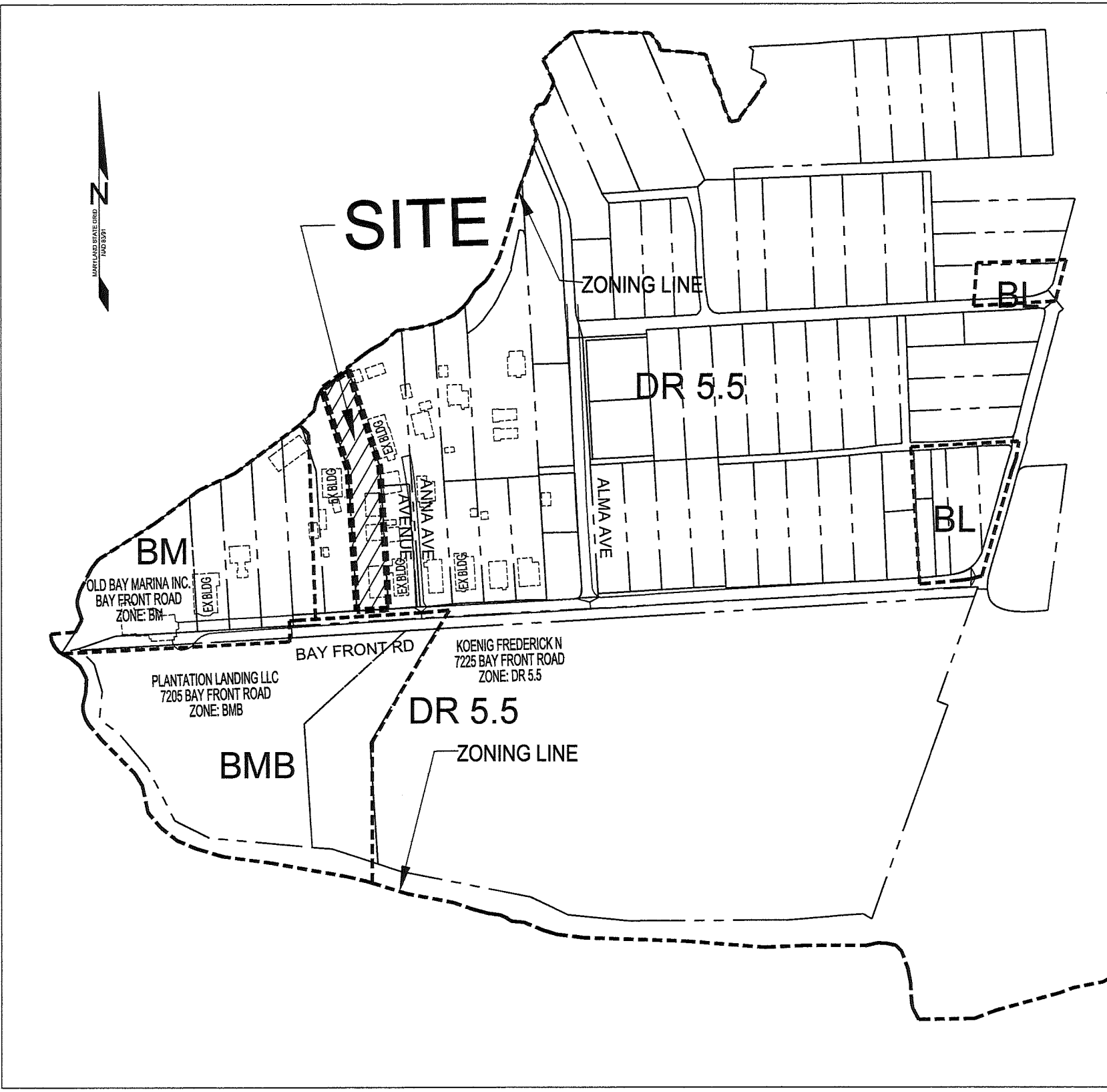
EX DWLG - 7214, 7216 & METAL GARAGE = 2,200 SF  
CONCRETE PADS & DRIVEWAY = 2,660 SF  
WOOD SHED = 137 SF  
TOTAL = 4,997 SF

LOT COVERAGE = 4,997/17,947 = 27.85%

CRITICAL AREA MAX LOT COVERAGE  
FOR LOTS 8,000 SF TO 21,780 SF = 31.25% OF PARCEL

EX & PROP LOT COVERAGE = 27.85% < 31.25%  
AS A RESULT THE CRITICAL AREA LOT COVERAGE IS MET.

NOTE:  
AS PER BALTIMORE COUNTY ZONING MAPS, THE BUILDING (675 SF) IDENTIFIED AS 7216 ATTACHED TO 7214 HAS BEEN RAZED AND DOES NOT EXIST ANYMORE.



ZONING MAP  
SCALE: 1"=200'

Advanced Engineering Consultants, PC.  
Engineers & Planners  
P.O. BOX 129 RIDERWOOD, MD 21139  
TEL.: 410-382-9180 FAX: 410-296-0505  
mizadi@aec-engineers.biz

| REVISIONS | DESCRIPTION | DATE |
|-----------|-------------|------|
|           |             |      |
|           |             |      |
|           |             |      |
|           |             |      |
|           |             |      |
|           |             |      |
|           |             |      |
|           |             |      |
|           |             |      |

TITLE: SITE PLAN TO ACCOMPANY ZONING VARIANCE  
SITE PLAN  
7214 & 7216 BAY FRONT ROAD  
ELECTION DISTRICT No. 15  
COUNCILMANIC DISTRICT No. 07  
TAX MAP 111, GRID 22, PARCEL 127  
BALTIMORE, MD 21219



DRAWN BY: TH  
CHECKED BY: MI  
SCALE: AS SHOWN

DATE: 04/26/2023  
SHEET 1 OF 1  
PAI#

"PROFESSIONAL CERTIFICATION"  
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.  
MOSTAFA IZADI, PE  
LICENSE NO. 17248, EXPIRATION DATE: 02/11/2025

OWNER/DEVELOPER:  
MSK PROPERTY MANAGEMENT LLC  
9 WADE AVENUE  
CATONSVILLE, MD 21228  
CONTACT PERSON: KRASYUK, MYKYTA  
PH: (443)-962-5690  
EMAIL: interclimatecomfort@gmail.com