



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 26, 2023

Garrett and Catherine Bates – gbates95@gmail.com
741 Sue Grove Road
Essex, MD 21221

RE: Petition for Variance
Case No. 2023-0110-A
Property: 741 Sue Grove Road

Dear Petitioners:

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: Patrick Richardson – rick@richardsonengineering.net

IN RE: PETITION FOR VARIANCE

(741 Sue Grove Road)

15th Election District

7th Council District

Garrett & Catherine Bates

Legal Owners

Petitioners

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BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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CASE NO. 2023-0110-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Garrett and Catherine Bates (“Petitioners”) for property located at 741 Sue Grove Road, Essex (“Property”). The Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1: to permit a proposed dwelling with a side setback of 11 ft. and a sum of side setbacks of 22 ft. in lieu of the minimum required 15 ft. and 25 ft., respectively.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners, Garrett and Catherine Bates, along with Patrick (“Rick”) Richardson of Richardson Engineering, LLC attended the hearing. The site plan prepared by Mr. Richardson was admitted as Petitioners’ Exhibit 1. There were no other interested parties in attendance, although letters of support were received from the adjoining property owners. Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), and the Department of Environmental Protection and Sustainability (“DEPS”). These agencies did not oppose the requested relief.

The property is approximately 11,067 sq. ft. and is zoned DR 3.5. Mr. Richardson explained that this lot is part of the “Suegrove” subdivision plat that was recorded in 1921, prior

to the adoption of the Baltimore County Zoning Regulations. The lot is long and narrow and has water frontage on Sue Creek. The Petitioners propose to raze the existing dwelling that was built in 1924 and construct a new dwelling in essentially the same footprint. As noted by the DOP, the new dwelling will have slightly less square footage and will therefore reduce the lot coverage / impervious surface area. Mr. Richardson explained that unlike most waterfront lots the subject lot is not in a floodplain. The lot is served by public water and sewer.

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

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

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

The subject site is unique in a zoning sense because it is long and narrow and has water frontage. Further, the lot is in a subdivision that was recorded prior to the enactment of the BCZR, which necessitates the modest variance relief the Petitioners are seeking. If the variance relief were denied the Petitioners would suffer practical difficulty and hardship because they could not construct the proposed dwelling. I find that the variances are within the spirit and intent of the BCZR and that they will not harm the public health, safety or welfare. This is evidenced by the lack of opposition from any of the county agencies or any of the neighbors.

THEREFORE, IT IS ORDERED, this **26th** day of **June 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 1B02.3.C.1: to permit a proposed dwelling with a side setback of 11 ft. and a sum of side setbacks of 22 ft., in lieu of the minimum required 15 ft. and 25 ft. respectively, is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

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

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlm



PETITION FOR ZONING HEARING(S)

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

Address 742 Sue Grove Road Currently Zoned DR-3.5

Deed Reference 47152/ 00456 10 Digit Tax Account # 1523505460

Owner(s) Printed Name(s) Garrett R. Bates & Catherine E. Bates

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

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

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

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

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

BCZR: 1B02.3.C.1. → To permit a proposed dwelling with a side setback of 11 feet and a sum of side setbacks of 22 feet in lieu of the minimum required 15 feet and 25 feet, respectively.

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)**

To Be Presented at Hearing

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Garrett R. Bates / Catherine E. Bates

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

Garrett R. Bates / Catherine E. Bates

Signature #1 Signature #2

741 Sue Grove Road Essex MD

Mailing Address City State

21221 / 410-790-0289 / gbates95@gmail.com

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

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

[Signature]

Signature

7 Deneison Street Timonium MD

Mailing Address City State

21093 / 410-560-1502 / rick@richardsonengineering.net

Zip Code Telephone # Email Address

Case Number _____ Filing Date _____ / _____ / _____ Do Not Schedule Dates _____ Reviewer _____



Richardson
ENGINEERING

CIVIL | COMMERCIAL
RESIDENTIAL
INDUSTRIAL

RICHARDSON ENGINEERING, LLC.
7 DENEISON ST. | TIMONIUM, MD 21093
410-560-1502 | RICHARDSONENGINEERING.NET

**ZONING PROPERTY DESCRIPTION FOR
741 SUE GROVE ROAD
15th ELECTION DISTRICT
7th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located on the East side of Sue Grove Road approximately 1,080+/- feet South of the intersection of Sue Grove Road and Turkey Point Road. Being Lot #10 as shown on the plat of "Suegrove", which is recorded among the land records of Baltimore County in Plat Book W.P.C. No. 7, Folio 11.

Containing a net area of 11,067 square feet or 0.25 acres +/-.

CERTIFICATE OF POSTING

2023-0110-A

RE: Case No.: _____

Petitioner/Developer: _____

Garrett & Catherine Bates

June 26, 2023

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

741 Sue Grove Road ***SIGN 1***

June 6, 2023

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 **June 6, 2023**

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/5/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-110-A

INFORMATION:

Property Address: 741 Sue Grove Road
Petitioner: Garrett R. Bates, Catherine E. Bates
Zoning: DR 3.5
Requested Action: Variance

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

Variance -

1. From Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a proposed dwelling with a side setback of 11' and a sum of side setbacks of 22' in lieu of the minimum required 15' and 25', respectively.

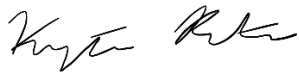
The subject site is an approximately 0.25 acre waterfront parcel improved with a single-family detached dwelling, a detached garage, walkway, and gravel parking. Surrounding uses are primarily single family detached residential with Sue Creek to the east of the site. Per the site plan, the applicant's wish to remove the existing dwelling and construct a new, two-story dwelling. The new dwelling will be in approximately the same location. The detached garage, walkway, and parking are all proposed to remain. Per the site plan, the existing dwelling is 1,152 square feet and the lot area coverage (including the dwelling, driveway, and walkway) is 22.33%. The proposed dwelling is 1,087 square feet and the lot area coverage (including the dwelling, driveway, and walkway) will be reduced to 21.74%.

The subject site is within the boundaries of the following adopted community plans: the Lower Back River Neck Community Action Plan, the Eastern Baltimore County Revitalization Strategy, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The Lower Back River Neck Community Action Plan discusses strengths, weaknesses, and recommendations for the plan area; some of the outlined strengths include waterfront properties having higher property values, the strong sense of community among residents, and serving as a major water quality buffer in the County (page 5).

The Department of Planning has no objections to the requested relief. The dwelling will be located in the same approximate location as the existing dwelling, so the proposed setbacks are similar to the existing. Further, the replacement dwelling will reduce the lot area coverage for the property.

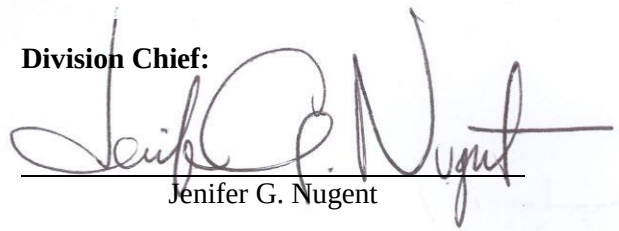
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Richardson Engineering
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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 30, 2023
Item No. 2023-0110-A

DATE: June 1, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW&T Comment:

The property is within the Tidal Special Flood Hazard Area Zone X-Shaded and X-Unshaded per panel FIRM 2400100445F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 40-15 (the latest edition of the Baltimore county Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA as shown on FIRM 2400100445G dated 5/5/14 as amended by LOMR 19-03-1117P effective 7/29/2019 and LOMR 19-03-1183P effective 12/31/19 is not on the property.

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VKD: cen
cc: file

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: May 30, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0110-A
Address 741 Sue Grove Road
Legal Owner: Garrett and Catherine Bates

Zoning Advisory Committee Meeting of May 30, 2023.

EPS 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;

This waterfront property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. Development of this property must comply with a maximum lot coverage limit of 31.25% with mitigation for any new lot coverage amount over 25%, must meet MBA requirements for development within the Critical Area buffer, and must meet a minimum 15% tree cover requirement. All existing and proposed lot coverage must be shown on plans. It appears that all lot coverage is not shown in the plan information. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). If the applicant complies with the requirements, and meets all mitigation requirements for lot coverage and buffer impacts, the setback relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and must meet Modified Buffer Area requirements. It appears that the proposed dwelling must be moved farther from the water. A new

or rebuilt dwelling can extend as close to the water as the adjoining dwelling farthest from the water. If the dwelling location can be changed to meet Modified Buffer Area requirements, and if lot coverage requirements, tree requirements, and mitigation requirements for buffer impacts can be met, this will help conserve fish, plant, and wildlife habitat.

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

If lot coverage, Critical Area buffer, and any mitigation requirements are met, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: May 30, 2023

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

No. 220089

Date: 5/16/23

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

Total: \$ 75.00

Rec From: BATES / RICHARDSON

For: 2023-0110-A

742 SUE GLOVE RD.

DISTRIBUTION

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

CASHIER'S
VALIDATION

GARRETT RICHARD BATES 03/14
7130 OLIVIA RD.
BALTIMORE, MD 21220

7-7575/2520

164

DATE 5/14/2023

PAY TO
THE ORDER OF

Baltimore County, Maryland
Seventy Five

\$ 75.00

DOLLARS



Security Features
Included.
Details on Back.

Your Finances. Our Promise.

Baltimore County Employees
Federal Credit Union

Towson, MD 21204

MEMO

Garrett Bates

MP

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2023-0110-A

Petitioner: GARRETT BATES

Address or Location: 741 SUE GROVE RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GARRETT BATES

Address: 741 SUE GROVE RD
ESSEX, MD 21221

Telephone Number: 410-790-0289

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1507002040

Owner Information

Owner Name:	KENNEY RICHARD J KENNEY NANCY E	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	740 SUE GROVE RD BALTIMORE MD 21221-1822	Deed Reference:	/08901/ 00528

Location & Structure Information

Premises Address:	742 SUE GROVE RD 0-0000	Legal Description:	PT LT 95 WS SUE GROVE RD SUE GROVE
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0098 0015 0215 15080075.04 0000 95 2021 Plat Ref: 0007/ 0011

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1953	850 SF		11,750 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNITS	SIDING/3	1 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:	78,100	78,100		
Improvements	70,200	74,100		
Total:	148,300	152,200	150,900	152,200
Preferential Land:	0	0		

Transfer Information

Seller: GALLION FREDERICK E	Date: 09/03/1991	Price: \$75,000
Type: ARMS LENGTH IMPROVED	Deed1: /08901/ 00528	Deed2:

Seller:	Date:	Price:
Type:	Deed1:	Deed2:

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

Special Tax Recapture: None

Homestead Application Information

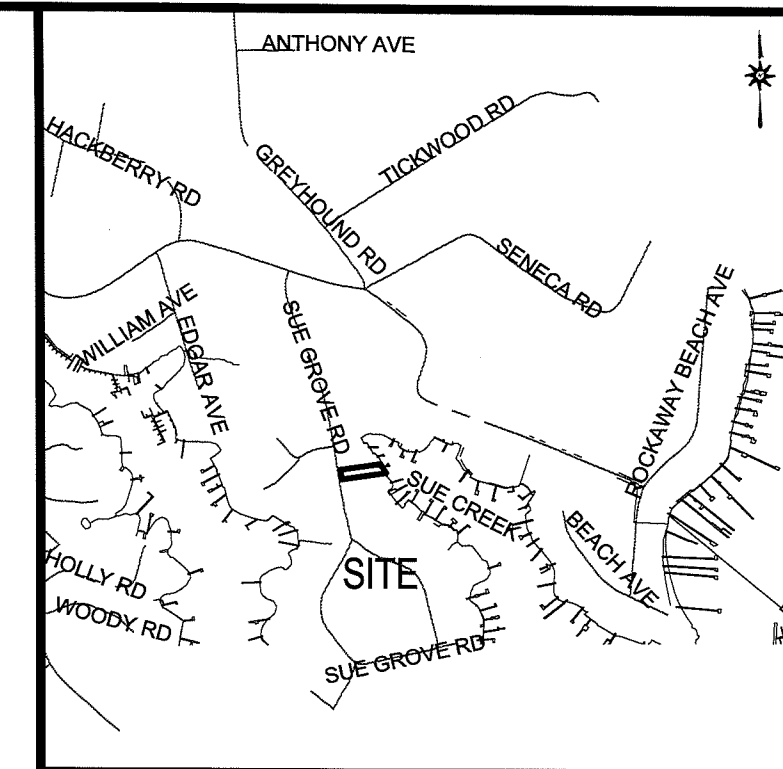
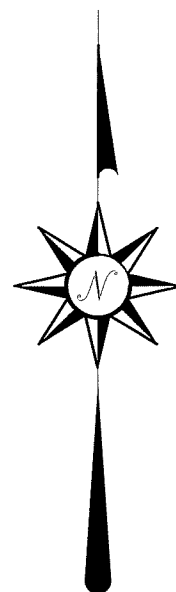
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:







VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES:

OWNER: GARRETT RBATES
CATHERINE E BATES
741 SUE GROVE RD
BALTIMORE MD 21221

1. SITE AREA:
NET: 11,067 Sq.Ft. or 0.25 Ac.±
GROSS: 11,817 Sq.Ft. or 0.27 Ac.±
2. EXISTING BUILDING AREA: Sq.Ft.
3. UTILITIES
PUBLIC WATER
PUBLIC SEWER
4. DEED REF: 47152/456
5. TAX ACCOUNT: 1523505460
6. COUNCILMANIC DISTRICT: 7TH
7. REGIONAL PLANNING DISTRICT: ESSEX
8. CENSUS TRACT: 4509
9. WATERSHED: MIDDLE RIVER
10. EXISTING ZONING: DR 3.5
11. TAX MAP #95, GRID #15, PARCEL #215, PLAT #7/11, LOT #10
12. PRIOR PERMITS ON FILE: NONE ON FILE
13. THE SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
14. THE SITE LIES WITHIN ZONE X ON AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100445G, DATED MAY 5, 2014.
15. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
16. BASIC SERVICE MAPS (2022)

TYPE	DEFICIENT	(Y/N)	NOTE
WATER	N		
SEWER	N		
TRANSPORTATION	N		
17. NO PREVIOUS ZONING CASES ON FILE.			
18. SETBACKS FOR DR 3.5			
TYPE	REQUIRED	PROVIDED	
FRONT(WATERSIDE)	76'	77'±	
SIDE	10' MIN, 15' TOTAL	11'± MIN, 22' TOTAL	
REAR	50'	106'±	
19. USE			
EXISTING: RESIDENTIAL			
PROPOSED: RESIDENTIAL			

AREAS:
EXISTING-
DWELLING = 1,152 SQ.FT.
DRIVEWAY = 975 SQ.FT.
WALK = 344 SQ.FT.
TOTAL = 2,471 SQ.FT.
PROPOSED-
DWELLING = 1,087 SQ.FT.
DRIVEWAY = 975 SQ.FT.
WALK = 344 SQ.FT.
TOTAL = 2,406 SQ.FT.

LOT COVERAGE:
EXISTING = 2,471 SQ.FT. / 11,067 X 100 = 22.33%
PROPOSED = 2,406 SQ.FT. / 11,067 X 100 = 21.74%

COVERAGE IN BUFFER:
EXISTING: DWELLING: 477 SQ.FT.
PROPOSED: DWELLING: 435 SQ.FT.

2023-0110-A



Richardson
ENGINEERING

7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
BATES RESIDENCE

741 SUE GROVE RD
BALTIMORE COUNTY
15TH ELECTION DISTRICT
MARYLAND
7TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
	DATE:	JOB NO.:	SHEET NO.:
	05-06-23	23061	1 OF 1