



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 19, 2023

Adam Baker, Esquire – abaker@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petitions for Special Hearing & Variance
Case No. 2023-0113- SPHA
Property: 4038 Chestnut Road

Dear Mr. Baker:

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

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

Sincerely,
A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a large, stylized "M" and "E".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

Enclosure

c: Joseph and Andrea Stumbroski – jstumbroski@msn.com
Christopher and Grace Stumbroski – chrisstumbroski@kw.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(4038 Chestnut Road)	*	OFFICE OF
15 th Election District		
5 th Council District	*	ADMINISTRATIVE HEARINGS
Joseph and Andrea Stumbroski		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Christopher and Grace Stumbroski		
<i>Contract Purchaser/Lessee</i>	*	
Petitioners	*	Case No. 2023-0113-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Joseph and Andrea Stumbroski, legal owners, and Christopher and Grace Stumbroski, contract purchasers/lessees (“Petitioners”), for the property located at 4038 Chestnut Road, Middle River (the “Property”). A Special Hearing is being requested from the Baltimore County Zoning Regulations (“BCZR”) §1A04.3.B.1b to permit a lot with less than the required 1.5 acres in the RC-5 zone.

In addition, Variance requests are as follows:

- (1) From the BCZR § 1A04.3.A: To permit a 37 ft. tall building in lieu of the maximum permitted 35 ft. tall building in the RC-5 zone.
- (2) From the BCZR § 1A04.3A: To permit a proposed building lot coverage of 31.25% in lieu of the maximum permitted 15% in the RC-5 zone.
- (3) From the BCZR § 1A04.3.B.2: To permit side yard setbacks for proposed dwelling of 10 ft. and 12 ft. in lieu of the required 50 ft. in the RC-5 zone.
- (4) From the BCZR §1A04.3.B.2: To permit a side yard setback for existing accessory garage of 0 ft. in lieu of the required 50 ft. in the RC-5 zone.
- (5) From the BCZR § 400.3: To permit an accessory building (garage) 21 ft. tall in lieu of the maximum permitted 15 ft. tall.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Christopher Stumbroski was present at the hearing in support of the Petition along with Bernedette Moskunas of Site Rite Surveying, the professional land surveyors who prepared a site plan (the "Site Plan"). (Pet. Ex. 1). Adam Baker, Esquire and Rosenberg Martin Greenberg, LLP represented the Petitioners. There were no Protestants or interested citizens at the hearing.

A Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP") and Department of Environmental Protection and Sustainability ("DEPS"), which agencies did not oppose the requested relief.

The case proceeded by way of proffer by Mr. Baker. The Property is a long, narrow, waterfront lot which is improved with an older dwelling on the water side, and a detached garage located in the rear yard and closer to the western side next to 4036 Chestnut Rd. The Property measures 0.3868 acres +/- (16,850 sf). (Pet. Ex. 1). The Property was platted as Lot 141 on the Plat 2 of Bowleys Quarters filed in Land Records of Baltimore County on May 26, 1921 (Book, WPC 7, page 13). (Pet. Ex. 5). Aerial photographs of the Property show the dwellings located along the water front of Seneca Creek. (Pet. Exs. 3A, 3B). Street view photographs show the existing dwelling and existing garage. (Pet. Ex.6). The Property is zoned Rural Residential (RC5).

Petitioner proposes to raze the existing home and construct a 3-story home on a crawl space with the front of the home facing the water. Architectural renderings were provided. (Pet. Ex. 2). The height of the home is proposed at 2 ft. over the required height of 35 ft. The street view photographs showing the newer home at 4036 to be very tall. In fact, in Case No.: 98-117-A, the same Variance relief was granted to the owners of 4036 to construct a replacement dwelling. The

lot sizes were set when the Plat was recorded and thereafter, the RC5 zoning regulations were applied requiring at least 1.5 acres of land for a new home. Additionally, the RC5 setback to property lines of 50 ft. make the construction of a replacement dwelling impossible on a lot which is 50 ft. wide. The size of the lot also limits impervious surface coverage at 15% which is difficult to meet for a modern home and garage.

Petitioner also proposes to construct at second floor onto the existing garage and need an additional 6 ft. in height beyond the maximum 15 ft. The garage is presently constructed on the property line and therefore provides no setback. The only way to remedy the zero ft setback is to require the garage to be moved.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Petitioner filed for the Special Hearing relief under BCZR, §1A04.3.B.1.b(1) which reads:

Exceptions to minimum lot size.

(1) The owner of a single lot of record that is not a subdivision and that is in existence prior to September 2, 2003, but does not meet the minimum acreage requirement, or does not meet the setback requirement of Paragraph 2, may apply for a special hearing under Article 5 to alter the minimum lot size requirement. However, the provisions of Section 1A04.4 may not be varied.

Based on the evidence, I find that the Special Hearing relief should be granted. The size of this Property was created when Plat 2 of Bowleys Quarters was recorded in 1921. Petitioner does not own adjoining land and therefore is unable to meet the required 1.5 acres of land. The Petitioner is not requesting the waiver of any RC5 performance standards. Given that a residential lot has existed in this community since the 1920s, I find the requested Special Hearing relief is within the spirit and intent of the BCZR and will not be detrimental to the residential nature of the community.

VARIANCE

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

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

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

The Property is unique due to its long, narrow and irregular shape. The unique features cause a practical difficulty as delineated above in trying to meet the RC5 lot coverage and setbacks for the proposed dwelling. As the home currently exists, it does not meet the RC5 setbacks. Additionally, I find that the requested additional height of 2 ft. for the dwelling, and 6 ft. for the detached garage, are reasonable given the additional height is necessary to counterbalance the limit

on impervious surface coverage. Finally, the garage already exists and could remain on the Property line if the Petitioner chosen not to add the second floor. Therefore, I do not find any detrimental impact in allowing the garage to remain while permitting the second floor storage to be constructed. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED this 19th day of **July, 2023** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR, §1A04.3.B.1b to permit a lot with less than the required 1.5 acres in the RC-5 zone is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief as follows:

- (1) From the BCZR, §1A04.3.A to permit a 37 ft. tall building in lieu of the maximum permitted 35 ft. tall building in the RC-5 zone is hereby **GRANTED**; and
- (2) From the BCZR, §1A04.3A to permit a proposed building lot coverage of 31.25% in lieu of the maximum permitted 15% in the RC-5 zone is hereby **GRANTED**; and
- (3) From the BCZR, §1A04.3.B.2 to permit side yard setbacks for proposed dwelling of 10 ft. and 12 ft. in lieu of the required 50 ft. in the RC-5 zone is hereby **GRANTED**; and
- (4) From the BCZR §1A04.3.B.2 to permit a side yard setback for existing accessory garage of 0 ft. in lieu of the required 50 ft. in the RC-5 zone is hereby **GRANTED**; and
- (5) From the BCZR § 400.3 to permit an accessory building (garage) 21 ft. tall in lieu of the maximum permitted 15 ft. tall 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, Petitioners would be required to return the subject property to its original condition.

2. Prior to issuance of permits, Petitioners must comply with the ZAC comments submitted by DEPS and DOP, copies of which are attached hereto and made a part hereof.

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

A handwritten signature in cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

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

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

For Newspaper Advertising:

Case Number: 2023-0113-SPHA
Property Address: 4038 Chestnut Road
Legal Owners (Petitioners): Joseph and Andrea Stumbroski
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Chris Stumbroski
Address: 3008 1st Avenue
Baltimore MD 21234
Telephone Number: 443-834-4499

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

Revised 3/2022



Rosenberg
Martin
Greenberg^{LLP}

23-0455
MK

Adam D. Baker
Direct Dial: (410) 649-1241
abaker@rosenbergmartin.com

May 17, 2023

VIA HAND-DELIVERY

Mr. Jeff Perlow Supervisor
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Zoning Variance and Special Hearing - Residential

Dear Mr. Perlow:

Rosenberg Martin Greenberg, LLP represents Christopher and Grace Stumbroski, the Petitioner for the attached Zoning Petition for the above-referenced property. Enclosed for filing please find the following:

1. Three (3) original copies of the Zoning Petition;
2. Three (3) signed and sealed zoning descriptions;
3. One (1) Zoning Map;
4. One (1) Advertising Farm;
5. Fourteen (14) copies of the site plan;
6. A check in the amount of \$150.00 to cover the filing fee for both Special Hearing and Zoning Variance.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Baker', followed by a horizontal line.

Adam D. Baker

ADB/tlm

2023-0113-SPHA

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

No. 222555

Date: 5/18/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
001	806	0000		6150						\$150.00
Total:										\$150.00

Rec From: Rosenberg Martin Greenberg
For: Residential Zoning Variance & Special
Hearing
4038 Chestnut Road
Zoning Case 2023-0113-SPHA

DISTRIBUTION

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

CASHIER'S
VALIDATION

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 # 2023-0113-SPHA
Address: 4038 Chestnut Rd
Legal Owner: Joseph and Andrea Stumbroski

Zoning Advisory Committee Meeting of May 30, 2023.

The Department of Environmental Protection and Sustainability (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.

The subject property is located within a Limited Development Area (LDA), Modified Buffer Area (MBA), and is subject to Critical Area requirements. The applicant is seeking a special hearing to be exempt from various zoning requirements. Concerning item 3 (*Variance from Section 1A043.A of the Baltimore County Zoning Regulations to permit a proposed building lot coverage of 31.25% in lieu of the maximum permitted 15% in the RC 5 zone.*), LDA regulations impose a lot coverage limit of 25%, not 15%, on this lot. Alternately, a lot coverage limit of 31.25% is allowed with on-site mitigation for the amount above 25%. During building permit review, adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with mitigation pursuant to Critical Area requirements.

2. Conserve fish, plant, and wildlife habitat.

This is a waterfront lot with a 100-foot Critical Area buffer extending onto the property from Seneca Creek. Meeting buffer requirements, lot coverage requirements, and the

15% afforestation requirement will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

If the proposed structures meet buffer, lot coverage, and afforestation requirements, this development will be consistent with established land-use policies.

Additional Comments:

Reviewer: Marie Brady

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/28/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0113-SPHA

INFORMATION:

Property Address: 4038 Chestnut Road
Petitioner: Joseph and Andrea Stumbroski
Zoning: RC 5
Requested Action: Special Hearing and Variance

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

Special Hearing - Pursuant to Section 1A04.3.B.1.b of the Baltimore County Zoning Regulations to permit a lot with less than the required 1.5 acres in the RC 5 zone;

Variance(s) - From Section 1A04.3.A, Section 1A04.3.B.2, and Section 400.3 respectively

- a. To permit a 37' tall building in lieu of the maximum permitted 35' tall building in the RC 5 zone;
- b. To permit a proposed building lot coverage of 31.25% in lieu of the maximum permitted 15% in the RC 5 zone;
- c. To permit side yard setbacks for proposed dwelling of 10' and 12' in lieu of the required 50' in the RC 5 zone;
- d. To permit side yard setbacks for existing accessory garage of 0' in lieu of the required 50' in the RC 5 zone;
- e. To permit an accessory building (garage) 21' tall in lieu of the maximum permitted 15' tall; and
- f. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

The subject property is located on Seneca Creek along Chestnut Road in the Middle River area of Baltimore County. The property consists of an approximately 16,850 SF parcel zoned R.C. 5 and is improved with an existing one story frame garage. Residential dwellings, forest conservation and the Seneca Creek surround the property.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves

to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

The Department of Planning has no objections to the relief request. The requested relief is not uncommon to this area. It should be noted that this site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.

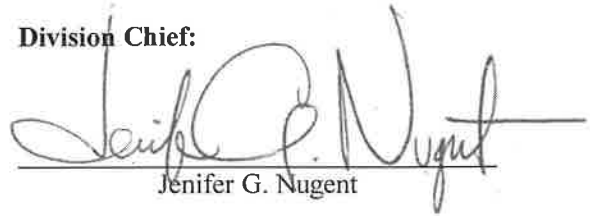
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN

c: Adam Baker – Rosenberg Martin Greenberg LLC.
David Birkenthal, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristin Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

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The subject property is located on Seneca Creek along Chestnut Road in the Middle River area of Baltimore County. The property consists of an approximately 16,850 SF parcel zoned R.C. 5 and is improved with an existing one story frame garage. Residential dwellings, forest conservation and the Seneca Creek surround the property.

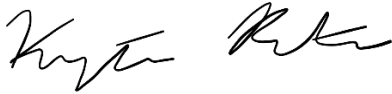
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to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

The Department of Planning has no objections to the relief request. The requested relief is not uncommon to this area. It should be noted that this site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.

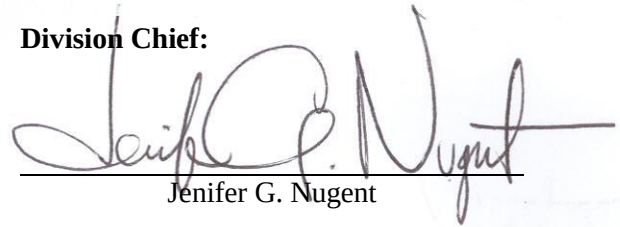
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN

c: Adam Baker – Rosenberg Martin Greenberg LLC.
David Birkenthal, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristin Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Affidavit of Publication

To: Chris Stumbroski -
3008 First Avenue
Baltimore, MD, 21234

Re: Legal Notice 2515882,
CASE NUMBER: 2023-0113-SPHA

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 06/27/2023

By



Joy Hough
Authorized Designee of the Publisher

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

CASE NUMBER: 2023-0113-SPHA

4038 Chestnut Road

Northside of Chestnut Road, north of centerline of Seneca Road

15th Election District - 5th Councilmanic District

Legal Owners: Joseph & Andrea Stumbroski

Contract Purchaser/Lessee: Christopher & Grace Stumbroski

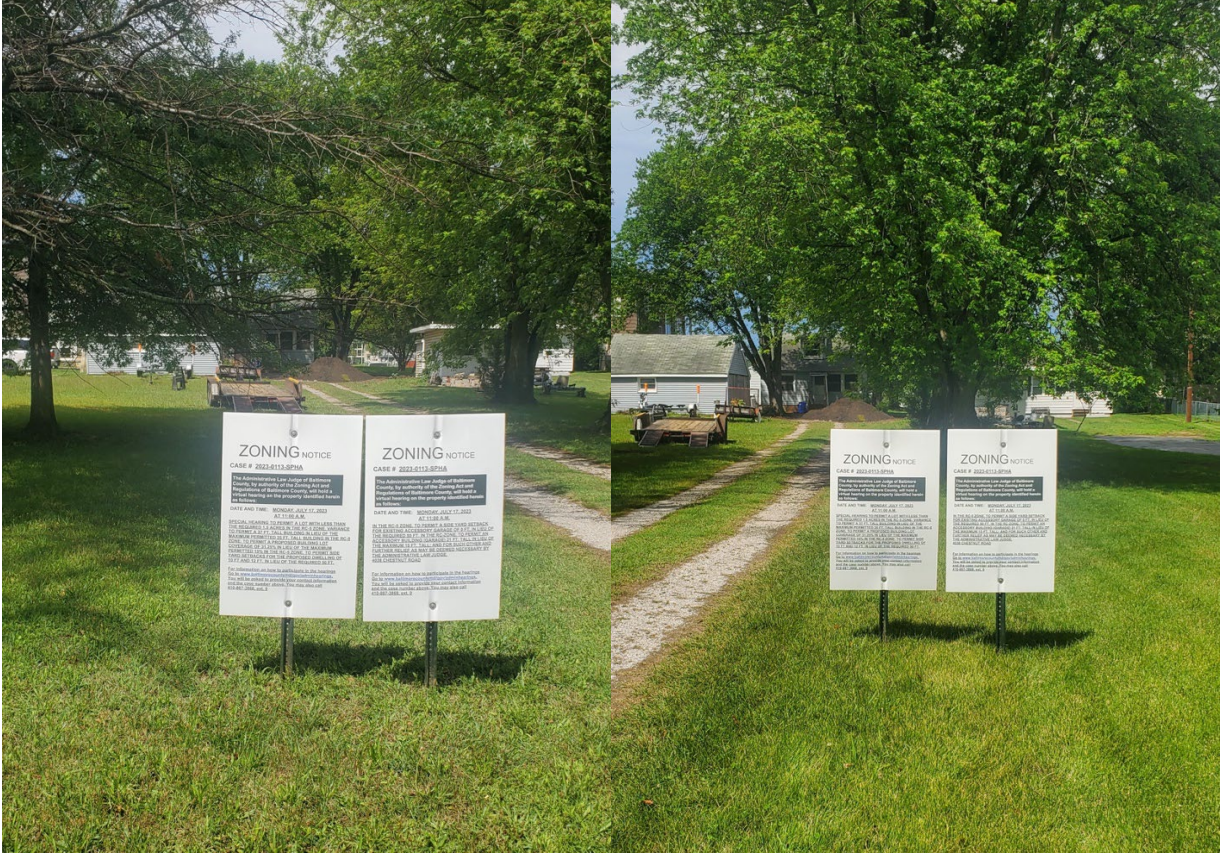
Special Hearing to permit a lot with less than the required 1.5 acres in the RC-5 zone. Variance to permit a 37 ft. tall building in lieu of the maximum permitted 35 ft. tall building in the RC-5 zone. To permit a proposed building lot coverage of 31.25% in lieu of the maximum permitted 15% in the RC-5 zone. To permit side yard setbacks for proposed dwelling of 10 ft. and 12 ft. in lieu of the required 50 ft. in the RC-5 zone. To permit a side yard setback for existing accessory garage of 0 ft. in lieu of the required 50 ft. in the RC-5 zone. To permit an accessory building (garage) 21 ft. tall in lieu of the maximum permitted 15 ft. tall; and for such other and further relief as may be deemed necessary by the Administrative Law Judge.

Hearing: Monday, July 17, 2023 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County
je27 2515882



Background Photo 1st set of Signs

Background Photo 2nd set of Signs

Posted @ 4038 Chestnut Road ~ 6/25/2023

CASE # 2023-0113-SPHA

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. 2023-0113-SPHA

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 AE (BFE=8.5) and X-Shaded per panel FIRM 2400100435F 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 2400100435G 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.

* * * * *

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 # 2023-0113-SPHA
Address: 4038 Chestnut Rd
Legal Owner: Joseph and Andrea Stumbroski

Zoning Advisory Committee Meeting of May 30, 2023.

The Department of Environmental Protection and Sustainability (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.

The subject property is located within a Limited Development Area (LDA), Modified Buffer Area (MBA), and is subject to Critical Area requirements. The applicant is seeking a special hearing to be exempt from various zoning requirements. Concerning item 3 (*Variance from Section 1A043.A of the Baltimore County Zoning Regulations to permit a proposed building lot coverage of 31.25% in lieu of the maximum permitted 15% in the RC 5 zone.*), LDA regulations impose a lot coverage limit of 25%, not 15%, on this lot. Alternately, a lot coverage limit of 31.25% is allowed with on-site mitigation for the amount above 25%. During building permit review, adverse impacts on water quality from the pollutants discharged from the proposed development can be minimized with mitigation pursuant to Critical Area requirements.

2. Conserve fish, plant, and wildlife habitat.

This is a waterfront lot with a 100-foot Critical Area buffer extending onto the property from Seneca Creek. Meeting buffer requirements, lot coverage requirements, and the

15% afforestation requirement will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

If the proposed structures meet buffer, lot coverage, and afforestation requirements, this development will be consistent with established land-use policies.

Additional Comments:

Reviewer: Marie Brady

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 - 1508653540

Owner Information

Owner Name: STUMBROSKI JOSEPH A Use: RESIDENTIAL
STUMBROSKI ANDREA R Principal Residence: YES
Mailing Address: 4038 CHESTNUT RD Deed Reference: /47700/ 00010
MIDDLE RIVER MD 21220-4025

Location & Structure Information

Premises Address: 4038 CHESTNUT RD Legal Description: CHESTNUT RD
MIDDLE RIVER 21220-4025 BOWLEYS QUARTERS
Waterfront

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0091 0022 0150 15030020.04 0000 2 141 2021 Plat Ref: 0007/ 0013

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1929 626 SF 16,850 SF 34

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
1 1/2 YES STANDARD UNITSIDING/3 1 full 1 Detached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2021	As of 07/01/2022	As of 07/01/2023
Land:	263,200	263,200		
Improvements	51,200	56,800		
Total:	314,400	320,000	318,133	320,000
Preferential Land:	0	0		

Transfer Information

Seller: HOERNER JOHN EDWARD	Date: 01/17/2023	Price: \$275,000
Type: NON-ARMS LENGTH OTHER	Deed1: /47700/ 00010	Deed2:
Seller: HOERNER JOHN E	Date: 04/24/1974	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05440/ 00429	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: None

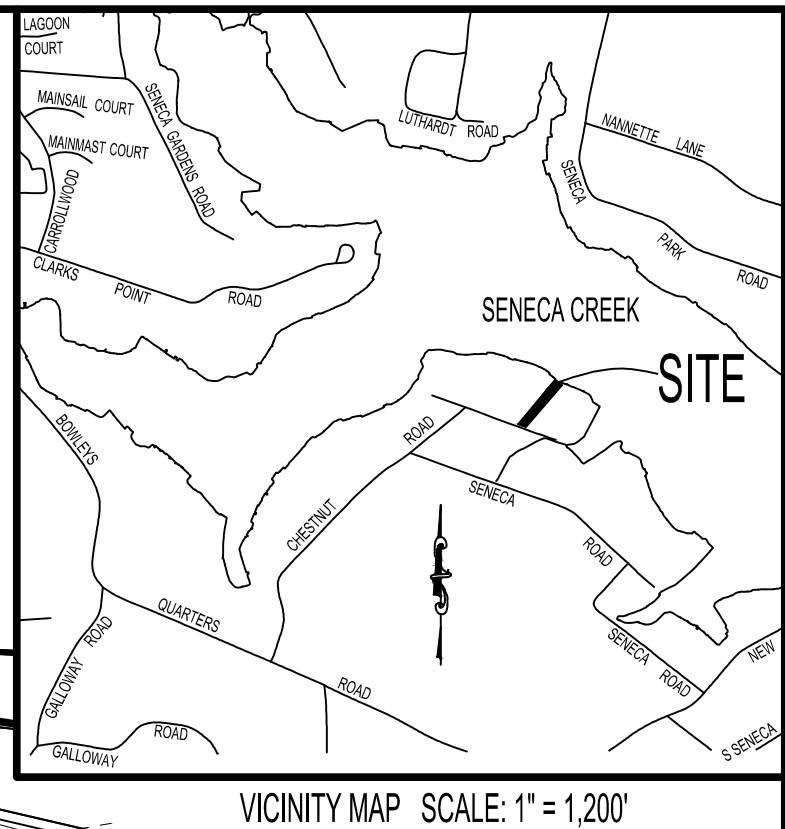
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0113-SHA



- GENERAL NOTES**
1. ZONED: RC5 (091C3)
 2. LOT AREA: 16,850 sf± or 0.3868 AC± PER SDAT.
 3. EXISTING USE: SINGLE FAMILY DWELLING WITH ACCESSORY STRUCTURES.
 4. PROPOSED USE: NEW SINGLE FAMILY DWELLING WITH ACCESSORY STRUCTURES.
 5. PROPOSED DWELLING HEIGHT = 37', PROPOSED ACCESSORY GARAGE HEIGHT = 21'
 6. EXISTING LOT IS SERVICED BY PUBLIC SEWER AND WATER.
 7. EX. F.I.R.M. MAP 2400100435G DATED 05/05/2014 ZONE "X" & "AE-7".
 8. VERIFY HOUSE DIMENSIONS WITH ARCHITECTURAL PLANS.
 9. THIS PLAN IS NOT BASED ON A BOUNDARY SURVEY, IT IS A COMPILATION OF THE GIS PORTAL, PUBLIC RECORDS AND PUBLIC WORKS UTILITY DRAWING.
 10. EX. LOT COVERAGE: 2,378.26 SF± (14.1% COVERAGE)
PROP. LOT COVERAGE: TO BE DETERMINED AT BUILDING PERMIT APPLICATION.
ALLOWABLE LOT COVERAGE OF 31.25% = 5,265 SF±.
 11. FOR BUILDING PURPOSES, THE BFE OF 8.5' (NAVD88) MUST BE USED BASED ON FEMA MAP 2400100435G, DATED 9/26/2008 ZONE "X". THE FPE IS 10.5' (NAVD88).
 12. THE PROPERTY IS LOCATED WITHIN THE C.B.C.A.(LDA), MBA.
 13. THE PROPERTY IS NOT LOCATED WITHIN A HISTORIC DISTRICT.
 14. NO BASIC SERVICE MAP DEFICIENCIES FOR SEWER, WATER AND TRANSPORTATION.

Michael V. Moskunas
Professional Land Surveyor #21175
License Expires: 6/25/2025
Graphical Scale: 1" = 20'

PLAN TO ACCOMPANY VARIANCE PETITION		
#4038 CHESTNUT ROAD		
Lot - 141 Plat W.P.C. No. 7-13		
"BOWLEYS QUARTER PLAT NO. 2"		
Map: 91 - Grid: 22 - Parcel: 150 - Tax ID# 1508653540 - Deed: JLE 47700 / 10		
15th Election District, 5th Councilmanic District		
Baltimore County, Maryland		
Scale: 1" = 20'	Date: 5/02/2023	JOB #10109TILE B
Drawn: M.V.M.	Checked: B.L.M.	Survey'd: DTW,JK

200 E. JOPPA RD
SUITE 105
TOWSON, MD 21286
T: (410)339-5413
F: (410)339-5415

Owner
Joseph A. Stumbroski
Andrea R. Stumbroski
#4038 Chestnut Road
Middle River, Md. 21220-4025

CHESTNUT ROAD

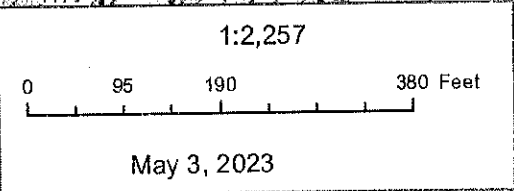
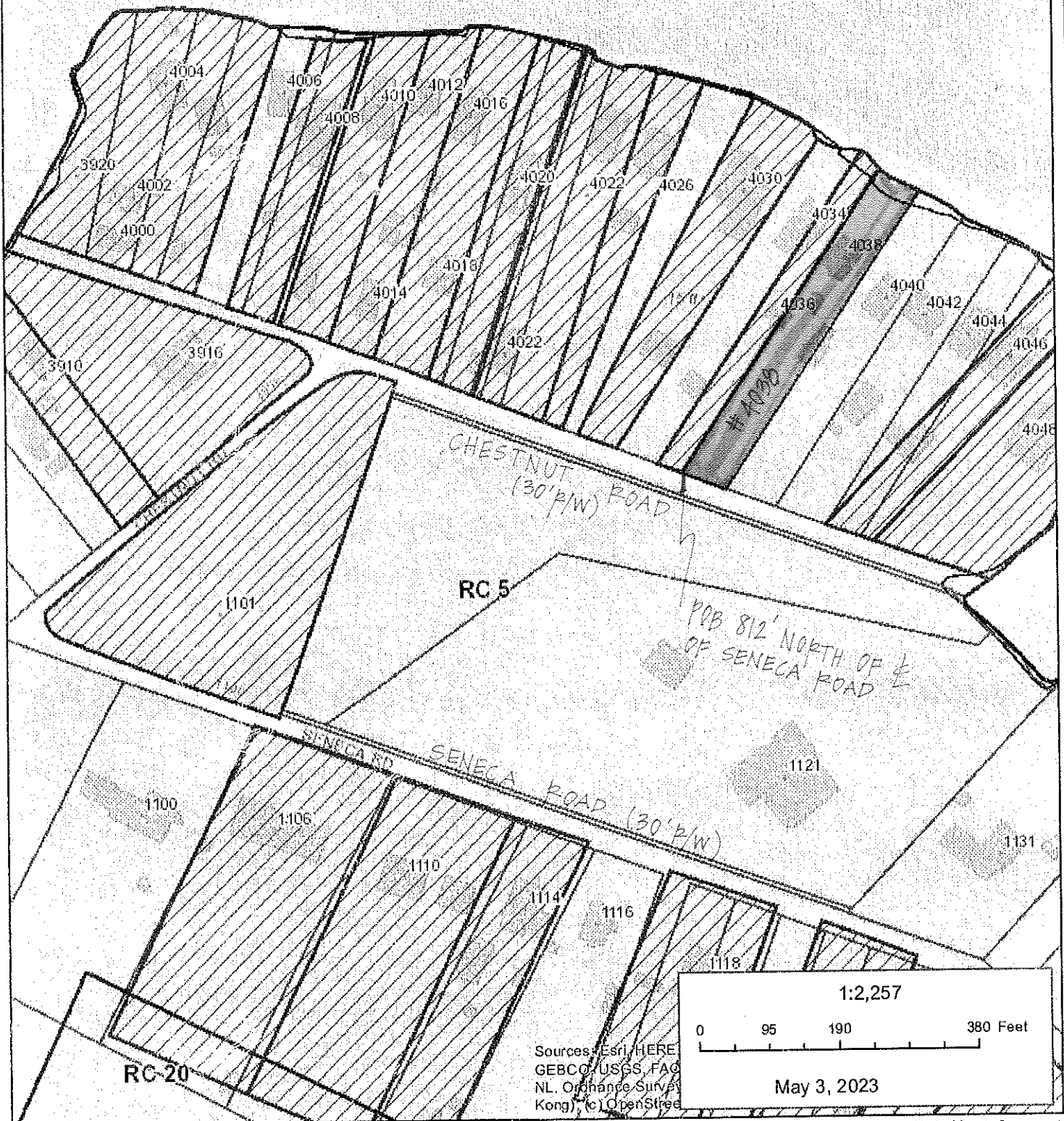
4038 Chestnut Road Zoning Map



2023-0113-SPHA



SENECA CREEK



Sources: Esri, HERE
GEBCO, USGS, FAO,
NL, Ordnance Survey,
Kong), (c) OpenStreet