



JOHN A. OLSZEWSKI, JR.
County Executive

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

October 22, 2023

Robert Toporzycki, Sr. – rob@atlanticfireproofing.com
12 S. Oldham Street
Baltimore, MD 21224

RE: Petitions for Special Hearing & Variance
Case No. 2023-0165-SPHA
Property: Parcel 146 Wood Avenue

Dear Mr. Toporzycki:

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 cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: J. Scott Dallas – jsdinc@aol.com
Patricia Anderson – michno2087@aol.com
Richard Taylor – rtaylor1@umd.edu
Quentin Mohr – arthurmohr@yahoo.com
Brian Kopp- portcitycontractors@gmail.com
Richard Abbotts -abbotastic@msn.com
Tom Ruth - ruthfamily12@verizon.net

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(Parcel 146 Wood Avenue – Lots 1-4)	*	OFFICE OF
15 th Election District		
7th Council District	*	ADMINISTRATIVE HEARINGS
Robert Toporzycki, Sr.		
<i>Legal Owner</i>	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0165-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owner, Robert Toporzycki, Sr., (the “Petitioner”) for the property located at Parcel 146 Wood Avenue, Sparrows Point (the “Property”). A Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7 to allow a lot containing 0.833 acres ± in lieu of the required minimum 1.5 acres in an RC 5 zone. Variance relief was also filed from BCZR, §1A04.3.2.b to allow a setback of 45 ft from the center of paving of Wood Avenue in lieu of the required 75 ft. and from BCZR, §1A04.3.3 to allow lot coverage of 16% in lieu of the required 15%.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared at the hearing in support of the Petition along with J. Scott Dallas, a registered property line surveyor with J.S. Dallas, Inc. who prepared and sealed a site plan (the “Site Plan”) and a revised site plan (“the Revised Site Plan”). (Pet. Exs. 1, 2). There were several neighboring property owners who appeared and testified in opposition at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) which agency did not oppose the requested relief. The Department of

Environmental Protection and Sustainability (“DEPS”) issued a comment that the Property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area (“CBCA”) and is therefore subject to those regulations. In particular, the Site Plan indicates that the proposed lot coverage on the Site Plan of 5,774 sf exceeds the maximum of 5,445 sf.

The Property is comprised of four (4) unimproved lots and a separate parcel for an alley or paper road which were created on the Plat of Pennwood Terrace as recorded in the Land Records of Baltimore County (Liber WPC 8, folio 29) on December 18, 1925. The Property measures 0.833 acres +/- (36,282 sf). It is located on the corner of Wood Avenue and North Point Rd. and is split-zoned Resource Conservation (RC5) and Density Residential (DR 5.5). Along with the Petitions, Petitioner filed a Site Plan which proposes a 2-story home spanning the 4 lots which would face North Point Rd., as well as a driveway accessed from Wood Avenue, and an in-ground pool in the rear yard. (Pet. 1 Ex. 1). Initially, the home would be setback 83 ft. from North Point Rd. and the proposed driveway was proposed to be 20 ft. wide. After taking into consideration the County comments, the home is now proposed to be setback 60 ft. from North Point Rd. and the driveway will only be 11 ft. wide. This reduction in impervious surface meets the RC5 requirement for 15 % lot coverage and as a result, that Variance relief is no longer needed. The Revised Site Plan incorporates these changes. (Pet. Ex. 2).

Mr. Dallas explained that the total Property size can not meet the 1.5-acre minimum lot size requirement for RC5 zoned properties. Additionally, positioning the home in nearly the center of the 4 horizontal lots while also providing for a shorter driveway to Wood Ave., does not meet the 75 minimum setback from the center of the paving on Wood Ave. Without the requested relief, a modern home can not be constructed. Mr. Dallas opined that the Property is uniquely shaped and combining the 4 lots makes the Property one of the largest in the neighborhood.

Several neighboring property owners appeared at the hearing: Sharon Glaser, 8021 Wood Ave.; Richard Abbott 8025 Wood Ave.; Patricia Anderson 8028 Pennwood Ave.; and Tom Ruth 8014 Pennwood Ave., whose collective testimony was that the deed for the Property, like the ones in the neighborhood, prohibits construction. Protestants collectively also asserted that the 15 ft. alley or paper road is owned by Brian and Christy Kopp, 320B Wood Ave. Mr. and Mrs. Kopp did testify at the hearing and were not opposed to the construction of the proposed home but only wanted that the alley to remain a right of way for utilities. There may or may not be a title dispute about the alley. Otherwise, Protestants also voiced concern that the location of the home would obstruct the view for ingress and egress.

Mr. Dallas responded that the nearest part of the home to the paving on North Point Rd. is 95 ft. and therefore will not obstruct the view for vehicles turning from Wood Ave. to North Point Rd.

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).

The Property was platted in 1925 and thereafter the RC5/DR 5.5 zones were imposed which requires the minimum lot size and setback from roadways. OAH does not have jurisdiction to interpret deed restrictions. Those cases are decided by the Circuit Court. In this case, the Petitioner has moved the home in response to County comments and reduced the paving of the proposed driveway almost by one-half which reduction also helps to prevent damage to the critical root zone of the Speciman Tree which will remain. The paving on the existing alley will be removed and reseeded. Accordingly, I find the Special Hearing relief is within the spirit and intent of the BCZR and should be granted.

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).

I find that the Property, comprised of 5 lots, is uniquely shaped and is larger than other lots in the neighborhood. I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if the proposed reduced setback to the centerline of Wood Avenue were not granted because the position of the home needs to be nearest to the center of the Property while also providing driveway access to Wood Ave. If the home were moved farther from Wood Avenue to meet the 75 ft. setback, the driveway would have to be lengthened which would then exceed the 15 % RC5 lot coverage requirement. 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.

THEREFORE, IT IS ORDERED, this 23rd day of **October 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR, §500.7 to allow a lot containing 0.833 acres +/- in lieu of the required minimum 1.5 acres in an RC 5 zone it is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §1A04.3.2.b to allow a setback of 45 ft. from the center of paving of Wood Avenue in lieu of the required 75 ft., be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §1A04.3.3 to allow lot coverage of 16% in lieu of the required 15% for RC5 zoned properties, be, and it is hereby **DISMISSED AS MOOT**.

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. The Revised Site Plan (Pet. Ex. 2) is attached hereto and incorporated herein in its entirety.
3. Petitioner must comply with the DOP and DEPS ZAC comments, copies of 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.

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: _____

2023-0165-SPHA

Property Address: _____

Lots 1-4 and Alley Area WOOD AVENUE

Legal Owners (Petitioners): _____

Robert Toporzycki, Sr.

Contract Purchaser/Lessee: _____

N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____

J. S. Dallas, Inc.

Address: _____

P.O. Box 26

Baldwin, MD 21013

Telephone Number: _____

410 817 4600

*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

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

No. 221177

Date: 8-7-2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	826	0000		6150					150.00
Total:									150.00

Rec From: Wood Ave Parcel 146

For: 2023-0165-SHA

RLS, DR 5.5

DISTRIBUTION

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

CASHIER'S
VALIDATION

WF 23-0710

J. S. DALLAS INC

P.O. BOX 26
BALDWIN, MD 21013-0026

12773

60-1809/433
02791

DATE 8-4-23

CHECK ARMOR
FRAUD PROTECTION

PAY
TO THE
ORDER OF

BALTIMORE COUNTY, MD.

\$ 150⁰⁰

ONE HUNDRED FIFTY AND

00/100

DOLLARS

Photo
Safe
Deposit
Details on back



First National Bank

FOR WOOD AVE V+SPEC. H.

[Signature]

⑈012773⑈ ⑆043318092⑆ 5700001973⑈

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/8/2023

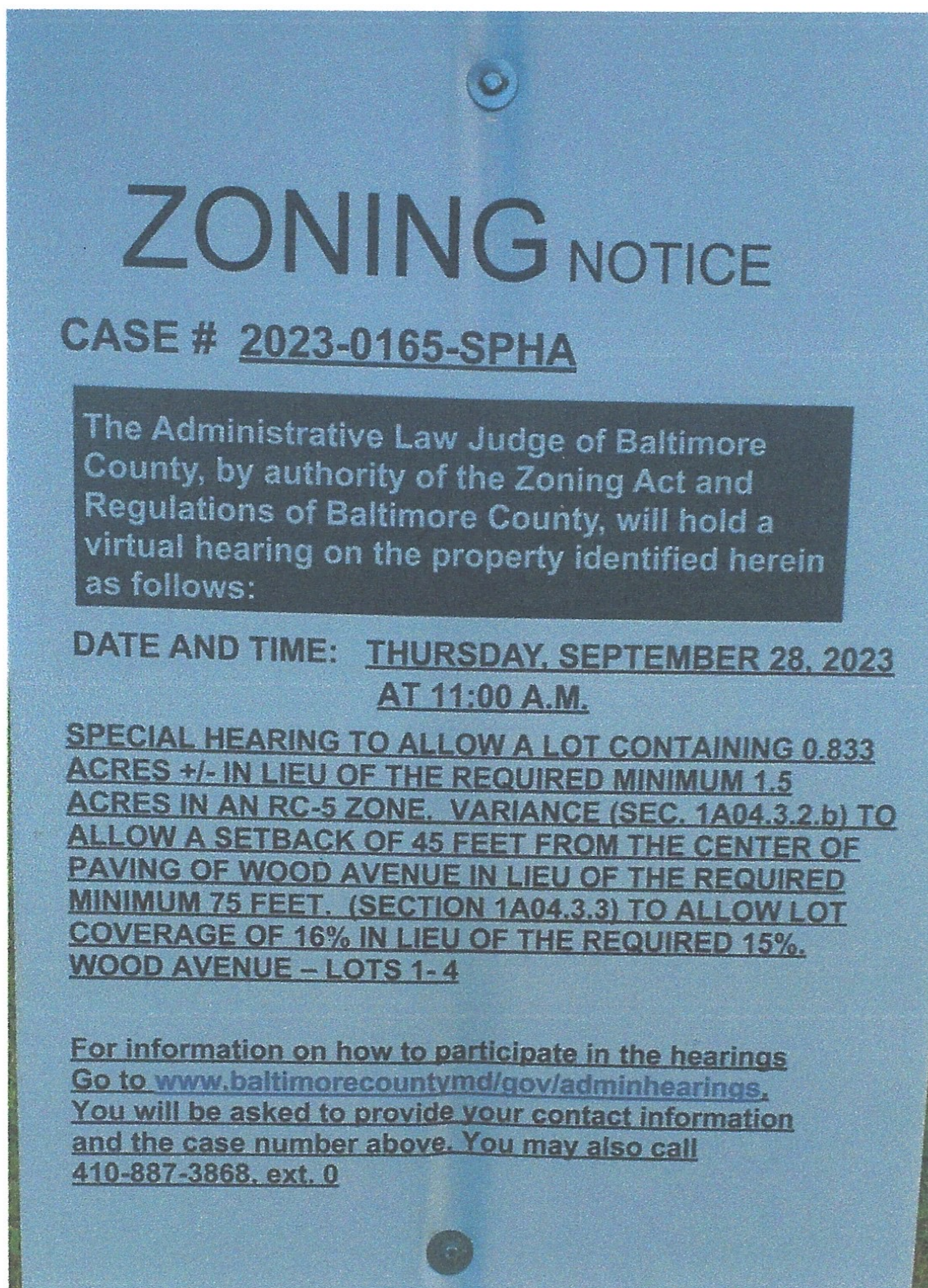
Case Number: 2023-0165-SPHA

Petitioner / Developer: J. S. DALLAS ~ ROBERT TOPORZYCKI

Date of Hearing: SEPTEMBER 28, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
WOOD AVENUE – LOTS 1-4

The sign(s) were posted on: SEPTEMBER 8, 2023



Linda O'Keefe

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

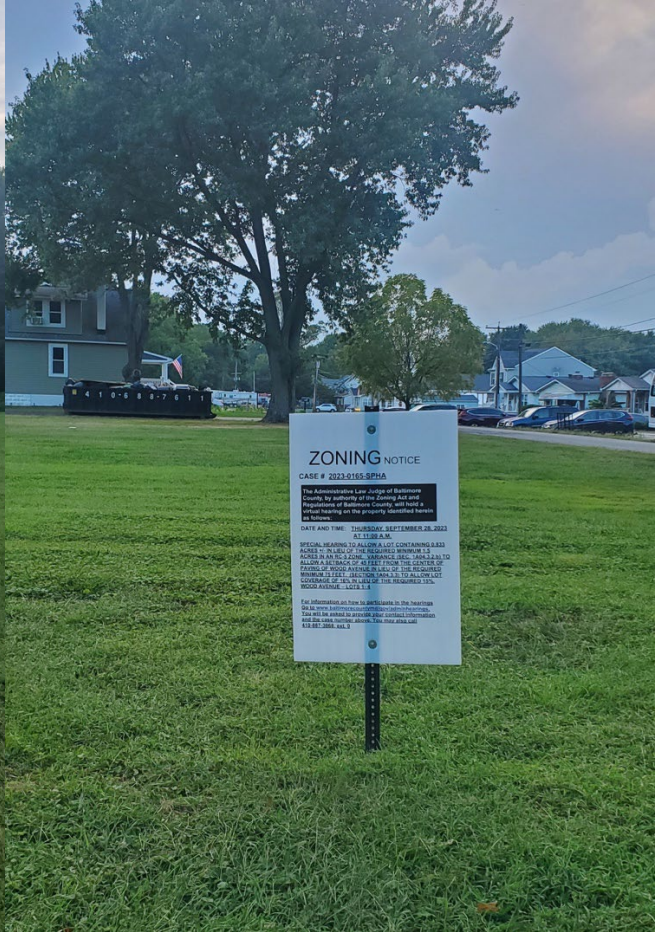
(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)



1st SIGN
 2ND SIGN
 POSTED @ WOOD AVENUE – LOTS 1-4 ~ 9/8/2023
CASE # 2023-0165-SPHA

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 9/14/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0165-SPHA

INFORMATION:

Property Address: Wood Avenue, Parcel 146
Petitioner: Robert Toporzycki, Sr.
Zoning: RC 5, DR 5.5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To allow a lot containing 0.833 acres +/- in lieu of the required minimum 1.5 acres in an RC 5 zone;

Variance

2. From Section 1A04.3.2.b of the Baltimore County Zoning Regulations (BCZR) to allow a setback of 45 feet from the center of paving of Wood Avenue in lieu of the required minimum 75 feet; and
3. From Section 1A04.3.3 to allow a lot coverage of 16% in lieu of the maximum permitted 15%.

The subject site is five parcels, totaling approximately 0.833 acres, at the corner of Wood Avenue and North Point Road in the Sparrows Point vicinity. Per Google Streetview from June of 2022, the site is vacant, with the exception of a driveway and a carport. The site is relatively flat and grassy and has one large tree to the west of the site, near Wood Avenue, which is shown on the site plan submitted with the petition. Per the State Department of Assessments and Taxation (SDAT), the property owner/Petitioner purchased the property in March of 2023; the listed use on SDAT is residential.

One of the five parcels making up the subject site is zoned DR 5.5; the four remaining parcels are zoned RC 5 and DR 5.5, as shown below. The subject parcels are selected in blue.



Based on the Department of Planning's research on the subject site, the site has not been the subject of any past Comprehensive Zoning Map Process (CZMP) requests, development plans, or zoning petitions.

Uses surrounding the subject site vary. To the north, along Penwood Avenue, is primarily single-family detached residential in the DR 5.5 zone. The southwest corner of Shore Road and North Point Road is zoned BL, however SDAT lists the property as homeowner occupied. Between Wood Avenue and Penwood Avenue, there is a strip grassy land with loose gravel and a handful of trees that residents appear to use for parking. To the south and the east of the subject site is North Point Park, which is state-owned. The portion of North Point Park to the east of North Point Road is zoned RC 20 and is outside the URDL; the portion of North Point Park to the west of North Point Road is zoned RC 5 and is inside the URDL. West of the subject site is single family detached dwellings on DR 5.5 zoned land, as well as vacant parcels zoned RC 5, as shown in the screenshot above.

The Petitioner wishes to construct a two-story single family detached dwelling, driveway, and an in-ground pool on the site. The dwelling will front North Point Road. Per the submitted site plan, the proposed dwelling and driveway are within the RC 5 zoned portion of the site, and the proposed pool straddles the DR 5.5/RC 5 zoning lines.

The property is inside the Urban-Rural Demarcation Line (URDL). It is also within the Chesapeake Bay Critical Area and is mapped as a Limited Development Area. North Point Road, which the dwelling is proposed to front, is a designated Baltimore County Scenic Route. The site is Growth Tier 1, which is for properties inside the URDL served by public sewer. The site is also within the boundary of three adopted 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. Some of the relevant goals of the Greater Dundalk-Edgemere Community Conservation Plan, adopted February 22nd, 2000, include encouraging homeownership and residential stability (page 36) and promoting infill development on vacant or underused properties (page 47).

Although the Department of Planning typically does not support Special Hearing requests for lot sizes in the RC 5 zone, this property is unique from many of those requests, as this site is inside the URDL, is Growth Tier I, and is surrounded to the north and west with single family detached residential on DR 5.5 zoned land. The proposed request does not appear to be inconsistent with the surrounding neighborhood. Because of the aforementioned facts, the Department of Planning has no objections to the requested Special Hearing and Variance relief, subject to the following conditions:

1. The proposed dwelling is within the RC 5 zone, and is therefore subject to the RC 5 Performance Standards outlined in Section 1A04.4 of the Baltimore County Zoning Regulations.
2. The proposed dwelling is along a Baltimore County Scenic Route, and is therefore subject to the Baltimore County Landscape Manual, Condition Q: Scenic Routes and Views.
3. The existing tree to the west of the property, near Wood Avenue (shown on the site plan to be 44 feet at the base) is to be preserved and maintained. The removal of the tree is not in keeping with the spirit and intent of the Resource Conservation zone or the scenic route designation.

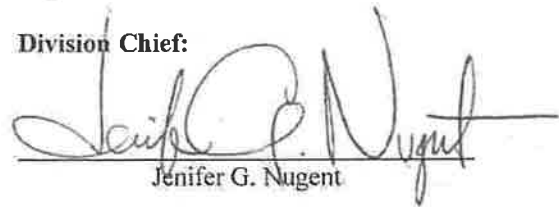
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas

David Birkenthal, 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

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: September 1, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0165-SPHA
Address: 1-4 WOOD AVE
Legal Owner: Robert Toporzycki, Sr.

Zoning Advisory Committee Meeting of August 28, 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 new dwelling on a 0.833-acre lot in lieu of the required 1.5-acres required in an RC-5 zone, with a setback of 45 feet from the center of Wood Avenue in lieu of the required minimum 75 feet, and with lot coverage of 16% in lieu of the required maximum 15% in an RC-5 zone. Any proposed development must meet all LDA requirements, including lot coverage limits and afforestation requirements. LDA regulations limit lot coverage on a lot of this size to a maximum of 5,445 square feet. The site plan provided indicates that 5,774 square feet of lot coverage are proposed. Afforestation requirements

are not addressed. Based on the information provided, the relief requested by the applicant will not result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The proposal does not meet LDA requirements. Proposed lot coverage exceeds the 5,445-square foot maximum limit for a lot of this size, and afforestation requirements are not addressed. This request does not 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;

As currently proposed, the relief requested does not meet Critical Area requirements and will not be consistent with established land-use policies.

Additional Comments:

Reviewer: Libby Errickson August 24, 2023

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/14/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0165-SPHA

INFORMATION:

Property Address: Wood Avenue, Parcel 146

Petitioner: Robert Toporzycki, Sr.

Zoning: RC 5, DR 5.5

Requested Action: Special Hearing, Variance

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

Special Hearing -

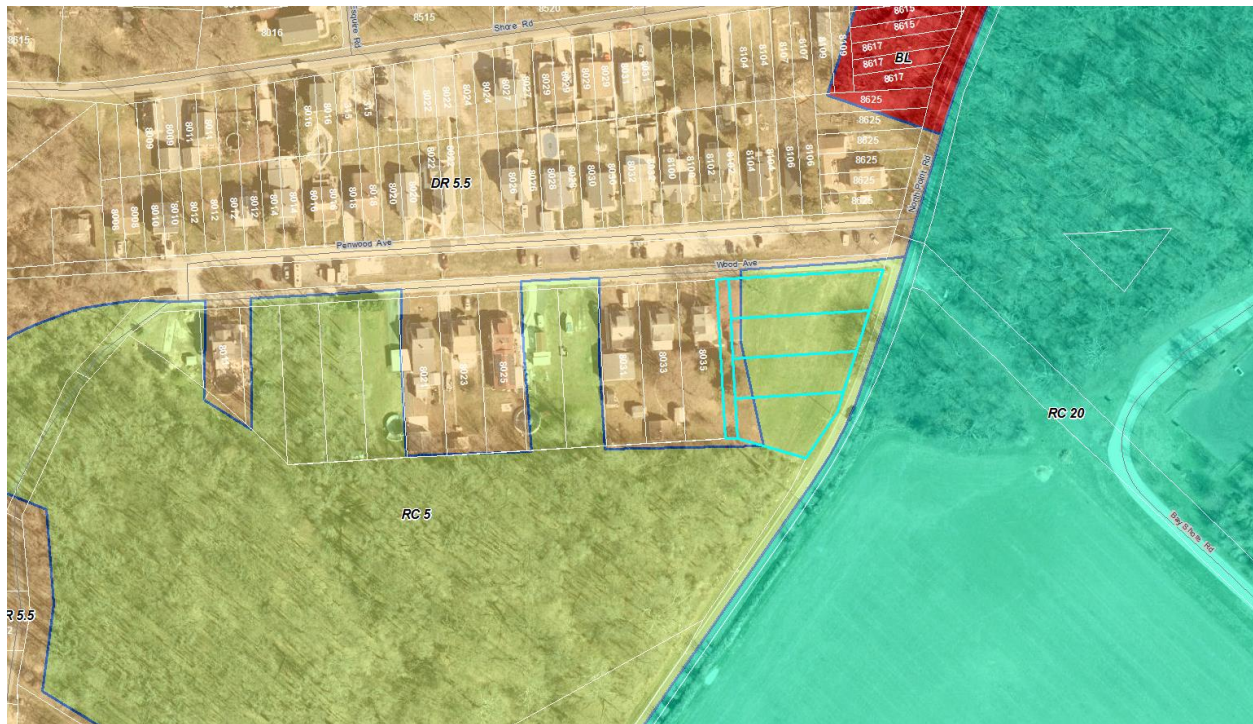
1. To allow a lot containing 0.833 acres +/- in lieu of the required minimum 1.5 acres in an RC 5 zone;

Variance -

2. From Section 1A04.3.2.b of the Baltimore County Zoning Regulations (BCZR) to allow a setback of 45 feet from the center of paving of Wood Avenue in lieu of the required minimum 75 feet; and
3. From Section 1A04.3.3 to allow a lot coverage of 16% in lieu of the maximum permitted 15%.

The subject site is five parcels, totaling approximately 0.833 acres, at the corner of Wood Avenue and North Point Road in the Sparrows Point vicinity. Per Google Streetview from June of 2022, the site is vacant, with the exception of a driveway and a carport. The site is relatively flat and grassy and has one large tree to the west of the site, near Wood Avenue, which is shown on the site plan submitted with the petition. Per the State Department of Assessments and Taxation (SDAT), the property owner/Petitioner purchased the property in March of 2023; the listed use on SDAT is residential.

One of the five parcels making up the subject site is zoned DR 5.5; the four remaining parcels are zoned RC 5 and DR 5.5, as shown below. The subject parcels are selected in blue.



Based on the Department of Planning's research on the subject site, the site has not been the subject of any past Comprehensive Zoning Map Process (CZMP) requests, development plans, or zoning petitions.

Uses surrounding the subject site vary. To the north, along Penwood Avenue, is primarily single-family detached residential in the DR 5.5 zone. The southwest corner of Shore Road and North Point Road is zoned BL, however SDAT lists the property as homeowner occupied. Between Wood Avenue and Penwood Avenue, there is a strip grassy land with loose gravel and a handful of trees that residents appear to use for parking. To the south and the east of the subject site is North Point Park, which is state-owned. The portion of North Point Park to the east of North Point Road is zoned RC 20 and is outside the URDL; the portion of North Point Park to the west of North Point Road is zoned RC 5 and is inside the URDL. West of the subject site is single family detached dwellings on DR 5.5 zoned land, as well as vacant parcels zoned RC 5, as shown in the screenshot above.

The Petitioner wishes to construct a two-story single family detached dwelling, driveway, and an in-ground pool on the site. The dwelling will front North Point Road. Per the submitted site plan, the proposed dwelling and driveway are within the RC 5 zoned portion of the site, and the proposed pool straddles the DR 5.5/RC 5 zoning lines.

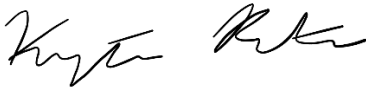
The property is inside the Urban-Rural Demarcation Line (URDL). It is also within the Chesapeake Bay Critical Area and is mapped as a Limited Development Area. North Point Road, which the dwelling is proposed to front, is a designated Baltimore County Scenic Route. The site is Growth Tier 1, which is for properties inside the URDL served by public sewer. The site is also within the boundary of three adopted 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. Some of the relevant goals of the Greater Dundalk-Edgemere Community Conservation Plan, adopted February 22nd, 2000, include encouraging homeownership and residential stability (page 36) and promoting infill development on vacant or underused properties (page 47).

Although the Department of Planning typically does not support Special Hearing requests for lot sizes in the RC 5 zone, this property is unique from many of those requests, as this site is inside the URDL, is Growth Tier I, and is surrounded to the north and west with single family detached residential on DR 5.5 zoned land. The proposed request does not appear to be inconsistent with the surrounding neighborhood. Because of the aforementioned facts, the Department of Planning has no objections to the requested Special Hearing and Variance relief, subject to the following conditions:

1. The proposed dwelling is within the RC 5 zone, and is therefore subject to the RC 5 Performance Standards outlined in Section 1A04.4 of the Baltimore County Zoning Regulations.
2. The proposed dwelling is along a Baltimore County Scenic Route, and is therefore subject to the Baltimore County Landscape Manual, Condition Q: Scenic Routes and Views.
3. The existing tree to the west of the property, near Wood Avenue (shown on the site plan to be 44 feet at the base) is to be preserved and maintained. The removal of the tree is not in keeping with the spirit and intent of the Resource Conservation zone or the scenic route designation.

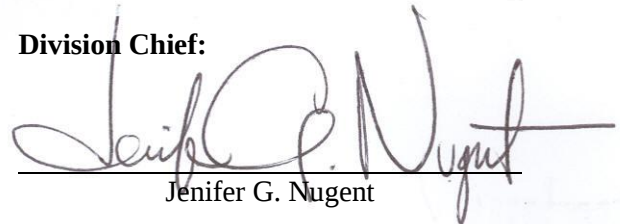
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas
David Birkenthal, 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



September 19, 2023

J. Scott Dallas
P.O. Box 26
Baldwin, MD 21013

RE: Case Number: 2023-0165-SPHA, Parcel 146, Wood Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 7, 2023. This letter is not an approval, but only a NOTIFICATION.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. There have not been any comments submitted from these agencies. If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,


Jeff Perlou
Supervisor
Department of Zoning

K1

C: Robert Toporzycki, Sr., 124 S. Oldham Street, Baltimore 21224

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: August 28, 2023

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 28, 2023
Item No. 2023-0165-SPHA

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

DPW&T Comments:

- A) DPWT requests the property owner or developer to dedicate right-of-way in the amount of 30 feet total or 15 feet from the centerline of the road. The dedication and drawings required are to be made at the expense of the property owner or developer.

VKD: JK
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: September 1, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0165-SPHA
Address: 1-4 WOOD AVE
Legal Owner: Robert Toporzycki, Sr.

Zoning Advisory Committee Meeting of August 28, 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 new dwelling on a 0.833-acre lot in lieu of the required 1.5-acres required in an RC-5 zone, with a setback of 45 feet from the center of Wood Avenue in lieu of the required minimum 75 feet, and with lot coverage of 16% in lieu of the required maximum 15% in an RC-5 zone. Any proposed development must meet all LDA requirements, including lot coverage limits and afforestation requirements. LDA regulations limit lot coverage on a lot of this size to a maximum of 5,445 square feet. The site plan provided indicates that 5,774 square feet of lot coverage are proposed. Afforestation requirements

are not addressed. Based on the information provided, the relief requested by the applicant will not result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The proposal does not meet LDA requirements. Proposed lot coverage exceeds the 5,445-square foot maximum limit for a lot of this size, and afforestation requirements are not addressed. This request does not 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;

As currently proposed, the relief requested does not meet Critical Area requirements and will not be consistent with established land-use policies.

Additional Comments:

Reviewer: Libby Errickson August 24, 2023

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: September 1, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0165-SPHA
Address: 1-4 WOOD AVE
Legal Owner: Robert Toporzycki, Sr.

Zoning Advisory Committee Meeting of August 28, 2023.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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As currently proposed, the relief requested does not meet Critical Area requirements and will not be consistent with established land-use policies.

Additional Comments:

Reviewer: Libby Errickson August 24, 2023

NORTH POINT RD

Lot # 106

1507001910

Lot # 106

8625

Lot # 106

Lot # 106

Lot# 112

1502001160

8106

Lot# 112

PAI # 158025

PAI # 158025

Lot# 14

8104

Lot# 14

1512591340

Lot # 116

8102

Lot# 116

1511990001

Pt. Bk. 0000007, Folio 0092

Lot# 118

1504500610

DR 5.5

PENWOOD AVE

SE 7-1

Urban Side of URDL

WOOD AVE

7 CD 111C3

Lot # 1

2400006622

15 ED

Lot # 1

RC 20

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

Rural Side of URDL

1502024400

Pt. Bk./Folio # 008029C

Lot # 5

1513751950

Lot # 1

RC 5

SE 8-1

Lot # 1

Lot # 6 1501350960

20230165-SPHA

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 - 2400006622	
Owner Information		
Owner Name:	TOPORZYCKI ROBERT SR	Use: RESIDENTIAL
Mailing Address:	124 S OLDHAM STREET BALTIMORE MD 21224-	Principal Residence: NO
		Deed Reference: /47828/ 00234
Location & Structure Information		
Premises Address:	WOOD AVE BALTIMORE 21219-	Legal Description: .77 AC LTS1-4&ALLEY SS WOOD AVE PENNWOOD TERRACE
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:		
0111 0024 0146 15140127.04 0000 2 1 2024 Plat Ref: 0008/ 0029		
Town: None		
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use		
0.7700 AC 04		
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	700	700		
Improvements	0	0		
Total:	700	700	700	
Preferential Land:	0			

Transfer Information

Seller: MORGAN JEREMIAH N	Date: 03/03/2023	Price: \$113,000
Type: ARMS LENGTH VACANT	Deed1: /47828/ 00234	Deed2:
Seller: MORGAN JEREMIAH N	Date: 03/11/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /29266/ 00417	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

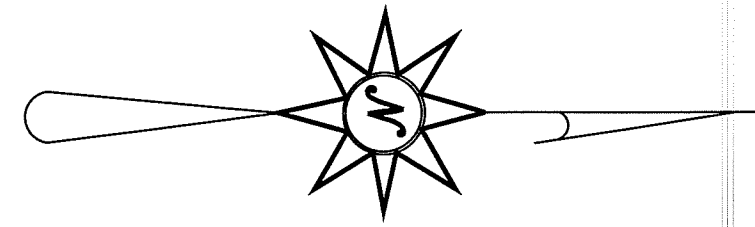
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0165-SPHA



GENERAL NOTES:

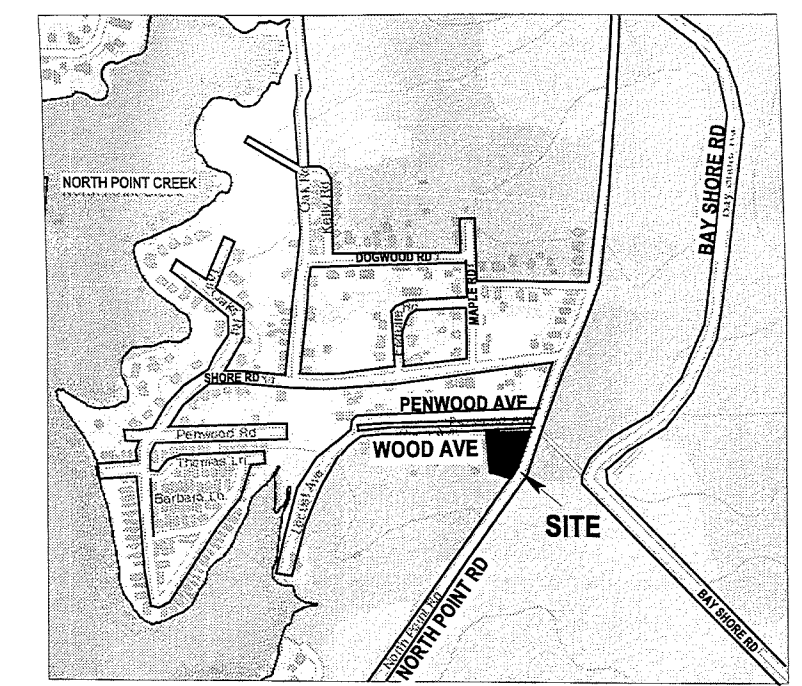
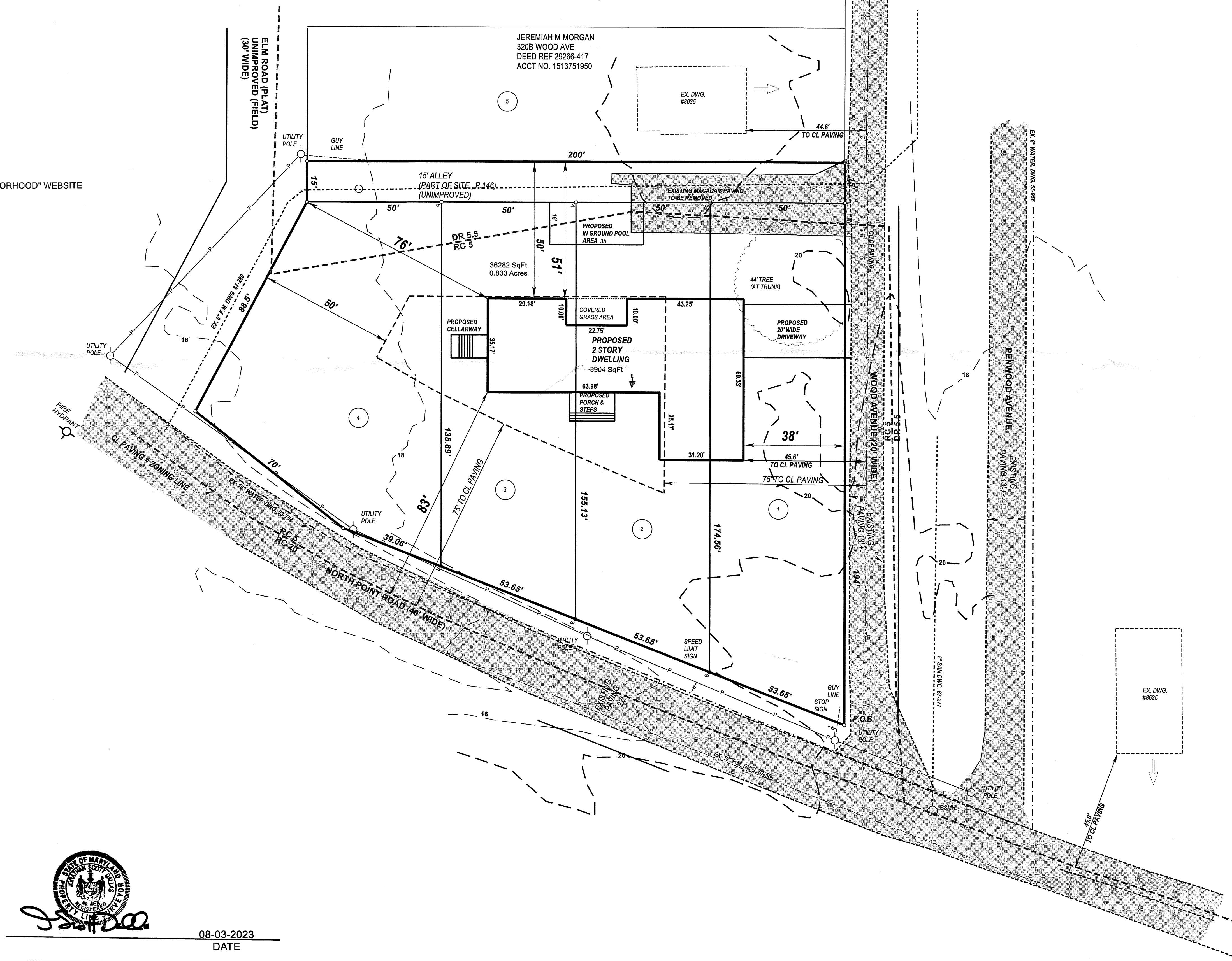
1. OWNER: ROBERT TOPORZYCKI SR.
124 S. OLDHAM ST.
BALTIMORE, MD. 21219
PHONE: 443-798-0786
2. EXISTING SITE AREAS
36282 Sq.Ft. - 0.833 Ac.+-
3. PROPOSED BUILDING AREA:
TOTAL 3904 Sq. Ft.
4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
PUBLIC STORM DRAIN
5. THE SITE LIES WITHIN ZONE "X" AS SHOWN
ON F.I.R.M. 2400100560G DATED MAY 05, 2014
6. CONTOURS SHOWN HEREON PER BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
7. DEED REF: JLE 47828-234
8. TAX ACCOUNT: #2400006622
9. COUNCILMANIC DISTRICT: 7TH
10. CENSUS TRACT: 4519
11. WATERSHED: BALTIMORE HARBOR
12. TAX MAP: #0111, PARCEL 0146
13. ZONING: RC 5, DR 5.5
(PER BALT. CO. WEBSITE)
14. NO KNOWN PREVIOUS ZONING CASES ON FILE
15. NO KNOWN PREVIOUS DRC MEETINGS
16. THE SITE LIES WITHIN THE CHESAPEAKE BAY
CRITICAL AREA. (L.D.A.)
17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
18. ZONING SETBACKS
D.R. 5.5:
FRONT: 25 REAR: 30'
SIDE 10'

RC 5
FRONT TO CENTERLINE OF ROAD: 75' REAR: 50'
SIDE 50' MAX. BLDG HEIGHT: 35'
19. EXISTING PUBLIC WATER AND SEWER.

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD.
(410)-817-4600



08-03-2023
DATE



VICINITY MAP
1"=1000'

IMPERVIOUS AREA CALCULATIONS

EXISTING:
EX MACADAM DRIVE: 1821 SQ. FT.
TO BE REMOVED

1821/36282 = 5%

PROPOSED:
PORCHES AND STEPS: 410 SQ. FT.
DWELLING: 3904 SQ. FT.
I.G. POOL AREA: 560 SQ. FT.
CELLARWAY: 155 SQ. FT.
CONC DRIVE: 745 SQ. FT.

TOTAL: 5774 SQ. FT.

5774/36282 = 16%

**SITE PLAN TO ACCOMPANY
ZONING PETITION
LOTS 1-4 & 15' ALLEY AREA
SECTION 2
PLAT OF "PENNSWOOD TERRACE"
(WPC 08:29)
WOOD AVENUE
DEED REFERENCE
JLE 47828-234
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=20' DATE: 08-03-2023**

2023-0165-SHA



GENERAL NOTES:

1. OWNER: ROBERT TOPORZYCKI SR.
124 S. OLDHAM ST.
BALTIMORE, MD. 21219
PHONE: 443-798-0788
2. EXISTING SITE AREAS
26282 Sq. Ft. - 0.633 Ac. ±
3. PROPOSED BUILDING AREA:
TOTAL 3904 Sq. Ft.
4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
PUBLIC STORM DRAIN
5. THE SITE LIES WITHIN ZONE "M" AS SHOWN
ON E.I.R.M. 24001005000 DATED MAY 03, 2014.
6. CONTOURS SHOWN HEREON PER BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
7. DEED REF: JLE 47828-234
8. TAX ACCOUNT: #2400006822
9. COUNCILMANIC DISTRICT: 7TH
10. CENSUS TRACT: 4519
11. WATERSHED: BALTIMORE HARBOR
12. TAX MAP: #0111, PARCEL 0146
13. ZONING: RC 5, OR S 5
(PER BALT. CO. WEBSITE)
14. NO KNOWN PREVIOUS ZONING CASES ON FILE
15. NO KNOWN PREVIOUS DRC MEETINGS
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17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
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D.R. S.5:
FRONT: 25' REAR: 30'
SIDE 10'
- RC 5:
FRONT TO CENTERLINE OF ROAD: 75' REAR: 50'
SIDE 50' MAX. BLDG HEIGHT 35'
19. EXISTING PUBLIC WATER AND SEWER.
20. AFFORESTATION TO BE ADDRESSED AT PERMIT STAGE



HIGHWAY WIDENING DETAIL

15' RIGHT-OF-WAY
11' WIDE AREA

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD.
(410)-817-4600



09-21-2023
DATE



VICINITY MAP
1"=1000'

IMPERVIOUS AREA CALCULATIONS

EXISTING:
EX MACADAM DRIVE: 1821 SQ. FT.
TO BE REMOVED
1821/36282 = 5%

PROPOSED:
PORCHES AND STEPS: 410 SQ. FT.
DWELLING: 3904 SQ. FT.
I.G. POOL AREA: 560 SQ. FT.
CELLARWAY: 155 SQ. FT.
CONC DRIVE: 412 SQ. FT.
TOTAL: 5441 SQ. FT.
5441/36282 = 15%

**SITE PLAN TO ACCOMPANY
ZONING PETITION
LOTS 1-4 & 15' ALLEY AREA
SECTION 2
PLAT OF "PENNWOOD TERRACE"
(WPC 08:29)
WOOD AVENUE
DEED REFERENCE
JLE 47828-234
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=20' DATE: 09-21-2023**