



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 18, 2023

Ronald and Jodi Burroughs - jeff.burroughs64@gmail.com
2724 Holly Beach Road
Essex, MD 21221

RE: Petition for Variance
Case No. 2023-0204-A
Property: 2724 Holly Beach 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,

A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln

Enclosure

c: Bernadette Moskunas – siteriteinc@aol.com
Albert Keene – keeneconstructionllc@gmail.com

IN RE: PETITION FOR VARIANCE
(2724 Holly Beach Road)
15th Election District
7th Council District
Ronald and Jodi Burroughs
Legal Owners

Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2023-0204-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by legal owners, Ronald and Jodi Burroughs (“Petitioners”) for property located at 2724 Holly Beach Rd., Essex (the “Property”). Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”), §1A04.3.B.1.a to permit a lot area of 10,416 sf in lieu of the required 1.5 acres; from BCZR, §1A04.3.B.2.b to permit a proposed replacement dwelling to have side yard setbacks of 6 ft. and 12 ft. in lieu of the required 50 ft.; and from BCZR, §1A04.3.B.3 to permit a proposed lot coverage of 31.25% in lieu of the maximum 15 %. At the hearing, it was clear that the Variance requested for reduced lot area in the RC5 zone should have been a Petition for Special Hearing and the Petition was changed to reflect that zoning relief. (See Petition).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners appeared at the hearing in support of the Petition along with Bernadette Moskunas from Site Rite Surveying, Inc., the civil engineering firm, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). There were no Protestants or interested citizens who attended the hearing.

Zoning Advisory Committee (“ZAC”) comment were received from the Department of Planning (“DOP”), Department of Environmental Protections and Sustainability (“DEPS”), and Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”), which agencies did not oppose the requested relief.

The Property is a 10,416 sf ± waterfront lot, created as Lot 16 on the Plat of Broring Point as recorded in the Land Records of Baltimore County on May 22, 1922. (Pet. Ex. 6A, 6B). The Property is improved with an 1,878 sf, single family dwelling constructed in 1924 and fronting on Middle River. The existing single-family home is proposed to be razed and a 2-story replacement dwelling is proposed to be constructed on the original foundation. A shed located on street side will also be razed. The Property is zoned Rural-Residential (RC 5 zone). The Property is not symmetrical as it has a 52 ft. width on the street side, but a 60.65 ft. width on the water side. (Pet. Ex. 1). A survey of the Property confirms its irregular shaped and shows the original 1924 dwelling as being located within 6.8 ft on the northern side yard boundary, and 12.5 ft. on the southern side yard boundary. (Pet. Ex. 3). Although located in the RC5 zone, the Property is already serviced by public water and sewer. (Pet. Ex. 5A, 5B). Thus, the 1.5 acres lot size designed to meet septic needs in the RC5 zone is not necessary here.

Architectural renderings for the replacement dwelling were provided and confirmed that the water side will be the front of the home and the street side will be the rear yard. (Pet. Ex. 2). The Site Plan which shows the replacement dwelling facing the water is consistent with architectural renderings. (Pet. Ex. 1). With the use of the existing foundation, the replacement dwelling will have a basement which will need to be protected due to the Property’s location within the Tidal Special Flood Hazard Area Zone AE.

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). In the instant case, the minimum 1.5-acre lot size required for RC5 zone is needed for private septic systems. However, in this Case, the neighborhood is already served by public water and sewer. Petitioner was instructed to request Variance relief for the reduced lot size notwithstanding that BCZR, §1A04.3.B.1.a requires Special Hearing relief:

b. 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.

As such, the Special Hearing relief will be granted. Additionally, in accordance with the Zoning Commissioner's Policy Manual ("ZCPM"), and based on the Site Plan and architectural renderings, I find that the waterfront side of this Property is the front yard, and the street side is the rear yard.

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 is unique due to its asymmetrical, irregular shape. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed side yard setbacks are not granted because the replacement dwelling, which will use the original 1924 foundation, could not be constructed. The Property predates the enactment of the BCZR. 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.

In reviewing the Site Plan, it was apparent that Petitioners do not need Variance relief from BCZR, §1A04.3.B.3 to permit a proposed lot coverage of 31.25% in lieu of the maximum 15% because that Section only applies to lot coverage for buildings. Ms. Moskunas calculated that the replacement dwelling as constructed in the original foundation will only cover 13%. Accordingly, that Variance relief will be dismissed.

THEREFORE, IT IS ORDERED, this 18th day of **December 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing relief from Baltimore County Zoning Regulations ("BCZR"), §1A04.3.B.1.a to permit a lot area of 10,416 sf in lieu of the required 1.5 acres, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §1A04.3.B.2.b to permit a proposed replacement dwelling to have side yard setbacks of 6 ft. and 12 ft. in lieu of the required 50 ft., be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §1A04.3.B.3 to permit a proposed lot coverage of 31.25% in lieu of the maximum 15 % is hereby **DISMISSED AS MOOT**.

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. Petitioners must comply with the DOP, DEPS, and DPR/DPWT 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.



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/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 2724 Holly Beach Road Currently Zoned RC5
Deed Reference 39877 / 10 10 Digit Tax Account # 1505610160
Owner(s) Printed Name(s) Ronald and Jodi Burroughs

(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) see attachment

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:

N/A
Name - Type or Print

Signature

Mailing Address City State
Zip Code Telephone # Email Address

Attorney for Petitioner:

N/A
Name - Type or Print

Signature

Mailing Address City State
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Ronald (Jeff) Burroughs / Jodi Burroughs
Name #1 - Type or Print Name #2 - Type or Print
[Signature] / [Signature]
Signature #1 Signature #2
2724 Holly Beach Road Essex, MD
Mailing Address City State
21221 / 1-610-656-7488 (Jeff) / jeff.burroughs64@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Bernadette Moskunas Site Rite Surveying, Inc
Name - Type or Print
[Signature]
Signature
200 E. Joppa Road, Room 105, Towson, MD
Mailing Address City State
21286 / 410-339-5413 / siteriteinc@aol.com
Zip Code Telephone # Email Address

Case Number 2023-0204-A Filing Date 10 / 4 / 23 Do Not Schedule Dates Reviewer JS

#2724 Holly Beach Road Petition Attachment

Section 1A04.3.B.1.a to permit a lot area of 10,416 sq ft in lieu of the required 1.5 acres

Section 1A04.3.B.2.b to permit a proposed replacement dwelling to have side yard setbacks of 6 feet and 12 feet in lieu of the required 50 feet

Section 1A04.3.B.3 to permit a proposed lot coverage of 31.25% in lieu of the ~~required~~ 15%
maximum

For such other and further relief as may be deemed necessary by the Administrative Law Judge

2023-0204-A

ZONING PROPERTY DESCRIPTION FOR #2724 HOLLY BEACH ROAD

Beginning at a point on the east side of Holly Beach Road (dead-end road) which is 40 wide at a distance of 1680 feet east of the centerline of Henrietta Avenue which is 40 feet wide. Being Lot #16, in the subdivision of "Broring Point" as recorded in Baltimore County Plat Book #6, Folio #101, containing 10,416 square feet, more or less. Located in the 15th Election District and 7th Council District.

This description is for zoning purposes only.

Michael V. Moskunas
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 105
Towson, MD 21286
(410)339-5413



2023-0204-A



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 2724 Holly Beach Road Currently Zoned RC5
Deed Reference 39877 / 10 10 Digit Tax Account # 1505610160
Owner(s) Printed Name(s) Ronald and Jodi Burroughs

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

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

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

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

3. ☒ a **Variance** from Section(s) see attachment

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:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Ronald (Jeff) Burroughs / Jodi Burroughs
Name #1 - Type or Print Name #2 - Type or Print
Signature #1 Signature #2
2724 Holly Beach Road Essex, MD
Mailing Address City State
21221 / 1-610-656-7488 (Jeff) / jeff.burroughs64@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Bernadette Moskunus Site Rite Surveying, Inc
Name - Type or Print
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200 E. Joppa Road, Room 105, Towson, MD
Mailing Address City State
21286 / 410-339-5413 / siteriteinc@aol.com
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Case Number 2023-0204-A Filing Date 10 / 4 / 23 Do Not Schedule Dates Reviewer JS

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Section 1A04.3.B.1.a to permit a lot area of 10,416 sq ft in lieu of the required 1.5 acres

Section 1A04.3.B.2.b to permit a proposed replacement dwelling to have side yard setbacks of 6 feet and 12 feet in lieu of the required 50 feet

Section 1A04.3.B.3 to permit a proposed lot coverage of 31.25% in lieu of the ~~required~~ 15%
maximum

For such other and further relief as may be deemed necessary by the Administrative Law Judge

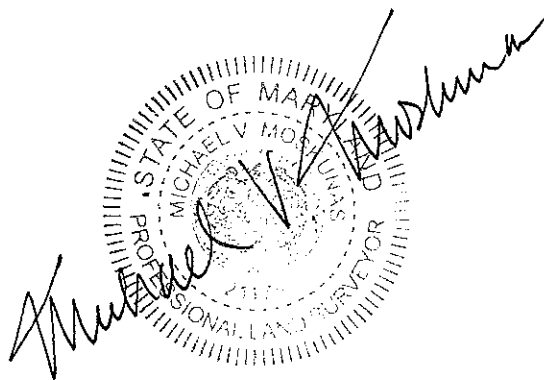
2023-0204-A

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This description is for zoning purposes only.

Michael V. Moskanas
Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 105
Towson, MD 21286
(410)339-5413



2023-0204-A

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: 2023-0204-A
Property Address: 2724 Holly Beach Road
Legal Owners (Petitioners): Ronald and Jodi Burroughs
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Keene Construction & Remodeling c/o Al Keene
Address: 2728 Holly Beach Road
Baltimore, MD 21221

Telephone Number: 443-889-2292

*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. 222580

Date: 10/4/23

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: BURROUGHS / KEGG CONST. / SITE RITE

For: 2023-0204-A

2724 HOLLY BEACH RD.

JS 23-0882

DISTRIBUTION

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

CASHIER'S
VALIDATION

Keene Construction & Remodeling LLC
2728 Holly beach rd
Baltimore, MD 21221

104

25-3/440

DATE 9-8-23

PAY TO THE ORDER OF Baltimore County \$ 75.00

County Five

Chase

25 DOLLARS



FOR 2724 Holly beach Rd.

[Signature]

⑈000104⑈ ⑈044000037⑈

920505390⑈

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/20/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0204-A

INFORMATION:

Property Address: 2724 Holly Beach Road
Petitioner: Ronald and Jodi Burroughs
Zoning: RC 5
Requested Action: Variance

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

Variance(s) -

- a. From Section 1A04.3.B.1.a of the BCZR to permit a lot area of 10,416 sq ft in lieu of the required 1.5 acres
- b. From Section 1A04.3.B.2.b of the BCZR to permit a proposed replacement dwelling to have side yard setbacks of 6 ft and 12 ft in lieu of the required 50 ft.
- c. From Section 1A04.3.B.3 of the BCZR to permit a proposed lot coverage of 31.25% in lieu of the maximum 15%
- d. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

The property is a waterfront property located on the east side of Holly Beach Road. It is currently improved with an existing dwelling (built 1924), accessory structures and driveway in the Essex area of Baltimore County. The property encompasses approximately 10,416 sf of land and is zoned RC 5. Browns Creek, residential dwellings, farms and preserved forested land characterizes the surrounding area.

The establishment of the RC 5 zoning classification was a direct response to concerns surrounding inefficient and disorderly rural-residential development, as well as the inadequate sizing of lots for on-lot sewer and water systems. These issues have the potential to impose significant financial burdens and compromise the safety and well-being of local residents. The primary objective of designating specific areas suitable for rural-residential development is to channel future growth towards these designated regions and prevent chaotic and unplanned development patterns. The RC 5 zoning classification effectively serves this purpose by providing appropriate areas for rural-residential development, minimizing encroachments on natural resources, and enforcing minimum lot sizes to ensure the effective functioning of on-lot sewer and water systems.

The applicant believes the variance request is unique for the following reasons:

- The proposed replacement dwelling does not increase the allowable density units and is compatible with the neighborhood development.
- Although the lots shown on the plat are predominately 50' wide and range in depth between 200-300'+, the lot area differ due to the water edge and sea wall configurations
- The current zoning and lot configuration creates a hardship to meet B.C.Z.R.
- This area is riddled with zoning relief whether applied for under a variance or special hearing.
- It is clear that the current zoning has created a hardship and practical difficulty for these properties.
- The variance relief requested is within the spirit and intent of the BCZR and can be granted without injury to the health and safety of the surrounding neighborhood.

The requested relief does not appear to pose any risks to the character of the RC 5 zoning classification and the requests are not uncommon to this area. Therefore, the Department of Planning does not object to the requested relief subject to the following:

1. The applicant must ensure that the proposed development complies with the established residential performance standards specified for the RC 5 zone listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review prior to permit.

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/KP

c: Bernadette Moskunas
 Maria Mougridis, Community Planner
 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: October 24, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0204-A
Address 2724 Holly Beach Road
Legal Owner: Ronald and Jodi Burroughs

Zoning Advisory Committee Meeting of October 23, 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. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). The allowed Critical Area lot coverage is based on the area of the property above mean high tide (9,410 square feet). If the applicant complies with the requirements, and meets all mitigation requirements for lot coverage and buffer impacts, the 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. If the proposed dwelling is not constructed on the existing foundation, it appears

that the proposed dwelling would need to 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. A field inspection will be conducted to determine if the proposed dwelling can meet this requirement. If the dwelling location can 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.

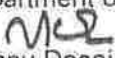
Reviewer: Paul Dennis

Date: October 24, 2023

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 October 23, 2023
Item No. 2023-0204-A

DATE: October 23, 2023

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

DPW&T Comments:

- A) One The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100440F 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 is not on the property.

VKD: JK
cc: file

CERTIFICATE OF POSTING

CASE NO. 2023-0204-A

PETITIONER/DEVELOPER

Site Rite Surveying Inc.

DATE OF HEARING/CLOSING

December 5, 2023

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

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

2724 Holly Beach Rd

Sign 2

THE SIGN(S) POSTED ON November 13, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

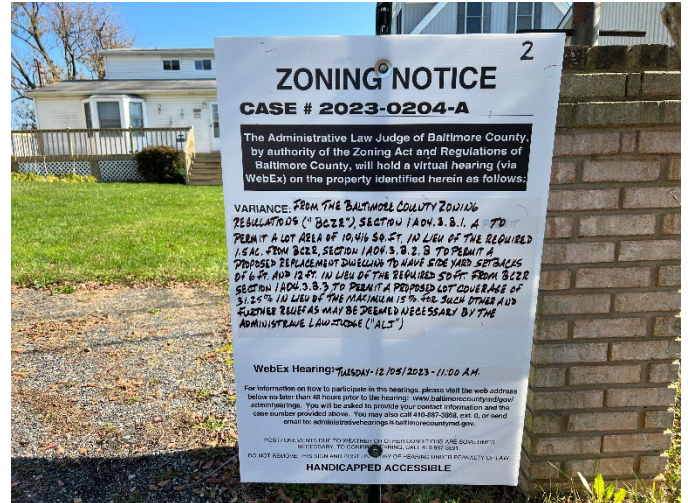
MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411



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: October 24, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0204-A
Address 2724 Holly Beach Road
Legal Owner: Ronald and Jodi Burroughs

Zoning Advisory Committee Meeting of October 23, 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. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). The allowed Critical Area lot coverage is based on the area of the property above mean high tide (9,410 square feet). If the applicant complies with the requirements, and meets all mitigation requirements for lot coverage and buffer impacts, the 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. If the proposed dwelling is not constructed on the existing foundation, it appears

that the proposed dwelling would need to 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. A field inspection will be conducted to determine if the proposed dwelling can meet this requirement. If the dwelling location can 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: October 24, 2023

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/20/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0204-A

INFORMATION:

Property Address: 2724 Holly Beach Road
Petitioner: Ronald and Jodi Burroughs
Zoning: RC 5
Requested Action: Variance

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

Variance(s) -

- a. From Section 1A04.3.B.1.a of the BCZR to permit a lot area of 10, 416 sq ft in lieu of the required 1.5 acres
- b. From Section 1A04.3.B.2.b of the BCZR to permit a proposed replacement dwelling to have side yard setbacks of 6 ft and 12 ft in lieu of the required 50 ft.
- c. From Section 1A04.3.B.3 of the BCZR to permit a proposed lot coverage of 31.25% in lieu of the maximum 15%
- d. For such other and further relief as may be deemed necessary by the Administrative Law Judge.

The property is a waterfront property located on the east side of Holly Beach Road. It is currently improved with an existing dwelling (built 1924), accessory structures and driveway in the Essex area of Baltimore County. The property encompasses approximately 10,416 sf of land and is zoned RC 5. Browns Creek, residential dwellings, farms and preserved forested land characterizes the surrounding area.

The establishment of the RC 5 zoning classification was a direct response to concerns surrounding inefficient and disorderly rural-residential development, as well as the inadequate sizing of lots for on-lot sewer and water systems. These issues have the potential to impose significant financial burdens and compromise the safety and well-being of local residents. The primary objective of designating specific areas suitable for rural-residential development is to channel future growth towards these designated regions and prevent chaotic and unplanned development patterns. The RC 5 zoning classification effectively serves this purpose by providing appropriate areas for rural-residential development, minimizing encroachments on natural resources, and enforcing minimum lot sizes to ensure the effective functioning of on-lot sewer and water systems.

The applicant believes the variance request is unique for the following reasons:

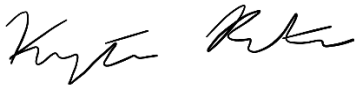
- The proposed replacement dwelling does not increase the allowable density units and is compatible with the neighborhood development.
- Although the lots shown on the plat are predominately 50' wide and range in depth between 200-300'+, the lot area differ due to the water edge and sea wall configurations
- The current zoning and lot configuration creates a hardship to meet B.C.Z.R.
- This area is riddled with zoning relief whether applied for under a variance or special hearing.
- It is clear that the current zoning has created a hardship and practical difficulty for these properties.
- The variance relief requested is within the spirit and intent of the BCZR and can be granted without injury to the health and safety of the surrounding neighborhood.

The requested relief does not appear to pose any risks to the character of the RC 5 zoning classification and the requests are not uncommon to this area. Therefore, the Department of Planning does not object to the requested relief subject to the following:

1. The applicant must ensure that the proposed development complies with the established residential performance standards specified for the RC 5 zone listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review prior to permit.

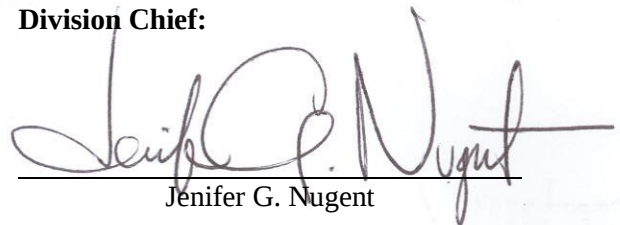
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:

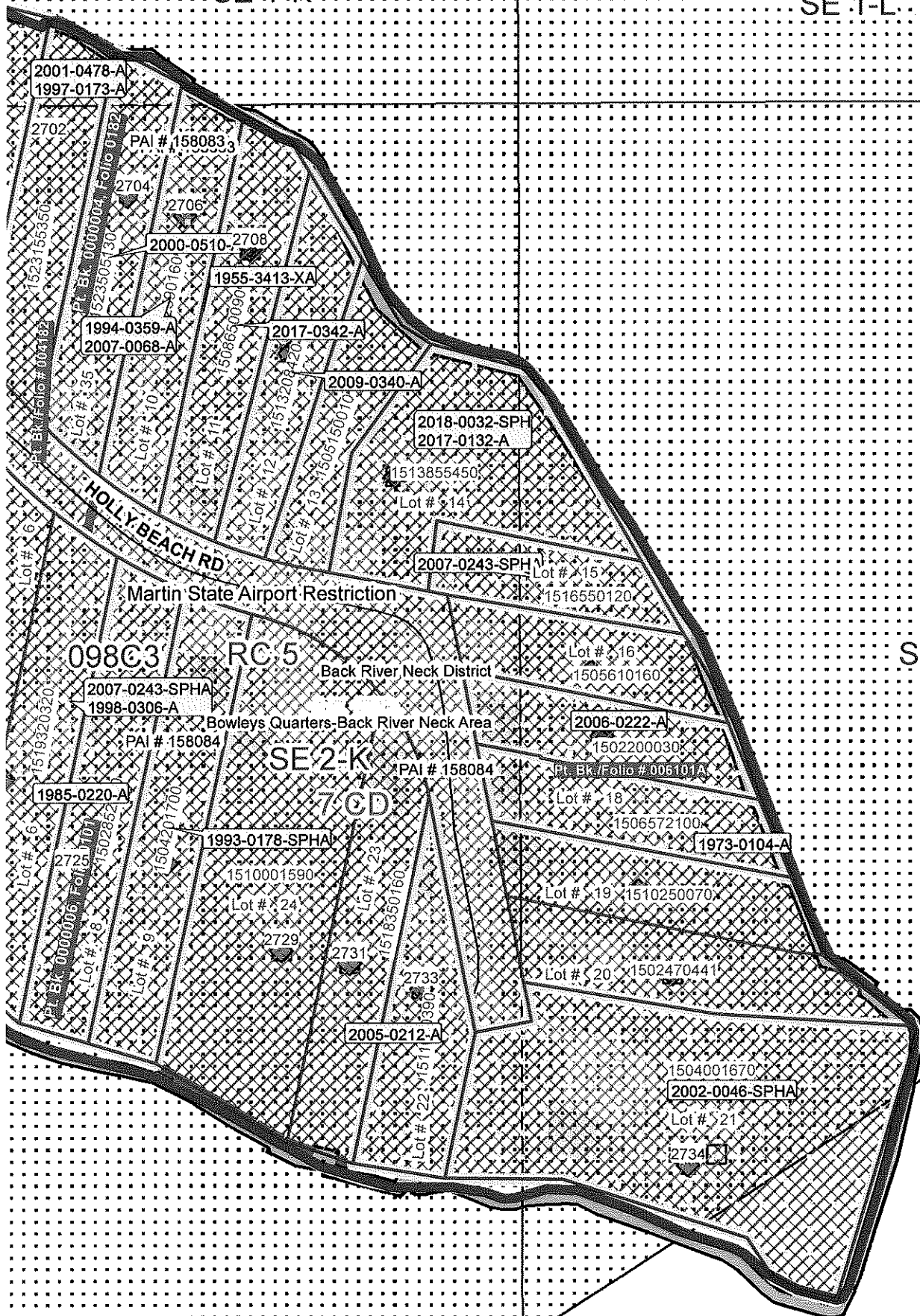


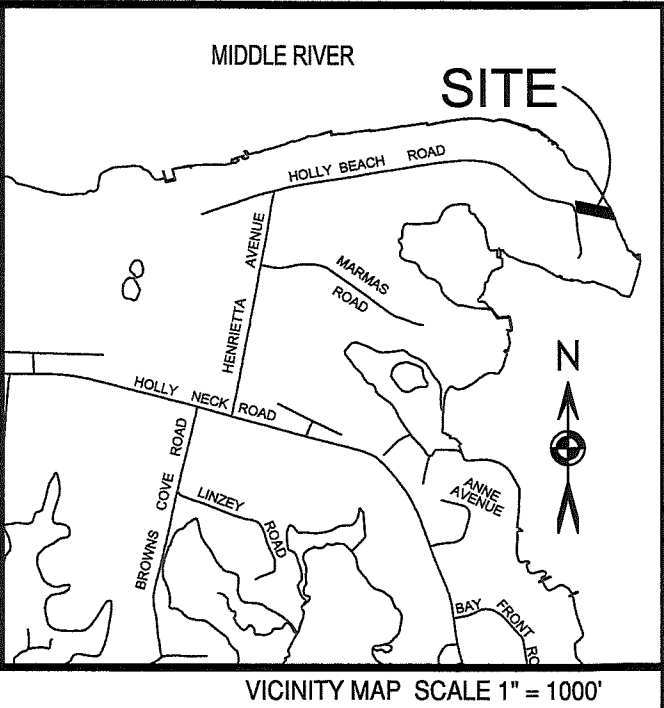
Jenifer G. Nugent

SL/JGN/KP

c: Bernadette Moskunas
 Maria Mougridis, Community Planner
 Jeff Perlow, Zoning Review
 Kristen Lewis, Zoning Review
 Office of Administrative Hearings
 People's Counsel for Baltimore County

SE 1-L





GENERAL NOTES

1. EXISTING ZONING: RC5 (098C3)
2. LOT SIZE: SDAT 10,416 S.F.±
3. EXISTING USE: SINGLE FAMILY DWELLING
4. PROPOSED USE: REPLACEMENT SINGLE FAMILY DWLG.
5. THIS PROPERTY IS NOT LOCATED IN AN HISTORIC DISTRICT.
6. THIS PROPERTY IS COMPLETELY LOCATED WITHIN THE (LDA) CBCA.
7. THIS PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER.
8. THIS PROPERTY IS PARTIALLY LOCATED IN A 100 YEAR FP AREA:
2014 FEMA "X" AND "VE"
2008 FEMA "X" AND "AE"
9. THERE IS NO ZONING HISTORY OR VIOLATIONS FOR THIS PROPERTY.
10. THIS PROPERTY IS LOCATED WITHIN THE MARTIN STATE AIRPORT RESTRICTION AREA.
11. ALLOWABLE LOT COVERAGE PER CBCA REGULATIONS: 3,255 S.F.±
EXISTING LOT COVERAGE: 2,431.7 SF± or 23.35% ±
PROPOSED LOT COVERAGE 31.25% = 3,255 S.F.
12. THIS PLAN IS BASED ON PUBLIC RECORDS, DEEDS, PLATS, PUBLIC WORKS DRAWING AND THE GIS PORTAL. IT IS NOT BASED ON A BOUNDARY SURVEY.
13. THE PROPOSED REPLACEMENT DWELLING IS TO BE CONSTRUCTED OVER THE EXISTING FOUNDATION THROUGH AN APPROVED PERMIT.
14. EXISTING LOT SHOWN & DESIGNATED ON A PLAT DATED 1921.

2023-0204-A

OWNERS
Ronald Burroughs
Jodi Burroughs
#2724 Holly Beach Road
Baltimore, Maryland 21221

GRAPHICAL SCALE: 1" = 30'



PLAN TO ACCOMPANY VARIANCE

#2724 HOLLY BEACH ROAD

LOT-16 PLAT 6/101

"PLAT OF BRORING"

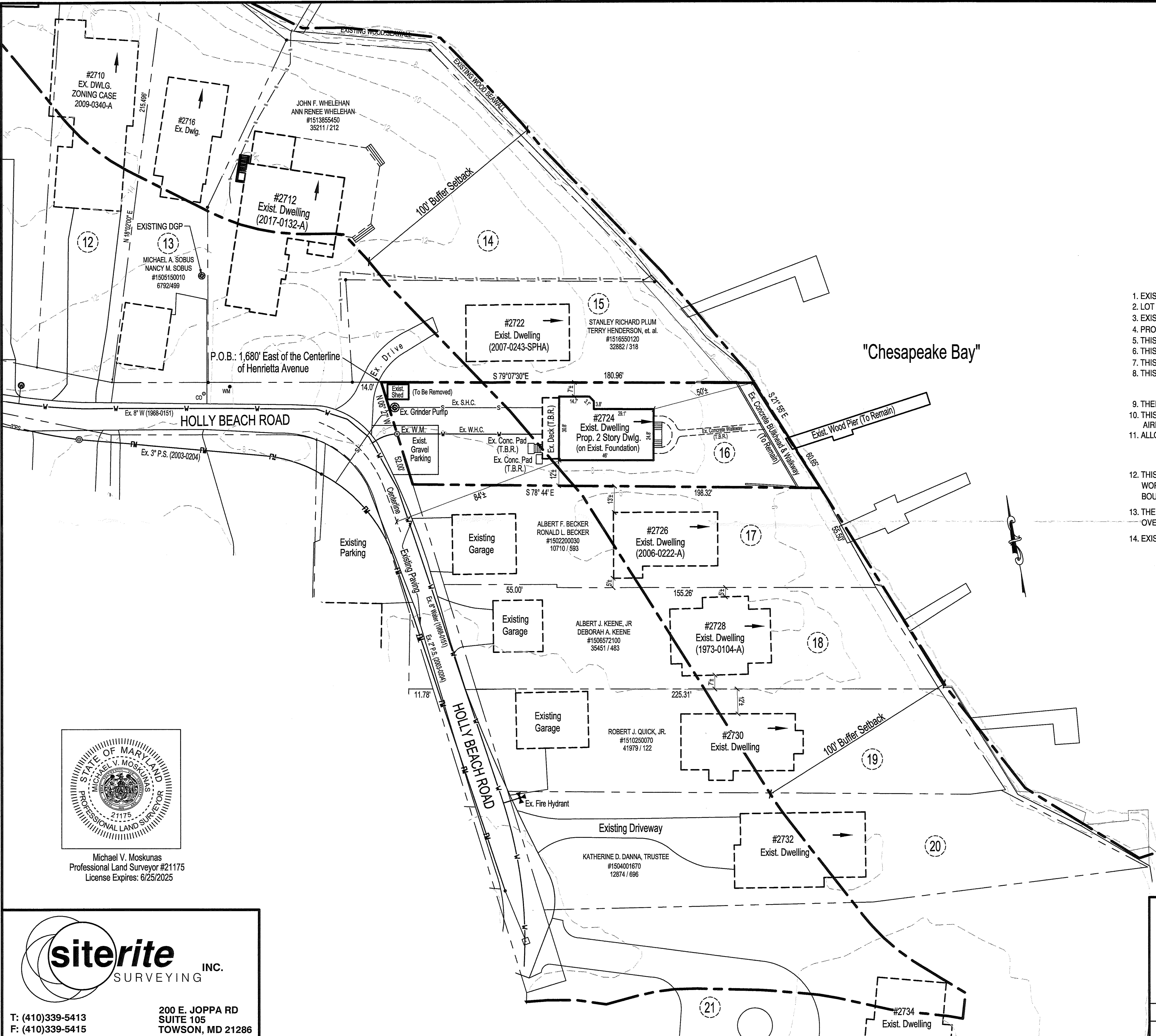
TAX MAP: 98 GRID: 23 PARCEL: 216

TAX ID #1505610160 DEED REFERENCE: 39877 / 10

15TH ELECTION DISTRICT, CMD7

BALTIMORE COUNTY, MARYLAND

Scale: 1" = 30'	Date: 9/26/2023	JOB #10481-2023
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: N/A



Michael V. Moskunus
Professional Land Surveyor #21175
License Expires: 6/25/2025



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F: (410)339-5415

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TOWSON, MD 21286