



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 28, 2023

Adam L. Rabuck – [adam.rabuck@yahoo.com](mailto:adam.rabuck@yahoo.com)  
4624 Todd Point Lane  
Baltimore, MD 21219

RE: Petitions for Variance  
Case No. 2023-0228-A  
Property: 4624 Todd Point Lane

Dear Petitioner:

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 blue ink signature of Andrew M. Belt, written in a cursive style.

ANDREW M. BELT  
Administrative Law Judge  
for Baltimore County

AMB:dlm

Enclosure

c: J. Scott Dallas – [jsdinc@aol.com](mailto:jsdinc@aol.com)

**IN RE: PETITION FOR VARIANCE**

**(4624 Todd Point Lane)**

15th Election District

7<sup>th</sup> Council District

Adam Rabuck

Legal Owner

**Petitioner**

\*

BEFORE THE

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OFFICE OF ADMINISTRATIVE

\*

HEARINGS OF

\*

BALTIMORE COUNTY

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**CASE NO. 2023-0228-A**

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### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Adam Rabuck (“Petitioner”) for property located at 4624 Todd Point Lane, Sparrows Point (“Property”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) §400.3 to permit garage height of 22.5 feet in lieu of the maximum 15 feet, and any other variances deemed necessary by the Administrative Law Judge.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner appeared at the hearing, in support of the Petition. J. Scott Dallas, a surveyor and engineer, assisted the Petitioner and prepared the Site Plan.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”) and Department of Public Works and Transportation (“DPWT”), these agencies did not oppose the requested relief.

There were no protestants or interested citizens in attendance at the hearing.

The Property is 10,442 sq. ft., ± waterfront parcel in the Sparrows Point Community. This site is improved with a two-story, single family detached dwelling, two sheds and the framing of

a detached garage. The subject site has three Code Violations, all related to the construction of the garage without permits. (Case No.: CB2300543).

The property was the subject of a past Zoning Case (Case No.: 1987-267-A) which approved a Variance to permit an accessory structure with the height of 21 feet, 10 inches in lieu of the permitted 15 feet. Records from this case reflect the increase height was requested for the homeowner to have additional space for hobby use.

Mr. Dallas testified that the previously approved accessory structure was never built. He explained that his client was aware of the prior zoning order, but failed to obtain the necessary building permit before commencing construction. Mr. Dallas further explained that the current various request will only exceed the prior variance approval by 8 inches. He noted that the opposite side of the residence on the property fronts Back River, making it an inappropriate location for the proposed garage. (Pet. Ex. 1)

Mr. Rabuck testified that he has lived at the subject property for a year and half and would like to have the additional height for the garage so that he can store his RV and boat that has a pilot house, thus, requiring additional height for storage. Mr. Rabuck confirmed that there will be no living quarters in the garage in that he requires the entire height of the garage to house his boat.

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 the fact that it fronts Back River, leaving limited options for the location of the proposed garage. Additionally, deference will be given to the prior zoning case

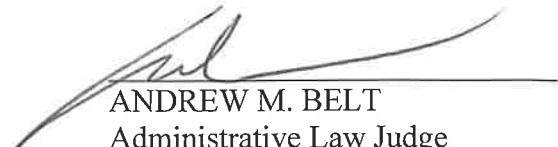
involving this property where variance relief was previously granted for a similar sized garage, with present height variance request only exceeding the previously approved height by 8 inches. I find that the Petitioner will also experience practical difficulty if relief were not granted, in that a lower structure could not house his boat and RV. I 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 28<sup>th</sup> day of **December, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, § 400.3 to permit garage height of 22.5 feet in lieu of the maximum 15 feet and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner and subsequent owners shall not convert the detached garage/office into a dwelling unit or apartment. The proposed detached garage shall not contain any sleeping quarters, bathroom, kitchen area or living area.
3. There shall be no second utility and/or electric meter(s). All utility and electric shall extend from the house to the detached garage.
4. The detached garage shall not be used for commercial or industrial purposes.
5. Petitioners must comply with the DOP, DEPS, and DPW&T ZAC comments, a copy of which are attached hereto and made a part thereof

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



ANDREW M. BELT  
Administrative Law Judge  
for Baltimore County

AMB/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 4624 Todd Point Lane Currently Zoned DR 3.5  
Deed Reference 46933 / 331 10 Digit Tax Account # 1512200040  
Owner(s) Printed Name(s) Adam L. Rabuck

(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)

please see attached

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)

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

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

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

### Contract Purchaser/Lessee:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Attorney for Petitioner:

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

### Legal Owners (Petitioners):

Adam L. Rabuck  
Name #1 - Type or Print \_\_\_\_\_ Name #2 - Type or Print \_\_\_\_\_  
Signature #1 \_\_\_\_\_ Signature #2 \_\_\_\_\_  
4624 Todd Point Lane Baltimore MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21219 / 443-655-6125 / adam.rabuck  
Zip Code \_\_\_\_\_ Telephone #'s (Cell and Home) \_\_\_\_\_ Email Address \_\_\_\_\_  
\_\_\_\_\_ @yahoo.com

### Representative to be contacted:

J. Scott Dallas  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
P.O. Box 26 Baldwin MD  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
21013 / 410-817-4600 / jsdinc@aol.com  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

Case Number 2023-0228-A Filing Date 10 / 26 / 2023 Do Not Schedule Dates \_\_\_\_\_ Reviewer CP

Attachment-  
Zoning Petition  
# 4624 TODD POINT LANE

A VARIANCE FROM SECTION 400.3 TO PERMIT GARAGE  
HEIGHT OF 22.5 FEET IN LIEU OF THE MAXIMUM 15 FEET, AND  
ANY OTHER VARIANCES DEEMED NECESSARY BY THE  
ADMINISTRATIVE LAW JUDGE.

2023-0228-A

**Affidavit in Support of Administrative Variance**  
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

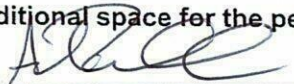
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 4624 Todd Point Lane Baltimore MD 21219  
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. (Clearly state practical difficulty or hardship here)

Per Baltimore County "my neighborhood" web site, the subject  
property was already approved for a garage 21'10" in height  
(87-267-A). The as-built garage is 22'6" in height from highest  
grade to peak. Citation 2300534 "requires a variance". I tried  
to process a "spirit and Intent" request but was required instead  
to file for Zoning variance to account for the additional 8" height.  
I need the height to fit a boat with a pilot house and to  
allow maintenance work on the roof of my RV.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

  
Signature of Owner (Affiant)

\_\_\_\_\_  
Signature of Owner (Affiant)

Adam L. Rabuck  
Name - Print or Type

\_\_\_\_\_  
Name - Print or Type

**The following information is to be completed by a Notary Public of the State of Maryland**

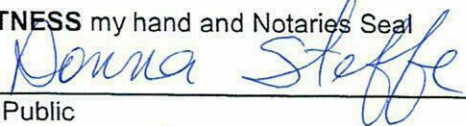
**STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:**

I HEREBY CERTIFY, this 19 day of September, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Adam L. Rabuck

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

**AS WITNESS** my hand and Notaries Seal

  
Notary Public

9-11-26  
My Commission Expires



2023-0228-A

# J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26

Baldwin, MD 21013

(410)817-4600

FAX (410)817-4602

## **ZONING DESCRIPTION OF #4624 TODD POINT LANE**

**BEGINNING** on the northeast side of Todd Point Lane, 20 feet wide, distant 1973 feet, more or less southeasterly from the centerline extension of Sandymount Road, thence leaving said Todd Point Lane and running **(1)** North 51 degrees 59 minutes East 204 feet thence **(2)** Southeasterly 50 feet along the waters of the Back River thence binding thereon **(3)** South 48 degrees 19 minutes West 182.05 feet to intersect said Todd Point Lane thence running with and binding thereon **(4)** North 41 degrees 41 minutes West 58 feet to the place of beginning as recorded in Deed Liber 46933 folio 331

**CONTAINING 9926 square feet (or 0.229 acres) of land, more or less).**

**ALSO** known as **#4624 Todd Point Lane** and located in the 15th Election District, 7th Councilmanic District.

*Note: above description is based on existing deed and is for zoning purposes only.*



2023-0228-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: 2023-0228-A  
Property Address: 4624 Todd Point Lane  
Legal Owners (Petitioners): Adam L. Rabuck  
Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): J. Scott Dallas  
Address: J. S. Dallas Inc  
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.

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

No. 222640

Date: 10-26-2023

| Fund | Dept | Unit | Sub Unit | Rev Source/<br>Obj | Sub Rev/<br>Sub Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|--------------------|---------------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 6150               |                     |          |         | 75.00  |
|      |      |      |          |                    |                     |          |         |        |
|      |      |      |          |                    |                     |          |         |        |
|      |      |      |          |                    |                     |          |         |        |
|      |      |      |          |                    |                     |          |         |        |

Total: 75.00

Rec From: 4624 TODD POINT Lane

For: 2023-0228-A

583.5

CASHIER'S  
VALIDATION

DISTRIBUTION

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

CF 23-0918

J. S. DALLAS INC

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

12870

60-1809/433  
02791

DATE 10-6-23

CHECK ARMOR  
FRAUD PROTECTION

PAY TO THE ORDER OF Baltimore County \$ 75.00  
Seventy-five dollars 00/100 DOLLARS

Photo  
Safe  
Deposit®  
Details on back

First National Bank

FOR Todd Point 23-1935  
Zoning hearing

⑈012870⑈ ⑆043318092⑆ 5700001423⑈

**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: November 7, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0228-A  
Address: 4624 TODD POINT LANE  
Legal Owner: Adam Rabuck

Zoning Advisory Committee Meeting of November 13, 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) and is subject to Critical Area requirements. The applicant is proposing to permit a garage with a height of 22.5 feet in lieu of the maximum of 15 feet. The lot is waterfront and is within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA mitigation, and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (3,102 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Proposed lot coverage information was not provided. 15% afforestation (3 trees) is required. Mitigation for any new impacts to the MBA will be required. The proposed garage is not proposed within the MBA. If the lot coverage, afforestation, and MBA mitigation

requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

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

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

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

Additional Comments:

Reviewer: Libby Errickson 11/7/2023

## BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

**DATE:** 11/8/2023

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

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2023-228-A

**INFORMATION:**

**Property Address:** 4624 Todd Point Lane  
**Petitioner:** Adam L. Rabuck  
**Zoning:** DR 3.5  
**Requested Action:** Variance

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

*Variance -*

1. From Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to permit a garage height of 22.5 feet in lieu of the maximum permitted 15 feet; and
2. For any other Variances deemed necessary by the Administrative Law Judge.

The subject site is an approximately 10,442 square foot waterfront parcel in the Sparrows Point community. The site is improved with a two-story, single family detached dwelling, two sheds, and the framing of a detached garage, which is the subject of the Petition. The garage is located southwest of the existing home and is located along Todd Point Lane, not Back River. The garage is 20.2' by 24.2' and measures 22.5' in height at its tallest point. A letter included with the Petition states that the increased height was needed for storage of a boat and to allow maintenance work on the roof of a recreational vehicle.

The subject site has three recent Code Violations, all related to the construction of the garage without proper permits – CB2300534, which Citizen Access lists as being on a Monitor status with Code Enforcement; CB2300543, which is listed as being a Duplicate Review; and CE2300067, which is an electrical complaint and is listed as Inspection Scheduled, as of the date of these comments.

The site was the subject of one past Zoning Case, Case 1987-267-A, which requested a Variance to permit an accessory structure with a height of 21' 10" in lieu of the permitted 15'. It was stated that the increased height would be a second story of an existing garage and would allow for additional storage area for hobby use. The site plan for the Case shows that the garage was not in the same location as the existing garage, but was still located closer to Todd Point Lane than Back River, consistent with the current proposal. The Variance was granted in January of 1987.

The subject site is within the boundaries of the Wells-McComas Community Conservation Plan and the Greater Dundalk-Edgemere Community Conservation Plan. The Greater Dundalk-Edgemere Community

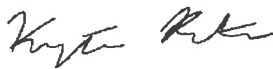
Conservation Plan, adopted March 20<sup>th</sup>, 2000, and the Wells-McComas Community Conservation Plan, adopted March 18<sup>th</sup>, 2002, both recognize that the waterfront is an asset to the communities, however, no guidance specific to the Petition at hand is provided.

The increased height of the garage is minimal (8") when compared to the 1987 Zoning Case. Because of this, the Department of Planning has no objections to the requested relief, subject to the following conditions:

1. The detached garage shall not be used for commercial purposes;
2. The detached garage shall not be converted into a dwelling unit or apartment;
3. A Building Permit shall be obtained for the construction; and
4. Code Enforcement Cases CB2300534 and CE2300067 shall be closed out.

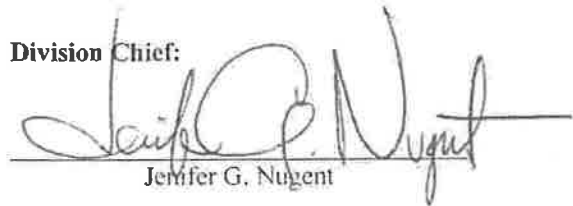
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

**Prepared by:**



Krystle Patchak

**Division Chief:**



Jennifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas  
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**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals  
*MC2*  
**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review  
**SUBJECT:** Zoning Advisory Committee Meeting  
For November 13, 2023  
Item No. 2023-0228-A

**DATE:** November 13, 2023

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

DPW&T Comments: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) 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

ATTENTION: KRISTEN LEWIS

DATE: 12/6/2023

Case Number: 2023-0228-A

Petitioner / Developer: J. SCOTT DALLAS ~ ADAM RABUCK

Date of Hearing: DECEMBER 27, 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:  
4624 TODD POINT LANE

The sign(s) were posted on: DECEMBER 6, 2023

**ZONING NOTICE**

CASE # 2023-0228-A

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:

DATE AND TIME: WEDNESDAY, DECEMBER 27, 2023  
AT 10:00 A.M.

VARIANCE: FROM THE BALTIMORE COUNTY ZONING REGULATIONS ("BCZR"), SECTION 400.3, TO PERMIT GARAGE HEIGHT OF 22.5 FEET IN LIEU OF THE MAXIMUM 15 FEET, AND ANY OTHER VARIANCES DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE ("ALJ")  
4624 TODD POINT LANE

For information on how to participate in the hearings  
Go to [www.baltimorecountymd.gov/adminhearings](http://www.baltimorecountymd.gov/adminhearings).  
You will be asked to provide your contact information and the case number above. You may also call  
410-887-3868, ext. 0

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)

## 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: November 7, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0228-A  
Address: 4624 TODD POINT LANE  
Legal Owner: Adam Rabuck

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The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit a garage with a height of 22.5 feet in lieu of the maximum of 15 feet. The lot is waterfront and is within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA mitigation, and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (3,102 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Proposed lot coverage information was not provided. 15% afforestation (3 trees) is required. Mitigation for any new impacts to the MBA will be required. The proposed garage is not proposed within the MBA. If the lot coverage, afforestation, and MBA mitigation

requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

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

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

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

Additional Comments:

Reviewer: Libby Errickson 11/7/2023

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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Director, Department of Permits, Approvals and Inspections

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**Zoning:** DR 3.5

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

*Variance -*

1. From Section 400.3 of the Baltimore County Zoning Regulations BCZR) to permit a garage height of 22.5 feet in lieu of the maximum permitted 15 feet; and
2. For any other Variances deemed necessary by the Administrative Law Judge.

The subject site is an approximately 10,442 square foot waterfront parcel in the Sparrows Point community. The site is improved with a two-story, single family detached dwelling, two sheds, and the framing of a detached garage, which is the subject of the Petition. The garage is located southwest of the existing home and is located along Todd Point Lane, not Back River. The garage is 20.2' by 24.2' and measures 22.5' in height at its tallest point. A letter included with the Petition states that the increased height was needed for storage of a boat and to allow maintenance work on the roof of a recreational vehicle.

The subject site has three recent Code Violations, all related to the construction of the garage without proper permits – CB2300534, which Citizen Access lists as being on a Monitor status with Code Enforcement; CB2300543, which is listed as being a Duplicate Review; and CE2300067, which is an electrical complaint and is listed as Inspection Scheduled, as of the date of these comments.

The site was the subject of one past Zoning Case, Case 1987-267-A, which requested a Variance to permit an accessory structure with a height of 21' 10" in lieu of the permitted 15'. It was stated that the increased height would be a second story of an existing garage and would allow for additional storage area for hobby use. The site plan for the Case shows that the garage was not in the same location as the existing garage, but was still located closer to Todd Point Lane than Back River, consistent with the current proposal. The Variance was granted in January of 1987.

The subject site is within the boundaries of the Wells-McComas Community Conservation Plan and the Greater Dundalk-Edgemere Community Conservation Plan. The Greater Dundalk-Edgemere Community

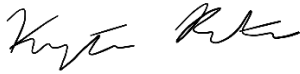
Conservation Plan, adopted March 20<sup>th</sup>, 2000, and the Wells-McComas Community Conservation Plan, adopted March 18<sup>th</sup>, 2002, both recognize that the waterfront is an asset to the communities, however, no guidance specific to the Petition at hand is provided.

The increased height of the garage is minimal (8") when compared to the 1987 Zoning Case. Because of this, the Department of Planning has no objections to the requested relief, subject to the following conditions:

1. The detached garage shall not be used for commercial purposes;
2. The detached garage shall not be converted into a dwelling unit or apartment;
3. A Building Permit shall be obtained for the construction; and
4. Code Enforcement Cases CB2300534 and CE2300067 shall be closed out.

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

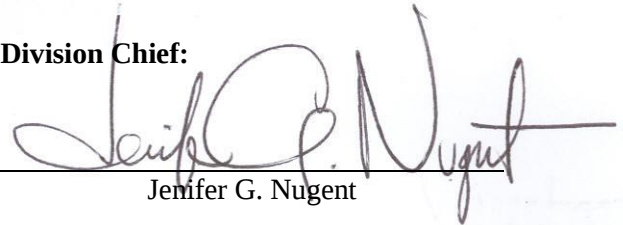
**Prepared by:**



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Krystle Patchak

**Division Chief:**



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Jennifer G. Nugent

SL/JGN/KP

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

Real Property Data Search ( )  
Search Result for BALTIMORE COUNTY

View Map View GroundRent Redemption View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1512200040

**Owner Information**

Owner Name: RABUCK ADAM L Use: RESIDENTIAL  
Principal Residence: YES

Mailing Address: 4624 TODD POINT LN Deed Reference: /46933/ 00331  
BALTIMORE MD 21219-1013

**Location & Structure Information**

Premises Address: 4624 TODD POINT LN Legal Description: 4624 TODD POINT LN ES  
BALTIMORE 21219-1013 MILTON SCHLUDERBERG  
Waterfront

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:  
0104 0023 0326 15120105.04 0000 12 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
1953 1,260 SF 10,422 SF 34

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements  
2 NO STANDARD UNITS SIDING/3 1 full/ 1 half

**Value Information**

|                    | Base Value | Value      |            |            | Phase-in Assessments |       |
|--------------------|------------|------------|------------|------------|----------------------|-------|
|                    |            | As of      | As of      | As of      | As of                | As of |
|                    |            | 01/01/2021 | 07/01/2023 | 07/01/2024 |                      |       |
| Land:              | 182,100    | 182,100    |            |            |                      |       |
| Improvements       | 116,300    | 116,300    |            |            |                      |       |
| Total:             | 298,400    | 298,400    | 298,400    |            |                      |       |
| Preferential Land: | 0          |            |            |            |                      |       |

**Transfer Information**

|                                  |                      |                  |
|----------------------------------|----------------------|------------------|
| Seller: BIEMILLER JOAN SUSAN     | Date: 05/23/2022     | Price: \$450,000 |
| Type: ARMS LENGTH IMPROVED       | Deed1: /46933/ 00331 | Deed2:           |
| Seller: BIEMILLER WILLIAM HOWARD | Date: 05/16/2006     | Price: \$0       |
| Type: NON-ARMS LENGTH OTHER      | Deed1: /23848/ 00597 | Deed2:           |
| Seller: LEWIS ALLEN W            | Date: 12/19/1984     | Price: \$0       |
| Type: NON-ARMS LENGTH OTHER      | Deed1: /06841/ 00022 | 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       |

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:

2023-0228-A



2023-0228-A



2023-0228-A

3



2023-0228-A



2023-0228-A



2023-0228-A



2023-0228-A



2023-0228-1A



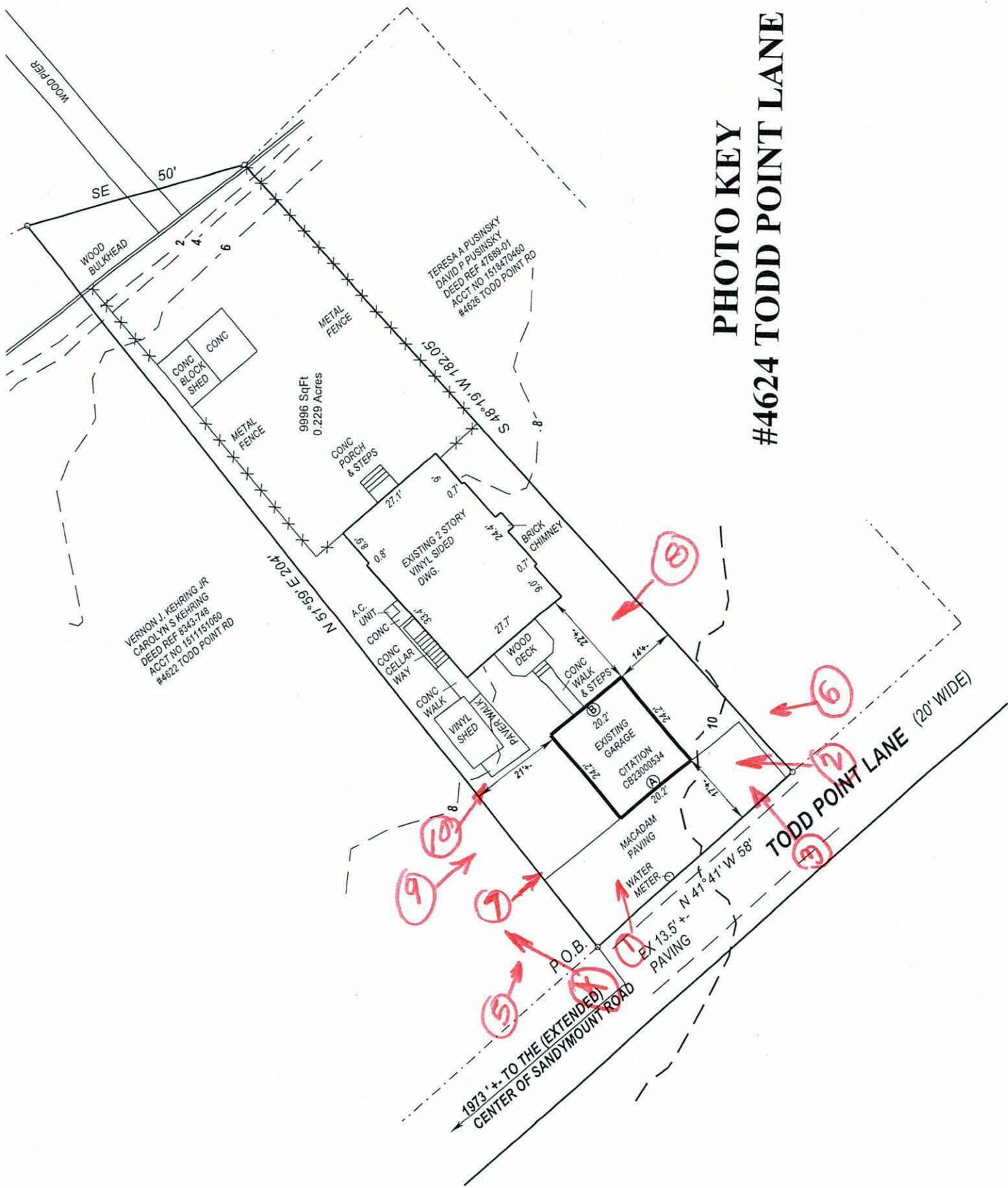
2023-0228-A



2023-0228-A



2023-02-28-A



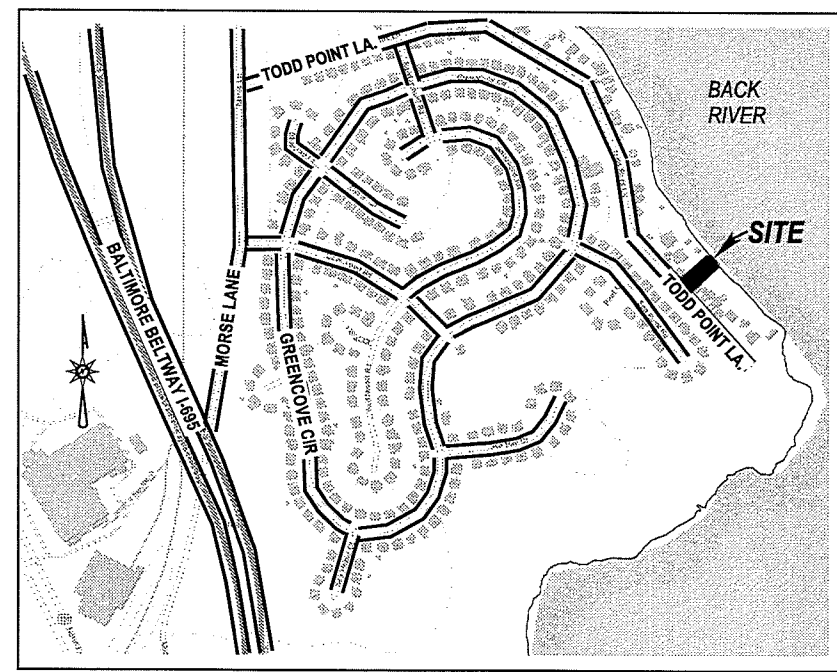
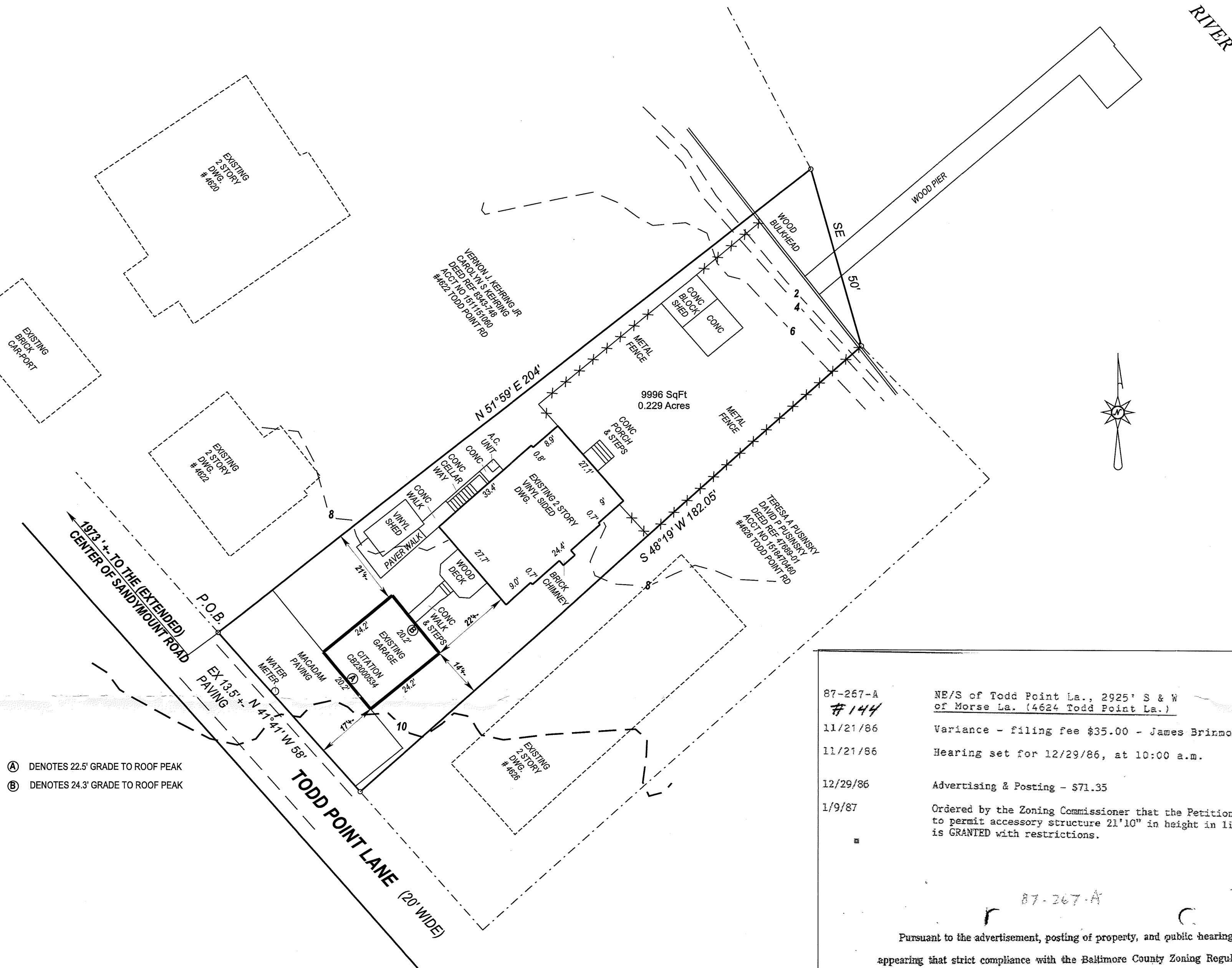
**PHOTO KEY**  
**#4624 TODD POINT LANE**



NOTES

- OWNER: ADAM L RABUCK  
4624 TODD POINT RD.  
BALTIMORE, MD. 21219-1013
- SITE AREA: 9926 SQ. FT. 0.229 AC.+-
- EXISTING/PROPOSED GARAGE AREA: 489 SQ. FT
- UTILITIES:  
PUBLIC WATER  
PUBLIC SEWER
- PER BALTIMORE COUNTY "TIDAL FLOOD ZONE BOUNDARIES - NOTE 1" EXHIBIT,  
BFE APPEARS TO BE ELEV. 7.7 NAVD88  
MIN FF ELEV 9.7 NAVD88  
ZONE AE (ELEV 6) F.I.R.M. 2400100440G
- SITE LIES WITHIN CHESAPEAKE BAY CRITICAL AREA (LDA)
- DEED REFERENCE: JLE 46933-331
- TAX ACCOUNT NO. 1512200040
- COUNCILMANIC DISTRICT: 7
- CONTOURS SHOWN HEREON PER BALTIMORE COUNTY "MY NEIGHBORHOOD" WEBSITE
- WATERSHED: BACK RIVER
- ZONING: DR 3.5
- TAX MAP 104 GRID 23 PARCEL 326
- PREVIOUS ZONING CASE ON FILE: 86-267-A  
(SEE ATTACHED THIS SHEET)
- NO KNOWN PERMITS ON FILE
- THERE ARE NO HISTORIC FEATURES ON THE SITE  
NOR IS THE SITE ITSELF HISTORIC
- NO KNOWN PREVIOUS DRC MEETINGS
- SITE LIES IN ZONE 'X' AND 'X' (SHADED) PER FIRM  
2400100440G DATED 05/05/2014
- UTILITIES:  
PUBLIC WATER  
PUBLIC SEWER

- (A) DENOTES 22.5' GRADE TO ROOF PEAK  
(B) DENOTES 24.3' GRADE TO ROOF PEAK



VICINITY MAP

1"=1000'

87-267-A  
#144  
11/21/86  
11/21/86  
12/29/86  
1/9/87

NE/S of Todd Point La., 2925' S & W  
of Morse La. 14624 Todd Point La.)  
15th Elec. Dist.  
Variance - filing fee \$35.00 - James Brinmore Wills, et ux  
Hearing set for 12/29/86, at 10:00 a.m.  
Advertising & Posting - \$71.35  
Ordered by the Zoning Commissioner that the Petition for Zoning Variance  
to permit accessory structure 21'10" in height in lieu of the permitted 15'  
is GRANTED with restrictions.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it  
appearing that strict compliance with the Baltimore County Zoning Regulations would/would not  
result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of  
the variance requested will/will not adversely affect the health, safety, and general welfare of  
the community, the variance should /should not be granted.  
Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 9th  
day of January, 1987, that the Petition for Zoning Variance to permit  
an existing accessory structure 21'10" in height in lieu of the permitted 15  
feet be and is hereby GRANTED, from and after the date of this Order, subject to  
the following restrictions which are conditions precedent to the relief granted  
herein:

- The Petitioners may apply for their building permit and  
be granted same upon receipt of this Order; however,  
Petitioners are hereby made aware that proceeding at  
this time is at their own risk until such time as the  
applicable appellate process from this Order has ex-  
pired. If, for whatever reason, this Order is re-  
versed, the Petitioners would be required to return,  
and be responsible for returning, said property to its  
original condition.
- The recommendations from the Director of the Office of  
Planning and Zoning to the Zoning Commissioner, dated  
December 16, 1986, stating that the proposed addition  
would not have any adverse impact, pursuant to the  
Chesapeake Bay Critical Area legislation, shall be  
adopted in its entirety.

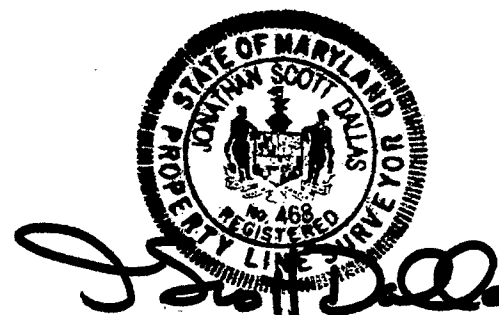
*[Signature]*  
Zoning Commissioner of  
Baltimore County

AJ/srl

**GARAGE SITE PLAN  
TO ACCOMPANY  
ZONING PETITION  
#4624 TODD POINT ROAD  
DEED REF. JLE 46933-331  
TAX MAP 104 GRID 23 PARCEL 326  
15TH ELECTION DISTRICT  
BALTIMORE COUNTY, MD.  
SCALE: 1"=20' DATE: 10-11-2023  
DATE OF FIELD WORK: 08-30-2023**

|                                     |                    |                    |
|-------------------------------------|--------------------|--------------------|
| FILE NAME<br>23-1935 TODD POINT.TRV |                    |                    |
| SCALE<br>20 FTH                     | DATE<br>10-11-2023 | DRAWN BY<br>R.N.G. |
| JOB<br>TODD                         | REVISION<br>1/1    | SHEET<br>1/1       |

**J.S. DALLAS, INC.**  
SURVEYING & ENGINEERING  
P.O. BOX 26  
BALDWIN, MD. 21013  
(410) 817-4600



10-11-2023  
DATE