



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

January 10, 2024

Rose E. Bravo – mperalta1973@hotmail.com
508 Woodward Drive
Essex, MD 21221

RE: Petitions for Special Hearing, Special Exception & Variance
Case No. 2023-0230-SPHXA
Property: 407 Marlyn Avenue aka 407 S. Marlyn Avenue

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 Derek J. Baumgardner, consisting of a stylized 'D' and 'B' followed by a horizontal line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
c: J. Scott Dallas – jsdinc@aol.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND SPECIAL EXCEPTION &	*	THE OFFICE
VARIANCE)	*	ADMINISTRATIVE HEARINGS
(407 Marlyn Avenue aka 407 S. Marlyn)	*	FOR BALTIMORE COUNTY
15 th Election District	*	Case No. 2023-0230-SPHXA
7 th Council District	*	
Rosa Bravo	*	
<i>Legal Owner</i>	*	
Petitioner		

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing, Special Exception, and associated variances filed by Rosa Bravo, legal owner ("Petitioner") of the property known as 407 Marlyn Avenue aka S. Marlyn Avenue, Essex, Baltimore County (the "Property"). The Petition was filed pursuant to Baltimore County Zoning Regulations ("BCZR") § 1B01.1.B.1.g(10), to determine if the proposed improvements constitute an exception to the Residential Transition Area ("RTA") requirements and to approve a modified parking plan pursuant to BCZR § 409.12.B; Special Exception relief pursuant to BCZR §§ 1B01.1.C.4 and 230.3, to permit a community building and accessory parking within the DR 5.5 and BL zones; and variance relief pursuant to BCZR, § 1B01.2.C.1.a, to permit a 0 ft. side setback in lieu of 20 ft., and BCZR § 409.6.A.4 to permit 55 parking spaces in lieu of 129 spaces. Petitioner also seeks RTA buffer relief (*See Conclusion with regard to the relief requested under the Special Hearing*).

A public hearing was conducted on January 2, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. J. Scott Dallas, a licensed engineer, appeared on behalf of Petitioner to present the Petition. There were no interested citizens or protestants at the hearing. The following exhibits were introduced and admitted into the

record: (1) Site Plan; (2) Zoning Advisory Committee ("ZAC") comment from the Department of Planning ("DOP"); (3) DEPS comment; (4) Affidavit of Publication/Certificate of Posting; and (5) DPR/DPW comments. The remainder of the file contents are hereby admitted into the record.

Findings of Fact

The Property is approximately 2.817 acres in size and is improved with a one-story single family detached dwelling and a shed, which are proposed to be razed. The lot is uniquely shaped in that it is exceptionally long and narrow with a width of 98 ft. and length ranging from 1,175 ft. to 1,244 ft. Mr. Dallas proffered the evidence in this matter. The proposed community building will house a private volleyball league. The structure will contain three indoor volleyball courts along with locker rooms and other customary amenities. The resulting structure will not exceed the 35 ft. maximum requirement for this mixed DR 5.5/BL zone. Mr. Dallas stated that the structure and on-site parking facilities were sited as far from the southern property line as possible to provide a buffer between the community building and the residential community to the south. To the north, the property is adjacent to various commercial buildings. Because of the property's unique features, 55 off-street parking spaces are proposed in lieu of the required 129 parking spaces located partly in the front yard with the majority to the rear of the structure and in the middle of the lot, with the remainder of the lot to remain unimproved. A privacy fence is planned to be located along the southern property line between the proposed community building/parking lot and adjacent residential community.

Conclusions of Law

SPECIAL EXCEPTION

Pursuant to BCZR §1B01.1.1.C.4 and 230.3, "community buildings...or other similar civic, social, recreational or educational uses" are permitted in this DR 5.5/BL zone by Special

Exception. Under BCZR § 502.1, before any special exception may be granted, it must appear that the use for which the special exception is requested will not have negative impacts on this property or surrounding properties as articulated under subsections (A) – (I). Further, under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Based on the evidence presented in this case, and in consideration of both the *Schultz* standard and BCZR§ 502.1 (A)-(I), I find that the Petition meets the *Shultz* standard and is consistent with affirmative findings under BCZR§ 502.1 (A)-(I) for granting this special exception to use the property as a community building with accessory parking lot.

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 Petition for Special Hearing was requested pursuant to Baltimore County Zoning Regulation ("BCZR") § 1B01.1.B.1.g (10), to determine whether the proposed improvements are planned in such a way that compliance, to the extent possible with the RTA requirements, will be maintained and that that special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, and to approve a modified parking plan pursuant to BCZR §409.12.B.

Under BCZR § 1B01.1.B.1.a, the residential transition area (RTA) is a 100-foot area, including any public road or public right-of-way, extending from a D.R. zoned tract boundary into the site to be developed. The purpose of an RTA is to assure that similar housing types are built adjacent to one another or that adequate buffers and screening are provided between dissimilar housing types. An RTA is generated if the property to be developed is zoned D.R. and lies adjacent to land zoned D.R.1, D.R.2, D.R.3.5, D.R.5.5 or R.C. which contains a single-family detached, semi-detached or duplex dwelling within 150 feet of the tract boundary or is vacant, less than two acres in size, and contains a buildable area at least 20 feet by 30 feet on which a dwelling meeting all required setbacks can be erected.

After consideration and review of the site plan and materials presented, I find that the proposed improvements are planned in such a way that compliance will be maintained and that said plan can otherwise be expected to be compatible with the character and general welfare of the

surrounding residential premises. The proposed two-story community building and associated parking facilities are adjacent to commercial buildings to the north, will not exceed height limitations in this DR/BL zone, are purposely sited along the northern property line leaving as much buffer as possible from the residential community to the south, and serve a community function by providing recreational volleyball activities for participants and league members. Petitioner's modified parking plan pursuant to BCZR § 409.12.B, illustrated on the attached Site Plan, indicate the location of 55 total parking spaces, four (4) spaces in front of the community building and fifty-one (51) spaces in the middle of the lot behind the community building. I find that the proposed community building and associated parking facilities qualify under the exception defined under BCZR §1B01.1.B.1.g(10), and will be compatible with the community and generally consistent with the spirit and intent of the Baltimore County Zoning Regulations, thus exempting the property from the RTA provisions otherwise required under BCZR §1B01.1.B1(a)-(e).

VARIANCES

The Petition requests variance relief from BCZR § 1B01.2.C.1.a, to permit a 0 ft. side setback in lieu of 20 ft., and BCZR § 409.6.A.4, to permit 55 parking spaces in lieu of 129 spaces. Variances for RTA buffer requirements and parking were also requested but are not deemed necessary under this application (*See Conclusion for the relief granted pursuant to the Special Hearing*). Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit

and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare...” 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).

As described above, the Property is unique due to its peculiar shape with relatively narrow width of 98 ft. and length ranging from 1,175 ft. at its northeast property line to 1,244 ft. at its southeast property line. This unique shape creates a practical difficulty in complying with parking lot and building setbacks, especially in light of site improvements being constructed along the northern property line close to commercial buildings to maximize buffers to the south adjacent to a residential community. With respect to the side setback, the narrow width of the lot creates a practical difficulty in complying with strict setback requirements as the setback creates a restricted buildable area. With respect to off-street parking, despite its sizable square footage, the proposed structure will predominantly house volleyball courts with limited space for spectators and others to congregate necessitating a large parking area. The structure is also unique in this manner because of its use and interior design. Strict compliance with parking minimums creates a practical difficulty for Petitioner because of the lot’s configuration and access to the rear portion of the parking lot. For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and the proposed structure, and strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty for Petitioner. Further, I find that the

variances proposed are in harmony with the spirit and intent of said setback and off-street parking regulations and will not result in any injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED this 10th day of **January 2024**, by this Administrative Law Judge, that the Petition for Special Exception relief pursuant to BCZR, §§ 1B01.1.C.4 and 230.3, to permit a community building and accessory parking within the DR 5.5 and BL zones be, and it is hereby, **GRANTED**, and

IT IS FURTHER ORDERED that the Petition for Special Hearing satisfies the requirements under BCZR § 1B01.1.B.1.g(10), that the proposed improvements are planned in such a way that compliance, to the extent possible with the Residential Transition Area (“RTA”) requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, and to approve the modified parking plan pursuant to BCZR, § 409.12.B. as proposed in the incorporated Site Plan, is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance relief from BCZR, 1B01.2.C.1.a, to permit a 0 ft. side setback in lieu of 20 ft., and BCZR § 409.6.A.4, to permit 55 parking spaces in lieu of 129 spaces, are 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. Occupancy is limited to 50 persons at this time;
3. The Site Plan dated November 2, 2023 (Pet. Exhibit 1) is attached hereto and incorporated herein in its entirety;
4. Stormwater facilities, landscaping and lighting, and all other site development

elements will strictly adhere to all code requirements pursuant to proper permit;
and

5. Any future expansion of use, facilities, or parking will require amendment or modification to this approval.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: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 407 Marlyn Avenue AKA 407 S. Marlyn Avenue Currently Zoned BL and DR 5.5
Deed Reference 47173 / 120 10 Digit Tax Account # 1518471780
Owner(s) Printed Name(s) Rosa E. Bravo

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

please see attached

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

3. X 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

Case Number 2023-0230-SAXA Filing Date 10/30/2023 Do Not Schedule Dates

Legal Owners (Petitioners):

Rosa E. Bravo /

Name #1 - Type or Print

Name #2 - Type or Print

Rosa E. Bravo /

Signature #1

Signature #2

508 Woodward Drive Essex MD

Mailing Address City State

21221 / c/o 4105744024 / MPeralta1973

Zip Code Telephone #'s (Cell and Home) Email Address
@hotmail.com

Representative to be contacted:

J Scott Dallas

Name - Type or Print

Signature

P.O. BOX 26 Baldwin MD

Mailing Address City State

21013 / 410817-4600 / jsdinc@aol.com

Zip Code Telephone # Email Address

Reviewer JSC

*J S DALLAS, INC
SURVEYING AND ENGINEERING
P O BOX 26
BALDWIN, MD 21013
410-817-4600*

Attachment-
Zoning Petition
407 Marlyn Avenue

Special Exception under Sections 1B01.1.C.4 & 230.3, BCZR to permit a community building and accessory parking within the DR5.5 and BL zones.

Special Hearing pursuant to Section 1B01.1.B.1.g(10), BCZR to determine that the proposed improvements are planned in such a way that compliance, to the extent possible with the RTA requirements, will be maintained and that the special exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises, and to approve a modified parking plan pursuant to Section 409.12.B, BCZR.

Variance under Section 1B01.2.C.1.a to permit a 0-foot side setback in lieu of 20 feet.

In the alternative, a variance from Section 409.6.A.4, BCZR to permit 55 parking spaces in lieu of 129 spaces.

In the alternative, a variance from Section 1B01.1.B.1.e(5) for parking lot setbacks of 10 feet and 29 feet in lieu of 75 feet, building setbacks of 0 feet and 29 feet in lieu of 75 feet, and 0-foot buffers in lieu of 50 feet.

And to approve any additional relief as determined necessary by the Administrative Law Judge

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26

Baldwin, MD 21013

(410)817-4600

FAX (410)817-4602

ZONING DESCRIPTION OF #407 MARLYN AVENUE

BEGINNING on the northeast side of Marlyn Avenue, 50 feet wide, distant 151 feet, more or less northwesterly from the centerline of Renfrew Street, 50 feet wide thence leaving said Marlyn Avenue and running **(1)** North 83 degrees 01 minutes East 1249.30 feet thence **(2)** North 40 degrees 15 minutes West 119.7 feet **(3)** South 83 degrees 01 minutes West 1181.92 feet to said northeast side of said Marlyn Avenue thence running with and binding thereon **(4)** South 6 degrees East 100 feet to the place of beginning as recorded in Deed Liber 47173 folio 120.

CONTAINING 122,709 square feet (or 2.817 acres) of land, more or less).

ALSO known as **# 407 Marlyn Avenue** and located in the 15th Election District, 7th Councilmanic District.

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



2023-0230-SPHX1

**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: 2023-0230-SPHxA
Property Address: 407 MARLYN AVENUE
Property Description: E. side Marlyn Ave
151' N. of centerline Renfrew St.
Legal Owners (Petitioners): Rosa E. Bravo
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: J. Scott Dallas
Company/Firm (if applicable): J. S. Dallas Inc.
Address: P.O. Box 26
Baldwin, MD.
21013
Telephone Number: 410-817-4600

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/12/2023

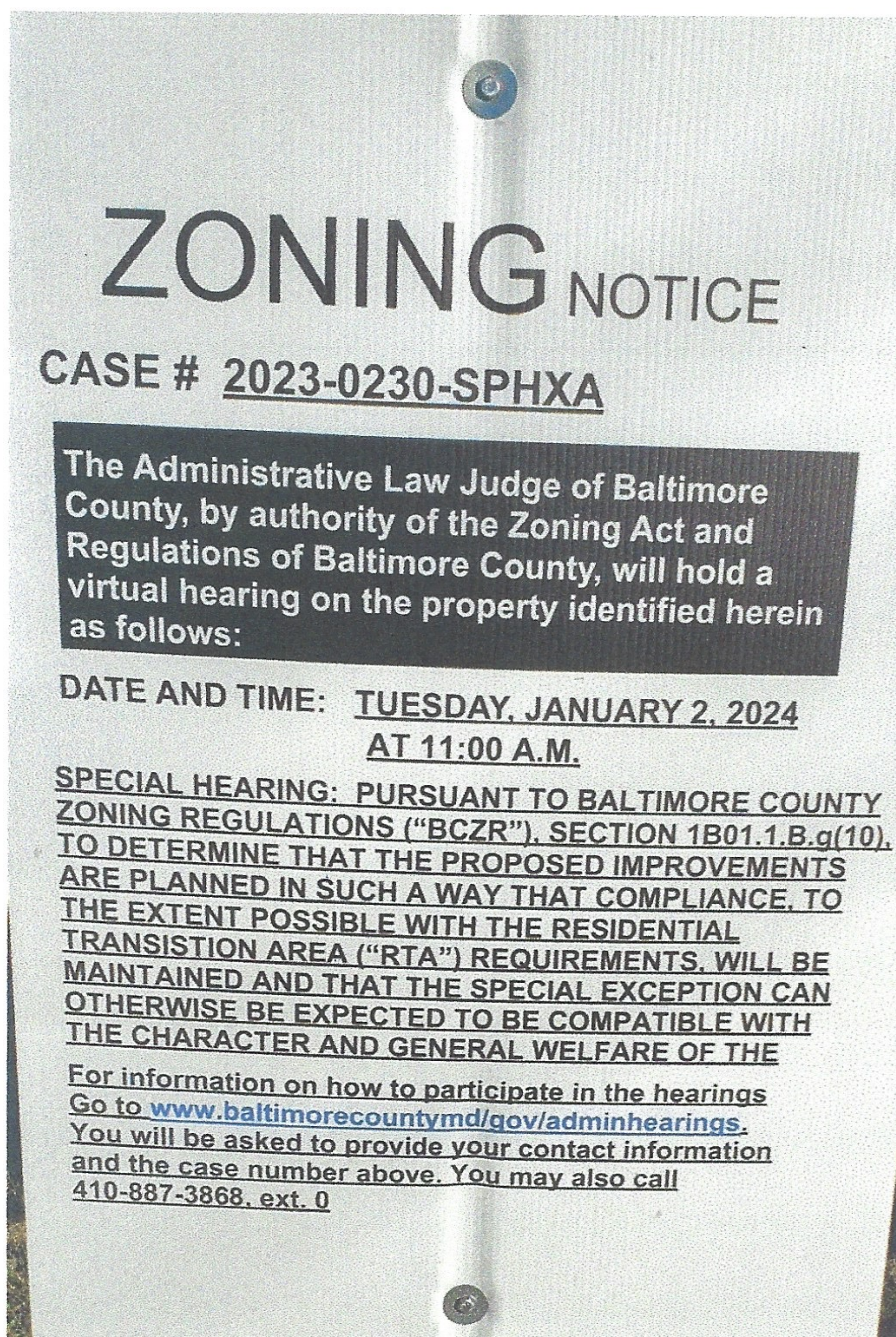
Case Number: 2023-0230-SPHXA

Petitioner / Developer: J. SCOTT DALLAS ~ ROSA BRAVO

Date of Hearing: JANUARY 2, 2024

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:
407 MARLYN AVENUE

The sign(s) were posted on: DECEMBER 12, 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)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 11/9/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-230-SPHXA

INFORMATION:

Property Address: 407 Marlyn Avenue (Also known as 407 South Marlyn Avenue)

Petitioner: Rosa E. Bravo

Zoning: BL, DR 5.5

Requested Action: Special Hearing, Special Exception, Variance

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

Special Exception -

1. Under Sections 1B01.1.C.4 and 230.3 of the Baltimore County Zoning Regulations (BCZR) to permit a community building and accessory parking within the DR 5.5 and BL zones;

Special Hearing -

2. Pursuant to Section 1B01.1.B.1.g(10) of the BCZR to determine that the proposed improvements are planned in such a way that compliance, to the extent possible with the RTA requirements, will be maintained and that the Special Exception can otherwise be expected to be compatible with the character and general welfare of the surrounding residential premises;
3. To approve a modified parking plan pursuant to Section 409.12.B of the BCZR;

Variance -

4. Under Section 1B01.2.C.1.a to permit a 0' side setback in lieu of the required 20';

In the alternative, Variance -

5. From Section 409.6.A.4 of the BCZR to permit 55 parking spaces in lieu of the required 129;
6. From Section 1B01.1.B.1.e(5) for parking lot setbacks of 10 feet and 29 feet in lieu of 75 feet; building setbacks of 0 feet and 29 feet in lieu of 75 feet; and 0-foot buffers in lieu of 50 feet; and
7. To approve any additional relief as determined necessary by the Administrative Law Judge.

The subject site is an approximately 2.817 acre parcel in the Essex area. The lot is long and narrow, measuring approximately 98' at South Marlyn Avenue and approximately 1,175 to 1,244' in length. It is improved with a one-story single family detached dwelling and a shed, which are proposed to be razed.

The site is split zoned DR 5.5 and BL, and has been the subject of past Comprehensive Zoning Map Process Issues in 1996, 2000, and 2020. In 1996, the site was rezoned from DR 16 to DR 5.5 and BL with Issue 7-023. In 2000, Issue 7-044 requested to rezone 4.8 acres to RO, however, the property maintained its DR 5.5 and BL zoning. In 2020, Issue 7-023 requested to rezone 305 and 407 South Marlyn Avenue to BM, however, the property maintained its DR 5.5 and BL zoning.

Uses surrounding the subject site vary. East and south of the subject site are primarily single family detached residential dwellings that appear to range from one- to one-and-a-half stories. West of the subject site, along South Marlyn Avenue, are a few offices and commercial spaces at 400, 404, 406, and 408 South Marlyn Avenue. Beyond the office spaces, the area is primarily residential, single family detached dwellings. North of the subject site are commercial businesses, including an upholstery business, a florist/greenhouse, a barbershop, and a convenience store, per Google Maps. There are also two apartment complexes in the general vicinity – Marlyn Garden Apartments to the north and Essex Village Marlyn Gardens Apartments to the southwest.

The subject site is within the boundary of the Community Conservation Plan for Essex-Middle River, adopted July 1st, 1996. The Plan outlines various issues within the community and offers recommendations on how to improve the area, including a recommendation to expand active recreation facilities (page 5).

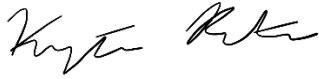
The Department of Planning contacted the representative for the petition via email on November 7th, 2023 requesting additional information on the proposal. In a same-day reply, the representative explained that the property owner is part of a large volleyball community, and that his goal is to create a center for private-play. The maximum number of permitted players and observers would be fifty (50) at a time, hence the proposed decrease in parking. The representative also explained that the bulk of the proposed building would enclose the volleyball courts.

The Department of Planning understands that the proposed use is needed in Baltimore County, and appreciates the applicants attempts to locate the facility and parking lot as far north on the site as possible in order to locate it closer to the commercial properties on South Marlyn Avenue, as opposed to the residential dwellings on Renfrew Street. The Department has no objections to the Special Exception, Special Hearing, and Variance requests, subject to the following conditions:

1. Privacy fencing shall be proposed between the subject site and the rear yards of the residential dwellings abutting the building and parking lot.
2. A Lighting Plan will be required to confirm lighting from the facility does not negatively impact the neighboring residence. In accordance with the Comprehensive Manual of Development Policies, any lighting should not exceed 18 feet in height and should be designed to prevent spillover of light onto the adjoining residences.
3. The dumpster shall be located away from the neighboring residential dwellings.
4. The facility shall be limited to operate at reasonable, posted hours, so as to not negatively impact the neighboring residences.

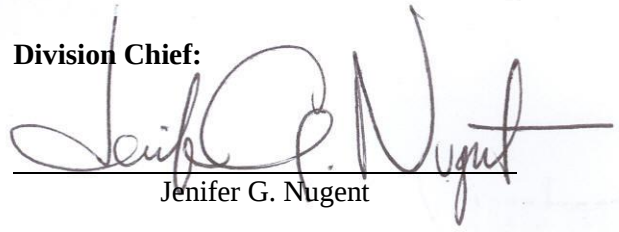
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas

Ainsley Jacobs, 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: November 13, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0230-SPHXA
Address: 407 MARLYN AVE
Legal Owner: Rosa Bravo

Zoning Advisory Committee Meeting of November 13, 2023.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

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

No. **228963**

Date: **10/30/2023**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$1,200

Total: **\$1,200**

Rec
From: **J.S. Dallas Inc**

For: **Special Exception Special Hearing, Vainore**
407 Madison Avenue
Zoning Case 2023-0230-SPHxA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

MSA

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

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

Account Identifier: District - 15 Account Number - 1518471780

Owner Information

Owner Name: BRAVO ROSA E **Use:** COMMERCIAL/RESIDENTIAL
Principal Residence: NO

Mailing Address: 508 WOODWARD DR **Deed Reference:** /47173/ 00120
ESSEX MD 21221-

Location & Structure Information

Premises Address: 407 MARLYN AVE **Legal Description:** 2.817 AC ES MARLYN A
ESSEX 21221- 1734 S EASTERN AV

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0097 0003 0848 31501.04 0000 2024 Plat Ref:

Town: None

Primary Structure	Built Above Grade	Living Area	Finished Basement Area	Property Land Area	County Use
	1,296 SF			2.8200 AC	06

Stories **Basement Type** **Exterior Quality** **Full/Half Bath** **Garage** **Last Notice of Major Improvements**

1 NO STANDARD UNIT SIDING/3 1 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	99,200	99,200		
Improvements	13,500	13,500		
Total:	112,700	112,700	112,700	
Preferential Land:	0			

Transfer Information

Seller: LUCKY HOLDING LLC	Date: 07/19/2022	Price: \$250,000
Type: ARMS LENGTH IMPROVED	Deed1: /47173/ 00120	Deed2:

Seller: MARLYN AVENUE DEVELOPMENT L C	Date: 05/08/2020	Price: \$300,000
Type: NON-ARMS LENGTH OTHER	Deed1: /42802/ 00050	Deed2:

Seller: SALVO HOWARD J TRUSTEE	Date: 09/19/2014	Price: \$250,000
Type: ARMS LENGTH MULTIPLE	Deed1: /35382/ 00057	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:

2023-0230-SPHXA

Baltimore County - My Neighborhood



GENERAL NOTES:

1. CURRENT OWNER: ROSA R BRAVO

588 WOODWARD DR
EASES: LPO 31231

2. EXISTING LOT AREA:
122,799 SQ. FT. 5,817 AC. ± (3047)

3. PROPOSED BUILDING AREA:
TOTAL 12,174 SQ. FT.

4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
PUBLIC STORM DRAIN

5. THE SITE LIES WITHIN ZONE "C" AS SHOWN

ON P. 11 M. 2400 18045P DATED MAY 09, 2014

6. EX. STRUCTURE = 1 STORY 1770 SF BLDG

7. 2005 REF. JLE 47173-120

8. 1994 ACCOUNT #18197179

9. COUNCILMANIC DISTRICT TTH

10. CENTRAL TRAIL 400-31

11. WATERWAY: BACK BAY

12. TALKING: 1987, 1988, 1989

13. ZONING: DR 5.5 AND BL

(PER BAL. CO. WEBSITE)

14. NO KNOWN PREVIOUS ZONING CASE ON FILE

15. SETBACKS:

BL 5.5 (INDUSTRIAL)

FRONT: 42' REAR: 33' SIDE: 27'

BL:
FRONT: 10' TO FRONT PROPERTY LINE 30' FROM ROAD CENTERLINE
REAR: 20' (ADJUTING REAR SETBACK) SIDE: NONE
MAX FLOOR AREA RATIO: 3.2

16. THE SITE DOES NOT APPEAR TO LIE WITHIN THE CHESAPEAKE BAY

CORRELATION AREA

17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR

IS THE SITE ITSELF HISTORIC

18. NO KNOWN PREVIOUS DRG. MEETINGS OR ZONING HISTORY

19. THERE ARE NO KNOWN BUILDINGS LISTED IN THE HISTORY

20. NO KNOWN PERMITS ON FILE

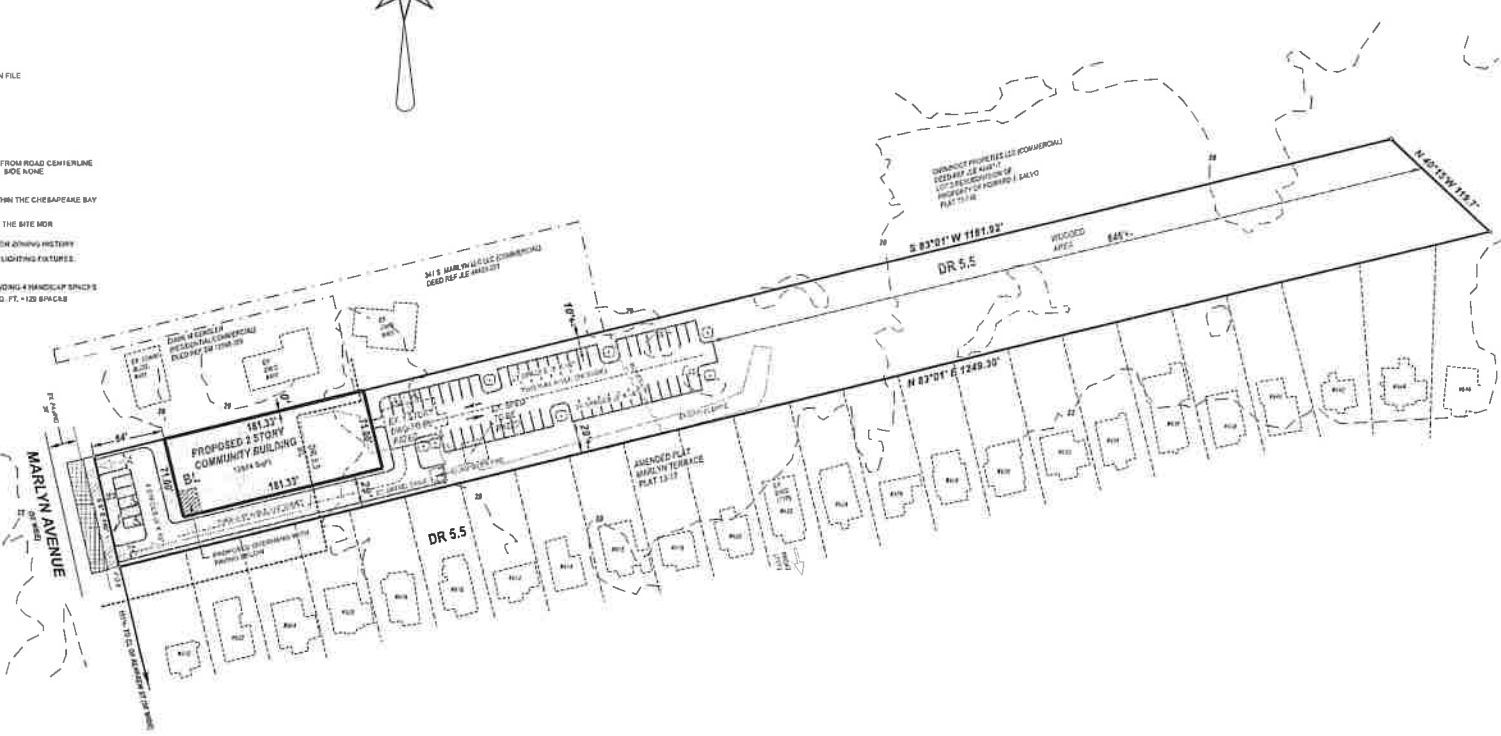
21. PROPOSED PARKING: 25 SPACES INCLUDING 4 HANDICAP SPACES

REQUIRED PARKING: 10 SPACES/1000 SQ. FT. = 125 SPACES



VICINITY MAP

1"=1000'



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



11-01-2023

DATE

PLAN TO ACCOMPANY PETITION
FOR ZONING HEARING
#407 MARLYN AVENUE
DEED REFERENCE JLE 47173-120
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=50' DATE 11-01-2023

SCALE	DATE	DRAWN BY
1"=50'	11-01-2023	J.S. DALLAS
JOB	REVISION	5-0-11
DATE	BY	DATE

GENERAL NOTES:

1. CURRENT OWNER: ROSA E BRAVO
508 WOODWARD DR
ESSEX, MD. 21221

2. EXISTING LOT AREAS
122,709 Sq.Ft. 2.817 Ac.+ (SDAT)

3. PROPOSED BUILDING AREA:
TOTAL 12,874 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. 2400100445F DATED MAY 05, 2014.

6. EX. STRUCTURE = 1 STORY (TO BE RAZED)

7. DEED REF: JLE 47173-120

8. TAX ACCOUNT: #1518471780

9. COUNCILMANIC DISTRICT: 7TH

10. CENSUS TRACT: 4505.01

11. WATERSHED: BACK RIVER

12. TAX MAP: #0097, PARCEL 0848

13. ZONING: DR 5.5 AND BL
(PER BALT.CO. WEBSITE)

14. NO KNOWN PREVIOUS ZONING CASE ON FILE

15. SETBACKS:

D.R. 5.5: (NON-RESIDENTIAL)

FRONT: 40' REAR: 30' SIDE 20'

BL:
FRONT: 10' TO FRONT PROPERTY LINE, 30' FROM ROAD CENTERLINE
REAR: 20' (ABUTTING RESIDENTIAL ZONE) SIDE NONE
MAX FLOOR AREA RATIO: 3.0

16. THE SITE DOES NOT APPEAR TO LIE WITHIN THE CHESAPEAKE BAY
CRITICAL AREA.

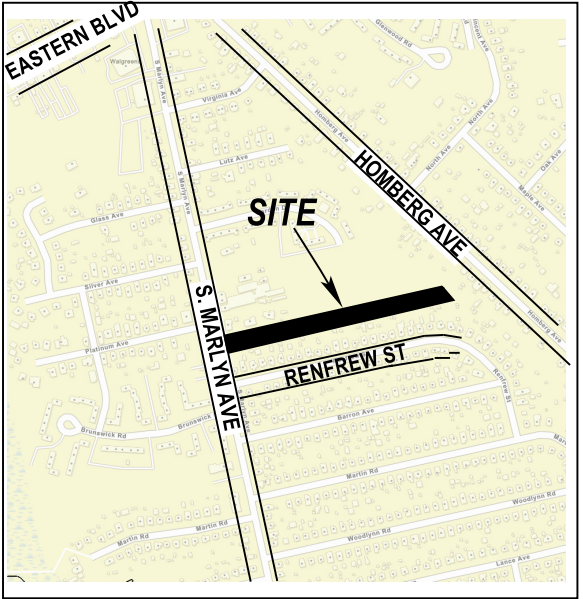
17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.

18. NO KNOWN PREVIOUS DRC MEETINGS OR ZONING HISTORY

19. THERE ARE NO EXISTING PARKING LOT LIGHTING FIXTURES.

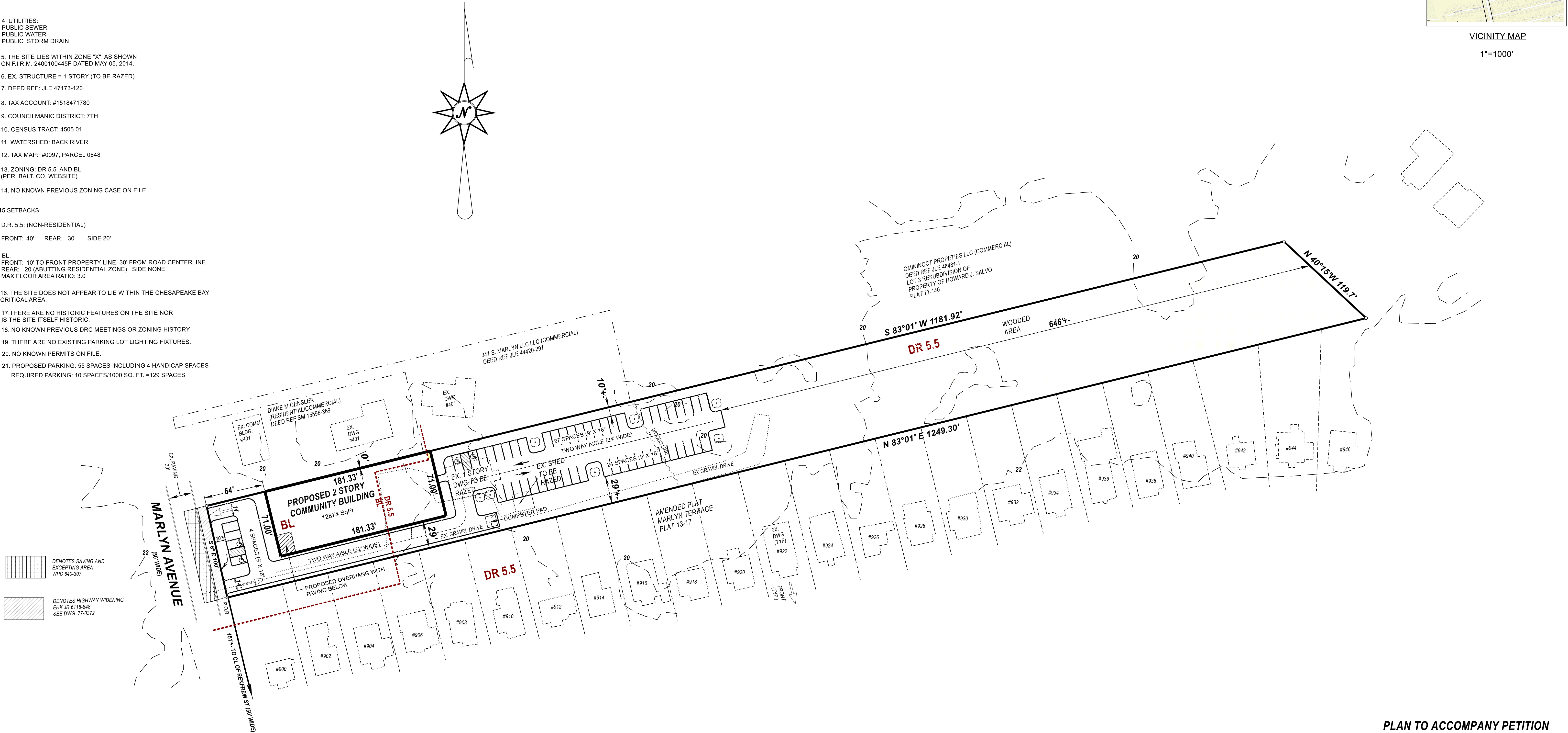
20. NO KNOWN PERMITS ON FILE.

21. PROPOSED PARKING: 55 SPACES INCLUDING 4 HANDICAP SPACES
REQUIRED PARKING: 10 SPACES/1000 SQ. FT. =129 SPACES



VICINITY MAP

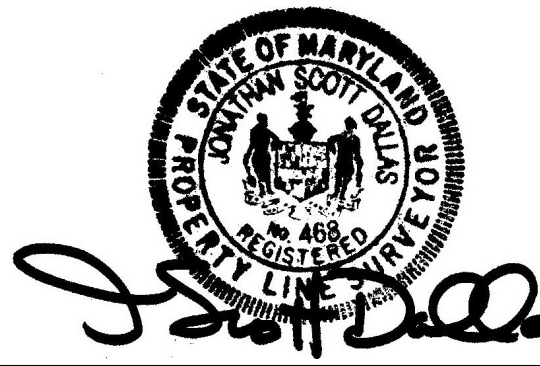
1"=1000'



DENOTES SAVING AND
EXCEPTING AREA
WPC 640-307

DENOTES HIGHWAY WIDENING
EHK JR 6118-848
SEE DWG. 77-0372

J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
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11-01-2023
DATE

**PLAN TO ACCOMPANY PETITION
FOR ZONING HEARING
#407 MARLYN AVENUE
DEED REFERENCE JLE 47173-120
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=50' DATE 11-01-2023**

FILE NAME		
22-1987-407-MARLYN-TRV	DATE	DRAWN BY
50-Filn	11-2-2023	R.N.G.
JOB	REVISION	SHEET
407 S. MARLYN	1/1	1/1