

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 17, 2024

Joseph and Tina Fuller – <u>jfuller069@aol.com</u> 3822 Chestnut Road Middle River, MD 21220

RE:

Petition for Administrative Variance

Case No. 2023-0257-A

Property: 3822 Chestnut Road

Dear Mr. and Mrs. Fuller:

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

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE
(3822 Chestnut Road)

15<sup>th</sup> Election District
5<sup>th</sup> Council District
Joseph & Tina Fuller

\* HEARINGS FOR

\* BALTIMORE COUNTY

Petitioners

\* CASE NO. 2023-0257-A

\* \* \* \* \* \* \* \*

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Joseph and Tina Fuller ("Petitioners") for the property located at 3822 Chestnut Road, Middle River (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Sections 400.1 and 400.3, to permit a proposed garage to be located 2 ft. from the side property line and have a height of 19 ft. in lieu of the required 2.5 ft. setback and maximum permitted height of 15 ft.

The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2C).

The property is subject to certain environmental regulations as noted in the Zoning Advisory Committee ("ZAC") comment, received on January 11, 2024, by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on December 23, 2023 and January 5, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I find that there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted.

Although the Department of Planning did not make any recommendations related to the detached garage, I will impose conditions that the detached garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and will not have separate electric or utility connections, or used for commercial purposes.

Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>17th</u> day of January, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Sections 400.1 and 400.3, to permit a proposed garage to be located 2 ft. from the side property line and have a height of 19 ft. in lieu of the required 2.5 ft. setback and maximum permitted height of 15 ft., and they are hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their appropriate permits 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 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
- 3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.
- 4. The detached garage shall not be used for commercial or industrial purposes.
- 5. Petitioners must comply with the DEPS ZAC comments; a copy of which is 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.

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw

T 18 2

# **ADMINISTRATIVE ZONING PETITION**

# FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and inspections

To the	Office of Administrat		Baltimore County for th		at:	
Address 3822 Che	estrut Rd	Middl	e River MO 212	Qurrently Zoned	RC5	
Deed Reference 42321	10020	5 10 Di	git Tax Account #/_	5085	5500	40
Owner(s) Printed Name(s) <u>Jos</u>	eph Fuller	- T	na Fuller			
(SELECT THE HEARING	(S) BY MARKING X	AT THE APPROP	RIATE SELECTION(S) A	ND ADDING THE F	ETITION REQUES	ST)
For Administrative Variances, the	Affidavit on the reve	rse of this Petition	form must be completed	and notarized.		
The undersigned, who own and occi hereof, hereby petition for an:	upy the property situa	te in Baltimore Co	unty and which is describ	ed in the plan/plat a	ttached hereto and	made a part
1. X ADMINISTRATIVE VARIAN	CE from Section(s)					
BCZR: 400.1 & 400.3	-					nd
have a height of 19 fe	et in lieu of the r	required 2.5 fe	eet setback and max	mum permitted	d height of 15	
feet.						
of the zoning regulations of Baltimor	e County, to the zonir	ng law of Baltimore	e County.			
2 ADMINISTRATIVE SPECIA work in this space: i.e., to raze, alte			ıant to Section 32-4-107(b	) of the Baltimore C	ounty Code: (indic	ate type of
of the zoning regulations of Baltimor	e County, to the zonii	ng law of Baltimore	e County.			
Property is to be posted and adverti- l/ we agree to pay expenses of above Baltimore County adopted pursuant	e petition(s), advertis	sing, posting, etc. a	and further agree to be bo	und by the zoning r	egulations and rest	rictions of
Owner(s)/Petitioner(s):						
Joseph Fuller		Tina Ful	ller			
Name #1 - Type or Print		Name # 2	- Type or Print			
		June 7	Suelle .	<del></del> -		
3822 Chestout Ro	d Middle	0	ature # 2			
Mailing Address	1 PURCUS	City	State			
21220 1443-392-085	4/443-392-0	2852 Jf		1.com		
Zip Code Telephone	#s' (Cell and Home)		Email Address			
Attorney for Owner(s)/Petition	ier(s):		Representative	e to be Contacte	d:	
Name - Type or Print			Name - Type or	Print		
Signature			Signature			
Mailing Address	City	State	Mailing Address		City	State
7 7 7	_/			Talaakana #	_/	Ideana
Zip Code Telephone #	Email Add	ress	Zip Code	Telephone #	Email Ad	laress
·						
A PUBLIC HEARING having been Baltimore County, this	day of	ä	that the sul	d by the Office of A		
			Administrative Lav	v Judge for Baltimoi		
Casa Number 2023-0257-	A Elling Do	12, 12	23 Estimated Bo	eting Date 12	24 23	Reviewer ) )

# 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:	3822	Chestnut	Ra M	iddle R	ive	am	21220
, tagi 000.		e Address of Pro		<del></del>	City	State	Zip Code
Variance	at the above	e address. (Clea	rly state prac	tical difficu	ity or hardship	here)	an Administrative
Pole	building	is needed	For RV	Storage	to protec	t from u	veather, hed.
The	building	will be	19 feet	tall	Drawine	15 attac	hed.
							(10.000
-				74/94			
_			-				
							A
-							
-							
(If additi	ional space	for the petition i	equest or the	e above stat	ement is neede	d, label and att	ach it to this Form)
	HAU				Signature of O	taller	
	of Owner (	·			7 -	•	
Jose	Print or Type	uller			Name - Print or	Fuller	
Name - I	Print of Type				Name - Fint of		
	The follow	ing informatio	n is to be co	mpleted b	y a Notary Pu	blic of the Stat	te of Maryland
STATE	OF MARYLA	AND, COUNTY O	F BALTIMOR	E, to wit:			
		, this <u>4th</u> foresaid, persona		cember	202	23_, before me	a Notary of Maryland, ir
Print nar	me(s) here:	Joseph =	Tuller,	Tina 7	uller		
		personally know				Affiant(s).	BELCAS
AS WIT	NESS my ha	nd and Notaries	Seal			N. A. S.	Commission Etal
0	history.	42 choise	co			7	NOTARY
Notary F	Public	1				BEP.	PUBLIC &
	8/2	12024			· · · · · · · · · · · · · · · · · · ·	Affiant(s).	MORE CO Sephens
My Com	mission Exp	ires					San Sandadadaga

# 3822 Chestnut Road

(15-08-550040)

#### 2023-0257-A

# Property Description

Located on the northwest side of Chestnut Road (25' row), at the intersection with Seneca Road (25' row).

Containing 18,198 square feet of land, located in the 15th Election District and 5th Councilmatic District.

BEING KNOWN AND DESIGNATED as Lot No. 117, Plat No. 2, as shown on a plat entitled, "Bowley's Quarters," which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 13.

\*\*\*For informational purposes only\*\*\* The improvements thereon being known as 3822 Chestnut Road, Baltimore, MD 21220.

BEING the same lot of ground conveyed to MARYANN FULLER, JOSEPH A. FULLER, TINA M. FULLER AND JOSEPH A. FULLER, JR. from MARYANN FULLER, JOSEPH A. FULLER AND TINA M. FULLER, by Deed dated March 18<sup>th</sup> 2019, and recorded on April 4<sup>th</sup>, 2019, among the Land Records of Baltimore County, Maryland, in Liber 41286, Folio 7.

# BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE:

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2013 - 0057-A Address 3802 CHESTNUT ROAD
Contact Person: JASON SGIDECMAN Phone Number: 410-887-3391 Planner, Please Print Your Name
Planner, Please Print Your Name
Filling Date: 18 24 Posting Date: 19 24 23 Closing Date: 18 24
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
<ol> <li>DEADLINE: The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.</li> </ol>
3. ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number: 2023 -0257 -A Address 3872 CHESTNUT ROAD
Petitioner's Name: JOSEPH + TINA FULLER Telephone (Cell) 443 392-0854
Petitioner's Name: Joseph + Tina Fuller Telephone (Cell) 443 392 - 0854  Posting Date: 12/24/23 Closing Date: 1/8/24
Wording for Sign: To Permit
To permit a proposed garage to be located 2 feet from the side property line and have a height of 19 feet in lieu of the required 2.5 feet setback and maximum permitted height of 15 feet.

Revised 1/2022

# DEPARTMENT OF PERMIT'S, 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:	
Case Number: 3822 CHESTNUT ROAD	
Legal Owners (Petitioners): JOSEPH + TINA FULLER	
Contract Purchaser/Lessee:	
p − tr	,
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Company/Firm (if applicable):	
Address: 3822 CHESTNUT ROAD	
MIDDLE RIVER, MD 21220	
Telephone Number: 443-397-0854	

<sup>\*</sup>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.

# **ADMINISTRATIVE ZONING PETITION**

# FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Of	ffice of Administrative H	earings for Baltimore Co	ounty for the proper	ty located at:	
Address 3822 Che	strut Rd	Middle River	MO 2122 Qurrent	tly Zoned RC	. 5
Deed Reference 42321	100205	10 Digit Tax Accou	unt# <u>/ 5 0</u>	855	0040
Owner(s) Printed Name(s) <u>Jose</u>	ph Fuller	Ting Fu	llec		
(SELECT THE HEARING(S	) BY MARKING X AT TH	E APPROPRIATE SELE	CTION(S) AND ADDI	NG THE PETITION	REQUEST)
For Administrative Variances, the A	ffidavit on the reverse of	this Petition form must be	completed and notar	ized.	
The undersigned, who own and occup hereof, hereby petition for an:	y the property situate in B	altimore County and whic	h is described in the p	plan/plat attached he	ereto and made a part
1. X ADMINISTRATIVE VARIANCE	E from Section(s)				
BCZR: 400.1 & 400.3 →	To permit a propos	sed garage to be loca	ated 2 feet from t	the side propert	y line and
have a height of 19 fee	t in lieu of the requi	red 2.5 feet setback	and maximum p	ermitted height	of 15
feet.					
of the zoning regulations of Baltimore	County, to the zoning law	of Baltimore County.			
2 ADMINISTRATIVE SPECIAL work in this space: i.e., to raze, alter of			1 32-4-107(b) of the B	altimore County Coo	ie: (indicate type of
of the zoning regulations of Baltimore	County, to the zoning law	of Baltimore County.			
Property is to be posted and advertise I/ we agree to pay expenses of above Baltimore County adopted pursuant to	petition(s), advertising, po	osting, etc. and further ag	ree to be bound by th	e zoning regulations	and restrictions of
Owner(s)/Petitioner(s):		F 11			
Name #1 - Type or Print	118	Name # 2 - Woe or Prif	it		
Muli	Υ,	you Fulle			
Signature #1		Signature # 2			
3822 Chestnut Rd	Middle Ri	ver M City Stat	D		
Mailing Address	1/442302.005	2 1.1f. 11eco	69@aol-con	1	
Zip Code Telephone #	's (Cell and Home)	Email Addre		ı	
Attorney for Owner(s)/Petitione	r(s):	Repr	esentative to be C	Contacted:	
Name - Type or Print		Name	e - Type or Print		
Signature		Signa	ature		
Mailing Address	City St	ate Maili	ng Address	City	State
7	1	7:		//	Empil Address
Zip Code Telephone #	Email Address	Zip C	ode leiepr	hone #	Email Address
A PUBLIC HEARING having been for Baltimore County, this d hearing, advertised, and re-posted as	ay of	4	that the subject matte		
2			istrative Law Judge fo	Database Sewaner	
Casa Number 2023-0257-	A Filing Date	2, 12, 23	Stimated Poeting Date	12,24,2	3 Reviewer

# 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: 3822 Chestnut Rd	Middle River	am	21220
Print or Type Address of Property	City	State	Zip Code
Based upon personal knowledge, the following a Variance at the above address. (Clearly state	practical difficulty or hardsh	ip here)	
Pole building is needed for R The building will be 19 fe	V Sturage to prot	ect from we	ather,
The building will be 19 te	et tall. Drawi	reg 15 attache	°cl.
man and the same		1-1-101	is so this Form
(If additional space for the petition request o	r the above statement is nee	ded, label and attach	in to this Form)
Signature of Owner (Affiant)	Signature of	Owner (Affiant)	
Joseph Fuller	7.00	a Fuller	
Name - Print or Type	Name - Print	or Type	
The following information is to be	e completed by a Notary I	Public of the State	of Maryland
STATE OF MARYLAND, COUNTY OF BALTIM	MORE, to wit:		
I HEREBY CERTIFY, this 4th day of and for the County aforesaid, personally appear	red:	023_, before me a	Notary of Maryland, i
Print name(s) here: Joseph Fuller	, Tina Fuller		
the Affiant(s) herein, personally known or satisfa	actorily identified to me as suc	h Affiant(s).	ELCAS
AS WITNESS my hand and Notaries Seal		a Ziron	mission Etolia
Avida Belinitero		7	OTARY
Notan Public		n Amant(s).	PUBLIC S
8/2/2024		Ball TIME	ORE COUNTRIBUS
My Commission Expires		Aug ny	Canadadadagagagagagagagagagagagagagagagag

# 3822 Chestnut Road

(15-08-550040)

### 2023-0257-A

## **Property Description**

Located on the northwest side of Chestnut Road (25' row), at the intersection with Seneca Road (25' row).

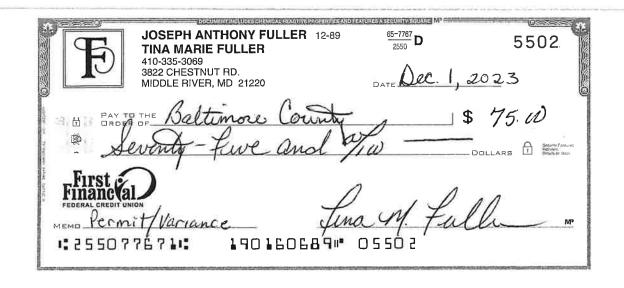
Containing 18,198 square feet of land, located in the 15th Election District and 5th Councilmatic District.

BEING KNOWN AND DESIGNATED as Lot No. 117, Plat No. 2, as shown on a plat entitled, "Bowley's Quarters," which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC No. 7, folio 13.

\*\*\*For informational purposes only\*\*\* The improvements thereon being known as 3822 Chestnut Road, Baltimore, MD 21220.

BEING the same lot of ground conveyed to MARYANN FULLER, JOSEPH A. FULLER, TINA M. FULLER AND JOSEPH A. FULLER, JR. from MARYANN FULLER, JOSEPH A. FULLER AND TINA M. FULLER, by Deed dated March 18<sup>th</sup> 2019, and recorded on April 4<sup>th</sup>, 2019, among the Land Records of Baltimore County, Maryland, in Liber 41286, Folio 7.

OFFIC	E OF BUD	OGET AN	IARYLAN D FINANC RECEIPT	E		No.	2294	129   23	
Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obi	Dept Obj		1	-
001	806	0000		6150		2001.000	507.000	\$ 75.00	-
									-
						T. 1		# 70	-
Rec From:	FULL	-GR				Total:		\$ 75.00	=
For:	ZONI	Nh UM	LIANCE			205	1-A		
5	CASE	# 7	78.3		2023	-00			-
DISTRIBU	JTION							JŞS	CASHIER'S VALIDATION
WHITE - 0		PINK - AGI	ENCY SE PRES		CUSTOME	R	GOLD - AC	COUNTING	V/LID/(III)



# **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: January 9, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

For January 9, 2024 Item No. 2023-0257-A

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

DPW&T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100555F 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.

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

### **BALTIMORE COUNTY, MARYLAND**

### **Inter-Office Correspondence**





TO:

Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

January 8, 2024

SUBJECT:

**DEPS** Comment for Zoning Item

# 2023-0257-A

Address:

3822 CHESTNUT RD

Legal Owner: Joseph & Tina Fuller

Zoning Advisory Committee Meeting of January 9, 2024.

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. Construction of a detached garage on this property must comply with a maximum lot coverage limit (5,687 square feet) for the area of the property above mean high tide (18,198 square feet). Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on file information, it appears that lot coverage may exceed the allowance. If the applicant can bring the property into compliance with lot coverage requirements, and meets all mitigation requirements, the relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a required Critical Area buffer covering about one-third of the property. The proposed garage is located outside the required buffer. Therefore, meeting lot coverage requirements, tree requirements, and any

mitigation requirements will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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

If the proposed development can be designed to meet the Critical Area defined lot coverage requirements, and meet all tree and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis Date: January 8, 2024

#### **BALTIMORE COUNTY, MARYLAND**

#### **Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: January 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2023-0257-A

Address: 3822 CHESTNUT RD Legal Owner: Joseph & Tina Fuller

Zoning Advisory Committee Meeting of January 9, 2024.

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. Construction of a detached garage on this property must comply with a maximum lot coverage limit (5,687 square feet) for the area of the property above mean high tide (18,198 square feet). Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on file information, it appears that lot coverage may exceed the allowance. If the applicant can bring the property into compliance with lot coverage requirements, and meets all mitigation requirements, the relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a required Critical Area buffer covering about one-third of the property. The proposed garage is located outside the required buffer. Therefore, meeting lot coverage requirements, tree requirements, and any

- mitigation requirements will aid in the conservation of fish, plant, and wildlife habitat in the watershed.
- 3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

If the proposed development can be designed to meet the Critical Area defined lot coverage requirements, and meet all tree and mitigation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis Date: January 8, 2024

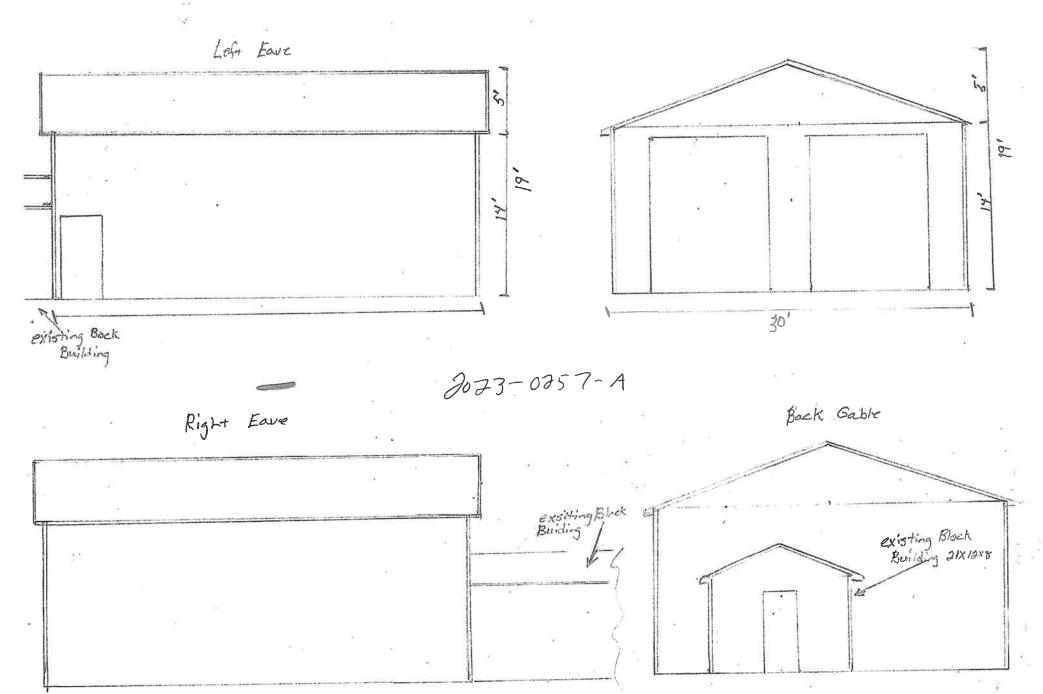
# **CERTIFICATE OF POSTING**

CASE NO. <u>2023-0257-A</u>	
PETITIONER/DEVELOPER ZONING	NOTICE NOTICE
ADMINIST	RATIVE
Joesph & Tina Fuller	E LOCATED 2 FEET FROM THE
DATE OF HEARING/CLOSING	ILUT OF 19 FEET IN LIEU OF
January 8, 2024  PUBLIC HE PAIRLIGHE IN PRIVIDUA AN ELIGIBLE IN PRIVIDUA AND ELIGIBLE I	ARING?
REQUEST A PUBLIC HET THE PROPOSED VARIAN IS ODNE IN THE ZONNO 4-30 p.m. ON Pypass. 2004. ADDITIONAL HIFORMATION	RING CONCERING CE, PROVIDED IT OFFICE BEFORE  121 8. 2014
BALTIMORE COUNTY DEPARTMENT OF	VELOPMENT MANAGEMENT TEL. 410-887-3391
PERMITS AND DEVELOPMENT MANAGEMENT	in There's
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 CONSPICUOU	SLY ON
THE PROPERTY LOCATED AT	
3822 Chestnut Road Sign 1	
THE SIGN(S) POSTED ON <u>December 23, 2023</u>	
(MONTH, DAY, YEAR)	
SINCERLEY,	
MARTIN OGLE AVIN OS	
MARTIN OGLE	
9912 MAIDBROOK RD.	
PARKVILLE, MD 21234	
443-629-3411	

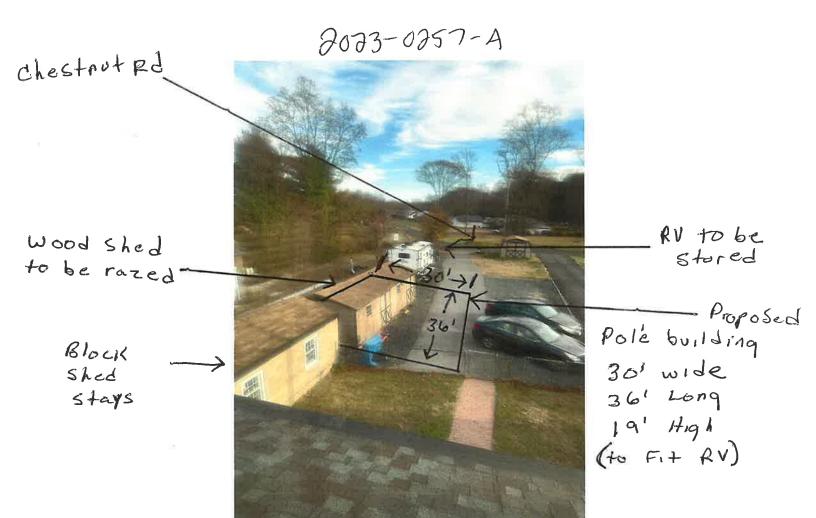
Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map	View GroundRent	Redemption		View GroundRe	nt Registrat	tion		
Special Tax Recapture: N								
Account Identifier:	District - 15 Accou	nt Number - 150	08550040					
		Owner Info	rmatio	n				
Owner Name:	FULLER JOSEPH A		ipal Resid	_	XEMPT ES			
lailing Address: 3822 CHESTNUT RI BALTIMORE MD 212		D <b>Deed</b>	Reference		2321/ 00205			
		on & Struct	ure Info	ormati	on			
Premises Address:	3822 CHESTNUT R BALTIMORE 21220 Waterfront	-	Descript	3	822 CHESTNUT RI OWLEYS QUARTE		IS EXEMPTIO	
Map: Grid: Parcel: Neig	ghborhood: Subdivis 30020.04 0000	on: Section:	Block:	Lot: As 117 20	ssessment Year: 24	Plat No: Plat Ref:	2 0007/ 0013	
Town: None								
Primary Structure Built 2007	Above Grade Living a	Area Finish	ed Baser	nent Are	ea Property La 18,198 SF	and Area	County Use	
Stories Basement Type 2 YES STAI	Exterior	-	lalf Bath	Garag	e Last Notice of N	lajor Impro	vements	
		Value Info	rmatio	n				
	Base Value	Value	Value Phase-in Ass			essments		
		As of 01/01/	2021		s of 7/01/2023	As of 07/01/20	124	
Land:	185,500	185,50		0.	770 172020	07701720		
Improvements	348,100	348,10						
Total:	533,600	533,60	00	5	33,600			
Preferential Land:	0							
		Transfer Inf	ormati	on				
Seller: FULLER MARYAN	N	Date: 01/09/20	20			Price: S		
Type: NON-ARMS LENGT	TH OTHER	Deed1: /42321	/ 00205			Deed2:		
Seller: FULLER BERNARI						Price: S		
Type: NON-ARMS LENGT		Deed1: /41286 Date: 03/30/20				Deed2:		
Seller: FULLER BERNARI Type: NON-ARMS LENGT		Deed1: /25427				Deed2:		
	E	xemption Ir	nforma	tion				
Partial Exempt Assessme	ents: Class	07/01	/2023	0	7/01/2024			
County:	020	533,6	00.00					
State:	020	·	00.00					
Municipal:	020	0.00		0	.00]			
Special Tax Recapture: N								
		tead Applica	ation In	forma	ition			
Homestead Application S	Status: Approved 01/17/	2012						
	Homeowners'	Tax Credit	Applica	ation I	nformation			
	Application Status: No							

Joe Fuller 3822 Chestnut Rd Middle River MD 21220 30x36x14

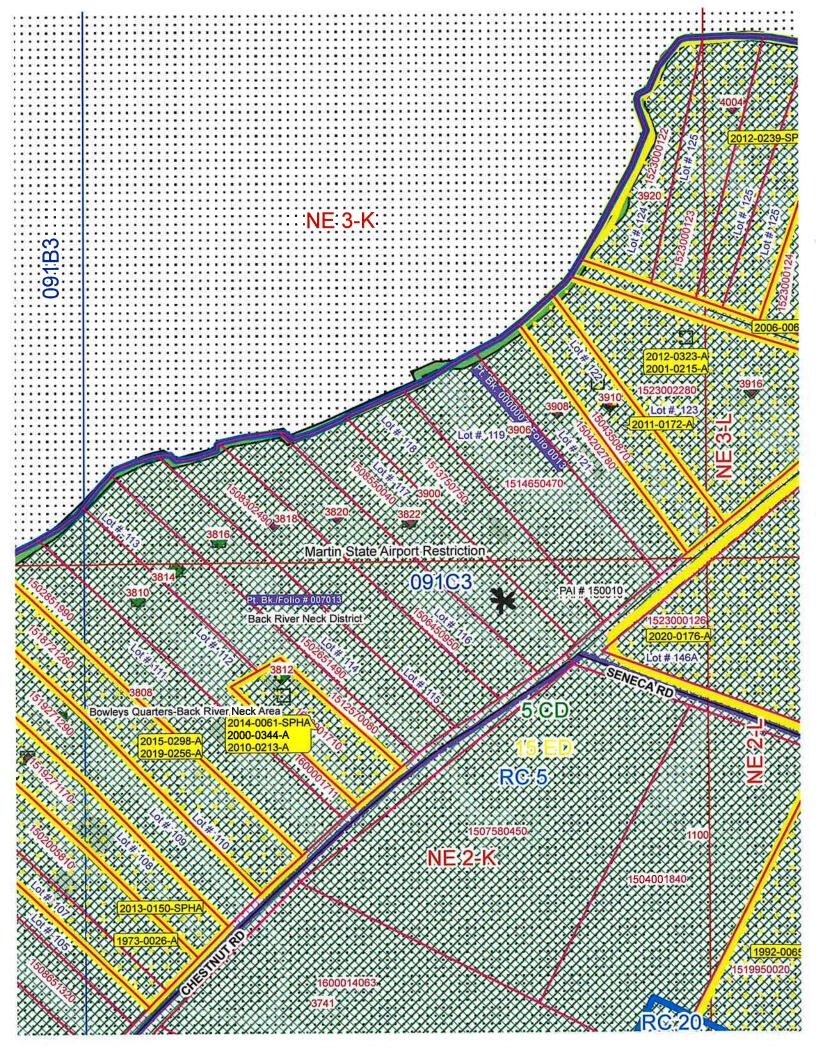


184' From back of Pole building to the water 113' From Front of Pole building to chestnut Rd 17' From Right Side (As seen in this pic) to Property line 21 From Left Side (As seen in this pic) to property line



2073-0757-A







Site Vicinity Map Zoning Hearing Plan for Variance for Special Hearing Mark Type Requested with (X) Address 38 22 Chestrut Rd Middle River MD Owners(s) Name(s) Joseph + Ting Faller Subdivision Name Busileys Section # Plat Book # 3 Folio # 13 10 Digit Tax # 150 \$ 550 0 40 Deed Reference# 42321100205 MAP IS NOT TO SCALE Zoning Map # 609 Zoning AC5 Z Election District 49'09'00' Council District Lot Area Acreage , 4176 Lot Square Footage 19,199 STUNE GO: FRAME Historic (Yes or No) NO 350 CBCA (Yes or No)\_ Flood Plain (Yes or No) NO Utilities - Mark with (X) Water is: Public X Private Sawer is: Public X Private Prior Hearing (Yes or No) NO If (Yes) list Case Number(s) and order result(s) below: 2073-0257-A Violation Case Number(s) Plan Drawn By Joseph Fuller Date 11-30-23 Scale: 1 inch = \_\_\_

Site Vicinity Map Zoning Hearing Plan for Variance for Special Hearing Mark Type Requested with (X)

Address 38 22 Chestnut Kd Middle River MD Owners(s) Name(s) Joseph + Ting Fuller Subdivision Name Bulleys Section # Plat Book # 3 Folio # 13 10 Digit Tax # 15095500 40 Deed Reference# 42321 100305 MAP IS NOT TO SCALE Zoning Map # 609/ Zoning \_\_AC5 Z **Election District** 49°09'00" Council District Lot Area Acreage \_\_\_ 4) 76 Lot Square Footage 19,199 Historic (Yes or No) \_\_\_ NO BA FRAME NO CECA (Yes or No) (SELVE) Flood Plain (Yes or No) \_/VO Utilities - Mark with (X) Water is: Public X Private Sawer is: Public X Private Prior Hearing (Yes or No) NO If (Yes) list Case Number(s) and order result(s) below: 2073-0257-A 7000 CHESTNUT ROP Violation Case Number(s) Plan Drawn By Joseph Fuller Date //- 30-23 Scale: 1 inch = \_\_\_