



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

March 22, 2024

Paul Canatella – canatellapaul@yahoo.com
938 Frog Mortar Road
Baltimore, MD 21220

RE: Petition for Variance
Case No. 2024-0037-A
Property: 942 Frog Mortar Road

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 handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM :dlm
Enclosure

c: Patrick Richardson, Jr. – rick@richardsonengineering.net
Eric Belyea – eric.belyea@ubalt.edu

IN RE: PETITION FOR VARIANCE
(942 Frog Mortar Road)
15th Election District
5th Council District
Paul Canatella
Legal Owner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0037-A**

Petitioner

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Paul Canatella (“Petitioner”) for property located at 942 Frog Mortar Road, Bowleys Quarters (the “Property”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1 to permit a proposed dwelling with a front yard setback of 20 ft in lieu of the required 30 ft.

A WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner attended the hearing along with Patrick Richardson, Jr., PE of Richardson Engineering, LLC who prepared a site plan (the “Site Plan”). (Pet. Ex. 1). There were no Protestants or interested citizens who attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) which agency did not oppose the requested relief. Department of Environmental Protection and Sustainability (“DEPS”) issued a ZAC comment that due to the Property’s location within a Limited Development Area (“LDA”), it is subject to Chesapeake Bay Critical Area (“CBCA”) requirements and as a result, Petitioner also needs to obtain a Critical Area Variance. Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) also issued a ZAC comment which reads as follows:

DPR: In a 100-year FEMA floodplain AE Zone BFE 6/7 NAVD88, BC AE Zone BF 6/7 NAVD88.

DPWT: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100435F 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.

The Property is a vacant, 0.81 acres +/- (35,283 sf +/-) waterfront lot on Frog Mortar Creek. Petitioner resides next to the Property at 938 Frog Mortar Rd. An aerial photograph shows the vacant Property and adjoining residential uses. (Pet. Ex. 2). Most of the Property (0.3 acres) contains tidal wetlands and is subject to Critical Area Easement. Petitioner proposes to construct a new 2-story, 1,120 sf dwelling fronting on Frog Mortar Rd. (Pet. Ex. 1). The adjoining homes also front on Frog Mortar Rd. The Property is zoned Density Residential (DR 3.5). (Pet. Ex. 2).

As shown on the Critical Area Management Plan, Petitioner intends to seek a Critical Area variance given that the new home will be partially located within that easement area. (Pet. Ex. 5). DEPS previously approved a Revised Wetland Delineation Verification and Steep Slope and Erodible Soils Analysis on February 27, 2023. (Pet. Ex. 4).

Mr. Richardson opined that the Property was oddly shaped as shown on the Site Plan. (Pet. Ex. 1). He further opined that without the front yard setback Variance relief, a home could not be constructed on the Property.

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 its irregular shape. I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if the proposed setbacks were not granted because he would not be able to construct a home on the Property. I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 22nd day of **March, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §1B02.3.C.1 to permit a proposed dwelling with a front yard setback of 20 ft. in lieu of the required 30 ft., be and 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 must comply with the DEPS and DPR/DPWT ZAC comments, copies of which are attached hereto and made a part hereof.
3. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

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 (DEPS) - Development Coordination

DATE: March 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0037-A
Address: 942 FROG MORTAR RD
Legal Owner: Paul Canatella

Zoning Advisory Committee Meeting of February 23, 2024.

DEPS 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 seeking approval to permit a front yard setback of 20 feet in lieu of the required 30 feet. The proposed development must meet LDA requirements and the 15% afforestation requirement. Based on the site plan, the square-footage of property above mean high-tide is 20,630 square-feet. The lot coverage limit is based on the land above mean high-tide. The maximum lot coverage limit for this property is 6,446.8 square feet or 31.25%. There is no existing lot coverage on the property. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront lot with a Critical Area buffer extending onto the property from Frog Mortar Creek. The buffer consists of scattered trees and forested and non-forested non-tidal wetlands and their associated 25-foot buffer. Part of the proposed house will impact the Critical Area buffer and the 35-foot principal building setback. A Critical Area variance is required to impact the buffer and reduce the principal building setback. Without an approved Critical Area variance authorizing impacts to the buffer and setback, the proposed development will not conserve fish, plant, and wildlife habitat and EPS cannot support this zoning request.

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.

The proposed development will impact the Critical Area buffer and the principal building setback. Therefore, it is not consistent with land use policies for development in the Chesapeake Bay Critical Area. It appears the proposed development can meet the lot coverage and 15% afforestation requirements. If the applicant obtains variance approval to impact the buffer and setback, it is possible for the proposed development to be consistent with established land-use policies.

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 21, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0037-A

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

DPR: In a 100-year FEMA floodplain AE Zone BFE 6/7 NAVD88, BC AE Zone BF 6/7 NAVD88

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100435F 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.

Landscaping: No change

Recreations & Parks: No Greenways affected.



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 942 Frog Mortar Road Currently Zoned DR-5.5 **DR 3.5**
Deed Reference 46808 / 53 10 Digit Tax Account # 4540072000 25-00-001681
Owner(s) Printed Name(s): Paul Canatella

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

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

1. **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. **a Variance** from Section(s) 1B02.3.C.1 to permit a front yard setback of 20' in lieu of the required ~~30~~ **30 FEET**.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

John Waring
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):

Paul Canatella /
Name #1 - Type or Print Name #2 - Type or Print
Paul Canatella /
Signature #1 Signature #2
938 Frog Mortar Road Baltimore MD
Mailing Address City State
21220 / (410) 241-2605 / canatellapaul@yahoo.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Richardson Engineering, LLC PATRICK RICHARDSON JR. P.E.
Name - Type or Print
Patrick Richardson Jr.
Signature
7 DENEISON STREET TIMONIUM MD
Mailing Address City State
21093 / (410) 560-1502 / rick@richardsonengineering.net
Zip Code Telephone # Email Address

CASE NUMBER 2024-0037-A Filing Date 2/5/24 Do Not Schedule Dates _____ Reviewer JS
3/2022



Richardson
ENGINEERING

CIVIL | COMMERCIAL
RESIDENTIAL
INDUSTRIAL

RICHARDSON ENGINEERING, LLC.
7 DENEISON ST. | TIMONIUM, MD 21093
410-560-1502 | RICHARDSONENGINEERING.NET

**ZONING PROPERTY DESCRIPTION FOR
942 FROG MORTAR ROAD
15th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located on the South side of Frog Mortar Road 42' West of the intersection of Middle Road and Frog Mortar Road. Being Lots #58 through 61 as shown on the plat of "Revolea Beach", which is recorded among the land records of Baltimore County in Plat Book W.P.C. No. 5, Folio 67.

Containing a net area of 35,283 square feet or 0.81 acres +/-.



PROFESSIONAL CERTIFICATION:

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2023

2024-0037-A

PLAYFUL PALS

**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: 2024-0037-A
Property Address: 942 FROG MORTAR RD
Legal Owners (Petitioners): PAUL CANATELLA
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): PAUL CANATELLA
Address: 938 FROG MORTAR RD
BALTIMORE, MD 21220

Telephone Number: 410-241-2605

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

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 - 2500001681	
Owner Information		
Owner Name:	CANATELLA PAUL	Use: RESIDENTIAL
		Principal Residence: NO
Mailing Address:	938 FROG MORTAR RD MIDDLE RIVER MD 21220-4304	Deed Reference: /46808/ 00053
Location & Structure Information		
Premises Address:	FROG MORTAR RD MIDDLE RIVER MD 21220-4304 Waterfront	Legal Description: .81AC LTS 58-61 FROG MORTAR RD REVOLEA BEACH
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:		
0091 0021 0145 15030020.04 0000 58 2024 Plat Ref: 0005/ 0067		
Town: None		
Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use		
35,283 SF 34		
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	97,800	123,200		
Improvements	0	0		
Total:	97,800	123,200	97,800	106,267
Preferential Land:	0	0		

Transfer Information

Seller: WOODLAND RYAN J	Date: 05/02/2022	Price: \$130,000
Type: ARMS LENGTH VACANT	Deed1: /46808/ 00053	Deed2:
Seller: COPINGER ROGER B III	Date: 09/17/2021	Price: \$875,000
Type: ARMS LENGTH MULTIPLE	Deed1: /45472/ 00326	Deed2:
Seller: HOUCK DAVID B	Date: 06/15/2020	Price: \$39,000
Type: ARMS LENGTH VACANT	Deed1: /42982/ 00304	Deed2:

Exemption Information

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

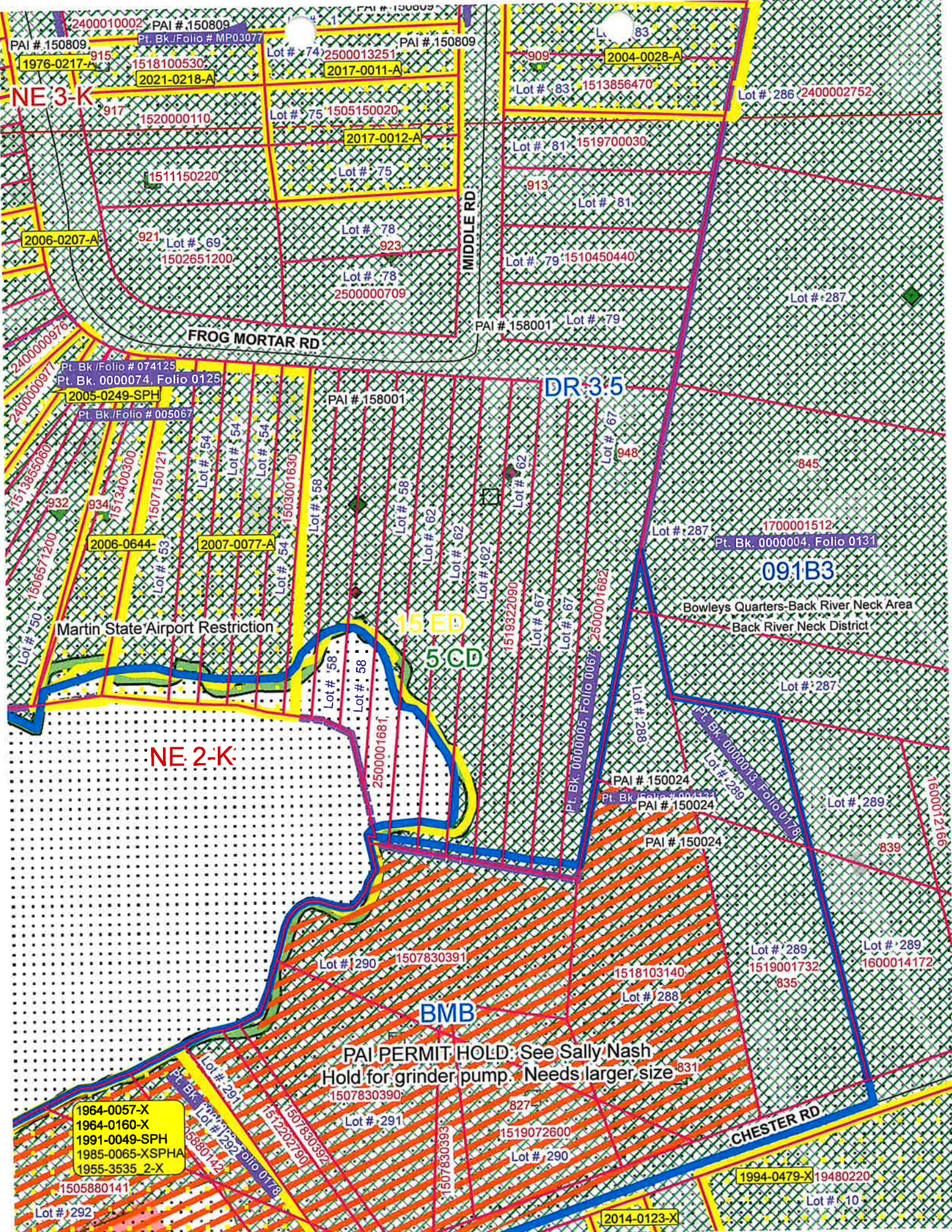
Special Tax Recapture: None

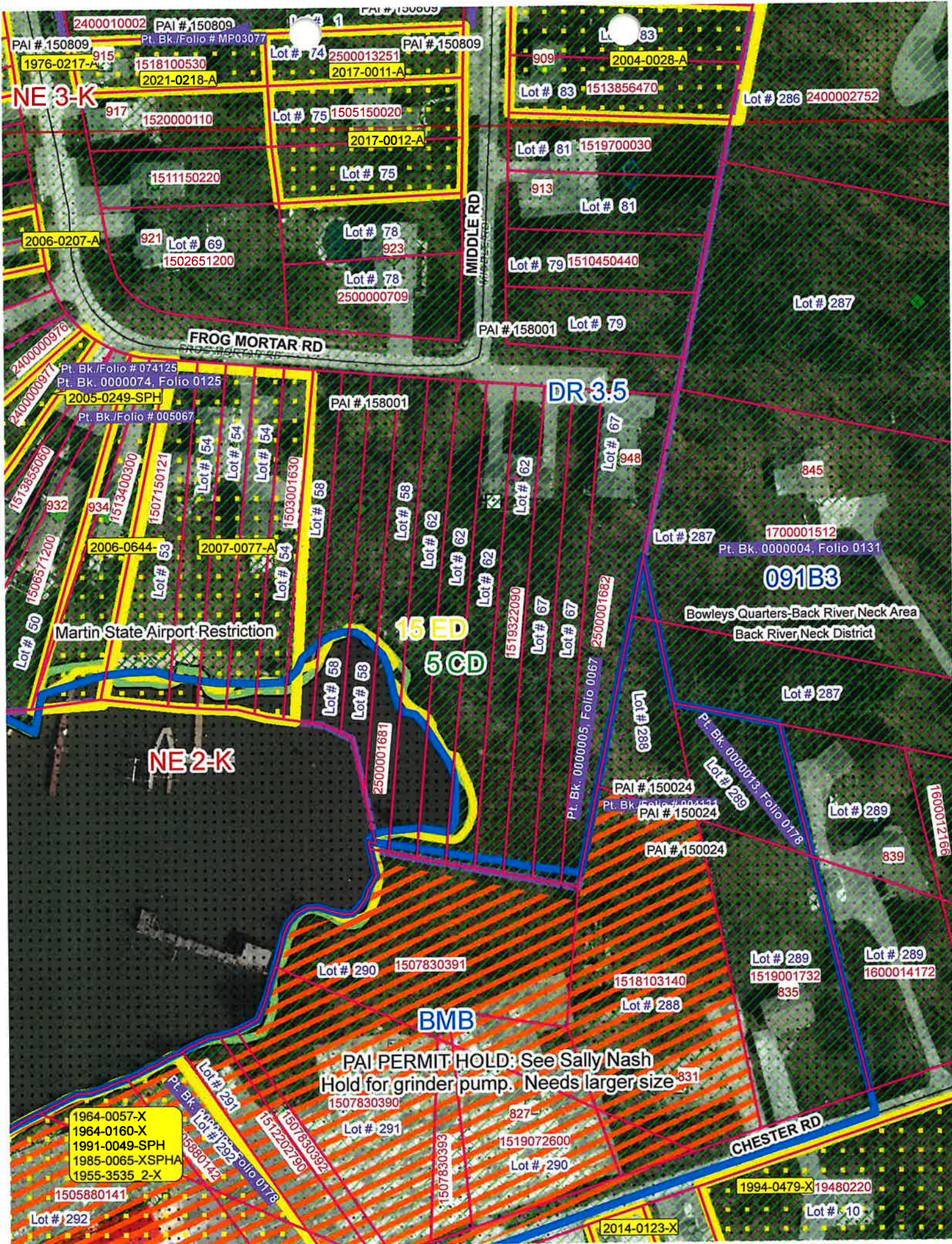
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:







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 942 Frog Mortar Road

Currently Zoned DR-5.5

DR 3.5

Deed Reference 46808 / 53

10 Digit Tax Account # 4540072000 25-00-001681

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3. a **Variance** from Section(s) 1B02.3.C.1 to permit a front yard setback of 20' in lieu of the required ~~X~~ 30 FEET.

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)

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John Waring
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):

Paul Canatella /
Name #1 - Type or Print Name #2 - Type or Print
Paul Canatella /
Signature #1 Signature #2
938 Frog Mortar Road Baltimore MD
Mailing Address City State
21220 / (410) 241-2605 / canatellapaul@yahoo.com
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CASE NUMBER 2024-0037-A Filing Date 2 / 5 / 24 Do Not Schedule Dates _____ Reviewer JS
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Richardson
ENGINEERING

CIVIL | COMMERCIAL
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7 DENEISON ST. | TIMONIUM, MD 21093
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**ZONING PROPERTY DESCRIPTION FOR
942 FROG MORTAR ROAD
15th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located on the South side of Frog Mortar Road 42' West of the intersection of Middle Road and Frog Mortar Road. Being Lots #58 through 61 as shown on the plat of "Revolea Beach", which is recorded among the land records of Baltimore County in Plat Book W.P.C. No. 5, Folio 67.

Containing a net area of 35,283 square feet or 0.81 acres +/-.



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I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
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THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2023

2024-0037-A

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: LEAVE BLANK

SUBJECT: DEPS Comment for Zoning Item # 2024-0037-A
Address: 942 FROG MORTAR RD
Legal Owner: Paul Canatella

Zoning Advisory Committee Meeting of February 23, 2024.

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

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

_____ Development of the property must comply with the Regulations for the
Protection of Water Quality, Streams, Wetlands and Floodplains (Sections
33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest
Conservation Regulations (Sections 33-6-101 through 33-6-122 of the
Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay
Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and
other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: _____

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 (DEPS) - Development Coordination

DATE: March 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0037-A
Address: 942 FROG MORTAR RD
Legal Owner: Paul Canatella

Zoning Advisory Committee Meeting of February 23, 2024.

DEPS 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 seeking approval to permit a front yard setback of 20 feet in lieu of the required 30 feet. The proposed development must meet LDA requirements and the 15% afforestation requirement. Based on the site plan, the square-footage of property above mean high-tide is 20,630 square-feet. The lot coverage limit is based on the land above mean high-tide. The maximum lot coverage limit for this property is 6,446.8 square feet or 31.25%. There is no existing lot coverage on the property. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront lot with a Critical Area buffer extending onto the property from Frog Mortar Creek. The buffer consists of scattered trees and forested and non-forested non-tidal wetlands and their associated 25-foot buffer. Part of the proposed house will impact the Critical Area buffer and the 35-foot principal building setback. A Critical Area variance is required to impact the buffer and reduce the principal building setback. Without an approved Critical Area variance authorizing impacts to the buffer and setback, the proposed development will not conserve fish, plant, and wildlife habitat and EPS cannot support this zoning request.

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.

The proposed development will impact the Critical Area buffer and the principal building setback. Therefore, it is not consistent with land use policies for development in the Chesapeake Bay Critical Area. It appears the proposed development can meet the lot coverage and 15% afforestation requirements. If the applicant obtains variance approval to impact the buffer and setback, it is possible for the proposed development to be consistent with established land-use policies.

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 21, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0037-A

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

DPR: In a 100-year FEMA floodplain AE Zone BFE 6/7 NAVD88, BC AE Zone BF 6/7 NAVD88

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100435F 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.

Landscaping: No change

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/27/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0037-A

INFORMATION:

Property Address: 942 Frog Mortar Road

Petitioner: Paul Canatella

Zoning: DR 3.5

Requested Action: Variance

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

Variance:

1. From Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit a front yard setback of 20 feet in lieu of the required 30 feet.

The subject site is an approximately 0.81 acre property in the Middle River area. It is currently vacant and is waterfront with Frog Mortar Creek to the south. Per the site plan submitted with the petition, the Petitioner wishes to construct a two-story dwelling with a driveway. The site plan also shows that approximately 0.3 acres of the site are in a Critical Area Easement; this easement is located to the south of the proposed dwelling, along the waterfront portion of the site.

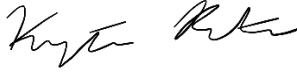
Uses immediately surrounding the subject site are primarily single family detached residential on narrow, residential lots. The dwellings vary in size from one- to three-stories in height. Multiple nearby properties have been the subject of past granted Zoning relief for reduced lot areas, reduced lot widths, and/or reduced setbacks. Other nearby uses include the Bowley's on the Bay restaurant and various marinas south of the subject site, across Frog Mortar Creek; as well as Martin State Airport which is west of the subject site, across Frog Mortar Creek.

The subject site is within the boundary of the Bowley's Quarters Community Action Plan of 2000, adopted February 20th, 2001. The plan outlines major issues within the plan area boundary, recommendations on how to improve the area, and implementation strategies. The plan encourages quality infill design that is compatible with the surrounding neighborhoods and the community's goals of improving the area (pages 31-32).

The requested relief is not uncommon with the immediate surrounding residential neighborhood, and the Critical Area Easement creates a hardship for meeting the required setbacks. As such, the Department of Planning has no objections to the requested relief.

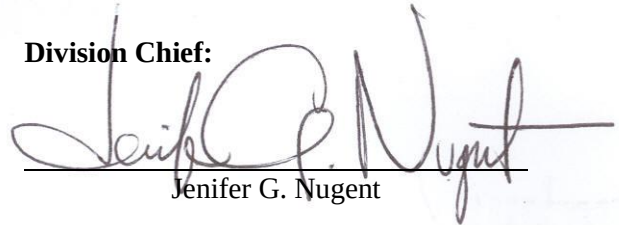
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Patrick Richardson Jr., P.E.
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2024-0037-A

RE: Case No.: _____

Petitioner/Developer: _____

Paul Canatella

March 18, 2024

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Jeff Perlow:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

942 Frog Mortar Road ***SIGN 1A & 1B***

February 25, 2024

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

February 25, 2024

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

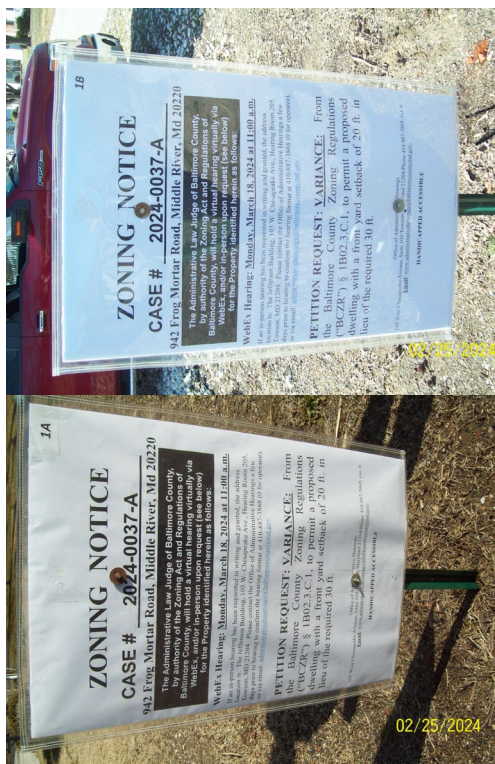
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

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February 25, 2024

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(Month, Day, Year)

Sincerely,

February 25, 2024

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

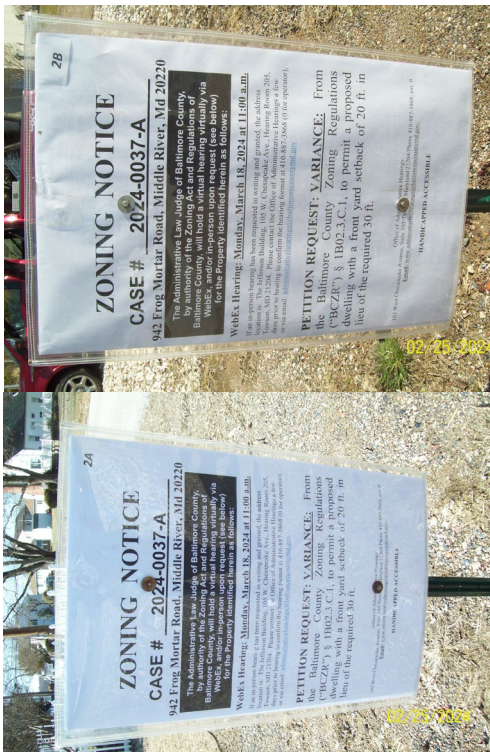
(Address)

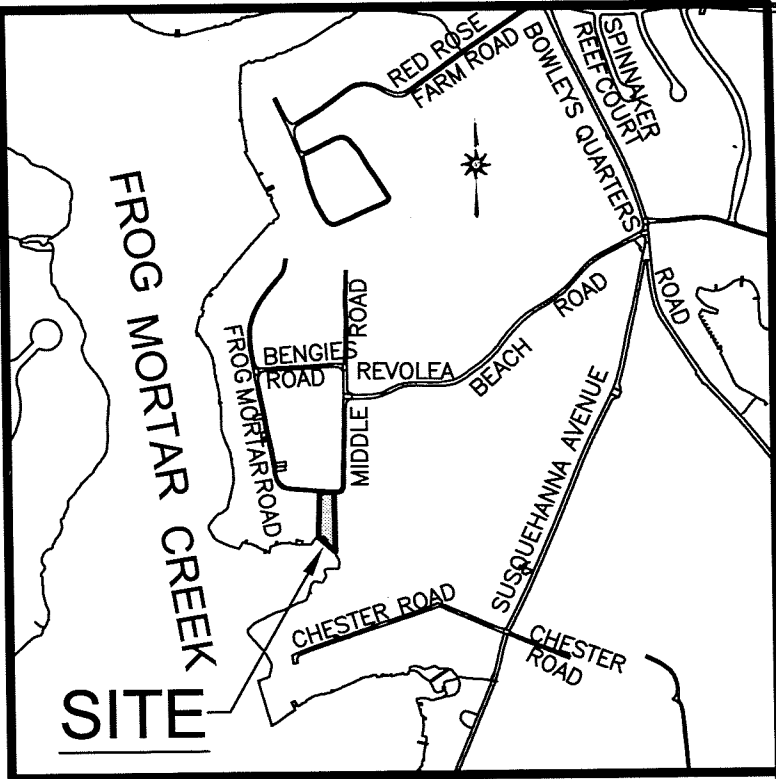
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- 1. OWNER: PAUL CANATELLA
938 FROG MORTAR ROAD
BALTIMORE, MARYLAND 21220
- 2. SITE AREA:
GROSS: 36,783 Sq.Ft. or 0.84 Ac.±
NET: 35,283 Sq.Ft. or 0.81 Ac.±
- 3. USES:
EXISTING: VACANT
PROPOSED: CONSTRUCT NEW DWELLING.
- 4. UTILITIES:
PUBLIC WATER & SEWER
- 5. DEED REF: 46808/53
- 6. TAX ACCOUNT #2500001681
- 7. ZONING: DR 3.5
(PER 1"=200' ZONING MAP 091B1)
- 8. TAX MAP #91, PARCEL #145, LOTS 58-61
- 9. PLAT: 5/67 "REVOLEA BEACH"
- 10. SITE LIES WITHIN ZONE(S) AE(EL 6) AND AE (EL 7) OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0445 H
PANEL 445 OF 580 DATED 11/2/23.
ZONE "AE" IS BASE FLOOD ELEVATIONS DETERMINED.
- 11. NO PREVIOUS ZONING CASES ON FILE.
- 12. PREVIOUS PERMITS ON FILE: B768550, 8/4/11 TO CONSTRUCT NEW BOARDWALK ON LAND TO ACCESS PIER CONSTRUCTED UNDER PERMIT B757581
- 13. SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- 14. THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- 15. ALL CONSTRUCTION WILL BE PER FLOOD PLAIN REGULATIONS.
- 16. SITE IS IN A BUFFER MANAGEMENT AREA. VARIANCE GRANTED TO EASEMENT LINE SHOWN FEBRUARY 27, 2023.
- 17. SETBACKS FOR DR 3.5

	REQUIRED	PROVIDED
ROAD	30'	20'±
SIDE	10' (25' SUM)	10'± (52'± SUM)
WATER	30'	255'±

LOT COVER

GROSS TRACT AREA = 35,283
TIDAL AREA = 14,653
NET TRACT = 20,630

LOT COVERAGE IS LIMITED TO 15% OF NET TRACT AREA
15% OF 20,630 = 3,095 SF

NO LOT COVER CURRENTLY EXISTS ON SITE
ALL LOT COVERAGE IS PROPOSED

DWELLING = 1,344
WALKWAY = 104
DRIVEWAY = 780
TOTAL = 2,228
PERCENTAGE = 10.8%

2024-0037-A

LEGEND

- PROPERTY LINE
- EX. TREE LINE
- USE II TIDAL WATERS
- TIDAL WETLAND LIMITS
- NONTIDAL WETLAND LIMITS



7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
CANATELLA PROPERTY

942 FROG MORTAR ROAD
BALTIMORE COUNTY MARYLAND
15TH ELECTION DISTRICT 5TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	PCR	PCR	1" = 30'
	DATE:	JOB NO.:	SHEET NO.:
	01/22/24	22128	1 OF 1