



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

May 14, 2024

Robert Henry, Jr. – rdhenry@comcast.net
3818 Chestnut Road
Baltimore, MD 21220

RE: **AMENDED MOTION FOR RECONSIDERATION**
Petition for Variance
Case No. 2024-0040-A
Property: 3818 Chestnut Road

Dear Mr. Henry:

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 blue ink, appearing to read "Andrew M. Belt", is written over a horizontal line.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: J. Scott Dallas- jsdinc@aol.com
Observer – recedal@yahoo.com

IN RE: PETITION FOR VARIANCE
(3818 Chestnut Road)

15th Election District

5th Council District

Robert Henry, Jr.

Legal Owner

Petitioner

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

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HEARINGS OF

*

BALTIMORE COUNTY

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CASE NO. 2024-0040-A

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AMENDED ORDER ON MOTION FOR RECONSIDERATION

Now pending is a Motion for Reconsideration of the April 8, 2024 Opinion and Order issued in the above-captioned case filed by the Petitioner, *pro se*. (Petitioner was represented at the hearing before the ALJ by J.S. Dallas, Inc.) The Motion contends (1) the site plan (Pet. Ex 1) that was entered into evidence does not properly reflect the proposed placement of the replacement dwelling (See revised site plan Pet. Ex. 1a); (2) that the proposed structure should be rebuilt 6 ft. further northwest toward the waterward property line; and; (3) the Modified Buffer Area (“MBA”) required by DEPS should be reduced from 80 ft. to the existing 74 ft. now present from the existing structure. (This request was not part of the Zoning relief requested in the original hearing.)

The Petitioner’s original request for zoning relief was granted conditioned upon conformance with DEPS comments. The evidentiary record will be modified to reflect the revised location of the proposed dwelling. Even with the revision of the placement of the proposed structure that is now incorporated into the evidentiary record for this matter, the Order is still contingent upon DEPS approval. Consequently, Petitioner may choose to seek such approval separate and apart from this Order.

For all these reasons, the Motion for Reconsideration will be denied.

THEREFORE, IT IS ORDERED this 14th day of **May, 2024**, by this Administrative Law Judge that the Motion for Reconsideration is hereby **DENIED**.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlw



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

May 9, 2024

Robert Henry, Jr. – rdhenry@comcast.net
3818 Chestnut Road
Baltimore, MD 21220

RE: MOTION FOR RECONSIDERATION
Petition for Variance
Case No. 2024-0040-A
Property: 3818 Chestnut Road

Dear Mr. Henry:

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ANDREW M. BELT
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BALTIMORE COUNTY

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CASE NO. 2024-0040-A

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ORDER ON MOTION FOR RECONSIDERATION

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The Petitioner’s original request for zoning relief was granted conditioned upon conformance with DEPS comments. Without a revised site plan, the evidentiary record cannot be modified at this time. Even if such a revision of the placement of the proposed structure were to be incorporated in the Order for this matter, such an Order would still be contingent upon DEPS approval. Consequently, Petitioners may choose to seek such approval separate and apart from this Order.

For all these reasons, the Motion for Reconsideration will be denied.

THEREFORE, IT IS ORDERED this 9th day of **May, 2024**, by this Administrative Law Judge that the Motion for Reconsideration is hereby **DENIED**.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlw



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

April 8, 2024

Robert Henry, Jr. – rdhenry@comcast.net
3818 Chestnut Road
Baltimore, MD 21220

RE: Petition for Variance
Case No. 2024-0040-A
Property: 3818 Chestnut Road

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Sincerely,



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

Enclosure

c: J. Scott Dallas- jsdinc@aol.com
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IN RE: PETITION FOR VARIANCE
(3818 Chestnut Road)

15th Election District

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BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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CASE NO. 2024-0040-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Robert Henry, Jr. (“Petitioner”) for property located at 3818 Chestnut Road, Middle River (the “Property”). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), § 1A04.3.B.2.b to permit a replacement dwelling with side setbacks of 11 feet on each side in lieu of the required 50 feet on each side.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on April 3, 2024. The Petition was properly advertised and posted. The Petitioner, Robert Henry, Jr., appeared at the hearing along with J. Scott Dallas a surveyor who prepared the Site Plan and is marked as Exhibit 1. There were no protestants or interested citizens that attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”) they did not oppose the requested relief with conditions.

The subject property is located along Chestnut Road at the intersection with Seneca Road in the Middle River area of Baltimore County. The property consists of an approximately 19,300 SF parcel zoned RC-5 with an existing detached dwelling which the applicant proposes to raze.

Similar style residential dwellings surround the property as well as forest conservation, farm land and Seneca Creek.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

Petitioner, Robert Henry ("Mr. Henry") testified that his family has owned the property for 73 years and the existing dwelling was occupied until it was recently vacated to prepare for demolition. He explained that he had shared drawings for the proposed structure with neighbors on both sides. Mr. Henry also noted that his one neighbor recently built a modern sized dwelling, while his other neighbor has a substantial remodeled original dwelling that had been added to.

Mr. Dallas testified that the proposed dwelling will be constructed over the existing dwelling's footprint, with the increase in footprint occurring towards the street side of the property. Mr. Dallas noted that the proposed structure will actually be located farther from the waterfront as well. The side setback on the eastern property line for the existing structure is 11 ft. which will remain the same. The side setback on the western property line for the existing structure is 14 ft., and is proposed to be reduced to 11 ft. Mr. Dallas explained that the 50ft. narrow lots result from a 1921 subdivision and the current structure was built in 1941 and thus, is non-conforming with present RC5 regulations.

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 previously noted, the subject property is unique due to its extremely narrow width resulting from the original 1921 subdivision. If relief were denied, the Petitioner will experience a practical difficulty in that it would prohibit the construction of a modern dwelling on the property. I find that the variance is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this 8th day of **April, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, § 1A04.3.B.2.b to permit a replacement dwelling with side setbacks of 11 feet on each side in lieu of the required 50 feet on each side, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. Petitioner must comply with the DEPS comment, 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.



ANDREW M. BELT
Administrative Law Judge

AMB/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 (EPS) - Development Coordination

DATE: February 27, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0040-A
Address: 3818 CHESTNUT RD
Legal Owner: Robert Henry, Jr.

Zoning Advisory Committee Meeting of February 23, 2024.

The Department of Environmental Protection and Sustainability has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit a replacement dwelling with side-yard setbacks of 11 feet in lieu of the required 50 feet on each side. The lot is waterfront and is within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA mitigation, and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (5,824 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Lot coverage information was not provided. 15% afforestation (6 trees) is required. Mitigation for any new impacts to the MBA will be required. The proposed dwelling is partially within the MBA, but the amount of proposed new impact has not been provided. Additionally, it appears that the new dwelling may need to be shifted landward, as a replacement dwelling in the MBA may be no closer to the water than the adjacent neighbor furthest from mean high water. If the lot

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

2. Conserve fish, plant, and wildlife habitat;

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

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

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

Additional Comments:

Reviewer: Libby Errickson 2/27/24



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 #3818 CHESTNUT ROAD Currently Zoned RC 5
Deed Reference 47121 / 153 10 Digit Tax Account # 1508302490
Owner(s) Printed Name(s) ROBERT D. HENRY, JR.

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

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

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

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

3. X **a Variance** from Section(s)

1A04.3.B.2.b. → To permit a replacement dwelling with side setbacks of 11 feet on each side in lieu of the required 50 feet on each side.

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:

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):

ROBERT D. HENRY, JR.
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 Robert D Henry Jr Signature #2 _____
3818 CHESTNUT ROAD BALTIMORE MD
Mailing Address _____ City _____ State _____
21220 443-571-9332 rdhenry@comcast.net
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

J SCOTT DALLAS (J S DALLAS, INC)

Name - Type or Print J S Dallas
Signature _____
P O BOX 26 BALDWIN MD
Mailing Address _____ City _____ State _____
21013 410-817-4600 jsdinc@aol.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0040-A Filing Date 2 / 6 / 24 Do Not Schedule Dates _____ Reviewer JS

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26

Baldwin, MD 21013

(410)817-4600

FAX (410)817-4602

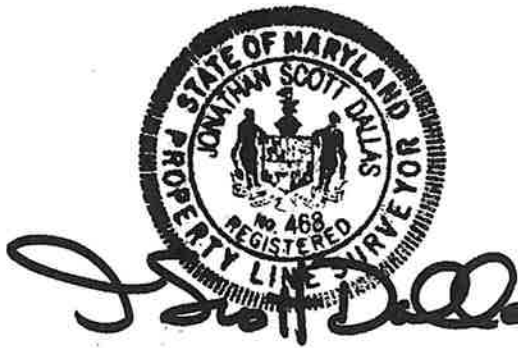
ZONING DESCRIPTION OF #3818 CHESTNUT ROAD

BEGINNING for the same at the north side of Chestnut Road, 30 feet wide, distant 88 feet+- southwesterly from the center of Seneca Road paving extended.

BEING lot number 115 as shown on the Plat of "Bowleys Quarter Plat No.2" as recorded in Baltimore County Plat Book Number 7 folio 13

CONTAINING 18,637 square feet or 0.428 acre of land, more or less (computed to bulkhead)

LOCATED in the 15th Election District, 5th Councilmanic District.



Note: Description above compiled from deeds, plats, and plans by others
And not the result of a Maryland Boundary Survey.

2024-0040-A

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

No. 229464

Date: 2/6/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00

Total: \$ 75.00

Rec
From: SCOTT DALLAS

For: 2024-0040-A

3818 CHESTNUT ROAD

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

J. S. DALLAS INC

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

13047

60-1809/433
02791

DATE 2-1-24

CHECK ARMOR
TRADE PROTECTION

PAY
TO THE
ORDER OF

Baltimore County

\$ 75.00

Seventy-Five dollars and no cents

DOLLARS

Photo
Safe
Deposit
Details on back

First National Bank

FOR 3818 Chestnut

⑈013047⑈ ⑆043318092⑆ 5700001973⑈

**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: 2024-0040-A
Property Address: 3818 Chestnut Rd.
Legal Owners (Petitioners): Robert D. Henry Jr.
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

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

Telephone Number: 410 817 4600

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

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 - 1508302490

Owner Information

Owner Name:HENRY ROBERT D JR

Use:RESIDENTIAL

Principal Residence: YES

Mailing Address:3818 CHESTNUT ROAD
BALTIMORE MD 21220-

Deed Reference:/47121/ 00153

Location & Structure Information

Premises Address:3818 CHESTNUT RD
BALTIMORE 21220-
Waterfront

Legal Description:3818 CHESTNUT RD
BOWLEYS QUARTERS

Map:Grid:Parcel:Neighborhood:Subdivision:Section:Block:Lot:Assessment Year:Plat No: 2
0091 0022 0150 15030020.04 0000 115 2024 Plat Ref: 0007/ 0013

Town: None

Primary Structure BuiltAbove Grade Living Area Finished Basement Area Property Land AreaCounty Use
1941 704 SF 19,300 SF 34

StoriesBasementTypeExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 NO STANDARD UNITFRAME/3 0 full

Value Information

Base Value

Value

Phase-in Assessments

As of

As of

As of

Land:185,800342,300

Improvements41,80063,600

Total:227,600405,900227,600287,033

Preferential Land:00

Transfer Information

Seller: HENRY ROBERT D JR

Date: 06/30/2022

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /47121/ 00153

Deed2:

Seller: HENRY ROBERT D,SR

Date: 04/19/2004

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /19912/ 00159

Deed2:

Seller: HENRY ROBERT D,SR

Date: 12/11/1978

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /05968/ 00460

Deed2:

Exemption Information

Partial Exempt Assessments:

Class

07/01/2023

07/01/2024

County:0000.00

State:0000.00

Municipal:0000.00|0.000.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Application received 03/21/2023

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

NE 3-K

091B3

091C3

NE 3-L

NE 2-H

NE 2-K

RC 5

RC 20

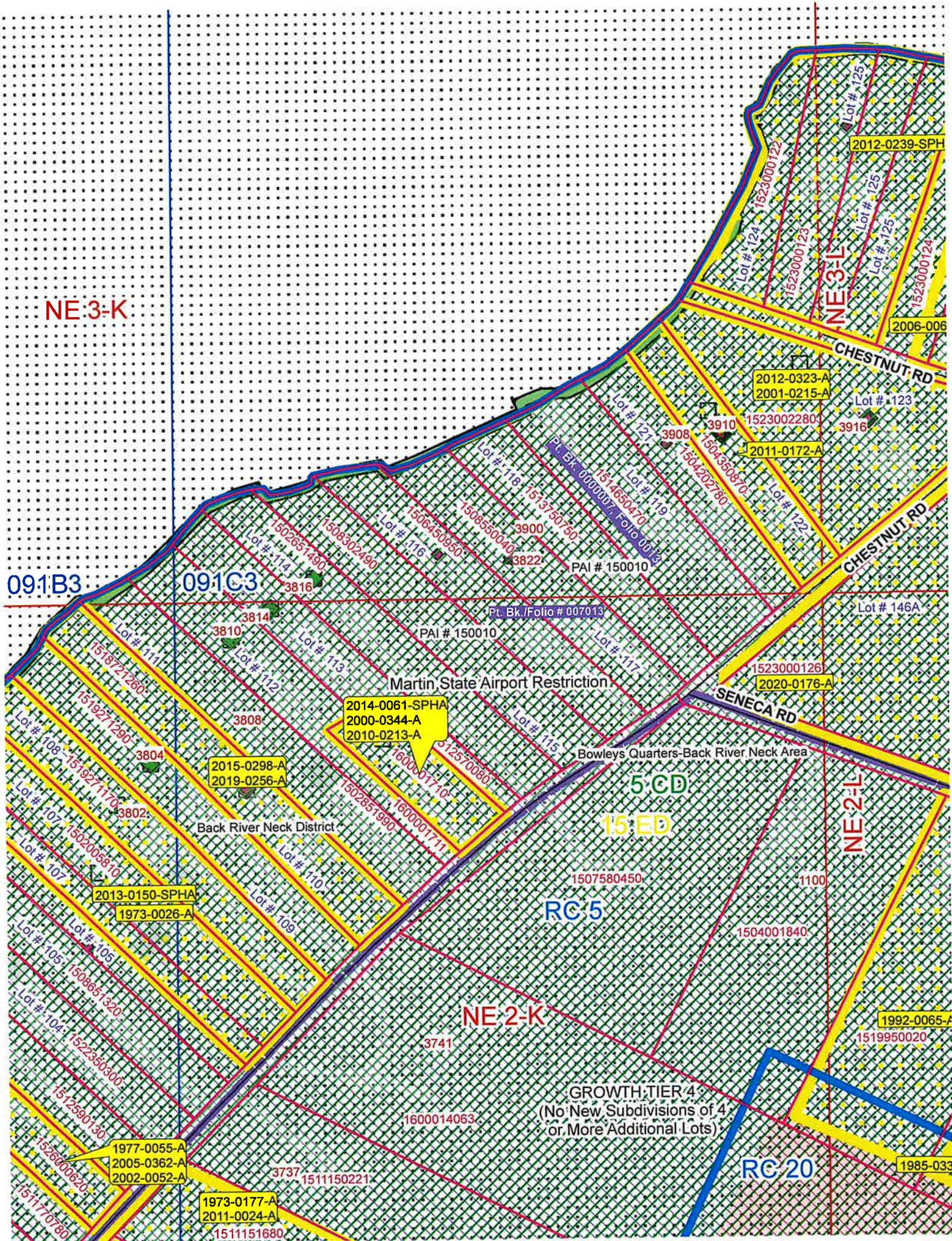
Martin State Airport Restriction

Bowleys Quarters-Back River Neck Area

Back River Neck District

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)







PETITION FOR ZONING HEARING(S)

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To the Office of Administrative Hearings for Baltimore County for the property located at:

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

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3. **X** **a Variance** from Section(s)

1A04.3.B.2.b. → To permit a replacement dwelling with side setbacks of 11 feet on each side in lieu of the required 50 feet on each side.

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Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

ROBERT D. HENRY, JR.
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 Robert D Henry Jr Signature #2 _____
3818 CHESTNUT ROAD BALTIMORE MD
Mailing Address _____ City _____ State _____
21220 443-571-9332 rdhenry@comcast.net
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

J SCOTT DALLAS (J S DALLAS, INC)

Name - Type or Print J Scott Dallas
Signature _____
P O BOX 26 BALDWIN MD
Mailing Address _____ City _____ State _____
21013 410-817-4600 jsdinc@aol.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0040-A Filing Date 2 / 6 / 24 Do Not Schedule Dates _____ Reviewer JS

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26

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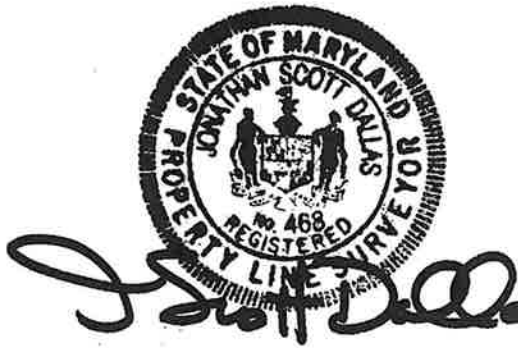
ZONING DESCRIPTION OF #3818 CHESTNUT ROAD

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LOCATED in the 15th Election District, 5th Councilmanic District.



Note: Description above compiled from deeds, plats, and plans by others
And not the result of a Maryland Boundary Survey.

2024-0040-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/14/2024

Case Number: 2024-0040-A

Petitioner / Developer: J. SCOTT DALLAS ~ ROBERT, HENRY, JR.

Date of Hearing: APRIL 3, 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:
3818 CHESTNUT ROAD

The sign(s) were posted on: MARCH 14, 2024

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and /or in-person upon request (see below) for the property identified herein as follows:

CASE # 2024-0040-A

3818 CHESTNUT ROAD, BALTIMORE MD 21220
N/Ws of CHESTNUT RD., SW of SENECA Rd.
Council District 5 Election District 15
Legal Owners: ROBERT HENRY, JR.

PETITION REQUEST: VARIANCE: FROM THE BALTIMORE COUNTY ZONING REGULATIONS 1A04.3.B. 2.b TO PERMIT A REPLACEMENT DWELLING WITH SIDE SETBACKS OF 11 FEET ON EACH SIDE IN LIEU OF THE REQUIRED 50 FEET ON EACH SIDE.

Hearing Date: Wednesday, April 3, 2024 10:00 AM

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please Contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

(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)



Photo Front Side of 1st Sign ~ 3/14/2024



Photo Back Side of 1st Sign ~ 3/14/2024

Posted @ 3818 Chestnut Road

CASE # 2024-0040-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: February 27, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0040-A
Address: 3818 CHESTNUT RD
Legal Owner: Robert Henry, Jr.

Zoning Advisory Committee Meeting of February 23, 2024.

The Department of Environmental Protection and Sustainability has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit a replacement dwelling with side-yard setbacks of 11 feet in lieu of the required 50 feet on each side. The lot is waterfront and is within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA mitigation, and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (5,824 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Lot coverage information was not provided. 15% afforestation (6 trees) is required. Mitigation for any new impacts to the MBA will be required. The proposed dwelling is partially within the MBA, but the amount of proposed new impact has not been provided. Additionally, it appears that the new dwelling may need to be shifted landward, as a replacement dwelling in the MBA may be no closer to the water than the adjacent neighbor furthest from mean high water. If the lot

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

2. Conserve fish, plant, and wildlife habitat;

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

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

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

Additional Comments:

Reviewer: Libby Errickson 2/27/24

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 2024-0040-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 7 NAVD88, BC AE Zone BF 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 comment.

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: 2024-0040-A

INFORMATION:

Property Address: 3818 Chestnut Road

Petitioner: Robert D. Henry, Jr.

Zoning: RC 5

Requested Action: Variance

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

Variance -

1. To permit a replacement dwelling with side setback of 11 feet on each side in lieu of the required 50 feet on each side.

The subject property is located along Chestnut Road at the intersection with Seneca Road in the Middle River area of Baltimore County. The property consists of an approximately 19,300 SF parcel zoned RC-5 with an existing detached dwelling which the applicant proposes to raze. Similar style residential dwellings surround the property as well as forest conservation, farm land and Seneca Creek.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

Observing from the submitted plan, the narrow nature of the parcel does not leave much room to attain the required side yard setback. Also, many other properties have similar designs making the proposed consistent with the character of the area. Therefore, the proposed development does not alter the character of the RC5 zone.

The Department of planning does not object to the proposed development however, advises that the RC 5 performance standards as listed in Section 1A04.4 BCZR are taken into consideration.

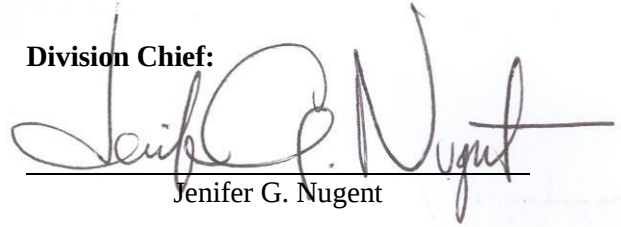
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas (JS Dallas, Inc)
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

1. OWNER:

2. SITE AREA: (COMPUTED TO FACE OF BULKHEAD) 18637 SQ. FT. 0.428 AC.+-

3. PROPOSED DWELLING AREA: 1089 SQ. FT.

5. CONTOURS SHOWN HEREON PER BALT. COUNTY "MY NEIGHBORHOOD" WEBSITE

6. SITE LIES WITHIN CHESAPEAKE BAY CRITICAL AREA (LDA)

8. DEED REFERENCE: JLE 47121-153

9. TAX ACCOUNT NO. 1508302490

10. COUNCILMANIC DISTRICT: 5TH

11. CENSUS TRACT: 4518.02

12. WATERSHED: GUNPOWDER RIVER

13. ZONING: RC 5
SETBACKS: (RC 5)

MINIMUM LOT AREA: 1-1/2 ACRE

MINIMUM WIDTH OF SIDE YARD: 50'

MINIMUM REAR YARD DEPTH: 50'

MAXIMUM BUILDING HEIGHT: 35'

14. TAX MAP 91 GRID 22 PARCEL 150 LOT 115

15. NO PREVIOUS ZONING CASES ON FILE

16. NO KNOWN PERMITS ON FILE

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

18. NO KNOWN PREVIOUS DRC MEETINGS

20. SITE LIES WITHIN ZONE 'X' AND "AE" (ELEV 7)
PER FIRM MAP 2400100435H DATED 11-02-2023

21. GIS MAP COPY #091C3

22. PER ZONING OFFICE, ALL WATERFRONT HOMES TREAT THE WATER SIDE AS "FRONT"

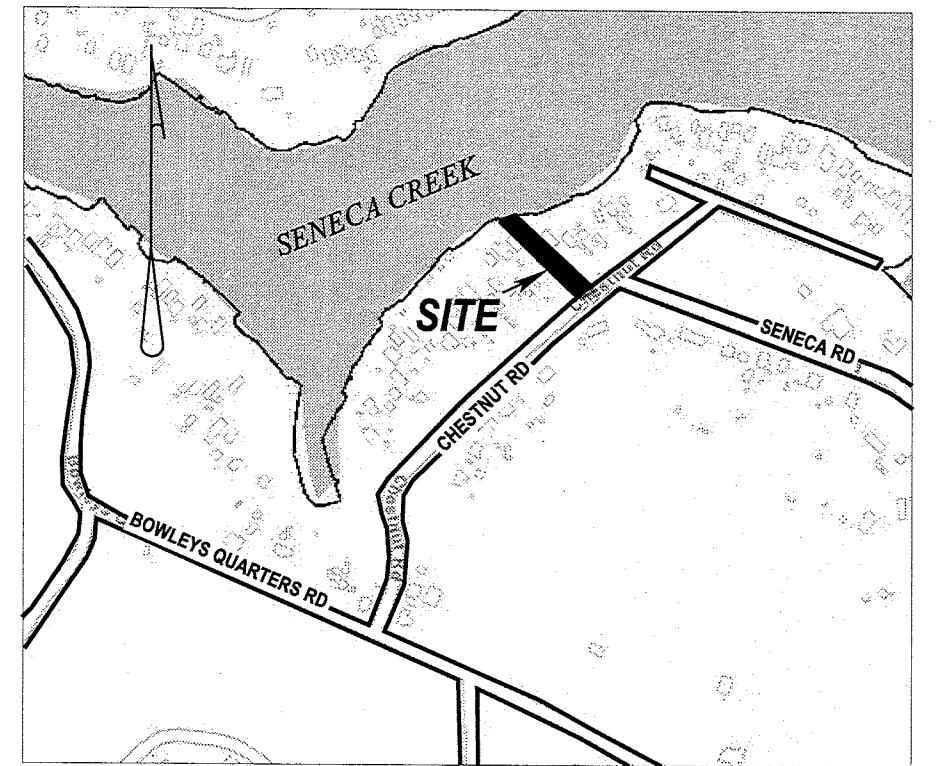
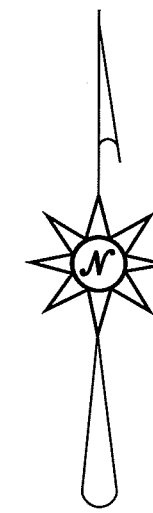


DESIGN FLOOD ELEV 8.5 NAVD88

FLOOD PROTECTION ELEV 10.5 NAVD 88

**SITE LIES IN ZONE "AE" (EL. 7) AND X (SHADED) PER
F.I.R.M. 2400100435G DATED MAY 5, 2014**

**CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE
AWAY FROM FOUNDATION AT ALL TIMES**

VICINITY MAP
$$1'' = 1000'$$

DATE OF FIELD WORK: 11-06-2023

**PLAN TO ACCOMPANY
ZONING HEARING
#3818 CHESNUT ROAD
LOT 115 PLAT 2
BOWLEYS QUARTERS
(07:13)**

DEED REFERENCE
JLE 47121-153

15TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=20' DATE: 01-11-2024

FILE NAME 23-1918 CHESTNUT.TRV		
SCALE 20 Ftl/in	DATE 1-11-2024	DRAWN BY R.N.G.
JOB CHESTNUT	REVISION 1/1	SHEET 1/1