

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 24, 2024

Brigid Robinson – <u>pdoioz@icloud.com</u> 8320 Bletzer Road Dundalk, MD 21222

RE:

Petition for Administrative Variance

Case No. 2024-0081-A

Property: 8320 Bletzer 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,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure

c: Dean F. Gennerella – <u>dean@admiralenterprises.com</u>

IN RE: PETITION FOR ADMIN. VARIANCE (8320 Bletzer Road)	*	BEFORE THE
15 th Election District 7 th Council District	*	OFFICE OF ADMINISTRATIVE
Brigid Robinson	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2024-0081-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Brigid Robinson ("Petitioner") for the property located at 8320 Bletzer Road, Dundalk (the "Property"). The Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Section 400.1, to permit an accessory structure (in-ground swimming pool) to be located in the front yard (waterfront) in lieu of the required rear yard. The Property and requested relief are more fully depicted on the site plan (the "Site Plan") that was marked and accepted into evidence as Petitioner's Exhibit 1. Photos were submitted showing the location of the Property in a residential neighborhood. A Zoning Advisory Comments ("ZAC") comment was submitted from the Bureau of Development Plans Review ("DPR") / Department of Public Works & Transportation ("DPWT"), dated April 8, 2024, indicating the following:

"DPW-T: A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100440F dated 9/26/08. Must comply with Flood Plain Ordinance. See County Bill 6-24, 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 located within the Chesapeake Bay Critical Area ("CBCA") and is subject to Critical Area requirements as noted in the ZAC comment received on April 23, 2024,

submitted by the Department of Environmental Protection and Sustainability ("DEPS").

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on April 6, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioner has 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.

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>24th</u> day of **April**, **2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BCZR, Section 400.1, to permit an accessory structure (in-ground swimming pool) to be located in the front yard (waterfront) in lieu of the required rear yard, 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 her 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. Prior to permitting, Petitioner must comply with the Chesapeake Bay Critical Area and Floodplain regulations as directed by the DEPS ZAC Comment, dated April 19, 2024 and received on April 23, 2024; a copy of which is attached hereto and made a part hereof.

3. Petitioner must comply with the DPR / DPWT ZAC comment, dated April 8, 2024; 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: April 8, 2024

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

Case 2024-0081-A

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

DPR: No comment.

DPW-T: A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100440F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 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.

N 4-22

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

APR 2 3 2024

OFFICE OF

ADMINISTRATIVE HEARINGS



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:

April 19, 2024

SUBJECT:

DEPS Comment for Zoning Item

2024-0081-A

Address:

8320 BLETZER RD

Legal Owner: Brigid Robinson

Zoning Advisory Committee Meeting of April 9, 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 an accessory structure (in-ground swimming pool) to be located in the front yard in lieu of the required rear yard. 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%, 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.

Reviewer: Jannifer D. Anderson

24-6235 NOK

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 Administrative Hearings for Baltimore County for the property located at:

To the Office of Administrative Hearings for Estatutor Country for the property
Address 8320 Bletzer ROAD Currently Zoned DR 5.5
Deed Reference 35189 / 00330 10 Digit Tax Account # 1 5 1 3 2 0 4 1 1 0
Owner(s) Printed Name(s) BRIGID M. RODINSON
(SELECT THE HEARING(S) BY MARKING \underline{X} AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.
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:
ADMINISTRATIVE VARIANCE from Section(s) 400.1, BCZR to perm, t an accessory structure (in - ground swimming pool) to be located in the front yard (water-front) in lieu of the required rear yard.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
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of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
Property is to be posted and advertised as prescribed by the zoning regulations. If 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.
Owner(s)/Petitioner(s): BEIGID M. Robinson Name #2 – Type or Print Name #1 – Type or Print Name #2 – Type or Print Signature #1 B370 Blocker RD VINDAK MD Mailing Address Aw 190.0596 PGoloze IClovo Com Zip Code Telephone #'s (Cell and Home) Email Address
Attorney for Owner(s)/Petitioner(s): Representative to be Contacted:
Name - Type or Print Name - Type or Print
Signature Signature Fuldski Huy Abinspon UD
Mailing Address City State Mailing Address City State 7 009 140 538 600 , QUANTE ADMIRATED TO STATE Zip Code Telephone # Email Address Comments Email Address Comments Tip Code Telephone # Email Address Comments
A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for
Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.
Case Number 2024 0081 - A Filing Date 3 126 1 2024 Estimated Posting Date 4 17 124 Reviewer Closing 4 22/24 Revised 8/2022

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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:	8500	BLETZER K	DUNDALK	WID	21222-2529
	, , , , , , , , , , , , , , , , , , , ,		Address of Property	City	State	Zip Code
	Based up	oon personal k	knowledge, the following are	the facts upon which I/we ba	ase the request for ar	Administrative
	Variance	at the above	address. (Clearly state pr	actical difficulty or hardshi	ip here)	
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	BR	201D	ROBINSON			
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My Commission Expires 05-26-2027



0035189 330

Colony Title Group, Ltd. File No. 14-41678

Tax ID # 15-13-204710

Colony Title Group, Ltd. 5950 Symphony Woods Road Suite 418 Columbia, MD 21044

This Deed, made this _____day of July, 2014, by and between Michael P. Tyson, party of the first part, Grantor; and Brigid M. Robinson, party of the second part, Grantee.

- Witnesseth -

That for and in consideration of the sum of Two Hundred Ninety-Five Thousand And 00/100 Dollars (\$295,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said Grantor does grant and convey to the said Brigid M. Robinson, as sole owner, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

BEGINNING for the same on the northeast side of a forty foot road (Bletzer Road) at the distance of four hundred eighty and sixty-three onehundredths feet southeasterly from the intersection of the northeast side of a said Road with the southeast side of Glenhurst Road forty feet wide if extended northeasterly to an intersection, running thence binding on the northeast side of said forty foot road South fifty-six degrees thirty-three minutes East fifty feet thence running North thirty-four degrees fifty-three minutes East three hundred three feet to the waters of Back River, thence running and binding on part of the same North thirty-eight degrees forty minutes West fifty-two and Twelve one-hundredths feet and thence running South thirty-four degrees fifty-three minutes West three hundred nineteen feet to the place of beginning according to a survey made February 6, 1951 by Willard M. Lee, Registered Civil Engineer with the use in common of and subject to the use in common of said Bletzer Road as now traveled as a means of ingress and egress for the use and benefit of those entitled thereto, their heirs and assigns.

The improvements thereon being known as No. 8320 Bletzer Road, Baltimore, Maryland 21222.

BEING all and the same lot of ground which by Deed dated 3/7/08, and recorded among the Land Records of Baltimore County, in Liber No. 27557, Folio 533, was granted and conveyed by Evelyn Matlat unto Michael P. Tyson.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Brigid M. Robinson, as sole owner, in fee simple.

-2024-0081-A



Brigid Robinson

8320 Bletzer Rd

Dundalk, MD 21222

Part A:

Beginning at a point on the northeast side of Bletzer Rd which is 19 feet wide at distance of 480 feet east of the centerline of the nearest improved intersecting street, Blezter Rd/Edgewater Place which is 22 feet wide.

-2024-0081-A

24-6235 NOK

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-2024-0081-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: April 19, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0081-A

Address: 8320 BLETZER RD Legal Owner: Brigid Robinson

Zoning Advisory Committee Meeting of April 9, 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:

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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.

Reviewer: Jannifer D. Anderson

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** April 10, 2024

Department of Permits, Approvals

FROM: Derek M. Chastain

Bureau of Building Plans Review

Zoning Advisory Committee Meeting Case 2024-0081-A SUBJECT:

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

BPR: No comment

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: April 8, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0081-A

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

DPR: No comment.

DPW-T: A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100440F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 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.

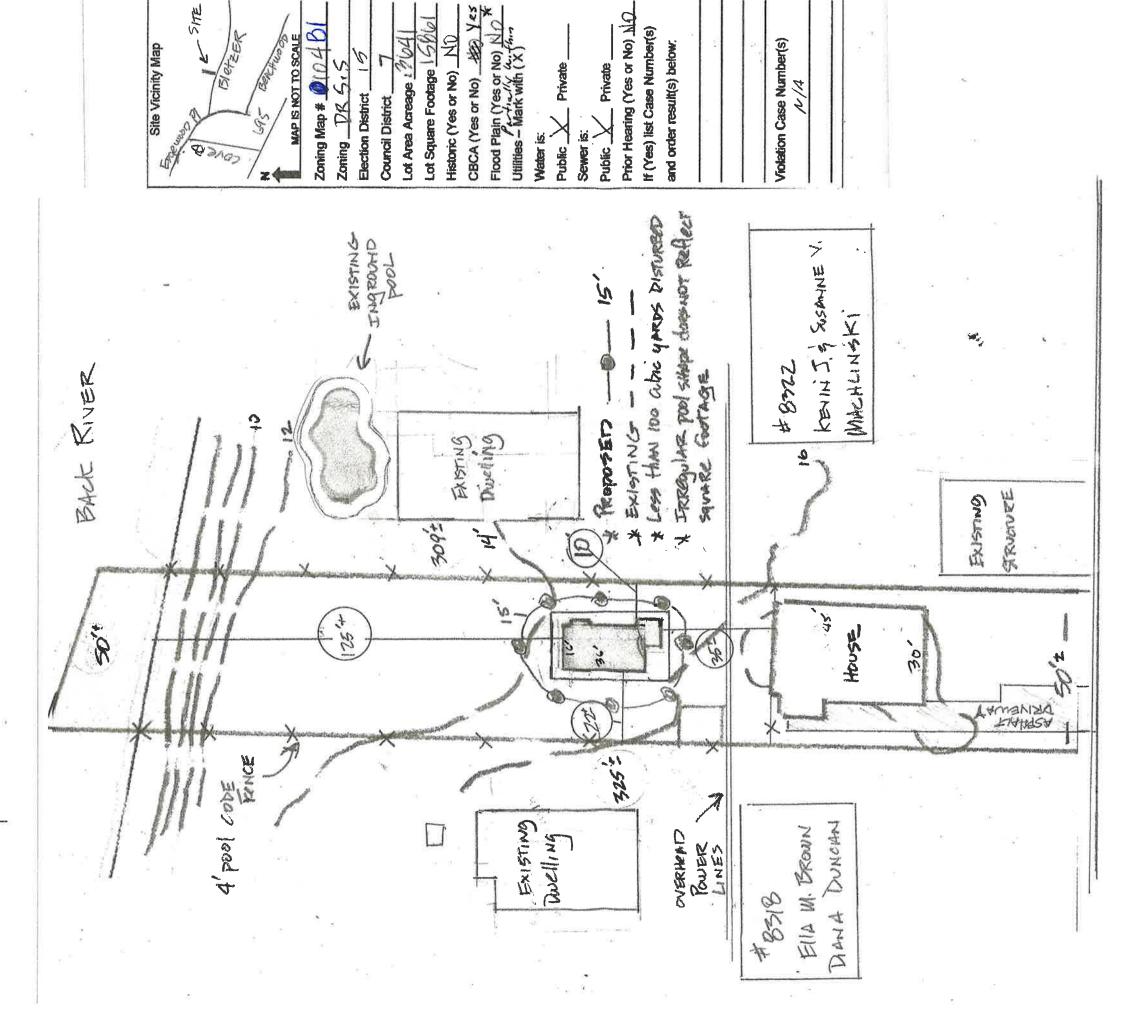
Landscaping: No comment.

Recreations & Parks: No Greenways affected.

CERTIFICATE OF POSTING

CASE NO. 2024-0081-A PETITIONER/DEVELOPER ADMINISTRATIVE
Brigid M. Robinson VARIANCE CASE Y 2 D.14 - COBIN-A TO PREMIT AND ACCESSORY STRUCTURE (ANY-GERMAN) AND ACCESSORY STRUCTURE (ANY-GERMAN) AND ACCESSORY ACCESSORY AND ACCESSORY ACCESSORY AND ACCESSORY AND ACCESSORY AND ACCESSORY AND ACCESSORY AND ACCESSORY ACCESSORY AND ACCESSORY ACCESSORY AND ACCESSORY ACCESSORY AND ACCESSORY ACCESSORY ACCESSORY AND ACCESSORY ACCE
DATE OF HEARING/CLOSING PUBLIC HEARING?
April 22, 2024 April 22, 1024 April 22, 2034 The Reduction of Arrival Control of Arriv
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
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 CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
8320 Bletzer Road
THE SIGN(S) POSTED ON <u>April 6, 2024</u> (MONTH, DAY, YEAR)
SINCERLEY, MARTIN OGLE MARTIN OGLE
MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE, MD 21234
443-629-3411

56 (916 N H 2027 Lot # Block # Section # Folio # 532 10 Digit Tax # L 5 L 5 2 0 4 7 L 0 Deed Reference# 3 5 L 8 9 10 0 3 3 0 9 Mark Type Requested with (X)
Owners(s) Name(s) TRIGID W RADINSON for Special Hearing Zoning Hearing Plan for Variance X for Address 8720 SIETZER ROWD Subdivision Name 5/ Plat Book #

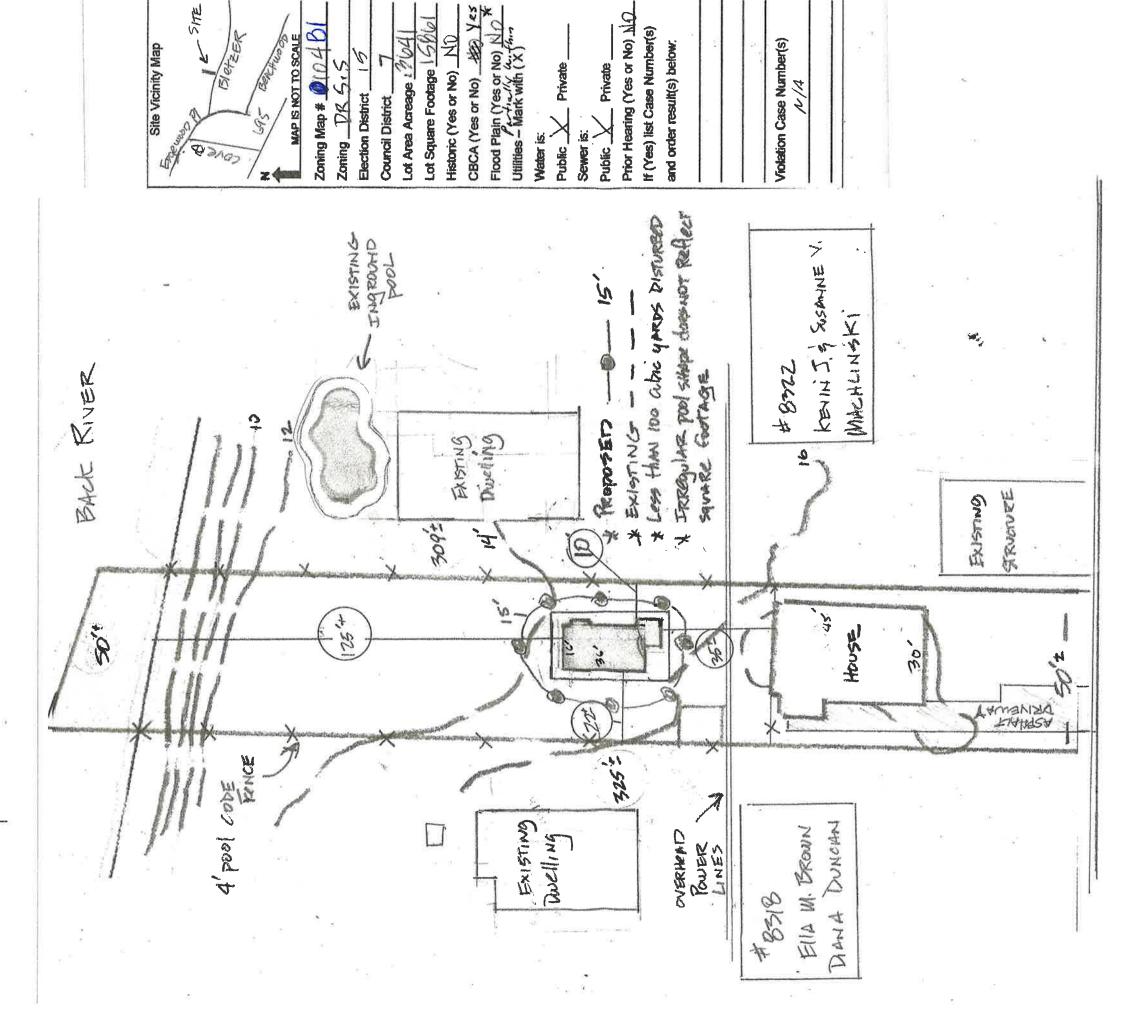


PERK ROAD

Plan Drawn By DEHAM (SENIN EZELLIA

Date 3.9.74 Scale: 1 inch = 30

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