



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

June 27, 2024

Douglas Celmer- douglas.celmer@gmail.com
Judith Celmer
1415 Bay Drive
Essex, MD 2121

RE: Petitions for Special Hearing & Variance
Case No. 2024-0099-SPHA
Property: 1341 Riverside Avenue

Dear Petitioners:

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 be "Derek J. Baumgardner", with a long horizontal line extending to the right.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
C: Bernadette Moskunas – siteriteinc@aol.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1341 Riverside Avenue)	*	OFFICE OF
15 th Election District		
7th Council District	*	ADMINISTRATIVE HEARINGS
Douglas and Judith Celmer		
Legal Owners	*	FOR BALTIMORE COUNTY
 Petitioners	 *	 Case No. 2024-0099-SPHA
 * * * * *		 * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing and Variance filed by legal owners, Douglas and Judith Celmer (the “Petitioners”) for the property located at 1341 Riverside Avenue, Essex, Baltimore County, Maryland (the “Property”). Special Hearing relief was requested pursuant to the Baltimore County Zoning Regulations (“BCZR”), § 1A04.3.B.1.b.1, to permit a proposed replacement dwelling for a fire damaged dwelling with setbacks of 33 ft. and 43 ft. in lieu of the required 75 ft., 12 ft. and 21 ft. in lieu of the required 50 ft. Further, variance relief was requested from BCZR, § 1A04.3.B.3, to permit a building lot coverage for a proposed replacement dwelling of 23.5% in lieu of the maximum permitted 15%.

A public hearing was conducted on June 13, 2024 using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners, Douglas and Judith Celmer, appeared at the hearing in support of the Petition and were assisted by Bernadette Moskunus from Site Rite Surveying, Inc. There were no Protestants or other interested citizens at the hearing.

The following exhibits were received from Petitioners and admitted into the record: (1) Revised Site Plan; (2) Utility drawing; (3) EIR Approval Letter; (4) Tax Map. The following

exhibits were received from county agencies and admitted into the record: (1) Zoning Advisory Committee (“ZAC”) comments were from the Department of Planning (“DOP”); (2) Department of Environmental Protection and Sustainability (“DEPS”) comments; (3) Development Plans Review (DPR) comments on behalf of DPR, DPW-T, Landscaping, and Recreation & Parks. County reports do not indicate any objections to the proposed relief.

Findings of Fact

The Property is approximately 9,408 sq. ft. in land area and is zoned primarily RC-5 with a small portion zoned RC-20. The property is currently unimproved, but had been improved with a detached one-story single-family dwelling that was destroyed by a fire. The remains of that structure have since been fully razed and removed. The surrounding community contains detached single-family homes, agriculture, forest conservation areas, and Back River feeding directly into Chesapeake Bay. While located within the Chesapeake Bay Critical Area, it is not waterfront property. The 1921 record plat identifies other properties along the waterfront but the subject lot is not included in that plat. The property is not located within a floodplain. The Site Plan indicates that while addressed on Riverside Avenue, vehicular access to the property is from an existing driveway off Mitchell Avenue. The Property is served by public water and sewer.

Mr. & Mrs. Celmer testified in support of their Petition. The Celmers purchased the property in 1983 from a family member and have leased the property to a residential tenant since that time. The Celmers currently live nearby. The property suffered fire damage in February 2023, was razed shortly thereafter, and has remained vacant since that time. After construction, the Celmers plan to lease the property to a residential tenant with an overall plan to one day retire to the property and then use the property as their principal residence. Mr. Celmer further testified that the proposed one-story dwelling is being constructed to be handicapped accessible, which is

necessary for medical reasons, thereby expanding the footprint from the prior detached dwelling to better accommodate its future residential use. Mr. Celmer testified that he spoke to several impacted neighbors about the project and they did not indicate any objection to the new home as proposed. Mr. Celmer further testified that he was not aware of any flooding, pooling, or sheeting of stormwater or high tide incursion on or immediately adjacent to the property.

Ms. Moskunas of Site Rite Surveying also testified in support of the Petition. Ms. Moskunas noted the modification of the listed square footage of the property from 9,408 sq. ft. to 8,200 sq. ft., resulting in a proposed lot coverage of 23.5%. Also, per comments from DEPS EIR, Petitioners removed the concrete ramp proposed on the side of the dwelling. Those modifications are reflected in the attached Site Plan (Petitioners' Exhibit 1). The requested setback relief is not impacted by this modification. Ms. Moskunas further described the project and surrounding area including identifying Riverside Road and Mitchell Road as essentially dead-end streets. Ms. Moskunas explained that the proposed garage will occupy the footprint of the former detached dwelling, and the new home is designed to align with the garage and keep the resulting detached dwelling away from public roads for access safety. Further, Petitioners submitted a signed EIR approval letter that details compliance with LDA CBCA requirements under Baltimore County Code. *See* Petitioners' Exhibit 3.

Conclusions of Law

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall

include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

Special Hearing relief was requested pursuant to the Baltimore County Zoning Regulations ("BCZR"), § 1A04.3.B.1.b.1, to permit a proposed replacement dwelling for a fire damaged dwelling with setbacks of 33 ft. and 43 ft. in lieu of the required 75 ft., 12 ft. and 21 ft. in lieu of the required 50 ft. "A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

I find that the record in this case supports the conclusion that the proposed detached single-family dwelling as described in the Revised Site Plan is compatible with the community and generally consistent with the spirit and intent of the regulations. Petitioners' request for Special Hearing relief is hereby granted.

VARIANCE

Variance relief is requested from BCZR, § 1A04.3.B.3, to permit a building lot coverage for a proposed replacement dwelling of 23.5% in lieu of the maximum permitted lot coverage of 15%. Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with

the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The Property is a corner lot bounded by two dead-end public roads. The sole access to the property is from Mitchell Road. That access provides minimal space to provide safe egress from the property, and the proposed detached home is set back from Mitchell Road sufficiently to allow for safe vehicular egress. While the proposed lot coverage exceeds the maximum permitted under BCZR, § 1A04.3.B.3, it is the minimal necessary to afford relief according to building plans for the proposed one-story structure to accommodate ADA construction. Moreover, one-story construction will remain compatible with the neighborhood and will minimize the potential for obstructing views from neighboring properties, especially given the property's corner location Riverside Avenue and Mitchell Road. For all these reasons, I find that this property is unique and that special circumstances or conditions exist that are peculiar to this property where strict compliance with the requirements of BCZR, § 1A04.3.B.3 for lot coverage would create a practical difficulty. 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.

THEREFORE, IT IS ORDERED, this 27th day of **June 2024**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR, §1A04.3.B.1.b.1, to permit a proposed replacement dwelling for a fire damaged dwelling with setbacks of 33 ft. and 43 ft. in lieu of the required 75 ft., 12 ft. and 21 ft. in lieu of the required 50 ft. be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, § 1A04.3.B.3, to permit a building lot coverage for a proposed replacement dwelling of 21% in lieu of the required 15%.hereby **GRANTED**; and

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are 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, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must comply with the DEPS ZAC comment which is attached hereto and made a part hereof.
3. The Revised 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.



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: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: May 2, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0099-SPHA
Address: 1341 RIVERSIDE AVE
Legal Owner: Douglas & Judith Celmer

Zoning Advisory Committee Meeting of April 26, 2024.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in 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 proposed development is located within a Limited Development Area (LDA). Based on the site plan and dimensions shown for the property, the property area is 8,200 square feet, and not the area indicated in the notes. Based on an 8,200 square-foot property, Critical Area lot coverage is limited to 25% (2,050 square feet), or a maximum of 31.25% (2,563 square feet), if approved, and with mitigation for the amount over 25%. The lot coverage indicated on the plan exceeds the allowance and would need to be reduced to no more than 2,563 square feet. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). If the applicant designs the project to meet Critical Area lot coverage requirements, the development can result in minimal adverse impacts to water quality with the setback relief requested.

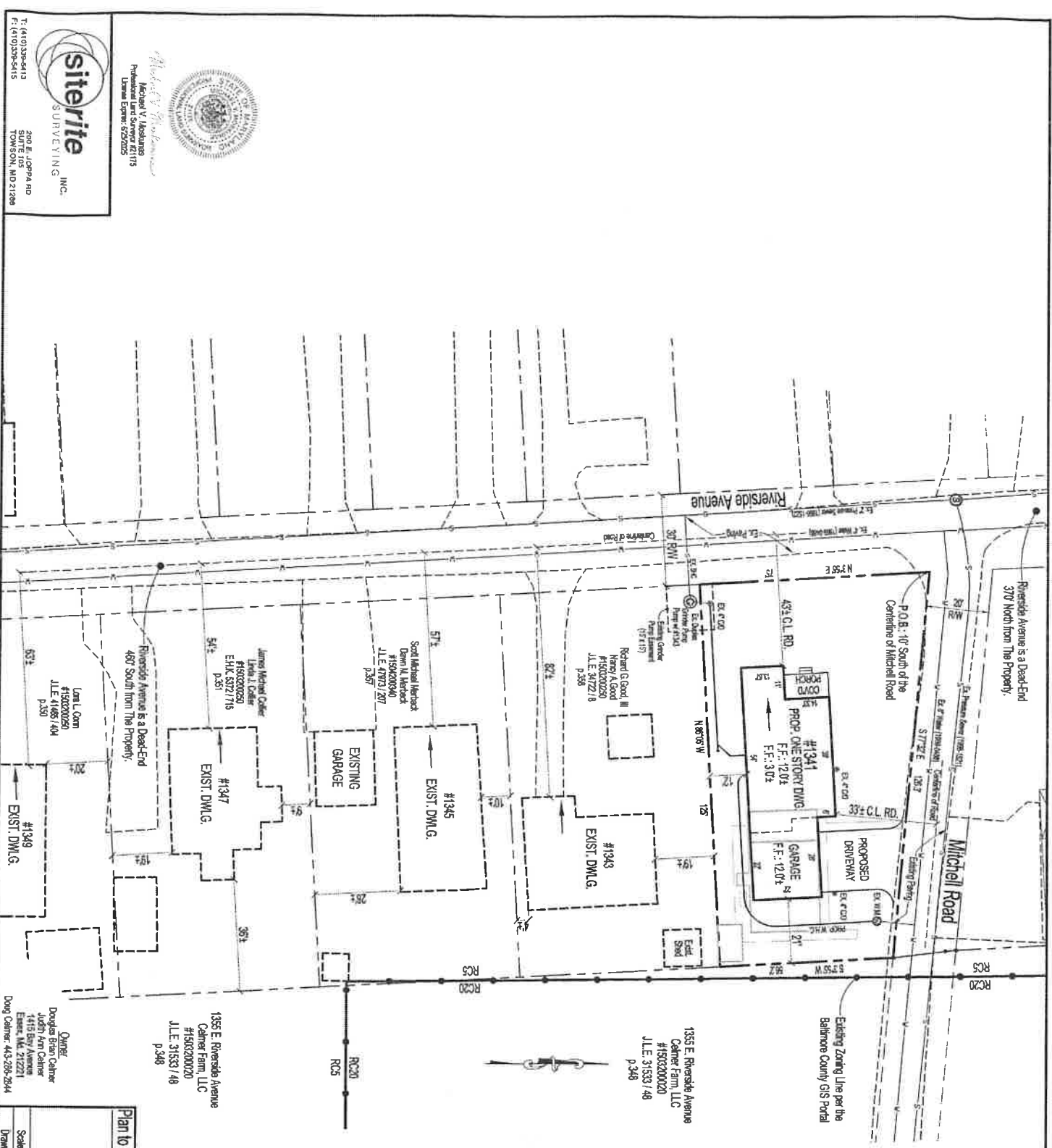
2. Conserve fish, plant, and wildlife habitat;

There are no Critical Area buffers, or habitat protection areas on the property. Therefore, if the proposed development can comply with all Critical Area lot coverage and tree requirements (minimum of 3 native deciduous trees at least 5-feet tall when planted), this can aid in the conservation of fish, plant, and wildlife habitat in the area 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 development can be designed to meet all Critical Area requirements, the relief requested can be consistent with established land-use policies.

Reviewer: Paul Dennis, Environmental Impact Review



GENERAL NOTES

1. ZONED: R-3 & R-20 (1044)
2. LOT AREA: 8,200 SF ± (8,408 SF ± SD A.1)
3. EXISTING USE: SINGLE FAMILY DWELLING (PRE-DAMAGED)
4. PROPOSED USE: SINGLE FAMILY DWELLING
5. PROPOSED LOT OF DISTURBANCE: 1,778 SF ±
6. EXISTING LOT IS SERVED BY PUBLIC SEWER AND WATER
7. EX. F.I.R.M. MAP 240100 4450 DATED 05/2014 ZONE "X"
8. ALL EX. IMPROVEMENTS ARE TO BE RAZED
9. VERIFY HOUSE DIMENSIONS WITH ARCHITECTURAL PLANS
10. EX. LOT COVERAGE: 1422.76 SF (15%)
11. PROP. LOT COVERAGE: 2,464.75 SF (29%)
12. CRCA ALLOWABLE LOT COVERAGE: 31.25% (2,583 SF ±)
13. PROPOSED BUILDING LOT COVERAGE: 23.9% (1,929 SF ±)
14. THIS PROPERTY IS NOT LOCATED IN A HISTORIC DISTRICT
15. THIS PROPERTY IS LOCATED IN A C.S.C.A. (DMA)
16. THERE IS NO PRIOR ZONING HISTORY OR ANY VIOLATIONS
17. THIS PROPERTY IS AN INDIVIDUAL LOT OF RECORD AND IS NOT PART OF A SUBDIVISION

Revised: May 22, 2024

Graphic Scale 1" = 20'
0 20 40 60

Plan to Accompany Petition for Special Hearing & Variance

#1341 Riverside Avenue

TM: 104 Gtd: 12 Parcel: 336

Tax ID #1519400590 Deed Reference: JLE 48948 / 180

15th Election District, 7CD

Baltimore County, Maryland

Scale: 1" = 20' Date: 03/12/2024 Checked: BLK JOD: 0100000000

1335 E. Riverside Avenue
Cahner Farm, LLC
#1503000020
JLE 31633 / 48
p.348

1335 E. Riverside Avenue
Cahner Farm, LLC
#1503000020
JLE 31633 / 48
p.348

1335 E. Riverside Avenue
Cahner Farm, LLC
#1503000020
JLE 31633 / 48
p.348

Owner:
Douglas Brian Cahner
Justin Ann Cahner
1415 Bay Avenue
Essex, MD 21221
Doug Cahner 443-286-2844

site
rite
INC.
SURVEYING

200 E. JCPA RD
TOWSON, MD 21206

T: (410) 336-6413
F: (410) 336-6415

Michael V. Macdonald
Professional Land Surveyor #21173
License Expires: 05/2025

Seal of the State of Maryland
Department of the General Land Office
Professional Land Surveyors



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 1341 Riverside Avenue Currently Zoned RC5/RC20
Deed Reference 48648 / 180 10 Digit Tax Account # 1513400590
Owner(s) Printed Name(s) Douglas and Judith Celmer

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

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

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

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) *see attached*

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

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):

Douglas Celmer / Judith Celmer
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 *[Signature]* Signature #2 *[Signature]*
1415 Bay Drive Essex, MD
Mailing Address _____ City _____ State _____
21221 / 443-286-2844 / douglas.celmer@gmail.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Bernadette Moskunus c/o Site Rite Surveying, Inc
Name - Type or Print _____
Signature *[Signature]*
200 E. Joppa Road, Room 105 Towson MD
Mailing Address _____ City _____ State _____
21286 / 410-339-5413 / siteriteinc@aol.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2224-0099-SPHA Filing Date 4/17/24 Do Not Schedule Dates _____ Reviews *[Signature]*

Petition Form Attachment

Section 1A04.3.B.1.b.1 Special Hearing to permit a proposed replacement dwelling for a fire damaged dwelling with setbacks of 33' and 43' in lieu of the required 75' and 12' and 21' in lieu of the required 50'

Section 1A04.3.B.3 Variance to permit a building lot coverage for a proposed replacement dwelling of 21% in lieu of the required 15%

ZONING PROPERTY DESCRIPTION FOR #1341 Riverside Avenue

Beginning at a point on the east side of Riverside Avenue which is 30 feet wide at a distance of 10 feet northeast of the centerline of Mitchell Road which is 20 feet wide

Thence the following courses and distances:

- South 77 degrees 32 minutes East, 126.3 feet
- South 3 degrees 55 minutes West, 56.2 feet
- North 86 degrees 05 minutes West, 125 feet
- North 3 degrees 55 minutes East, 75 feet

back to the point of beginning as recorded in Deed Liber 48648, Folio 180, containing 9,408 square feet of land, more or less. Located in the 15th Election District, 7th Council District.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 105
Towson, MD 21286
(410) 339-5413



This description is for zoning purposes only and is not to be used for conveyance of land.

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 - 1513400590

Owner Information

Owner Name: CELMER DOUGLAS B Use: RESIDENTIAL
CELMER JUDITH A Principal Residence:NO
Mailing Address: 1415 BAY AVE Deed Reference: /48648/ 00180
ESSEX MD 21221-6332

Location & Structure Information

Premises Address: 1341 RIVERSIDE AVE Legal Description: .216 AC ES RIVERSIDE
ESSEX 21221-6333 1341 RIVERSIDE AVE E
SE COR OF 20 FT ROAD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0104 0012 0356 15090084.04 0000 2024 Plat Ref:

Town: None

Primary Structure BuiltAbove Grade Living AreaFinished Basement AreaProperty Land AreaCounty Use
9,408 SF 04

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:	74,300	77,700		
Improvements	0	0		
Total:	74,300	77,700	74,300	75,433
Preferential Land:	0	0		

Transfer Information

Seller: CELMER DOUGLAS BRIAN	Date: 12/27/2023	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /48648/ 00180	Deed2:
Seller: MERRITT JOHN A	Date: 01/04/1984	Price: \$10,000
Type: ARMS LENGTH IMPROVED	Deed1: /06650/ 00054	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	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:

1341 E. Riverside Avenue Zoning Map



dead-end road

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: 2024-0099-SPHA
Property Address: 1341 Riverside Avenue
Legal Owners (Petitioners): Doug and Judith Celmer
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Doug Celmer
Address: 1415 Bay Avenue
Essex, MD 21221

Telephone Number: 443-286-2844

*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

BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

APPROVED SIGN POSTERS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

J. Lawrence Pilson, R.S.
Cell: 443-834-8162
lpilson@hotmail.com

Richard Hoffman
Cell: 443-243-7360
dick_e@comcast.net

Linda O'Keefe
Work: 410-666-5366
Cell: 443-604-6431
lucky linda1954@yahoo.com

Eric Hadaway
Work: 410-296-3333
ehadaway@dmw.com

Bruce E. Doak
Work: 443-900-5535
Cell: 410-419-4906
bdoak@bruceedoakconsulting.com

David Billingsley
Work: 410-679-8719
dwb0209@yahoo.com

Martin Ogle
Cell: 443-629-3411
mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
1opie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

Rev 9/22/2022

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

No. 230412

Date: 4/17/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				75-
								75-

Total: 150.00

Rec From: Bernadette Moskunas & Douglas Celmer

For: 1341 Riverside Ave Variance + SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BERNADETTE L MOSKUNAS
T/A SITE RITE SURVEYING INC

200 E JOPPA RD STE 105
TOWSON, MD 21286-3106

05-00

8453

15-3/540
403

DATE 21 March 24

CHECK ARMOR
FRAUD PROTECTION

PAY
TO THE
ORDER OF

Baltimore County, MD

Seventy five dollars and no cents

\$ 75.00

DOLLARS

Photo
Safe
Deposit
Details on back

PNC BANK

PNC Bank, N.A. 040

FOR SPH. 1341 Riverside Ave

Bernadette Moskunas

008453 0540000301 5501356809

DOUGLAS B CELMER

01-22

JUDITH A CELMER

PH 443-286-2844

1415 BAY AVE

BALTIMORE, MD 21221-6332

114

60-1809/433
2771

3/10/2024

Date

Pay to the
Order of

Baltimore County

Seventy Five Dollars

Dollars

Photo
Safe
Deposit
Details on back



First National Bank

For 1341 Riverside VARIANCE

Doug Celmer

0433180921 7375640621 0114



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 1341 Riverside Avenue Currently Zoned RC5/RC20
Deed Reference 48648 / 180 10 Digit Tax Account # 1513400590
Owner(s) Printed Name(s) Douglas and Judith Celmer

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

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

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

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) *see attached*

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

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):

Douglas Celmer / Judith Celmer

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1 *Douglas Celmer*

Signature #2 *Judith Celmer*

1415 Bay Drive Essex, MD

Mailing Address

City

State

21221 / 443-286-2844

douglas.celmer@gmail.com

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Bernadette Moskunas c/o Site Rite Surveying, Inc

Name - Type or Print

Signature

200 E. Joppa Road, Room 105 Towson MD

Mailing Address

City

State

21286 / 410-339-5413

siteriteinc@aol.com

Zip Code

Telephone #

Email Address

Case Number 2224-0099-SPHA Filing Date 4/17/24 Do Not Schedule Dates Reviews

Petition Form Attachment

Section 1A04.3.B.1.b.1 Special Hearing to permit a proposed replacement dwelling for a fire damaged dwelling with setbacks of 33' and 43' in lieu of the required 75' and 12' and 21' in lieu of the required 50'

Section 1A04.3.B.3 Variance to permit a building lot coverage for a proposed replacement dwelling of 21% in lieu of the required 15%

ZONING PROPERTY DESCRIPTION FOR #1341 Riverside Avenue

Beginning at a point on the east side of Riverside Avenue which is 30 feet wide at a distance of 10 feet northeast of the centerline of Mitchell Road which is 20 feet wide

Thence the following courses and distances:

- South 77 degrees 32 minutes East, 126.3 feet
- South 3 degrees 55 minutes West, 56.2 feet
- North 86 degrees 05 minutes West, 125 feet
- North 3 degrees 55 minutes East, 75 feet

back to the point of beginning as recorded in Deed Liber 48648, Folio 180, containing 9,408 square feet of land, more or less. Located in the 15th Election District, 7th Council District.

Michael V. Moskunas
Professional Land Surveyor
Reg. No. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 105
Towson, MD 21286
(410)339-5413



This description is for zoning purposes only and is not to be used for conveyance of land.

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: May 2, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0099-SPHA
Address: 1341 RIVERSIDE AVE
Legal Owner: Douglas & Judith Celmer

Zoning Advisory Committee Meeting of April 26, 2024.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in 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 proposed development is located within a Limited Development Area (LDA). Based on the site plan and dimensions shown for the property, the property area is 8,200 square feet, and not the area indicated in the notes. Based on an 8,200 square-foot property, Critical Area lot coverage is limited to 25% (2,050 square feet), or a maximum of 31.25% (2,563 square feet), if approved, and with mitigation for the amount over 25%. The lot coverage indicated on the plan exceeds the allowance and would need to be reduced to no more than 2,563 square feet. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). If the applicant designs the project to meet Critical Area lot coverage requirements, the development can result in minimal adverse impacts to water quality with the setback relief requested.

2. Conserve fish, plant, and wildlife habitat;

There are no Critical Area buffers, or habitat protection areas on the property. Therefore, if the proposed development can comply with all Critical Area lot coverage and tree requirements (minimum of 3 native deciduous trees at least 5-feet tall when planted), this can aid in the conservation of fish, plant, and wildlife habitat in the area 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 development can be designed to meet all Critical Area requirements, the relief requested can be consistent with established land-use policies.

Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 22, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0099-SPHA

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

DPR: No comment

DPW-T: No Exception taken.

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: 4/26/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0099-SPH

INFORMATION:

Property Address: 1341 Riverside Avenue
Petitioner: Douglas & Judith Celmer
Zoning: RC5 / RC20
Requested Action: Special Hearing and Variance

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

Special Hearing -

1. To permit a proposed replacement dwelling for a fire damaged dwelling with setback of 33' and 43' in lieu of the required 75' and 12' and 21' in lieu of the required 50'

Variance -

1. To permit a building lot coverage for proposed replacement dwelling of 21% in lieu of the required 15%

The subject property is located at the intersection of E Riverside Avenue and Mitchell Road in the Essex area of Baltimore County. The property consists of an approximately 9,408 SF parcel zoned primarily RC-5 with a small portion of it zoned RC 20. The property is currently vacant after the previous dwelling was destroyed by fire. The proposed property is surrounded by the Chesapeake Bay, detached residential dwellings and forest conservations.

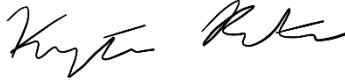
The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. 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.

The requests do not appear to alter nor affect the character of the RC5 zone. The Department has no objections to the requests with the following condition:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Building elevations shall be provided to the Department of Planning at time of permit.
2. Due to the high visibility of the site located at the intersection of two streets, the specific elevation facing Mitchell Road should not be left as a blank wall.

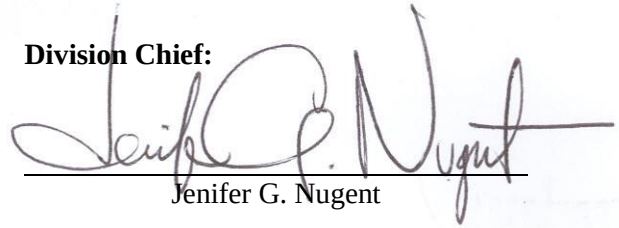
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

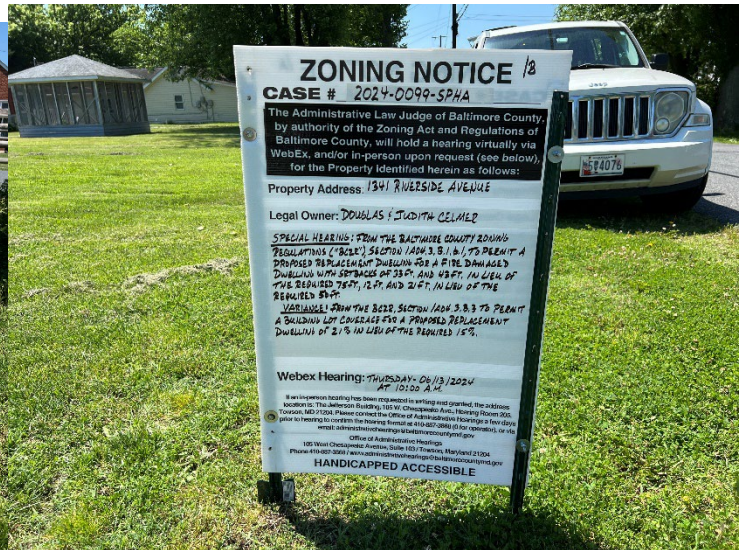
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bernadette Moskunas c/o Site Rite Surveying, Inc
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



Certificate of Posting

Case# 2024-0099-SPHA

Petitioner/Developer

Site Rite Surveying Inc.

Bernadette Moskunus

Date of Hearing/Closing

June 13, 2024

Baltimore County Department of Permits and Management

County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204

Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the property located at

1341 Riverside Avenue On May 22, 2024. Signs 1A & 1B

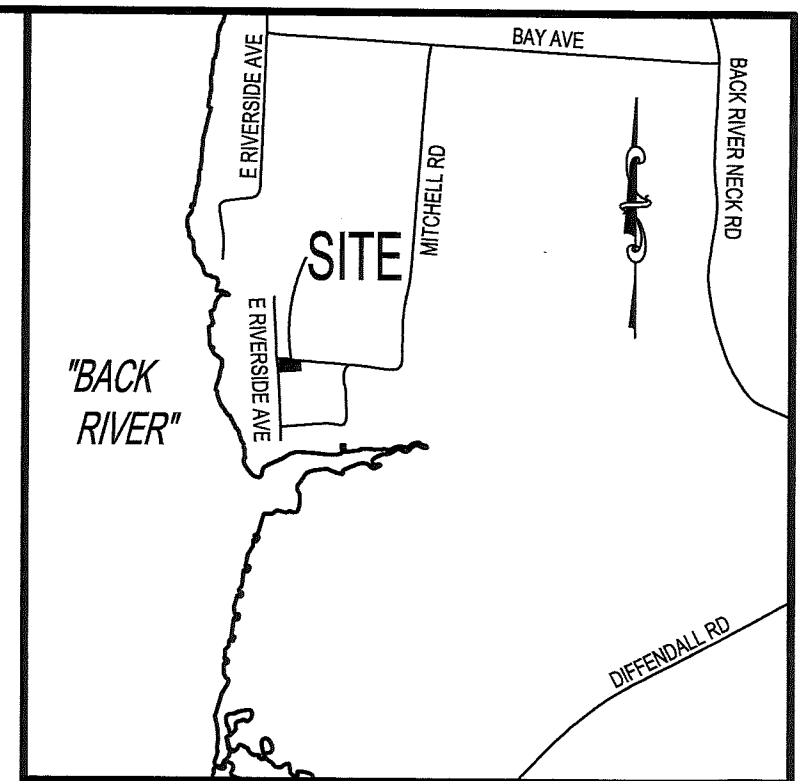
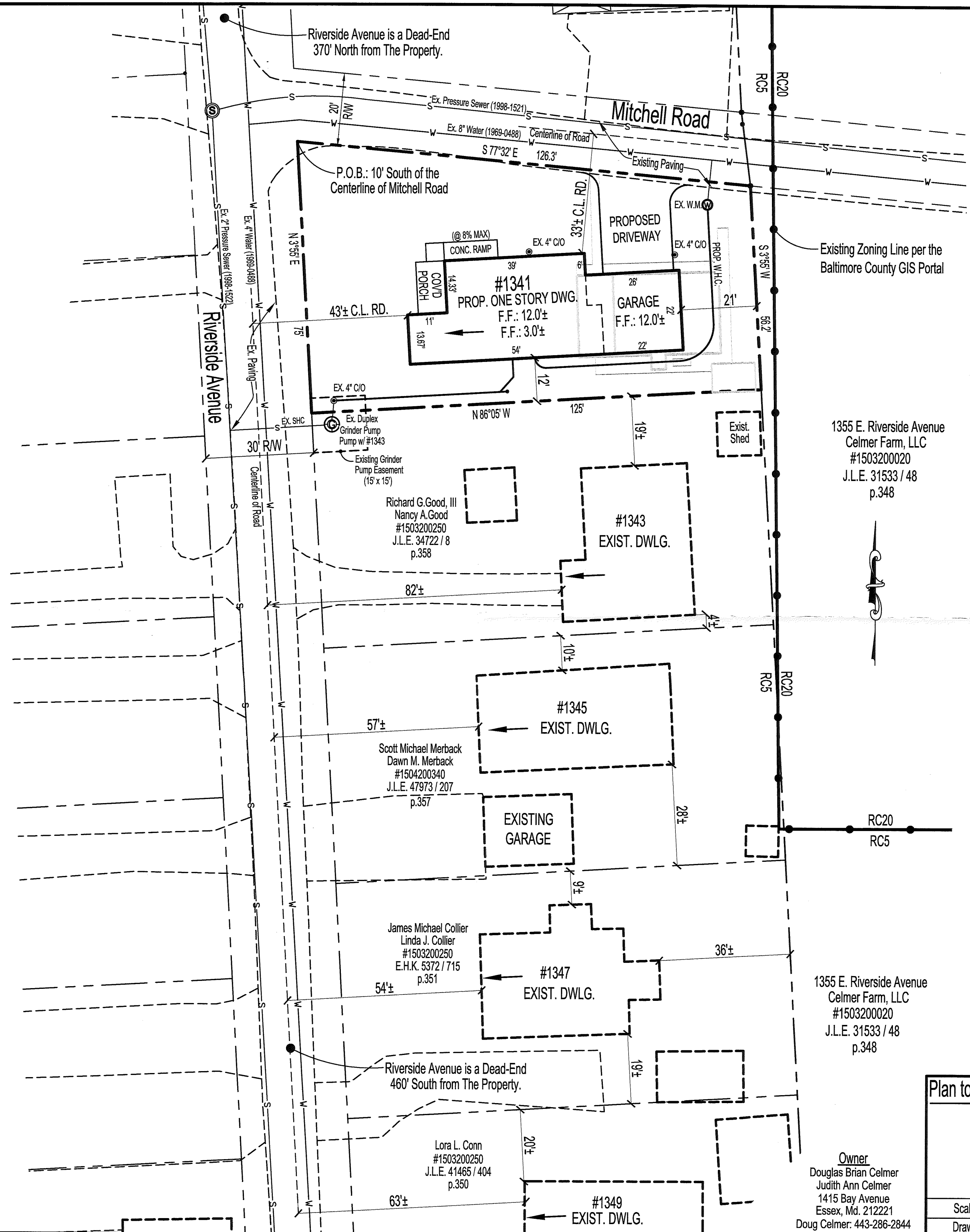
Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

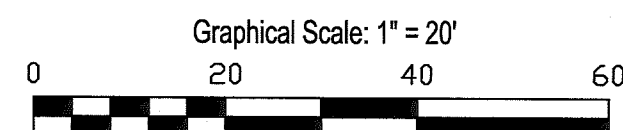
443-629-3411



Vicinity Map Scale 1" = 1,200'

GENERAL NOTES

1. ZONED: RC5 & RC20 (104c1)
2. LOT AREA: 9,408 SF± S.D.A.T.
3. EXISTING USE: SINGLE FAMILY DWELLING (FIRE DAMAGED).
4. PROPOSED USE: SINGLE FAMILY DWELLING
5. PROPOSED LIMIT OF DISTURBANCE: 7,278 SF±
6. EXISTING LOT IS SERVICED BY PUBLIC SEWER AND WATER.
7. EX. F.I.R.M. MAP 2400100 445G DATED 5/5/2014 ZONE "X"
8. ALL EX. IMPROVEMENTS ARE TO BE RAZED.
9. VERIFY HOUSE DIMENSIONS WITH ARCHITECTURAL PLANS.
10. EX. LOT COVERAGE: 1422.76 SF (15%)
11. PROP. LOT COVERAGE: 2587 SF (27%)
12. CBCA ALLOWABLE LOT COVERAGE: 31.25% (2940 SF±)
13. PROPOSED BUILDING LOT COVERAGE = 21%
(RC5 B.C.Z.R. SECTION 1A04.3.B.3)
14. THIS PROPERTY IS NOT LOCATED IN A HISTORIC DISTRICT.
15. THIS PROPERTY IS LOCATED IN A C.B.C.A. (LDA).
16. THERE IS NO PRIOR ZONING HISTORY OR ANY VIOLATIONS.
17. THIS PROPERTY IS AN INDIVIDUAL LOT OF RECORD AND IS NOT PART OF A SUBDIVISION.



Plan to Accompany Petition for Special Hearing & Variance

#1341 Riverside Avenue

TM: 104 Grid: 12 Parcel: 356
Tax ID #1513400590 Deed Reference: J.L.E. 48648 / 180
15th Election District, 7CD
Baltimore County, Maryland

Scale: 1" = 20'	Date: 03/12/2024	JOB #9106CELMER
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: N/A



Michael V. Moskunus
Michael V. Moskunus
Professional Land Surveyor #21175
License Expires: 6/25/2025



T: (410) 339-5413
F: (410) 339-5415
200 E. JOPPA RD
SUITE 105
TOWSON, MD 21286

Owner
Douglas Brian Celmer
Judith Ann Celmer
1415 Bay Avenue
Essex, Md. 212221
Doug Celmer: 443-286-2844