

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 15, 2024

Kramer J. Whitelaw – <u>kramerwhitelaw@gmail.com</u> 9116 Avenue A
Sparrows Point, MD 21219

RE:

Petition for Administrative Variance

Case No. 2024-0105-A Property: 9116 Avenue A

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: Rick Richardson - rick@richardsonengineering.net

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE (9116 Avenue A)

15<sup>th</sup> Election District \* OFFICE OF ADMINISTRATIVE 7<sup>th</sup> Council District

Kramer Whitelaw \* HEARINGS FOR

\* BALTIMORE COUNTY

Petitioner \* CASE NO. 2024-0105-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 subject property, Kramer Whitelaw ("Petitioner"), for the property located at 9116 Avenue A, Sparrows Point (the "Property"). The Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Section 417, to allow a setback of 6 ft. to a mooring pier in lieu of the required 10 ft. from the mean divisional line of the property. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1. Street view photographs were marked and accepted into evidence as Petitioners' Exhibits 2A-2C.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. A ZAC comment was submitted by the Bureau of Development Plans Review ("DPR")/Department of Public Works and Transportation ("DPWT"), dated May 2, 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 2400100555F 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 28, 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 to satisfy the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

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>15th</u> day of May, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR"), Section 417, to allow a setback of 6 ft. to a mooring pier in lieu of the required 10 ft. from the mean divisional line of the property, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

• Petitioner may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- The property is located within the Chesapeake Bay Critical Area ("CBCA") and is subject to Critical Area requirements. As such, the Petitioner must comply with those conditions imposed by the Department of Environmental Protection and Sustainability ("DEPS").
- Petitioner must comply with the DPR/DPWT ZAC comments, dated May 2, 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:** May 2, 2024

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

**Zoning Advisory Committee Meeting** 

Case 2024-0105-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 2400100555F 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.

# 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 Law of Baltimore County for the property located at:

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	ice 44459/ 22		10 Digit Tax Account #1506572050			
Property Owner(s)	Printed Name(s) <u>I</u>	Kramer J. Whitelay	N			
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gal Owner(s) Affirmation he subject of this / these I	n: I / we do so solemnly	y declare and affirm, ur	nder the penalties of perjury, the	at I / We are the legal ov	vner(s) of the property whi	
ontract Purchaser/L	.essee:		Legal Owners:			
			Kramer J. Whitelaw	1		
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nature			Signature #1	Signature :	# 2	
			9116 Avenue A	Baltimore	MD	
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gulations of Baltimore Cou	,tl nty and that the proper	hat the subject matter		lic hearing, advertised, a		

CASE NUMBER 2024 - 0105. A Filing Date 4 1912024 Estimated Posting Date 4 2812024 Reviewer

## Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address:	9116 Avenue A	Baltimore	MD	21219
	Print or Type Address of property	City	State	Zip Code
Based up Administr	oon personal knowledge, the rative Variance at the above a	following are the facts address. (Clearly sta	s which I/we base the te practical difficulty	request for an <u>/ or hardship</u> here)
The propos	ed pier is going to be constructed i	n the same location as ar	existing that was destroy	ed on the property. The
location of t	the pier and piles are in the same lo	ocation but the eastern or	es will be as little as 6' of	f the Median Division Line
	e required 10'.			
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Kramer .	J. Whitelaw			
Name- Prin	t or Type	Ī	Name- Print or Type	
	The following information is t	to be completed by a No	tary Public of the State	of Maryland
				or mary larie
STATE C	F MARYLAND, COUNTY O	F BALTIMORE, to w	it:	
I HEREB	Y CERTIFY, this 22 d	lay of,	८०८५ , before me a	Notary of Maryland, in
	County aforesaid, personally a	55 - 55		
_Kr.	(s) herein, personally known or s			
the Affiant	(s) herein, personally known or s	satisfactorily identified t	o me as such Affiant(s)	(Print name(s) here)
AS WITNE	ESS my hand and Notaries Seal	C K	Shelp	
		Notary Public	Llanding	
	MITA S SHETH	My Commission Expir	7/29/2023	
ВА	NOTARY PUBLIC LTIMORE COUNTY	, commiscion Expir		

2024-2105-A

MARYLAND

My Commission Expires April 29, 2025

REV. 10/12/11



#### ZONING PROPERTY DESCRIPTION FOR 9116 AVENUE A 15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT **BALTIMORE COUNTY, MARYLAND**

Located on the North side of Avenue A East of the intersection of Avenue A and Old Road Bay Front. Being Lot #1 as shown on the plat of "Old Road Bay", which is recorded among the land records of Baltimore County in Plat Book W.P.C. No. 7, Folio 70.

Containing a net area of 12,474 square feet or 0.29 acres +/-.



PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 16597, EXPIRATION DATE: 08-15-2025

#### **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 14, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0105-A

Address: 9116 AVENUE A Legal Owner: Kramer Whitelaw

Zoning Advisory Committee Meeting of May 7, 2024.

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

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

The subject property is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is proposing to construct a pier in the same location as the existing pier structure with boat lifts proposed on each side. The boat lift on the eastern side is proposed to encroach within the required setback from the divisional property lines for waterfront construction. No additional development is currently proposed on land within the Critical Area buffer. Adhering to requirements for pier width/length and platform area allowances, and meeting all other state and county requirements for construction in tidal waters will minimize impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

There are no rare, threatened or endangered species, any species in need of conservation, or colonial bird nesting habitats indicated for this location. If the pier construction meets Critical Area requirements, and all other state and county requirements, that 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;

Provided that the applicants meet all Critical Area pier requirements, and obtain approval from the Maryland Department of the Environment for the pier, the relief requested will be consistent with established Critical Area policies.

Reviewer: Paul Dennis, Environmental Impact Review

### **CERTIFICATE OF POSTING**

	2024-0105-A
	RE: Case No.:
	Petitioner/Developer:
	Kramer Whitelaw
	May 13, 2024 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Jeff Perlow:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjur posted conspicuously on the property located at:	
9116 Avenue A	SIGN 1
Apr The sign(s) were posted on	il 28, 2024
(Mon	nth, Day, Year)



Sincerely,

April 28, 2024

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

#### INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: May 2, 2024

Department of Permits, Approvals

**FROM:** Vishnu Desai, Supervisor

Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting

Case 2024-0105-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 2400100555F 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.

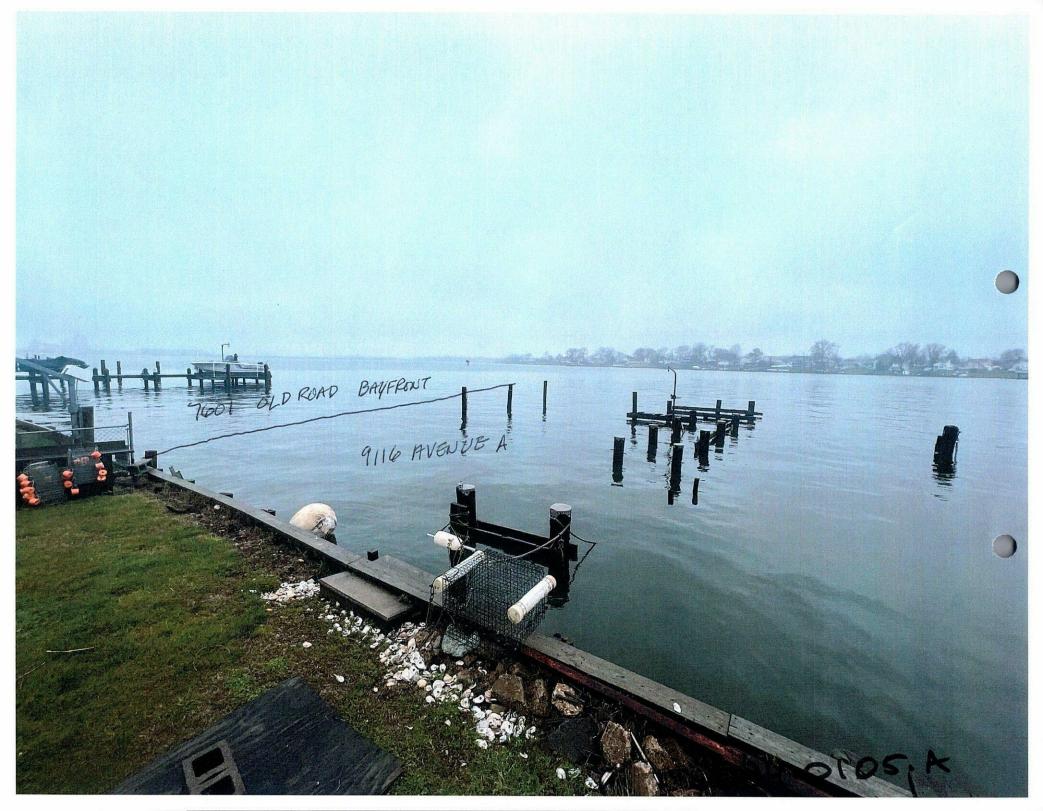
Recreations & Parks: No Greenways affected.



#### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case N	umber: 2024 - 0105 -	A Address 9116 A	venue A	
Contac	t Person:Planr	ner, Please Print Your Name		Phone Number: 410-887-3391
Filing [	Date: 4-19-2024	Posting Date: <u>128</u>	2024 Clo	sing Date: 5-132024
	ntact made with this office t person (planner) using the		he administrative	variance should be through the
1.	petitioner is responsible for sign posters on the appro	or all printing/posting cost: ved list and the petitioner be visible on the property	s. Any reposting is again responsi	on the approved list and the must be done only by one of the ble for all associated costs. The e posting date noted above. It
2.	file a formal request for a	ate is the deadline for a n public hearing. Please und ess is not complete on the	lerstand that ever	t or owner) within 1,000 feet to n if there is no formal request for
3.	may: (a) grant the reques for a public hearing. If a notification as to whether	ted relief; (b) deny the req II County/State agencies' the petition has been gra	uested relief; or ( comments are re inted, denied, or	nistrative Law Judge. The judge of order that the matter be set in eceived, you will receive written will proceed to a public hearing. It written order will be mailed to
4.	to a neighbor's formal reforwarded to you. The significant	equest or by order of the gn on the property must be sign was originally posted	e Administrative e changed giving	to a public hearing (whether due Law Judge), notification will be notice of the hearing date, time this change and a photograph of
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Petitio	ner's Name: \\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	er WhiTelaw	_ Telephone (C	ell) 443-831-0927
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## Real Property Data Search ( ) Search Result for BALTIMORE COUNTY

View Map	View GroundRent Red	emption	View GroundRent Registration		
Special Tax Recaptu	re: None		*		
Account Identifier:	District - 15 A	ccount Number	- 1506572050		
	Owr	ner Informat	ion		
Owner Name:	WHITELAW K	RAMER J	Use: Principal Residence	RESIDENTIAL	
Mailing Address:	9116 AVENUE BALTIMORE N	E A MD 21219-2406	Deed Reference:	/44459/ 00022	
	Location &	Structure Ir	nformation		
Premises Address:	9116 AVENUE BALTIMORE 2 Waterfront		Legal Description:	NWS AVENUE A T B TODD JR PLAT	
	ighborhood: Subdivision	: Section: Block	: Lot: Assessment Ye	ar: Plat No:	
	140129.04 0000		1 2024	Plat Ref: 0007/ 00	
Town: None					
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	Val	ue Informati	on		
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	2000 72100	As of	As of	As of	
		01/01/2024	07/01/2023	07/01/2024	
Land:	229,800	238,400			
Improvements	101,900	170,600			
Total:	331,700	409,000	331,700	357,467	
Preferential Land:	0	0			
	Trans	sfer Informa	tion		
Seller: EKHOLM NAN	NCYS Dat	te: 04/06/2021		Price: \$0	
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Seller: EKHOLM GUN	NNAR JOHN, JR Dat	te: 03/13/1978		Price: \$0	
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State:	000		0.00		
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