



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 18, 2024

Jennifer Busse, Esquire – jbusse@rosenbergmartin.com
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petitions for Special Hearing & Variance
Case No. 2024-0110-SPHA
Property: 2402 Holly Neck Road

Dear Ms. Busse:

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 dark ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being the most prominent part.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

Enclosure

c: Brian Mastervich - brian.a.mastervich@usace.army.mil
Don and Jackie Atkins- sixate7@yahoo.com
Patricia Norman- pnorman809@gmail.com
Chris Miller -customcall21@yahoo.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(2402 Holly Neck Road)	*	OFFICE OF
15 th Election District		
7th Council District	*	ADMINISTRATIVE HEARINGS
Donald and Jacklyn Atkins		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
 Petitioners	*	 Case No. 2024-0110-SPHA
 * * * * *		 * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owner, Donald R. Atkins and Jacklyn R. Atkins, his wife, (the “Petitioners”) for the property located at 2402 Holly Neck Road, Middle River (the “Property”). A Petition for Special Hearing was requested under the Baltimore County Zoning Regulations (“BCZR”), §500.7 to alter the minimum lot size requirement in the RC5 pursuant to BCZR, §1A04.3.B.1.b.(1). Variance relief was also filed as follows:

1. In the alternative to the Petition for Special Hearing, from BCZR, §1A04.3.B.1.a to permit the construction of a dwelling on a lot having an area of 0.769 acres in lieu of the otherwise required 1.5 acres;
2. From BCZR §1A04.3.B.2.b to allow a building setback of 40 ft to the centerline of a street in lieu of the otherwise required 75 ft;
3. From BCZR, §1A04.3.B.2.b. to allow side setbacks of 18 ft to a lot line in lieu of the otherwise required 50 ft;
4. From BCZR, §400.1 to allow an accessory structure in the front yard (water side) in lieu of the otherwise required rear yard placement.
5. From BCZR, §400.3 to allow an accessory building (garage) height 25 ft in lieu of the otherwise permitted 15 ft.

A public WebEx hearing was conducted on June 17, 2024, virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners appeared at the hearing

in support of the Petition along with John Motsco, PE of DS Thaler & Associates, the civil engineering firm who prepared and sealed a redlined site plan (the “Redlined Site Plan”). (Pet. Ex. 2). Jennifer Busse, Esquire of Rosenberg Martin and Greenberg, LLP represented the Petitioners. The following neighboring property owners were present at the hearing: Brian Mastervich, 807 Cedar Grove Rd. who provided a letter of support (See File); Chris Miller, 2406 Cedar Grove Rd.; and Patricia Norman, 809 Cedar Grove Rd.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) which agency did not oppose the requested relief. Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) provided the following comment:

The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F 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 Department of Environmental Protection and Sustainability (“DEPS”) provided a comment that the Property is located within a Limited Development Area (LDA) is therefore subject to the Chesapeake Bay Critical Area (“CBCA”) regulations. As shown on the Redlined Site Plan, DEPS is opposed to the placement/location of the shed on the waterfront side because it is currently positioned inside the CBCA buffer.

The Property consists of Lots 16 and 17 as created on the Plat of Cedar Grove Holly Neck recorded in the Land Records of Baltimore County on January 4, 1941 (Liber CWB, Jr 12, folio 122). (Pet. Ex. 4). Collectively the lots measure 0.769 acres +/- (Lot 16 – 0.331 ac +/-; Lot 17 – 0.438 ac +/-) and are located on the waterfront on Sue Creek. The Property is unimproved, except

for the remains of a foundation for a dwelling and a foundation for an accessory structure located on water front side. While the lots are 50 ft. wide and long and narrow as shown on the Cedar Grove Plat, together, the lots are irregularly shaped as shown on the Redlined Site Plan. (Pet. Ex. 2). The existing access to the Property is via a gravel driveway between Lot 17 and Holly Neck Rd. as set forth in the Deed of Easement dated August 29, 2013 and recorded in the Land Records of Baltimore County on September 26, 2013 (Liber 34194, folio 226). (Pet. Ex. 3, 6). There is no access to the Property from Cedar Grove Rd. (Pet. Ex. 2). The Property has been zoned Resource Conservation, Rural Residential (RC 5) since 1984. (Pet. Exs. 12, 13).

Petitioners are proposing to construct a 3,880 sf replacement dwelling to be used as their home. The home will be less than the maximum height of 35 ft. An aerial photograph of the waterfront community shows the proposed replacement dwelling, detached garage and shed superimposed onto it, and also shows the Property is surrounded by other residential properties. (Pet. Ex. 5). Architectural renderings and elevations were provided showing the front door of the proposed home will face the Holly Neck Rd. (Pet. Ex. 7). Given that the home cannot have a basement, the replacement dwelling will have an attached garage for storage. Petitioners testified that they are also requesting to construct a 750 sf detached garage with a parking pad on the street side of the Property. The garage would be 10 ft. taller than the maximum permitted in order to have a storage area above the first-floor garage level where they would park their vehicles. Additionally, Petitioners explained that they wish to repurpose the existing footings for an accessory structure on the waterfront side into a 308-sf shed (15 ft. height).

Mr. Motsco, who was admitted as an expert civil engineer, and in zoning and development, testified that the right-of-way for Cedar Grove Rd. extends to the front of Lot 16 but does not include Lot 17. However, the portion of Cedar Grove Rd. in front of the Property was never

dedicated to the County, and all public improvements end at Lots 13 and 14. The property owned by Brian Mastervich has a small parcel which extends to Cedar Grove Rd. and which provides him with access to Cedar Grove Rd. Mr. Motsco explained that given the RC5 zoning has been applied to the Property since 1984, the Property can not be developed under the RC5 bulk regulations without Variance relief. However, the improvements will meet the RC5 lot coverage for buildings at 12.2%. With regard to the proposed shed on the waterfront side, Mr. Motsco testified that Petitioners want to reuse the existing footers to minimize disturbance within the CBCA. Importantly, Mr. Motsco stated that the CBCA buffer shown on the Redlined Site Plan will change, and that, as a result, he anticipates the shed will be located outside the CBCA buffer. The proposed improvements meet the CBCA lot coverage requirements. Mr. Motsco also stated that he will be assisting the Petitioners in obtaining other environmental Variance relief.

Neighboring property owner Chris Miller asked questions about access and legal ownership issues regarding Cedar Grove Rd. Otherwise, Mr. Miller was not opposed to the requested zoning relief. Patricia Norman objected to the size and height of the detached garage.

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.

"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).

The Petition for Special Hearing requests approval of Lots 16 and 17 as existing lots of record as recorded in Land Records of Baltimore County on the Cedar Grove Plat prior to September 2, 2003, in accordance with BCZR, §1A04.3.B.1.b(1). Additionally, the primary reason for the minimum 1.5 acre lot size is to have sufficient land for a private septic system to operate. Yet, this Property, it will be serviced by a public water and public sewer from connections on Holly Neck Rd. Based on the Cedar Grove Plat and the connection to public water and sewer, the Petition for Special Hearing will be granted.

VARIANCE

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).

With regard to Variance relief requested in the alternative to Special Hearing relief to alter the minimum lot size for an RC5 zone, given that the Petition for Special Hearing will be granted, this Variance relief is not needed and will be dismissed as moot.

I find that the Property is unique due to its irregular shape as depicted on the Redlined Site Plan. (Pet. Ex. 2). With regard to the setback Variance relief, because the width of the Property

is only 100 ft, a new home cannot be constructed and also meet the require side yard setback of 50 ft. Additionally, given the irregular shape and its unique position abutting Cedar Grove Rd. on Lot 16, but not 17, the Property also cannot meet the required 75 ft setback to the centerline of Cedar Grove Rd. As such, I find the Petitioners would suffer a practical difficulty and unreasonable hardship if the side yard setback, and setback to the centerline of the street, were not granted because the Property could not be used to construct a residence.

With regard the detached garage on the street side, based on the Zoning Commissioner's Policy Manual ("ZCPM") adopted in 2023 (S-22, p. 108), the waterfront side has been determined to the 'front' yard for the purposes of determining orientation. Accordingly, the detached garage does not need Variance relief for its rear yard location but the proposed shed does. The uncontroverted evidence was that the shed would be constructed using the existing footers to minimize disturbance. While DEPS has objected to the shed location because it is currently within the CBCA buffer shown on the Redlined Site Plan, Mr. Motsco testified that the CBCA buffer will move and that the shed will ultimately be located outside the CBCA buffer. Consequently, a condition will be placed in the Order for the Petitioners to comply with the DEPS ZAC comment and/or to work with DEPS toward a resolution of the position of the shed.

In considering the single objection to the detached garage, Petitioners meet all of the bulk regulations for the garage other than the requested additional 10 ft. in height which is needed for storage. The proposed height is not uncommon for waterfront property detached garages due to need for storage space and absence of basements in waterfront homes. The garage would provide the dual purpose of storage space and a first floor area to park vehicles. I also note that, not only do the Normans have a detached garage of similar scale, the proposed garage would not have a negative impact on the Norman property as Cedar Grove Rd. does not extend to the Property here.

The extent of the roadway/pavement terminates at the Mastervich property. The additional 10 ft in garage height will not cause any safety concerns or impact site distances for adjoining property owners. I find that all of the requested Variance relief (except for Variance relief for lot size which relief will be dismissed) 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 18th 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 alter the minimum lot size requirement in the RC5, be and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that in the alternative, Petition for Variance from the BCZR §1A04.3.B.1.a to permit the construction of a dwelling on a lot having an area of 0.769 acres in lieu of the otherwise required 1.5 acres be and is hereby **DISMISSED AS MOOT**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR §1A04.3.B.2.b to allow a building setback of 40 ft to the centerline of a street in lieu of the otherwise required 75 ft, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §1A04.3.B.2.b. to allow side setbacks of 18 ft to the lot lines in lieu of the otherwise required 50 ft, be and they are hereby **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §400.1 to allow an accessory structure in the front yard (water side) in lieu of the otherwise required placement be, and it is hereby, **GRANTED** subject to the condition below; and

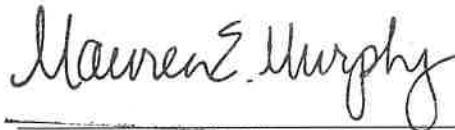
IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §400.3. to allow an accessory building (garage) height 25 ft in lieu of the otherwise permitted 15 ft, be and is hereby

GRANTED.

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 DOP, DPR/DPWT, and DEPS ZAC comments, copies of which are attached hereto and made a part hereof. With regard to the location of the shed, Petitioners will work with DEPS toward a resolution to the satisfaction of DEPS.
3. The Redlined Site Plan (Pet. Ex. 2) is attached hereto and incorporated herein.
4. Petitioners and/or subsequent owners shall not convert the detached garage and/or shed into a dwelling unit or apartment. The detached garage and/or shed shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
5. The detached garage and/or shed shall also not be used for commercial or industrial purposes.
6. The detached garage and/or shed shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home. The detached garage and/or shed shall not have separate water connection and shall connect to the water in the home.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/2/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0110-SPH

INFORMATION:

Property Address: 2402 Holly Neck Road
Petitioner: Donald R. and Jacklyn R. Atkins
Zoning: RC 5
Requested Action: Special Hearing and Variance

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

Special Hearing -

- a. To alter the minimum lot size requirement in the RC 5 zone per BCZR Section 1A04.3. B.1.b.(l).

Variance -

- a. To allow a building setback of 40 feet to the centerline of a street in lieu of the otherwise required 75 feet per BCZR Section 1A04.3.B.2.b.
- b. Alternative to the special hearing, permit the construction of a dwelling on a lot having an area of .769 of an acres in lieu of the otherwise required 1.5 acres per BCZR Section 1A04.3. B.1.a.
- c. To allow side setbacks of 18 feet to a lot line in lieu of the otherwise required 50 feet per BCZR Section 1A04.3.B.2.b.
- d. To allow an accessory structure in the front yard (water side) in lieu of the otherwise required placement per BCZR Section 400.1.
- e. To allow a garage height of 25 feet in lieu of the otherwise permitted 15 feet per BCZR Section 400.3. Any further relief deemed required by the Administrative Law Judge.

The subject property is located at Holly Neck Road in the Back River Neck area of Baltimore County. The property consists of an approximately 21, 286 SF parcel. The applicant intends to build a single-family dwelling and a garage. The property currently has a dilapidated building on it, which is proposed to be razed. The property is surrounded by the Chesapeake Bay, detached residential dwellings, forest conservations, and a marina

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.

Upon verifying the submitted lot dimensions on GIS, it becomes clear that the property is a narrow strip that does not meet the established criteria for lot size and setback requirements. Consequently, the requests are warranted. The proposed development does not appear to alter the character of the RC 5 zone nor does it impact the environment adversely. It should also be noted that the requests are not uncommon for the area.

The Department has no objections to the requests with the following conditions:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
3. The accessory structure shall not be used for commercial or industrial purposes.

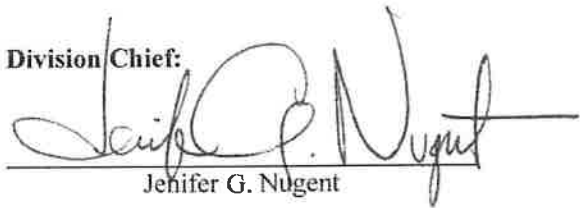
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

c: Jennifer Busse, Rosenberg Martin Greenberg LLP
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0110-SPHA

DATE: May 2, 2024

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=8.5) per panel FIRM 2400100445F 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.

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 # 2024-0110-SPHA
Address: 2402 HOLLY NECK RD
Legal Owner: Donald & Jacklyn Atkins

Zoning Advisory Committee Meeting of May 7, 2024.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

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. Critical Area lot coverage (defined in State of Maryland Natural Resources Article §8-1802(a)(17)) is limited to 15%, or a maximum of 5,445 square feet, if approved, and with mitigation for the amount over 15%. Also, a Critical Area buffer covers part of the property. The current plan would require a Chesapeake Bay Critical Area administrative variance for buffer impacts, and for the required 35-foot principal structure setback from the buffer. In addition, the site needs to be evaluated for forest/developed woodland and must comply with Critical Area forest/developed woodland requirements. DEPS will not allow a new accessory structure to be located within the buffer, and requests that the applicant explore alternatives to move the dwelling farther south to minimize buffer and buffer setback impacts.

2. Conserve fish, wildlife, and plant habitat;

While the Critical Area buffer and forest/developed woodland retained will be required to be protected in a Critical Area easement to help conserve fish, wildlife, and plant habitat, the applicant needs to explore alternate layouts to further minimize impacts to the required buffer. Please note that it appears that the expanded buffer shown on the plan may be reduced in the southwestern area of the property. In addition, the proposed shed needs to be moved out of the buffer.

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.

To be consistent with established land-use policies, the applicant needs to explore alternate layouts that avoid, or further minimize Critical Area buffer and buffer setback impacts.

Reviewer: Paul Dennis, Environmental Impact Review



VICINITY MAP
SCALE 1"=1/4"

SITE DATA

1. SITE AREA: 1.00 AC.
2. ZONING: RC-5 (RECREATION-COMMERCIAL)
3. ADJACENT PROPERTIES: TO THE NORTH, 1.00 AC. OF LAND OWNED BY [REDACTED]; TO THE SOUTH, 1.00 AC. OF LAND OWNED BY [REDACTED]; TO THE WEST, 1.00 AC. OF LAND OWNED BY [REDACTED]; TO THE EAST, 1.00 AC. OF LAND OWNED BY [REDACTED].
4. EXISTING UTILITIES: [REDACTED]
5. EXISTING BUILDINGS: [REDACTED]
6. EXISTING DRIVEWAYS: [REDACTED]
7. EXISTING FENCES: [REDACTED]
8. EXISTING TREES: [REDACTED]
9. EXISTING TOPOGRAPHY: [REDACTED]
10. EXISTING ELEVATIONS: [REDACTED]
11. EXISTING DISTANCES: [REDACTED]
12. EXISTING DIRECTIONS: [REDACTED]
13. EXISTING BEARINGS: [REDACTED]
14. EXISTING CURVES: [REDACTED]
15. EXISTING SLOPES: [REDACTED]
16. EXISTING VOLUMES: [REDACTED]
17. EXISTING WEIGHTS: [REDACTED]
18. EXISTING PRESSURES: [REDACTED]
19. EXISTING TEMPERATURES: [REDACTED]
20. EXISTING HUMIDITIES: [REDACTED]
21. EXISTING WINDS: [REDACTED]
22. EXISTING WAVES: [REDACTED]
23. EXISTING CURRENTS: [REDACTED]
24. EXISTING TIDES: [REDACTED]
25. EXISTING FLOODS: [REDACTED]
26. EXISTING DROUGHTS: [REDACTED]
27. EXISTING EARTHQUAKES: [REDACTED]
28. EXISTING FIRES: [REDACTED]
29. EXISTING PESTS: [REDACTED]
30. EXISTING WEATHER: [REDACTED]

REQUESTED RELEASE

1. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
2. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
3. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
4. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
5. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
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20. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
21. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
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27. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
28. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
29. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.
30. RELEASE OF THE PROJECT FROM THE [REDACTED] ZONING DISTRICT.

100 YEAR BASE FLOOD ELEVATIONS

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]
11. [REDACTED]
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. [REDACTED]
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. [REDACTED]
24. [REDACTED]
25. [REDACTED]
26. [REDACTED]
27. [REDACTED]
28. [REDACTED]
29. [REDACTED]
30. [REDACTED]

CRITICAL AREA LOT CONTINGUE

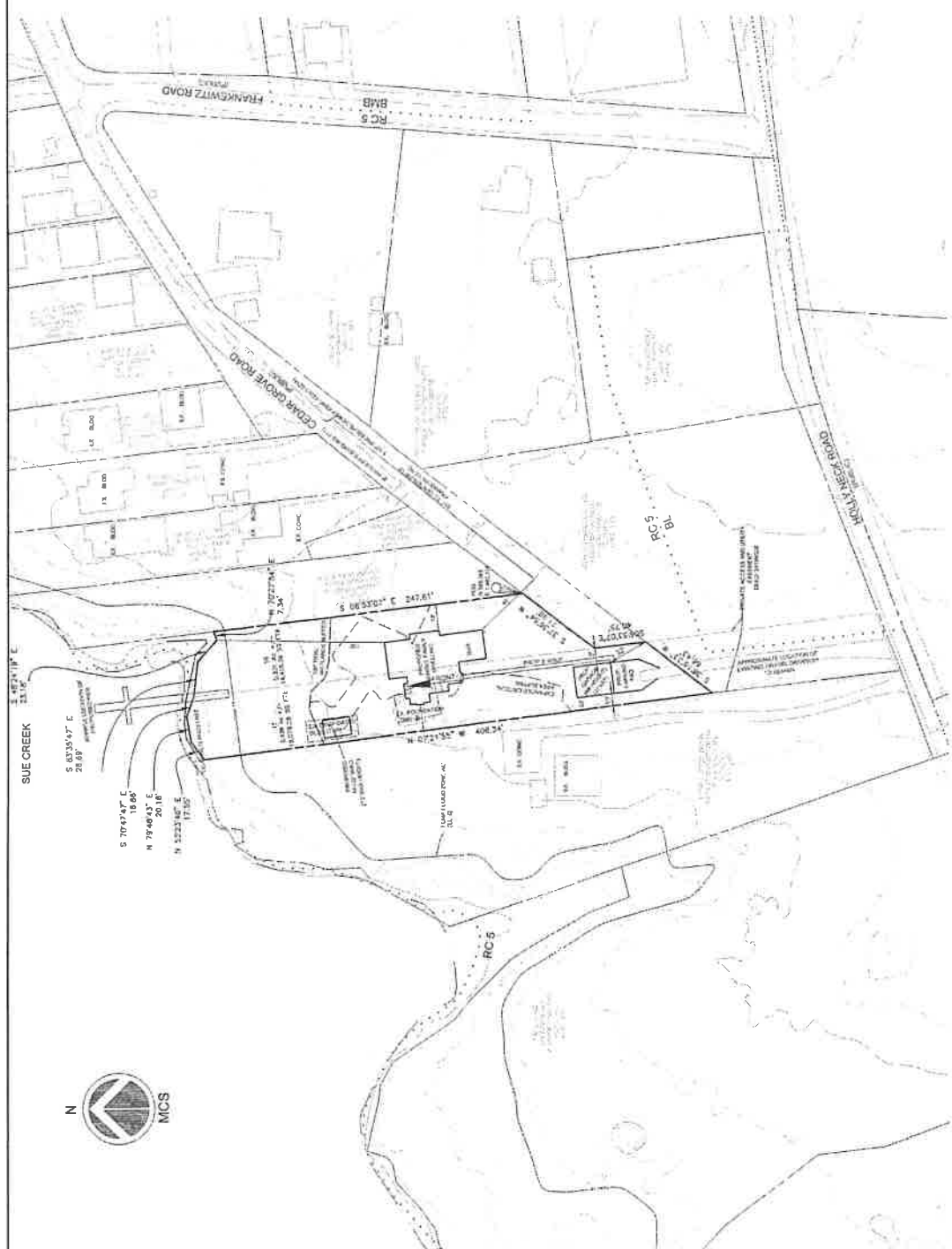
SYSTEM	IN	OUT	LOSS
1. [REDACTED]	1.00	0.00	1.00
2. [REDACTED]	1.00	0.00	1.00
3. [REDACTED]	1.00	0.00	1.00
4. [REDACTED]	1.00	0.00	1.00
5. [REDACTED]	1.00	0.00	1.00
6. [REDACTED]	1.00	0.00	1.00
7. [REDACTED]	1.00	0.00	1.00
8. [REDACTED]	1.00	0.00	1.00
9. [REDACTED]	1.00	0.00	1.00
10. [REDACTED]	1.00	0.00	1.00
11. [REDACTED]	1.00	0.00	1.00
12. [REDACTED]	1.00	0.00	1.00
13. [REDACTED]	1.00	0.00	1.00
14. [REDACTED]	1.00	0.00	1.00
15. [REDACTED]	1.00	0.00	1.00
16. [REDACTED]	1.00	0.00	1.00
17. [REDACTED]	1.00	0.00	1.00
18. [REDACTED]	1.00	0.00	1.00
19. [REDACTED]	1.00	0.00	1.00
20. [REDACTED]	1.00	0.00	1.00
21. [REDACTED]	1.00	0.00	1.00
22. [REDACTED]	1.00	0.00	1.00
23. [REDACTED]	1.00	0.00	1.00
24. [REDACTED]	1.00	0.00	1.00
25. [REDACTED]	1.00	0.00	1.00
26. [REDACTED]	1.00	0.00	1.00
27. [REDACTED]	1.00	0.00	1.00
28. [REDACTED]	1.00	0.00	1.00
29. [REDACTED]	1.00	0.00	1.00
30. [REDACTED]	1.00	0.00	1.00

PROFESSIONAL CERTIFICATE
I, [REDACTED], a duly licensed Professional Engineer in the State of Maryland, do hereby certify that the above information is true and correct to the best of my knowledge and belief, and that I am a duly licensed Professional Engineer in the State of Maryland.



PREPARED BY: [REDACTED]
DATE: [REDACTED]

ZONING VARIANCE PLAN
2402 HOLLY NECK ROAD
DISTRICT 1657
BALTIMORE COUNTY, MD
APRIL 13, 2024
SCALE: 1"=40'



DSThaler & ASSOC., LLC
CORPORATE ARCHITECTURAL & LANDSCAPE ARCHITECTURE
1111 BALTIMORE AVENUE, SUITE 1000
BALTIMORE, MD 21202
TEL: 410.528.1234
WWW.DSTHALER.COM



PETITION FOR ZONING HEARING(S)

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:

Address 2402 Holly Neck Road

which is presently zoned RC-5

Deed References: 45416/272

10 Digit Tax Account # 1 5 2 3 3 5 1 3 4 0 *

Property Owner(s) Printed Name(s) Donald R. & Jacklyn R. Atkins

1 5 2 3 3 5 1 3 4 2

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

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

pls see attached

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

3. ☒ **a Variance** from Section(s)

pls 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 hrg

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name- Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Donald R. Atkins / Jacklyn R. Atkins

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

5803 Lytle Road White Marsh MD
Mailing Address City State

21162 /
Zip Code Telephone # Email Address

Representative to be contacted:

Jennifer Busse - Rosenberg Martin Greenberg LLP

Name - Type or Print

Signature

25 S. Charles Street, 21st FL Baltimore MD
Mailing Address City State

21201 / 410-727-8647 / jbusse@rosenbergmartin.com
Zip Code Telephone # Email Address

CASE NUMBER 2024-0110-SPHA Filing Date 4/22/2024 Do Not Schedule Dates: Reviewer CP

Attachment to Zoning Petitions

2402 Holly Neck Road

Petition for Variance to allow a building setback of 40 feet to the centerline of a street in lieu of the otherwise required 75 feet per BCZR Section 1A04.3.B.2.b.

Petition for Variance to allow side setbacks of 18 feet to a lot line in lieu of the otherwise required 50 feet per BCZR Section 1A04.3.B.2.b.

Petition for Special Hearing to alter the minimum lot size requirement in the RC 5 zone per BCZR Section 1A04.3.B.1.b.(1).

In the alternative, Petition for Variance to permit the construction of a dwelling on a lot having an area of .769 of an acre in lieu of the otherwise required 1.5 acres per BCZR Section 1A04.3.B.1.a.

Petition for Variance to allow an accessory structure in the front yard (water side) in lieu of the otherwise required placement per BCZR Section 400.1.

Petition for Variance to allow a garage height of 25 feet in lieu of the otherwise permitted 15 feet per BCZR Section 400.3.

Any further relief deemed required by the Administrative Law Judge.

4855-3027-6784, v. 2

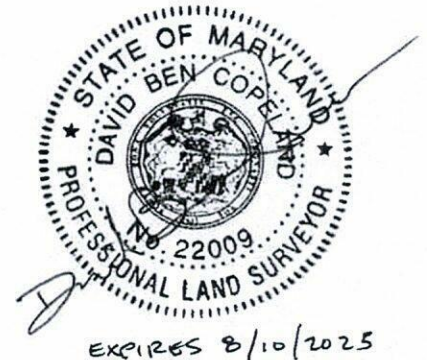
2024-0110-SHA

ZONING DESCRIPTION

2402 Holly Neck Road

Beginning for the same 162 feet north of the northerly side of Holly Neck Road and 440 feet westerly of the intersection of Frankewitz Road and Holly Neck Road in Baltimore County, Maryland, thence running the following eleven (11) courses and distances:

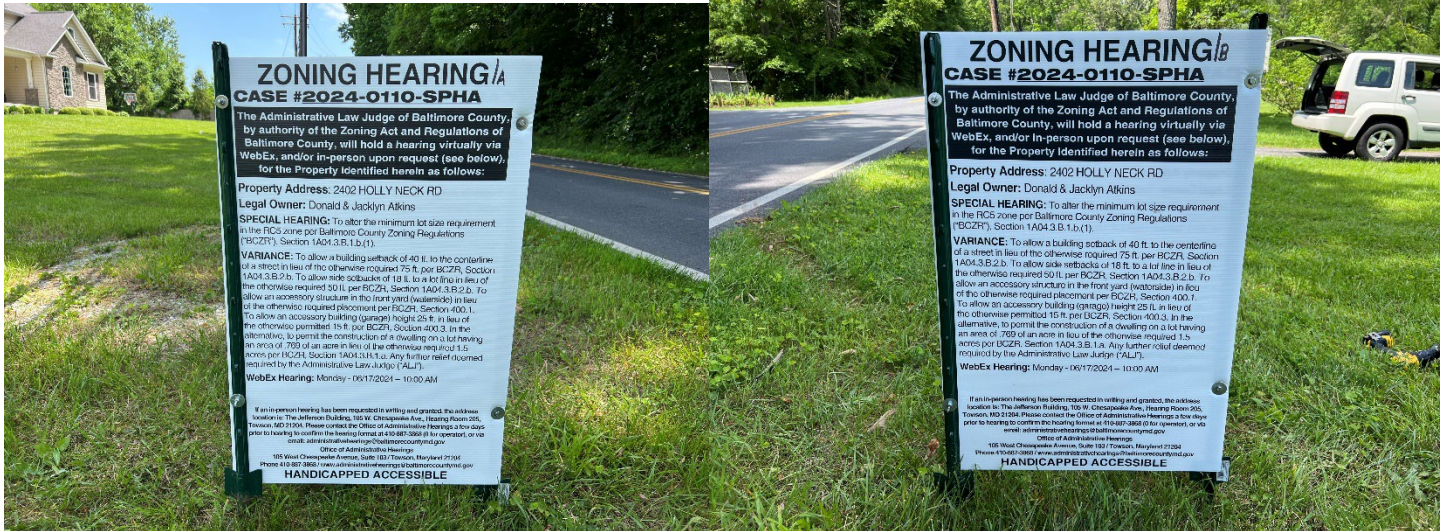
1. North 07°21'55" West 406.34 feet to a point; thence,
2. North 53°23'46" East 17.55 feet to a point; thence,
3. North 79°48'43" East 20.16 feet to a point; thence,
4. South 70°47'47" East 16.86 feet to a point; thence,
5. South 83°35'47" East 28.69 feet to a point; thence.
6. South 48°24'19" East 23.18 feet to a point; thence,
7. North 70°27'54" East 7.34 feet to a point; thence,
8. South 06°53'07" East 247.61 feet to a point; thence,
9. South 37°36'54" West 71.98 feet to a point; thence,
10. South 06°53'07" East 40.64 feet to a point; thence,
11. South 38°16'33" West 66.43 feet to the point of beginning.



Containing 33,499 square feet or 0.769 acres of land, more or less.

Being located in the Fifteenth Election District and the Seventh Councilmanic District of Baltimore County, Maryland.

2024-0110-SPNA



Certificate of Posting

Case# 2024-0110-SPHA

Petitioner/Developer

Rosenberg Martin Greenberg

Jennifer Busse

Date of Hearing/Closing

June 17, 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

2402 Holly Neck Road On May 24, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

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 # 2024-0110-SPHA
Address: 2402 HOLLY NECK RD
Legal Owner: Donald & Jacklyn Atkins

Zoning Advisory Committee Meeting of May 7, 2024.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

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. Critical Area lot coverage (defined in State of Maryland Natural Resources Article §8-1802(a)(17)) is limited to 15%, or a maximum of 5,445 square feet, if approved, and with mitigation for the amount over 15%. Also, a Critical Area buffer covers part of the property. The current plan would require a Chesapeake Bay Critical Area administrative variance for buffer impacts, and for the required 35-foot principal structure setback from the buffer. In addition, the site needs to be evaluated for forest/developed woodland and must comply with Critical Area forest/developed woodland requirements. DEPS will not allow a new accessory structure to be located within the buffer, and requests that the applicant explore alternatives to move the dwelling farther south to minimize buffer and buffer setback impacts.

2. Conserve fish, wildlife, and plant habitat;

While the Critical Area buffer and forest/developed woodland retained will be required to be protected in a Critical Area easement to help conserve fish, wildlife, and plant habitat, the applicant needs to explore alternate layouts to further minimize impacts to the required buffer. Please note that it appears that the expanded buffer shown on the plan may be reduced in the southwestern area of the property. In addition, the proposed shed needs to be moved out of the buffer.

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.

To be consistent with established land-use policies, the applicant needs to explore alternate layouts that avoid, or further minimize Critical Area buffer and buffer setback impacts.

Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 2, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0110-SPHA

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=8.5) per panel FIRM 2400100445F 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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/2/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0110-SPH

INFORMATION:

Property Address: 2402 Holly Neck Road
Petitioner: Donald R. and Jacklyn R. Atkins
Zoning: RC 5
Requested Action: Special Hearing and Variance

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

Special Hearing -

- a. To alter the minimum lot size requirement in the RC 5 zone per BCZR Section 1A04.3. B.1.b.(l).

Variance -

- a. To allow a building setback of 40 feet to the centerline of a street in lieu of the otherwise required 75 feet per BCZR Section 1A04.3.B.2.b.
- b. Alternative to the special hearing, permit the construction of a dwelling on a lot having an area of .769 of an acres in lieu of the otherwise required 1.5 acres per BCZR Section 1A04.3. B.1.a.
- c. To allow side setbacks of 18 feet to a lot line in lieu of the otherwise required 50 feet per BCZR Section 1A04.3.B.2.b.
- d. To allow an accessory structure in the front yard (water side) in lieu of the otherwise required placement per BCZR Section 400.1.
- e. To allow a garage height of 25 feet in lieu of the otherwise permitted 15 feet per BCZR Section 400.3. Any further relief deemed required by the Administrative Law Judge.

The subject property is located at Holly Neck Road in the Back River Neck area of Baltimore County. The property consists of an approximately 21, 286 SF parcel. The applicant intends to build a single-family dwelling and a garage. The property currently has a dilapidated building on it, which is proposed to be razed. The property is surrounded by the Chesapeake Bay, detached residential dwellings, forest conservations, and a marina

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.

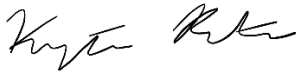
Upon verifying the submitted lot dimensions on GIS, it becomes clear that the property is a narrow strip that does not meet the established criteria for lot size and setback requirements. Consequently, the requests are warranted. The proposed development does not appear to alter the character of the RC 5 zone nor does it impact the environment adversely. It should also be noted that the requests are not uncommon for the area.

The Department has no objections to the requests with the following conditions:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR. Architectural elevations must be submitted to the Department of Planning for review at permitting.
2. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
3. The accessory structure shall not be used for commercial or industrial purposes.

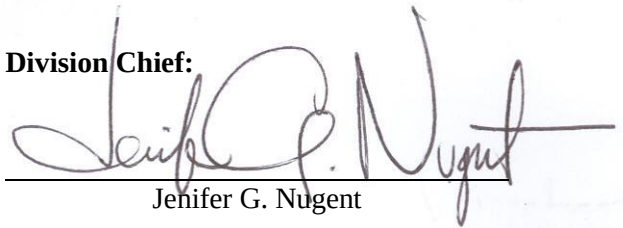
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jennifer Busse, Rosenberg Martin Greenberg LLP
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

SE 2-K
098B3

7 CD
RC 5

15 ED

BL

RC 20

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

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: 2024-0110-SPAA
Property Address: 2402 Holly Neck Rd
Legal Owners (Petitioners): Don & Jacklyn Atkins
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): RMG c/o Jennifer Busse, Esq.
Address: 25 S. Charles St.
21st Floor
Balto MD 21201
Telephone Number: ~~410~~ 443 255 3405

*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.

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

No. 229862

Date: 4-22-2024

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	SD6	0000	0000	6150					150.00

Total: 150.00

Rec From: 2402 Holly Neck Rd

For: 2024-0110 - SPHA

RC 5

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

24-0272

CF



Rosenberg
Martin
Greenberg
LLP

ATTORNEY OPERATING ACCOUNT
25 SOUTH CHARLES STREET, 21ST FLOOR
BALTIMORE, MARYLAND 21201
(410) 727-6600



60-1809/433

90281

PAY:

One Hundred Fifty Dollars and 00/100

NUMBER

90281

DATE

3/19/2024

AMOUNT

150.00

TO THE
ORDER
OF

Baltimore County



VOID AFTER 90 DAYS

Barth

090281 0433180921 60152100

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 - 1523351340

Owner Information

Owner Name: ATKINS DONALD R
ATKINS JACKLYN R

Use: RESIDENTIAL
Principal Residence: NO

Mailing Address: 5803 LYTLE RD
WHITE MARSH MD 21162

Deed Reference: /45416/ 00272

Location & Structure Information

Premises Address: 2402 HOLLY NECK RD
ESSEX 21221-
Waterfront

Legal Description: CEDAR GROVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0098 0021 0001 15080078.04 0000 17 2024 Plat Ref: 0012/ 0122

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
21,286 SF 34

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value		Phase-in Assessments	
		As of	As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024	
Land:	114,800	196,100			
Improvements	0	0			
Total:	114,800	196,100	114,800	141,900	
Preferential Land:	0	0			

Transfer Information

Seller: NB CONTRACTORS INC	Date: 09/03/2021	Price: \$255,000
Type: ARMS LENGTH MULTIPLE	Deed1: /45416/ 00272	Deed2:
Seller: WHITACRE JAMES A	Date: 10/14/1998	Price: \$60,000
Type: ARMS LENGTH MULTIPLE	Deed1: /13213/ 00027	Deed2:
Seller: WHITACRE JAMES A	Date: 05/01/1984	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06703/ 00699	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:

2024-0110-SHA

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 - 1523351342

Owner Information

Owner Name: ATKINS DONALD R
ATKINS JACKLYN R

Mailing Address: 5803 LYTLE RD
WHITE MARSH MD 21162

Use: RESIDENTIAL
Principal Residence: NO
Deed Reference: /45416/ 00272

Location & Structure Information

Premises Address: CEDAR GROVE RD
ESSEX 21221-
Waterfront

Legal Description: CEDAR GROVE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0098 0021 0001 15080078.04 0000 16 2024 Plat Ref: 0012/ 0122

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
17,160 SF 34

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value			Phase-in Assessments	
		As of	As of	As of	As of	As of
Land:	17,100	01/01/2024	07/01/2023	07/01/2024		
Improvements	0	0				
Total:	17,100	17,100	17,100	17,100		
Preferential Land:	0	0				

Transfer Information

Seller: NB CONTRACTORS INC	Date: 09/03/2021	Price: \$255,000
Type: ARMS LENGTH MULTIPLE	Deed1: /45416/ 00272	Deed2:
Seller: WHITACRE JAMES A	Date: 10/14/1998	Price: \$60,000
Type: ARMS LENGTH MULTIPLE	Deed1: /13213/ 00027	Deed2:
Seller: WHITACRE JAMES A	Date: 05/01/1984	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /06703/ 00699	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

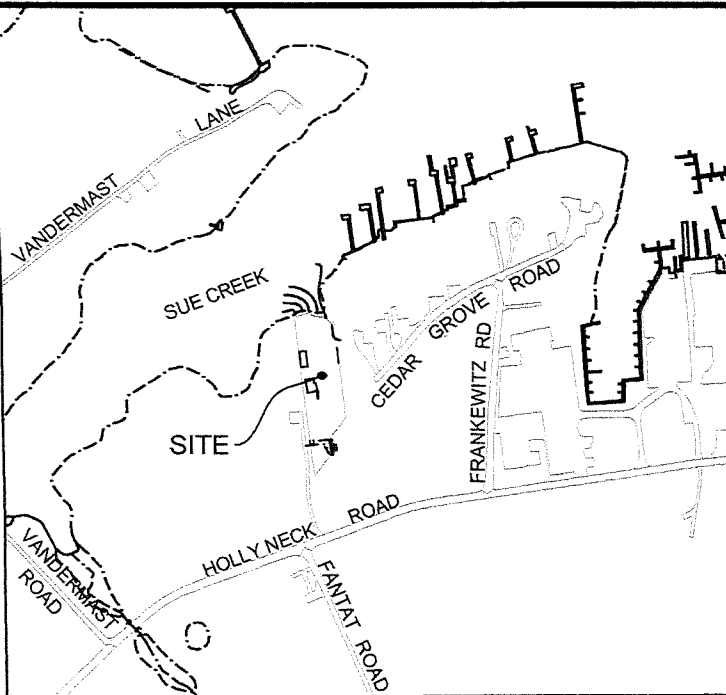
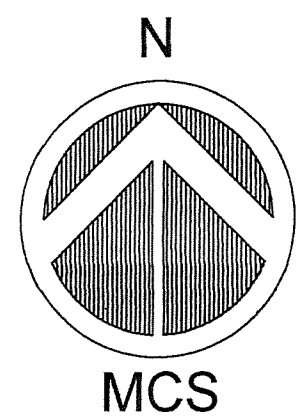
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0110-SANA



VICINITY MAP
SCALE: 1"=500'

SITE DATA

1. NET TRACT AREA: 0.769 AC ±
2. SITE IS ZONE RC-5, 200' SCALE MAP 098B3
3. OWNER: DONALD R ATKINS, JACKLYN R ATKINS
5803 LYLE RD
WHITE MARSH, MD 21162
TAX ACCOUNT NUMBERS: 1523351340
1523351342
4. TAX MAP NO.: 0098 GRID: 0021 PARCEL: 0001
5. DEED: 45416/272
6. PLAT: 12/122
7. WATERSHED: MIDDLE RIVER
8. THIS SITE IS NOT LOCATED WITHIN ANY DEFICIENT AREAS BASED ON THE 2023 BASIC SERVICES DRAFT MAPS, PURSUANT TO SECTION 4402, BC22
9. THIS SITE IS LOCATED WITHIN A TIDAL FLOOD PLAIN.
10. THIS SITE IS LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA
11. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
12. THIS SITE HAS NO ZONING VIOLATIONS.
13. CURRENT USE: VACANT
14. PROPOSED USE: RESIDENTIAL
15. PROPOSED ATTACHED GARAGE IS TO BE USED FOR RECREATIONAL STORAGE. AUTOMOBILES USED DAILY WILL BE PARKED IN OR IN FRONT OF THE DETACHED GARAGE.
16. R.C. 5 LOT COVERAGE - 12.2% OF THE PROPERTY IS PROPOSED TO BE COVERED BY BUILDINGS, LESS THAN THE MAXIMUM PERMITTED 15%.
17. PROPERTY IS NOT HISTORIC.

REQUESTED RELIEF

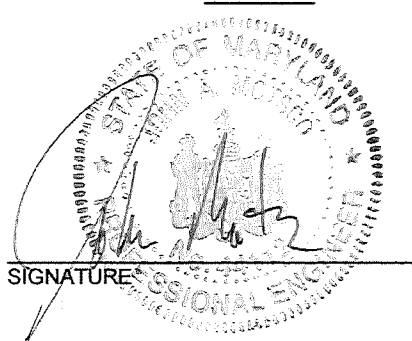
- TO PERMIT CONSTRUCTION ON A LOT HAVING AN AREA OF 0.769 ACRES IN LIEU OF THE REQUIRED 1.5 ACRES IN AN RC-5 ZONE
- 40' TO CENTERLINE OF ROAD IN LIEU OF 75'
- 18' TO LOT LINE IN LIEU OF 50'
- ACCESSORY STRUCTURE LOCATED IN THE FRONT (WATER SIDE) YARD
- HEIGHT OF AN ACCESSORY BUILDING TO BE 28' IN LIEU OF 15'

100 YEAR BASE FLOOD ELEVATIONS

FEMA FLOOD ELEVATION - ZONE AE	6.0
BALTIMORE COUNTY BASE FLOOD ELEVATION	8.5
BALTIMORE COUNTY FLOOD PROTECTION ELEVATION	9.5
BALTIMORE COUNTY DESIGN FLOOD ELEVATION	10.5
LOWEST PROPOSED FINISHED FLOOR ELEVATION	16.5

CRITICAL AREA LOT COVERAGE		
	SF	%
EXISTING	1760	5.3%
PROPOSED	5402	16.1%
PERMITTED	5445	N/A

PROFESSIONAL CERTIFICATION:
"I HEREBY CERTIFY 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 NO.: 44112, EXPIRATION DATE: 6/9/2025."



4/19/24
DATE

DSThaler
& ASSOC., LLC

CIVIL AND ENVIRONMENTAL ENGINEERS, SURVEYORS
LANDSCAPE ARCHITECTS & LAND PLANNERS

7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
410-944-3647 www.dsthaler.com

ZONING VARIANCE PLAN

2402 HOLLY NECK ROAD

DISTRICT: 15c7 BALTIMORE COUNTY, M

SCALE: 1"=40' APRIL 19, 2024

2024-0110-SAA