



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP
*Director, Department of Permits,
Approvals and Inspections*

April 25, 2025

RE: Spirit and Intent Request

3729 Chestnut Road
Tax No. 1518475480

Dear Ms. Malone:

This response refers to your March 8th, 2025 letter to Mr. Jeffery Perlow, Chief of Zoning. Your letter requests confirmation that the proposed change in location for an accessory structure is within the spirit and intent of the original order in case number 2024-0144-A. Although the new location of the building was not addressed in the order the new location has been confirmed by the neighboring properties and is found to be within the spirit of intent of the original order.

Please be advised that the documents and your request have been reviewed. Based on the information provided it has been determined that the Zoning Office can approve the relocation of the proposed building without additional zoning relief being required.

This letter is strictly limited to the application of the BCZR as applied to the S&I request presented in your letter and does not represent verification or approvals for any other Local, State or other Regulations that may apply to this property. The foregoing is merely an informal opinion. It is not an expert or legal opinion, it is not intended to be relied on as expert or legal advice, and it is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

We trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact us at 410-887-3391.

Sincerely,

Tyler Cox

Tyler Cox
Planner II, Zoning Review

24-1052/CF

March 08, 2025

Peter Gutwald
Department of Permits, Approvals & Inspections
Baltimore County Office Building
111 W. Chesapeake Avenue, Rm 124
Towson, MD 21204

Re: Spirit & Intent Request

Dear Mr. Gutwald,

Zoning case #2024-0144-A granted an accessory structure (garage) a height variance of 23 feet. I have enclosed a copy of the order and the zoning plan.

After the hearing, it was determined that the proposed building as shown on the zoning plan will fall within Flood Zone AE. The county will not allow it to be built in it.

By shifting the proposed garage northwesterly approximately 30 feet, will allow it to be located outside of the Flood Zone AE and in Flood Zone X and be approved.

The adjoining neighbor supported the approval of the variance. The new position of the garage will be visually buffered by the sheds on his property.

I ask that you grant my request to move the proposed garage from where it was approved by the Administrative Law Judge.

Sincerely,



Carl L. Rossmark
3729 Chestnut Road
Baltimore, MD 21220

July 2, 2024

Charles E Kelly
3733 Chestnut Road
Baltimore Maryland 21220

To Whom it May Concern:

I reside next door to 3739 Chestnut Road, Middle River MD. We have been neighbors for over 50 years. I have no problem at all with the two-story garage that Carl and Siu Rossmark want to build, and I absolutely have no objections to the variance for the height of this two-story garage.

Best Regards,


Charles E Kelly

PET. EX #8A

July 1, 2024

Kenneth And Kristin Brickell
3727 Chestnut Road
Middle River, MD 21220

To Whom It May Concern:

This is to state that we live at 3727 Chestnut Road and our property is next door to Carl and Siu Rossmark at 3729 Chestnut Road. We are in support of them replacing their old shed with a larger two-story garage.

Sincerely,




Kenneth and Kristin Brickell

Pet. Ex. #BB

GENERAL INFORMATION

1. Owner: Carl L. Rossmark & Sia Long Cheung
3729 Chestnut Road Baltimore, MD 21220
2. Address: 3729 Chestnut Road Baltimore, MD 21220
3. Dated references: SM 35119/1
4. Area: 1.798 acres (per 35119/1 & SDAT)
5. Tax Map / Parcel / Tax account #: 01/414 / 15-18-47BARD
6. Election District: 15 Councilmanic District: 5
ADC Map: GIS title: 02383 Position sheet: 105NE6
Census tract: 410100 Census block: 24005410100
Schools: Seneca ES Middle River MS Kenwood HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS title 02383 and the information provided by Baltimore County on the internet.
8. Improvements: Two story dwelling & shed. The dwelling will remain and the shed will be razed.
9. A portion of the subject property is in Flood Zone X per FEMA FIRM Map 240010 (panel 435 of S80 Baltimore County).

OFFICE OF ZONING

Zoning: RC 5 & RC 20

Zoning history: Case #2009-0185-A Side Yard Setback - Granted
Case #2024-0144-A Accessory Building Height - Granted

RC 5 setbacks for a residence:

Front: 75 feet from centerline of the street or road
Side / Rear: 50 feet from the property line

Setback for accessory structures: 2.5 feet from a property line

ENVIRONMENTAL

Watershed: Gunpowder River URDL land type: 1

1. The existing dwelling is served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is in the Chesapeake Bay Critical Area.
4. A portion of the subject property is located within a 100 year flood plain. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code)

OFFICE OF PLANNING

Regional Planning District: Windlass District Code: 322

1. The subject building is not historic. The subject property is not in a historic district.
2. Growth Tier: 1a

AREA CALCULATIONS

1. The base flood elevation for the site of the proposed garage is 10 feet.
2. The flood protection elevation for the site of the proposed garage is 11 feet.
3. In conformance with Federal Flood Insurance Requirements, the ground floor must be at least 1 foot above the flood plain elevation in all construction.
4. The owner will follow the proper sections of the Baltimore County Building Code in the construction of the proposed garage.
5. The garage shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.
6. Flood-resistant construction shall be in accordance with the Baltimore County Building Code, which adopts, with exceptions, the International Building Code.
7. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code).
8. The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing.
Subject property: 56,540 sf
Dwelling, driveway (4,275 sf) + proposed garage (1,008 sf) = 5,283 sf total
5,283/56,540 = 0.09% (15% allowed)
9. There will be no forest disturbance with the construction of the proposed garage.

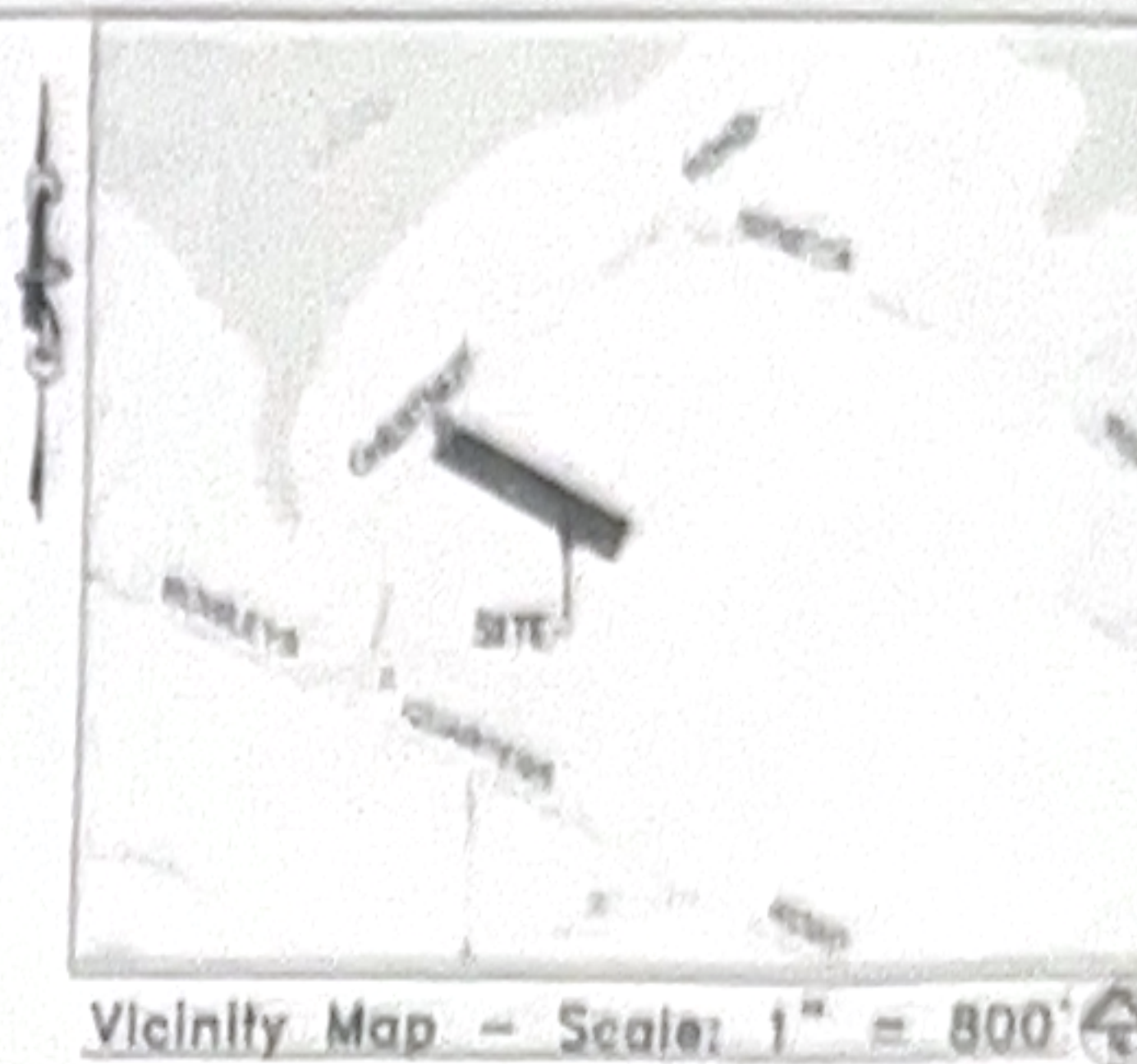
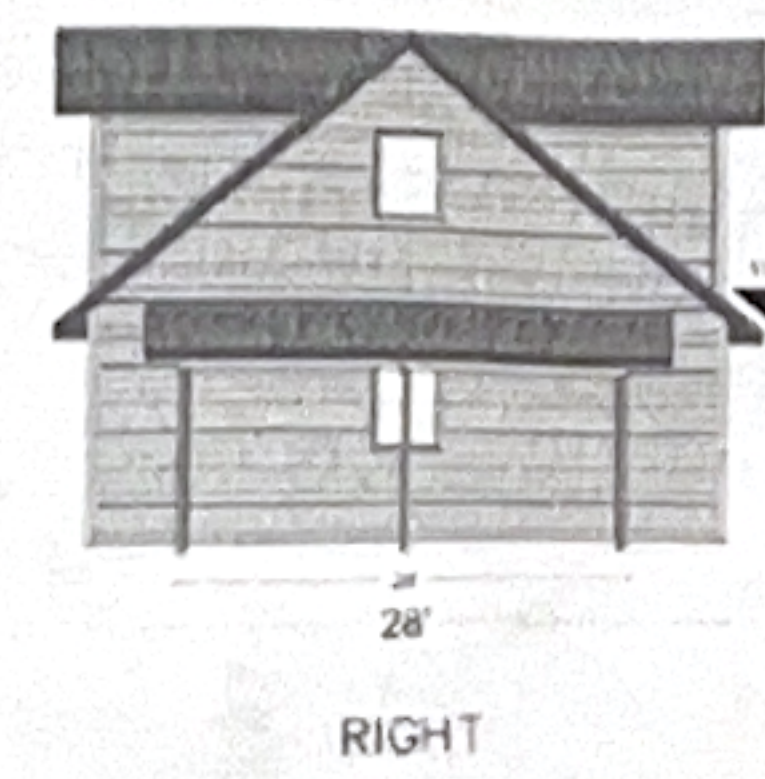
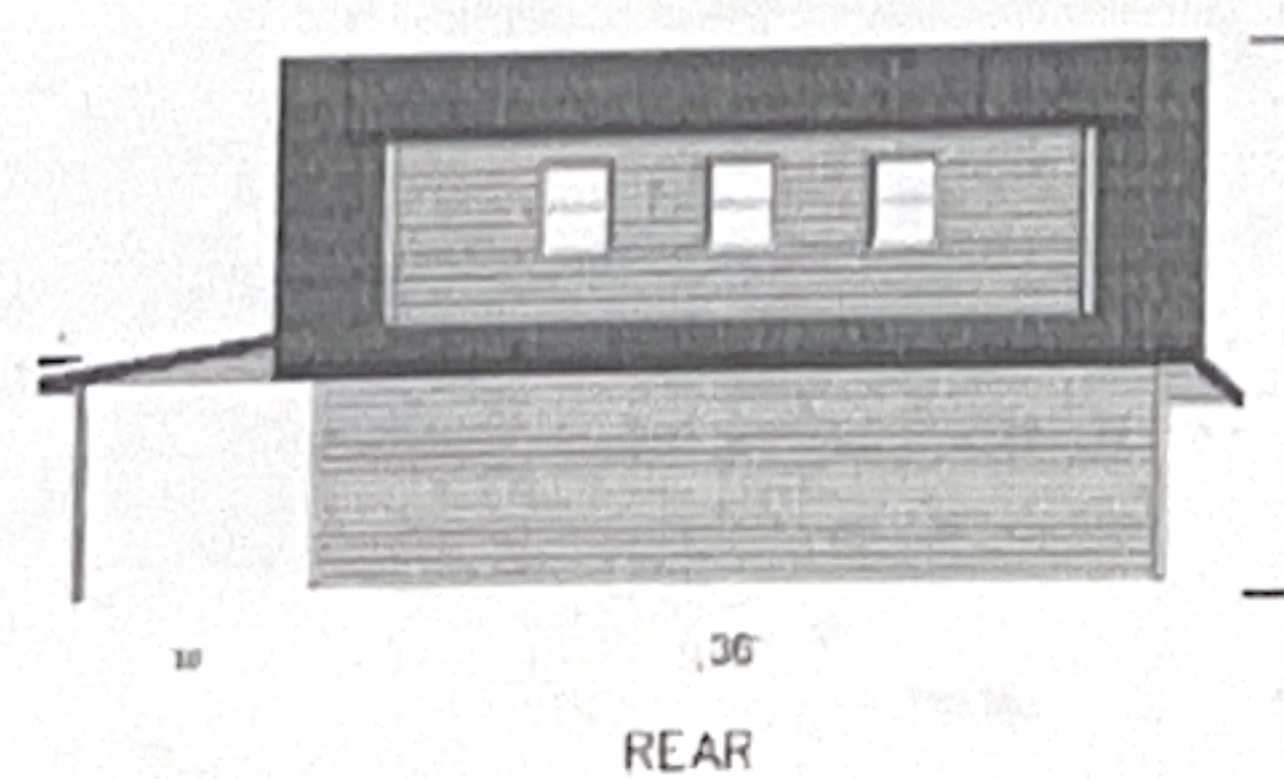
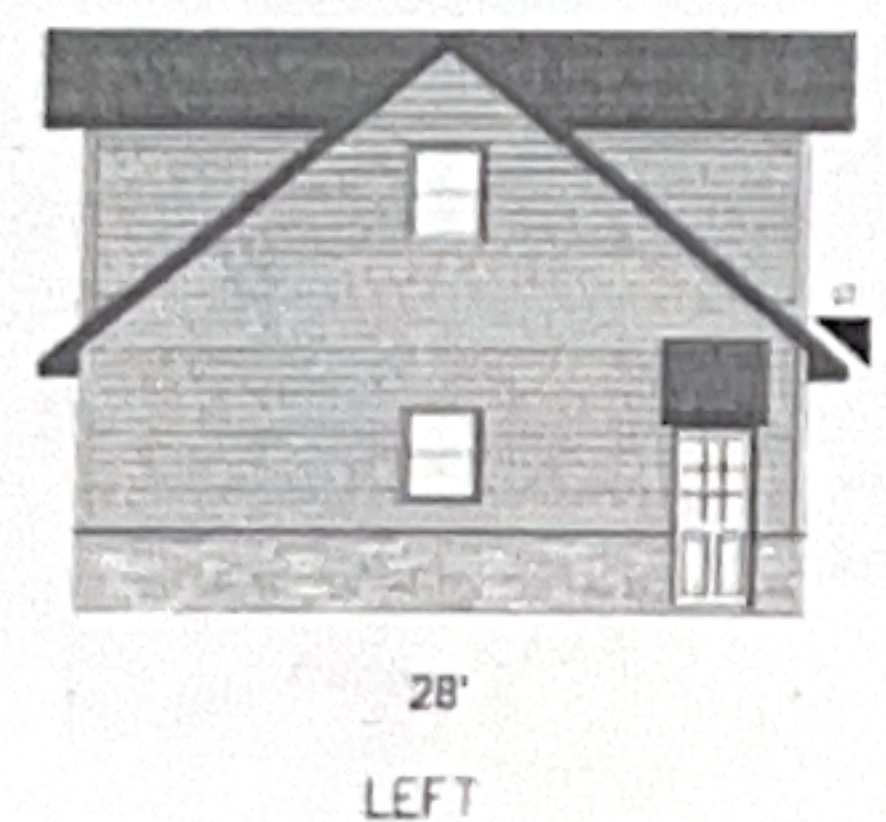
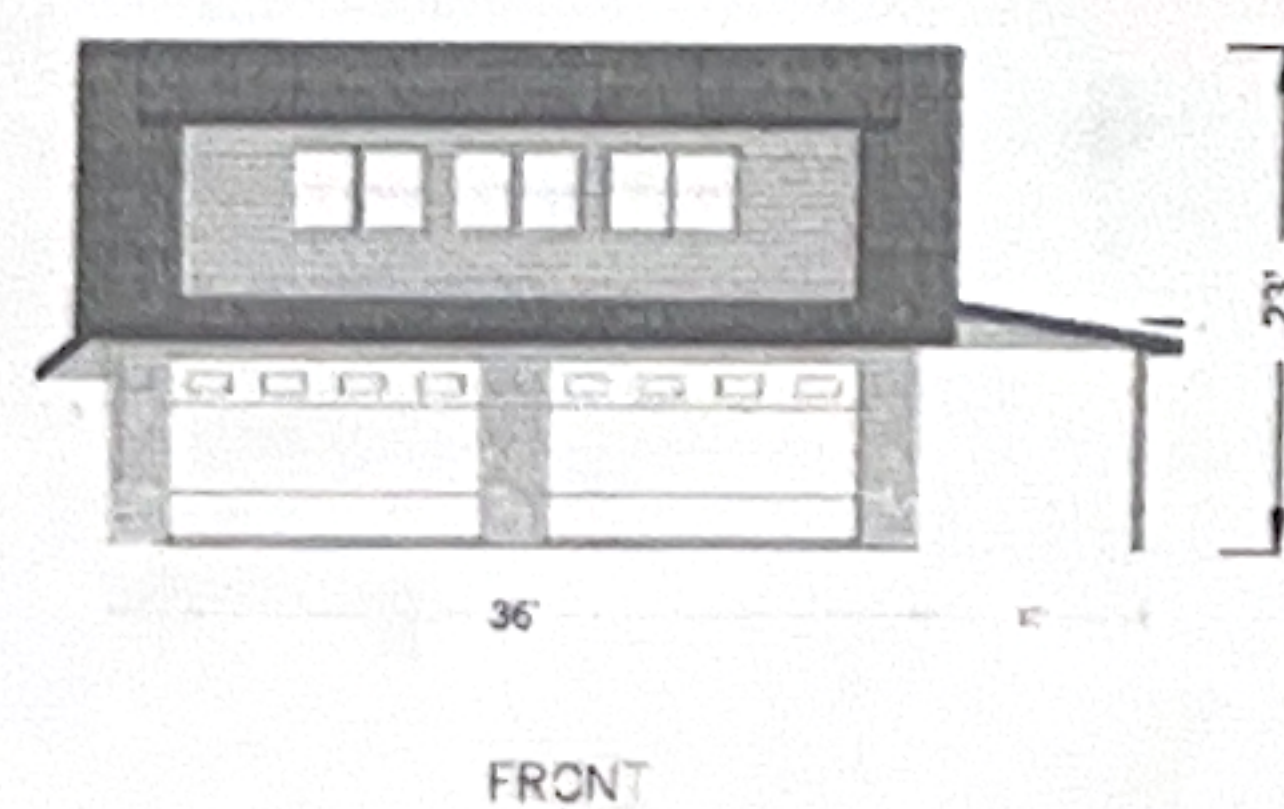
PROPOSED DEVELOPMENT

Construct a garage where a shed currently exists

Total Area of Garage: 1,008 SF

The garage will be built on a concrete slab. There will be no need for grading because the area is flat.

Total Limit of Disturbance (LOD): 4,988 SF



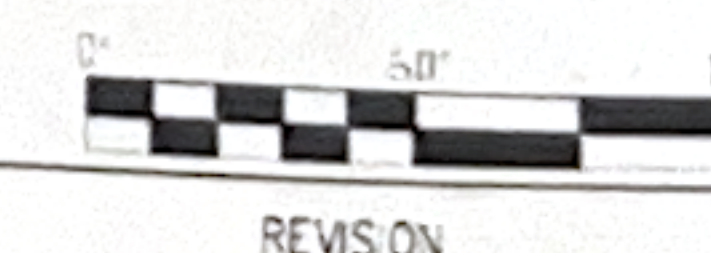
Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3901 Baker Schoolhouse Road
Frederick, MD 21704
442-900-3535 • 410-414-4906
bdoak@bruceedoakconsulting.com

SITE PLAN TO ACCOMPANY
A BUILDING PERMIT APPLICATION
FOR
#3729 CHESTNUT ROAD

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 3/08/25

Scale: 1"=60'





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

July 23, 2024

Carl L. Rossmark – carl_rossmark@hotmail.com
Siu Loong Cheung Rossmark – globalonesiu@gmail.com
3729 Chestnut Road
Baltimore, MD 21220

RE: Petition for Variance
Case No. 2024-0144-A
Property: 3729 Chestnut Road

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 read "Derek J. Baumgardner", is written over a blue circular stamp.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Mark Goloboski – mgoloboski@baycountry
Mayron Josue Perdomo – josuebanegas333@gmail.com

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(3729 Chestnut Road)		
15th Election District	*	OFFICE OF ADMINISTRATIVE
5th Council District		
Carl Rossmark &	*	HEARINGS OF
Siu Loong Cheung Rossmark		
(Legal Owners)	*	BALTIMORE COUNTY
 Petitioners	 *	 CASE NO. 2024-0144-A
 * * * * *		 * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Carl Rossmark and Siu Loong Cheung Rossmark (“Petitioners”) for the property located at 3729 Chestnut Road, Middle River, Baltimore County, Maryland (the “Property”). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.3 to permit an accessory building (garage) with a height of 23 ft. in lieu of the maximum permitted height of 15 ft.

A public WebEx hearing was conducted on July 11, 2024, using the virtual hearing platform WebEx 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. Bruce E. Doak of Bruce E. Doak Consulting, LLC, a licensed surveyor, prepared the Site Plan (“Site Plan”). Mark Goloboski, a nearby resident and commercial property owner in close proximity to the Property, appeared and provided testimony in opposition to the Petition.

The following exhibits were submitted by Petitioner and admitted into the record: (1) Site Plan; (2) SDAT Report; (3) Subdivision plat; (4) GIS; (5) GIS photograph; (6) Key Sheet and photographs A-J; (7) Architectural elevations and floor plans A-C; (8) Letters of Support; and (9) Flood information. The following reports were submitted by county agencies and were admitted

into the record: (1) Zoning Advisory Committee ("ZAC") comments from the Department of Planning ("DOP"); (2) Department of Environmental Protection & Sustainability ("DEPS") comments; and (3) Development Plans Review ("DPR") comments. DPR on behalf of DPW-T noted that the property is located within the Tidal Special flood Hazard Area Zone and recommended denial of the requested relief. Other agency comments do not indicate any objections.

Findings of Fact

The Property is an approximately 1.3-acre parcel located near but not adjacent to Seneca Creek in the Middle River area of Baltimore County. The majority of the parcel is zoned RC-5 with a small portion zoned RC-20 and is improved with a single-family dwelling with 1,767 sq. ft. of above-grade living area. See Petitioners' Exhibit 2. The Property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to the RC-5 performance standards. The Property is also improved with a small accessory structure (shed) located in the rear of the property. The rear of the lot is heavily forested with all adjacent lots similarly enjoying dense forest cover. The property received prior zoning relief in 2009 for an addition to the single-family home to accommodate an attached garage. *See* OAH Case No. 2009-0185-A.

Petitioners propose to raze the existing shed and construct a two-story garage of approximately 1,008 sq. ft. in its place. Mr. Doak stated that the garage is the minimum size necessary to accomplish the Rossmark's purpose for household and yard storage. The garage will be used for storage of lawn mowers, a boat, and other similar residential items on the first floor and the second floor will be used for storage and general accessory use to the single-family dwelling. *See* Petitioners' Exhibit 7 for architectural elevations and floor plan. Mr. Doak stated

that the garage will be served by electric but not water or septic and will not be used for commercial purposes. The proposed height of the garage is 23 ft. which exceeds the maximum height permitted for an accessory structure of 15 ft. pursuant to BCZR § 400.3 necessitating the request for a height variance. No driveways are proposed to the garage. Mr. Doak explained that the additional height was needed to minimize the footprint of the garage and to limit further impervious surface on the lot located in the LDA of the CBCA.

In addressing DPR/DPW-T's comments, Mr. Doak countered that while a portion of the property is located within the floodplain the proposed shed will not encroach into that floodplain. Mr. Doak submitted GIS mapping from both Baltimore County and FEMA showing the boundaries of the Tidal Special Flood Hazard Area Zone. *See* Petitioners' Exhibit 9. Further, the proposed accessory structure is located at an elevation of 10 ft. whereas the floodplain sits at 8.5 ft. (with the single-family dwelling sitting at an elevation of 12 ft.). *Id.* Based upon this evidence, Mr. Doak concluded that the proposed garage will not be located within the floodplain and would not trigger floodplain regulations impacting the proposed accessor structure. Mr. Doak indicated that grading could raise the elevation of the accessory structure if additional elevation were needed to comply with floodplain regulations. Mr. Doak further testified that the accessory structure would not impede any neighboring property's light or viewshed, will not be visible from any public road, and will have no other adverse impacts on adjacent properties or the community. Letters of support from each adjacent property owner were received and admitted as Petitioners' Exhibit 8A and 8B.

The single-family dwelling was built in 1969 and was Mr. Rossmark's childhood home. Mr. Rossmark testified that many other neighbors have similarly sized two-story garages and the property has not accumulated standing water or suffered flooding conditions during prior major flooding events in recent years. Mr. Rossmark further stated the purpose of the accessory structure

was for storage of yard maintenance equipment like lawn mowers with the second floor for other household storage and use. Mrs. Rossmark testified on the need for additional storage for their 1.5 story 1,767 sq. ft. single-family home. Ms. Rossmark characterized the second-floor as “my own space” and that it would not be used as living quarters.

Mark Goloboski, a nearby resident and commercial property owner in close proximity to the Property, testified in opposition. Mr. Goloboski challenged the accuracy of Mr. Doak’s floodplain elevation calculations, asserting that the garage may in fact be located in the floodplain or other protected area. Mr. Doak confirmed that elevations were used from current Baltimore County GIS mapping and not from survey elevations calculated on-site. Mr. Doak further countered that the property itself was not located within the floodplain regardless of the purported elevations. *See* Petitioner’s Exhibit 9. Given the location of Mr. Goloboski’s properties, when asked how the proposed garage with a height of 23 ft. might impact him or his properties, Mr. Goloboski stated that they would not directly impact his properties but that if the garage were sited in an area of the property where it should not be located, “it would be against the law.” Mr. Goloboski failed to articulate how he would be impacted by this Petition and this ALJ cannot discern from the record any direct impacts to Mr. Goloboski’s property as Mr. Goloboski’s residential and commercial properties are not adjacent to or within eyesight of the property.

Conclusions of Law

Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.3 to permit an accessory building (garage) with a height of 23 ft., in lieu of the maximum height of 15 ft. 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).

I find that the Property is unique because it is located within the LDA of the CBCA and the rear of the lot is located within the floodplain. These conditions limit impervious surface on the lot and restrict the types of improvements permitted on-site. Further, the rear of the lot is a heavily forested buffer and no tree removal is proposed under this application, limiting the buildable area and location. Mr. Doak credibly testified these conditions often cause accessory structures to "rise up instead of out" and limit the buildable space on this as to not encroach into floodplain. Further, the new garage will occupy a portion of the yard currently improved by the existing shed and the rear half of the yard will remain undisturbed under substantial forest cover. For these reasons, I find that special circumstances or conditions exist that are peculiar to this parcel and the existing improvements on the site and strict compliance with the Zoning Regulations for Baltimore County would result in 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. Photographs of the property and existing shed

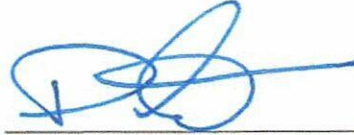
indicate the presence of substantial vegetative buffers with spacious yards. *See* Petitioners' Exhibits 6a-6l. There is no credible evidence in this record to indicate that the height variance would have any adverse impacts on the health, safety, or general welfare of adjacent property owners or others in the community. On the contrary, the Petition received support from the abutting neighboring property owners most impacted by the proposed accessory structure. *See* Petitioners' Exhibit 8.

THEREFORE, IT IS ORDERED, this 23rd day of **July 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §400.3 to permit an accessory building (garage) with a height of 23 ft., in lieu of the maximum height of 15 ft. be, and it 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 and 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 and subsequent owners shall not convert the detached accessory building (garage) into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities;
3. The accessory building (garage) shall not have a separate utility or electric connection and shall connect all electrical to the home; and
4. The accessory building (garage) shall not be used for commercial or industrial purposes. The storage of commercial supplies or materials is strictly prohibited;
5. The Site Plan (Pet. Ex. 1), a copy of which is attached hereto, is incorporated herein in its entirety.

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

GENERAL INFORMATION

1. Ownership: Carl E. Kossmick & Six Sons, Inc.
3723 Chestnut Road, Baltimore, MD 21210
2. Address: 3723 Chestnut Road, Baltimore, MD 21210
3. Parcel reference: 1A 351157.1
4. Area: 1.284 acres (per 351157.1 & 351157.2)
5. Tax Map / Parcel / Tax account #: 351414 / 15-18-475480
6. Election District: 15 Councilmanic District: 5
7. FDC Map: 015-01-0183 Position 8-10: 15N15
8. Census Tract: 810100 Census Block: 74205410102
9. School: Seneca IS Middle River MD. Watershed 111
10. The boundary shown herein is from the deed recorded in the Land Records of Baltimore County. All other information shown herein was taken from Baltimore County GIS files (1719) and the information provided by Baltimore County on the internet.
11. Improvements: Two story dwelling & shed. The dwelling will remain and the shed will be razed.
12. A portion of the subject property is in Flood Zone X per FEMA FIRM Map 240010 (panel 435 of 540 Baltimore County).

OFFICE OF ZONING

Zoning: RC 5 & RC 20

Zoning history: Case 9209-0185-A

RC 5 setbacks for a residence:

Front: 75 feet from centerline of the street or road

Side / Rear: 50 feet from the property line

Setback for accessory structures: 25 feet from a property line

ENVIRONMENTAL

Watershed: Gunpowder River UDLA land type: 5

1. The existing dwelling is served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is in the Chesapeake Bay Critical Area.
4. A portion of the subject property is located within a 100 year flood plain. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code).

OFFICE OF PLANNING

Regional Planning District: Windless District Code: 922

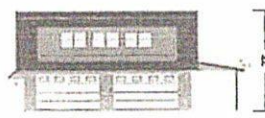
1. The subject building is not historic. The subject property is not in a historic district.
2. Growth tier: 1a

AREA CALCULATIONS

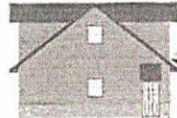
1. The base flood elevation for the site of the proposed garage is 10 feet.
2. The flood protection elevation for the site of the proposed garage is 21 feet.
3. In conformance with Federal Flood Insurance Requirements, the ground floor must be at least 1 foot above the flood plain elevation in all construction.
4. The owner will follow the proper sections of the Baltimore County Building Code in the construction of the proposed garage.
5. The garage shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.
6. Flood resistant construction shall be in accordance with the Baltimore County Building Code, which adopts, with exceptions, the International Building Code.
7. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code).
8. The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing.
Subject property: 36,540 sq ft
Dwelling, driveway (4,735 sq ft) + proposed garage (936 sq ft) = 5,231 sq ft total
1,711 / 36,540 = 0.047 (15% allowed)
9. There will be no forest disturbance with the construction of the proposed garage.

PROPOSED DEVELOPMENT

Construct a garage where a shed currently exists



FRONT



LEFT



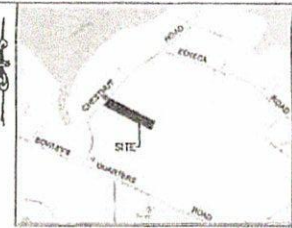
REAR



RIGHT



REVISION



Vicinity Map - Scale: 1" = 800'

Bruce E. Dask Consulting, LLC
Land Use Expert and Surveyor
3801 Route 3, Suite 100
Pawcatuck, MD 21120
443-900-1575 or 410-418-2400
b.e.dask@brcdask.com



PLAN TO ACCOMPANY
A ZONING PETITION

FOR

#3729 CHESTNUT ROAD

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 5/13/2024

Scale: 1"=80'

PET. EX #1



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

July 23, 2024

Carl L. Rossmark – carl_rossmark@hotmail.com
Siu Loong Cheung Rossmark – globalonesiu@gmail.com
3729 Chestnut Road
Baltimore, MD 21220

RE: Petition for Variance
Case No. 2024-0144-A
Property: 3729 Chestnut Road

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 blue ink signature of Derek J. Baumgardner, consisting of a stylized 'D' and 'B' followed by a horizontal line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Mark Goloboski – mgoloboski@baycountry
Mayron Josue Perdomo – josuebanegas333@gmail.com

IN RE: PETITION FOR VARIANCE

(3729 Chestnut Road)

15th Election District

5th Council District

Carl Rossmark &

Siu Loong Cheung Rossmark

(Legal Owners)

Petitioners

*

BEFORE THE

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OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

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CASE NO. 2024-0144-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Carl Rossmark and Siu Loong Cheung Rossmark (“Petitioners”) for the property located at 3729 Chestnut Road, Middle River, Baltimore County, Maryland (the “Property”). The Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.3 to permit an accessory building (garage) with a height of 23 ft. in lieu of the maximum permitted height of 15 ft.

A public WebEx hearing was conducted on July 11, 2024, using the virtual hearing platform WebEx 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. Bruce E. Doak of Bruce E. Doak Consulting, LLC, a licensed surveyor, prepared the Site Plan (“Site Plan”). Mark Goloboski, a nearby resident and commercial property owner in close proximity to the Property, appeared and provided testimony in opposition to the Petition.

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into the record: (1) Zoning Advisory Committee (“ZAC”) comments from the Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”) comments; and (3) Development Plans Review (“DPR”) comments. DPR on behalf of DPW-T noted that the property is located within the Tidal Special flood Hazard Area Zone and recommended denial of the requested relief. Other agency comments do not indicate any objections.

Findings of Fact

The Property is an approximately 1.3-acre parcel located near but not adjacent to Seneca Creek in the Middle River area of Baltimore County. The majority of the parcel is zoned RC-5 with a small portion zoned RC-20 and is improved with a single-family dwelling with 1,767 sq. ft. of above-grade living area. See Petitioners’ Exhibit 2. The Property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to the RC-5 performance standards. The Property is also improved with a small accessory structure (shed) located in the rear of the property. The rear of the lot is heavily forested with all adjacent lots similarly enjoying dense forest cover. The property received prior zoning relief in 2009 for an addition to the single-family home to accommodate an attached garage. *See* OAH Case No. 2009-0185-A.

Petitioners propose to raze the existing shed and construct a two-story garage of approximately 1,008 sq. ft. in its place. Mr. Doak stated that the garage is the minimum size necessary to accomplish the Rossmark’s purpose for household and yard storage. The garage will be used for storage of lawn mowers, a boat, and other similar residential items on the first floor and the second floor will be used for storage and general accessory use to the single-family dwelling. *See* Petitioners’ Exhibit 7 for architectural elevations and floor plan. Mr. Doak stated

that the garage will be served by electric but not water or septic and will not be used for commercial purposes. The proposed height of the garage is 23 ft. which exceeds the maximum height permitted for an accessory structure of 15 ft. pursuant to BCZR § 400.3 necessitating the request for a height variance. No driveways are proposed to the garage. Mr. Doak explained that the additional height was needed to minimize the footprint of the garage and to limit further impervious surface on the lot located in the LDA of the CBCA.

In addressing DPR/DPW-T's comments, Mr. Doak countered that while a portion of the property is located within the floodplain the proposed shed will not encroach into that floodplain. Mr. Doak submitted GIS mapping from both Baltimore County and FEMA showing the boundaries of the Tidal Special Flood Hazard Area Zone. *See* Petitioners' Exhibit 9. Further, the proposed accessory structure is located at an elevation of 10 ft. whereas the floodplain sits at 8.5 ft. (with the single-family dwelling sitting at an elevation of 12 ft.). *Id.* Based upon this evidence, Mr. Doak concluded that the proposed garage will not be located within the floodplain and would not trigger floodplain regulations impacting the proposed accessor structure. Mr. Doak indicated that grading could raise the elevation of the accessory structure if additional elevation were needed to comply with floodplain regulations. Mr. Doak further testified that the accessory structure would not impede any neighboring property's light or viewshed, will not be visible from any public road, and will have no other adverse impacts on adjacent properties or the community. Letters of support from each adjacent property owner were received and admitted as Petitioners' Exhibit 8A and 8B.

The single-family dwelling was built in 1969 and was Mr. Rossmark's childhood home. Mr. Rossmark testified that many other neighbors have similarly sized two-story garages and the property has not accumulated standing water or suffered flooding conditions during prior major flooding events in recent years. Mr. Rossmark further stated the purpose of the accessory structure

was for storage of yard maintenance equipment like lawn mowers with the second floor for other household storage and use. Mrs. Rossmark testified on the need for additional storage for their 1.5 story 1,767 sq. ft. single-family home. Ms. Rossmark characterized the second-floor as “my own space” and that it would not be used as living quarters.

Mark Goloboski, a nearby resident and commercial property owner in close proximity to the Property, testified in opposition. Mr. Goloboski challenged the accuracy of Mr. Doak’s floodplain elevation calculations, asserting that the garage may in fact be located in the floodplain or other protected area. Mr. Doak confirmed that elevations were used from current Baltimore County GIS mapping and not from survey elevations calculated on-site. Mr. Doak further countered that the property itself was not located within the floodplain regardless of the purported elevations. *See* Petitioner’s Exhibit 9. Given the location of Mr. Goloboski’s properties, when asked how the proposed garage with a height of 23 ft. might impact him or his properties, Mr. Goloboski stated that they would not directly impact his properties but that if the garage were sited in an area of the property where it should not be located, “it would be against the law.” Mr. Goloboski failed to articulate how he would be impacted by this Petition and this ALJ cannot discern from the record any direct impacts to Mr. Goloboski’s property as Mr. Goloboski’s residential and commercial properties are not adjacent to or within eyesight of the property.

Conclusions of Law

Petitioners are requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.3 to permit an accessory building (garage) with a height of 23 ft., in lieu of the maximum height of 15 ft. 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).

I find that the Property is unique because it is located within the LDA of the CBCA and the rear of the lot is located within the floodplain. These conditions limit impervious surface on the lot and restrict the types of improvements permitted on-site. Further, the rear of the lot is a heavily forested buffer and no tree removal is proposed under this application, limiting the buildable area and location. Mr. Doak credibly testified these conditions often cause accessory structures to "rise up instead of out" and limit the buildable space on this as to not encroach into floodplain. Further, the new garage will occupy a portion of the yard currently improved by the existing shed and the rear half of the yard will remain undisturbed under substantial forest cover. For these reasons, I find that special circumstances or conditions exist that are peculiar to this parcel and the existing improvements on the site and strict compliance with the Zoning Regulations for Baltimore County would result in 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. Photographs of the property and existing shed

indicate the presence of substantial vegetative buffers with spacious yards. *See* Petitioners' Exhibits 6a-6l. There is no credible evidence in this record to indicate that the height variance would have any adverse impacts on the health, safety, or general welfare of adjacent property owners or others in the community. On the contrary, the Petition received support from the abutting neighboring property owners most impacted by the proposed accessory structure. *See* Petitioners' Exhibit 8.

THEREFORE, IT IS ORDERED, this 23rd day of **July 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §400.3 to permit an accessory building (garage) with a height of 23 ft., in lieu of the maximum height of 15 ft. be, and it 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 and subsequent owners shall not convert the detached accessory building (garage) into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities;
3. The accessory building (garage) shall not have a separate utility or electric connection and shall connect all electrical to the home; and
4. The accessory building (garage) shall not be used for commercial or industrial purposes. The storage of commercial supplies or materials is strictly prohibited;
5. The Site Plan (Pet. Ex. 1), a copy of which is attached hereto, is incorporated herein in its entirety.

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



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 3729 CHESTNUT ROAD

which is presently zoned RCS

Deed References: 35119/1

10 Digit Tax Account # 1518475980

Property Owner(s) Printed Name(s) CARL L. ROSSMARK & SIU LOONG CHEUNG ROSSMARK

(SELECT THE HEARING(S) BY MARKING ☒ 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

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

3. ☒ a Variance from Section(s)

SEE ATTACHED PAGE

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 THE HEARING

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CARL L. ROSSMARK SIU LOONG CHEUNG ROSSMARK

Name #1 - Type or Print

Name #2 - Type or Print

☒ Carl L. Rossmark

☒ Siu Loong Cheung

Signature #1

Signature #2

3729 CHESTNUT ROAD BALTIMORE MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

21220 410-675-5449 globalonesiu@gmail.com

CARL ROSSMARK@HOTMAIL.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Bruce E. Doak

Signature

3801 BAKER SCHOOLHOUSE ROAD FREEBAND MD

Mailing Address

City

State

Zip Code

Telephone #

Email Address

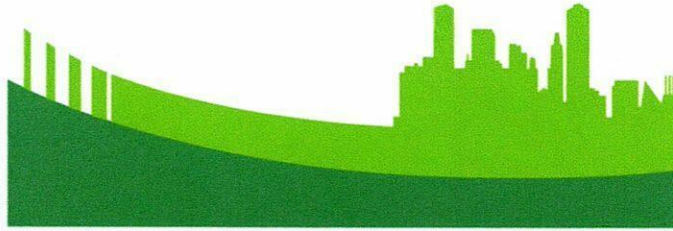
21053 410-919-4906 BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2024-0144-A Filing Date 6/3/24

Do Not Schedule Dates: _____ Reviewer AK

Zoning Hearing Petitions Being Requested

Variance to permit an accessory building (garage) with a height of 23 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR



Zoning Description

3729 Chestnut Road- 1.298 Acre Parcel
Fifteenth Election District Fifth Councilmanic District
Baltimore County, Maryland

Beginning on the southeast side of Chestnut Road (30 feet wide), 800 feet, more or less, southwesterly from the centerline of Seneca Road, thence binding on the southeast side of Chestnut Road and running with and binding on the outlines of the subject property 1) South 43 degrees 40 minutes 30 seconds West 104.31 feet, thence leaving said road and continuing to run and bind on the outlines of the subject property, the three following courses and distances, viz. 2) South 62 degrees 51 minutes 30 seconds East 580.14 feet, 3) North 27 degrees 08 minutes 30 seconds East 100.00 feet and 4) North 62 degrees 51 minutes 30 seconds West 550.45 feet to the point of beginning.

Containing 1.298 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

**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/neighbor 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 fifteen (15) 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: 2024-0144 A
Property Address: 3729 CHESTNUT ROAD BALTIMORE MD 21220
Property Description: 1.298 ACRE PARCEL OF LAND ON SOUTHEAST
SIDE OF CHESTNUT ROAD - 800' SOUTHWEST OF CENTER-
LINE OF SENECA ROAD
Legal Owners (Petitioners): CARL L. ROSSMARK & SIU LOONG CHEUNG
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING, LLC
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053
Telephone Number: 410-419-4906

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

No. 230441

Date: 6/4/24

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	006	0000		6150					75.00

Total: 75.00

Rec From: Bruce Doak

For: 3729 Chesnut Rd

DISTRIBUTION

WHITE - CASHIER

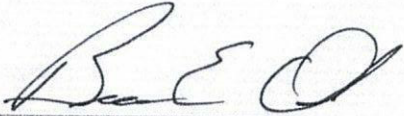
PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

BRUCE E DOAK 12-12 BRUCE E DOAK CONSULTING 3801 BAKER SCHOOLHOUSE RD FREELAND, MD 21053-9738		3147 15-3/540 429
Date <u>5/24/24</u>		
Pay to the Order of <u>BALTIMORE COUNTY MO</u>	\$ <u>75.00</u>	
<u>SEVENTY FIVE AND 00/100</u>		Dollars
 PNCBANK PNC Bank, N.A. 040		 Photo Safe Deposit Details on Back
For <u>ROSSMARK - ZONING FEE</u>		MP



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 3729 CHESTNUT ROAD

which is presently zoned RC

Deed References: 35119/1

10 Digit Tax Account # 1518475980

Property Owner(s) Printed Name(s) CARL L. ROSSMARK & SIU LOONG CHEUNG ROSSMARK

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

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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

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

SEE ATTACHED PAGE

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 THE HEARING

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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CARL L. ROSSMARK SIU LOONG CHEUNG ROSSMARK

Name #1 - Type or Print

Name #2 - Type or Print

Carl L. Rossmark

Siu Loong Cheung

Signature #1

Signature #2

3729 CHESTNUT ROAD BALTIMORE MD

Mailing Address

City

State

21220

410-675-5449

globalonesiu@gmail.com

CARL ROSSMARK@HOTMAIL.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Bruce E. Doak

Signature

3801 BAKER SCHOOL HOUSE ROAD FREEDLAND MD

Mailing Address

City

State

21053

410-919-4906

BD@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2024-0144-A

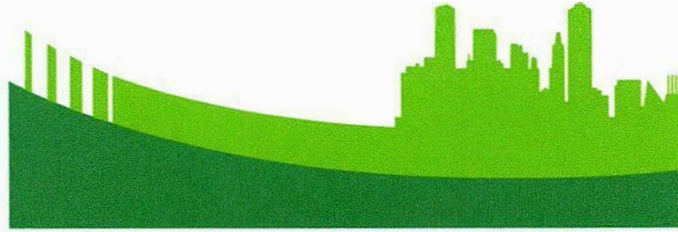
Filing Date 6.3.24

Do Not Schedule Dates:

Reviewer

Zoning Hearing Petitions Being Requested

Variance to permit an accessory building (garage) with a height of 23 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR



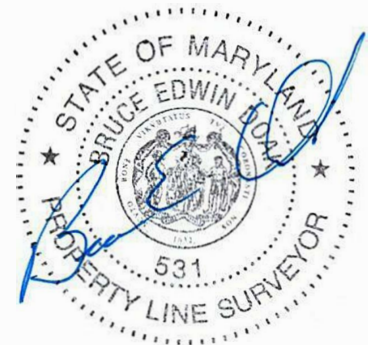
Zoning Description

3729 Chestnut Road- 1.298 Acre Parcel
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Baltimore County, Maryland

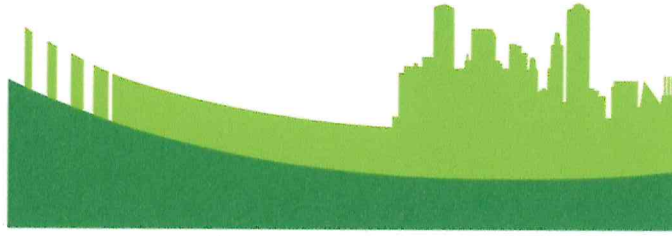
Beginning on the southeast side of Chestnut Road (30 feet wide), 800 feet, more or less, southwesterly from the centerline of Seneca Road, thence binding on the southeast side of Chestnut Road and running with and binding on the outlines of the subject property 1) South 43 degrees 40 minutes 30 seconds West 104.31 feet, thence leaving said road and continuing to run and bind on the outlines of the subject property, the three following courses and distances, viz. 2) South 62 degrees 51 minutes 30 seconds East 580.14 feet, 3) North 27 degrees 08 minutes 30 seconds East 100.00 feet and 4) North 62 degrees 51 minutes 30 seconds West 550.45 feet to the point of beginning.

Containing 1.298 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



CERTIFICATE OF POSTING

June 19, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0144-A

Legal Owner: Carl Rossmark & Siu Loong Cheung Rossmark

Hearing date: July 11, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **3729 Chestnut Road**.

The signs were initially posted on **June 19, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak". The signature is stylized with a large "B" and "D".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING HEARING

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

Case #: 2024-0144-A

3729 Chestnut Road

(SE side of Chestnut Rd., SW of centerline of Seneca Rd.)

Council District 5, Election District 15

Legal Owner: Carl Rossmark & Siu Loong Cheung Rossmark

VARIANCE: To permit an accessory building (garage) with a height of 23 ft. in lieu of the required maximum height of 15 ft. Per Baltimore County Zoning Regulations (BCZR), Section 400.3.

Hearing Date: Thursday, July 11, 2024 at 10:00 a.m.

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

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103, Towson, Maryland 21204, Phone 410-887-3888, ext. 7

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-1868, ext.0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext. 0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

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Case #: 2024-0144-A

3729 Chestnut Road

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Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3565, ext 0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 20, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0144-A
Address: 3729 CHESTNUT RD
Legal Owner: Carl Rossmark, Siu Loong Cheung Rossmark

Zoning Advisory Committee Meeting of June 14, 2024.

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

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

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is seeking approval to permit an accessory building with a height of 23 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR. The proposed development must meet LDA requirements and the 15% afforestation requirement. According to the zoning property description, the property is 1.298 acres. Based on this square-footage, the maximum lot coverage for this property is 8,481 square feet or 15%. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a non-waterfront property. The property consists of a house, driveway and shed with a front lawn. There is a lawn area and forest in the rear of the property.

Based on GIS, there are hydric soils within the forest on the property which may indicate the presence of non-tidal wetlands onsite. There is a 25-foot Critical Area buffer associated with non-tidal wetlands. Meeting the lot coverage, Critical Area buffer, forest clearing, and the 15% afforestation requirements will aid in the conservation of fish, plant, and wildlife habitat in the 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 proposed development can be designed to meet the lot coverage, Critical Area buffer, forest clearing, and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 10, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0144-A

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

DPR: Proposed work is in 100-year floodplain BC AE Zone BF 8.5 NAVD88

DPW-T: A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100435F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 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.

B) The proposed accessory structure is equal to 1008 square feet. Code 32-8-507 (A) limits accessory structures in a tidal special flood hazard area to 300 square feet. For this reason, the administrative variance must be denied.

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: 6/18/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0144-A

INFORMATION:

Property Address: 3729 Chestnut Road
Petitioner: Carl Rossmark, Siu Loong-Cheung Rossmark
Zoning: RC 5
Requested Action: Variance

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

Variance – To permit an accessory building (garage) with a height of 23’ in lieu of the maximum permitted 15’ per Baltimore County Zoning Regulations Section 400.3.

The subject site is an approximately 1.3 acre parcel near Seneca Creek in the Middle River area. It is improved with a frame and stone dwelling and an 11’ x 27’ shed. Per the site plan submitted with the petition, the Petitioner wishes to raze the existing shed and construct a larger garage in its place. The new garage is proposed to be 28’ x 36’.

The subject site is primarily zoned RC 5, with a small portion of RC 20 at the rear, and is located outside the Urban-Rural Demarcation Line (URDL). The garage is proposed within the RC 5 zoned portion of the site. Performance Standards for the RC 5 zone are outlined in Section 1A04.4 of the Baltimore County Zoning Regulations. The Standards call for accessory structures to be designed at a scale appropriate to the dwelling; garages designed with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style; ensuring that exteriors of all buildings use the same finish materials and architectural details on all front, side and rear elevations; using quality material such as brick, stone or cedar is encouraged; and that garages not become the dominant street feature, with garage doors using items such as windows, decorative patterns, and color to relieve the visual impact.

The subject site is within the boundary of the Bowley’s Quarters Community Action Plans of 1992 and 2000. The Bowley’s Quarters Action Plan 200, adopted February 20th, 2001, provides background information, community objectives, land use analysis, and information on environmental issues, adequate facilities, and design guidelines related to new dwelling construction within the plan area boundary. The Plan does not provide insight on construction of new accessory structures.

The Department of Planning contacted the representative for the petition via email on June 11th, 2024 seeking additional information on if a driveway would be constructed to access the proposed garage and why the increased height was necessary. In a June 18th reply, the representative explained that the

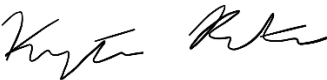
proposed height is to accommodate a second story for the garage; the first floor is proposed to be yard equipment storage and possible boat storage, and the second floor is proposed to be additional storage and a family crafting area. No driveway is proposed from the road to the detached garage.

The Department of Planning has no objections to the requested relief, subject to the following condition:

1. The proposed accessory structure is subject to the RC 5 Performance Standards outlined in Section 1A04.4 of the Baltimore County Zoning Regulations.

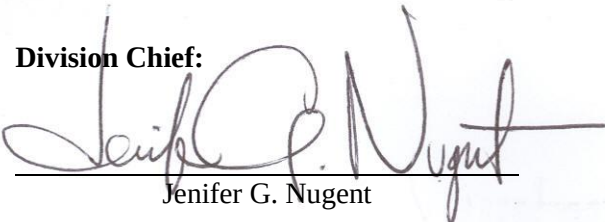
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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 - 1518475480	
Owner Information			
Owner Name:	ROSSMARK CARL L CHEUNG SIU LOONG	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	3729 CHESTNUT RD BALTIMORE MD 21220-4021	Deed Reference:	/35119/ 00001
Location & Structure Information			
Premises Address:	3729 CHESTNUT RD BALTIMORE 21220-4021	Legal Description:	1.298 AC SES CHESTNUT RD 783FT S OF SENECA RD
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:			
0091 0023 0414		15030020.04	0000
		2024	Plat Ref: 0007/ 0013
Town: None			

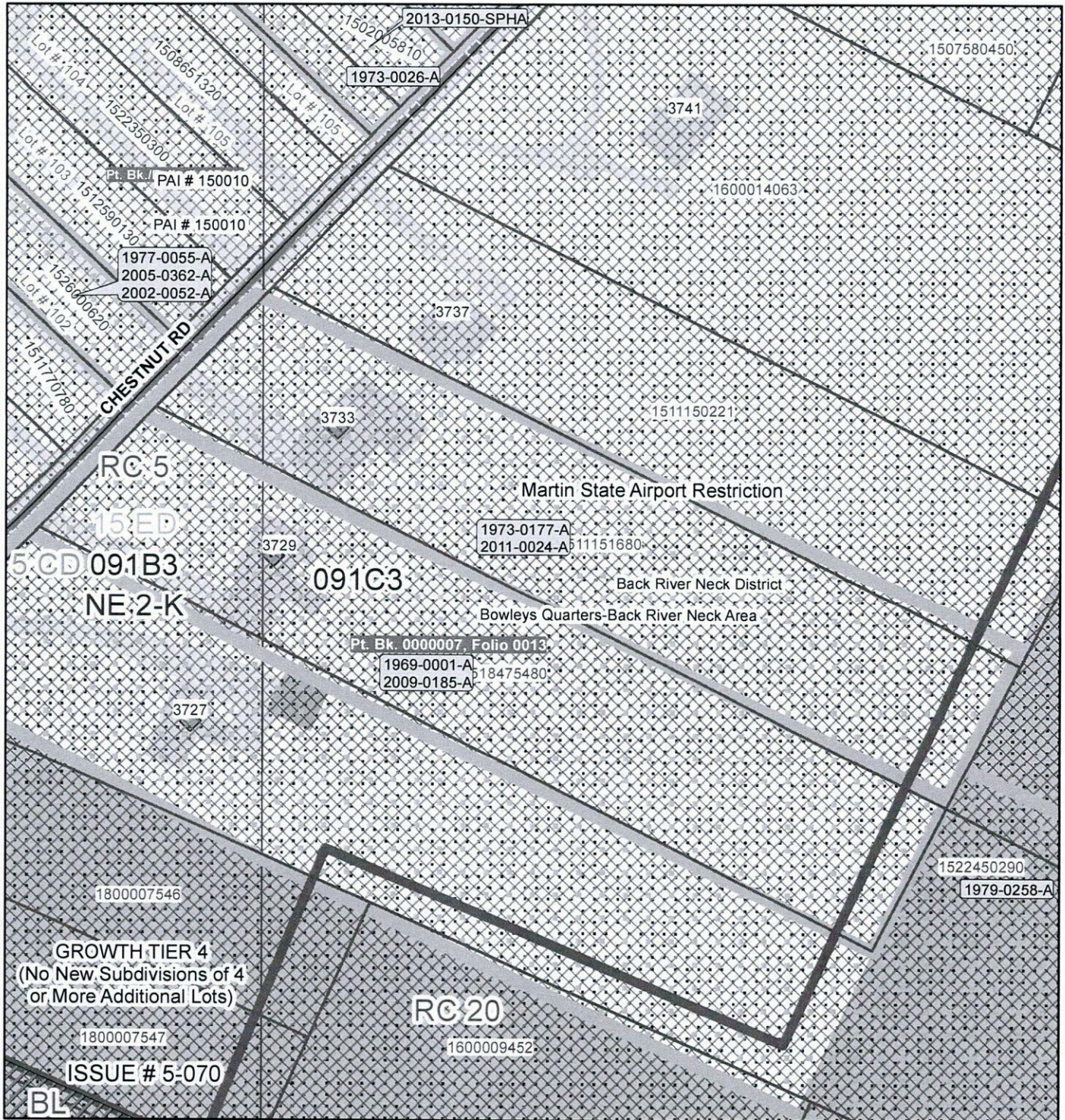
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1969	1,767 SF		1.3000 AC	04
Stories	Basement	Type	Exterior	Quality
2	NO	SPLIT LEVEL	FRAME/3	1 full
				1 Attached
Last Notice of Major Improvements				

Value Information				
	Base Value	Value	Phase-in Assessments	
		As of 01/01/2024	As of 07/01/2023	As of 07/01/2024
Land:	133,600	166,800		
Improvements	100,300	131,400		
Total:	233,900	298,200	233,900	255,333
Preferential Land:	0	0		

Transfer Information		
Seller: ROSSMARK CARL L	Date: 06/27/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /35119/ 00001	Deed2:
Seller: ROSSMARK HERMAN L	Date: 07/31/1996	Price: \$115,000
Type: NON-ARMS LENGTH OTHER	Deed1: /11725/ 00418	Deed2:
Seller: ROSSMARK HERMAN L	Date: 02/22/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08108/ 00753	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

3729 Chestnut Rd



Publication Date: 6/4/2024



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 20 40 80 120 160
 Feet

1 inch = 85.99383 feet

GENERAL INFORMATION

- Ownership: Carl L. Rossmark & Siu Loong Cheung
3729 Chestnut Road Baltimore, MD 21220
- Address: 3729 Chestnut Road Baltimore, MD 21220
- Deed references: SM 35119/ 1
- Area: 1.298 acres (per 35119/1 & SDAT)
- Tax Map / Parcel / Tax account #: 91/ 414 / 15-18-475480
- Election District: 15 Councilmanic District: 5
ADC Map: GIS tile: 02383 Position sheet: 105NE6
Census tract: 410100 Census block: 24005410100
Schools: Seneca ES Middle River MS Kenwood HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 02383 and the information provided by Baltimore County on the internet.
- Improvements: Two story dwelling & shed. The dwelling will remain and the shed will be razed.
- A portion of the subject property is in Flood Zone X per FEMA FIRM Map 240010 (panel 435 of 580 Baltimore County).

OFFICE OF ZONING

Zoning: RC 5 & RC 20

Zoning history: Case #2009-0185-A

RC 5 setbacks for a residence:

Front: 75 feet from centerline of the street or road

Side / Rear: 50 feet from the property line

Setback for accessory structures; 2.5 feet from a property line

ENVIRONMENTAL

Watershed: Gunpowder River URDL land type: 1

- The existing dwelling is served by public water and sewer.
- There are no underground storage tanks on the subject property.
- The subject property is in the Chesapeake Bay Critical Area.
- A portion of the subject property is located within a 100 year flood plain. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code)

OFFICE OF PLANNING

Regional Planning District: Windlass District Code: 322

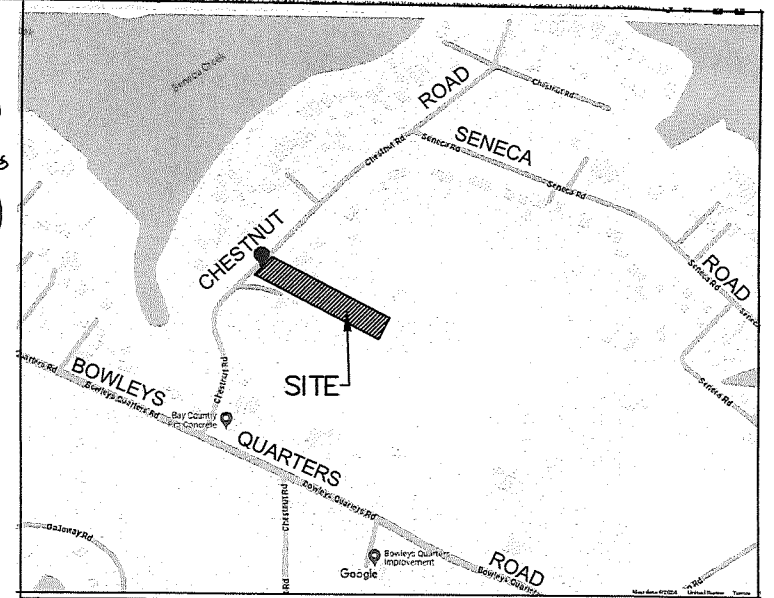
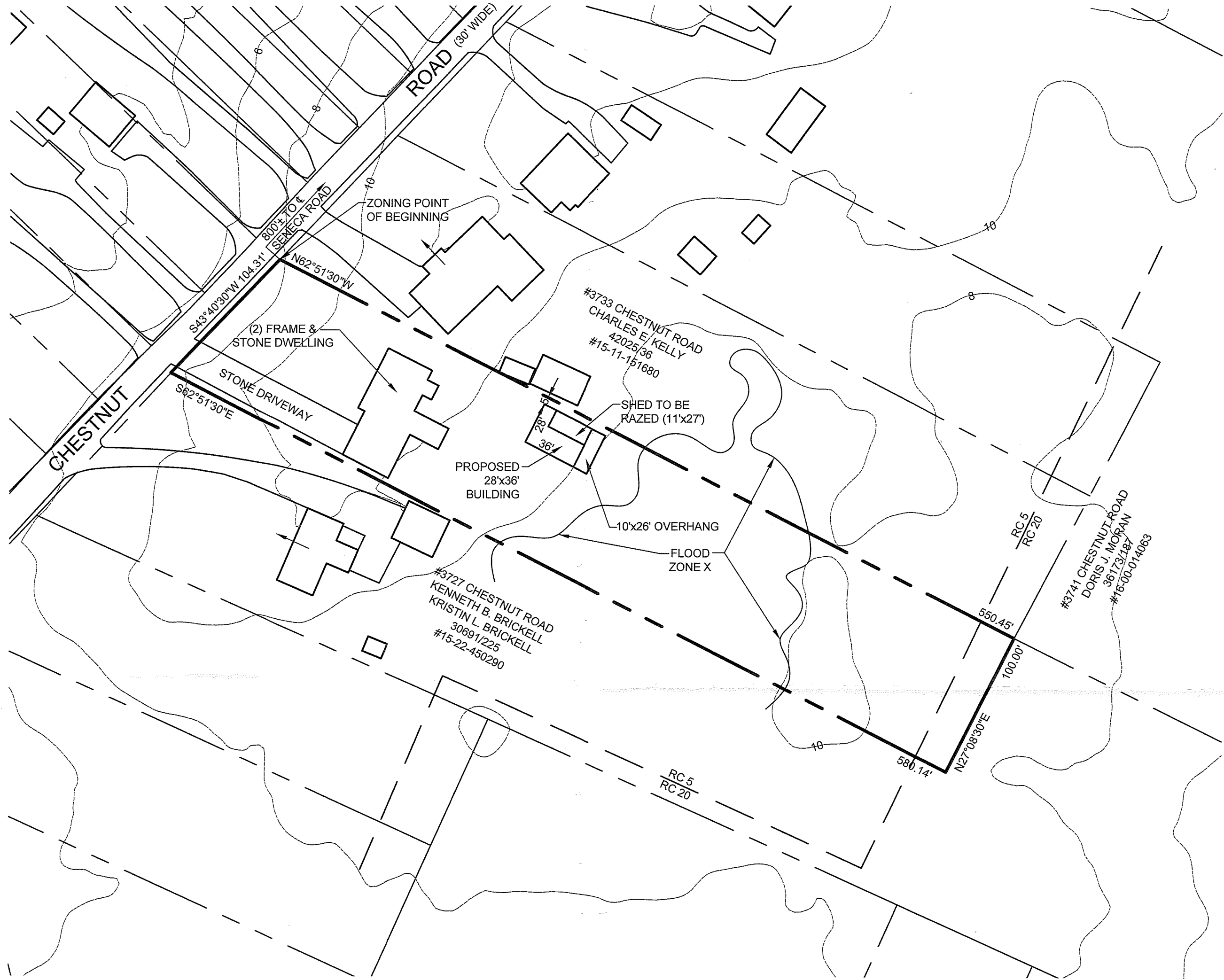
- The subject building is not historic. The subject property is not in a historic district.
- Growth Tier: 1a

AREA CALCULATIONS

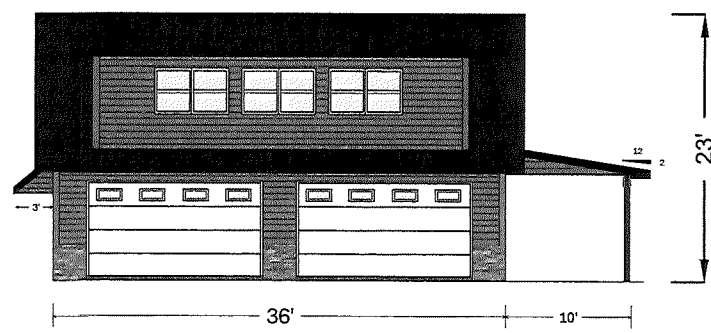
- The base flood elevation for the site of the proposed garage is 10 feet.
- The flood protection elevation for the site of the proposed garage is 11 feet.
- In conformance with Federal Flood Insurance Requirements, the ground floor must be at least 1 foot above the flood plain elevation in all construction.
- The owner will follow the proper sections of the Baltimore County Building Code in the construction of the proposed garage.
- The garage shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.
- Flood-resistant construction shall be in accordance with the Baltimore County Building Code, which adopts, with exceptions, the International Building Code.
- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code).
- The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing.
Subject property: 56,540 sf
Dwelling, driveway (4,275 sf) + proposed garage (936 sf)= 5,211 sf total
5,211/ 56,540 = 0.09% (15% allowed)
- There will be no forest disturbance with the construction of the proposed garage.

PROPOSED DEVELOPMENT

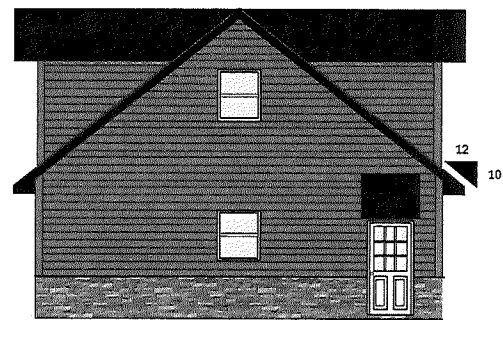
Construct a garage where a shed currently exists



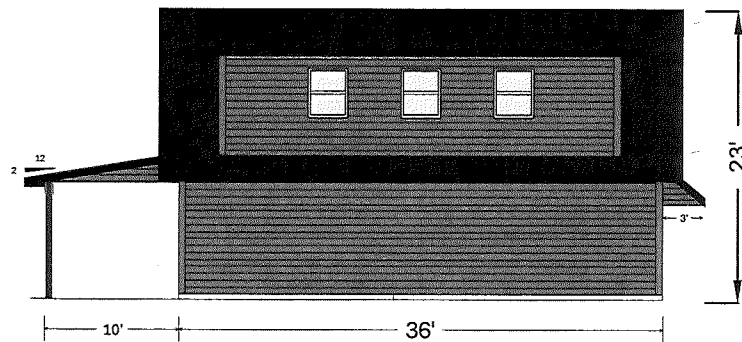
Vicinity Map - Scale: 1" = 800'



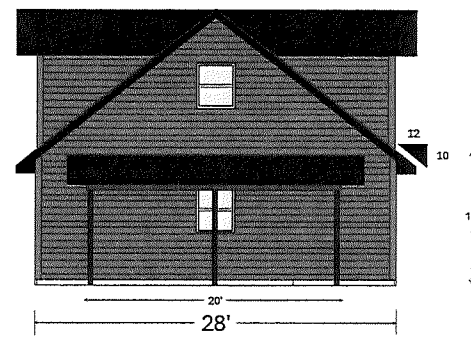
FRONT



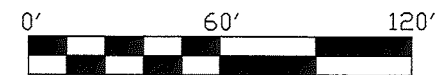
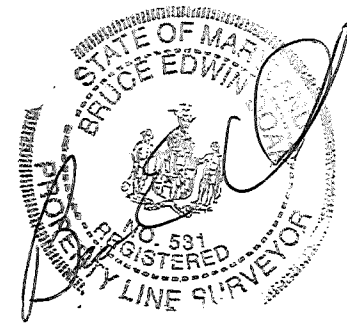
LEFT



REAR



RIGHT



REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#3729 CHESTNUT ROAD

BALTIMORE COUNTY, MARYLAND
15th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 5/13/2024

Scale: 1"=60'

GENERAL INFORMATION

1. Ownership: Carl L. Rossmore & Son, Inc. (C&S)
2. Address: 3729 Chestnut Road, Baltimore, MD 21208
3. Deed references: 1M35119/1
4. Area: 1.208 acres (per 311 19/1 & 5041)
5. Tax Map / Parcel / Tax account ID: 311 414 / 15-18-475-680
6. Election District: 15 Councilmanic District: 5
7. The boundary shown herein is from the deed recorded in the Land Records of Baltimore County. All other information shown herein was taken from Baltimore County GIS files (7/2019) and the information provided by Baltimore County on the internet.
8. Improvements: Two story dwelling & shed. The dwelling will remain and the shed will be razed.
9. A portion of the subject property is in Flood Zone X per FEMA FIRM Map 240D10 (panel 435 of 540 Baltimore County).

OFFICE OF ZONING

Zoning: RC 5 & RC 20

Zoning history: Case 9209-0185-A

RC 5 setbacks for a residence:

Front: 75 feet from centerline of the street or road
Side / Rear: 50 feet from the property line
Setback for accessory structures: 2.5 feet from a property line

ENVIRONMENTAL

Watershed: Gunpowder River UMDL land type: 1

1. The existing dwelling is served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is in the Chesapeake Bay Critical Area.
4. A portion of the subject property is located within a 100 year flood plain. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code).

OFFICE OF PLANNING

Regional Planning District: Windless District Code: 922

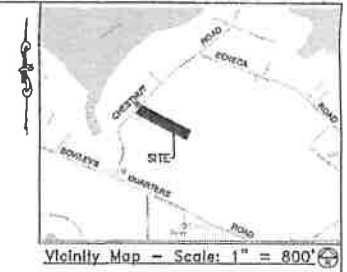
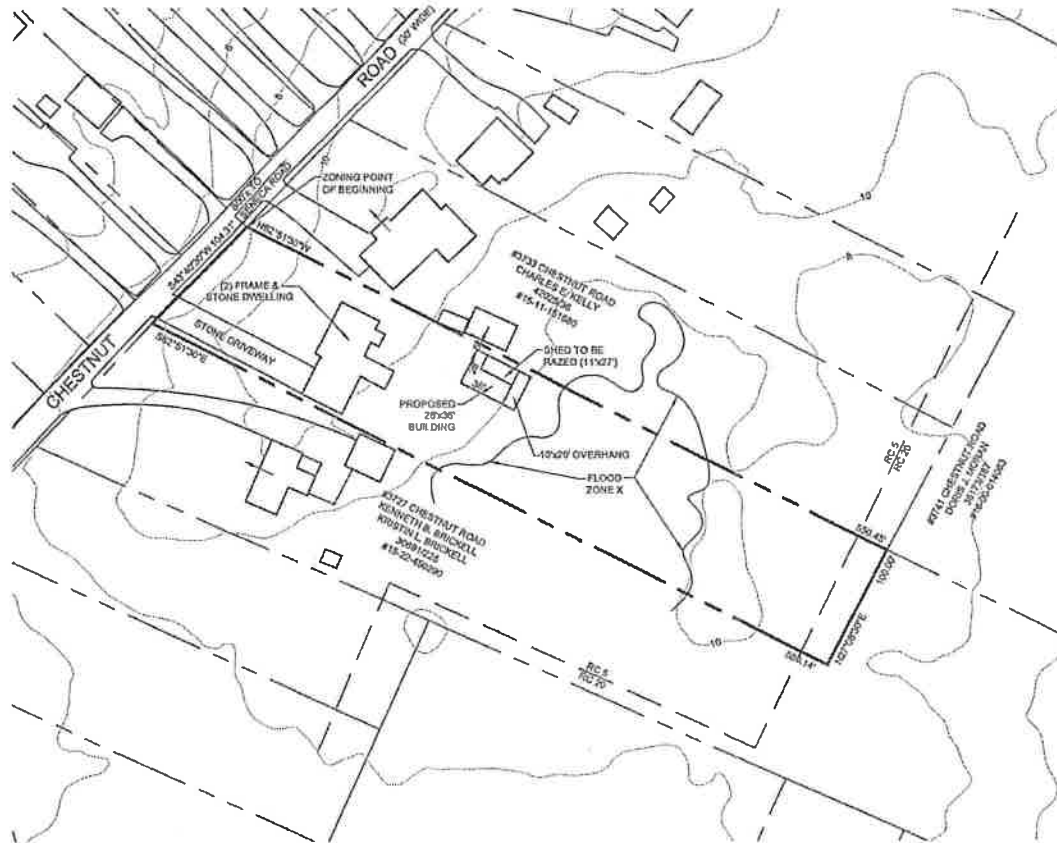
1. The subject building is not historic. The subject property is not in a historic district.
2. Growth Tier: 1a

AREA CALCULATIONS

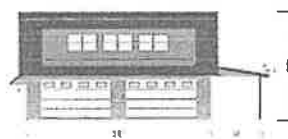
1. The base flood elevation for the site of the proposed garage is 10 feet.
2. The flood protection elevation for the site of the proposed garage is 31 feet. In conformance with Federal Flood Insurance Requirements, the ground floor must be at least 1 foot above the flood plain elevation in all construction.
3. The owner will follow the proper sections of the Baltimore County Building Code in the construction of the proposed garage.
4. The garage shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of structure with materials resistant to flood damage.
5. Flood-resistant construction shall be in accordance with the Baltimore County Building Code, which adopts, with exceptions, the International Building Code.
6. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other sections of the Baltimore County Code).
7. The property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% and there are limits on forest clearing.
Subject property: 56,540 sq ft
Dwelling, driveway (4,225 sq ft) + proposed garage (936 sq ft) = 5,251 sq ft total
5,251 / 56,540 = 0.09% (15% allowed)
8. There will be no forest disturbance with the construction of the proposed garage.

PROPOSED DEVELOPMENT

Construct a garage where a shed currently exists



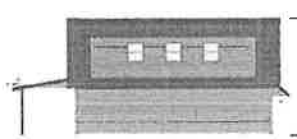
Vicinity Map - Scale: 1" = 800'



FRONT



LEFT



REAR



RIGHT



REVISION

Bruce E. Dask Consulting, LLC Land Use Expert and Surveyor 3301 Balboa Street, Suite 100 Baltimore, MD 21204 P: 410-639-1775 M: 410-639-2400 bdc@brucedaskconsulting.com	
PLAN TO ACCOMPANY A ZONING PETITION FOR #3729 CHESTNUT ROAD	
BALTIMORE COUNTY, MARYLAND 15th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT	
Date: 5/13/2024 Scale: 1"=60'	

Pet. Ex #1