



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

November 8, 2024

Matthew Herald – mrh416@yahoo.com
8314 Bletzer Road
Baltimore, MD 21222

RE: Petition for Variance
Case No. 2024-0174-A
Property: 8314 Bletzer Road

Dear Petitioner:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A blue ink signature of Derek J. Baumgardner, consisting of stylized, overlapping loops and a long horizontal stroke.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJM:dml
Enclosure

C: Scott Dallas jsdinc@aol.com
D. Wilson ciara92603@gmail.com
Predmon4 predmon4@students.towson.edu

IN RE: PETITION FOR VARIANCE
(8314 Bletzer Road)
15th Election District
7th Council District
Matthew Herald
Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0174-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Matthew Herald (“Petitioner”) owner of the property located at 8314 Bletzer Road, Dundalk, Baltimore County, Maryland (the “Property”). Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1, to permit a lot width of 50 ft. in lieu of the required minimum 55 ft. each for proposed Lot 1 and proposed Lot 2; variance relief from BCZR § 400.3, to permit an accessory building with a height of 28 ft. in lieu of the maximum permitted height of 15 ft.; and variance relief from BCZR § 1B02.3.C.1, to permit a 24 ft. rear (street) setback in lieu of 30 ft. (waterfront lot) setback requirement.

A public hearing was conducted on October 15, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared at the hearing in support of the Petition along with J. Scott Dallas of J.S. Dallas Inc., a certified surveyor and engineer who prepared the Site Plan. There were no Protestants or other interested persons who appeared at the hearing.

Petitioner submitted the following exhibits which were admitted into the record: (1) Site Plan; (2) Sketch Plan; (3) My Neighborhood GIS zoning/parcel map. The following Zoning Advisory Committee (“ZAC”) comments were received from county agencies and were admitted

into the record: (1) Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”); (3) Department of Plans Review (“DPR”); and (4) Department of Public Works and Transportation (“DPW&T”). County agency comments did not indicate objections to the requested relief. Correspondence dated August 29, 2024 was received from People’s Counsel which objected to the requested variance for minimum lot width. County Exhibit 5.

Findings of Fact

Petitioner proposes to split the current single lot that is 100 feet wide into two single lots that are each 50’ in width. This requires variance relief prior to subdivision application. The existing dwelling on proposed Lot 1 would remain while a new single-family dwelling and garage would be constructed on proposed Lot 2. Petitioner further requests variance relief to permit the new garage to be constructed at a height of 28 ft. in height, exceeding the maximum permitted height for accessory structures of 15 ft.

The Property is 34,627 sq. ft. in land area and is zoned DR 5.5. The lot is waterfront fronting on Back River and there is no subdivision plat of record. The property is located within the LDA of the Chesapeake Bay Critical Area and the Tidal Special Flood Hazard Area Zone. *See* County Exhibit 2. The lot is 100 ft. wide while neighboring lots appear to have been created by subdivision, perhaps by deed, and have 50 ft. approximate lot widths. *See* Petitioner’s Exhibit 1. The property is adjacent to a commercial property to the west and residential lots to the east and south across Bletzer Road. *See* Petitioner’s Exhibit 3. The lot is currently improved with a single-family dwelling. Upon successful subdivision, the existing home would remain while new Lot 2 would be improved with a new single-family home. The new single-family home can be constructed without additional variances. Planning’s ZAC comment indicates that “the 50’ width

is comparable in width to the adjacent residential lots and is common for the area.” County Exhibit 1.

Mr. Dallas and Mr. Herald explained the purpose of the proposed variances in moving forward with subdivision of the lot. Mr. Dallas further explained how compliance with the 55 ft. lot width could be achieved with a jogged lot line but the disfavored result that option would produce. *See* Petitioner’s Exhibit 2. Mr. Herald explained the desired use of the resulting lots and the need for the height variance for the proposed garage to allow for boat parking and storage accessory to the single-family dwelling use on this waterfront lot.

Conclusions of Law

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

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

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

The Property is unique in that the subject lot is twice the width and size of neighboring residential lots. If subdivision is successful, a single-family dwelling can be constructed on the new lot by right without the need for additional variances. Moreover, the resulting lots are not undersized by land area, and while lot width by frontage can meet the 55 ft. lot width requirement by establishing a jogged lot line between Lots 1 & 2, this is not best practice would produce an undesired staggered lot line as opposed to a more favored linear lot line. *See* Petitioner's Exhibit 2. For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and strict compliance with minimum lot width, rear setback, and accessory building height would result in practical difficulty. There is no credible evidence in this record to indicate that the variances proposed would have any adverse impacts on the health, safety, or general welfare of adjacent property owners or others in the community. The proposed new lot is in keeping with the size, use, siting, and character of surrounding single-family dwellings. For these reasons, I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare.

THEREFORE, IT IS ORDERED, this **8th** day of **November 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR § 1B02.3.C.1, to permit a lot width of 50 ft. in lieu of the required minimum 55 ft. each for proposed Lot 1 and proposed Lot 2; BCZR § 400.3, to permit an accessory building with a height of 28 ft. in lieu of the maximum permitted height of 15 ft.; and BCZR § 1B02.3.C.1, to permit a 24 ft. rear (street) setback in lieu of 30 ft. (waterfront lot) setback requirement, are hereby **GRANTED**; and

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at 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, Petitioner would be required to return the subject property to its original condition;

2. The Site Plan is attached hereto and incorporated herein;
3. Petitioner and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities;
4. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home unless otherwise required by a utility service provider for capacity or safety reasons;
5. The detached garage shall not be used for commercial or industrial purposes;
6. Petitioner must comply with the DPR/DPWT and DEPS ZAC comments, copies of which are attached hereto and made a part hereof.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm

1. OWNER: MATTHEW HERALD
8314 BLETZER RD
BALTIMORE, MD. 21222-2829
PHONE: 443-955-1512
2. EXISTING LOT AREA (DEED)
34627 Sq.Ft. 0.795 Ac.+-
3. PROPOSED LOT AREAS (COMPUTED TO BULKHEAD/WATER):
PROPOSED LOT 1: 15994 SQ. FT. 0.367 AC+-
PROPOSED LOT 2: 15428 SQ. FT. 0.354 AC.+-
4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
5. THE SITE LIES WITHIN ZONE X AND "AE" (EL 7) AS SHOWN
ON F.I.R.M. 2400100440H DATED 11/02/2023
6. EX. STRUCTURE = 2 STORY
7. DEED REF: JLE 46604-241
8. TAX ACCOUNT: #1502370690
9. COUNCILMANIC DISTRICT: 7TH
10. CENSUS TRACT: 4524
11. WATERSHED: BACK RIVER
12. TAX MAP: #104, PARCEL 92
13. ZONING: DR 5.5
(PER BALT. CO. WEBSITE)
14. NO KNOWN PREVIOUS ZONING CASE ON FILE
- 15.SETBACKS:
D.R. 5.5:
FRONT: 25' REAR: 30' SIDE 10'
MINIMUM LOT AREA: 6000 SQ. FT.
MINIMUM LOT WIDTH: 55'
16. THE SITE LIES WITHIN THE CHESAPEAKE BAY
CRITICAL AREA. (L.D.A.)
- 17.THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
18. NO KNOWN PREVIOUS DRC MEETINGS
19. NO KNOWN PERMITS ON FILE.
20. SITE IS WITHIN BUFFER MANAGEMENT AREA
21. PROP. GARAGE HEIGHT (LOT 2) 28'

FILE NAME		
23-1900 BLETZER.TRV		
SCALE	DATE	DRAWN BY
20 F/In	8-21-2024	R.N.G.
JOB	REVISION	SHEET
RI ETZER	1/1	1/1

08-21-2024
DATE

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: August 27, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0174-A

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

DPR: No comment.

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100440F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

Landscaping: No comment.

Recreations & Parks: No comment.

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

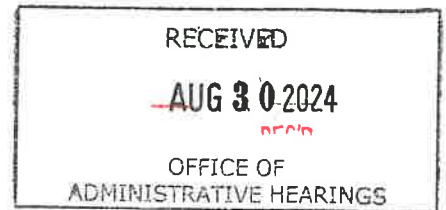
TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 8/29/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0174-A
Property Address: 8314 Bletzer Road
Petitioner: Matthew Herald
Zoning: DR 5.5
Requested Action: Variance



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

Variance(s) -

1. From Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a lot width of 50 feet in lieu of the required minimum 55 feet each for proposed lot 1 and proposed lot 2.
2. From Baltimore County Zoning Regulations (BCZR) Section 400.3 to permit an accessory building with a height of 28 feet in lieu of the maximum 15 feet.
3. From Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a 24-foot rear (street) setback in lieu of the 30 feet (waterfront lot).

The subject site consists of an approximately 34,627 square foot lot in the Dundalk area. The lot is a waterfront property situated along Back River and is currently improved with a two-story single-family dwelling. The adjacent properties include commercial land use to the west, high density residential to the east, and single-family residential opposite of Bletzer Road that is zoned D.R. 3.5.

According to the site plan and petition, the Owner/Petitioner would like to split the current single lot that is 100 feet wide into 2 single lots that are 50' each. The existing dwelling on proposed lot one would remain. A single-family dwelling and garage would be constructed on proposed lot two.

The subject site is within the boundaries of the Wells-McComas Community Conservation Plan. The community plan does not offer any specific information or guidance relevant to lot size, accessory structures or setbacks. The community plan's main focus is on the issue of conflicts that arise between the mix of residential and commercial land uses.

The Department of Planning has no objections to the requested variance from Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a lot width of 50 feet in lieu of the required minimum 55 feet each for proposed lot 1 and proposed lot 2. The 50' width is comparable in width to the adjacent residential lots and is common for this area.

The Department of Planning also has no objections to the variance from Baltimore County Zoning Regulations (BCZR) Section 400.3 to permit an accessory building with a height of 28 feet in lieu of the maximum 15 feet with the following condition:

1. The accessory building (detached garage) shall not be used for commercial purposes or converted to a dwelling unit.

The Department of Planning also has no objection to the variance from Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a 24-foot rear (street) setback in lieu of the 30 feet (waterfront lot).

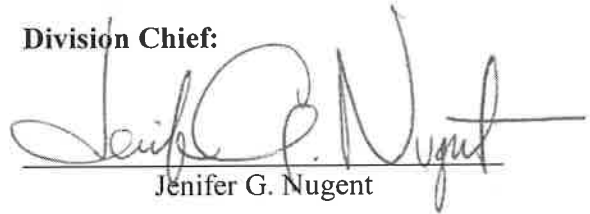
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas, Representative
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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: September 6, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0174-A
Address: 8314 BLETZER ROAD
Legal Owner: Matthew Herald

Zoning Advisory Committee Meeting of September 3, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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

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

The subject property is located within a Limited Development Area (LDA) and is subject to Chesapeake Bay Critical Area (CBCA) requirements. The applicant is proposing to permit a lot width of 50 feet in lieu of the required minimum 55 feet, an accessory building with a height of 28 feet in lieu of the maximum 15 feet, and a rear (streetside) setback of 24 feet in lieu of the minimum 30 feet. The lot is waterfront. The lot is proposed to be subdivided into two lots and must comply with all CBCA subdivision requirements. Lot coverage for the entire subdivision may not exceed 15%. While this lot is currently categorized as a Modified Buffer Area (MBA), the MBA is only applicable to grandfathered lots. Upon subdivision, the buffer will be subject to full critical area buffer compliance, including full buffer establishment and Critical Area Easement recordation. 15% afforestation of the subdivision is required. If the lot coverage, afforestation, and

buffer requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is waterfront and, while currently within the MBA, will be subject to full critical area buffer compliance upon subdivision. The subdivision must meet all lot coverage, afforestation, and buffer requirements as described in #1. If lot coverage, afforestation, and buffer requirements are met, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The subdivision must meet all CBCA subdivision requirements pertaining to lot coverage, buffer establishment and compliance, and afforestation, as described in #1. Provided that the applicants meet their lot coverage, afforestation, and buffer requirements, then the relief requested will be consistent with the established land-use policies.

Reviewer: Libby Errickson



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address #8314 BLETZER ROAD Currently Zoned DR 5.5
Deed Reference 46604 / 241 10 Digit Tax Account # 1502370690
Owner(s) Printed Name(s) MATTHEW HERALD

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

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

1. ☐ 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)

PLEASE SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

We agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

MATTHEW HERALD
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
8314 BLETZER ROAD BALTIMORE MD
Mailing Address _____ City _____ State _____
21222 443-955-1512 mwh416@yahoo.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

J SCOTT DALLAS (J S DALLAS INC)

Name - Type or Print _____
Signature _____
P O BOX 26 BALDWIN MD
Mailing Address _____ City _____ State _____
21013 410-817-4600 jsdinc@aol.com
Zip Code Telephone # Email Address

Case Number 2024-0174-A Filing Date 7 / 12 / 24 Do Not Schedule Dates - Reviewer MSK

Attachment-
Zoning Petition
8314 BLETZER ROAD

1.A VARIANCE FROM SECTION 1B02.3.C.1 (CHART) TO PERMIT A LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED MINIMUM 55 FEET EACH FOR PROPOSED LOT 1 AND PROPOSED LOT 2.

2. A VARIANCE FROM SECTION 400.3 TO PERMIT AN ACCESSORY BUILDING WITH A HEIGHT OF 28 FEET IN LIEU OF THE MAXIMUM 15 FEET AND 1B02.3.C.1 TO PERMIT A 24-FOOT REAR (STREET) SETBACK IN LIEU OF 30 FEET (WATERFRONT LOT).

3.ANY OTHER VARIANCES DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE.

J.S. DALLAS, INC.

Surveying & Engineering

P.O. Box 26

Baldwin, MD 21013

(410)817-4600

FAX (410)817-4602

ZONING DESCRIPTION OF #8314 BLETZER ROAD

BEGINNING on the northeast side of Bletzer Road, 40 feet wide, distant 350 feet, more or less southeasterly from the centerline of Bletzer Road, 40 feet wide thence running with and binding on said northeast side of Bletzer Road **(1)** South 56 degrees 33 minutes East 100 feet thence **(2)** North 34 degrees 53 minutes East 335 feet to the Back River thence **(3)** North 38 degrees 40 minutes West 100 feet thence **(4)** South 35 degrees 54 minutes West East 230.87 feet and **(5)** South 34 degrees 53 minutes West 135 feet to the place of beginning as recorded in Deed Liber 46604 folio 241 etc..

CONTAINING 34,627 square feet (or 0.795 acres) of land, more or less).

ALSO known as **# 8314 Bletzer Road** and located in the 15th Election District, 7th Councilmanic District.

Note: above description is based on existing deed and is for zoning purposes only.



2024-0174-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/23/2024

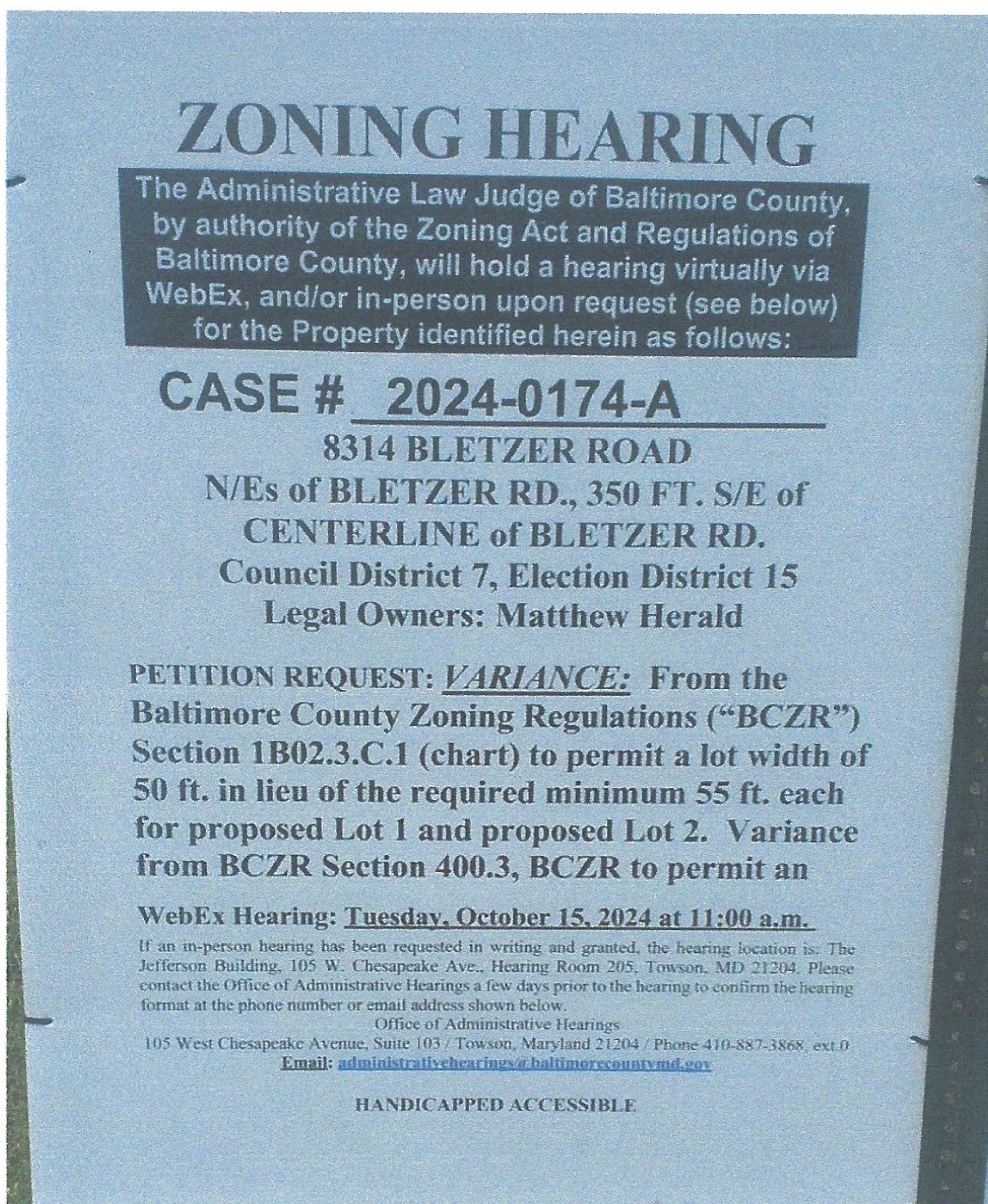
Case Number: 2024-0174-A

Petitioner / Developer: J. SCOTT DALLAS ~ MATTHEW HERALD

Date of Hearing: OCTOBER 15, 2024

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
8314 BLETZER ROAD

The sign(s) were posted on: SEPTEMBER 23, 2024



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

SIGN #1

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

No. 233405

Date: 7/11/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 150

Total: \$ 150

Rec
From:

J. S. Dallas Inc.

For:

Residential Variance (2 lots at \$ 75.00 ea)

8314 Blitzer Road

Zoning Case # 2024-0174-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MSK

**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: 2024-0174-A

Property Address: 8314 BLETZER ROAD

Legal Owners (Petitioners): MATTHEW HERALD

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): J Scott Dallas- J S DALLAS, INC

Address: P O Box 26

P O BOX 26 BALDWIN, MD 21013

410-817-4600

Telephone Number: _____

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

BALTIMORE COUNTY, 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: September 6, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0174-A
Address: 8314 BLETZER ROAD
Legal Owner: Matthew Herald

Zoning Advisory Committee Meeting of September 3, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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buffer requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

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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;

The subdivision must meet all CBCA subdivision requirements pertaining to lot coverage, buffer establishment and compliance, and afforestation, as described in #1. Provided that the applicants meet their lot coverage, afforestation, and buffer requirements, then the relief requested will be consistent with the established land-use policies.

Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: August 27, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0174-A

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

DPR: No comment.

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100440F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

Landscaping: No comment.

Recreations & Parks: No comment.

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 8/29/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0174-A

Property Address: 8314 Bletzer Road

Petitioner: Matthew Herald

Zoning: DR 5.5

Requested Action: Variance

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

Variance(s) -

1. From Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a lot width of 50 feet in lieu of the required minimum 55 feet each for proposed lot 1 and proposed lot 2.
2. From Baltimore County Zoning Regulations (BCZR) Section 400.3 to permit an accessory building with a height of 28 feet in lieu of the maximum 15 feet.
3. From Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a 24-foot rear (street) setback in lieu of the 30 feet (waterfront lot).

The subject site consists of an approximately 34,627 square foot lot in the Dundalk area. The lot is a waterfront property situated along Back River and is currently improved with a two-story single-family dwelling. The adjacent properties include commercial land use to the west, high density residential to the east, and single-family residential opposite of Bletzer Road that is zoned D.R. 3.5.

According to the site plan and petition, the Owner/Petitioner would like to split the current single lot that is 100 feet wide into 2 single lots that are 50' each. The existing dwelling on proposed lot one would remain. A single-family dwelling and garage would be constructed on proposed lot two.

The subject site is within the boundaries of the Wells-McComas Community Conservation Plan. The community plan does not offer any specific information or guidance relevant to lot size, accessory structures or setbacks. The community plan's main focus is on the issue of conflicts that arise between the mix of residential and commercial land uses.

The Department of Planning has no objections to the requested variance from Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a lot width of 50 feet in lieu of the required minimum 55 feet each for proposed lot 1 and proposed lot 2. The 50' width is comparable in width to the adjacent residential lots and is common for this area.

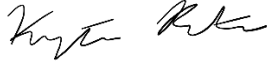
The Department of Planning also has no objections to the variance from Baltimore County Zoning Regulations (BCZR) Section 400.3 to permit an accessory building with a height of 28 feet in lieu of the maximum 15 feet with the following condition:

1. The accessory building (detached garage) shall not be used for commercial purposes or converted to a dwelling unit.

The Department of Planning also has no objection to the variance from Baltimore County Zoning Regulations (BCZR) Section 1B02.3.C.1 to permit a 24-foot rear (street) setback in lieu of the 30 feet (waterfront lot).

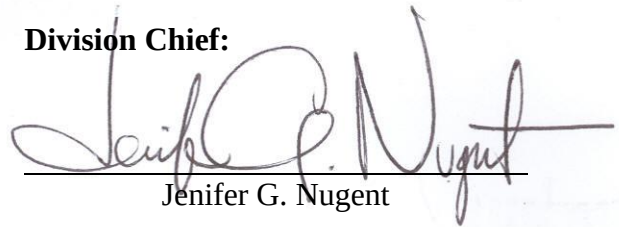
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: J. Scott Dallas, Representative
Maria Mougridis, Community Planner
Jeff Perlow, 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 - 1502370690

Owner Information

Owner Name: HERALD MATTHEW Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 8314 BLETZER RD Deed Reference: /46604/ 00241
BALTIMORE MD 21222-2829

Location & Structure Information

Premises Address: 8314 BLETZER RD Legal Description: LT NES BLETZER RD
BALTIMORE 21222-2829
Waterfront

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0104	0003	0092	15120105.04	0000				2024	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1940	1,096 SF		35,000 SF	34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	STANDARD UNIT	STUCCO/ 3	1 full			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	188,200	265,000		
Improvements	77,100	97,500		
Total:	265,300	362,500	265,300	297,700
Preferential Land:	0	0		

Transfer Information

Seller: BISHOFF PERSHING A	Date: 03/23/2022	Price: \$390,000
Type: ARMS LENGTH IMPROVED	Deed1: /46604/ 00241	Deed2:
Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /02640/ 00539	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

Special Tax Recapture: None

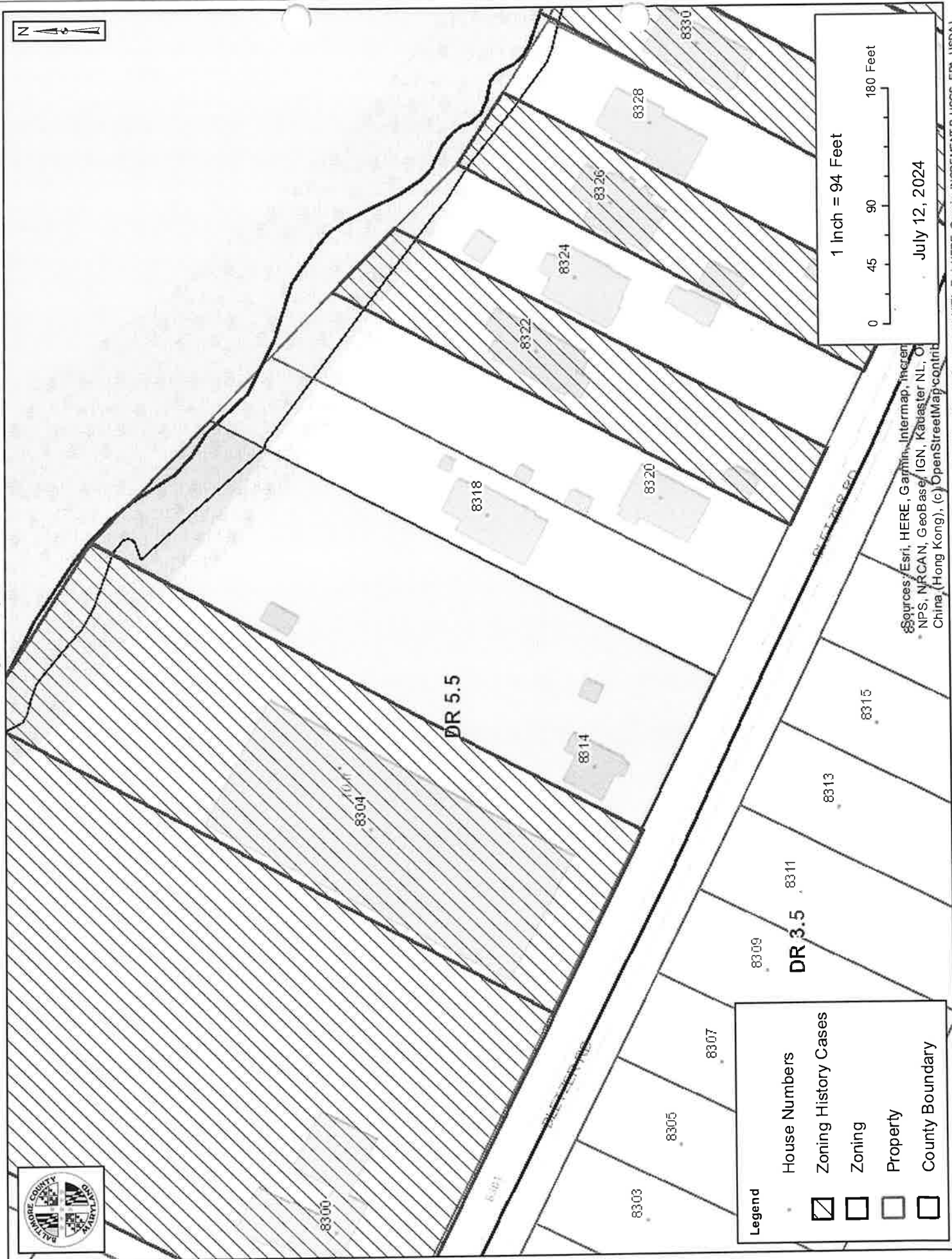
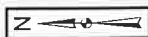
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: Completed without credit for 2022 Date: 06/10/2021

2024-0174-A

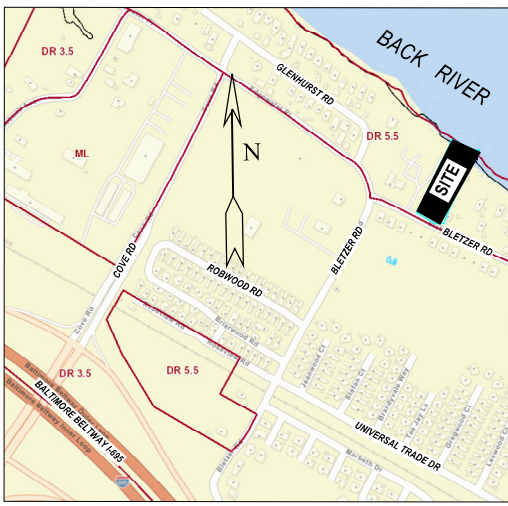


VITA ES! HERE GAMIN INCREMENT P USGS EPA USDA!

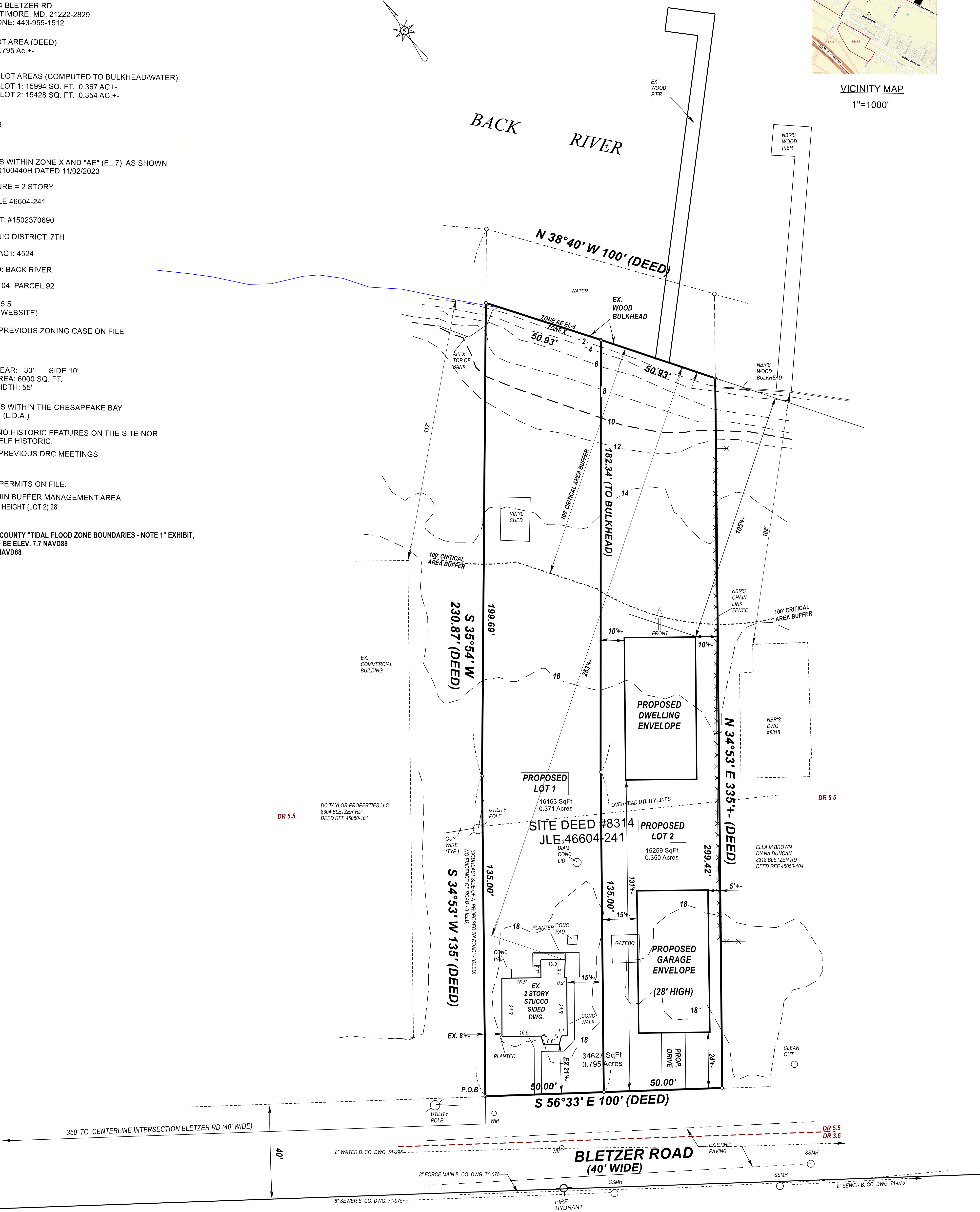
GENERAL NOTES:

1. OWNER: MATTHEW HERALD
8314 BLETZER RD
BALTIMORE, MD. 21222-2829
PHONE: 443-955-1512
2. EXISTING LOT AREA (DEED)
34627 Sq.Ft. 0.795 Ac.+-
3. PROPOSED LOT AREAS (COMPUTED TO BULKHEAD/WATER):
PROPOSED LOT 1: 15994 SQ. FT. 0.367 AC+-
PROPOSED LOT 2: 15428 SQ. FT. 0.354 AC.+-
4. UTILITIES:
PUBLIC SEWER
PUBLIC WATER
5. THE SITE LIES WITHIN ZONE X AND "AE" (EL 7) AS SHOWN
ON F.I.R.M. 2400100440H DATED 11/02/2023
6. EX. STRUCTURE = 2 STORY
7. DEED REF: JLE 46604-241
8. TAX ACCOUNT: #1502370690
9. COUNCILMANIC DISTRICT: 7TH
10. CENSUS TRACT: 4524
11. WATERSHED: BACK RIVER
12. TAX MAP: #104, PARCEL 92
13. ZONING: DR 5.5
(PER BALT. CO. WEBSITE)
14. NO KNOWN PREVIOUS ZONING CASE ON FILE
15. SETBACKS:
D.R. 5.5:
FRONT: 25' REAR: 30' SIDE 10'
MINIMUM LOT AREA: 6000 SQ. FT.
MINIMUM LOT WIDTH: 55'
16. THE SITE LIES WITHIN THE CHESAPEAKE BAY
CRITICAL AREA. (L.D.A.)
17. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR
IS THE SITE ITSELF HISTORIC.
18. NO KNOWN PREVIOUS DRC MEETINGS
19. NO KNOWN PERMITS ON FILE.
20. SITE IS WITHIN BUFFER MANAGEMENT AREA
21. PROP. GARAGE HEIGHT (LOT 2) 28'

PER BALTIMORE COUNTY "TIDAL FLOOD ZONE BOUNDARIES - NOTE 1" EXHIBIT,
BFE APPEARS TO BE ELEV. 7.7 NAVD88
MIN FF ELEV 9.7 NAVD88



VICINITY MAP
1"=1000'



J.S. DALLAS, INC.
SURVEYING & ENGINEERING
P.O. BOX 26
BALDWIN, MD. 21013
(410) 817-4600



08-21-2024
DATE

SITE PLAN TO ACCOMPANY
REQUEST FOR ZONING VARIANCE
#8314 BLETZER RD
DEED REF JLE 46604-421
ZONING: DR 5.5
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=20' DATE: 08-21-2024

FILE NAME	23-1900 BLETZER TRV	
SCALE	DATE	DRAWN BY
20 FTLin	8-21-2024	R.N.G.
JOB	REVISION	SHEET
BLETZER	1/1	1/1