



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

September 25, 2024

Glenn S. Kuntzman - excelgk@verizon.net
Jean M. Kuntzman
6817 South River Drive

RE: Petition for Variance
Case No. 2024-0181-A
Property: 6817 South River Drive

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 black ink, appearing to be "DJB", is written over a circular stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Jon Skarda – Shore Line Construction – jon@shorelineconstruction.net

IN RE: PETITION FOR VARIANCE
(6817 South River Drive)
15th Election District
5th Council District
Glenn and Jean Kuntzman
Legal Owners

Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0181-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Glenn and Jean Kuntzman (“Petitioners”) for property located at 6817 South River Drive, Middle River, Baltimore County, Maryland (“the Property”). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.1 to approve an accessory structure (pool) in the front yard (water side) in lieu of the required rear yard (streetside only) and from BCZR § 4004.A.1a to approve an accessory apartment larger than one-third of the overall floor area of the principal dwelling.

A public hearing was conducted on September 23, 2024, using the virtual 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 along with Jon Skarda of Shore-Line Construction. Charles Ruzigka from Precision Survey and Mapping, LLC prepared the Site Plan.

The following exhibits were received from Petitioners and admitted into the record: (1) Revised Site Plan (providing lot coverage computation); (2) Floor plans; (3) Property photograph; (4) Declaration and Covenant; and (5) Google Earth Images. The following Zoning Advisory Committee (“ZAC”) comments were received from county agencies and admitted into the record: (1) the Department of Environmental Protection and Sustainability (“DEPS”); (2) Department of

Public Works and Transportation (“DPWT”), and (3) Department of Planning (“DOP”). ZAC comments indicate the property is located within an environmentally sensitive area but, subject to state and local environmental regulations, do not indicate any objection to the proposed relief.

Findings of Fact

Petitioners propose to construct a detached single-family dwelling on the premises with the second floor containing an accessory apartment. An in-ground pool is also proposed to be located in the front yard of the property adjacent to the waterfront along Bird River.

The Property is approximately 10,875 sq. ft. in land area and is zoned DR 5.5. The Property is currently unimproved. The proposed single-family home is permitted by right but its siting provides only a limited area in which to construct the pool. The Property is located within the 100-year Federal Emergency Management Agency (“FEMA”) floodplain, the Chesapeake Bay Critical Area (“CBCA”) / Limited Development Area (“LDA”), and the 100-foot Critical Area buffer. The lot is comprised of three parcels but is narrow in depth. Both the single-family home and the pool are proposed to be constructed within the building envelope without the need for setback variances.

Mr. Skarda testified regarding the proposed plans and the constraints of the property as well as the property’s history. Mr. Skarda confirmed that the proposed single-family home and pool would be constructed compliant with floodplain regulation requirements. Mr. Skarda further confirmed that development within the Critical Area would comply with environmental requirements including buffer mitigation. Mr. and Mrs. Kuntzman explained the purpose of the accessory apartment and the need for its square footage in relation to the square footage of the principal residence.

Conclusions of Law

Petitioners request variance relief from BCZR § 400.1 to approve an accessory structure

(pool) in the front yard (water side) in lieu of the required rear yard (streetside only) and from BCZR § 4004.A.1a to approve an accessory apartment larger than one-third of the overall floor area of the principal dwelling.

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 due to its narrow depth combined with environmental constraints with respect to its location in the floodplain and Critical Area resulting in limited areas in which improvements can be constructed. For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and strict compliance with the Zoning Regulations for Baltimore County with respect to siting and maximum building height would result in practical difficulty. I further 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. The proposed pool will comply with floodplain regulations and Critical Area buffer mitigation requirements and the pool's location in the front yard (waterfront as opposed to streetside) will be in keeping with the character of waterfront properties in Baltimore County. Further, the proposed accessory apartment while large in size in comparison to the principal residence will be constructed as a second floor to the principal residence and not as an accessory building as the lot's unique size and environmental restrictions proscribe such construction. In sum, the evidence adduced at the hearing satisfies the requirements under BCZR § 307.1 and the factors articulated under *Cromwell v. Ward*, 102 Md. App. 691 (1995).

THEREFORE, IT IS ORDERED, this 25th day of **September, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §400.1 to approve an accessory structure (pool) in the front yard (water side) in lieu of the required rear yard (street side only), be and is hereby, **GRANTED**; and

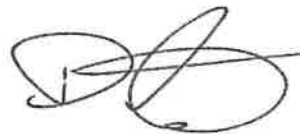
IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §400.4A.1a to approve an accessory apartment larger than 1/3 of the overall floor area of the principal dwelling, be and it is hereby **GRANTED**; and

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. Petitioners shall comply with the DPR, DPWT and DEPS ZAC comments which are attached hereto;
3. The Revised Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein in its entirety; **unless specifically articulated herein, no yard setback variances are granted within this Order;**

4. The accessory apartment shall not be used for commercial purposes;
5. The accessory apartment shall not be converted into a second dwelling unit beyond the scope of BCZR, §400. The accessory apartment shall only be utilized by the persons named in the use permit who are immediate family members as defined in BCZR, §101.1, and may not be used by any persons not named in the use permit for any other reason (including family members not otherwise named). When the accessory apartment is no longer occupied by the persons named in the use permit, or if the Property is sold, the use permit shall terminate. Upon termination, the renovations constructed for the accessory apartment will be removed and the accessory building will be restored to its original condition;
6. The accessory apartment shall not have separate utility, gas and electric and/or water/sewerage connections or services. All services shall connect to the house;
7. Prior to the issuance of the use permit, Petitioners shall file and record at their expense, an executed and notarized Declaration of Understanding, along with a property description and a site plan showing the proposed improvements, along with a copy of this Order, in the Land Records of Baltimore County, and file a copy of the same with the Department of Permits, Approvals and Inspections; and
8. Petitioners shall renew the use permit with Department of Permits, Approvals and Inspections every two (2) years by filing a renewal on a form approved by Department of Permits, Approvals and Inspections, to be dated from the month of the Order herein, and shall list the name of any person(s) occupying the accessory apartment.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB/dlm

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: August 16, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0181-A

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

DPR: In a 100-year FEMA floodplain AE Zone BFE 6 NAVD88, BC AE Zone BF 8.5 NAVD88.

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0181-A
Address: 6817 SOUTH RIVER DR.
Legal Owner: Glenn & Jean Kuntzman

Zoning Advisory Committee Meeting of August 23, 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 a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is seeking approval to permit an accessory structure (pool) in the front yard in lieu of the required rear yard and to approve an accessory apartment larger than 1/3 of the overall floor area of the principal dwelling. The proposed development must meet LDA requirements and the 15% afforestation requirement. The maximum lot coverage for this property is 4,116 square feet or 31.25%. 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;

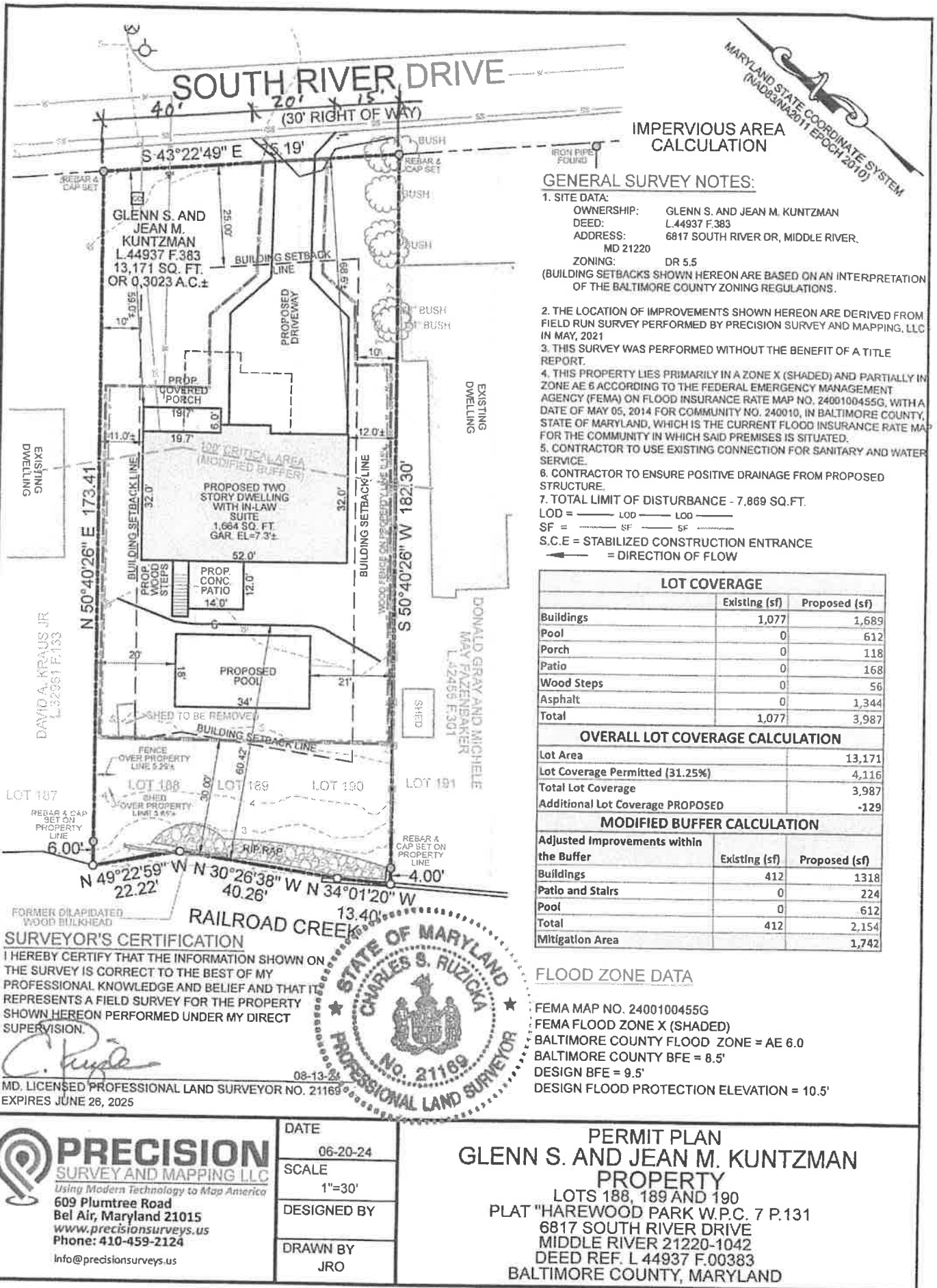
This is a waterfront property with a 100-foot Critical Area buffer extending onto the property from Railroad Creek. The buffer consists of a maintained grass lawn. There are no trees or shrubs within the buffer. Part of the proposed house

and the proposed patio, stairs, and pool will be located inside the buffer and will require buffer mitigation. Meeting the lot coverage and buffer requirements and the 15% afforestation requirement 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, buffer, and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder





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 6817 South River Drive Currently Zoned DR 5.5
Deed Reference L 44937, F 00383 10 Digit Tax Account # 15 13202780
Owner(s) Printed Name(s) Glenn S + Jean M. Kuntzman

(SELECT THE HEARING(S) BY MARKING ☒ 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)

See Attached

BCZR 400.1 to approve an accessory structure (pool) in front yard (Water side) in lieu of the required rear yard (Street side) only. BCZR 400.4.A.1.a to approve an accessory apartment larger than 1/3 of the overall floor area of the principal dwelling. **sons: (Indicate "If you need**

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

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

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

Contract Purchaser/Lessee:

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

Legal Owners (Petitioners):

Glenn S Kuntzman Jean M Kuntzman
Name #1 - Type or Print Name #2 - Type or Print
[Signature] [Signature]
Signature #1 Signature #2
6817 SOUTH RIVER DR MIDDLE RIVER MD
Mailing Address City State
21220 443-909-9160 excelgk@verizon.net
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

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

Representative to be contacted:

Jon Skarda Shoreline Construction
Name - Type or Print
[Signature]
Signature
4713 B Forge Rd Perry Hall MD
Mailing Address City State
21128 4105746623 443 286 5009
Zip Code Telephone # Email Address
Jon@shorelineconstruction.net
Do Not Schedule Dates
Case Number 2024-0181-A Filing Date 7, 29, 2024 Reviewer TC

Petition for Zoning Hearing

6817 South River Dr

Middle River, MD 21220

VARIANCE

1. In-law suite with 2nd kitchen (Our daughter, Jenn, lives with us. She is 31. She had a brain tumor removed at age 5. She drives and is employed but is still not completely financially independent. We would like for her to have her own living space. Please let me know if you need more details on her situation.). per owner request
2. Request pool to be in front yard (water facing), there is not enough room in the rear yard (road facing) for a pool. POOL IS STILL IN THE BUILDING ENVELOPE

2024-0181-A

The Zoning Property Description

6817 South River Drive

Middle River, MD 21220

Glenn S and Jean M Kuntzman

Beginning at a point on the south side of 6817 South River Drive Middle River, MD 21220 which is 30' wide at the distance of 50' south of the centerline of the nearest improved intersecting street Hopkins Rd which is 30' wide.

Option 2. Harewood Park lot 188,189,190 W.P.C. #7

Being lot # 188, 189,190 block __ section __ in the subdivision Harewood Park as recorded in Baltimore County Plat Book # W.P.C #7, folio 131, containing 13,171 sq ft located in the 15th Election District and 5th Council District.

2024-0181-A

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: 2024-0181-A
Property Address: 6817 South River Drive Middle River 21220
Legal Owners (Petitioners): Glenn S + Jean M Kuntzman
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Shore-Line Construction Jon SKARDA
Address: 4713 B Forge Rd
Perry Hall MD 21128
Telephone Number: 01 443 286 5009 01 410 574 6623

*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

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
Address 6817 South River Drive Owners(s) Name(s) Glenn S + Jean M. Kuntzman
Subdivision Name HARDWOOD PARK Lot # _____ Block # _____ Section # _____
Plat Book # WPC Folio # 131 10 Digit Tax # 151 3202 780 Deed Reference# 44 937, 00383

See Attached

Site Vicinity Map



MAP IS NOT TO SCALE

Zoning Map # _____

Zoning _____

Election District _____

Council District _____

Lot Area Acreage _____

Lot Square Footage _____

Historic (Yes or No) _____

CBCA (Yes or No) _____

Flood Plain (Yes or No) _____

Utilities – Mark with (X)

Water is:

Public _____ Private _____

Sewer is:

Public _____ Private _____

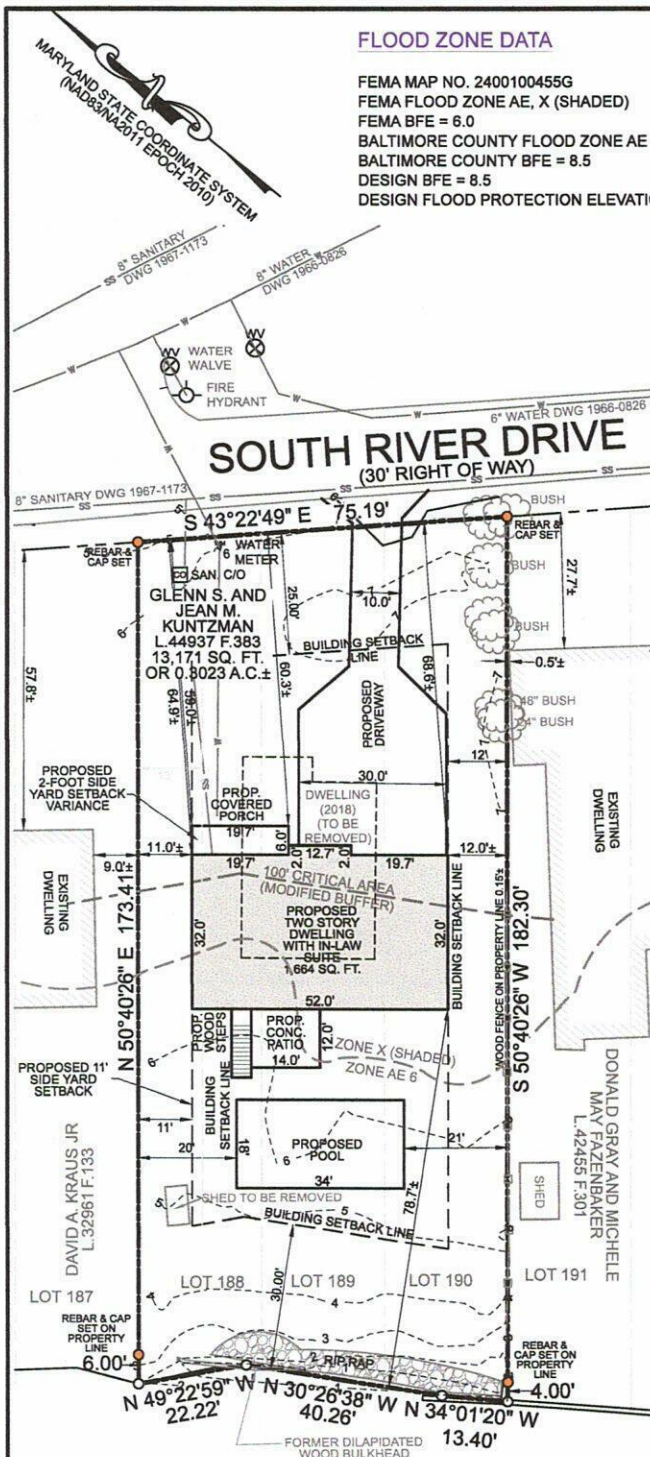
Prior Hearing (Yes or No) _____

If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)

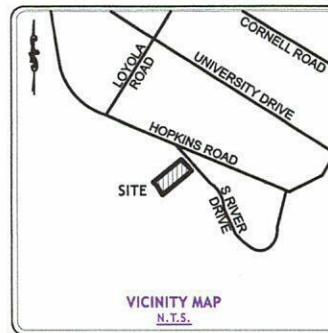
Plan Drawn By Precision Survey & Mapping Date 6-11-24 Scale: 1 inch = 30' Feet

2024-0181-A



FLOOD ZONE DATA

FEMA MAP NO. 2400100455G
FEMA FLOOD ZONE AE, X (SHADED)
FEMA BFE = 6.0
BALTIMORE COUNTY FLOOD ZONE AE
BALTIMORE COUNTY BFE = 8.5
DESIGN BFE = 8.5
DESIGN FLOOD PROTECTION ELEVATION = 10.5



GENERAL SURVEY NOTES:

1. SITE DATA:
 - OWNERSHIP: GLENN S. AND JEAN M. KUNTZMAN
 - ADDRESS: 6817 SOUTH RIVER DRIVE MIDDLE RIVER
 - SUBDIVISION "HAREWOOD PARK" LOTS 188, 189 AND 190
 - PLAT BOOK# W.P.C. 7 FOLIO 131
 - TAX ACCOUNT #1513202780
 - DEED REF. L 44937 F.00383
 - ZONING: DR 5.5
 - ELECTION DISTRICT: 15th
 - COUNCIL DISTRICT: 5th
 - ELECTION DISTRICT: 15th
 - LOT AREA ACREAGE: 0.3023 AC±
 - LOT SQUARE FOOTAGE: 13,171 Sq. Ft.
 - HISTORIC (YES OR NO): NO
 - CBCA (YES OR NO): YES
 - FLOOD PLAIN (YES OR NO): YES
 - UTILITIES:
 - PUBLIC WATER
 - PUBLIC SEWER
 - PRIOR HEARINGS (YES OR NO): NO

(BUILDING SETBACKS SHOWN HEREON ARE BASED ON AN INTERPRETATION OF THE BALTIMORE COUNTY ZONING REGULATIONS.

2. THE LOCATION OF IMPROVEMENTS SHOWN HEREON ARE DERIVED FROM FIELD RUN SURVEY PERFORMED BY PRECISION SURVEY AND MAPPING, LLC IN MAY, 2021

3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.

4. THIS PROPERTY LIES PRIMARILY IN A ZONE X (SHADED) AND PARTIALLY IN ZONE AE 6 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) ON FLOOD INSURANCE RATE MAP NO. 2400100455G, WITH A DATE OF MAY 05, 2014 FOR COMMUNITY NO. 240010, IN BALTIMORE COUNTY, STATE OF MARYLAND, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.

5. CONTRACTOR TO USE EXISTING CONNECTION FOR SANITARY AND WATER SERVICE.

6. CONTRACTOR TO ENSURE POSITIVE DRAINAGE FROM PROPOSED STRUCTURE.

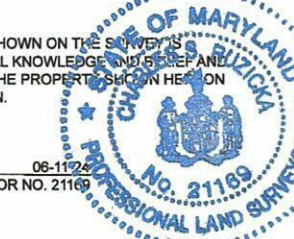
SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THE SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF AND THAT IT REPRESENTS A FIELD SURVEY FOR THE PROPERTY SHOWN HEREON PERFORMED UNDER MY DIRECT SUPERVISION.

[Signature]

MD. LICENSED PROFESSIONAL LAND SURVEYOR NO. 21169
EXPIRES JUNE 28, 2025

RAILROAD CREEK



PRECISION
SURVEY AND MAPPING LLC
Using Modern Technology to Map America
609 Plumtree Road
Bel Air, Maryland 21015
www.precision-surveys.us
Phone: 410-459-2124
info@precision-surveys.us

DATE
06-11-24
SCALE
1"=30'
DESIGNED BY
DRAWN BY
JRO

PLAT TO ACCOMPANY VARIANCE APPLICATION
GLENN S. AND JEAN M. KUNTZMAN
PROPERTY
6817 SOUTH RIVER DRIVE MIDDLE RIVER 21220-1042
SUBDIVISION "HAREWOOD PARK" LOTS 188, 189 AND 190
PLAT BOOK# W.P.C. 7 FOLIO 131
TAX ACCOUNT #1513202780
DEED REF. L 44937 F.00383
BALTIMORE COUNTY, MARYLAND



Certificate of Posting

Case# 2024-0181-A

Petitioner/Developer

JON SKARDA

Shoreline Construction

Date of Hearing/Closing

September 23, 2024

Baltimore County Department of Permits and Management

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

Attention:

Ladies and Gentlemen:

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

6817 South River Drive August 31, 2024. Signs 1A & 2A

Sincerely, Martin Ogle

Martin Ogle

9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: September 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0181-A
Address: 6817 SOUTH RIVER DR.
Legal Owner: Glenn & Jean Kuntzman

Zoning Advisory Committee Meeting of August 23, 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 a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is seeking approval to permit an accessory structure (pool) in the front yard in lieu of the required rear yard and to approve an accessory apartment larger than 1/3 of the overall floor area of the principal dwelling. The proposed development must meet LDA requirements and the 15% afforestation requirement. The maximum lot coverage for this property is 4,116 square feet or 31.25%. 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 waterfront property with a 100-foot Critical Area buffer extending onto the property from Railroad Creek. The buffer consists of a maintained grass lawn. There are no trees or shrubs within the buffer. Part of the proposed house

and the proposed patio, stairs, and pool will be located inside the buffer and will require buffer mitigation. Meeting the lot coverage and buffer requirements and the 15% afforestation requirement 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, buffer, and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 8/27/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0181-A
Property Address: 6817 South River Drive
Petitioner: Glen & Jean Kuntzman
Zoning: DR 5.5
Requested Action: Variance

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

Variance –

1. From Baltimore County Zoning Regulations (BCZR) Section 400.1 to approve an accessory structure (pool) in the front yard (water front) in-lieu of the required rear yard (street side) only.
2. From Baltimore County Zoning Regulations (BCZR) Section 400.4.A.1.a to approve an accessory apartment larger than one-third of the overall floor area of the principal dwelling.

The subject site is an approximately 13,171 square foot parcel in the Middle River area situated along Railroad Creek. Based off of the submitted site plan, there is an existing dwelling on the property labeled as “to be removed.” However, our GIS database satellite images reveal an empty lot with only a small shed that is also labeled on the site plan as to be removed. According to the proposed site plan the existing house to be removed is 1,077 square feet and the proposed single-family dwelling will be 1,689 square feet. Also, based off of the site plan submitted, the overall lot coverage as proposed does fall under the maximum lot coverage permitted.

The subject site is within the boundary of the Greater Dundalk-Edgemere Community Conservation Plan, adopted February 22, 2000. The plan provides recommendations related to economic development, education, the environment, housing, human services, physical development, and public safety within the plan area boundary. The plan specifically mentions the need for homeownership retention, updating aging housing stock to help first time home buyers, and a concern for these homes to be converted into rental units (page 13). The plan also provides recommendations to strengthen Code Enforcement, educate residents about Zoning Regulations, and promote citizen compliance with the Baltimore County Code and Zoning Regulations (pages 37-38).

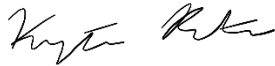
The Department of Planning supports the variance from BCZR Section 400.1 to approve an accessory structure (pool) in the front yard (water front) in-lieu of the required rear yard (street side) only. The pool in this case is best situated away from a public street and situated in the back of the house which is considered its front yard due to the properties water front location. Furthermore, the pool is included in the overall allowable lot coverage proposed for this site and therefore meets the requirements in 400.1 for location and lot coverage.

The Department of Planning also supports the variance from BCZR Section 400.4.A.1.a to approve an accessory apartment larger than one-third of the overall floor area of the principal dwelling with the following conditions:

1. The proposed side setbacks shown on the site plan are 11 feet and 12 feet. The required BCZR minimum side setbacks for a single-family dwelling in a DR 5.5 zone are 16 feet from minimum building side to building side (this should be addressed/noted).
2. All setbacks and site design should comply with Planning's CMDP-Comprehensive Manual of Development Policy, Division II, Section A; Specifically, Page 13 for a Single-Family Detached in a DR 5.5 Zone.

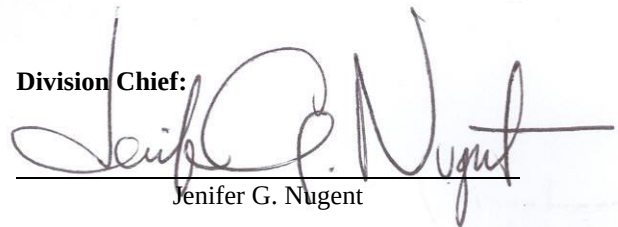
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Jon Skarda for Shore-Line Construction, Representative
Maria Mougridis, 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
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Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1513202780

Owner Information

Owner Name: KUNTZMAN GLENN S Use: RESIDENTIAL
KUNTZMAN JEAN M Principal Residence: NO

Mailing Address: 6817 SOUTH RIVER DR Deed Reference: /44937/ 00383
MIDDLE RIVER MD 21220-

Location & Structure Information

Premises Address: 6817 SOUTH RIVER DR Legal Description: LT 188,189,190
MIDDLE RIVER 21220-1042 6817 SOUTH RIVER DR
Waterfront HAREWOOD PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0083 0006 0258 15010005.04 0000 2024 Plat Ref: 0007/ 0131

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	10,875 SF		34	

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

Value Information

	Base Value	Value As of 01/01/2024	Phase-in Assessments	
			As of 07/01/2024	As of 07/01/2025
Land:	153,800	256,300		
Improvements	7,000	8,100		
Total:	160,800	264,400	195,333	229,867
Preferential Land:	0	0		

Transfer Information

Seller: MITCHELL HENRY L	Date: 06/17/2021	Price: \$153,000
Type: ARMS LENGTH VACANT	Deed1: /44937/ 00383	Deed2:
Seller: MITCHELL JO ANN E	Date: 06/11/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16497/ 00074	Deed2:
Seller: MALICK NATHAN R	Date: 05/15/1989	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08174/ 00547	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0181-A

