



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

October 8, 2024

Bradford and Alexis Lilly – bradford.r.lilly@gmail.com; andy@andyniazyarchitecture.com
123 Hughes Shore Road
Middle River, MD 21220

RE: Petition for Administrative Variance
Case No. 2024-0183-A
Property: 123 Hughes Shore 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 dark ink, appearing to be "DJB", written over a circular stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(123 Hughes Shore Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Bradford & Alexis Lilly	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2024-0183-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Bradford and Alexis Lilly (“Petitioners”) for the property located at 123 Hughes Shore Road, Middle River (the “Property”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”), Section 1B02.3.C.1, to permit an 11 ft. front principal structure setback (waterfront) in lieu of 25 ft. for a 2-story deck (replacement) with an attached accessory structure (pool). The Property and requested relief are more fully depicted on the site plan (the “Site Plan”) that was marked and accepted into evidence as Petitioners’ Exhibit 1. Photos of the property were submitted and accepted into evidence (Petitioners’ Exhibit 2A-2E).

The property is located within the Chesapeake Bay Critical Area (“CBCA”) and Floodplain Zone; therefore, is subject to Critical Area and Floodplain Regulations. As such, the Petitioners must comply with those conditions imposed by the respective County agencies before the permitting process.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on August 10, 2024, and there being no request for a public hearing, a

decision shall be rendered based upon the documentation presented. The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC").

Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 8th day of **October, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BCZR, Section 1B02.3.C.1, to permit an 11 ft. front principal structure setback (waterfront) in lieu of 25 ft. for a 2-story deck (replacement) with an attached accessory structure (pool), be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to permitting, Petitioners must comply with the Chesapeake Bay Critical Area and Floodplain regulations as conditioned by the respective agencies; 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:dlw

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0183-A

DATE: August 16, 2024

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 7 NAVD88, BC AE Zone BF 8.5 NAVD88.

DPW-T: Public internet webpages show that the lower level is finished. Baltimore County records do not show permits for finishing the basement. Proper evidence must be submitted to Baltimore County showing the finished area was built to FEMA compliance. The administrative variance must be denied and no permits must be issued until Baltimore County receives such documentation.

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.

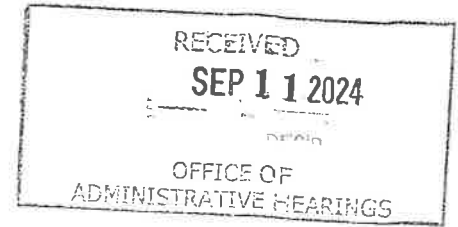
Landscaping: No comment.

Recreations & Parks: No Greenways affected.

(AV) 8-26

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: August 23, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0183-A
Address: 123 HUGHES SHORE ROAD
Legal Owner: Bradford & Alexis Lilly

Zoning Advisory Committee Meeting of August 23, 2024.

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

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 property is located within a Limited Development Area and a Modified Buffer Area and is subject to Critical Area requirements. Critical Area lot coverage (defined in State of Maryland Natural Resources Article §8-1802(a)(17)) is calculated based on the area of the property above mean high tide. Lot coverage for this property is limited to 25%, or a maximum of 31.25% with mitigation for the amount over 25%. With the 100-foot tidal buffer covering almost the entire property, the lot coverage allowance can be further limited by Modified Buffer area requirements. More information is needed on the proposed deck and pool construction to determine if the proposed development can meet the Critical Area requirements. If the applicant can meet the lot coverage requirements, the development can minimize impacts on water quality.

2. Conserve fish, wildlife, and plant habitat;

If the applicant can meet the Critical Area Modified Buffer Area, lot coverage, and mitigation requirements, the development can be accomplished with conservation of fish, wildlife, and plant habitat.

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.

By meeting all Critical Area lot coverage, buffer, and forest requirements, the development can be consistent with established land-use policies.

Reviewer: Paul Dennis, Environmental Impact Review



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

Address 123 Hughes Shore Road Currently Zoned DR 5.5
Deed Reference 41654 / 00270 10 Digit Tax Account # 1502004990
Owner(s) Printed Name(s) Bradford and Alexis Lilly

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

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. X ADMINISTRATIVE VARIANCE from Section(s) 1302.3.C.1, 1302R to permit an 11-foot front setback (waterfront) in lieu of 25-foot for a 2-story deck (replacement) with an attached accessory structure (pool).

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

If 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.

Owner(s)/Petitioner(s):

<u>Bradford Lilly</u> Name #1 – Type or Print	<u>Alexis Lilly</u> Name #2 – Type or Print
<u>[Signature]</u> Signature #1	<u>[Signature]</u> Signature #2
<u>123 Hughes Shore Road</u> Mailing Address	<u>Middle River</u> City
<u>21220</u> Zip Code	<u>MD</u> State
<u>410-803-3396</u> Telephone #s (Cell and Home)	<u>bradford.r.lilly@gmail.com, andy@andyniazyarchitecture.com</u> Email Address

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be Contacted:

Above
Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2024-0183-A Filing Date 7/24/2024 Estimated Posting Date 8/11/24 Reviewer [Signature]

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

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

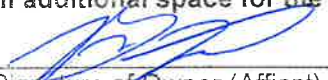
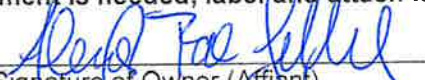
Address: 123 Hughes Shore Road Middle River MD 21220
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. **(Clearly state practical difficulty or hardship here)**

We are seeking an administrative variance to reduce the rear yard setback from 30' to 11'

We are proposing to replace an existing 2 story rear deck with a new 2 story deck of roughly the same size. The existing deck, built by a previous owner, sits within the rear yard setback The waterfront site sits on Frog Mortar Creek in Middle River. The existing yard continues beyond the rear lot line several feet before reaching the waterfront bulkhead. The proposed new deck would sit 27'-8" from the perceived edge of the property

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

 Signature of Owner (Affiant)	 Signature of Owner (Affiant)
<u>Bradford Lilly</u> Name - Print or Type	<u>Alexis Rae Lilly</u> Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of July, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Bradford Lilly & Alexis Rae Lilly

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Jennifer Dorsainvil
Notary Public
January 05, 2028
My Commission Expires

JENNIFER DORSAINVIL
Notary Public
Harford County
Maryland
My Commission Expires Jan. 05, 2028



3816 Beech Av.
Baltimore MD 21211

410 803 3396
andyniazyarchitecture.com

Zoning Property Description for

Lilly Residence

123 Hughes Shore Rd, Middle River, MD 21220

Part A:

Beginning for the same at a hub at the intersection of the southeast corner of this property now being described and the southwesterly side of Hughes Shore Road which point of beginning is distant southwesterly along the southerly side of Hughes Shore Road 851-15/100 feet from a stone planted at the southeast corner of said Hughes Shore Road and a 20 foot macadam Road and which stone is southwesterly 68-58/100 feet from the southeast corner of Hughes Shore Road and Eastern Avenue Road.

Part B:

Thence the following courses and distances: Running 62 degrees west 83-4/10 feet to a hub on the shore of Frog Mortar Creek, thence along the division line between this lot now being described and the immediately adjoining on the southeast south binding along the shore of above creek with all riparian rights northwesterly 102-3/10 feet, thence with an internal angles of 87 degrees 03 minutes north 70-1/2 degrees east 90-8/10 feet to the southwesterly side of Hughes Shore Road, thence with an internal angle of 88-1/2 degrees southwesterly along the southwest side of Hughes Shore Road and with the use of the same common 96-6/10 feet to the place of beginning as recorded in Deed Liber 40360, Folio 148, containing 0.26 acres. Located in the 15th Election District and 5th Council District.

2024-0183-A

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

No. 233415

Date: 7/29/2024

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$75.00

Total: \$75.00

Rec From: Andy Niezy Architectural LLC
For: Administrative Zoning Variance
123 Hughes Shore Road
Case No. 2024-0183-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MTK

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024-0183-A Address 123 Hughes Shore Road

Contact Person: Mitch Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/29/2024 Posting Date: 8/11/2024 Closing Date: 8/26/2024

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 1. POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- 2. DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- 3. ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
- 4. POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Petitioner: This Part of the Form is for the Sign Poster Only. (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2024-0183-A Address 123 Hughes Shore Road

Petitioner's Name: Bradford & Alexis Lilly Telephone (Cell): 410-803-3396

Posting Date: 8/11/2024 Closing Date: 8/26/2024

wording for Sign: To Permit an 11-foot front setback (waterfront)
in lieu of 25 feet for a 2-story deck (replacement)
with an attached accessory structure (pool).

Revised 1/2022

CERTIFICATE OF POSTING

CASE NO. 2024-0183-A

PETITIONER/DEVELOPER

Bradford & Alexis Lilly

DATE OF HEARING/CLOSING

August 26, 2024

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
123 Hughes Shore Road



THE SIGN(S) POSTED ON August 10, 2024
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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 - 1502004990

Owner Information

Owner Name: LILLY BRADFORD ROLLIN Use: RESIDENTIAL
LILLY ALEXIS RAE Principal Residence: YES
Mailing Address: 123 HUGHES SHORE RD Deed Reference: /41654/ 00270
MIDDLE RIVER MD 21220-

Location & Structure Information

Premises Address: 123 HUGHES SHORE RD Legal Description: SWS HUGHES SHORE RD
MIDDLE RIVER 21220- WHITE HOUSE FARM
Waterfront

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0091 0009 0319 15030020.04 0000 9 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2004 4,264 SF 8,428 SF 34

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITSIDING/4 3 full 1Att/1Det

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2024	07/01/2025
Land:	176,400	225,100		
Improvements	498,100	568,300		
Total:	674,500	793,400	714,133	753,767
Preferential Land:	0	0		

Transfer Information

Seller: MILLER & MEADE LLC	Date: 07/19/2019	Price: \$650,000
Type: ARMS LENGTH IMPROVED	Deed1: /41654/ 00270	Deed2:
Seller: ADDY RICK EDWARD	Date: 06/14/2018	Price: \$348,000
Type: NON-ARMS LENGTH OTHER	Deed1: /40360/ 00148	Deed2:
Seller: STUCKEY EDWARD L	Date: 12/17/1991	Price: \$158,700
Type: ARMS LENGTH IMPROVED	Deed1: /09001/ 00845	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: Approved 12/15/2020

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0183-A



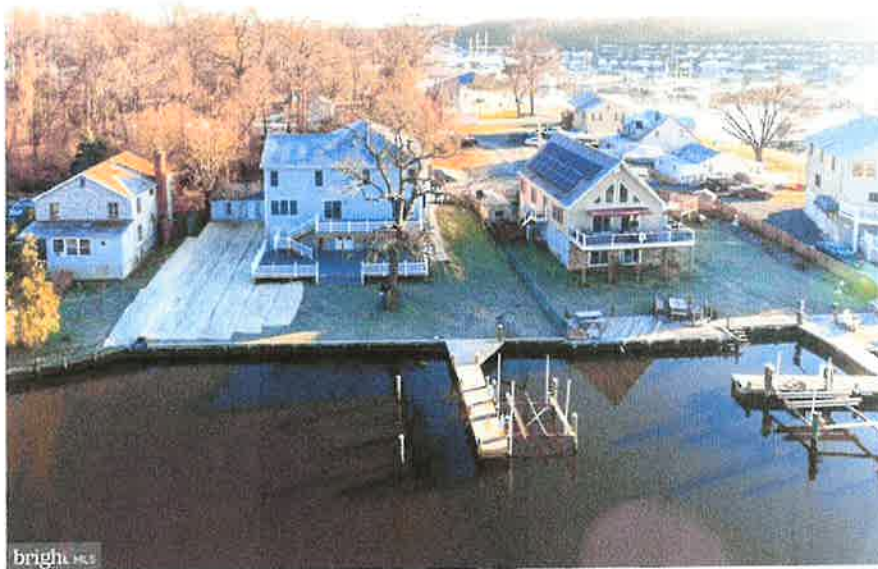
Two views of property from Hughes Shore rd.



Two views of property from Hughes Shore rd.



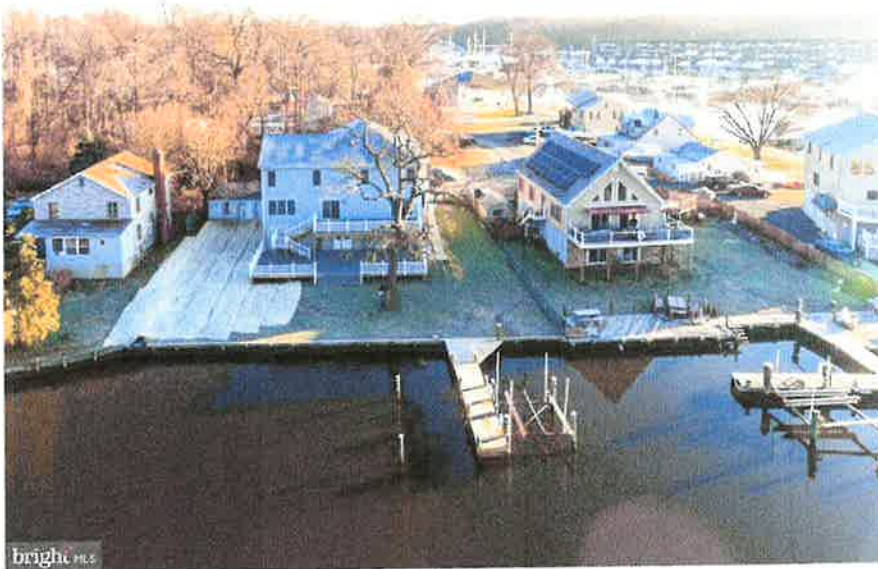
Aerial view of front property from Hughes Shore rd.



Aerial view of rear property from Frog Mortar Creek.



Aerial view of front property from Hughes Shore rd.



Aerial view of rear property from Frog Mortar Creek.

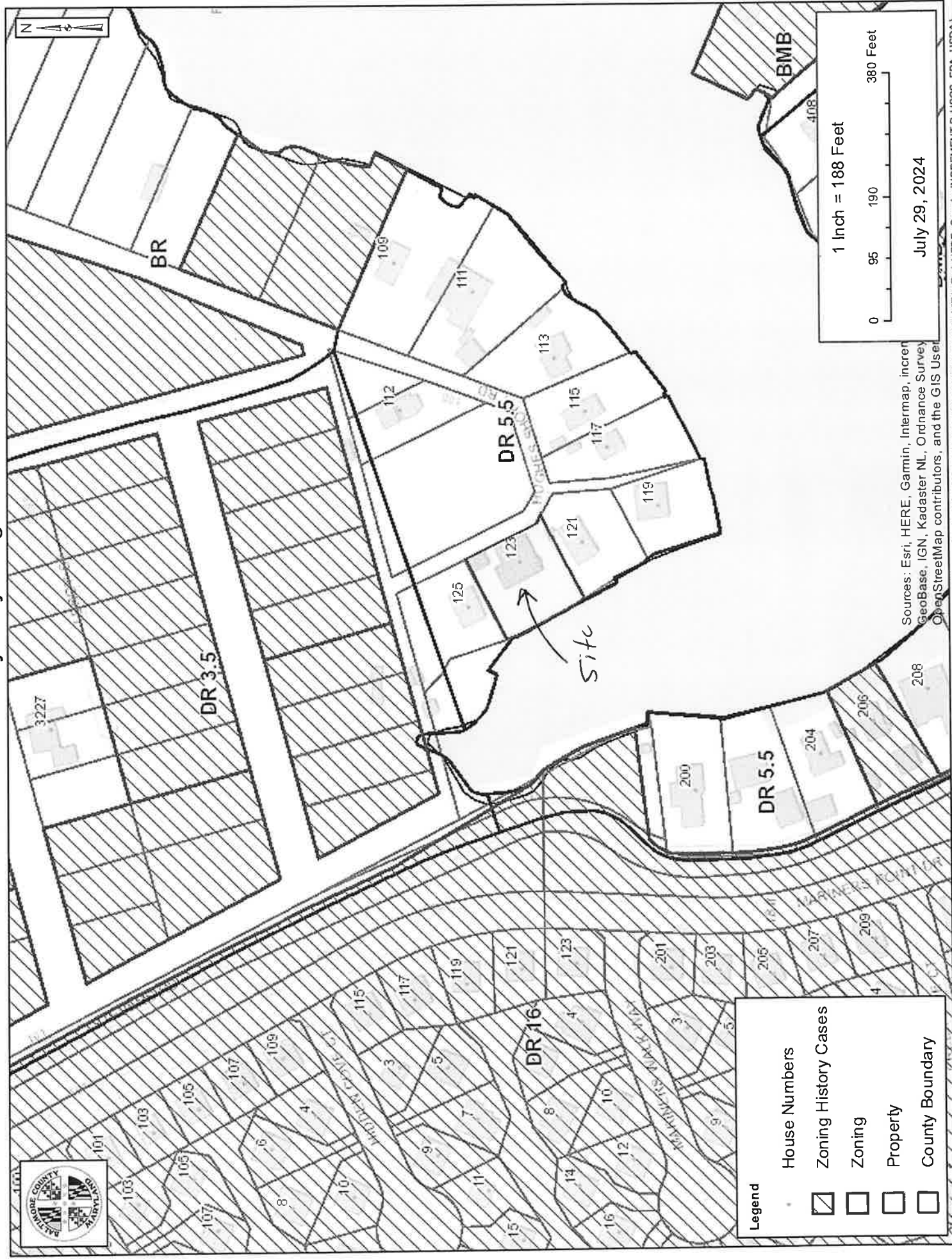


Aerial view of front property from Hughes Shore rd.



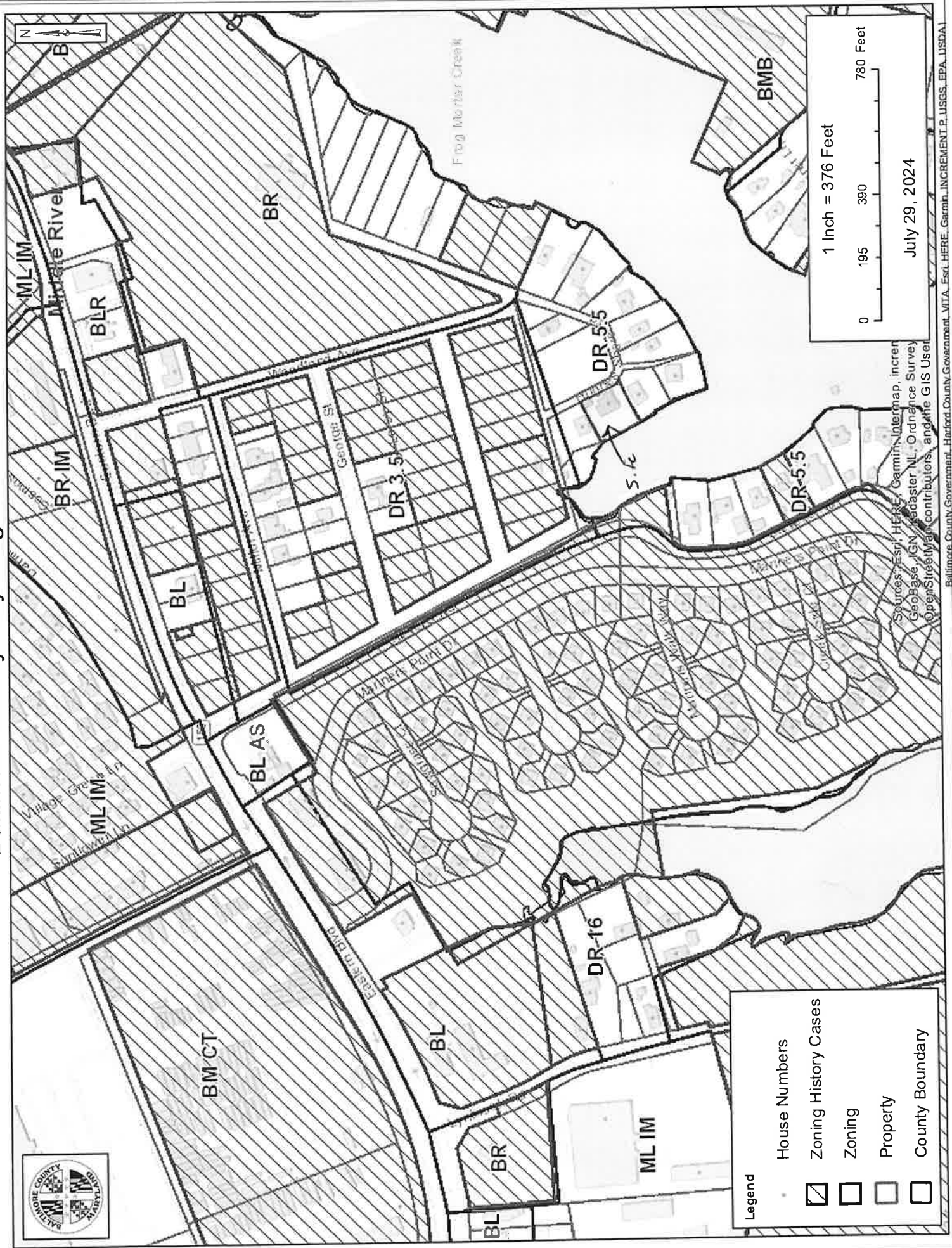
Aerial view of rear property from Frog Mortar Creek.

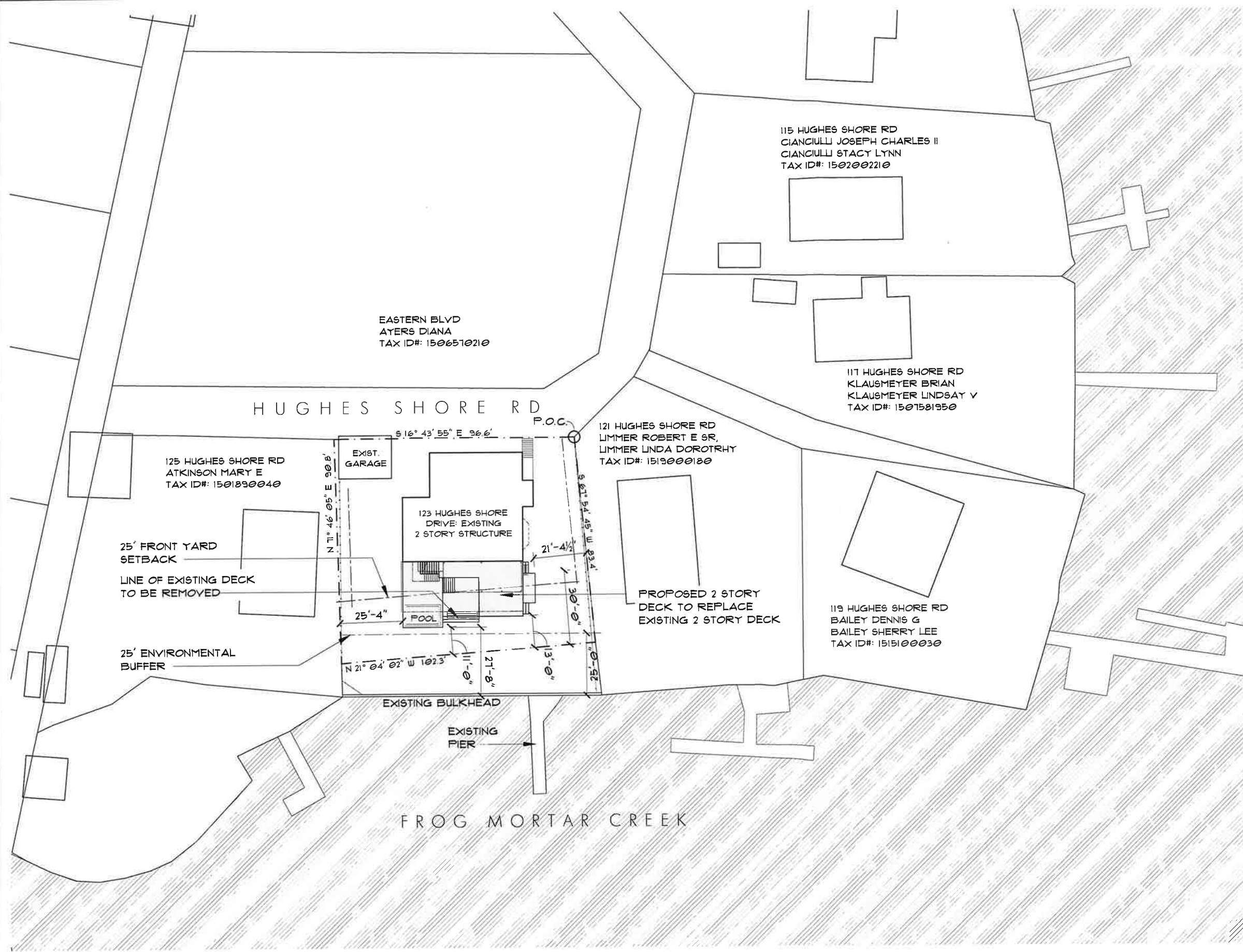
Baltimore County - My Neighborhood 2024-0183-A



Baltimore County - My Neighborhood

2024-0183-A





OWNER: **BRADFORD ROLLIN LILLY & ALEXIS RAE LILLY**
123 HUGHES SHORE RD, MIDDLE RIVER, MD 21220

TAX MAP: 0091
PARCEL: 0319
TAX ACCOUNT NUMBER: 1502004990

SITE ZONED: DR5.5 DENSITY RESIDENTIAL
ELECTION DISTRICT: 15
COUNCILMAN DISTRICT: 05
LOT AREA ACREAGE: 8653.5 S.F.
HISTORIC?: NO
IN CBCA?: YES
IN FLOOD PLAIN?: YES

WATER: PUBLIC
SEWER: PUBLIC
PRIOR ZONING HEARING: NO



VICINITY MAP (NOT TO SCALE)

ANA
ANDY NIAZY
ARCHITECTURE
PROJECT NAME

SITE PLAN BASED ON INFORMATION
PROVIDED BY:

Lilly Residence
123 Hughes Shore Rd,
Middle River, MD 21220

MAI, LLC SURVEYORS
16951 TORK RAOD
MONKTON MD 21211
(410)337-8839

PROJECT NUMBER
2348

DATED: FEBRUARY 15, 2024

SHEET TITLE
HEARING PLAN

SCALE
1"=40'-0"

DATE
7.30.2024

SHEET NUMBER

1 HEARING PLAN



2024-0183-A

A1