



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 6, 2024

Michael Paccione & Maryanne Paccione – michael.paccione@sproutec.com
2407 Beach Avenue
Baltimore, MD 21221

RE: Petition for Variance
Case No. 2024-0210-A
Property: 2407 Beach Avenue

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

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

C: Brian Dietz – brian@dietzsurveying.net
Kevin McDonough kevinmcdonough@comcast.net

IN RE: PETITION FOR VARIANCE
(2407 Beach Avenue)
15th Election District
7th Council District
Michael & Maryanne Paccione
Legal Owners

Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0210-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Variance filed by the legal owners, Michael and Maryanne Paccione (the “Petitioners”) for property located at 2407 Beach Avenue, Essex (the “Property”). The Petition for Variance seeks relief from the Baltimore County Zoning Regulations (“BCZR”), §1B01.2.C.1, and Zoning Commissioner’s Policy (“ZCPM”) Policy #S-22, to allow a replacement dwelling with a rear yard (street side) setback of 20 ft in lieu of the required 30 ft, and from BCZR, §400.1 and ZCPM Policy #S-7, to allow an accessory building (detached garage) to be located partially in the side yard, in lieu of the required rear yard only and to allow a rear yard (street side) setback of 5 ft. in lieu of the required 30 ft. (by policy).

A public WebEx hearing was conducted virtually in lieu of an in-person hearing was held on November 4, 2024. The Petition was properly advertised and posted. The Petitioners appeared at the hearing along with Jon Skarda, builder, and Brian Dietz, a registered property line surveyor, who prepared a site plan (the “Site Plan”). (Pet. Ex. 1).

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) which agency did not oppose the requested relief. Department of Environmental Protection and Sustainability (“DEPS”) provided a ZAC comment that the Property

is located in the Chesapeake Bay Critical Area ("CBCA"), and specifically within a Limited Development Area ("LDA") and Modified Buffer Area ("MBA"). As such it is subject to lot coverage requirements. DEPS also noted that a CBCA Variance for a reduced principal structure setback from mean high tide in an MBA is pending review. Additionally, Development Plans Review ("DPR")/Department of Public Works and Transportation ("DPWT") provided the following comment:

DPWT: 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 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

The Site Plan reveals that Property consists of Lots 21 and 22 which were created on the Plat of Turkey Point Farm recorded in the Land Records of Baltimore County on September 9, 1915 (Plat Book WPC 4, folio 171). The Property fronts on Sue Creek and measures 0.326 acres +/- (14,200 sf). It is improved with a 1-story dwelling located entirely on Lot 21, which dwelling is setback 19.3 ft. from Beach Avenue, and 6.9 ft. from the western Property line. Lot 22 is currently improved with a carport, garage and several sheds. The zoning is Density Residential (DR 3.5).

Petitioners propose to raze all of the existing improvements and to construct a 2-story replacement dwelling, along with a 320-sf detached garage on the street side as shown on the Site Plan. (Pet. Ex. 1). Petitioners testified that they have obtained letters of support from neighboring property owners. (Pet. Exs. 2). The proposed replacement dwelling will be situated farther from both the western side yard Property line and the rear Property line, than the existing dwelling.

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 it consists of two (2) lots which are asymmetrical and otherwise irregularly shaped and sized. Those physical characteristics, combined with the waterfront location and CBCA requirements, limit the area on the Property where a replacement dwelling and detached garage can be located. Indeed, the proposed location of the replacement dwelling will be 20 ft. from the rear Property line and 10 ft. from the western side yard; both of which are farther from the Property lines than the existing dwelling. At the hearing, Mr. Dietz clarified that the Petition for Variance relief (for a 20 ft. rear yard setback in lieu of the required 30 ft.) should have been sought under BCZR, §1B02.3.C.1 (the “Small Lot Table”), and not BCZR, §1B01.2.C.1 as stated in the Petition. Accordingly, using the Small Lot Table, the only Bulk Regulation which the replacement dwelling cannot meet is the rear setback of 30 ft.

ZCPM Policy S-22 confirms that on waterfront property the portion of the lot adjacent to the water will be considered the front yard for purposes of determining orientation, and the portion of the property adjacent to the street or right-of-way will be considered the rear yard. While the Petition also seeks Variance relief under ZCPM Policy S-7 in regard to ‘double frontage lots,’ the only street bordering this Property is Beach Avenue; there are not two (2) public or parallel streets. Accordingly, I find that Policy S-7 does not apply and the proposed detached garage does not need to be 30 ft. from rear Property line; the setback from Property line for the garage is 2 ½ ft. In fact, the detached garage will be 5 ft. from the rear Property line and will be 15 ft. in height, both of

which meet BCZR, §400.1 and §400.3. However, due to the irregular shape and size of the Property, the proposed garage will need to be located partly in the side yard, rather than entirely in the rear yard. Consequently, I find the Petitioners would suffer a practical difficulty if that area Variance for the proposed garage was not granted. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed rear yard setback and area Variance were not granted because they would not be able to construct a replacement dwelling or a detached garage, which are both typical for this neighborhood. 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, particularly in light of the support of the adjoining property owners.

THEREFORE, IT IS ORDERED, this 6th day of **November, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §1B02.3.C.1, and Policy #S-22 of the ZCPM, to allow a replacement dwelling with a rear yard (street side) setback of 20 ft. in lieu of the required 30 ft. be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §400.1, to allow an accessory building (detached garage) to be located partially in the side yard, in lieu of the required rear yard only, be, and it is hereby, **GRANTED**; and

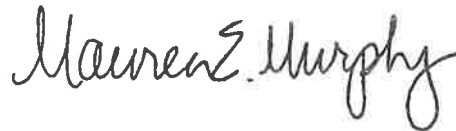
IT IS FURTHER ORDERED, that the Petition for Variance from Policy #S-7 of the ZCPM, to allow a rear yard (street side) setback of 5 ft, in lieu of the required 30 ft (by policy), be and it is hereby, **DISMISSED AS MOOT and IS NOT APPLICABLE**.

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. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein.
 3. Petitioners and all subsequent property owners must comply with the DEPS and DPR/DPWT ZAC comments, copies of which are attached hereto and made a part hereof.
 4. The height of the detached garage shall not exceed 15 ft.
 5. Petitioners 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.
 6. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.
 7. The detached garage shall not be used for commercial or industrial purposes.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

BALTIMORE COUNTY, MARYLAND

Inter-Office 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: September 27, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0210-A
Address: 2407 BEACH AVENUE
Legal Owner: Michael & Maryanne Paccione

Zoning Advisory Committee Meeting of October 1, 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 80 percent of the property, the lot coverage allowance can be further limited by Modified Buffer area requirements. If the applicant can meet the lot coverage requirements, and minimize buffer impacts with a reduced street side setback, the development can minimize impacts on water quality.

2. Conserve fish, wildlife, and plant habitat;

The required Critical Area buffer covers about 80 percent of the property. A Chesapeake Bay Critical Area administrative variance for a reduced principal structure setback from mean high tide in a Modified Buffer Area is currently under review by DEPS. A reduced street side setback can aid in minimizing the buffer impacts. If the applicant can meet the variance criteria for reduction of the Modified Buffer Area requirement, can meet lot coverage allowances, and any 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, Modified Buffer Area, and forest requirements, the development can be consistent with established land-use policies.

Reviewer: Paul Dennis, Environmental Impact Review

Baltimore COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: September 24, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0210-A

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

DPR: No comment.

DPW-T: A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F dated 9/26/08 or Code 32-8-201(J)(2). 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 LOS & No Greenways affected.



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 2407 Beach Avenue Currently Zoned DR-3.5

Deed Reference 43951 / 169 10 Digit Tax Account # 1 5 0 8 6 5 2 5 7 1

Owner(s) Printed Name(s) Michael Paccione Maryanne Paccione

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

See attachment

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)

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

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Michael Paccione / Maryanne Paccione

Name #1 - Type or Print Name #2 - Type or Print

[Signature] *[Signature]*
Signature #1 Signature #2

2407 Beach Avenue Baltimore MD
Mailing Address City State

21221 / /Michael.paccione@sproutec.com
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Brian Dietz

Name - Type or Print

[Signature]
Signature

8119 Oakleigh Road
Mailing Address City State

21234 / 410-661-3160 / /brian@dietzsurveying.net
Zip Code Telephone # Email Address

Case Number 2024-0210-A Filing Date 9, 16, 24 Do Not Schedule Dates Reviewer JK

Attachment

To permit a variance from BCZR1B01.2.C.1 and Policy #S-22 of the zoning Policy Manual, to allow a replacement dwelling with a rear yard (street side) setback of 20 feet in lieu of the required 30 feet and section 400.1 BCZR and Policy #S-7 of the zoning Policy Manual, to allow an accessory building (detached garage) to be located partially in the side yard, in lieu of the required rear yard only and to allow a rear yard (street side) setback of 5 feet in lieu of the required 30 feet (by policy).

Dietz Surveying, Inc.
Land Surveying and Land Planning
8119 Oakleigh Road, Baltimore, MD 21237
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
2407 Beach Avenue
August 8, 2024

Beginning on the southwest side of Beach Avenue, 40' R/W, distant 350 feet +/- northwesterly from the center of Rockaway Beach Avenue, thence running along the southwest side of Beach Avenue,

1. North 36 degrees 09 minutes 35 seconds West 50.00 feet, and,
2. North 32 degrees 44 minutes 50 seconds West 50.00 feet, thence leaving the southwest side of Beach Avenue,
3. South 73 degrees 45 minutes 00 seconds West 157.40 feet, to the waters of Sue Creek, thence along the waters of Sue Creek,
4. South 42 degrees 16 minutes 33 seconds East 53.35 feet, and,
5. South 40 degrees 13 minutes 19 seconds East 51.45 feet, thence leaving the waters of Sue Creek,
6. North 73 degrees 45 minutes 00 seconds East 144.31 feet, to the place of beginning.

Containing 14,200 square feet or 0.326 Acres of land, more or less. Being located in the 15th Election District, 7th Councilmanic District, of Baltimore County, Maryland.

**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: 2024-0210-A

Property Address: 2407 BEACH AVENUE

Legal Owners (Petitioners): MICHAEL & MARYANNE PACCIONE

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____

Address: 2407 BEACH AVENUE

BALTIMORE, MD 21221

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

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 - 1508652571

Owner Information

Owner Name:	PACCIONE MICHAEL	Use:	RESIDENTIAL
	PACCIONE MARYANNE	Principal Residence:	YES
Mailing Address:	311 N 29 ST	Deed Reference:	/43951/ 00169
	RICHMOND VA 23223-		

Location & Structure Information

Premises Address:	2407 BEACH AVE	Legal Description:	.326 AC LT 22 PTLT 23
	BALTIMORE 21221-1807		
	Waterfront		TURKEY POINT FARM

Map: Grid: Parcel: Neighborhood:	Subdivision:	Section: Block: Lot: Assessment Year:	Plat No:
0098 0015 0211 15080075.04	0000	22 2024	Plat Ref: 0004/ 0171

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1929	820 SF		14,200 SF	34

StoriesBasementType	Exterior	QualityFull/Half BathGarage	Last Notice of Major Improvements
1 NO STANDARD UNITASBESTOS SHINGLE/2		1 full 1 Detached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2024	As of 07/01/2024	As of 07/01/2025
Land:	203,000	397,200		
Improvements	48,600	65,400		
Total:	251,600	462,600	321,933	392,267
Preferential Land:	0	0		

Transfer Information

Seller: HOUSE EVA A	Date: 01/19/2021	Price: \$395,000
Type: ARMS LENGTH IMPROVED	Deed1: /43951/ 00169	Deed2:
Seller: HOUSE SAMUEL W	Date: 09/14/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /39391/ 00434	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:
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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:

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

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1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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

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

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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)

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

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Michael Paccione / Maryanne Paccione

Name #1 - Type or Print Name #2 - Type or Print

[Signature] *[Signature]*
Signature #1 Signature #2

2407 Beach Avenue Baltimore MD
Mailing Address City State

21221 / /Michael.paccione@sproutec.com
Zip Code Telephone #s (Cell and Home) Email Address

Representative to be contacted:

Brian Dietz

Name - Type or Print

[Signature]
Signature

8119 Oakleigh Road
Mailing Address City State

21234 / 410-661-3160 / /brian@dietzsurveying.net
Zip Code Telephone # Email Address

Case Number 2024-0210-A Filing Date 9, 16, 24 Do Not Schedule Dates Reviewer JK

Attachment

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Containing 14,200 square feet or 0.326 Acres of land, more or less. Being located in the 15th Election District, 7th Councilmanic District, of Baltimore County, Maryland.

Corrected

2024-0210-A

RE: Case No.: _____

Petitioner/Developer: _____

Michael & Maryanne Paccione

November 4, 2024

Date of Hearing/Closing: _____

**Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204**

Attn: Jeff Perlow:

Ladies and Gentlemen:

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

2407 Beach Avenue ***SIGN 1A & 1B***

October 14, 2024

The sign(s) were posted on

(Month, Day, Year)

Sincerely,

~~October 14, 2024~~

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

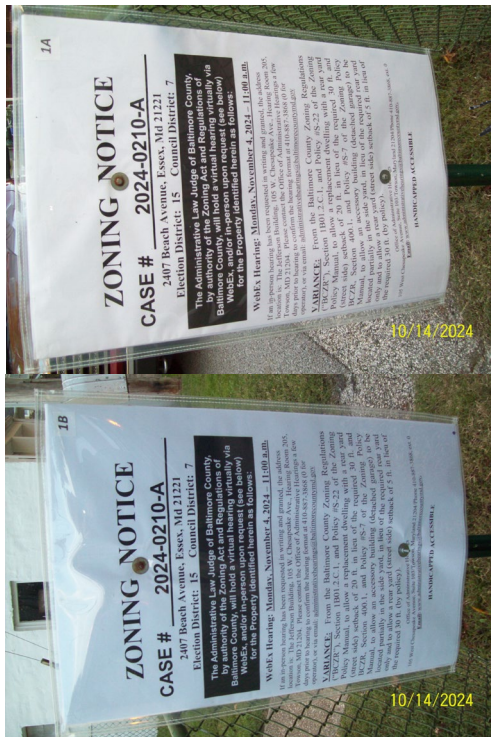
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: September 27, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0210-A
Address: 2407 BEACH AVENUE
Legal Owner: Michael & Maryanne Paccione

Zoning Advisory Committee Meeting of October 1, 2024.

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2. Conserve fish, wildlife, and plant habitat;

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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.

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

Reviewer: Paul Dennis, Environmental Impact Review

Baltimore COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: September 24, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0210-A

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

DPR: No comment.

DPW-T: A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F dated 9/26/08 or Code 32-8-201(J)(2). 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 LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/2/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0210-A
Property Address: 2407 Beach Avenue
Petitioner: Michael Paccione
Zoning: DR 3.5
Requested Action: Variance

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

Variance –

1. From Baltimore County Zoning Regulations (BCZR) Section 1B01.2.C.1 and Policy #S-22 of the Zoning Policy Manual, to permit a replacement dwelling with a rear (street side) setback of 20 feet, in lieu of the required 30 feet, and;
2. From Baltimore County Zoning Regulations (BCZR) Section 400.1 and Policy S-7 of the Zoning Policy Manual, to allow an accessory building (detached garage) to be located partially in the side yard in lieu of the required rear yard only, and;
3. From Baltimore County Zoning Regulations (BCZR) Section 400.1 and Policy S-7 of the Zoning Policy Manual, to allow an accessory building (detached garage) to allow a rear yard (street side) setback of 5 feet in lieu of the required 30 feet.

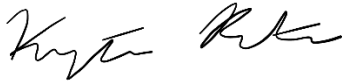
The subject site is an approximately 14,200 square foot parcel in the Essex area. Lot coverage for the site is limited to a maximum of 4,437 square feet. The front of the parcel is situated along Sue Creek and the back of the parcel, or street side, is situated along Beach Avenue. The site is currently improved with an existing one-story dwelling, car port, and two sheds. The existing structures are proposed to be razed and replaced with a two-story dwelling, and a one-story garage, according the site plan submitted with the variance request.

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 has no objections to the requested relief. The layout and setbacks of the proposed dwelling and garage are comparable to the adjacent lots and compatible with those along Beach Avenue.

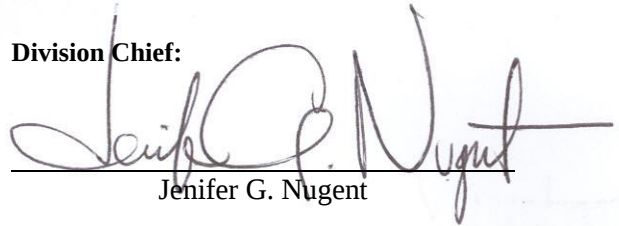
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

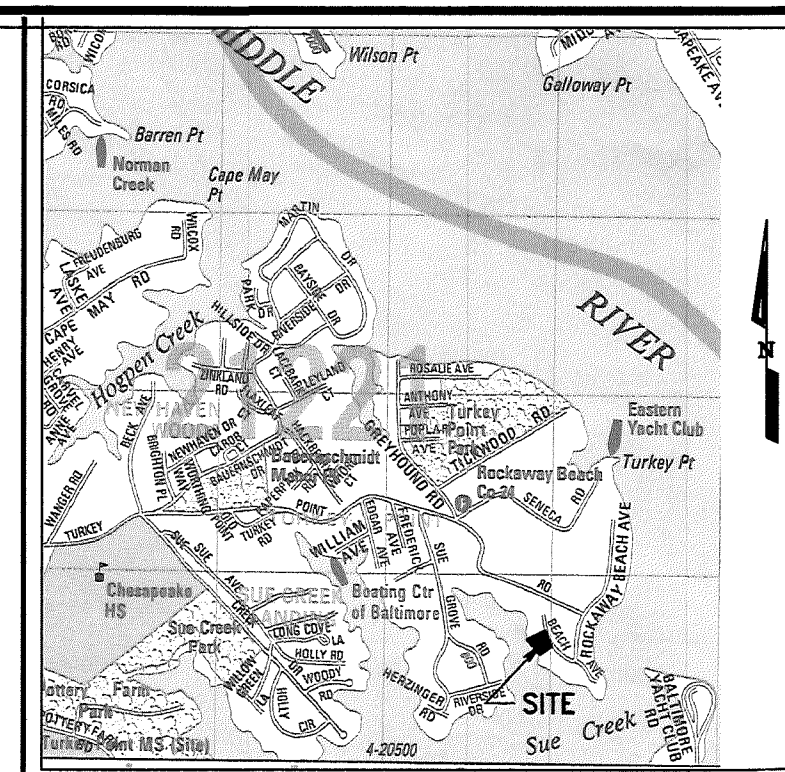
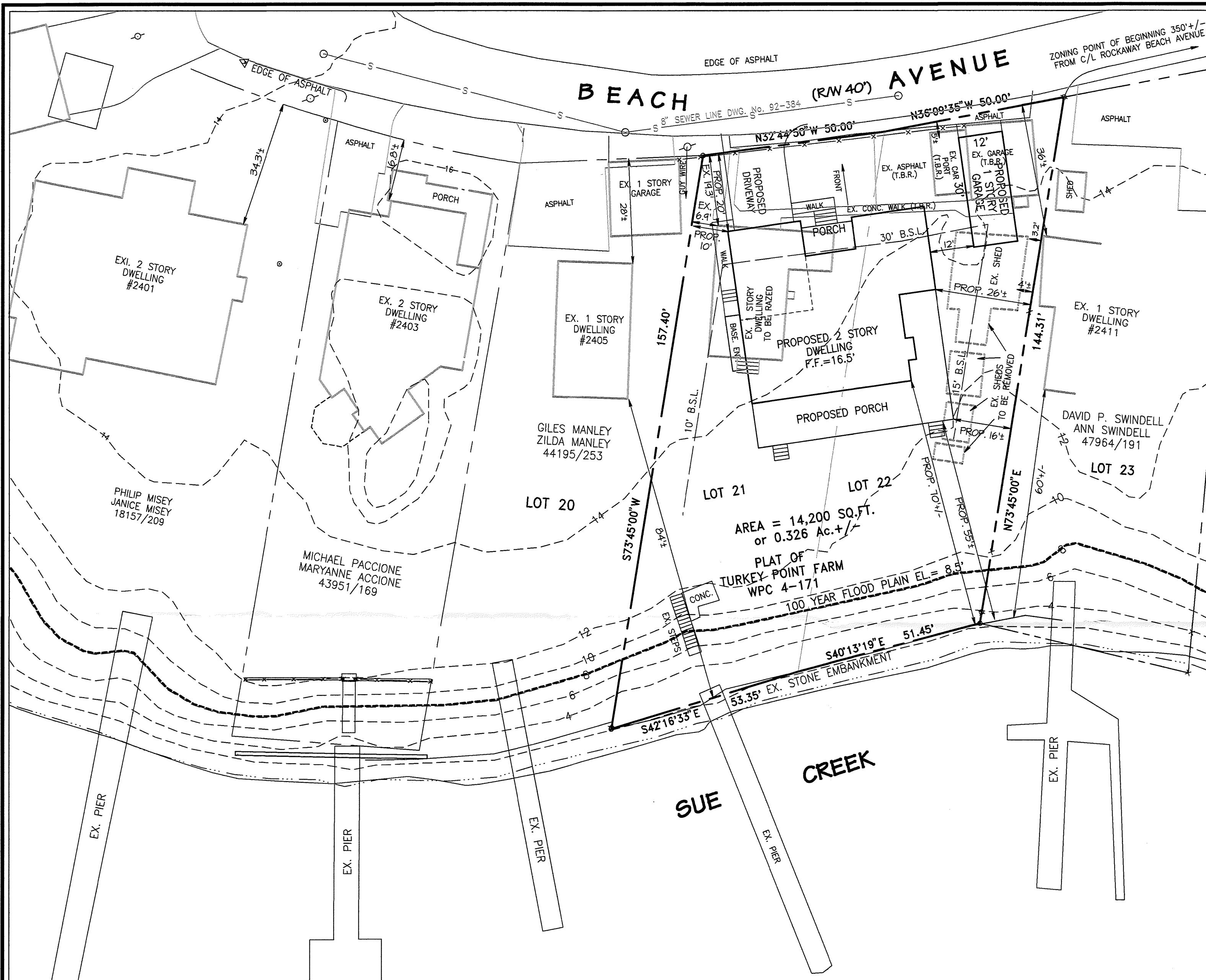
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Brian Dietz, P.L.S., Representative
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



Vicinity Map Scale: 1" = 2000'

Notes

1. Owner: Michael Paccione
Maryanne Paccione
2407 Beach Avenue
Baltimore, MD 21221
804-306-5035
2. Zoned: DR 3.5
3. This site is in the Chesapeake Bay Critical Area.
4. A portion of the site is in the 100 year flood plain.
5. There are no underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by public water and sewer.
8. No prior Zoning Hearings.
9. Tax Account No. 1508652571
10. There are no Zoning lines within 200' of the site.

Plat to Accompany Request
for a Zoning Hearing
of the

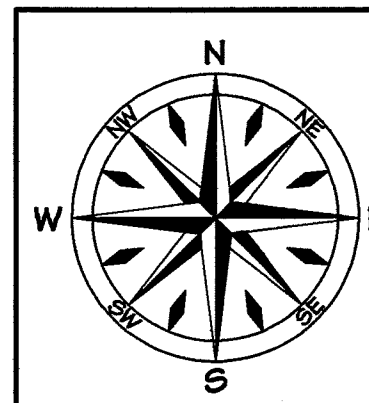
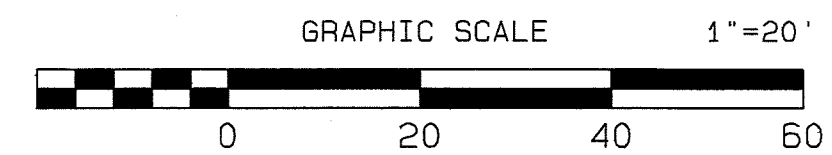
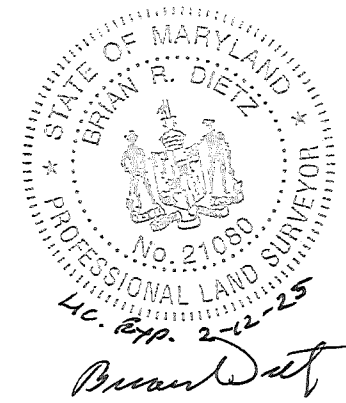
PACCIONE PROPERTY
2407 Beach Avenue
Baltimore County, Maryland

Deed Ref.: J.L.E. No. 43951, folio 169
Tax Map 98; Grid 15; Parcel 211
15th Election District, 7th Councilmanic District
Scale: 1"=20' Date: April 24, 2024

LOT COVERAGE	
GROSS TRACT AREA	= 14,200 sq.ft.
TIDAL WATERS	= N/A
NET TRACT	= 14,200 sq.ft.
LOT COVERAGE IS LIMITED TO 31.25% OF NET TRACT AREA	
31.25% OF 14,200	= 4,437 sq.ft.
MAXIMUM ALLOWED = 4,437 sq.ft.	

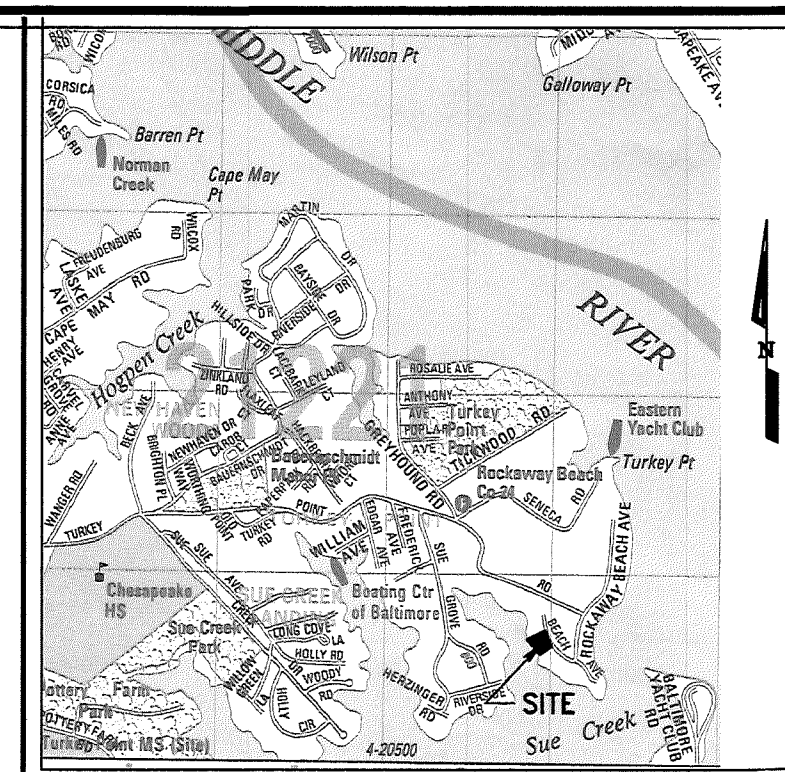
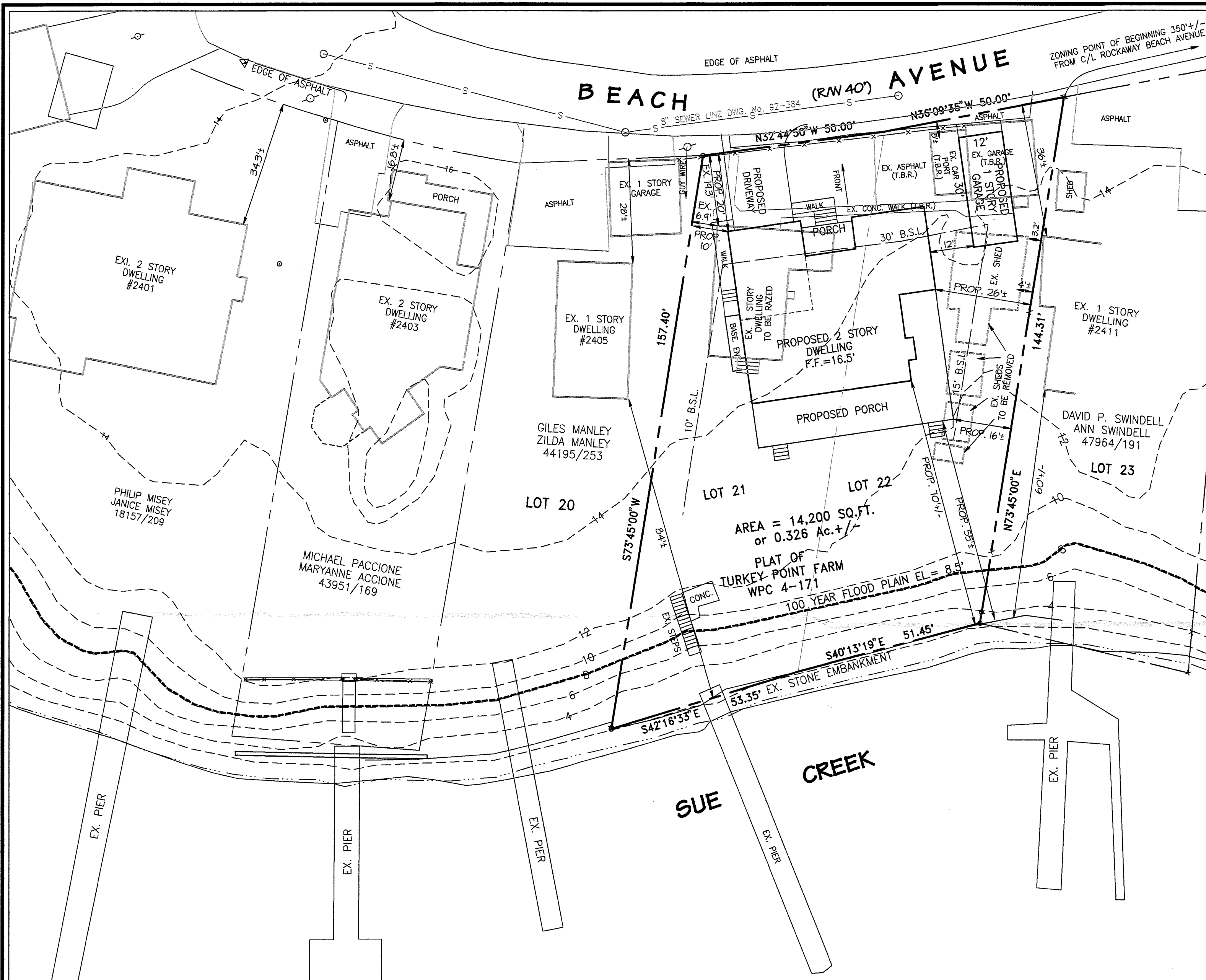
EXISTING LOT COVERAGE	
DWELLING	842 sq.ft.
GARAGE	552 sq.ft.
SHEDS	691 sq.ft.
WALKS	307 sq.ft.
STEPS	82 sq.ft.
CONC. PAD	56 sq.ft.
ROAD PAVING	72 sq.ft.
DRIVEWAY	433 sq.ft.
TOTAL	2,790 sq.ft.
SITE AREA	14,200 sq.ft.
TOTAL COVERAGE	20.0%

PROPOSED LOT COVERAGE	
DWELLING & COVERED PORCH	3,145 sq.ft.
GARAGE	360 sq.ft.
DRIVEWAYS	351 sq.ft.
WALKS	35 sq.ft.
STEPS	56 sq.ft.
WALK AND BASEMENT STEP	168 sq.ft.
EX. STEPS TO PIER	58 sq.ft.
EX. CONC. PAD	56 sq.ft.
TOTAL	4,342 sq.ft.
SITE AREA	14,200 sq.ft.
TOTAL COVERAGE	30.6%



Dietz Surveying Inc.
Land Surveying and Land Planning
8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsveying.net

REVISE GARAGE SIZE	6-12-24
Revisions	Date
Plot Date: 8/13/2024	FIELD: KCK, KW
DRAWN: BRD, SAL	Job No. 20473



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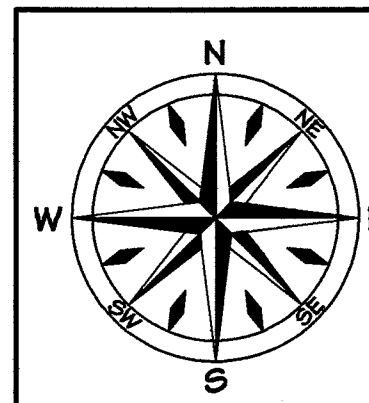
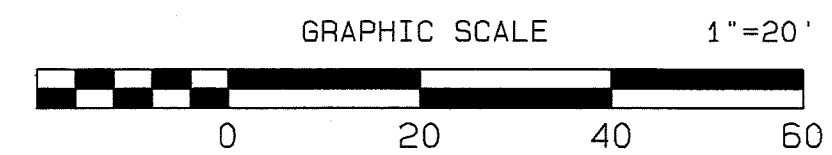
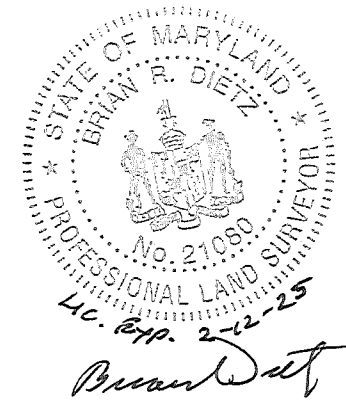
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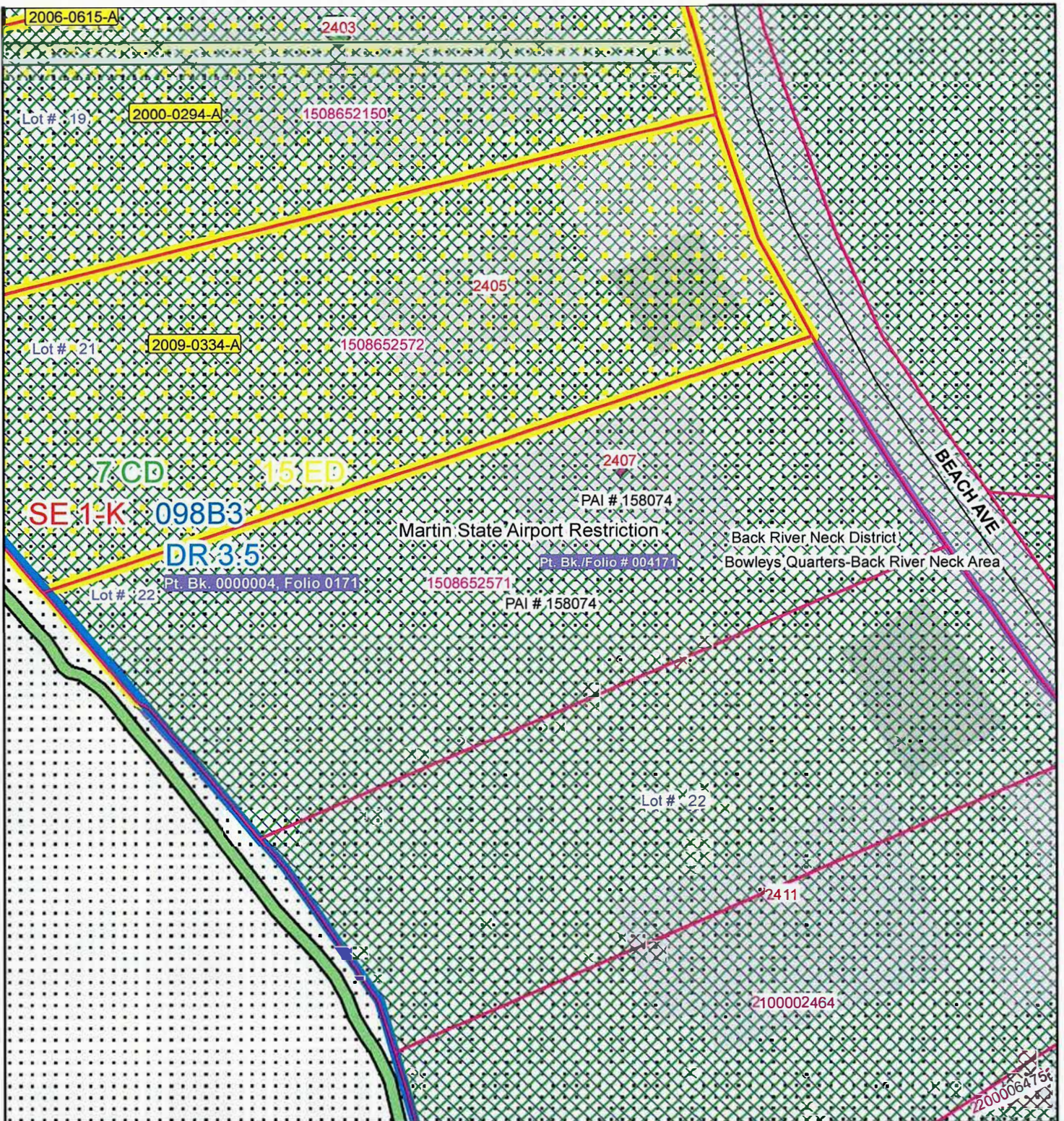
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Publication Date: 9/13/2024



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



1 inch = 27.712733 feet