



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

December 11, 2024

Dino La Fiandra, Esquire – dcl@lafiandralaw.com
The Law Office of Dino C. La Fiandra, LLC
100 W. Pennsylvania Avenue, Suite 305
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2024-0231-SPHA
Property: 1621 Holly Tree Road

Dear Mr. La Fiandra:

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "AMB", is written over a long, sweeping horizontal line that extends across the page.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm
Enclosure

c: Patrick Richardson – rick@richardsonengineering.com
Eric Thomas – clearwaterllc@gmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1621 Holly Tree Road)	*	OFFICE OF
15th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Eric Thomas		
Legal Owner	*	FOR BALTIMORE COUNTY
 Petitioner	 *	 Case No. 2024-0231-SPHA
 * * * * *	 * * * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owner, Eric Thomas (“Petitioner”), for the property located at 1621 Holly Tree Road, Bowleys Quarters (“Property”). The Special Hearing was filed to determine whether or not the Administrative Law Judge (“ALJ”) should approve a lot in the Bowleys Quarters area in conformance with the Baltimore County Zoning Regulations (“BCZR”), Section 1A04.3.B.1B, to have a lot size of 0.24 acres in lieu of the minimum required 1.5 acres. Variance relief was also filed from BCZR, Section 1A04.3.B.2, to permit a side yard setback of 10 ft., in lieu of the required 50 ft. setback. In the alternative, from BCZR, Sections 1A04.3.B.1 a and 1A04.3.B.1.b1, to permit a lot size of 0.24 acres in lieu of the 1.5 acres required.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on December 9, 2024. The Petition was properly advertised and posted. The Petitioner, Eric Thomas, appeared as well as Dino LaFiandra, Esquire who represented the Petitioner. Patrick Richardson from Richardson Engineering, LLC, certified professional engineer, also appeared and prepared the Site Plan which is marked as Petitioner’s Exhibit No. 1. There were no Protestants present for the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”) and from the Department of Public Works and Transportation, (“DPWT”), these agencies did not oppose the requested relief.

The Property is a vacant lot measuring 0.24 acres +/- (10, 500 sf) which is near, but does not abut, Galloway Creek. (Pet. Ex.1, 4). It was created as Lot 92 on the Revised Plat 3 of Bowleys Quarters dated April 25, 1930 as recorded in Land Records of Baltimore County (Liber 9, folio 56). The Property is zoned Resource Conservation, Rural Residential (RC 5). Adjacent Lot 93 was the subject of a case requesting identical relief in Case No. 2023-0137 SPHA. Relief was granted in that matter.

Mr. Thomas desires to construct a new 2-story, 1,350 sf home on the Property which is smaller than the required 1.5 acres. Additionally, the width of the lot is 50 ft. and cannot meet the 50 ft. setback requirements. The Property is rectangular in shape, and smaller than at least two larger double lots on the street.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the information proffered by Petitioner's expert, Mr. Richardson, the Property here cannot meet the 1.5-acre minimum lot size. If the Petition for Special Hearing is not granted, a home could not be constructed on the Property. Because this Property was created in 1930, prior to the BCZR and the RC5 zone, Special Hearing relief should be granted. I find the construction of a home on the Property is compatible with the community and generally consistent with the spirit and intent of the regulations.

VARIANCE

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 is a 50 ft. wide lot which is smaller than at least 2 other properties along Holly Tree Rd. which utilize double wide lots. The small lot size creates a practical difficulty for the Petitioner in not being able to construct a modest size home. 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 lack of opposition.

THEREFORE, IT IS ORDERED this 11th day of **December 2024**, by this Administrative Law Judge that the Petition for Special Hearing to determine whether or not the ALJ should approve a lot in the Bowleys Quarters area in conformance with the Baltimore County Zoning Regulations ("BCZR"), Section 1A04.3.B.1B, to have a lot size of 0.24 acres in lieu of the minimum required 1.5 acres, be and is hereby **GRANTED** and;

IT IS FURTHER ORDERED that Variance relief from BCZR, Section 1A04.3.B.2, to permit a side yard setback of 10 ft., in lieu of the required 50 ft. setback, be and is hereby **GRANTED**.

IT IS FURTHER ORDERED that, in the alternative, from BCZR Sections 1A04.3.B.1 a and 1A04.3.B.1.b1, to permit a lot size of 0.24 acres in lieu of the 1.5 acres required, be and is hereby **DISMISSED AS MOOT**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, 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 must comply with the DOP, DPR/DPWT and the DEPS ZAC comments which are attached hereto and made a part hereto.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB/dlm

BALTIMORE COUNTY, MARYLAND

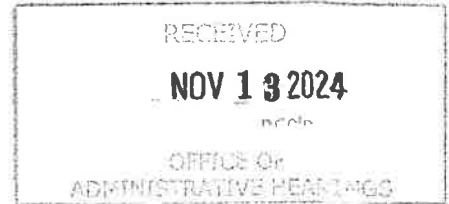
INTER-OFFICE MEMORANDUM

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

DATE: 11/12/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0231- SPHA



INFORMATION:

Property Address: 1621 Holly Tree Road
Petitioner: Eric Thomas
Zoning: RC 5
Requested Action: Special Hearing and Variance

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

Special Hearing:

- i. To determine whether the Zoning Commissioner should approve a lot in the Bowleys Quarters Area that conforms to Section 1A04.3.B.1.b to have a lot size of 0.24 Acres instead of the minimum required 1.5 Acres.

Variance:

- i. To permit a side yard setback of 10' in lieu of the required 50' setback.
- ii. In the alternative to the Special Hearing Request, a variance from BCZR Sections 1A04.3.B.1.a and 1A04.3.B.1.b.1 to permit a lot size of 0.24 acres in lieu of the 1.5 acres required.

The subject property is located along Holly Tree Road in the Middle River area of Baltimore County. It encompasses approximately 0.24 acres and is zoned RC 5. The applicant intends to have a currently vacant undersize lot be made conformant to the BCZR. The property is surrounded by detached residential dwellings, forest conservation and Galloway Creek.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.



Above are images of the proposed property; the left image is obtained from MyNeighbourhood and the right from Google Map view. It should be noted that properties in the neighborhood possess similar improvements and characteristics, making the proposed request consistent with the character of the neighborhood. The Department believes that the requested reliefs align well with the existing neighborhood designs and does not alter the character of the RC 5 zone. The Department supports the request for special hearing and variance under the following conditions:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR.
2. In the case of a future development, a detailed architectural elevation must be submitted to the Department of Planning (DOP) for review during the permit process.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Richardson Engineering
 Dino Lafiandra, Attorney
 Maria Mougridis, Community Planner
 Jeff Perlow, Zoning Review
 Kristen Lewis, Zoning Review
 Office of Administrative Hearings
 People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: November 4, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0231-SPHA

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

DPR: In a 100-year BC floodplain AE Zone BFE 8.5 NAVD88.

DPW-T: A) General Note number 14 is incorrect and must be revised.

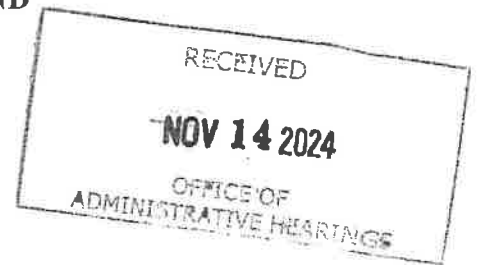
B) The proposed site is north of the coordinates described in County Code 32-8-201(J)(2) so the base flood elevation is 8.5. All proposed living spaces must be elevated above the base flood elevation plus the required freeboard as outlined in Bill 6-24, the current County Code. Any area below this elevation cannot be used for living space, storage only, or flood proof materials must be used. The LiMWA is not on the property.

Landscaping: No comment.

Recreations & Parks: No comment LOS & 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: November 14, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0231-SPHA
Address: 1621 HOLLY TREE ROAD
Legal Owner: Eric Thomas

Zoning Advisory Committee Meeting of November 12, 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 property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. Critical Area lot coverage (defined in State of Maryland Natural Resources Article §8-1802(a)(17)) is limited to 25% (2,625 square feet), or a maximum of 31.25% (3,281 square feet), if approved, and with mitigation for the amount over 25%. Also, file information and mapped soils on and near the property indicate that wetland areas may exist on or near the property. No wetland delineation has been received to evaluate the property for environmental constraints, including any required Critical Area buffer. In addition, forest/developed woodland exists on the back half of the property. Any proposed clearing would need to comply with retention requirements, limitations on clearing, and mitigation requirements. Without an approved wetland, buffer, and forest/developed woodland delineation, it cannot be determined that the relief requested by the applicant will result in minimal adverse impacts to water quality. Other types of setback relief may be necessary if the location of any environmental resources requires a change in the dwelling location.

2. Conserve fish, wildlife, and plant habitat; and because there has been no evaluation of environmental resource delineations, the conservation of fish, plant, and wildlife

habitat related to this proposal cannot be determined at this time. The applicant must submit a wetland, buffer, and forest/developed woodland delineation to this office so that the proposed development can be evaluated. The Critical Area review may require the applicant to request other setback relief.

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.

As submitted, the Critical Area information is incomplete, and therefore it cannot be determined if the relief requested will be consistent with established land-use policies.

Reviewer: Paul Dennis, Environmental Impact Review



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 1621 Holly Tree Road

Currently Zoned RC-5

Deed Reference 37804/ 138

10 Digit Tax Account # 2500015302

Owner(s) Printed Name(s) Blackwater Development, LLC

(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. X **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve a lot in the Bowleys Quarters Area in conformance with Section 1A04.3.B.1.b to have a lot size of 0.24 Ac in lieu of the minimum required 1.5 Ac

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) 1) Variance from BCZR Section 1A04.3.B.2.b to permit a side yard setback of 10' in lieu of the required 50' setback. 2) In the alternative to the Special Hearing Request, a variance from BCZR Sections 1A04.3.B.1.a and 1A04.3.B.1.b.1 to permit a lot size of 0.24 acres in lieu of 1.5 acres required..

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

To Be Presented at Hearing

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

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:

Dino LaFiandra

Name - Type or Print

Signature

100 W. Pennsylvania Ave, Suite 305, Towson, MD

Mailing Address City State

21204 / 443-204-3473 / dcl@lafiandralaw.com
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Eric Thomas /

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

931 Sahlin Farm Rd

Annapolis MD

Mailing Address

City State

21401 / 443-864-8311

/ clearwaterllc@gmail.com

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature

7 Deneison Street

Timonium

MD

Mailing Address

City State

21093 / 410-560-1502

/ rick@richardsonengineering.net

Zip Code

Telephone #

Email Address

Case Number 2024-0231-SPHA Filing Date

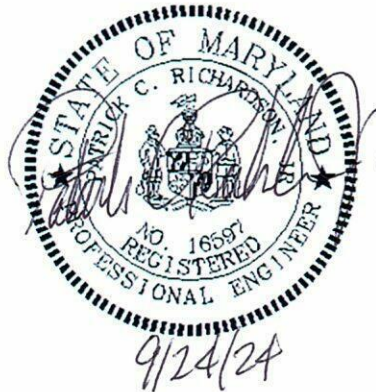
Do Not Schedule Dates

Reviewer JK

**ZONING PROPERTY DESCRIPTION FOR
1621 HOLLY TREE ROAD
15th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

Located on the East side of Holly Tree Road approximately 260+/- feet South of the intersection of Holly Tree Road and Burke Road. Being Lot #92 as shown on the plat of "Plat No. 3, Plat of Bowley's Quarters", which is recorded among the land records of Baltimore County in Plat Book W.H.M. No. 9, Folio 56.

Containing a net area of 10,500 square feet or 0.24 acres +/-.



PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

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: _____
Property Address: 1621 HOLLY TREE RD
Legal Owners (Petitioners): BLACKWATER DEVELOPMENT, LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): ERIC THOMAS
Address: BLACKWATER DEVELOPMENT, LLC
931 SAHLIN FARM RD
ANNAPOLIS, MD 21401
Telephone Number: 443-864-8311

*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



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Attorney for Petitioner:

Dino LaFiandra

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Representative to be contacted:

Richardson Engineering, LLC

Name - Type or Print

Signature

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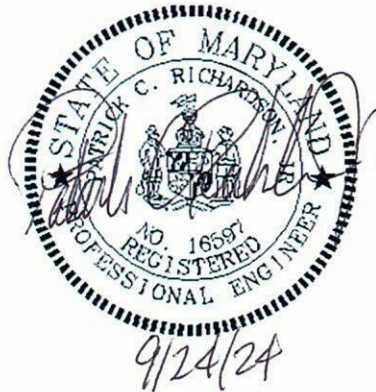
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LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

CERTIFICATE OF POSTING

2024-0231-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Eric Thomas

December 9, 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: _____

1621 Holly Tree Road ***SIGN 1A & 1B***

November 18, 2024

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

Sincerely,

 November 18, 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 (EPS) - Development Coordination

DATE: November 14, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0231-SPHA
Address: 1621 HOLLY TREE ROAD
Legal Owner: Eric Thomas

Zoning Advisory Committee Meeting of November 12, 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;

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As submitted, the Critical Area information is incomplete, and therefore it cannot be determined if the relief requested will 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: November 4, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0231-SPHA

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DPR: In a 100-year BC floodplain AE Zone BFE 8.5 NAVD88.

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B) The proposed site is north of the coordinates described in County Code 32-8-201(J)(2) so the base flood elevation is 8.5. All proposed living spaces must be elevated above the base flood elevation plus the required freeboard as outlined in Bill 6-24, the current County Code. Any area below this elevation cannot be used for living space, storage only, or flood proof materials must be used. 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: 11/12/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0231- SPHA

INFORMATION:

Property Address: 1621 Holly Tree Road
Petitioner: Eric Thomas
Zoning: RC 5
Requested Action: Special Hearing and Variance

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

Special Hearing:

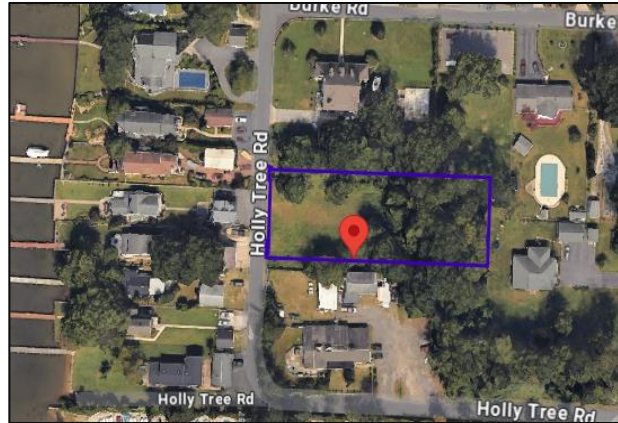
- i. To determine whether the Zoning Commissioner should approve a lot in the Bowleys Quarters Area that conforms to Section 1A04.3.B.1.b to have a lot size of 0.24 Acres instead of the minimum required 1.5 Acres.

Variance:

- i. To permit a side yard setback of 10' in lieu of the required 50' setback.
- ii. In the alternative to the Special Hearing Request, a variance from BCZR Sections 1A04.3.B.1.a and 1A04.3.B.1.b.1 to permit a lot size of 0.24 acres in lieu of the 1.5 acres required.

The subject property is located along Holly Tree Road in the Middle River area of Baltimore County. It encompasses approximately 0.24 acres and is zoned RC 5. The applicant intends to have a currently vacant undersize lot be made conformant to the BCZR. The property is surrounded by detached residential dwellings, forest conservation and Galloway Creek.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.



Above are images of the proposed property; the left image is obtained from MyNeighbourhood and the right from Google Map view. It should be noted that properties in the neighborhood possess similar improvements and characteristics, making the proposed request consistent with the character of the neighborhood. The Department believes that the requested reliefs align well with the existing neighborhood designs and does not alter the character of the RC 5 zone. The Department supports the request for special hearing and variance under the following conditions:

1. This site is subject to the RC 5 Performance Standards as listed in Section 1A04.4 of the BCZR.
2. In the case of a future development, a detailed architectural elevation must be submitted to the Department of Planning (DOP) for review during the permit process.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Richardson Engineering
Dino Lafiandra, Attorney
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](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 2500015302

Owner Information

Owner Name: BLACKWATER DEVELOPMENT LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 931 SAHLIN FARM RD
ANNAPOLIS MD 21401- Deed Reference: /48396/ 00067

Location & Structure Information

Premises Address: 1621 HOLLY TREE RD
MIDDLE RIVER 21220- Legal Description: .241 AC PT LT 92
HOLLY TREE RD
BOWLEYS QUARTERS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0098 0011 0016 31504.04 0000 2024 Plat Ref: 0009/ 0056

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
0.2400 AC 06

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2024	07/01/2025
Land:	22,400	22,400		
Improvements	0	0		
Total:	22,400	22,400	22,400	22,400
Preferential Land:	0	0		

Transfer Information

Seller: KELLY STEPHANIE CARLYN	Date: 09/19/2023	Price: \$95,000
Type: ARMS LENGTH VACANT	Deed1: /48396/ 00067	Deed2:
Seller: LONG STEPHANIE CARLYN	Date: 07/28/2016	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /37804/ 00138	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

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

Special Tax Recapture: None

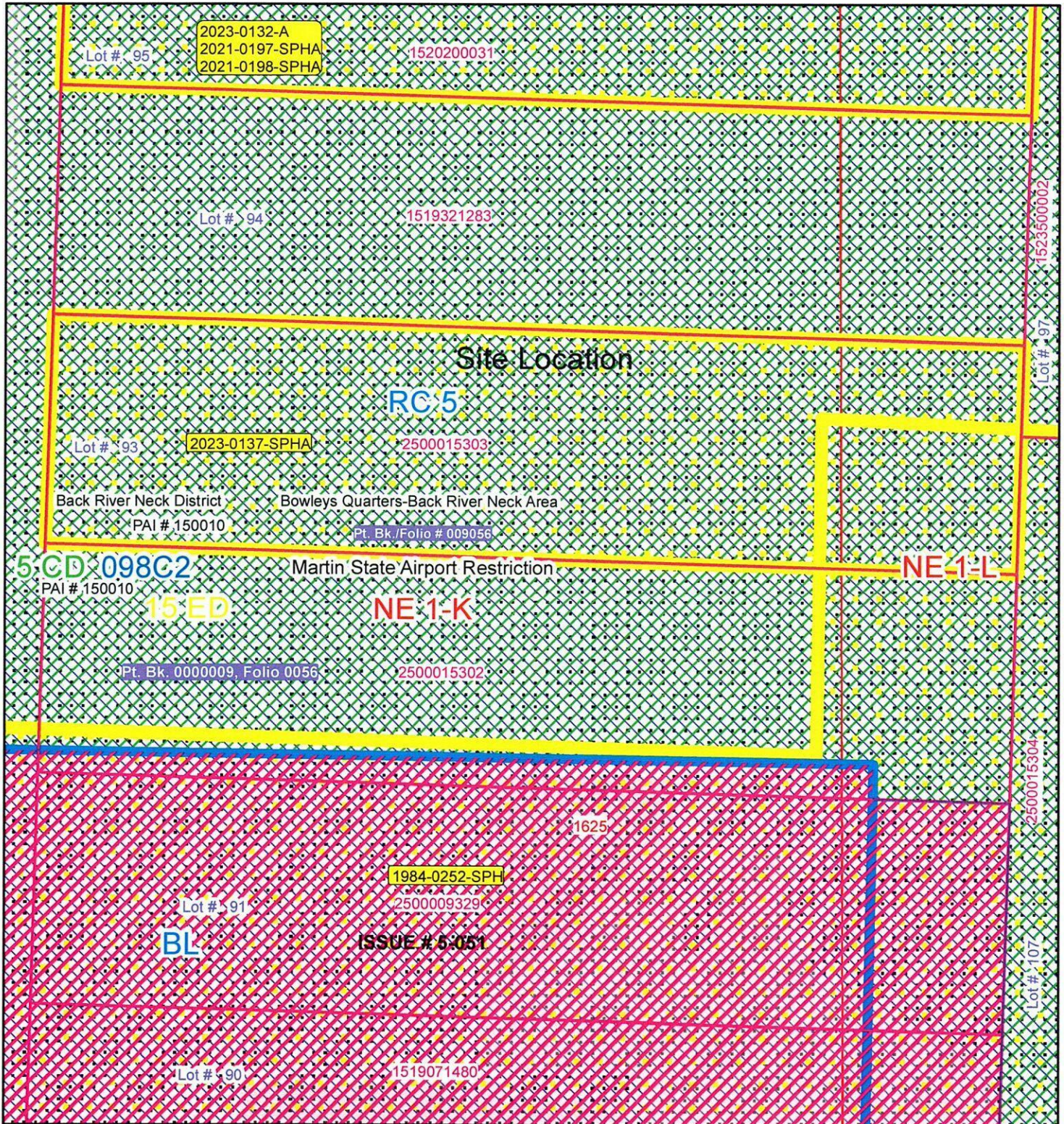
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

1621 HOLLY TREE RD



Publication Date: 10/28/2024

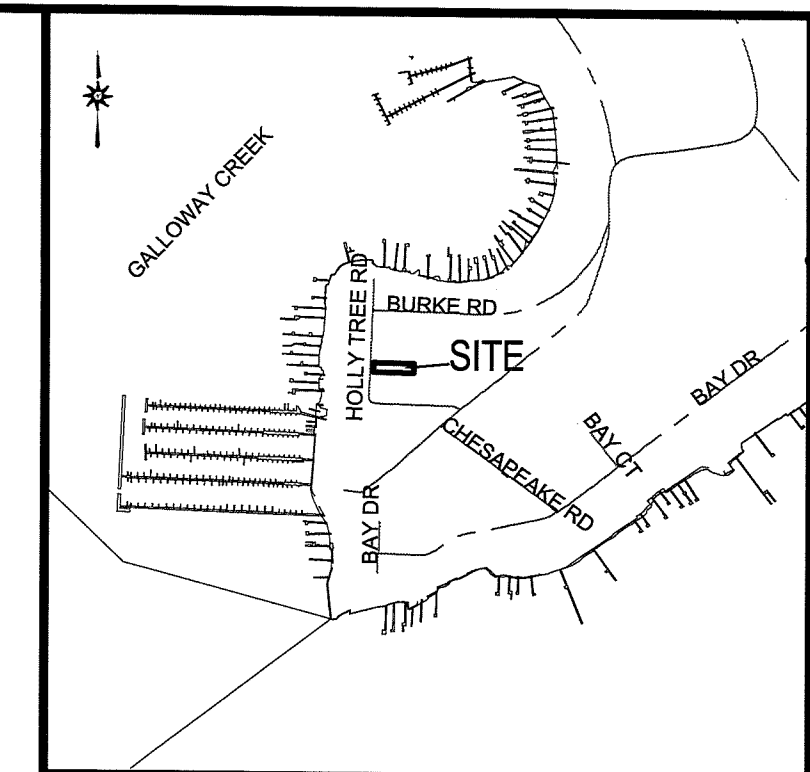
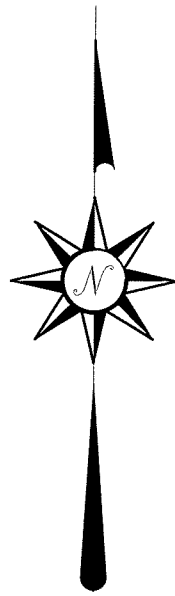


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet



VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES:

OWNER: BLACKWATER DEVELOPMENT LLC
931 SAHLIN FARM ROAD
ANNAPOLIS, MD 21401

1. SITE AREA:
NET: 10,500 Sq.Ft. or 0.24 Ac.±
GROSS: 11,250 Sq.Ft. or 0.26 Ac.±
2. EXISTING BUILDING AREA: 0 Sq.Ft.
3. UTILITIES:
PUBLIC WATER
PUBLIC SEWER
4. DEED REF: 48396/ 67
5. TAX ACCOUNT: 2500015302
6. COUNCILMANIC DISTRICT: 5TH
7. REGIONAL PLANNING DISTRICT: WINDLASS
8. CENSUS TRACT: 4518.02
9. WATERSHED: MIDDLE RIVER
10. EXISTING ZONING: RC 5
11. TAX MAP #98, GRID #11, PARCEL #16, PLAT #9/56, LOT #92
12. PRIOR PERMITS ON FILE: NONE ON FILE
13. THE SITE DOES LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA
14. SOME OF THE SITE LIES WITHIN ZONE AE (5 EL) ON AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL 2400100445G, DATED MAY 5, 2014.
15. THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
16. BASIC SERVICE MAPS (2024)
17. NO PREVIOUS ZONING CASES ON FILE.
18. SETBACKS FOR RC 5:

TYPE	REQUIRED	PROVIDED
FRONT (WATERSIDE)	75' FROM CL OF RD	75'±
SIDE	50'	10'±
REAR	50'	105'±
19. USE:
EXISTING: VACANT
PROPOSED: RESIDENTIAL

AREAS:
EXISTING—
DWELLING = 0 SQ.FT.
DRIVEWAY = 0 SQ.FT.
TOTAL = 0 SQ.FT.
PROPOSED—
DWELLING = 1,350 SQ.FT.
DRIVEWAY = 720 SQ.FT.
WALK = 40 SQ.FT.
TOTAL = 2,110 SQ.FT.

LOT COVERAGE:
EXISTING = 0 SQ.FT. / 10,500 X 100 = 0%
PROPOSED = 2,110 SQ.FT. / 10,500 X 100 = 20.1%

COVERAGE IN BUFFER:
EXISTING: DWELLING: 0 SQ.FT.
PROPOSED: DWELLING: 0 SQ.FT.



Richardson
ENGINEERING

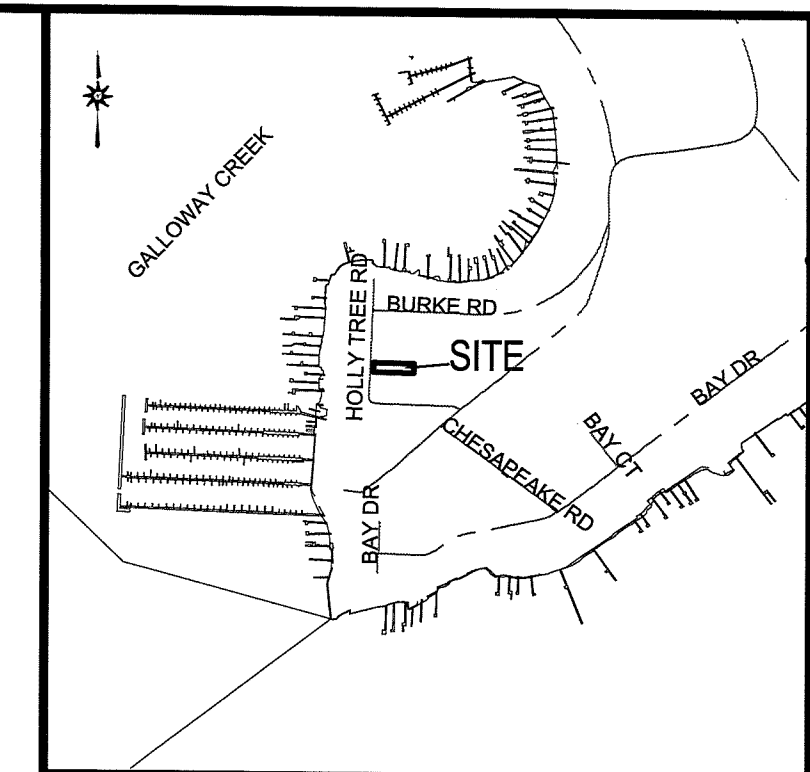
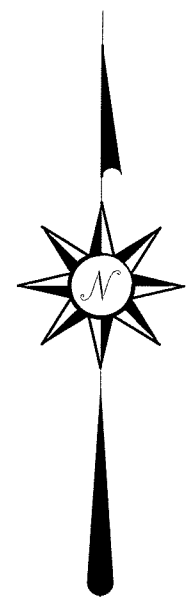
7 Deneison Street
Timonium, Maryland 21093
Phone: 410-560-1502, info@richardsonengineering.net

PLAN TO ACCOMPANY ZONING PETITION
FOR
PROPOSED RESIDENCE
"BOWLEYS QUARTERS"
1621 HOLLY TREE ROAD

BALTIMORE COUNTY
15H ELECTION DISTRICT

MARYLAND
5TH COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY:	CHECKED BY:	SCALE:
	LNR	PCR	1" = 20'
DATE:	JOB NO.:	SHEET NO.:	
09/24/24	23066	1 OF 1	



VICINITY MAP

SCALE: 1" = 1000'

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 - THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
 - BASIC SERVICE MAPS (2024)
- | TYPE | DEFICIENT | (Y/N) | NOTE |
|----------------|-----------|-------|------|
| WATER | N | | |
| SEWER | N | | |
| TRANSPORTATION | N | | |
17. NO PREVIOUS ZONING CASES ON FILE.
18. SETBACKS FOR RC 5
- | TYPE | REQUIRED | PROVIDED |
|------------------|-------------------|----------|
| FRONT(WATERSIDE) | 75' FROM CL OF RD | 75'± |
| SIDE | 50' | 10'± |
| REAR | 50' | 105'± |
19. USE:
EXISTING: VACANT
PROPOSED: RESIDENTIAL

AREAS:
EXISTING—
DWELLING = 0 SQ.FT.
DRIVEWAY = 0 SQ.FT.
TOTAL = 0 SQ.FT.
PROPOSED—
DWELLING = 1,350 SQ.FT.
DRIVEWAY = 720 SQ.FT.
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