



KATHERINE A. KLAUSMEIER
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

February 10, 2025

Charles Raymond – chadraymond55@gmail.com
Melissa Raymond – mlapps@hotmail.com
2804 7th Street
Sparrows Point, MD 21219

RE: Petition for Variance & Floodplain Management Variance
Case No. 2024-0269-AFPM
Property: 8924 Hinton 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 blue ink, appearing to read "Andrew M. Belt", is written over a white background.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dml
Enclosure

c: Jon Skarda – jon@shorelineconstruction.net
Bernadette Moskunas – siteriteinc@aol.com

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(8924 Hinton Avenue)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Charles & Melissa Raymond	*	HEARINGS OF
Legal Owners		
	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2024-0269-AFPM

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance and for a Floodplain Management Variance filed by legal owners, Charles and Melissa Raymond, (“the Petitioners”), for property located at 8924 Hinton Avenue (“the Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 1B02.3.C.1, to permit the construction of a proposed replacement dwelling on a lot of record 50 ft. wide in lieu of the required 55 ft. and to have side yard setbacks of 8 ft. (each side) in lieu of the required 10 ft. The Floodplain Management Variance relief from Baltimore County Code (“BCC”), Section 32-8-701, was formally withdrawn by the Petitioners after the hearing.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on January 23, 2025. The Petition was properly advertised and posted. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 2. (Petitioners have subsequently submitted a revised site plan reducing the overall lot coverage. (Pet. Ex. 2A).

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

the requested relief, subject to proposed conditions, which will be incorporated into the Order. There were no protestants or interested citizens that appeared at the hearing.

The Petitioners appeared at the hearing along with Jon Skarda of Shoreline Construction who assisted the Petitioners.

The subject property is located in the Millers Island area of Baltimore County, situated along Back River. The property is approximately 8,500 sq. ft. and zoned DR 5.5. Mr. Skarda explained that, like other existing lots on Hinton Avenue, the subject property is 50 ft wide. (Pet. Ex. 2) These 50-foot lots are part of the Swan Point record plat that predates modern zoning regulations. Mr. Skarda explained that the proposed dwelling will replace an existing dwelling and will be situated farther back from the Back River waterfront. Petitioners are requesting variance relief to permit a lot with a width of 50 ft. in lieu of the required 55 ft., and for side setbacks of 8 ft. on the southwestern, 8th Street side of the property and 8 ft. on the northeast side, in lieu of the required 10 ft. for both sides. Directly adjacent to the property on the 8th Street side, is the public access to Back River, consequently, there is no neighboring dwelling on that side. Eight-foot side setbacks are also not uncommon for properties on Hinton Avenue due to the age of the Swan Point development. (Pet. Ex. 2)

VARIANCES

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).

As noted above, the subject property is unique in that it was created long before current zoning requirements for DR. 5.5 properties. The fact that the subject property abuts the 8th Street public access to Back River makes a reduced side setback on the southwestern side of the property less impactful than if it abutted a lot with a neighboring dwelling. Additionally, I find that the Petitioners would suffer a practical difficulty if the requested variance relief were denied in that a practical dwelling could not be constructed on the property. 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. Accordingly, all requested variance relief is granted.

THEREFORE, IT IS ORDERED, this 10th day of **February 2025**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR Section 1B02.3.C.1, to permit the construction of a proposed replacement dwelling on a lot of record 50 ft. wide in lieu of the required 55 ft. and to have side yard setbacks of 8 ft. (each side) in lieu of the required 10 ft., be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED that the Petition for a Floodplain Management Variance for relief from Baltimore County Code (“BCC”), Section 32-8-701, since formally withdrawn by the Petitioners after the hearing, be and is hereby **DISMISSED AS MOOT**.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the ZAC comments from DOP, DPWT and DEPS which are attached hereto and made a part hereto. Comments regarding the Flood Plain Variance are no longer applicable.

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

1/23

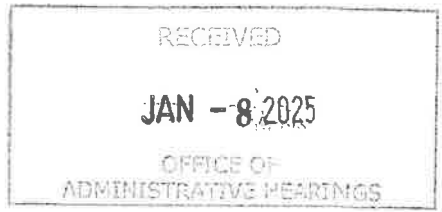
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 1/8/2025

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS



INFORMATION: Case Number: 2024-0269-AFPM
Property Address: 8924 Hinton Avenue
Petitioner: Charles and Melissa Raymond
Zoning: DR 5.5
Requested Action: Flood Plain Management and Setback Variance

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

Variance - From Section 1B02.3.C.1 of the BCZR to permit the construction of a proposed replacement dwelling on a lot of record 50 feet wide in lieu of the required 55 feet, and to have side yard setbacks of 8 feet (each side), in lieu of the required 10 feet.

Flood Plain Management Variance – Pursuant to Baltimore County Code Section 32-8-701 to permit a proposed replacement building/structure upon the petitioner demonstrating to the Administrative Law Judge (ALJ) that strict application of the requirements of these flood plain management provisions would not be contrary to the public interest and where, owing to special conditions to the lot or parcel, a literal enforcement of the requirements of the provisions would result in an unnecessary hardship.

The proposed site is an 8,171-square-foot lot zoned DR 5.5 in the Sparrows Point area, situated along Back River. Currently, the property is improved with a single-family dwelling located in a designated CBCA-Chesapeake Bay Critical Area and riverine floodplain. The applicant proposes to raze the existing dwelling and construct a new single-family dwelling in its place.

Allowable lot coverage in the CBCA is 31.25% of the total lot area, which permits a maximum of 2,553.6 square feet for the newly proposed dwelling. The existing dwelling currently accounts for 1,153.3 square feet, or 14%, of the lot area. The applicant proposes a new dwelling of 2,598.7 square feet, which is 31.8% of the total lot coverage, as shown on the submitted site plan. The site plan also shows the proposed dwelling's footprint centered on the 50-foot-wide lot with 8-foot side setbacks on either side. A 14% portion of the proposed dwelling, as shown on the site plan, will impact the Maryland Critical Area Buffer.

The applicant's requested increase in lot coverage, on an undersized lot in a floodplain, is not uncommon in this area, as evidenced by the surrounding properties along Hinton Avenue. Undersized lots are typical in the Sparrows Point area. Adjacent dwellings also have similar side setbacks of 8 feet, with lot coverage and dwelling footprints consistent with the applicant's proposal.

Pursuant to County Code § 32-8-704. - Limitations for Granting Variances, the applicant must demonstrate the following to be considered by the ALJ for any waivers in a floodplain:

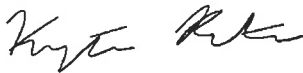
- a.) A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health and public safety.
- b.) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these Floodplain Management Provisions does not constitute an exceptional hardship to the applicant.
- c.) A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond that which is allowed in these Floodplain Management Provisions.
- d.) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.
- e.) A determination that the building, structure or other development is protected by methods to minimize flood damages.
- f.) A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

The Department of Planning has no objections in granting the requested relief conditioned upon the following:

- 1) Review and approval from the Department of Environmental Protection and Sustainability to confirm compliance with BCC Section 32-8-303.
- 2) Comments from the state coordinating office and the County must be taken into account and reviewed along with the permit file pursuant to BCC Section 32-8-305.
- 3) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for DR 5.5-zoned property.
- 4) The plan meets all additional conditions as required by the Administrative Law Judge.

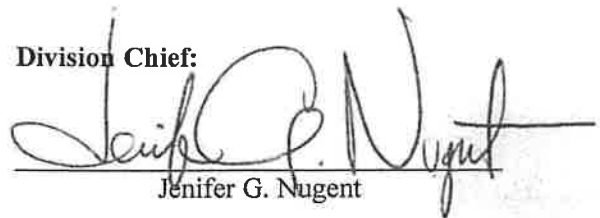
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bernadette Moskunas, Site Rite Surveying, Inc.
Maria Mougridis, Community Planner
Jeffrey 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: December 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0269-AFPM

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

DPR: Petitioner must demonstrate how they met considerations of 32-8-703.

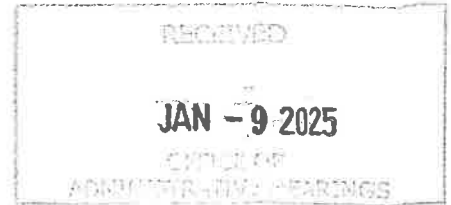
DPW-T: A)The proposed site is South of the coordinates described in County Code 32-8-201(J)(2) so the base flood elevation is 7.7. All proposed living spaces must be elevated above the base flood elevation plus the required freeboard as outlined in Bill 6-24, the current County Code. Any area below this 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: January 8, 2025

SUBJECT: DEPS Comment for Zoning Item # 2024-0269-AFPM
Address: 8924 HINTON AVENUE
Legal Owner: Charles & Melissa Raymond

Zoning Advisory Committee Meeting of December 30, 2024.

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

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

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

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit a replacement dwelling on a lot of record 50 feet wide in lieu of the required 55 feet and to have side yard setbacks of 8 feet on each side in lieu of the required 10 feet. The lot is waterfront and is within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA mitigation, and afforestation requirements. Lot coverage is limited to a maximum of 2,554 square feet, with mitigation required for any new lot coverage between 25% and 2,554 square feet. The site plan indicates that 2,597 square feet of lot coverage is proposed. 15% afforestation (2 trees) is required. Afforestation requirements are not addressed. Mitigation for any new impacts to the MBA will be required. The existing dwelling is entirely within the

MBA and information regarding any change in MBA impact has not been provided. Based on the information provided, the relief requested by the applicant will not result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The proposal does not meet LDA requirements. Proposed lot coverage exceeds the 2,554-square foot maximum limit for a lot of this size, and afforestation requirements are not addressed. This request does not help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As currently proposed, the relief requested does not meet Critical Area requirements and will not be consistent with established land-use policies.

Additional Comments:

Reviewer: Libby Errickson



PETITION FOR PUBLIC 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:

FOR OFFICE USE ONLY

CASE NUMBER 2024-0269-AFPM Filing Date 12/19/2024 Do Not Schedule Dates: _____ Reviewer JR

Address 8924 Hinton Avenue Currently Zoned DR 5.5

Deed Reference 48226 / 178 10 Digit Tax Account # 1520660280

Owner(s) Printed Name(s) Charles and Melissa Raymond

(SELECT THE HEARING TYPE(S) BY MARKING AN X NEXT TO THE APPROPRIATE SELECTION(S) AND ADDING THE SPECIFIC PETITION REQUEST FOR EACH HEARING TYPE):

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the property description and plan/plat attached hereto and made a part hereof, hereby petition for:

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

If you need additional space for the special hearing petition requests above, you may add an attachment to this petition and check the "SEE ATTACHMENTS" box below:

SEE ATTACHMENTS (if box is checked)

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

If you need additional space for the special exception petition requests above, you may add an attachment to this petition and check the "SEE ATTACHMENTS" box below:

SEE ATTACHMENTS (if box is checked)

- 3. a **Variance** pursuant to the Zoning Regulations of Baltimore County Section(s)

If you need additional space for the variance petition requests above, you may add an attachment to this petition and check the "SEE ATTACHMENTS" box below:

SEE ATTACHMENTS (if box is checked)

(For Variance item 3 above, indicate below what is unique about your property resulting in hardship or practical difficulty or indicate below "UNIQUENESS AND HARDSHIP OR PRACTICAL DIFFICULTY TO BE PRESENTED AT HEARING").

see attached

If you need additional space describing what is unique about your property resulting in hardship or practical difficulty, you may add an attachment to this petition and check the "SEE ATTACHMENTS" box below:

SEE ATTACHMENTS (if box is checked)



Page 2 of Petition for Public Hearing(s)

4. a **Floodplain Management Variance** pursuant to Baltimore County Code Section(s) 32-8-701 to permit a proposed replacement building/structure upon the petitioner demonstrating to the Administrative Law Judge (ALJ) that strict application of the requirements of these floodplain management provisions would not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the requirements of the provisions would result in unnecessary hardship.

If you need additional space for the floodplain management variance petition requests above, you may add an attachment to this petition and check the "SEE ATTACHMENTS" box below:

SEE ATTACHMENTS (if box is checked)

Property is to be posted and advertised as prescribed by the Zoning Regulations and/or Baltimore County Code. I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the laws and restrictions of the Zoning Regulations and/or Baltimore County Code.

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Charles Raymond / Melissa Raymond

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

Charles Raymond / *Melissa Raymond*

Signature #1 Signature #2

2804 7th Street Sparrows Point, MD

Mailing Address City State

21219 / 410-804-2012 chadraymond55@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Site Rite Surveying, Inc c/o Bernadette Moskunas

Name - Type or Print

Bernadette Moskunas

Signature

200 E. Joppa Road, Room 105 Towson MD

Mailing Address City State

21286 / 410-339-5413 / siteriteinc@aol.com

Zip Code Telephone # Email Address

2024-0269-A FPM
Page 2 of 2

#8924 Hinton Avenue Petition Attachment

Section 1B02.3.C.1 (BCZR) to permit the construction of a proposed replacement dwelling on a lot of record 50 feet wide in lieu of the required 55 feet and to have side yard setbacks of 8 feet (each side) in lieu of the required 10 feet

Floodplain Management Variance pursuant to Baltimore County Code Section 32-8-701 to permit a proposed replacement building/structure upon the petitioner demonstrating to the Administrative Law Judge (ALJ) that strict application of the requirements of these floodplain management provisions would not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the requirements of the provisions would result in unnecessary hardship.

For such other and further relief as may be deemed necessary by the Administrative Law Judge

(revised 10/24/2024-adding Floodplain Management wording)

2024-0269-AFPM

ZONING PROPERTY DESCRIPTION FOR #8924 HINTON AVENUE

Beginning at a point on the northwest side of Hinton Avenue which is 15 feet wide at a distance of 15 feet northeast of the centerline of 8th Street which is 30 feet wide. Being Lot #119, in the subdivision of "Swan Point" as recorded in Baltimore County Plat Book #7, Folio #163, containing 8171.5 square feet (lot area to the wood bulkhead), more or less. Located in the 15th Election District and 7th Council District.

This description is for zoning purposes only.

2024-0269-AFPM

**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: 2024-0269-AFPM
Property Address: 8924 Hinton Avenue
Legal Owners (Petitioners): Charles and Melissa Raymond
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Charles Raymond
Address: 2807 7th Street
Sparrows Point, MD 21219
Telephone Number: 410-804-2012

*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.

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 - 1520660280

Owner Information

Owner Name: RAYMOND CHARLES FRANKLIN JR Use: RESIDENTIAL
 RAYMOND MELISSA ANN Principal Residence: NO
Mailing Address: 2804 7TH ST Deed Reference: /48226/ 00178
 SPARROWS POINT MD 21219-1665

Location & Structure Information

Premises Address: 8924 HINTON AVE Legal Description: 8924 HINTON AVE
 BALTIMORE 21219-1659 Waterfront SWAN POINT

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0112 0015 0004 15140131.04 0000 119 2024 Plat Ref: 0007/ 0162

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
 1929 880 SF 8,500 SF 34

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
 1 NO STANDARD UNITFRAME/2 1 full

Value Information

	Base Value	Value		
		As of	Phase-in Assessments	
		01/01/2024	07/01/2024	07/01/2025
Land:	229,000	389,500		
Improvements	4,200	5,500		
Total:	233,200	395,000	287,133	341,067
Preferential Land:	0	0		

Transfer Information

Seller: HETTCHEN CYNTHIA A **Date:** 07/14/2023 **Price:** \$250,000
Type: NON-ARMS LENGTH OTHER **Deed1:** /48226/ 00178 **Deed2:**
Seller: TREFFINGER DAVID W **Date:** 07/14/2023 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** /48226/ 00174 **Deed2:**
Seller: TREFFINGER HENRY W, JR **Date:** 01/30/2004 **Price:** \$0
Type: NON-ARMS LENGTH OTHER **Deed1:** /19519/ 00553 **Deed2:**

Exemption Information

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

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2024-0269-A FPM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: December 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0269-AFPM

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

DPR: Petitioner must demonstrate how they met considerations of 32-8-703.

DPW-T: A)The proposed site is South of the coordinates described in County Code 32-8-201(J)(2) so the base flood elevation is 7.7. 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: January 8, 2025

SUBJECT: DEPS Comment for Zoning Item # 2024-0269-AFPM
Address: 8924 HINTON AVENUE
Legal Owner: Charles & Melissa Raymond

Zoning Advisory Committee Meeting of December 30, 2024.

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

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

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

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The applicant is proposing to permit a replacement dwelling on a lot of record 50 feet wide in lieu of the required 55 feet and to have side yard setbacks of 8 feet on each side in lieu of the required 10 feet. The lot is waterfront and is within a Modified Buffer Area (MBA). Any proposed development must meet all LDA and MBA requirements, including lot coverage limits, MBA mitigation, and afforestation requirements. Lot coverage is limited to a maximum of 2,554 square feet, with mitigation required for any new lot coverage between 25% and 2,554 square feet. The site plan indicates that 2,597 square feet of lot coverage is proposed. 15% afforestation (2 trees) is required. Afforestation requirements are not addressed. Mitigation for any new impacts to the MBA will be required. The existing dwelling is entirely within the

MBA and information regarding any change in MBA impact has not been provided. Based on the information provided, the relief requested by the applicant will not result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The proposal does not meet LDA requirements. Proposed lot coverage exceeds the 2,554-square foot maximum limit for a lot of this size, and afforestation requirements are not addressed. This request does not help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

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

As currently proposed, the relief requested does not meet Critical Area requirements and will not be consistent with established land-use policies.

Additional Comments:

Reviewer: Libby Errickson

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 1/8/2025

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0269-AFPM
Property Address: 8924 Hinton Avenue
Petitioner: Charles and Melissa Raymond
Zoning: DR 5.5
Requested Action: Flood Plain Management and Setback Variance

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

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Flood Plain Management Variance – Pursuant to Baltimore County Code Section 32-8-701 to permit a proposed replacement building/structure upon the petitioner demonstrating to the Administrative Law Judge (ALJ) that strict application of the requirements of these flood plain management provisions would not be contrary to the public interest and where, owing to special conditions to the lot or parcel, a literal enforcement of the requirements of the provisions would result in an unnecessary hardship.

The proposed site is an 8,171-square-foot lot zoned DR 5.5 in the Sparrows Point area, situated along Back River. Currently, the property is improved with a single-family dwelling located in a designated CBCA-Chesapeake Bay Critical Area and riverine floodplain. The applicant proposes to raze the existing dwelling and construct a new single-family dwelling in its place.

Allowable lot coverage in the CBCA is 31.25% of the total lot area, which permits a maximum of 2,553.6 square feet for the newly proposed dwelling. The existing dwelling currently accounts for 1,153.3 square feet, or 14%, of the lot area. The applicant proposes a new dwelling of 2,598.7 square feet, which is 31.8% of the total lot coverage, as shown on the submitted site plan. The site plan also shows the proposed dwelling's footprint centered on the 50-foot-wide lot with 8-foot side setbacks on either side. A 14% portion of the proposed dwelling, as shown on the site plan, will impact the Maryland Critical Area Buffer.

The applicant's requested increase in lot coverage, on an undersized lot in a floodplain, is not uncommon in this area, as evidenced by the surrounding properties along Hinton Avenue. Undersized lots are typical in the Sparrows Point area. Adjacent dwellings also have similar side setbacks of 8 feet, with lot coverage and dwelling footprints consistent with the applicant's proposal.

Pursuant to County Code § 32-8-704. - Limitations for Granting Variances, the applicant must demonstrate the following to be considered by the ALJ for any waivers in a floodplain:

- a.) A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health and public safety.
- b.) A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these Floodplain Management Provisions does not constitute an exceptional hardship to the applicant.
- c.) A determination that the granting of a variance for development within any designated floodway, or flood hazard area with base flood elevations but no designated floodway, will not result in increased flood heights beyond that which is allowed in these Floodplain Management Provisions.
- d.) A determination that the granting of a variance will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.
- e.) A determination that the building, structure or other development is protected by methods to minimize flood damages.
- f.) A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.

The Department of Planning has no objections in granting the requested relief conditioned upon the following:

- 1) Review and approval from the Department of Environmental Protection and Sustainability to confirm compliance with BCC Section 32-8-303.
- 2) Comments from the state coordinating office and the County must be taken into account and reviewed along with the permit file pursuant to BCC Section 32-8-305.
- 3) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for DR 5.5-zoned property.
- 4) The plan meets all additional conditions as required by the Administrative Law Judge.

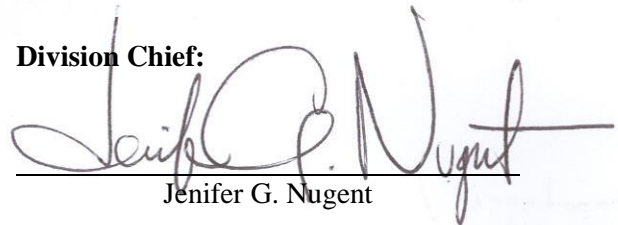
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

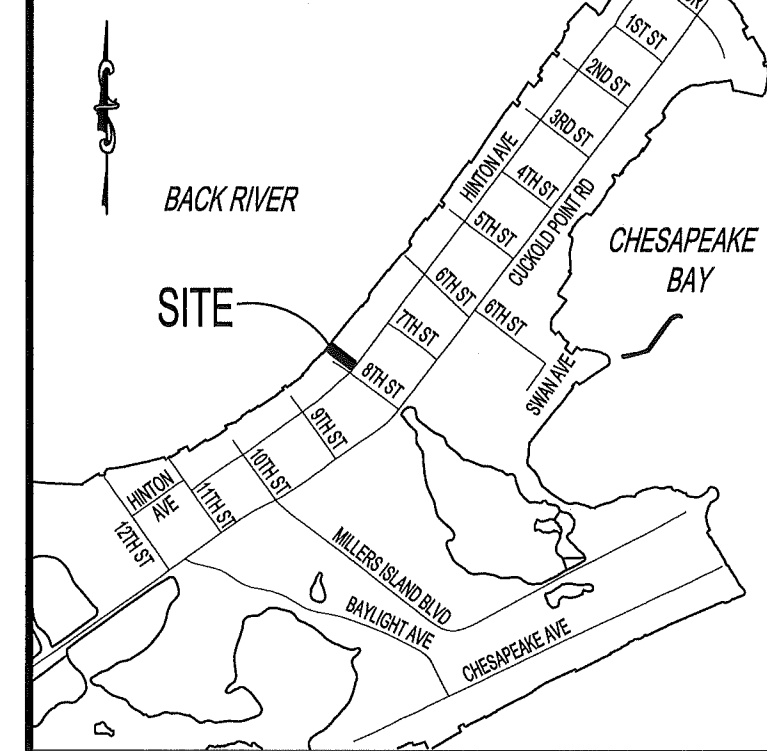
Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bernadette Moskunas, Site Rite Surveying, Inc.
Maria Mougridis, Community Planner
Jeffrey Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



Vicinity Map Scale 1" = 1000'

General Notes

1. ZONED: DR 5.5
2. LOT AREA: 8,171.5 SF± TO WOOD BULKHEAD.
3. EXISTING USE: SINGLE FAMILY DWELLING.
4. PROPOSED USE: SINGLE FAMILY DWELLING.
5. PROPOSED LIMIT OF DISTURBANCE: 4,966 SF±
6. EXISTING LOT IS SERVICED BY PUBLIC SEWER AND WATER.
7. EX. F.I.R.M. MAP 240010 0560G DATED 5/5/2014 ZONES "AE5", "AE6" & "AE7".
8. ALL EX. IMPROVEMENTS TO BE RAZED.
9. VERIFY HOUSE DIMENSIONS WITH ARCHITECTURAL PLANS.
10. EX. LOT COVERAGE AREA: 1,153.3 SF± (14%) (To Bulkhead)
11. PROP. LOT COVERAGE AREA: 2,598.7 SF± (31.8%)
PROP. LOT COVERAGE AREA IN M.B.A.: 1,422 SF± (17.4%)
12. CBCA ALLOWABLE LOT COVERAGE: 31.25% (2,553.6 SF±/-)
13. THIS PROPERTY IS LOCATED WITHIN THE CBCA(LDA) & 100 YEAR FLOOD PLAIN.

EXISTING LOT COVERAGE

MAIN HOUSE AREA = 945.3 S.F.±
 AREA OF CONCRETE SIDEWALKS = 90 S.F.±
 AREA OF CONCRETE STEPS = 10 S.F.±
 AREA OF CONCRETE PAD = 108 S.F.±
 TOTAL LOT COVERAGE AREA = 1,153.3 S.F.±
 (14% USING COMPUTED LOT AREA)

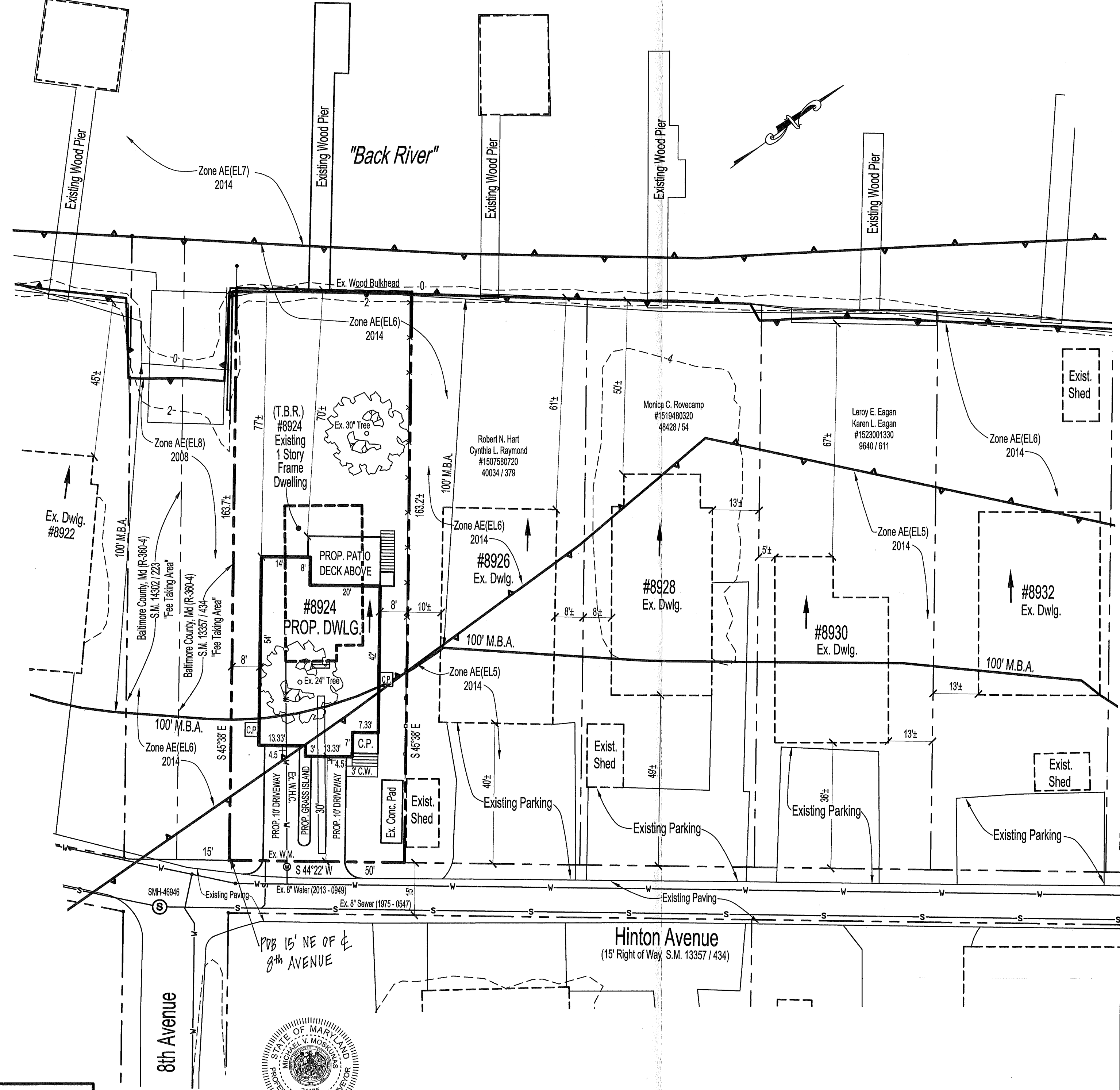
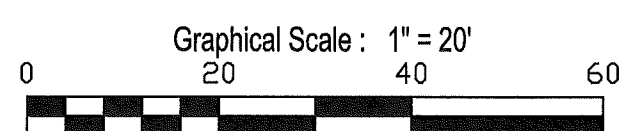
"FOR BUILDING PURPOSES"

NOTE: REQUIRED FLOOD PROTECTION ELEVATION MUST BE TWO (2) FEET ABOVE THE BASE FLOOD ELEVATION (B.F.E.). THEREFORE, THE F.P.E. SHOULD BE LEVATION 10.0' (NAVD88). (HOLD B.F.E. 8.0 NAVD88 PER MAP 2400100560F DATED 9/26/2008 AT "AE8")

F.I.R.M. NOTE

2400100560G - "AE7", "AE6" & "AE5" - 05/05/2014
 2400100560F - "AE8" - 09/26/2008

PROPOSED HOUSE ELEVATIONS
 PROPOSED FIRST FLOOR: 15.0' (NAVD88)
 PROPOSED GARAGE FLOOR: 5.0'± (NAVD88)



Michael V. Moskunas
 Michael V. Moskunas
 Professional Land Surveyor #21175
 License Expires: 6/25/2025



Phone: (410)339-5413
 Email: siteriteinc@aol.com
 200 E. JOPPA RD
 SUITE 105
 TOWSON, MD 21286

Owners
 Charles Franklin Raymond, Jr.
 Melissa Ann Raymond
 #2804 7th Street
 Sparrows Point, Md. 21219 - 1665

2024-0269-A-FPM

PLAN TO ACCOMPANY VARIANCE PETITION

#8924 HINTON AVENUE
 LOT-119 "Revised Plat of" - Plat W.P.C. 7/162
"SWAN POINT"

Tax Map: 112 Grid: 15 Parcel: 4
 Tax ID #1520660280 Deed Reference: J.L.E. 48226 / 178
 15th Election District
 Baltimore County, Maryland

Scale: 1" = 20'	Date: 09/27/2024	JOB #10950TILE
Drawn: M.V.M.	Checked: B.L.M.	SURVEY'D: J.K.

#8924 Hinton Avenue Zoning Map



2024-0269-AI-PM