

IN RE: PETITION FOR VARIANCE

(8103 Dundalk Avenue)

12th Election District

7th Council District

Thomas Charles Ogden

Legal Owner

Petitioner

*

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*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0502-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Thomas Charles Ogden, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”) to permit an addition to connect the existing detached garage building to the dwelling with a side yard setback of 4 ft. and a rear yard setback of 7.5 ft. in lieu of the required 10 and 30 ft., respectively. A site plan was marked as Petitioner’s Exhibit 1.

Thomas Charles Ogden appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”). Neither agency opposed the request.

The site is approximately 6,000 square feet in size and is zoned DR 5.5. Mr. Ogden testified that he purchased this property, 8103 Dundalk Avenue, in 2014. He further explained that he has owned the house next door at 8105 Dundalk Avenue since 1993, and that his brother James Ogden owns the other adjoining property at 8101 Dundalk Avenue. Mr. Ogden explained

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Date

12/17/19

By

Den

that he was not aware that by connecting the subject existing garage with the house that he was required to have greater side and rear setbacks. Mr. Ogden produced six letters from his surrounding neighbors stating that they are in support of the requested variance relief. These were admitted collectively as Petitioner's Exhibit 2. Photographs of the garage addition were admitted as Petitioner's Exhibit 3 and show that the addition is architecturally compatible with the style of the principal residence.

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 subject lot has a small portion of tidal floodplain at the rear and is crossed diagonally by overhead power lines. Mr. Ogden testified that this property is on slightly higher ground than the surrounding houses on the street and he has never experienced flooding, even during Hurricane Isabel. As such the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would have to tear down the garage addition. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of community opposition and the absence of County agency opposition.

THEREFORE, IT IS ORDERED, this 17th day of **December, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to the Baltimore County Zoning Regulations to permit an addition to connect the existing detached garage building to the

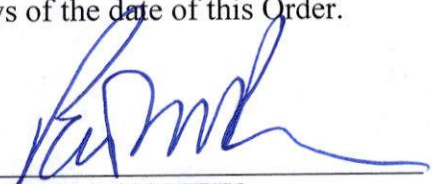
ORDER RECEIVED FOR FILING
Date 12/17/19
By Len

dwelling with a side yard setback of 4 ft. and a rear yard setback of 7.5 ft. in lieu of the required 10 and 30 ft., respectively, be and is hereby GRANTED.

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, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/sln

ORDER RECEIVED FOR FILING

Date 12/17/19

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8103 Dundalk Avenue which is presently zoned DR S.5
Deed References: 35698/00090 10 Digit Tax Account # 1219027420
Property Owner(s) Printed Name(s) Thomas Charles Ogden

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

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

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

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

3. ☒ a Variance from Section(s) 1B02.3.C.1 of BCZR to permit an addition to connect the existing detached garage building to the dwelling with a side yard setback of four feet and a rear yard setback of 7.5 feet in lieu of the required 10 and 30 feet respectively.

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, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded 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):

Thomas Charles Ogden

Name #1 - Type or Print

Name #2 - Type or Print

Thomas Charles Ogden

Signature #1

Signature #2

8105 Dundalk Ave Dundalk, MD

Mailing Address

City

State

21222 / 410284 7056 /

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER

2019-0502-A

Filing Date

10/30/19

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

7A

pl. 01

A-5020-9.36

Zoning Description
For
8103 Dundalk Avenue

Beginning at a point on the South side of Dundalk Avenue, which is 80 feet wide, at the distance of 50 feet East of the centerline of the Murray Point Road, which is 50 feet wide. Being Lot 2, Block 1, in the subdivision of Murray Point, as recorded in Baltimore County Plat Book 17, Folio 26, containing 6,1410 sq.ft. of land. Also known as 8103 Dundalk Avenue and located in the 12th Election District, 7th Councilmanic District.

2019-0502-A

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
8103 Dundalk Avenue; S/S of Dundalk Avenue, *
50' E of c/line of Murray Point Road * OF ADMINISTRATIVE
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Thomas Charles Ogden * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2019-502-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

NOV 05 2019

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November, 2019, a copy of the foregoing Entry of Appearance was mailed to Thomas Ogden, 8105 Dundalk Avenue, Dundalk, Maryland 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/26/2019

Order #: 11816295
 Case #: 2019-0502-A
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0502-A



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County**NOTICE OF ZONING HEARING**

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0502-A

8103 Dundalk Avenue

S/s of Dundalk Avenue, east of Murray Point Road

12th Election District - 7th Councilmanic District

Legal Owners: Thomas Charles Ogden

Variance to permit an addition to connect the existing detached garage building to the dwelling with a side yard setback of 4 ft. and a rear yard setback of 7.5 ft. in lieu of the required 10 and 30 feet, respectively.

Hearing: Monday, December 16, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

n26

CERTIFICATE OF POSTING

2019-0502-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas Charles Ogden

December 16, 2019

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: Kristen Lewis:

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: _____

8103 Dundalk Avenue

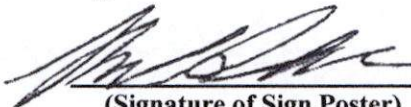
SIGN 1

November 26, 2019

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



Sincerely,

 November 26, 2019
(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)

CERTIFICATE OF POSTING

2019-0502-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas Charles Ogden

December 16, 2019

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: Kristen Lewis:

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: _____

8103 Dundalk Avenue

SIGN 2

November 26, 2019

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



Sincerely,

November 26, 2019

(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)



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 13, 2019

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2019-0502-A

8103 Dundalk Avenue
S/s of Dundalk Avenue, east of Murray Point Road
12th Election District – 7th Councilmanic District
Legal Owners: Thomas Charles Ogden

Variance to permit an addition to connect the existing detached garage building to the dwelling with a side yard setback of 4 ft. and a rear yard setback of 7.5 ft. in lieu of the required 10 and 30 feet, respectively.

Hearing: Monday, December 16, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Thomas Ogden, 8105 Dundalk Avenue, Dundalk 21222

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 26, 2019**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Tuesday, November 26, 2019 – Issue

Please forward billing to:
Thomas Ogden
8105 Dundalk Avenue
Dundalk, MD 21222

410-284-7056

NOTICE OF ZONING HEARING

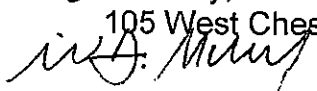
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Hearing: Monday, December 16, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CERTIFICATE OF POSTING

2019-0502-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas Charles Ogden

December 16, 2019

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: Kristen Lewis:

Ladies and Gentlemen:

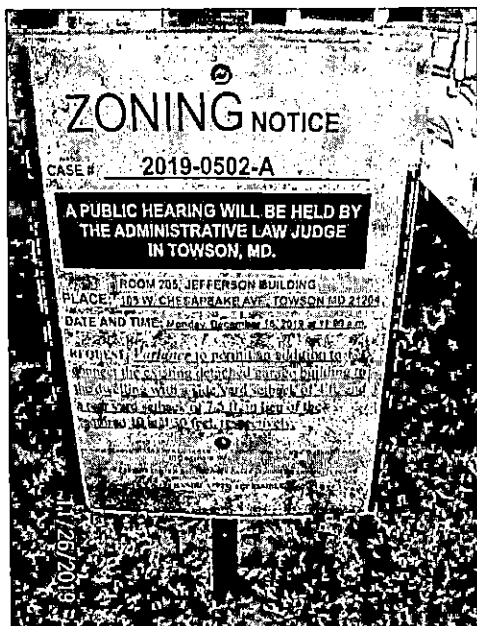
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8103 Dundalk Avenue

SIGN 1

November 26, 2019

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



Sincerely,

 November 26, 2019
(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)

CERTIFICATE OF POSTING

2019-0502-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas Charles Ogden

December 16, 2019

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: Kristen Lewis:

Ladies and Gentlemen:

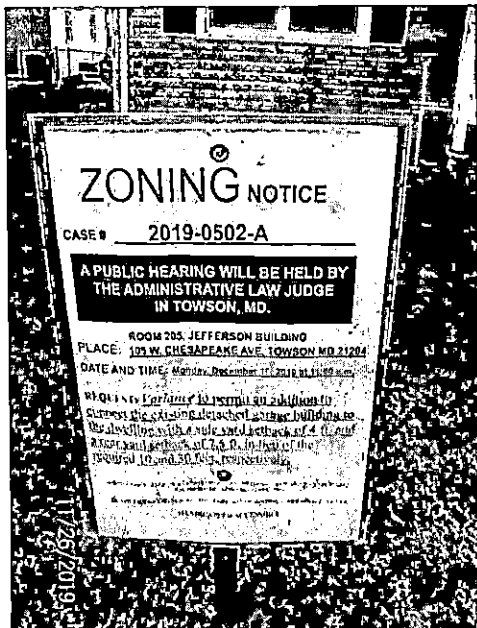
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8103 Dundalk Avenue

SIGN 2

November 26, 2019

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



Sincerely,

November 26, 2019

(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)

**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/neighbor 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: 2019-0502-A
Property Address: 8103 DUNDALK AVE.
Property Description: _____

Legal Owners (Petitioners): Thomas Charles Ogden
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas Charles Ogden
Company/Firm (if applicable): _____
Address: 8105 Dundalk Avenue
Dundalk, MD 21222

Telephone Number: 410 284 7056

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CD1900551 Property No. 1219027420 Zoning: _____

Name(s): Ogden Thomas C

Bunting Ruth L

Address: 8105 Dundalk Ave

Baltimore, MD 21222

Violation Location: 8103 Dundalk Ave

Baltimore, MD 21222

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2015 Baltimore County Code section 35.2.301, 304

2015 Baltimore County Council Bill 40-15 part 115.1

Additions have been constructed on a
detached garage. Garage is now attached
to the single family dwelling.

No permits or inspections have been secured
for work performed

Dwelling is in the Baltimore Flood Hazard Area.

- Secure all permits and inspections for work performed

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 10.3.19 DATE ISSUED: 09.19.19

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: [Signature] PRINT NAME: John Keach

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 10.3.19 DATE ISSUED: 09.19.19

INSPECTOR: [Signature] PRINT NAME: John Keach

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

December 10, 2019

Thomas Charles Ogden
8105 Dundalks Ave
Dundalk MD 21222

RE: Case Number: 2019-0502-A, 8103 Dundalk Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 30, 2019. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

12-16

RECEIVED

NOV 26 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-502

INFORMATION:

Property Address: 8103 Dundalk Avenue
Petitioner: Thomas Charles Ogden
Zoning: DR 5.5
Requested Action: Variance

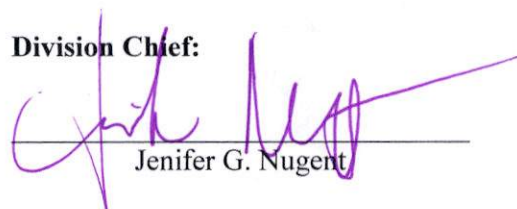
The Department of Planning has reviewed the petition for a variance from §1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to permit an addition connecting the existing detached garage with the main dwelling with a side yard setback of four feet in lieu of 10 feet and a rear setback of 7.5 feet in lieu of 30 feet.

The site is located in the Murray Point subdivision, a subdivision of modestly sized single-family homes in Dundalk. The southern sliver of the property sits within the FEMA 100-year flood zone, encompassing a portion of the addition.

A site visit was conducted on November 14, 2019. The addition has already been completed. The Department has no objection to the variance request and will defer to the Department of Environmental Protection and Sustainability for their review. It should be noted that this is a code violation and should be brought to the attention of Code Enforcement.

For further information concerning the matters stated herein, please contact Joseph Fraker at 410-887-3480.

Division Chief:


Jenifer G. Nugent

CPG/JGN/LTM/

c: Joseph Fraker
Thomas Charles Ogden
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/26/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-502

INFORMATION:

Property Address: 8103 Dundalk Avenue
Petitioner: Thomas Charles Ogden
Zoning: DR 5.5
Requested Action: Variance

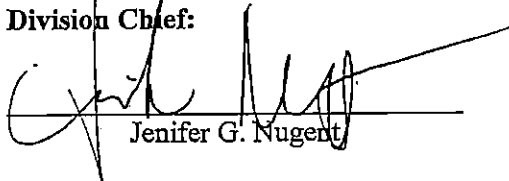
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A site visit was conducted on November 14, 2019. The addition has already been completed. The Department has no objection to the variance request and will defer to the Department of Environmental Protection and Sustainability for their review. It should be noted that this is a code violation and should be brought to the attention of Code Enforcement.

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Division Chief:



Jenifer G. Nugent

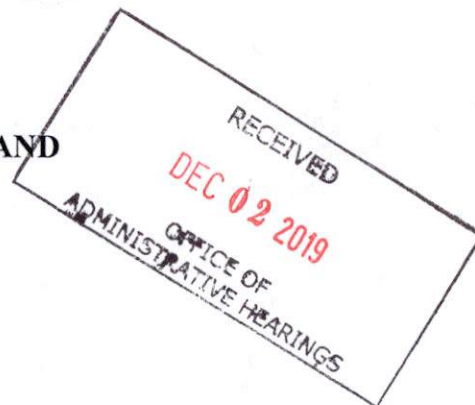
CPG/JGN/LTM/

c: Joseph Fraker
Thomas Charles Ogden
Office of the Administrative Hearings
People's Counsel for Baltimore County

12-16-19

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: December 2, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0502-A
Address 8103 Dundalk Avenue
(Ogden Property)

Zoning Advisory Committee Meeting of **November 1, 2019.**

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 (EPS) has provided written recommendations describing how the proposed request would:

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 an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area and may be subject to practices that reduce water quality impacts associated with stormwater runoff, commonly referred to as the Critical Area 10% Rule. The petitioner's request to allow an addition to connect the existing detached garage to the dwelling with a side yard setback of 4 feet and a rear yard setback of 7.5 feet in lieu of the required 10 feet and 30 feet, respectively. It appears that the addition will increase impervious surfaces on the property. Any future building permit applications and/or plans received by the Environmental Impact Review Section of EPS will be reviewed for the applicability of the 10% Rule regulations and any required mitigation. Allowing the request with this petition will result in no impacts to water quality.

2. Conserve fish, wildlife, and plant habitat; and

The subject property is not a waterfront property. There is not a tidal buffer projected onto the property. Any development proposal for the property will be reviewed for application of the IDA 10% pollutant reduction requirements, which will improve buffer functions and conserve fish habitat in proximity to nearby Peach Orchard Creek and Bear Creek.

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.

The applicant's request to allow an addition to connect an existing detached garage to the dwelling with side yard and rear yard setback reductions is consistent with this goal. Any future development activities will be subject to review for application of the Critical Area IDA pollutant reduction requirements, thereby, maintaining compliance with these regulations. Allowing this request will be consistent with established land-use policies.

Reviewer: Thomas Panzarella
Environmental Impact Review

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 11/4/19

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. **2019-0502-A**

Variance
Thomas Charles Ogden
8103 Dundalk Avenue

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

MEMORANDUM

DATE: January 17, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0502-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 16, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File
Office of Administrative Hearings

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

12/2

DEPS

(if not received, date e-mail sent _____)

Comment

FIRE DEPARTMENT

11/26

PLANNING

(if not received, date e-mail sent _____)

Comment

11/4

STATE HIGHWAY ADMINISTRATION

No Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. VIOLATION CB1900551)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/26/19

SIGN POSTING (1st)

Date:

11/26/19

by SSG BLACKSIGN POSTING (2nd)

Date:

12-15-19

by "

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

PM 12-16-19 11 Am
Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Sunday, December 15, 2019 10:05 PM
To: Administrative Hearings
Subject: Recertification's For 2019-0502-A
Attachments: Re-Cert 1 2019-0502-A.doc; Re-Cert 2 2019-0502-A.doc

CAUTION: This message from 1opie@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Recertification's for 8103 Dundalk Avenue

CERTIFICATE OF POSTING

2019-0502-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas Charles Ogden

December 16, 2019

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: Kristen Lewis:

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: _____

8103 Dundalk Avenue

SIGN 1 Recertification

November 26, 2019

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

Sincerely,

December 15, 2019

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

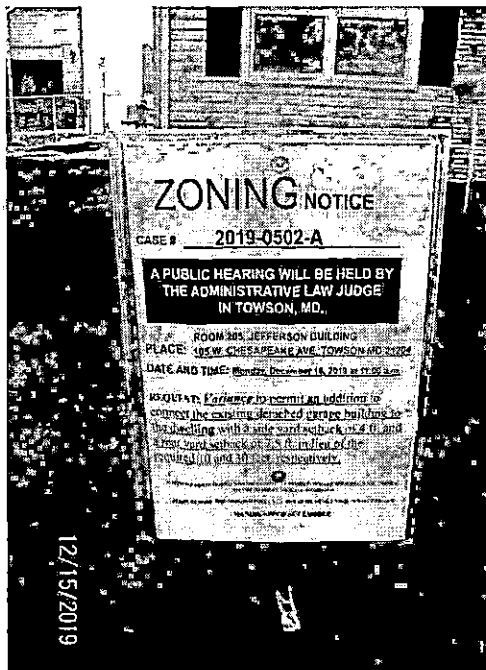
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CERTIFICATE OF POSTING

2019-0502-A

RE: Case No.: _____

Petitioner/Developer: _____

Thomas Charles Ogden

December 16, 2019

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: Kristen Lewis:

Ladies and Gentlemen:

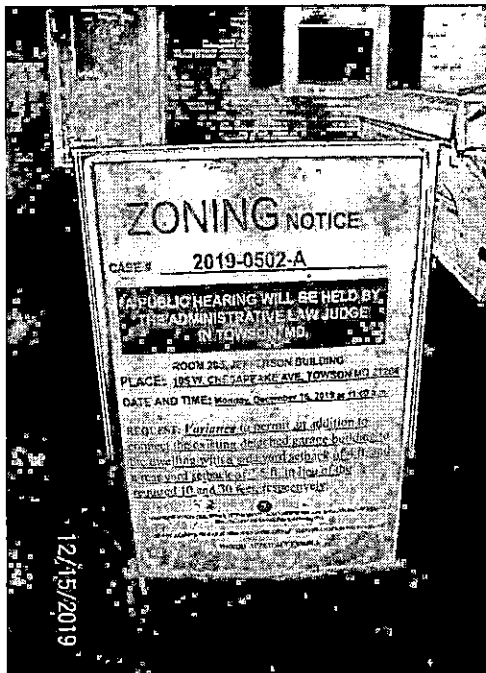
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8103 Dundalk Avenue

SIGN 2 Recertification

November 26, 2019

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



Sincerely,

December 15, 2019

(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)

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Tax Exempt: None			Special Tax Recapture: None							
Exempt Class: None										
Account Identifier:			District - 12 Account Number - 1219027420							
Owner Information										
Owner Name:		OGDEN THOMAS C BUNTING RUTH L				Use: Principal Residence:		RESIDENTIAL NO		
Mailing Address:		8105 DUNDALK AVE BALTIMORE MD 21222-6011				Deed Reference:		/35698/ 00090		
Location & Structure Information										
Premises Address:		8103 DUNDALK AVE BALTIMORE 21222-6011				Legal Description:		MURRAY POINT		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0110	0005	0037	12050097.04	0000	C	1	2	2018	Plat Ref:	0017/ 0026
Special Tax Areas: None					Town:		None			
					Ad Valorem:		None			
					Tax Class:		None			
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1951		1,125 SF				6,000 SF		04		
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements			
1 1/2	NO	STANDARD UNIT	SIDING/	3	1 full	1 Detached				
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2019		07/01/2020		
Land:			50,000	50,000						
Improvements			78,500	88,200						
Total:			128,500	138,200		134,967		138,200		
Preferential Land:			0					0		
Transfer Information										
Seller: ORNER STANLEY CHARLES SR				Date: 12/29/2014			Price: \$60,000			
Type: ARMS LENGTH IMPROVED				Deed1: /35698/ 00090			Deed2:			
Seller: SEAMAN FRANK R				Date: 01/30/1980			Price: \$47,000			
Type: ARMS LENGTH IMPROVED				Deed1: /06131/ 00694			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2019			07/01/2020			
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00			0.00 0.00			
Tax Exempt: None		Special Tax Recapture: None								
Exempt Class: None										
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										





A. 5020. 0122

November 25, 2019

To Whom It May Concern:

My name is Sharon Rodgers.

I live in the Watersedge area, at 8109 Dundalk Avenue.

I live within 1000 feet of 8103 Dundalk Avenue, property owned by Thomas Charles Ogden.

I DO NOT object to a variance applied for on his property.

Furthermore, this house was previously owned by a hoarder and was a neighborhood eyesore - falling down fence, multiple dilapidated sheds, trash everywhere with a mouse & rat problem.

Once Mr Ogden purchased the property, he spent over a year cleaning & removing mountains of trash. This property looks

1000% better than before Mr Ogden purchased it.

Sincerely,

Sharon Rodgers

Sharon Rodgers

(printed name)

PETITIONER' S

EXHIBIT NO.

2

November , 2019

To Whom It May Concern:

My name is Terry + David Gibbons.

I live in the Watersedge area, at 8103 Murray Pt Rd.

I live within 1000 feet of 8103 Dundalk Avenue, property owned by Thomas Charles Ogden.

I DO NOT object to a variance applied for on his property.

Furthermore, the addition to the garage is

a very nice improvement to what was there before.

We can see this from our front door and it looks great.

Sincerely,

Terry Gibbons, David Gibbons

Terry Gibbons, David Gibbons

(printed name)

November , 2019

To Whom It May Concern:

My name is Karen Johnson.

I live in the Watersedge area, at 8111 Dundalk Ave.

I live within 1000 feet of 8103 Dundalk Avenue, property owned by Thomas Charles Ogden.

I DO NOT object to a variance applied for on his property.

Furthermore, the house has never looked better!

Been here 24 years. Best it has ever looked.

Cleaned + taken care of.

Thank You Mr Tom.

Sincerely,

Karen Johnson

Karen Johnson

(printed name)

November , 2019

To Whom It May Concern:

My name is Christy Cronin.

I live in the Watersedge area, at 8107 Dundalk Avenue.

I live within 1000 feet of 8103 Dundalk Avenue, property owned by Thomas Charles Ogden.

I DO NOT object to a variance applied for on his property.

Furthermore, these changes have no effect on me.

I have no objections to these changes.

Sincerely,

Christy Cronin

Christy Cronin

(printed name)

November , 2019

To Whom It May Concern:

My name is MARIA V PAPPAS.

I live in the Watersedge area, at 8101 DUNDALK AVENUE
BALTIMORE MD 21222

I live within 1000 feet of 8103 Dundalk Avenue, property owned by Thomas Charles Ogden.

I DO NOT object to a variance applied for on his property.

Furthermore,

THE GARAGE LOOKS NICE
IT DOES NOT AFFECT ME ON MY SIDE.

Sincerely,

Maria V Pappas

MARIA V. PAPPAS

(printed name)

November , 2019

To Whom It May Concern:

My name is James Ogden.

I live in the Watersedge area, at 8101 Dundalk Ave.

I live within 1000 feet of 8103 Dundalk Avenue, property owned by Thomas Charles Ogden.

I DO NOT object to a variance applied for on his property.

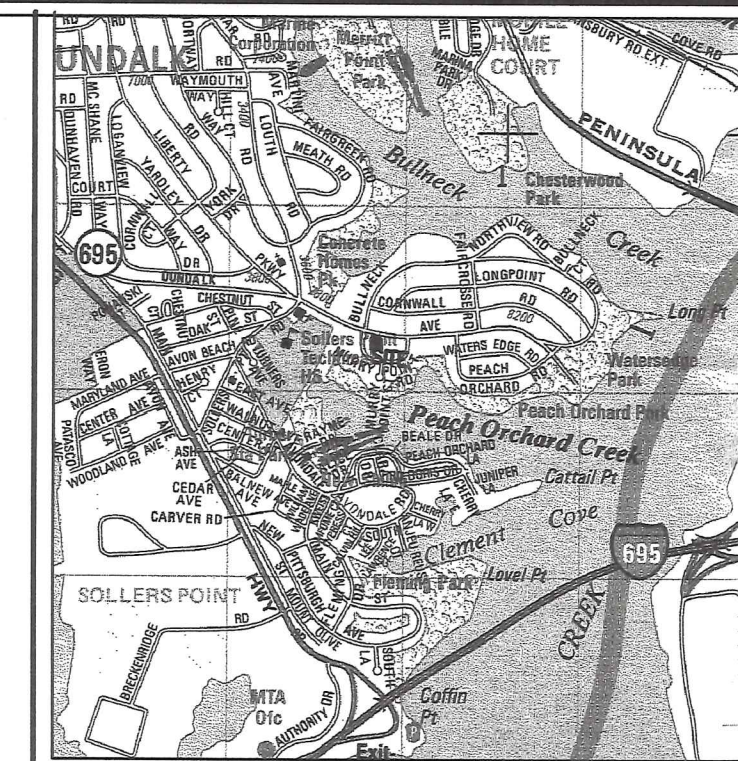
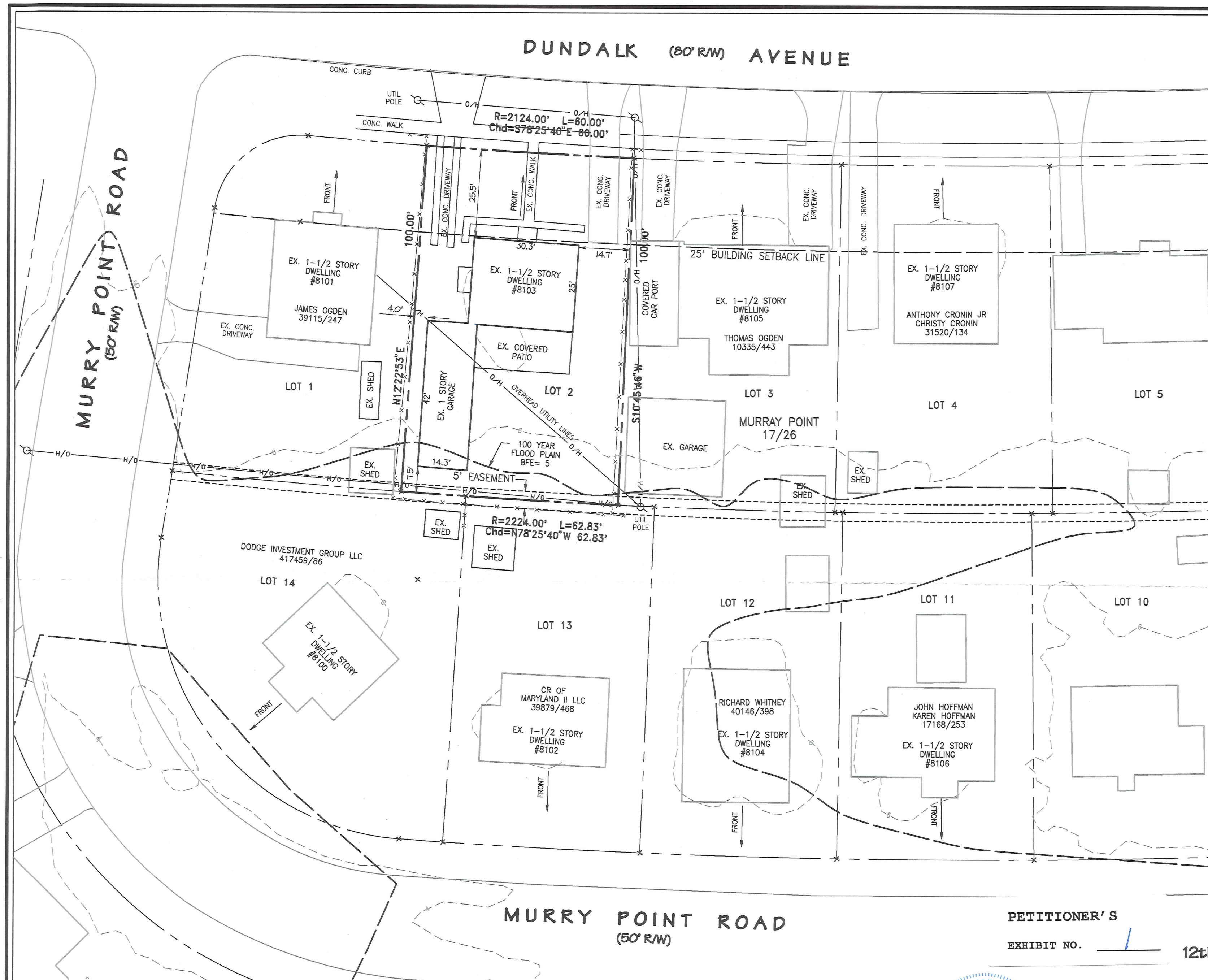
Furthermore,

Sincerely,

James W Ogden

James W Ogden

(printed name)

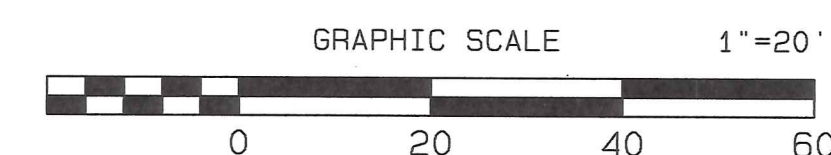


Vicinity Map

Scale: 1" = 2000'

Notes

1. Owner: Thomas Ogden
8105 Dundalk Avenue
Baltimore MD. 21222
2. Zoned: DR 5.5
3. Area= 6,141 sq.ft. or 0.141 Ac.
4. This site is in the Chesapeake Bay Critical Area.
5. This site lies partially within the 100 year flood plain.
6. There are no underground fuel tanks.
7. This is not a historic property/building.
8. This site is serviced by public sewer and water.
9. No prior Zoning Hearings.



**PLAT TO ACCOMPANY
A ZONING VARIANCE**

of the

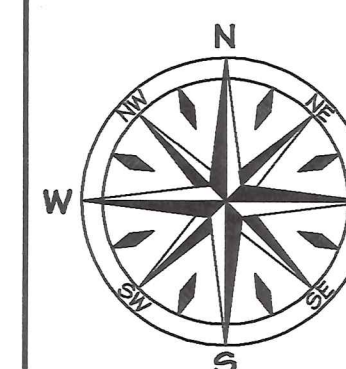
OGDEN PROPERTY

**8103 DUNDALK AVENUE
Baltimore County, Maryland**

Tax Map 110, Grid 5, Parcel 37
12th Election District, 7th Councilmanic District
Scale: 1"=20' Date: October 9, 2019

PETITIONER'S

EXHIBIT NO. 1



Dietz Surveying Co.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234
Ph 410-661-3160, Fax 410-661-3163
www.dietzsurveying.net

File Name: J:\Dundalk Ave 8103\Dundalk Ave.pro

Revisions

Date

Plot Date: 10/17/2019

FIELD: BRD

DRAWN: BRD

Job No. 19201

2019-0502-A