

M E M O R A N D U M

DATE: January 21, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0503-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on January 17, 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.'

c: ✓ Case File
Office of Administrative Hearings

/dlw

IN RE: **PETITIONS FOR SPECIAL HEARING** *
AND VARIANCE
(7328 Geise Avenue) *

15th Election District *
7th Council District *

Thomas Robert Lough
Petitioner *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2019-0503-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 Thomas Robert Lough (“Petitioner”). The Special Hearing was filed pursuant to Section 101 of the Baltimore County Zoning Regulations (“BCZR”) and 400.1.3 of the Zoning Commissioner’s Policy Manual (“ZCPM”) to approve an accessory structure (garage 30 ft. x 30 ft.) to be larger than the primary structure which is 30.0 ft. x 24.4 ft. In addition, a Petition for Variance was filed pursuant to BCZR Section 400.3 to approve an accessory structure (garage 30 ft. x 30 ft.) at height of 18 ft. in lieu of the required maximum height of 15 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Thomas Robert Lough appeared in support of the requests. There were no protestants or other interested persons in attendance. The Petition was advertised and posted as required by the BCZR. Substantive ZAC comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”).

SPECIAL HEARING

Mr. Lough testified that he wants to build this “pole barn” structure to house a boat and a vintage vehicle. The DOP reviewer noted that there are numerous similar structures in the

ORDER RECEIVED FOR FILING

Date 12/18/19
By sen

neighborhood. I find that the proposed structure is in keeping with the spirit and intent of the BCZR and will not cause injury to the public health, safety and welfare, provided that it complies with the Limited Development Area lot size restrictions and the Chesapeake Bay Critical Area restrictions.

VARIANCE

As to the variance, it requires 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).

This parcel consists of two lots and is a rectangular shape backing to an alley. A rear corner of the property is in a floodplain and the entire lot is within the CBCA. As such, the property is unique. If the Regulations were strictly interpreted, Petitioner would experience a practical difficulty because he would be unable to construct the proposed accessory structure (garage). 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, provided, again, that it complies with the Limited Development Area lot size restrictions and the Chesapeake Bay Critical Area restrictions.

. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this **18th** day of **December, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to approve an accessory structure (garage 30 ft. x 30 ft.) to be larger than the primary structure which is 30.0 ft. x 24.4 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

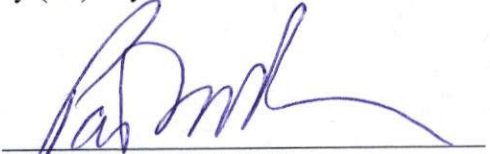
Date 12/18/19
By Sen

IT IS FURTHER ORDERED that the Petition for Variance pursuant to BCZR Section 400.3 to approve an accessory structure (garage 30 ft. x 30 ft.) at height of 18 ft. in lieu of the required maximum height of 15 ft., 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.
2. Prior to the issuance of any permits the Petitioner shall comply with all DEPS comments regarding the LDA and the CBCA.

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 12/18/19

By Sen



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 7328 GEISE AVENUE which is presently zoned DP 3.5
Deed References: 33624/487 10 Digit Tax Account # 15167507509
Property Owner(s) Printed Name(s) THOMAS ROBERT LOUGH 151900990

(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

BCZR 101 and ZCPM 400.1.e To approve an accessory structure (garage 30 ft x 30 ft) to be larger than the primary structure which is 30.3 ft x 24.4 ft

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

3. ☒ a Variance from Section(s)

BCZR 400.3 To approve an accessory structure (garage 30 ft x 30 ft) at a height of 18 ft in lieu of the required maximum height of 15 ft

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

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

I, 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:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

N/A

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

THOMAS ROBERT LOUGH

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

7328 GEISE AVENUE

SPARROWS POINT, MD

Mailing Address

City

State

21219

410 952-9509

SCOTTY1701@COMCAST

Zip Code

Telephone #

Email Address

NET

Representative to be contacted:

S/A

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

By

CASE NUMBER

2019-0503-SHA

Filing Date

10/31/19

Do Not Schedule Dates:

Reviewer

REV. 10/4/11

Zoning Property Description for #7328 Geise Avenue

Beginning at a point on the north side of Geise Avenue which is 30 feet wide at a distance of 740 feet west of the centerline of Lincoln Avenue which is 30 feet wide. Being Lot Nos 260 and 261 in the subdivision of "Chesapeake Terrace" as recorded in the Baltimore County Plat Book No.5, Folio No.136, containing 20,000 square feet. Located in the 15th Election District, 7th Council District

2019-0503-SPH A

YM 12-13-19
10 AM

Debra Wiley

RECEIVED

From: Marty Ogle <mert1114@aol.com>
Sent: Tuesday, December 10, 2019 11:57 AM
To: Administrative Hearings
Subject: 7328 Geise Ave.

DEC 10 2019

OFFICE OF
ADMINISTRATIVE HEARINGS

CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

CERTIFICATE OF POSTING

CASE NO. 2019-0503-SP4A
PETITIONER/DEVELOPER
THOMAS ROBERT
LOACH
DATE OF HEARING/CLOSING
12/13/19

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

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT 7328 GEISE AVENUE SIGN #2

THIS SIGN(S) POSTED ON November 22, 2019 December 10, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Marty Ogle 11/22/19
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411



CERTIFICATE OF POSTING

CASE NO. 2019-0503-SP4A
PETITIONER/DEVELOPER
THOMAS ROONET
LOGLIN
DATE OF HEARING CLOSING
12/13/19

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

ATTENTION:

LADIES AND GENTLEMEN:

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

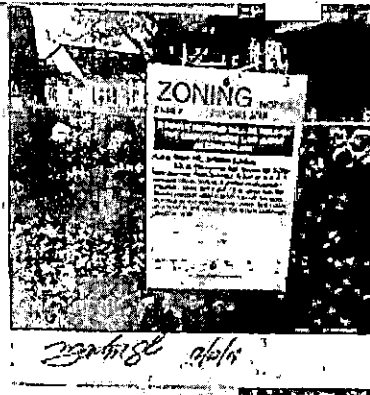
7328 CREEK AVENUE

THIS SIGN(S) POSTED ON November 22, 2019 December 12, 2019
(MONTH, DAY, YEAR)

SINCERELY,

[Signature]
SIGNATURE OF SIGN POSTER

MARTIN OGILLY
9912 MAIDENBROOK ROAD
PARKVILLE, MD, 21214
443-629-3411



PM 12-13-19
10 AM

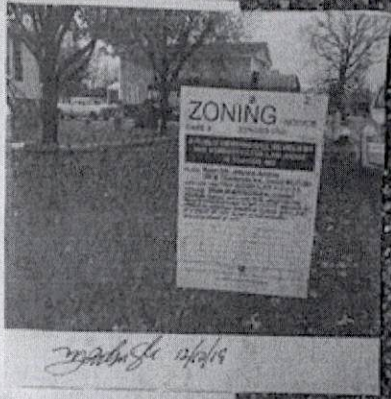
Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Tuesday, December 10, 2019 11:56 AM
To: Administrative Hearings
Subject: 2019-0503-SPHA

RECEIVED
DEC 10 2019
OFFICE OF ADMINISTRATIVE HEARINGS

CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2nd set of certificates 7328 Geise Avenue

CERTIFICATE OF POSTING	
CASE NO. <u>2019-0503-SPHA</u>	
PETITIONER/DEVELOPER <u>THOMAS ROBERT</u> <u>LAUGH</u>	
DATE OF HEARING/CLOSING <u>12/13/19</u>	
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING ROOM 111 111 WEST CHESAPEAKE AVENUE ATTENTION: LADIES AND GENTLEMAN: THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT <u>7328 GEISE AVENUE</u> <u>SIGN # 2</u>	
THIS SIGN(S) POSTED ON <u>November 22, 2019</u> <u>December 10, 2019</u> (MONTH, DAY, YEAR)	
SINCERELY <u>Marty Ogle</u> 11/22/19 SIGNATURE OF SIGN POSTER	
MARTIN OGLE 9912 MAIDBROOK ROAD PARKVILLE, MD. 21234 443-629-3411	

CERTIFICATE OF POSTING

CASE NO. 2019-DS03-584A
PETITIONER/DEVELOPER
THOMAS ROBERT
LOGLIN
DATE OF HEARING/CLOSING
12/13/19

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

LADIES AND GENTLEMEN:

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

7322 GENE AVENUE

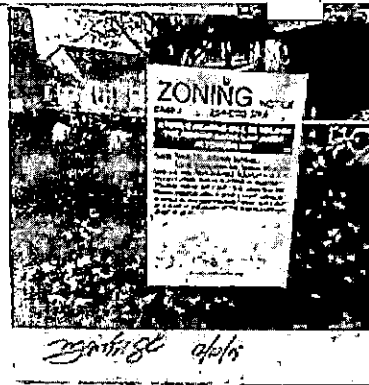
SHEET 1

THIS SIGN(S) POSTED ON November 22, 2019 December 10, 2019
(MONTH, DAY, YEAR)

SINCERELY,

[Signature]
SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARK VILLER, MD 21134
443-629-3411



Sent from my iPhone

Tuesday, December 03, 2019 12:20 PM
[REDACTED]
2019-0503-SPHA

7328 Geise Ave.

CERTIFICATE OF POSTING

CASE NO. 19A-0503-SPHA

PERMITTEE/DEVELOPER
THOMAS ROBERT

LOUIS

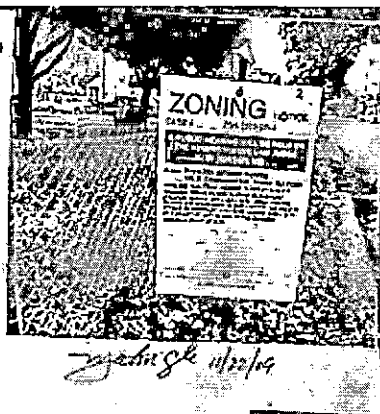
DATE OF HEARING/CLOSING
12/13/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMEN:
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT 7328 CLEVE AVENUE

THIS SIGN(S) POSTED ON November 22, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Martin Ogilvie
SIGNATURE OF SIGN POSTER

MARTIN OGILVIE
9912 MALDENBROOK ROAD
PARKVILLE, MD, 21234
410-629-3411



CERTIFICATE OF POSTING

CASE NO. 2019-0503-5P4A

PETITIONER/DEVELOPER

THOMAS ROBERT

LOCAL

DATE OF HEARING/CLOSING

12/13/19

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

LADIES AND GENTLEMEN:

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

7328 EAST AVENUE

SECT 1

THIS SIGN(S) POSTED ON November 22, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogile 11/22/19
SIGNATURE OF SIGN POSTER

MARTIN OGILE

9912 MAIDBROOK ROAD
PARKVILLE, MD: 21234
443-629-3411

ZONING

NOTICE

CHAPTER 15-013-01

NOTICE OF HEARING

ON A PETITION FOR A VARIANCE

FROM THE ZONING ORDINANCE

OF BALTIMORE COUNTY

TO VARY FROM THE

REQUIREMENTS OF

SECTION 15-013-01

OF THE ZONING

ORDINANCE

FOR THE PURPOSE

OF OBTAINING A

VARIANCE FROM

THE REQUIREMENTS

OF SECTION 15-013-01

OF THE ZONING

ORDINANCE

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VARIANCE FROM

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FOR THE PURPOSE

OF OBTAINING A

VARIANCE FROM

THE REQUIREMENTS

OF SECTION 15-013-01

OF THE ZONING

ORDINANCE

FOR THE PURPOSE

1843

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:

11/22/2019

Order #: 11816288
Case #: 2019-0503-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0503-SPHA



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: 2019-0503-SPHA

7328 Geise Avenue

N/side of Geise Avenue, 740 ft. w/of Lincoln Avenue

15th Election District - 7th Councilmanic District

Legal Owners: Thomas Robert Lough

Special Hearing to approve an accessory structure (garage 30 ft. x 30 ft.) to be larger than the primary structure which is 30.3 ft. x 25.4 ft. Variance to approve an accessory structure (garage 30 ft. x 30 ft.) at a height of 18 ft. in lieu of the required maximum height of 15 ft.

Hearing: Friday, December 13, 2019 at 10:00 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.

n22



JOHN A. OLSZEWSKI, JR.
County Executive

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

November 13, 2019

NOTICE OF ZONING HEARING

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N/side of Geise Avenue, 740 ft. w/of Lincoln Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Thomas Robert Lough

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Hearing: Friday, December 13, 2019 at 10:00 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 Lough, 7328 Geise Avenue, Sparrows Point 21219
Site Rite Inc., siteriteinc@aol.com

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 23, 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 -----
Friday, November 22, 2019 – Issue

Please forward billing to:

Thomas Lough,
7328 Geise Avenue
Sparrows Point, MD 21219

410-952-9509

NOTICE OF ZONING HEARING

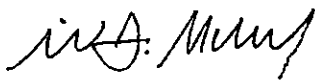
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N/side of Geise Avenue, 740 ft. w/of Lincoln Avenue
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Hearing: Friday, December 13, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.

* * * * *

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**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: 2019-0503-SPHA
Property Address: 7328 GEISE AVE
Property Description: North side of Geise Avenue 740' west of
Lincoln Avenue
Legal Owners (Petitioners): Thomas Lough
Contract Purchaser/Lessee: n/a

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tom Lough
Company/Firm (if applicable): n/a
Address: 7328 Geise Avenue
Sparrows Point, MD 21219
Telephone Number: 410 952-9509

I have no opposition to the pole building being built at 7328 Geise Avenue, Sparrows Point, Md 21219.

7332 Geise Avenue, Sparrows Point, Md 21219

Eric Unbezahl

7326 Geise Avenue, Sparrows Point, Md 21219

Not occupied – For Sale

2019-0503-SPHA



JOHN A. OLSZEWSKI, JR.
County Executive

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

December 2, 2019

Thomas Robert Lough
7328 Geise Avenue
Sparrows Point MD 21219

RE: Case Number: 2019-0503-SPHA, 7328 Geise 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 31, 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.", with a stylized flourish at the end.

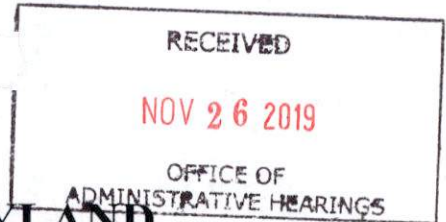
W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

12-13



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: 19-503

INFORMATION:

Property Address: 7328 Geise Avenue
Petitioner: Thomas Robert Lough
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to approve the accessory structure (garage 30 feet. x 30 feet.) that is larger than the primary structure. The applicant is also seeking a variance from §400.3 of the Baltimore County Zoning Regulations (BCZR) to approve a height of 18 feet for the accessory structure in lieu of the required maximum height of 15 feet.

The site is located in Sparrows Point at 7328 Geise Avenue. The property is zoned D.R. 5.5 and covers an area of 20,000 square feet.

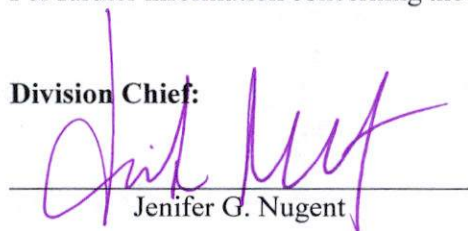
The applicant proposes to build a 30 foot x 30 foot garage at the rear of the property that would have a height of 18 feet and be larger than the primary structure, which is 30.3 feet x 24.4 feet.

A site visit was conducted on November 14, 2019. The neighborhood has a number of existing accessory structures and garages, some of which are of similar size and dimensions as the proposed garage in this case. In most instances, though, the accessory structures are smaller than the one proposed and are less than the primary structures on those lots.

The Department of Planning notes that the proposed garage is located within the Chesapeake Bay Critical Area and within the 100-year flood plain used for regulatory purposes. The Department of Planning defers to the Department of Environmental Protection and Sustainability.

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

Division Chief:



Jenifer G. Nugent

Date: 11/26/2019
Subject: ZAC # 19-503
Page 2

CPG/JGN/LTM/

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

12-13-19

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 # 2019-0503-SPHA
Address 7328 Geise Avenue
(Lough 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 a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

The petitioner is requesting to permit a 900 square foot (sf) pole building (accessory structure) with a height of 18 feet in lieu of the required maximum of 15 feet. The property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. In order to minimize impacts on water quality, the applicant must comply with the LDA lot coverage requirements. The lot coverage limit on this property is 31 1/4%, and, according to the plan with this petition, it appears that lot coverage limits may be exceeded when adding the accessory structure. Field verification is necessary. The property may also be subject to the Chesapeake Bay Critical Area buffer regulations due to a potential tributary and/or wetland associated with Jones Creek that is mapped to be less than 100 feet west of the subject property. Critical Area buffer establishment plantings may be required. Any building permits or plans received by EPS for review will include application of the LDA lot coverage regulations and investigation of any Critical Area buffers that may extend onto the site, therefore, by allowing the items requested by the petitioner, impacts on water quality will be minimized.

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

The current development proposal for the property will be reviewed for application of the Critical Area LDA and buffer requirements, which will improve buffer functions, and conserve fish, wildlife and plant habitat in Jones Creek and Old Road 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.

The items requested will be consistent with established land use policies, provided that the applicants meet any LDA and buffer requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

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

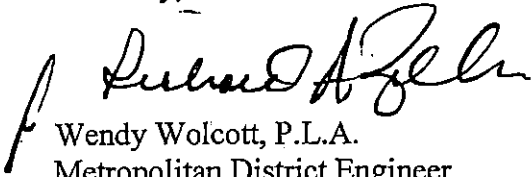
Dear Ms. Lewis:

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. 2019-0503-SPHA

*Special Hearing, Variance
Thomas Robert Lough
7328 Geise 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

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CHECKLISTComment
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 DEPARTMENT11/26 PLANNING
(if not received, date e-mail sent)Comment11/4 STATE HIGHWAY ADMINISTRATIONNo objection TRAFFIC ENGINEERING COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS ZONING VIOLATION (Case No.) PRIOR ZONING (Case No.) NEWSPAPER ADVERTISEMENT Date: 11/22/19 SIGN POSTING (1st) Date: 11/22/19 by Ogle SIGN POSTING (2nd) Date: 12/10/19 by OglePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐Comments, if any:

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 - 15 Account Number - 1516750750							
Owner Information									
Owner Name:		LOUGH THOMAS R				Use:		RESIDENTIAL	
Mailing Address:		7328 GEISE AVE EDGEMERE MD 21219-				Principal Residence:		YES	
						Deed Reference:		/33624/ 00487	
Location & Structure Information									
Premises Address:		7328 GEISE AVE EDGEMERE MD 21219-				Legal Description:		7328 GEISE AVE CHESAPEAKE TERRACE	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0111	0016	0128	15130120.04	0000	B		260	2018	Plat Ref: 0005/0036
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	
1934		720 SF				10,000 SF		04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
1	YES	STANDARD UNIT	SIDING/	3	1 full				
Value Information									
			Base Value	Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2019		07/01/2020	
Land:			74,500	74,500					
Improvements			63,200	61,900					
Total:			137,700	136,400		136,400		136,400	
Preferential Land:			0					0	
Transfer Information									
Seller: PRINKEY BETTY G				Date: 05/16/2013			Price: \$177,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /33624/ 00487			Deed2:		
Seller: PRINKEY WILLIAM E,JR				Date: 06/25/2007			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /25847/ 00746			Deed2:		
Seller: PRINKEY BETTY G				Date:			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /25847/ 00746			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: Approved 09/10/2013									
Homeowners' Tax Credit Application Information									

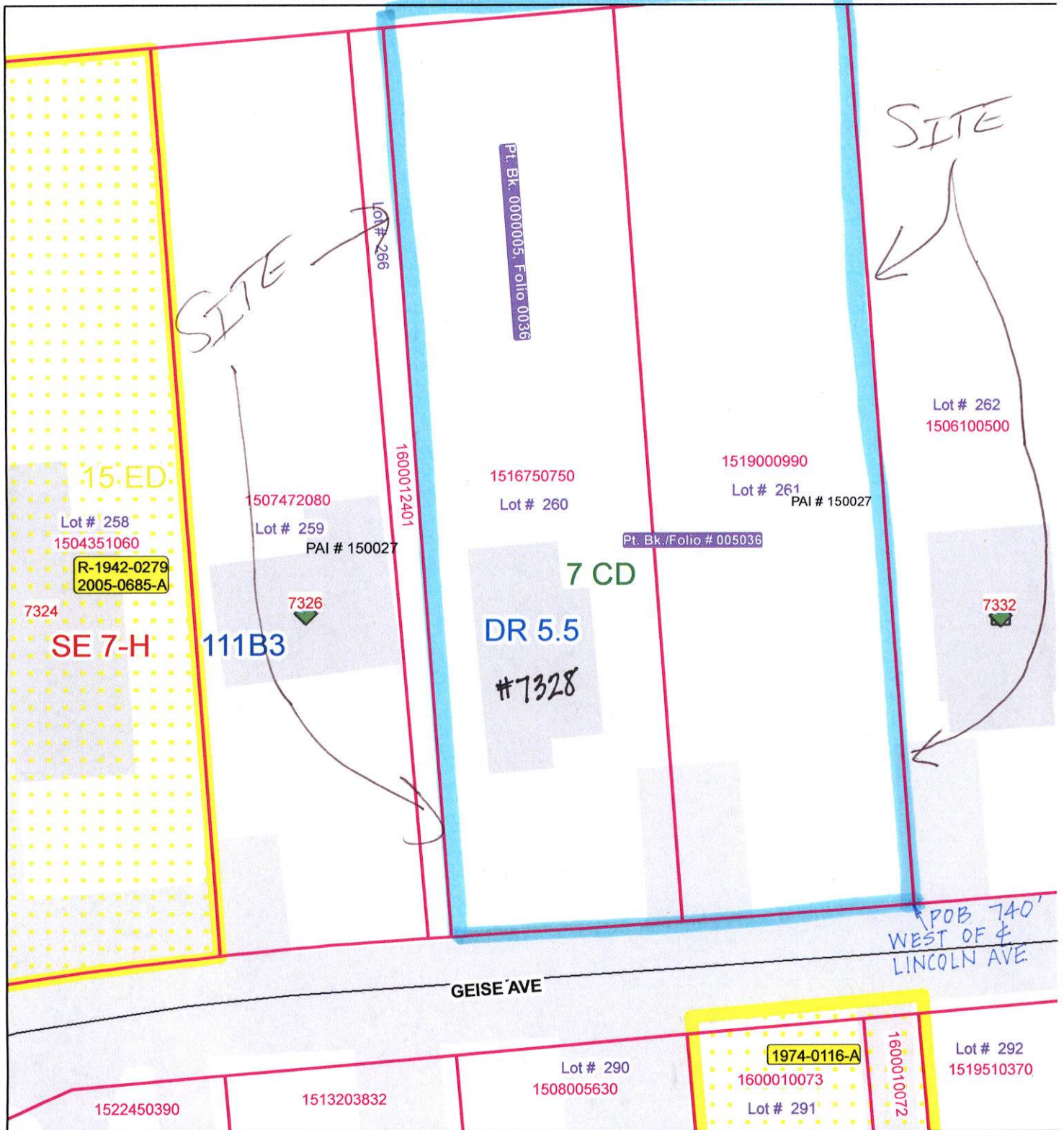
Real Property Data Search (w3)

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 - 15 Account Number - 1519000990	
Owner Information		
Owner Name:	LOUGH THOMAS R	Use: RESIDENTIAL
		Principal Residence: NO
Mailing Address:	7328 GEISE AVE EDGEMERE MD 21219-	Deed Reference: /33624/ 00487
Location & Structure Information		
Premises Address:	GEISE AVE EDGEMERE MD 21219-	Legal Description: CHESAPEAKE TERRACE
Map:	Grid:	Parcel:
0111	0016	0128
Neighborhood:	Subdivision:	Section:
15130120.04	0000	B
Block:	Lot:	Assessment Year:
	261	2018
		Plat No:
		Plat Ref: 0005/0036
Special Tax Areas: None	Town: None	
	Ad Valorem: None	
	Tax Class: None	
Primary Structure Built	Above Grade Living Area	Finished Basement Area
	10,000 SF	County Use 04
Stories	Basement	Type
		Exterior
		Quality
		Full/Half Bath
		Garage
		Last Notice of Major Improvements
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	56,500	56,500
Improvements	0	0
Total:	56,500	56,500
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		56,500
		56,500
Transfer Information		
Seller: PRINKEY BETTY G	Date: 05/16/2013	Price: \$177,000
Type: ARMS LENGTH MULTIPLE	Deed1: /33624/ 00487	Deed2:
Seller: PRINKEY WILLIAM E,JR	Date: 06/25/2007	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /25849/ 00163	Deed2:
Seller: SANDERS MARY	Date: 06/12/1984	Price: \$4,000
Type: ARMS LENGTH IMPROVED	Deed1: /06727/ 00462	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
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: Denied		

2019-0503-SPHA

Enter Property Address Here
7328 GEISE AVE



Publication Date: 5/3/2019



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

2019-0503-SHA

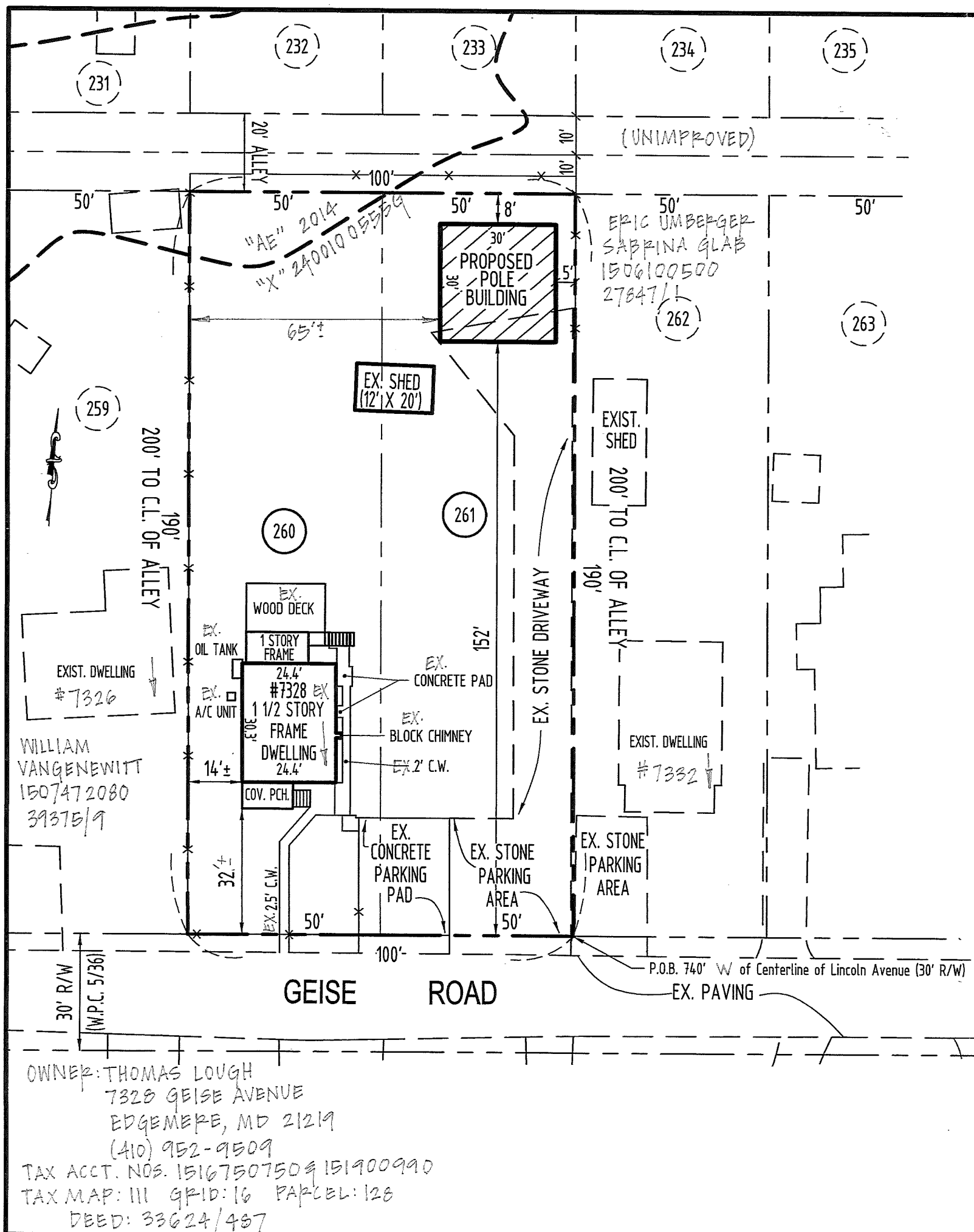
Real Property Data Search

You may experience issues today as SDAT works to restore all services. SDAT apologizes for any inconvenience the last few days, and asks for patience as we continue to work to make the site better.

Search Result for BALTIMORE COUNTY

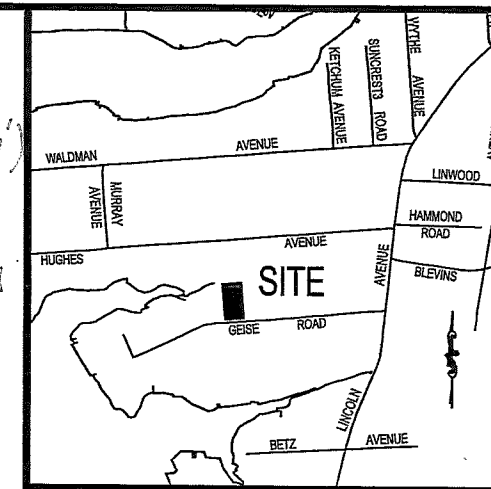
View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt: None		Special Tax Recapture: None			
Exempt Class: None					
Account Identifier:		District - 15 Account Number - 1516750750			
Owner Information					
Owner Name:		LOUGH THOMAS R		Use: RESIDENTIAL	
Mailing Address:		7328 GEISE AVE EDGEMERE MD 21219-		Principal Residence: YES	
				Deed Reference: /33624/ 00487	
Location & Structure Information					
Premises Address:		7328 GEISE AVE EDGEMERE MD 21219-		Legal Description: 7328 GEISE AVE CHESAPEAKE TERRACE	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0111	0016	0128	15130120.04	0000	B
Block:		Lot:	Assessment Year:	Plat No:	
		280	2018	Plat Ref: 0005/ 0036	
Special Tax Areas: None		Town:		None	
		Ad Valorem:		None	
		Tax Class:		None	
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1934		720 SF		10,000 SF	
County Use		04			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
1	YES	STANDARD UNIT	SIDING/	3	1 full
Garage					
Last Notice of Major Improvements					
Value Information					
Base Value		Value		Phase-In Assessments	
		As of		As of	
		01/01/2018		07/01/2019	
				As of	
				07/01/2020	
Land:	74,500	74,500			
Improvements	63,200	61,900			
Total:	137,700	136,400		136,400	
Preferential Land:	0			0	
Transfer Information					
Seller: PRINKEY BETTY G		Date: 05/16/2013		Price: \$177,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /33624/ 00487		Deed2:	
Seller: PRINKEY WILLIAM E, JR		Date: 06/25/2007		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25847/ 00746		Deed2:	
Seller: PRINKEY BETTY G		Date:		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /25847/ 00746		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: Approved 09/10/2013					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

2019-0503-SAHA



GENERAL NOTES

1. EX. USE: SFD
PROP. USE: SFD W/ PROP. POLE BUILDING (HEIGHT 18')
2. EX. ZONING: DR 3.5 (III B2)
3. PROPERTY IS LOCATED WITHIN THE CBCA (LDA) AND PARTIALLY WITHIN THE 100 YEAR FLOOD PLAIN MAP 2400100555G 5/5/2014 AS SHOWN
4. PROPERTY NOT LOCATED WITHIN THE HISTORIC DISTRICT
5. THERE ARE NO PRIOR ZONING CASES AND NO VIOLATIONS
6. PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
7. EX. LOT AREA: 20,000 SF / 0.436 AC.± (SDAT)
8. ALL STRUCTURES ARE EXISTING AND TO REMAIN ONLY THE POLE BUILDING IS PROPOSED
9. THE EX. LOT COVERAGE IS 5,461 S.F.±
THE PROP. LOT COVERAGE IS 6,361 S.F.± (ADD 900 SF POLE BUILDING)



VICINITY MAP SCALE 1" = 1000'

PETITIONER'S

EXHIBIT NO. 1

PLAN TO ACCOMPANY AN ADMINISTRATIVE VARIANCE & SPECIAL HEARING PETITION

#7328 GEISE AVENUE

LOTS 260-261

"CHESAPEAKE TERRACE" 5/136

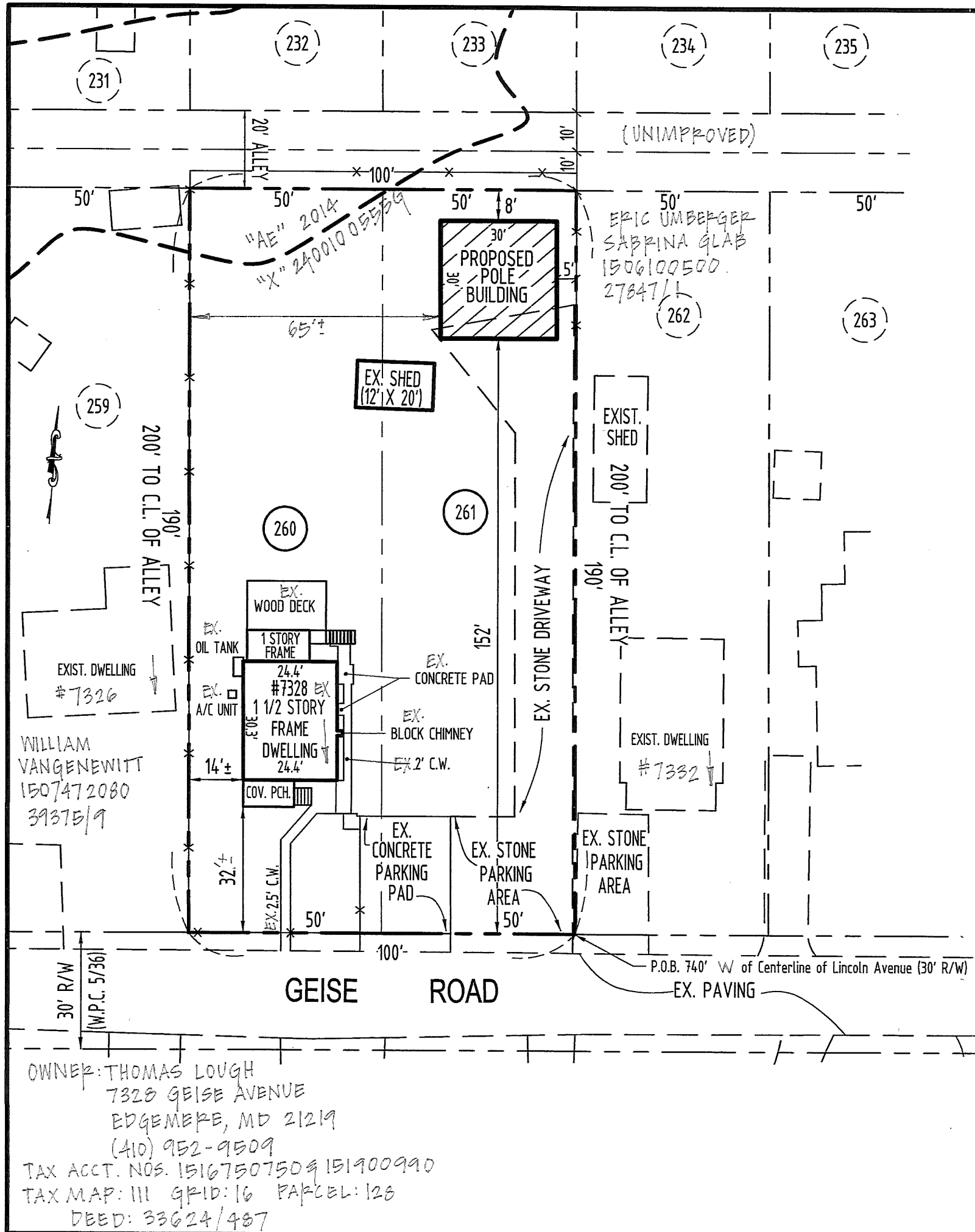
15TH. ELECTION DISTRICT

7TH. COUNCILMANIC DISTRICT

BALTIMORE COUNTY, MD

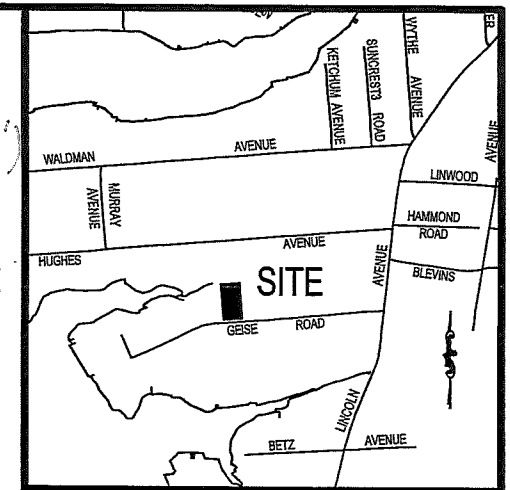
SCALE: 1" = 30'

2019-0503-SPH A



GENERAL NOTES

1. EX. USE: SFD
PROP. USE: SFD W/ PROP. POLE BUILDING (HEIGHT 18')
2. EX. ZONING: DP 3.5 (IIB2)
3. PROPERTY IS LOCATED WITHIN THE CPGA (LDA)
AND PARTIALLY WITHIN THE 100 YEAR FLOOD PLAIN
MAP 2400100555G 5/5/2014 AS SHOWN
4. PROPERTY NOT LOCATED WITHIN THE HISTORIC DISTRICT
5. THERE ARE NO PRIOR ZONING CASES AND NO VIOLATIONS
6. PROPERTY IS SERVICED BY PUBLIC WATER AND SEWER
7. EX. LOT AREA: 20,000 SF/ 0.436 AC. ± (SDAT)
8. ALL STRUCTURES ARE EXISTING AND TO REMAIN
ONLY THE POLE BUILDING IS PROPOSED
9. THE EX. LOT COVERAGE IS 5,461 S.F. ±
THE PROP. LOT COVERAGE IS 6,361 S.F. ± (ADD 900 SF POLE BUILDING)



VICINITY MAP SCALE 1" = 1000'

PLAN TO ACCOMPANY AN ADMINISTRATIVE VARIANCE
& SPECIAL HEARING PETITION
#7328 GEISE AVENUE
LOTS 260-261
"CHESAPEAKE TERRACE" 5/136
15TH. ELECTION DISTRICT
7TH. COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD
SCALE: 1" = 30'

2019-0503-S PHA