MEMORANDUM

DATE: September 29, 2020

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2020-0062-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on September 25, 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

IN RE: PETITION FOR VARIANCE **(1740 Drexel Road)** 15th Election District 7th Council District Frederick and Louise Auffarth Petitioners	* * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY **CASE NO. 2020-0062-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Variance filed by the legal owners of the subject property, Frederick and Louise Auffarth ("Petitioners"). The Petitioners are requesting Variance relief pursuant of the Baltimore County Zoning Regulations ("BCZR") §301.1 to permit a front setback for a deck of 17 ft. 5 in. in lieu of the required front application of §301.1 average setback of 22.5 ft. (rounded up) A site plan was marked as Petitioners' Exhibit 15.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. Mark Auffarth appeared on behalf of the Petitioners, Frederick and Louise Auffarth. There were no protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

Mr. Auffarth explained that his parents had hired a contractor to construct the porch/deck this past November and that the contractor was responsible for pulling the necessary permits, which they failed to do. This resulted in a Code Citation being issued and a fine in the amount of $500.00 being imposed in Case No. CC1916899. Mr. Auffarth attested that the fine has been

ORDER RECEIVED FOR FILING
Date 8/26/20
By DMugnon

paid and that he will send proof of payment to the Office of Administrative Hearings.

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 property is irregularly shaped with frontage on both Drexel and Kirkland roads. The house is sited fairly close to the sidewalk on Drexel Road. As such the property is unique. Due to the narrow front yard a 5 foot front setback variance is required for the porch. Without this variance the porch would need to be removed, which would obviously cause the petitioners hardship. I find that the porch in question is compatible with the home and the surrounding residences and that the variance relief can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this day **26th** of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief, from BCZR §301.1 to permit a front setback for a deck of 17 ft. 5 in. in lieu of the required front application of §301.1 average setback of 22.5 ft. (rounded up) be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING
Date 8/26/20
By D Mignon

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:dlm

ORDER RECEIVED FOR FILING
Date 8/26/20
By D Mignon

VIOLATION: CC 1916899

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 1740 Dogwood Rd Dundalk, MD 21222 **which is presently zoned** DR5.5

Deed References: 29646-00170 10 Digit Tax Account # 1502471600

Property Owner(s) Printed Name(s) FREDERICK + LOUISE AUFFARTH

(SELECT THE HEARING(S) BY MARKING X 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. X **a Variance** from Section(s) 303.1, BCZR, to permit a front setback for a deck of 17.5' in lieu of the required front average setback of 22.5' (Rounded up)

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 2/28/20
By DMYGR

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Frederick Auffarth, Louise Auffarth
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Louise Auffarth Signature # 2

1740 Dogwood Rd Dundalk Md
Mailing Address City State

21222, 410-477-0386, bide m3@gmail.com
Zip Code Telephone # Email Address
lgauffarth@gmail.com

Representative to be contacted:

MARK AUFFARTH
Name – Type or Print

Signature

28 Coatsbridge Court Nottingham Md.
Mailing Address City State

21236, 410-622-0620, mpa@gmail.com
Zip Code Telephone # Email Address
mpauffarth@gmail.com

CASE NUMBER 2020-0062-A Filing Date 2/28/20 Do Not Schedule Dates: _____ Reviewer JCM

REV. 10/4/11

martin agle

Zoning Description of the Property

PART A:

ZONING PROPERTY DESCRIPTION FOR: 1740 Drexel Road, Dundalk, Maryland, 21222

Beginning at a point on the North side of Drexel Road which is 31 feet wide at a distance of 27 feet West of the centerline of the nearest improved intersecting street, Kirkland Road, which is 38 feet wide.

PART B:

OPTION 2 (Subdivision Lot):

Being Lot # 1, Block D, Section # 10433 , in the subdivision of Edgepoint, as recorded in Baltimore County Plat Book # G. L. B. 18, Folio # 18, containing 6,804 square feet. Located in the 15th Election District and 7th Council District.

Donna Mignon

From: Marty Ogle <mert1114@aol.com>
Sent: Monday, August 24, 2020 4:45 PM
To: Administrative Hearings
Cc: Donna Mignon
Subject: Postings

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.

Sorry for the trouble.

CERTIFICATE OF POSTING

CASE NO: 2020-0062-A
PETITIONER/DEVELOPER
Mark Auffarth

DATE OF HEARING/CLOSING
AUGUST 25, 2020

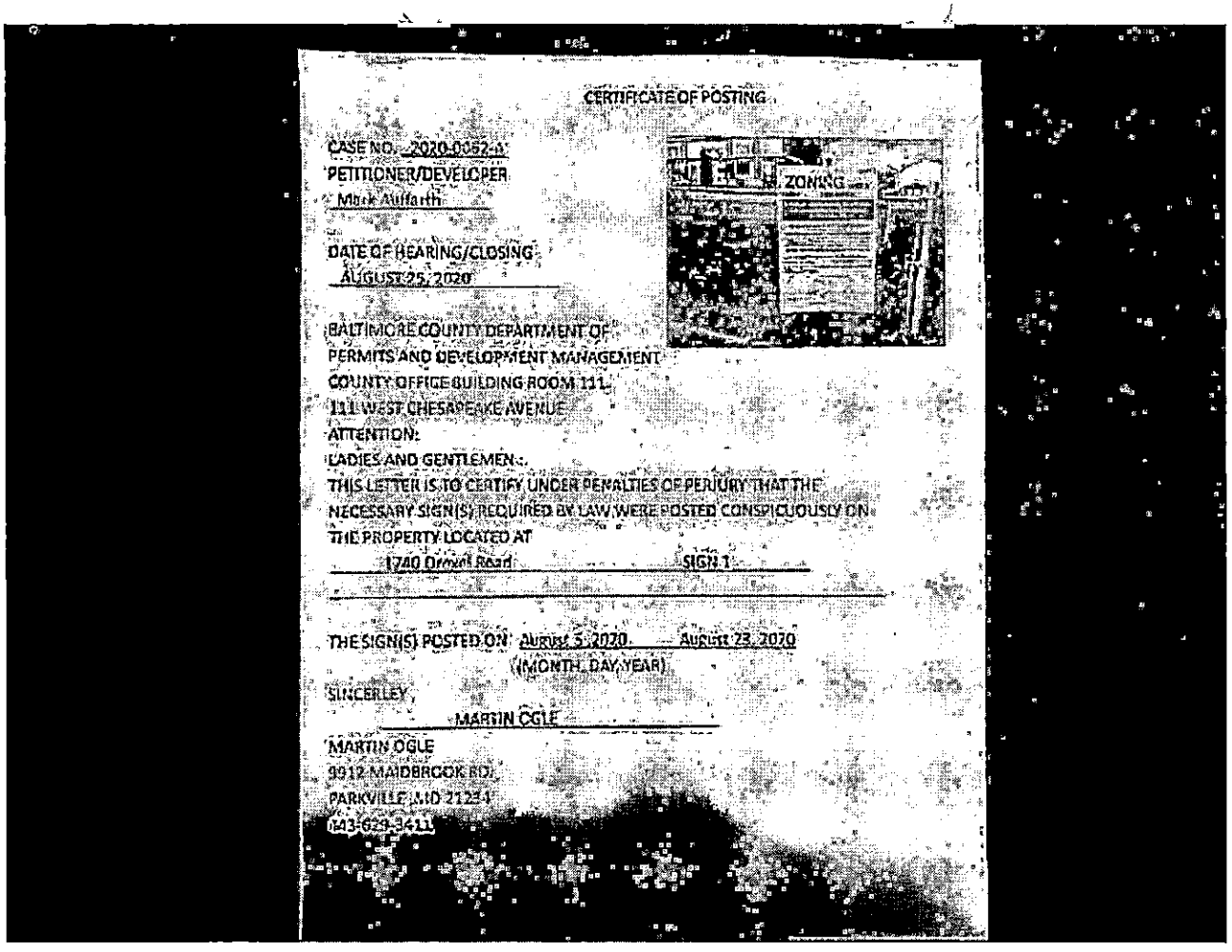
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:
LADIES AND GENTLEMEN
THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT
1740 Drexel Road SIGN 2

THE SIGN(S) POSTED ON August 5, 2020 August 23, 2020
(MONTH, DAY, YEAR)

SINCERLEY,
MARTIN OGLE

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

RECEIVED
AUG 25 2020
OFFICE OF
ADMINISTRATIVE HEARINGS



CERTIFICATE OF POSTING

CASE NO. 2020-0052-A

PETITIONER/DEVELOPER

Mark Aulfarth

DATE OF HEARING/CLOSING

AUGUST 25, 2020

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

1740 Orpwd Road SIGN 1

THE SIGN(S) POSTED ON August 5, 2020 — August 23, 2020
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

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

Sent from my iPhone

Donna Mignon

From: Donna Mignon
Sent: Monday, August 24, 2020 11:47 AM
To: 'Mark P. Auffarth'
Subject: RE: FW: Case No: 2020-0062A - 1740 Drexel Road, Dundalk, MD - August 25, 2020 at 1:30 p.m.

Good Afternoon,

Thank you so much. Please email any exhibits to administrativehearings@baltimorecountymd.gov
That way Debbie or myself will be able to get them ready for your hearing tomorrow.

Yes, it is noted in the file that you are presenting your parents.
Have a great day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

From: Mark P. Auffarth <mpauffarth@gmail.com>
Sent: Monday, August 24, 2020 11:39 AM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: FW: Case No: 2020-0062A - 1740 Drexel Road, Dundalk, MD - August 25, 2020 at 1:30 p.m.

Hi Donna,

Thank you for the reminder call this morning. I'll be emailing some exhibit photographs shortly.

Additionally, just in case it needs to be noted I'm Fred & Louise's son, Mark, and will be representing my parents during tomorrow's hearing.

Regards,
Mark P. Auffarth
410.622.0620

On Thu, Aug 20, 2020 at 12:44 PM Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

Dear Mr. Auffarth:

Please be advised that you have a hearing that is scheduled for Tuesday, August 25, 2020 at 1:30 p.m.

Please email any exhibits you wish to present at your hearing in PDF to :

administrativehearings@baltimorecountymd.gov

If you have any questions or concerns, please feel free to contact our office.

Thank you.

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

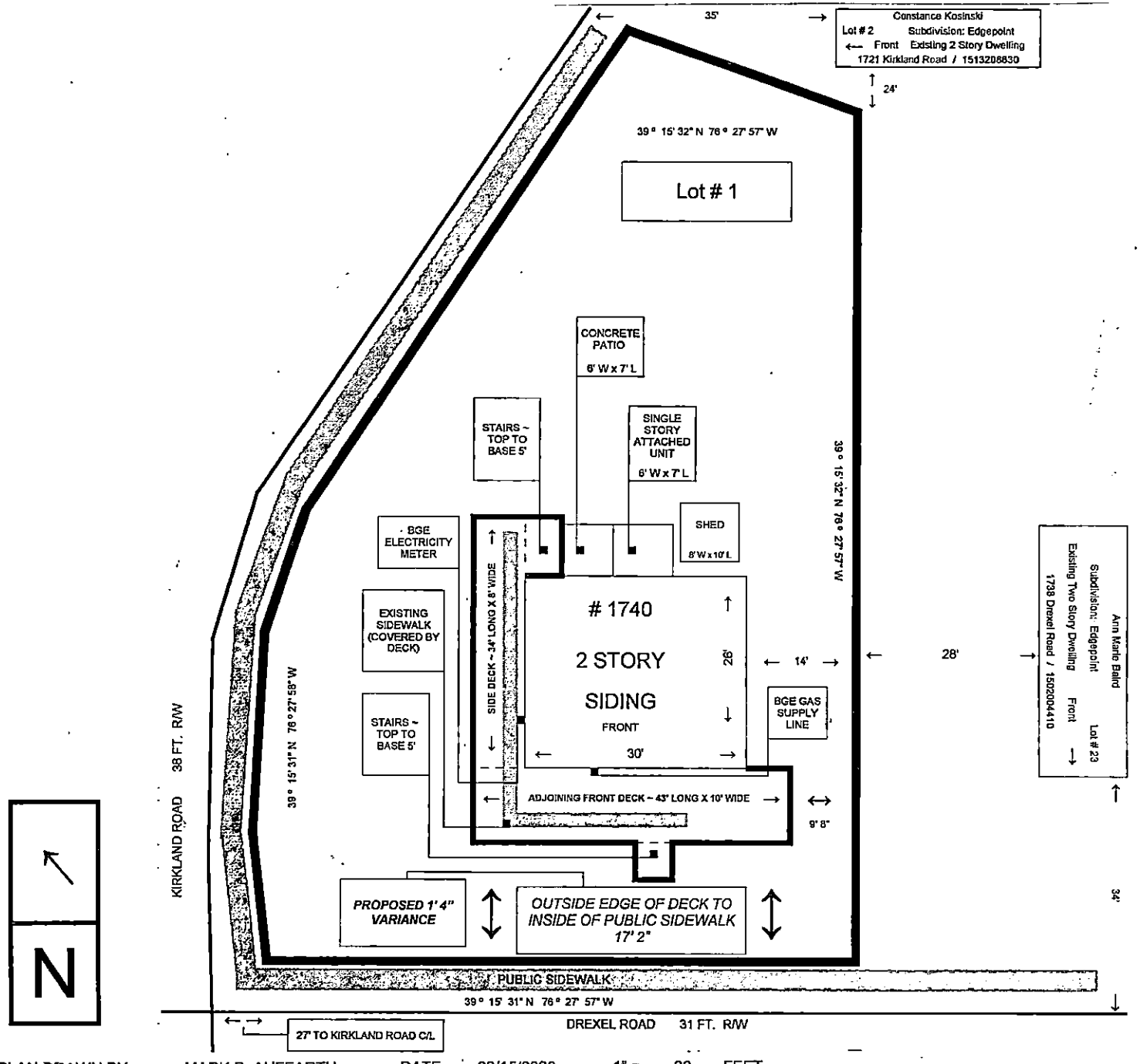
Practice social distancing and wear a mask in public places.

ZONING HEARIING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1740 DREXEL ROAD, DUNDALK, MARYLAND, 21222 OWNER(S) NAME(S) FREDERICK V. & LOUISE G. AUFFARTH

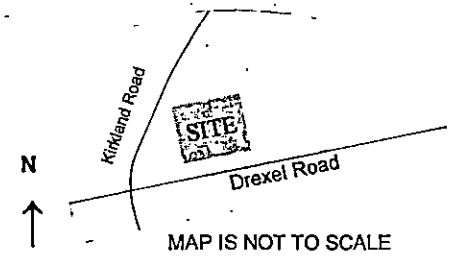
SUBDIVISION NAME EDGEPOINT LOT # 1 BLOCK # D SECTION # _____

PLAT BOOK # G. L. B. 18 FOLIO # 18 10 DIGIT TAX # 1507471600 DEED REF. # 29646 / 00170



PLAN DRAWN BY MARK P. AUFFARTH DATE 02/15/2020 1" = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP #	10433
SITE ZONED	D R 5.5
ELECTION DISTRICT	15TH
COUNCIL DISTRICT	7TH
LOT AREA ACREAGE	
OR SQUARE FEET	6804 SQ FT
HISTORIC ?	NO
IN CBCA ?	NO
IN FLOOD PLAIN ?	NO

UTILITIES MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING ? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC1916899

CERTIFICATE OF POSTIN

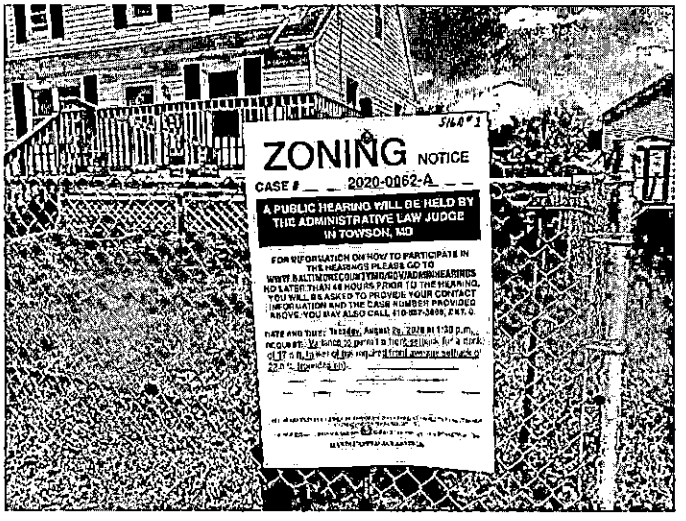
CASE NO. 2020-0062-A

PETITIONER/DEVELOPER

Mark Auffarth

DATE OF HEARING/CLOSING

AUGUST 25, 2020



BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMEN :

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1740 Drexel Road SIGN 1

THE SIGN(S) POSTED ON August 5 ,2020

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

CERTIFICATE OF POSTIN

CASE NO. 2020-0062-A

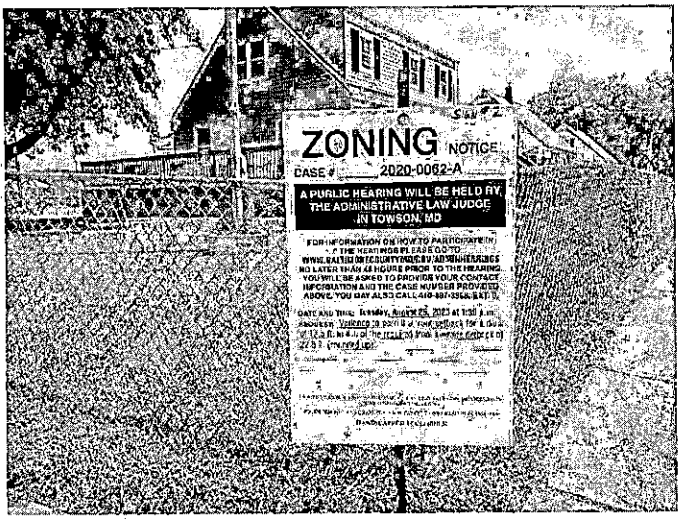
PETITIONER/DEVELOPER

Mark Auffarth

-

DATE OF HEARING/CLOSING

AUGUST 25, 2020



BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

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1740 Drexel Road SIGN 2

THE SIGN(S) POSTED ON August 5 ,2020

(MONTH, DAY, YEAR)

SINCERLEY ,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE ,MD 21234

443-629-3411

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11905719
Case #: 2020-0062-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0062-A

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:

8/5/2020

Darlene Miller

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 virtual hearing the property identified herein as follows:

CASE NUMBER: 2020-0062-A
1740 Drexel Road
N/side of Drexel Road, west of centerline of Kirkland Road
15th Election District - 7th Councilmanic District
Legal Owners: Frederick & Louise Auffarth

Variance to permit a front setback for a deck of 17.5 ft. in lieu of the required front average setback of 22.5 ft. (rounded up).

Hearing: Tuesday, August 25, 2020 at 1:30 p.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

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

au5

JOHN A. OLSZEWSKI, JR.
County Executive

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

July 31, 2020

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 virtual hearing on the property identified herein as follows:

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1740 Drexel Road
N/side of Drexel Road, west of centerline of Kirkland Road
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Michael Mallinoff
Director

MM:kl

C: Mark Auffarth, 28 Coatsbridge Court, Nottingham 21236
Mr. & Mrs. Auffarth, 1740 Drexel Road, Dundalk 21222

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 5, 2020.**

TO: THE DAILY RECORD
Wednesday, August 5, 2020 - Issue

Please forward billing to:
Louise Auffarth
1740 Drexel Road
Dundalk, MD 21222

410-477-0386

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 virtual hearing on the property identified herein as follows:

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1740 Drexel Road
N/side of Drexel Road, west of centerline of Kirkland Road
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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

RE: PETITION FOR VARIANCE 1740 Drexel Road; N/S of Drezel Road, 27' W of the c/line of Kirkland Road 15th Election & 7th Councilmanic Districts Legal Owner(s): Frederick & Louise Auffarth Petitioner(s)	* * * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2020-062-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

RECEIVED
MAR 05 2020

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of March, 2020, a copy of the foregoing Entry of Appearance was mailed to Mark Auffarth, 28 Coatsbridge Court, Nottingham, Maryland 21236, Petitioner(s).

Peter Max Zimmerman

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: 2020-0062-A

Property Address: 1740 Drexel Road Dundalk, Maryland 21222

Property Description: 2-story residential single family home. N/S of DREXEL RD., 29ft ± W. of ℄ of KIRKLAND RD.

Legal Owners (Petitioners): LOUISE AUFFARTH & FREDERICK AUFFARTH

Contract Purchaser/Lessee: —

PLEASE FORWARD ADVERTISING BILL TO:

Name: Mrs. LOUISE AUFFARTH

Company/Firm (if applicable): —

Address: 1740 DREXEL ROAD
DUNALK (Dundalk) MARYLAND 21222

Telephone Number: 410-497-0386

Revised 7/9/2015

JOHN A. OLSZEWSKI, JR.
County Executive

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

August 18, 2020

Mark Auffarth,
82 Costsridge Court
Nottingham MD 21236

RE: Case Number: 2020-0062-A, 1740 Drexel Road

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 February 28, 2020. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

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: March 6, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0062-A
Address 1740 Drexel Road
(Auffarth Property)

Zoning Advisory Committee Meeting of **March 9, 2020.**

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0062-A 1740 Drexel Road.doc

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Acting Secretary

Tim Smith, P.E.
Acting Administrator

Date: 3/4/20

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. 2020-0062-A
Variance
Frederick & Louise Auffarth
1740 Drexel Road

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@mdot.maryland.gov).

Sincerely,

Richard A. Zeller

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

WW/RAZ

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: March 6, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0062-A
Address 1740 Drexel Road
(Auffarth Property)

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X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: Steve Ford

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I set in

JOHN A. OLSZEWSKI, JR.
County Executive

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

July 31, 2020

NOTICE OF ZONING HEARING

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Michael Mallinoff
Director

MM:kl

C: Mark Auffarth, 28 Coatsbridge Court, Nottingham 21236
Mr. & Mrs. Auffarth, 1740 Drexel Road, Dundalk 21222

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 5, 2020.**

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 3/27/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 20-062

INFORMATION:
Property Address: 1740 Drexel Road
Petitioner: Frederick Auffarth, Louise Auffarth
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance from § 303.1 of the Baltimore County Zoning Regulations (BCZR) to permit a front setback for a deck of 17'5'' in lieu of the required front average setback of 22.5'.

The site is located at the corner of Drexel Road and Kirkland Road. The home is located in a DR 5.5 zone and is in an area of predominately single-family detached dwellings.

A site visit was conducted on March 12, 2020. The deck in question has already been built and is the subject of Code Enforcement Complaint# CC1916899.

The Department of Planning has no objection to the proposed variance request.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

CPG/JGN/kma/

c: Joseph Fraker
Frederick & Louise Auffarth
Office of Administrative Hearings
People's Counsel for Baltimore County

VIC ITION: CC 1916899

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 1740 Dogwood Rd Dundalk MD 21222 **which is presently zoned** DR5.5

Deed References: 29646-00170 10 Digit Tax Account # 1502471600

Property Owner(s) Printed Name(s) FREDERICK + LOUISE AUFFARTH

(SELECT THE HEARING(S) BY MARKING X 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. X **a Variance** from Section(s) 303.1, 3CZR, to permit a front setback for a deck of 17.5' in lieu of the required front average setback of 22.5' (Rowland v. [illegible])

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:

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):

Frederick Auffarth, Louise Auffarth

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Louise Auffarth Signature # 2

1740 Dogwood Rd Dundalk Md.

Mailing Address City State

21222, 410-477-0386, bidem3@gmail.com

Zip Code Telephone # Email Address lgauffarth@gmail.com

Representative to be contacted:

MARK AUFFARTH

Name – Type or Print

Signature

28 Coatsridge Court Nottingham Md.

Mailing Address City State

21236, 410-622-0620, mpa@gmail.com

Zip Code Telephone # Email Address mpauffarth@gmail.com

CASE NUMBER 2020-0062-A Filing Date 2/28/20 Do Not Schedule Dates: _____ Reviewer JCM

REV. 10/4/11

martin sale

Donna Mignon

Subject:	Web seminar scheduled: Zoning Hearing - 1740 Drexel Road
Location:	https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eb87ed4684cdf14dd4a5d106bdf1bc4e5
Start:	Tue 8/25/2020 1:30 PM
End:	Tue 8/25/2020 2:30 PM
Show Time As:	Tentative
Recurrence:	(none)
Organizer:	webex

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 160 258 9127
Host key: 262580 (Use this to reclaim host privileges.)

Tuesday, August 25, 2020 1:30 pm, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eb87ed4684cdf14dd4a5d106bdf
Event address for panelists:
https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eb03ef803fa7c116eb02045e2ec

Start event

Audio conference information

+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application

Dial 1602589127@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 700261

Need help? Go to http://help.webex.com

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** - 1507471600

Owner Information

Owner Name:	AUFFARTH FREDERICK V AUFFARTH LOUISE G	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	1740 DREXEL RD BALTIMORE MD 21222-5037	**Deed Reference:**	/29646/ 00170

Location & Structure Information

Premises Address:	1740 DREXEL RD 0-0000	**Legal Description:**	1740 DREXEL RD EDGEPOINT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0104	0015	0221	15120109.04	0000	D		1	2021	**Plat Ref:**	0018/ 0018

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1951	1,170 SF		6,804 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	NO	STANDARD UNIT	SIDING/	3	2 full		

Value Information

	Base Value	Value As of 01/01/2018	Phase-in Assessments As of 07/01/2020	As of 07/01/2021
Land:	61,800	61,800		
Improvements	112,800	112,800		
Total:	174,600	174,600	174,600	
Preferential Land:	0			

Transfer Information

Seller: PRICE DANIEL E,JR	**Date:** 06/30/2010	**Price:** $190,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /29646/ 00170	**Deed2:**
Seller: GOULD STEWART J	**Date:** 03/04/1999	**Price:** $72,300
Type: NON-ARMS LENGTH OTHER	**Deed1:** /13567/ 00646	**Deed2:**
Seller:	**Date:**	**Price:**
Type:	**Deed1:**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2020	07/01/2021
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|	0.00|

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 12/08/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: Additional information requested for 2020 **Date:** 05/14/2020

Donna Mignon

From: Donna Mignon
Sent: Thursday, August 20, 2020 12:45 PM
To: 'mpauffarth@gmail.com'; '1gauffarth@gmail.com'
Subject: FW: Case No: 2020-0062A - 1740 Drexel Road, Dundalk, MD - August 25, 2020 at 1:30 p.m.

Dear Mr. Auffarth:

Please be advised that you have a hearing that is scheduled for Tuesday, August 25, 2020 at 1:30 p.m.
Please email any exhibits you wish to present at your hearing in PDF to
: administrativehearings@baltimorecountymd.gov

If you have any questions or concerns, please feel free to contact our office.
Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

8/21/20
Called Mark Auffarth
left detailed message about hearing
Exhibits secondlert.

Donna Mignon

From: Donna Mignon
Sent: Monday, August 24, 2020 8:47 AM
To: 'mert1114@aol.com'
Subject: 1740 Drexel Road - Hearing date 8/25/2020 at 1:30 p.m.

Importance: High

Dear Mr. Ogle,
Please email the 2nd certification in regard to the above-referenced matter.
Thank you so much.
Have a great day.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Thursday, August 20, 2020 12:45 PM
To: 'mpauffarth@gmail.com'; '1gauffarth@gmail.com'
Subject: FW: Case No: 2020-0062A - 1740 Drexel Road, Dundalk, MD - August 25, 2020 at 1:30 p.m.

Dear Mr. Auffarth:

Please be advised that you have a hearing that is scheduled for Tuesday, August 25, 2020 at 1:30 p.m.
Please email any exhibits you wish to present at your hearing in PDF to
: administrativehearings@baltimorecountymd.gov

If you have any questions or concerns, please feel free to contact our office.
Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

ZAC AGENDA

Case Number: 2020-0062-A **Reviewer:** Joseph Merrey
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Fredrick & Louise Auffarth
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 1740 DREXEL RD
Location: North side of Dizexel Road, 27' West of the center line of Kirkland Road.

Existing Zoning: DR 5.5 **Area:** 6,804 SQ FT
Proposed Zoning:
VARIANCE:
303.1,BCZR, To permit a front setback for a deck of 17'5' in lieu of the required front application of section 303.1 average setback of 22.5' (rounded up).
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: CC1916899
Closing Date:

Miscellaneous Notes:

Case Number: 2020-0063-A **Reviewer:** Jeffrey Perlow
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Wayne & Colleen Mcdowell
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 37 ANDERSON RIDGE RD
Location: North East side of Anderson Ridge Road, 650' North East of Plateau Court

Existing Zoning: DR 2 **Area:** 8,581 SQ FT
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
1B02.3.B, BCZR (Section 504 of the 1984 Zoning regulations and section V.B.6.b of the 1984 C.M.D.P.) To permit a replacement addition (attached sun room) with a window to property line setback of 9 feet in lieu of the minimum required 15 feet, and to amend the latest final development plan for Highfields at Rolling Road Lot 76 only.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 03/23/2020

Miscellaneous Notes:

Donna Mignon

From: Mark P. Auffarth <mpauffarth@gmail.com>
Sent: Monday, August 24, 2020 11:39 AM
To: Donna Mignon
Subject: Re: FW: Case No: 2020-0062A - 1740 Drexel Road, Dundalk, MD - August 25, 2020 at 1:30 p.m.

Hi Donna,

Thank you for the reminder call this morning. I'll be emailing some exhibit photographs shortly.

Additionally, just in case it needs to be noted I'm Fred & Louise's son, Mark, and will be representing my parents during tomorrow's hearing.

Regards,
Mark P. Auffarth
410.622.0620

On Thu, Aug 20, 2020 at 12:44 PM Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

Dear Mr. Auffarth:

Please be advised that you have a hearing that is scheduled for Tuesday, August 25, 2020 at 1:30 p.m.

Please email any exhibits you wish to present at your hearing in PDF to :

administrativehearings@baltimorecountymd.gov

If you have any questions or concerns, please feel free to contact our office..

Thank you.

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

Practice social distancing and wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROP.TAX ID
CC1916899	15-07-471600

VIOLATION ADDRESS
1740 DREXEL RD
DUNDALK, MD 21222-5037

AUFFARTH FREDERICK V AUFFARTH LOUISE G
1740 DREXEL RD
BALTIMORE, MD 21222-5037

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.C. 35-2-301: Obtain building/ fence/ sign permit	Must obtain permit for deck . No permit on file .

Failure to comply with this correction notice, may result in a $50.00 fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the Inspector for more information and details.

COMPLIANCE DATE: 01/10/2019	INSPECTOR ID: 116
	ISSUED DATE: 12/23/2019

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. It is important that you read this document carefully, as it charges you with the commission of a crime.
2. If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
3. If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
4. A lawyer can give important assistance to you:
   (a) on how to correct the violation(s) in order to avoid trial or
   (b) at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
5. A conviction for each violation will subject you to potential fines of $200, $500, $1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
6. It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
7. Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement	410-887-3351
Electrical Inspection	410-887-3960
Plumbing Inspection	410-887-3620
Building Inspection	410-887-3953

CODE ENFORCEMENT & INSPECTION CITATION

CASE NUMBER	PROP.TAX ID
CC1916899	15-07-471600

VIOLATION ADDRESS
1740 DREXEL RD
DUNDALK, MD 21222-5037

AUFFARTH FREDERICK V AUFFARTH LOUISE G
1740 DREXEL RD
BALTIMORE, MD 21222-5037

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.C. 35-2-301: Obtain building/ fence/ sign permit	Failure to obtain permit for deck

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty has been assessed, as a result of the violation(s) cited herein, in the amount indicated: **$2000**

A quasi-judicial hearing has been pre-scheduled in:
Jefferson Building, 105 W. Chesapeake Ave, Rm 205
Towson, Maryland, 21204

DATE: 02/25/2020 **TIME:** 09:00 **A.M.**

*****IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.*****

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Badge Number		Issued Date
116		02/18/2019

Permits, Approvals, and Inspections
Code Inspections & Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave
Towson, Maryland 21204

www.baltimorecountymd.gov/Agencies/permits/

Code Enforcement 410-887-3351
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620
Building Inspection 410-887-3953

CODE ENFORCEMENT & INSPECTION CITATION

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

1. If unable to appear on the designated date, the violator may request in writing to the Code Official within fifteen (15) days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.
2. At this hearing, you are entitled to be represented by an attorney, present witnesses, present evidence, and cross-examine any witnesses against you. An attorney can be helpful to you by (a) explaining the charges in this citation, (b) helping you at the hearing, and (c) helping you challenge the civil penalty, if found in violation.
3. If Administrative Law Judge finds that a violation has occurred, the Final Order may include (a) a civil penalty, (b) reasonable conditions as to time and manner of correction and (c) requirement to reimburse the County for any lien(s) or costs incurred to correct a violation.
4. (a) Civil penalty a lien.
   (1) If a final order assesses a civil penalty or an order of the Board of Appeals affirms or modifies a final order that assesses a civil penalty and the violator does not pay the civil penalty within the time required by the order, the Code Official or the Director shall certify to the Director of Budget and Finance the amount owed.
   (2) If a violator does not pay a civil penalty within the time required as specified in paragraph (1) of this subsection, the amount owed
      (i) Become a lien on the property on which the violation existed and shall be collectible in the manner provided for the collection of real estate taxes; or
      (ii) May be collected in the same manner as any civil money judgment or debt may be collected.

   (b) Code Official may procure performance. If a violator fails to comply with a final order or an order of the Board of Appeals, the Code Official or the Director may procure the performance of the work needed to correct the violation in accordance with the procedure authorized in 3-6-402 of this subtitle.
5. If you are the Owner of the property, failure to pay the assessed penalty shall constitute a lien on the property and shall be collectible in the same manner and to the same extent as real estate taxes. In addition, failure to correct the violation(s) shall result in appropriate judicial action for enforcement, including civil contempt, which could result in imprisonment.
6. Should the Violator disagree with the Final Order rendered by the Office of Administrative Law, an appeal may be taken to the Baltimore County Board of Appeals within fifteen (15) days of the date of the Order.
7. A filing fee of $225.00 and a security in the amount of any civil penalty assessed in the Final Order must accompany the notice of appeal and petition. See Baltimore County Code: 3-6-302.
8. Inclement weather procedure: If Baltimore County Government offices are closed or have a delayed opening, all code enforcement hearings will be rescheduled. Reschedule letters will be mailed to the property owner of record.
9. **If the violator wishes <u>NOT</u> to contest this citation, give up your right to a hearing and wish to pay the fine. Please remit the following: a copy of this citation, and a check or money order payable to: Baltimore County Office of Budget and Finance, 400 Washington Ave, Rm 150, Towson, MD 21204**

JOHN A. OLSZEWSKI, JR.
County Executive

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

2/25/2020

AUFFARTH FREDERICK V AUFFARTH LOUISE G
1740 DREXEL RD
BALTIMORE, MD 21222-5037

Tax ID #:	15-07-471600		
Premise:	1740 DREXEL RD DUNDALK, MD 21222-5037		
Case #	CC1916899	Lien Amount Due:	$2,000.00
Complaint Lien ID:		Suspended Fee:	$1,500.00
Lien Type:	Civil Penalty Lien	Administrative Fee:	
Lien Date:	02/25/2020	Total Amount Due:	$500.00

Dear Property Owner:

The above charge constitutes a lien against the real property to be collected in the same manner as taxes. If the charges are not paid within 30 days of notice date, interest will accrue at the rate of 1% per month.

For questions regarding the above charge, please call The Department of Permits, Approvals & Inspections / Code Enforcement at 410 887-3351, weekdays between 8 a.m. and 4 p.m.

For payment questions please call 410 887-2404, weekdays between 8 a.m. and 4:30 p.m. Please use the enclosed bill for payment.

Send payments to:

Baltimore County Office of Budget and Finance
400 Washington Avenue, Rm 150
Towson, MD 21204

Sincerely,

Michael D. Mallinoff
Director
Department of Permits, Approvals & Inspections

Civil Citation No. CC1916899
(1740 Drexel Road)

Frederick Auffarth, Louise Auffarth
1740 Drexel Road
Baltimore, Maryland 21222

FINAL ORDER

The matter came before the Administrative Law Judge on February 25, 2020, for a hearing on a Code Inspections and Enforcement Citation ("Citation"), for specified violations of the Baltimore County Code ("B.C.C.") or Zoning Regulations ("B.C.Z.R."). The Citation names the owners of record, as published in the Maryland State Tax Assessment Database, as Respondents. The Citation was served upon Respondent(s) in a manner consistent with Section 3-6-205(c)(2) of the Baltimore County Code. The Citation, which is included in the case file and is incorporated herein by reference, proposes a civil penalty in the amount of $2,000.00.

The following persons appeared for the Hearing: Mark Auffarth, Representative, and Inspector 155, Baltimore County Code Enforcement Officer.

Based on the testimony, photographs, documents and other exhibits I find for the reasons stated at the conclusion of the hearing Baltimore County has proven by a preponderance of the evidence that Respondent(s) is in violation of the ordinances or regulations set forth in the civil Citation.

THEREFORE, IT IS ORDERED this 28th day of February, 2020, by the Administrative Law Judge for Baltimore County that a civil penalty of $2,000.00 be imposed; of which $1,500.00 shall be suspended and $500.00 shall be immediately imposed. If not paid within thirty (30) days of the date hereof the civil penalty shall become a lien on the property on which the violation(s) existed and shall be collectible in the manner provided for the collection of real property taxes.

IT IS FURTHER ORDERED, that all corrections be completed pursuant to this ORDER by March 6, 2020.

IT IS FURTHER ORDERED, that if the subject property is not brought into compliance pursuant to this Order by March 6, 2020, the suspended $1,500.00 civil penalty may be imposed without need for further hearing or order; and, that Baltimore County shall be authorized to send an employee or authorized contractor to enter the property to correct the violation(s), the costs and expenses of which shall be assessed against Respondents.

LAWRENCE M. STAHL
Administrative Law Judge
for Baltimore County

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order. Any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of $225.00 and the posting of security in the amount of the penalty assessed.

Send payments to:

Baltimore County Office of Budget and Finance

400 Washington Ave, Rm 150

Towson, MD 21204

LMS/hmk

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(1740 Drexel Road)		
15th Election District	*	OFFICE OF ADMINISTRATIVE
7th Council District		
Frederick and Louise Auffarth	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	**CASE NO. 2020-0062-A**

* * * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Variance filed by the legal owners of the subject property, Frederick and Louise Auffarth ("Petitioners"). The Petitioners are requesting Variance relief pursuant of the Baltimore County Zoning Regulations ("BCZR") §301.1 to permit a front setback for a deck of 17 ft. 5 in. in lieu of the required front application of §301.1 average setback of 22.5 ft. (rounded up) A site plan was marked as Petitioners' Exhibit 15.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. Mark Auffarth appeared on behalf of the Petitioners, Frederick and Louise Auffarth. There were no protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

Mr. Auffarth explained that his parents had hired a contractor to construct the porch/deck this past November and that the contractor was responsible for pulling the necessary permits, which they failed to do. This resulted in a Code Citation being issued and a fine in the amount of $500.00 being imposed in Case No. CC1916899. Mr. Auffarth attested that the fine has been

paid and that he will send proof of payment to the Office of Administrative Hearings.

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 property is irregularly shaped with frontage on both Drexel and Kirkland roads. The house is sited fairly close to the sidewalk on Drexel Road. As such the property is unique. Due to the narrow front yard a 5 foot front setback variance is required for the porch. Without this variance the porch would need to be removed, which would obviously cause the petitioners hardship. I find that the porch in question is compatible with the home and the surrounding residences and that the variance relief can be granted within the spirit and intent of the BCZR and without causing harm to the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this day **26th** of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief, from BCZR §301.1 to permit a front setback for a deck of 17 ft. 5 in. in lieu of the required front application of §301.1 average setback of 22.5 ft. (rounded up) be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

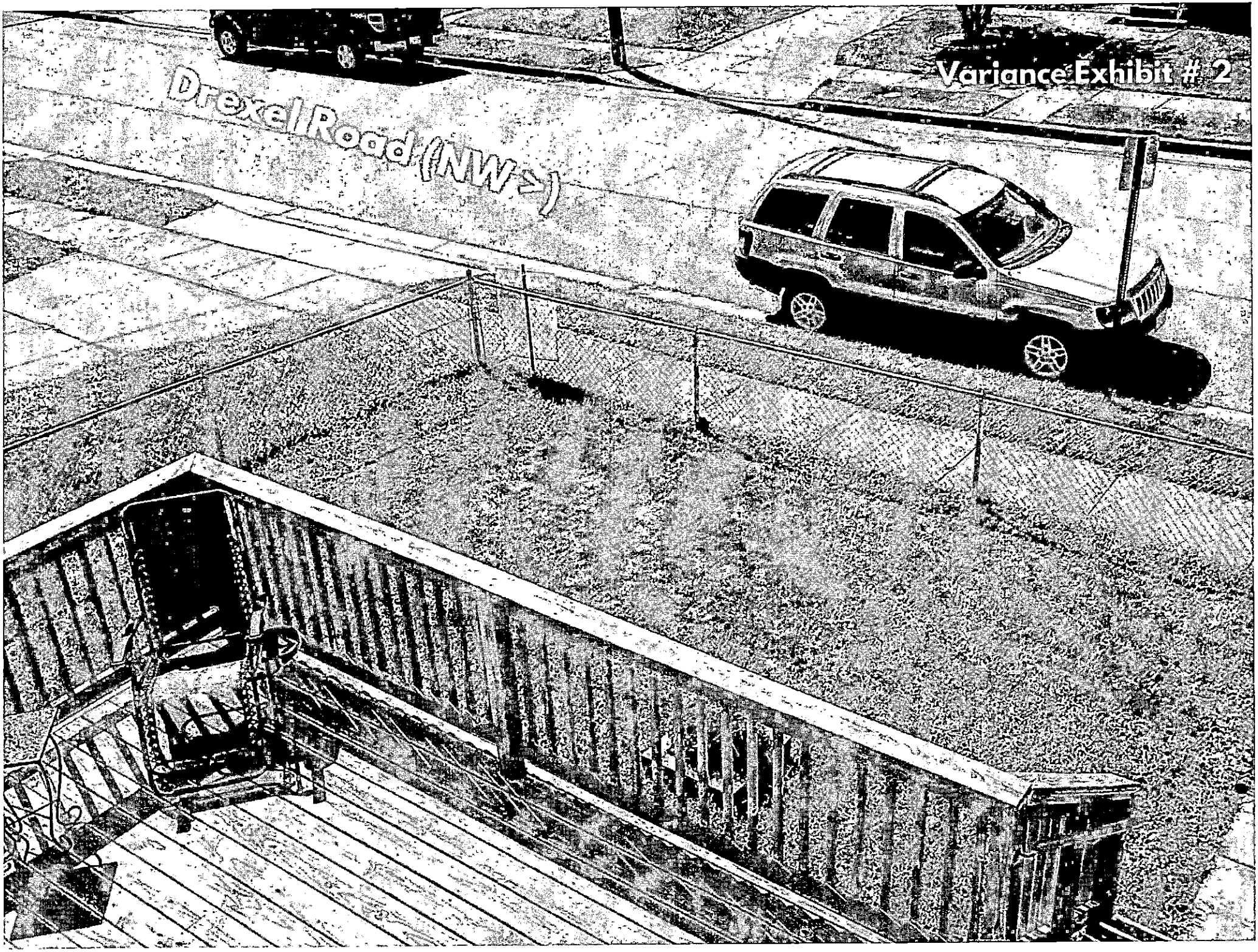
- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said 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

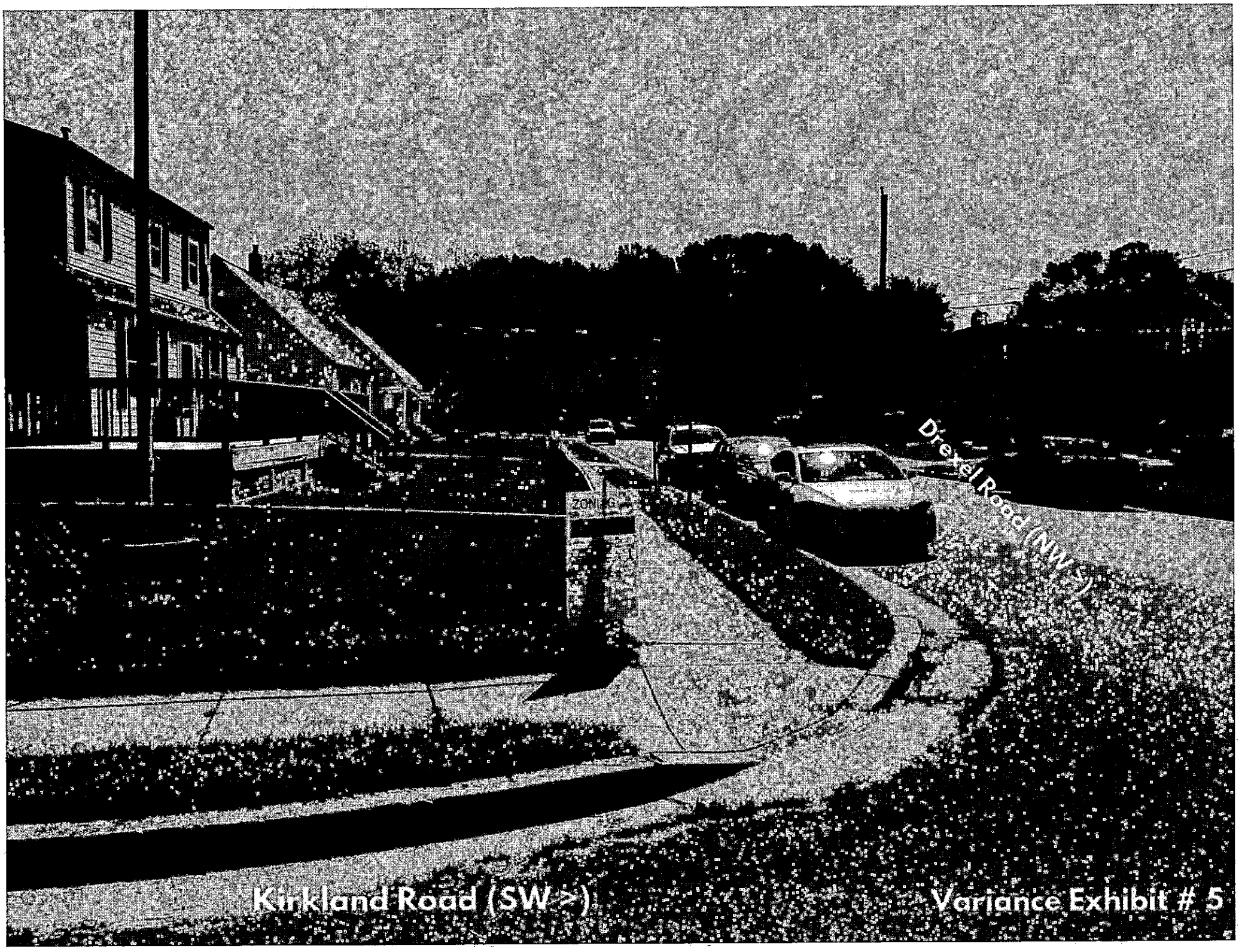
PMM:dlm


Drexel Road (NW >)
Variance Exhibit # 1


Variance Exhibit # 2
Drexel Road (NW S)

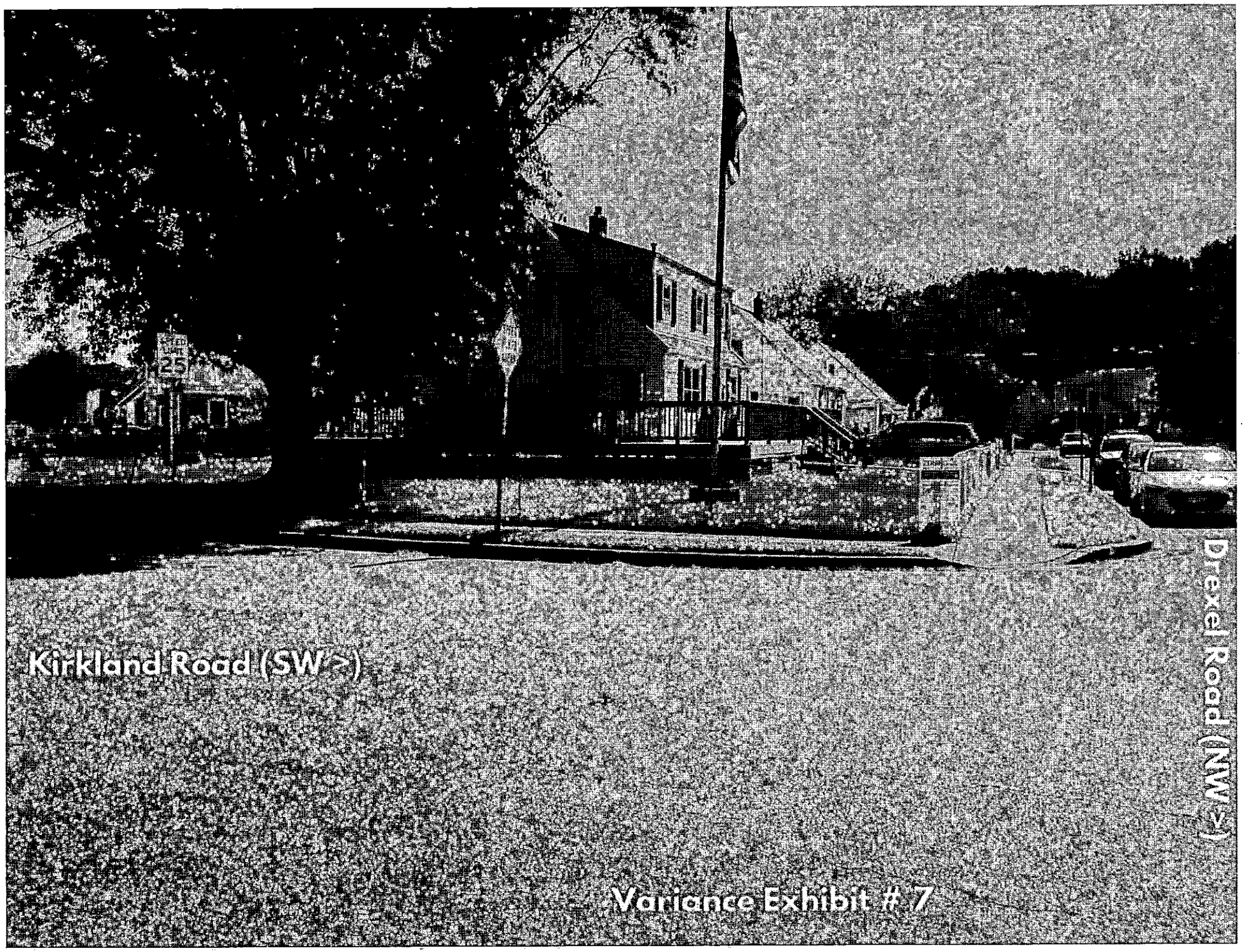

Kirkland Road (NE)
Variance Exhibit # 3

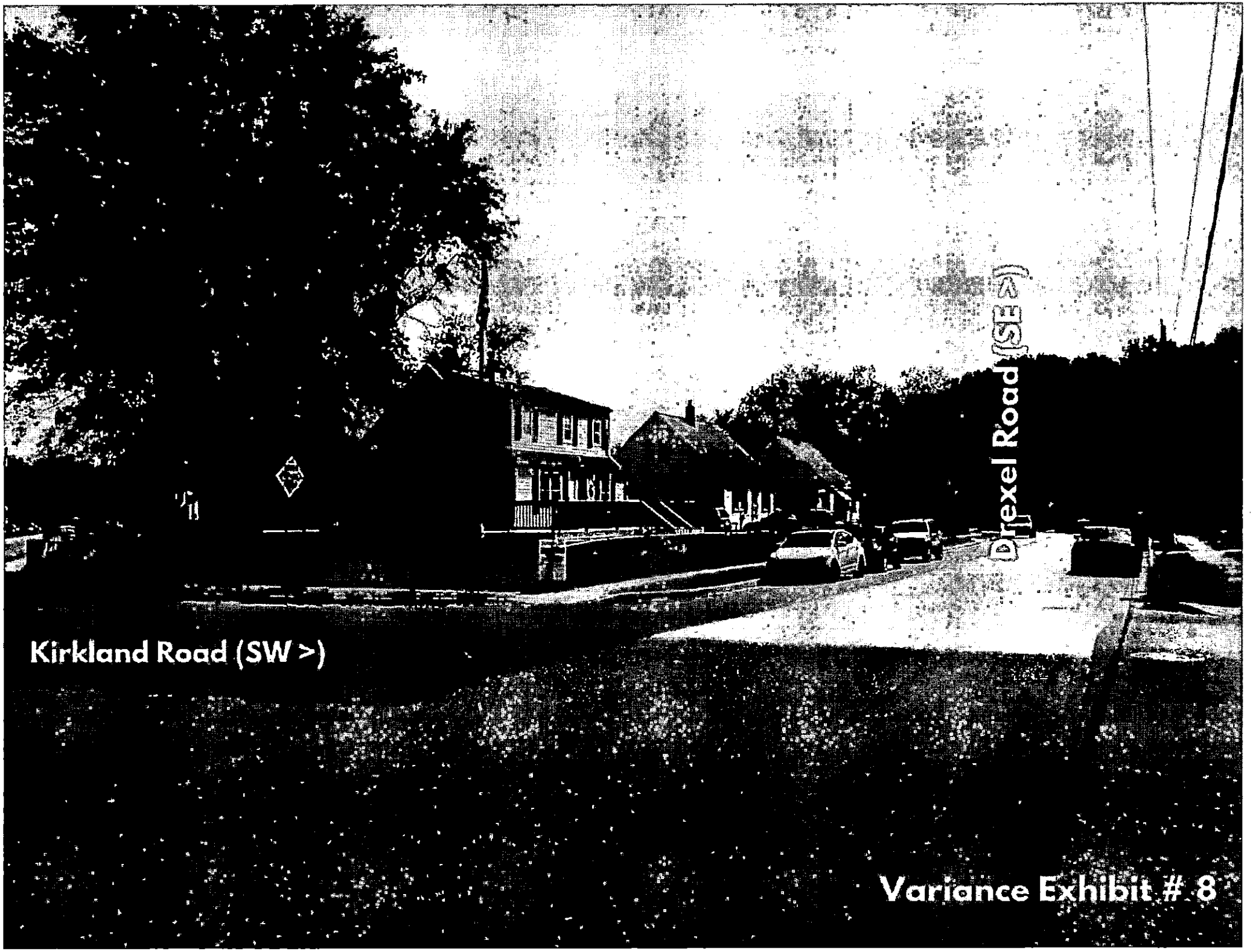
Variance Exhibit # 4


Drexel Road (NW >)
Kirkland Road (SW >)
Variance Exhibit # 5

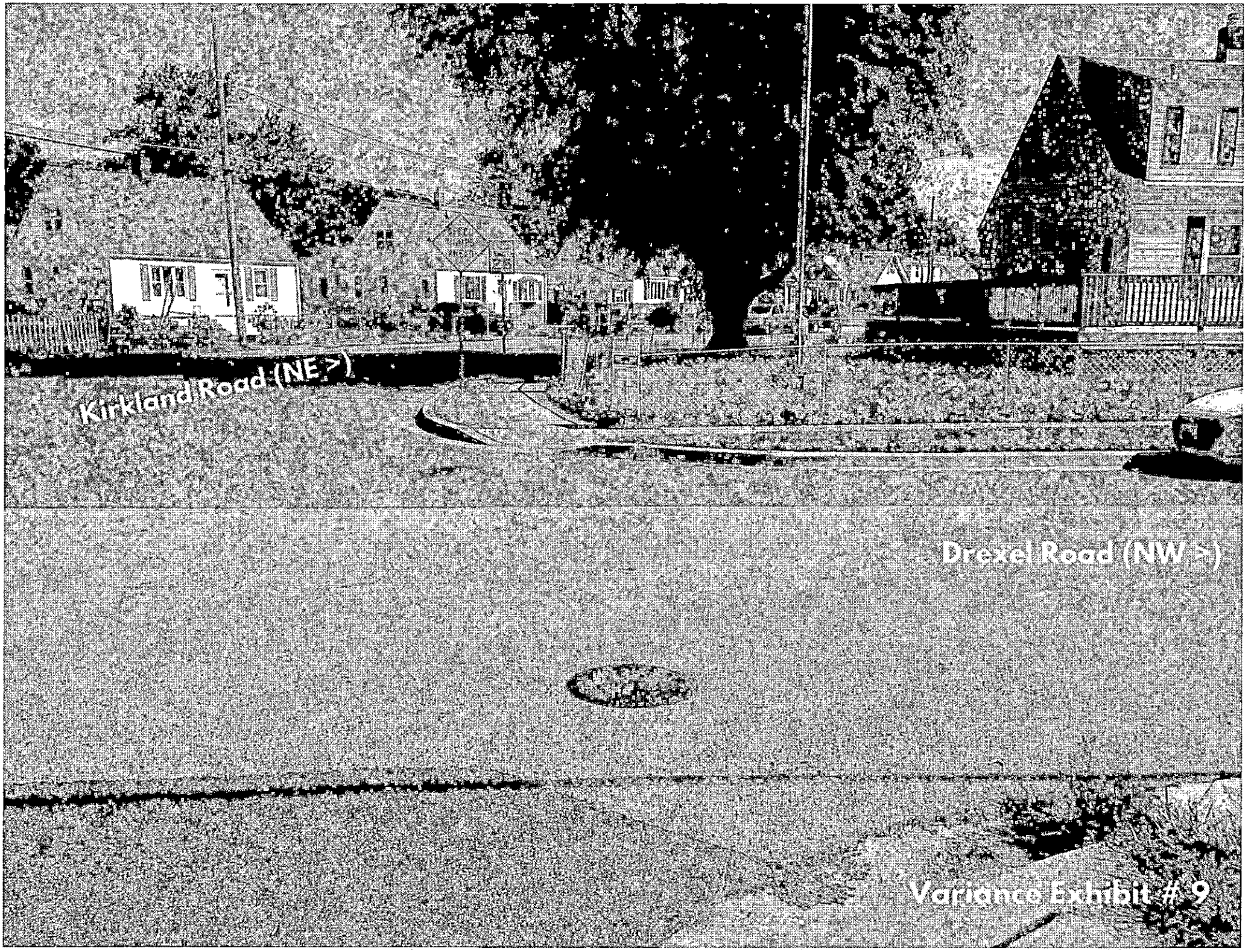
Kirkland Road (SW <)

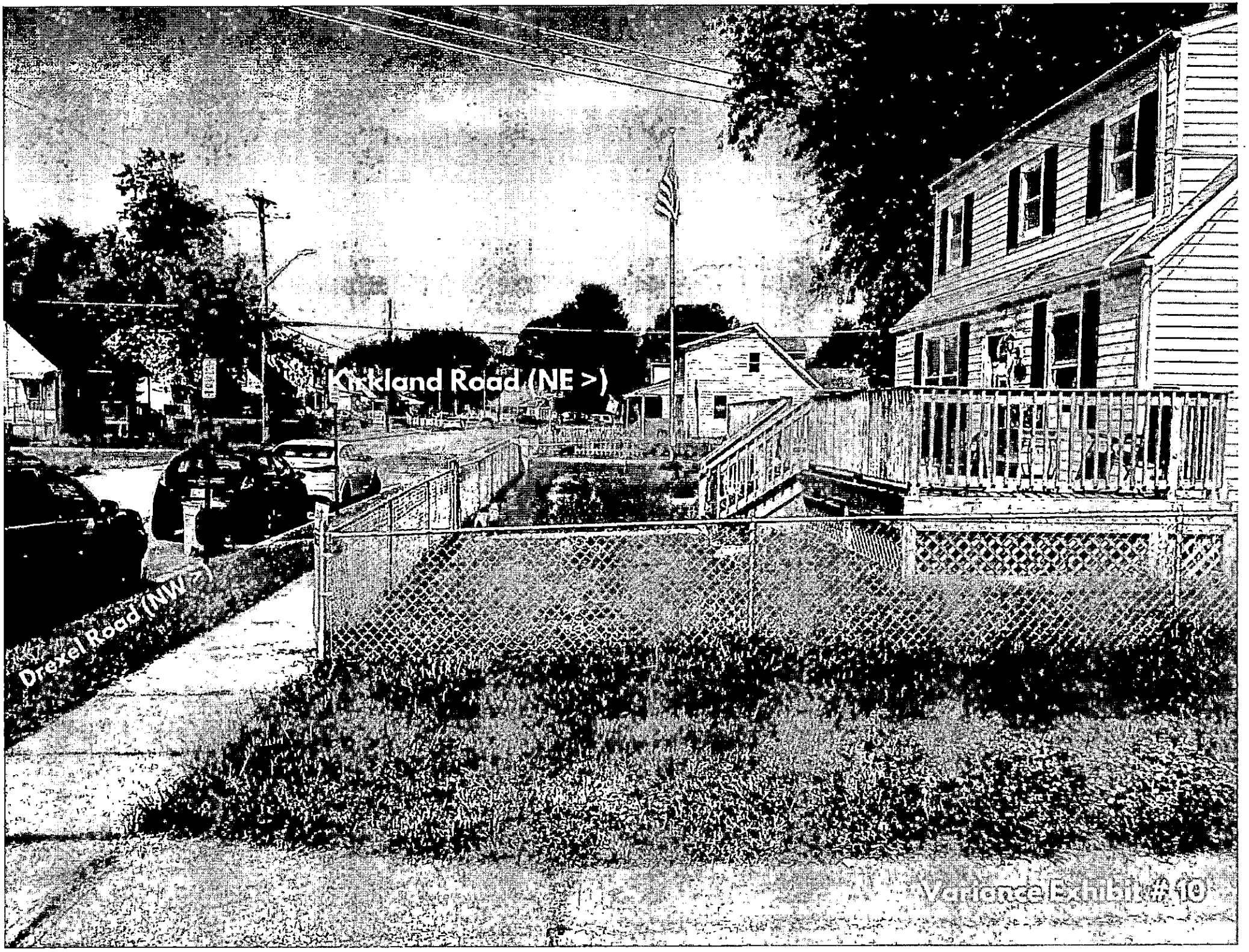
Variance Exhibit # 6


Kirkland Road (SW>)
Drexel Road (NW<)
Variance Exhibit # 7

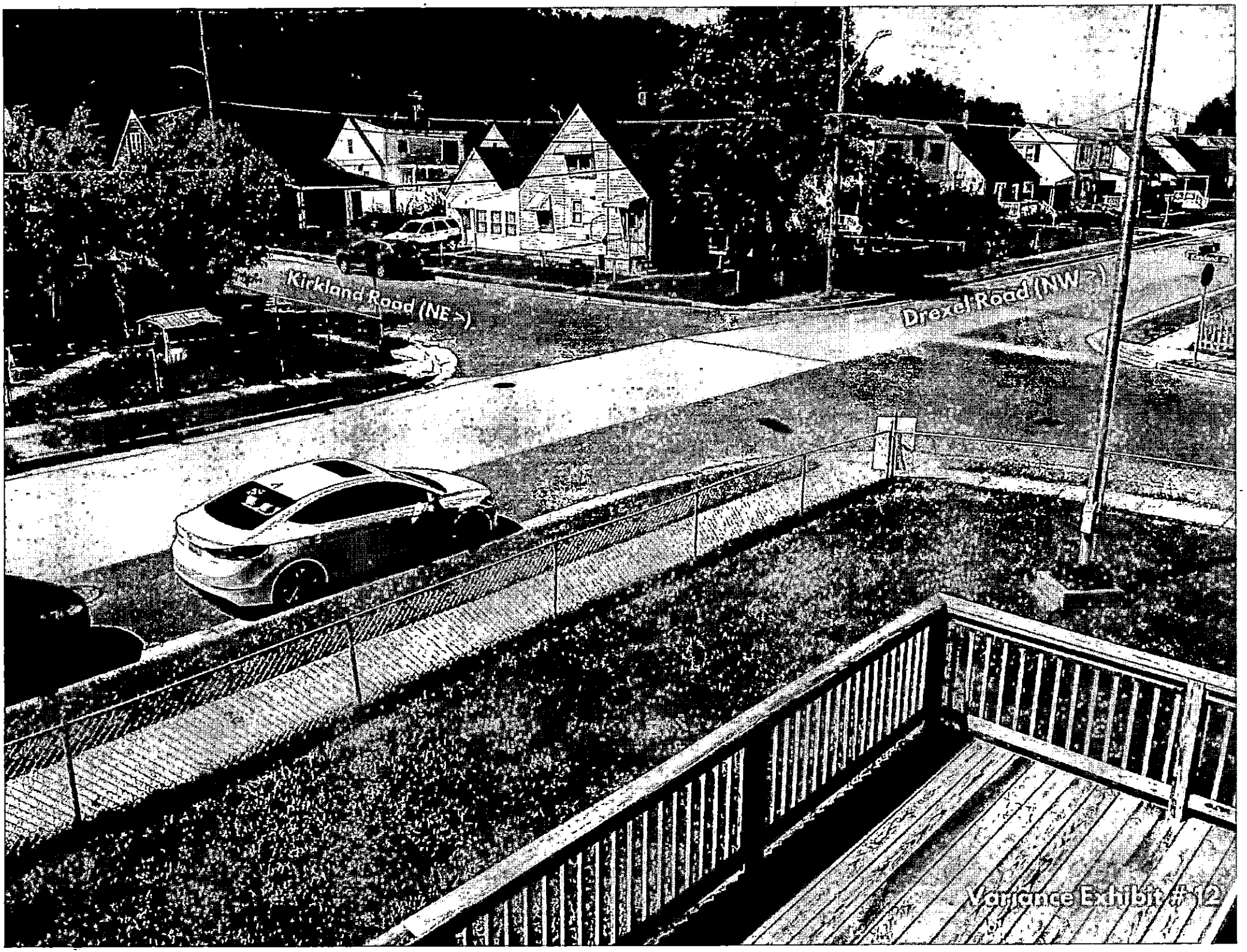


Variance Exhibit # 8

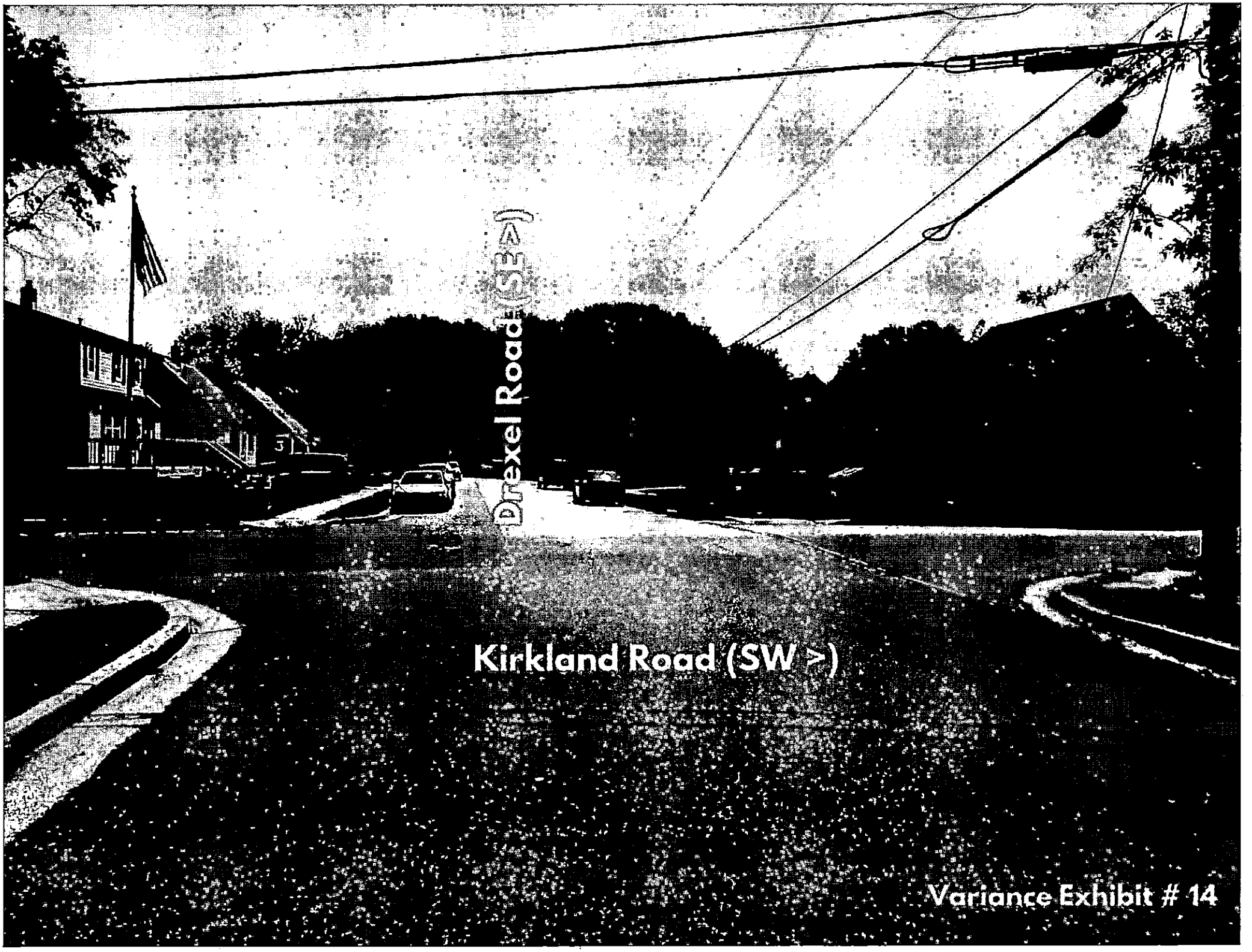

Kirkland Road (NE >)
Drexel Road (NW >)
Variance Exhibit # 9


Kirkland Road (NE >)
Drexel Road (NW <)
Variance Exhibit #10

Drexel Road (NW >)
Kirkland Road (SE >)
Variance Exhibit # 11


Kirkland Road (NE >)
Drexel Road (NW >)
Variance Exhibit #12


Kirkland Road (NB>)
Lake Road (NW<)
Variance Exhibit # 19



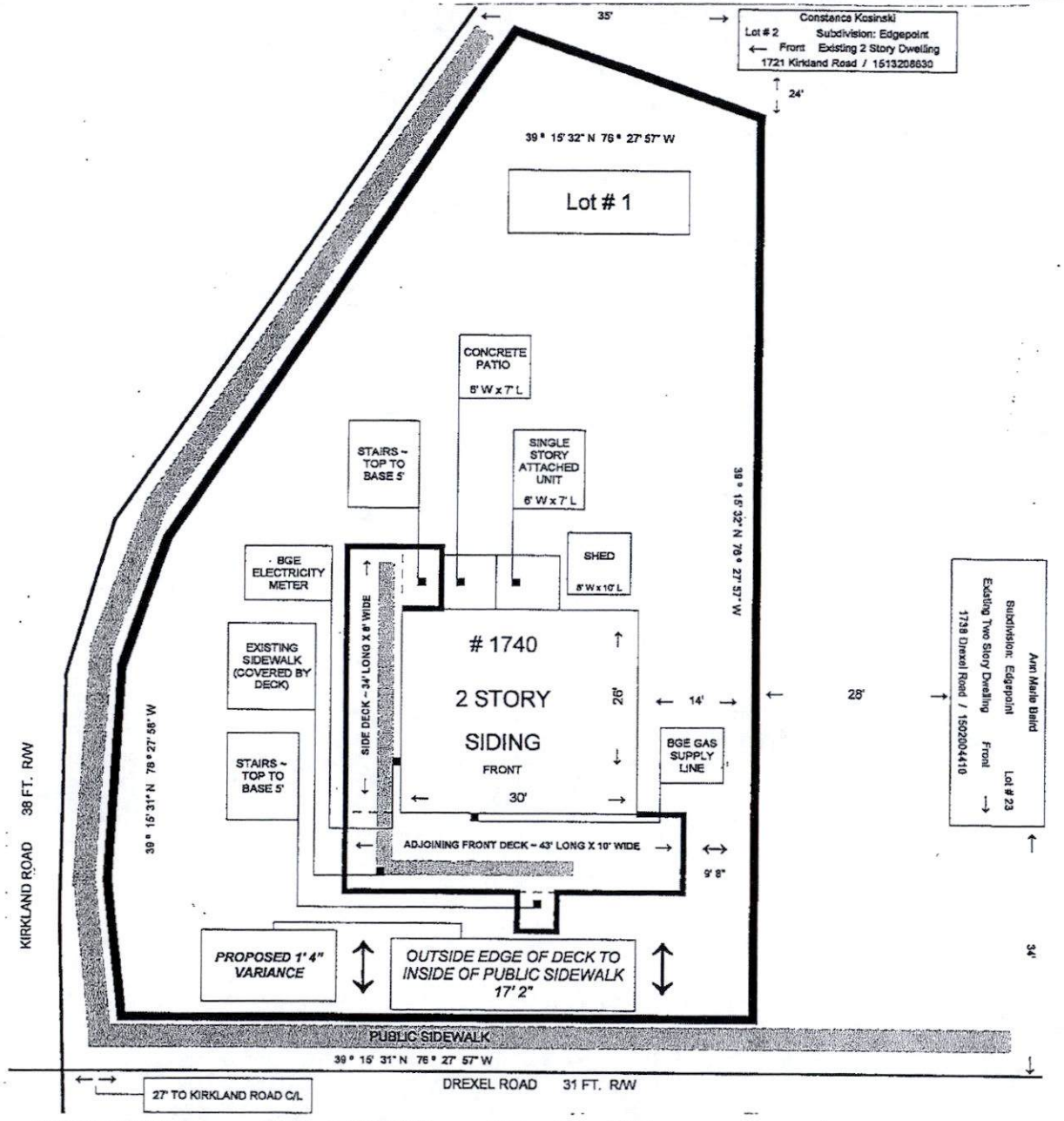
Variance Exhibit # 14

ZONING HEARIING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1740 DREXEL ROAD, DUNDALK, MARYLAND, 21222 OWNER(S) NAME(S) FREDERICK V. & LOUISE G. AUFFARTH

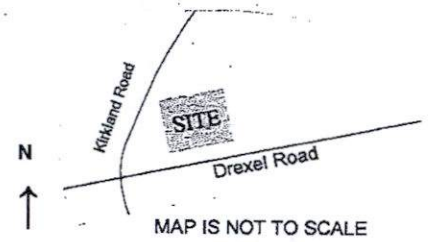
SUBDIVISION NAME EDGEPOINT LOT # 1 BLOCK # D SECTION # _____

PLAT BOOK # G. L. B. 18 FOLIO # 18 10 DIGIT TAX # 1507471600 DEED REF. # 29646 / 00170



PLAN DRAWN BY MARK P. AUFFARTH DATE 02/15/2020 1" = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP #	10433
SITE ZONED	D R 5.5
ELECTION DISTRICT	15TH
COUNCIL DISTRICT	7TH
LOT AREA ACREAGE	
OR SQUARE FEET	6804 SQ FT
HISTORIC ?	NO
IN CBCA ?	NO
IN FLOOD PLAIN ?	NO

UTILITIES MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING ? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC1916899

PETITIONER'S EXHIBIT NO. 15

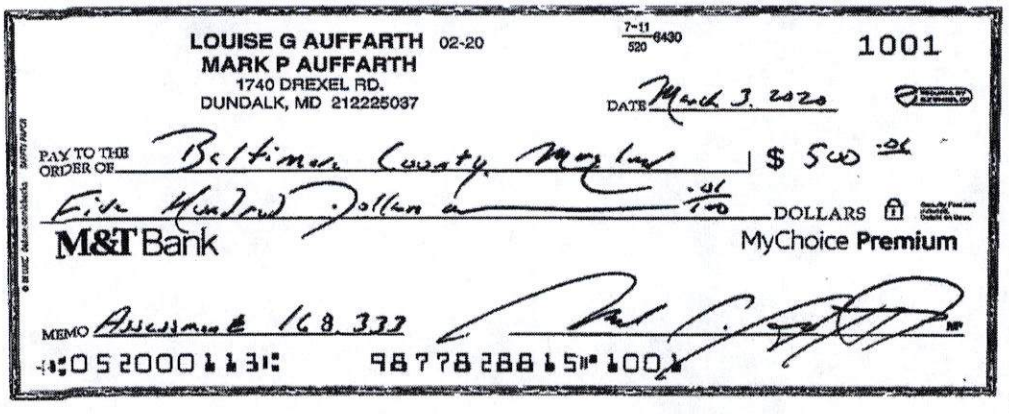
From: Mark P. Auffarth
To: Donna Mignon
Subject: Civil Penalty Lien Payment (Check Copy)
Date: Tuesday, August 25, 2020 1:47:39 PM

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

Hi Donna,

I've attached a copy of the cancelled check for your records. Thank you again for ALL of your help in this process ~ it was greatly appreciated!

Regards,
Mark


LOUISE G AUFFARTH 02-20
MARK P AUFFARTH
1740 DREXEL RD.
DUNDALK, MD 212225037

7-11 / 520 6430

1001

DATE March 3, 2020

PAY TO THE ORDER OF Baltimore County, Maryland $ 500 00

Five Hundred Dollars 00/100 DOLLARS

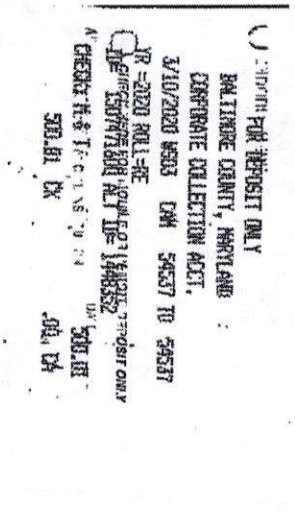
M&T Bank

MyChoice Premium

MEMO Assessment 168.333

⑆052000113⑆ 9877828815⑈1001

ISN# 648701316540
Date 3/11/2020
WorkType:26 Batch#: 12


FOR DEPOSIT ONLY
BALTIMORE COUNTY, MARYLAND
CORPORATE COLLECTION ACCT.
3/10/2020 WEDS CAM 54537 TO 54537
JR =2020 ROLL=RE
DEPOSIT ONLY
CHECKS: M & T BANK
500.00 CK
500.00 CK

PETITIONER'S

EXHIBIT NO. 16

Donna Mignon

From: Mark P. Auffarth <mpauffarth@gmail.com>
Sent: Tuesday, August 25, 2020 1:47 PM
To: Donna Mignon
Subject: Civil Penalty Lien Payment (Check Copy)

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Regards,
Mark

LOUISE G AUFFARTH 02-20
MARK P AUFFARTH
1740 DREXEL RD.
DUNDALK, MD 212225037

PAY TO THE ORDER OF Baltimore County

Five Hundred Dollars

M&T Bank

MEMO Assessment 168.333

⑆052000113⑆ 9877828

ISN# 648701316540
Date 3/11/2020
WorkType:26 Batch#: 12

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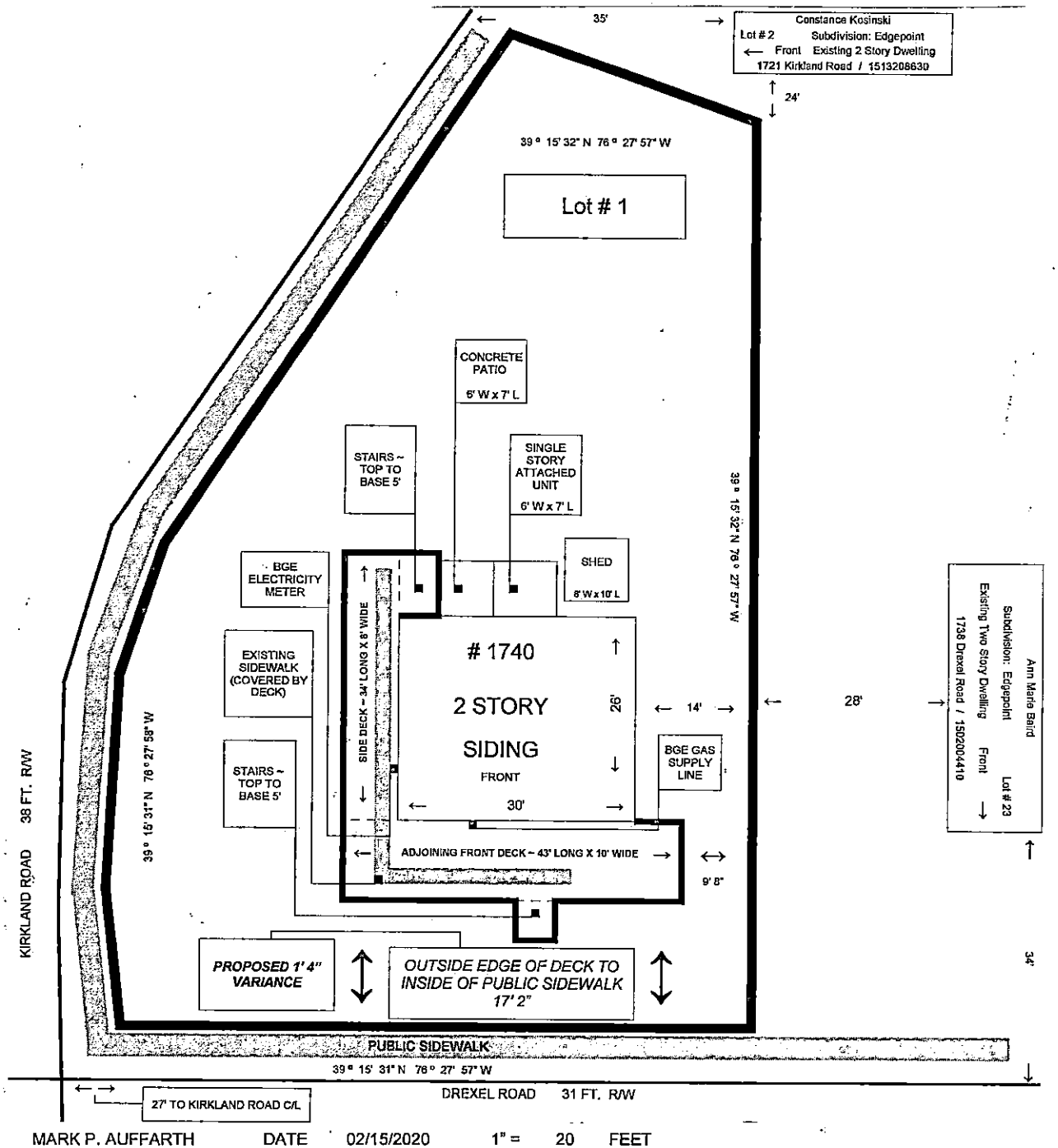

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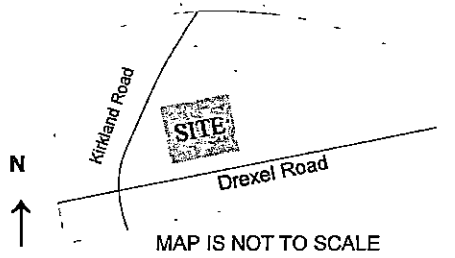

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PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING ? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

CC1916899


GROVE AVE
BURNHAM RD
KIRKLAND RD
DREXEL RD
WISE AVE
PAI # 158046
Pt. Bk./Folio # 012046D
1985-0163-A
1508001190
Lot # 1
Pt. Bk./Folio # 018018
SE 4-H
104B3
DR 5.5
15 ED
7 CD
2012-0200-A
1504002190
1746
PAI # 150026
1724
1715
1727
1731
2007-0017-A
1995-0366-A
Pt. Bk. 0000018, Folio 0018
1502190233
DR 5.5 NC
1989-0293-XA
1968-0189-X
BR
1800005611
R-1948-12
ML IM
PAI # 151013
2000005973