Petitioners' Exhibit List

Case No. 2022-0140-SPHA
Glenn & Sheila Ogle (Legal Owners)
Lot 10 on Cape May Plat – 414 Katherine Avenue (Property)

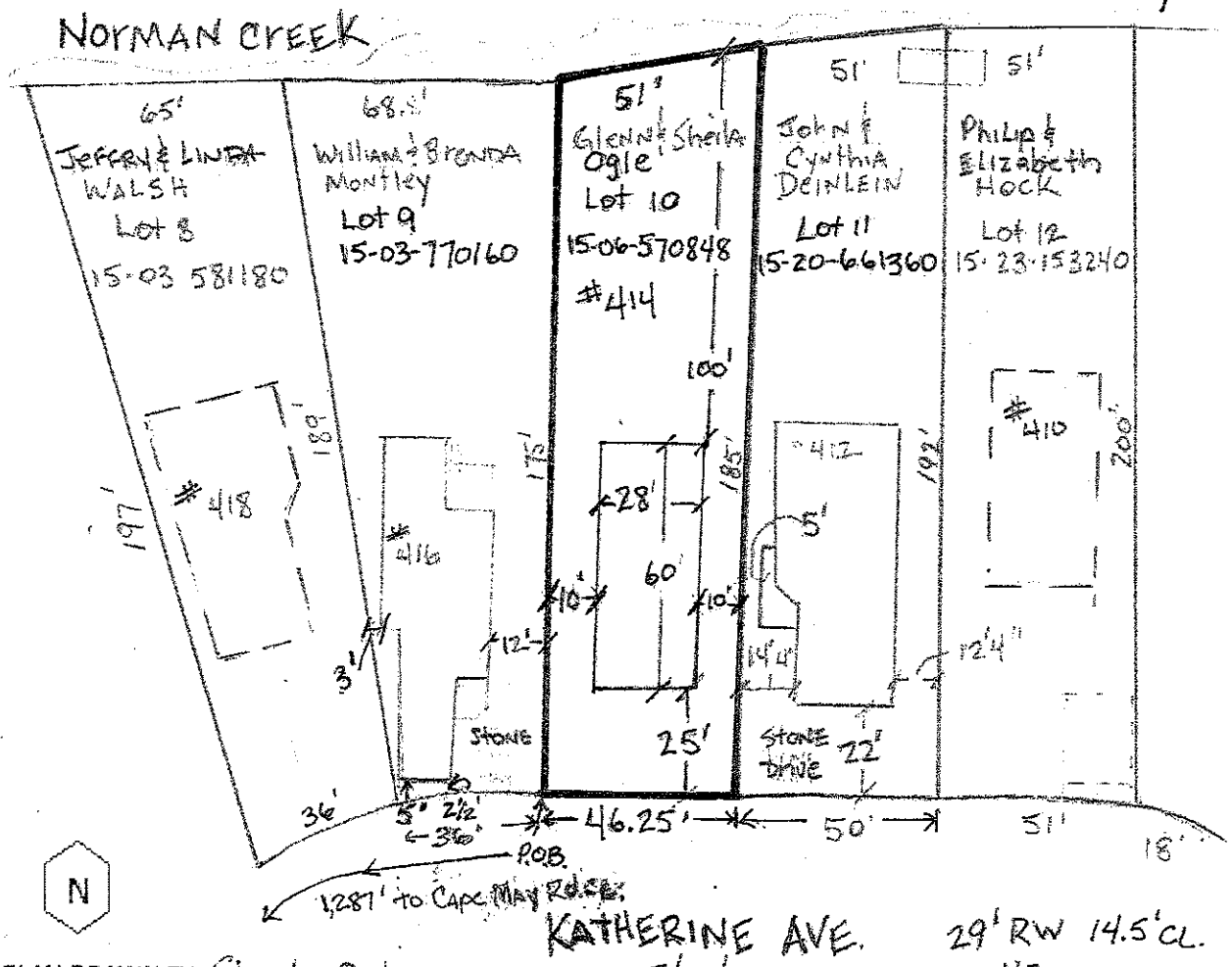
1	**Site Plan**
2	**Plat**
3a	**Aerial - Closest**
3b	**Aerial**
3c	**Aerial**
3d	**Aerial – Furthest**
4a-c	**ZAC Comments**
5a-s	**Site Photos**
6	**SDAT for 416 Katherine Avenue**
7	**SDAT for Lot 10 Tax ID No. 1506570848**

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

ADDRESS 414 Katherine AVE. OWNER(S) NAME(S) Glenn C. Ogle & Sheila M. Ogle

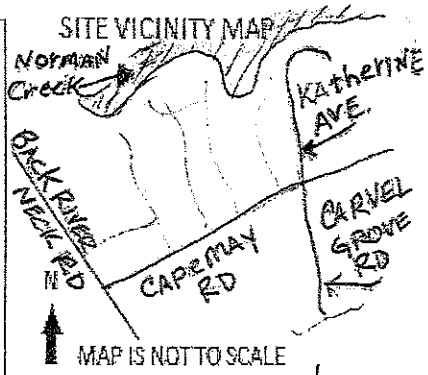
SUBDIVISION NAME CAPE MAY LOT # 10 BLOCK # ____ SECTION # ____

PLAT BOOK # 6 FOLIO # 177 10 DIGIT TAX # 1506570848 DEED REF. # 26902/155



PLAN DRAWN BY Sheila Ogle DATE 5/26/2022 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 4822B2 & 4822C2

SITE ZONED DR 3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE .199

OR SQUARE FEET 8678

HISTORIC ? NO

IN CBCA ? YES (LDA)

IN FLOOD PLAIN ? NO

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC X PRIVATE ____

SEWER IS:

PUBLIC X PRIVATE ____

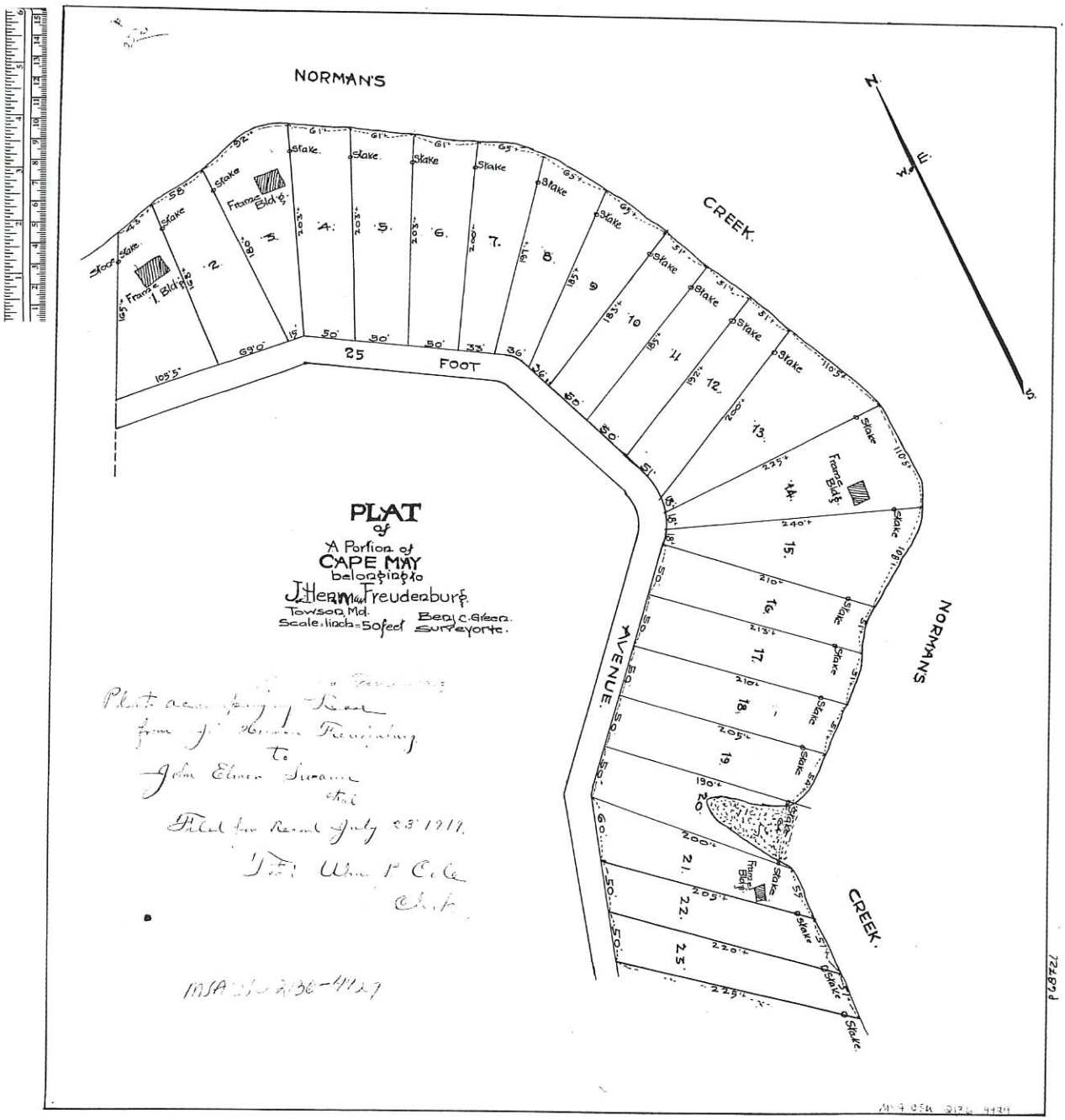
PRIOR HEARING ? NO

IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PETITIONER'S

EXHIBIT NO. 1

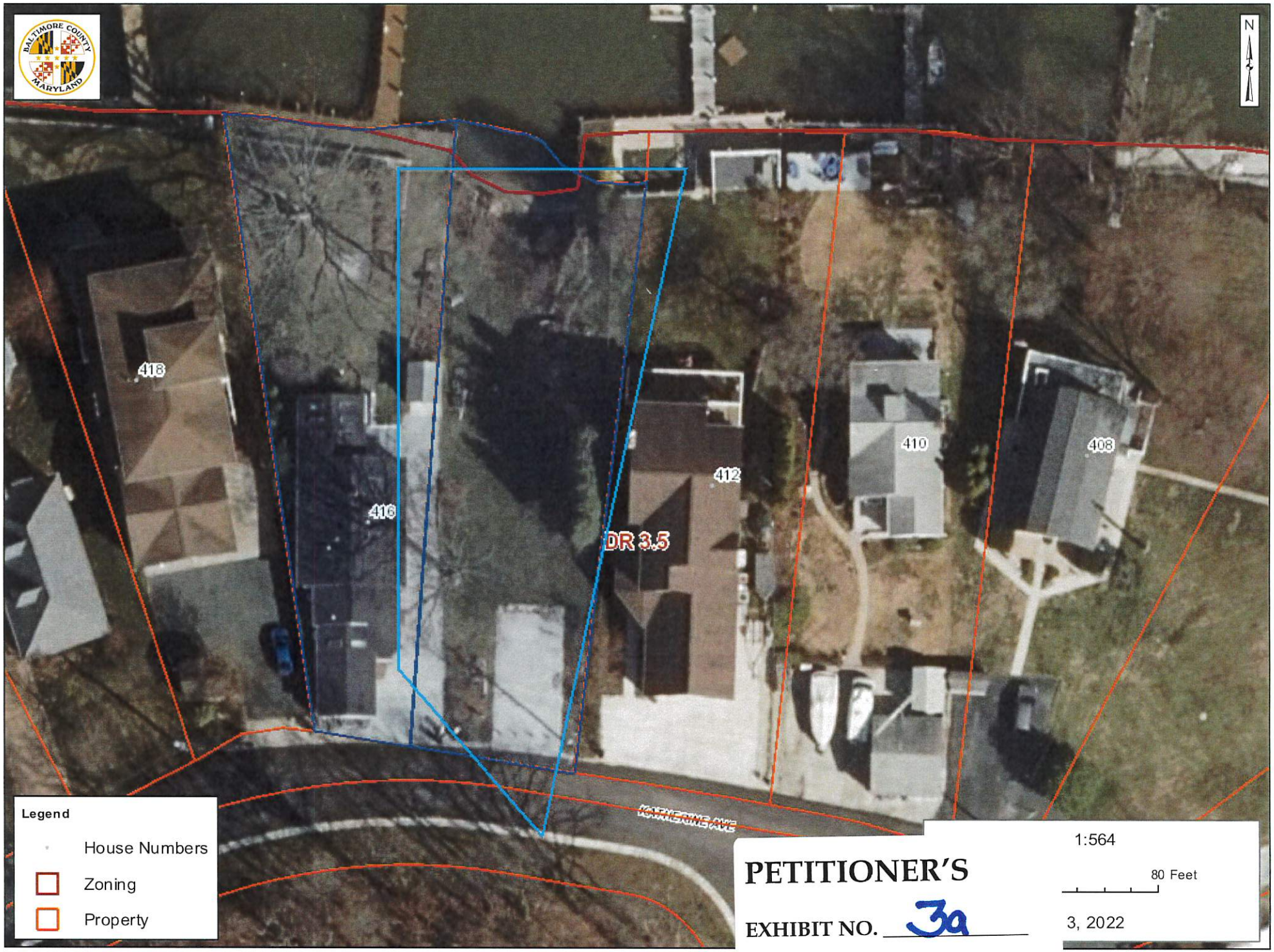


BALTIMORE COUNTY CIRCUIT COURT (Plats) Plat Book WPC 6, p. 172, ISN_C2139_4429, Date available 1935/07/23, Printed 05/11/2022.

PETITIONER'S

EXHIBIT NO. 2

Baltimore County - My Neighborhood



PETITIONER'S

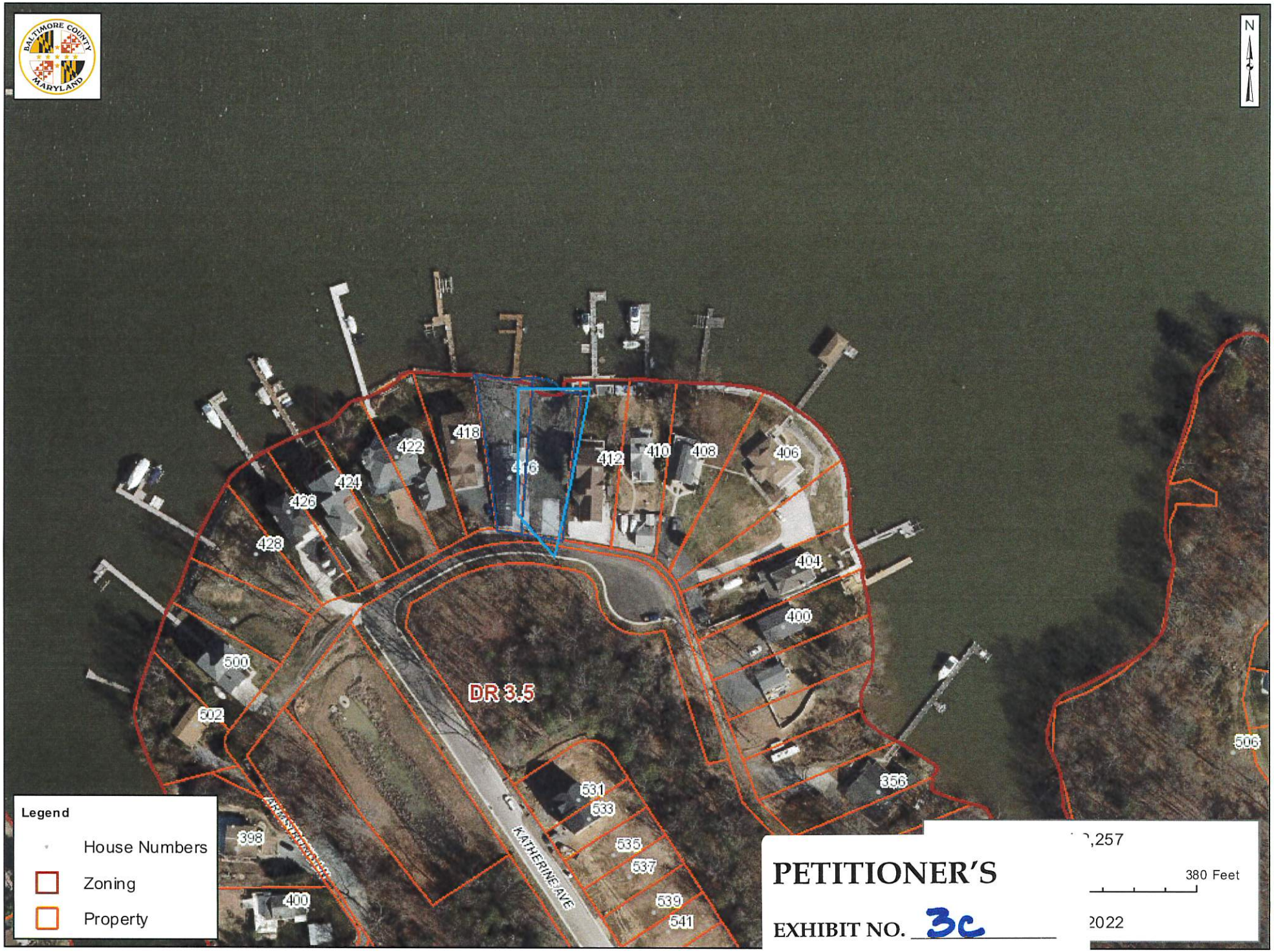
EXHIBIT NO. 3a

Baltimore County - My Neighborhood

PETITIONER'S

EXHIBIT NO. 36

Baltimore County - My Neighborhood



Baltimore County - My Neighborhood

PETITIONER'S

EXHIBIT NO. 3d

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits, Approvals & Inspections

August 2, 2022

Lawrence Schmidt
600 Washington Ave, Suite 200
Towson, MD 21204

RE: Case Number: 2022-0140-SPHA 414 Katherine Ave..

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 June 9, 2022. 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,

Jeffrey Perlow

Jeff Perlow
Supervisor
Department of Zoning

lw
Enclosures: Glenn and Sheila Ogle

PETITIONER'S

EXHIBIT NO. 4

RECEIVED JUL 19 2022

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: July 19, 2022

SUBJECT: DEPS Comment for Zoning Item # 2022-0140-SPHA
Address: 414 Katherine Avenue
(Ogle Property)

Zoning Advisory Committee Meeting of **June 20, 2022**

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:

PETITIONER'S

EXHIBIT NO. 4a

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 subject waterfront property, comprising approximately 8,678 square feet (sf), is located within a Limited Development Area (LDA) and a Modified Buffer Area (MBA) of the Chesapeake Bay Critical Area. The petitioner is requesting to determine that the subject Lot 10 was not merged with 416 Katherine Avenue, the net lot area is to 8,678 sf be in lieu of the minimum net lot area of 10,000 sf, that the lot width is to be 46 feet in lieu of the minimum lot width of 70 feet, that the sum of the width of the side yards to be 20 feet in lieu of the minimum sum of 25 feet, and for the rear yard depth (to the street) to be 25 feet in lieu of the minimum rear yard depth of 30 feet. In order to minimize impacts on water quality, any building permit and/or development plan will be reviewed for compliance with the LDA lot coverage limits, which, for a property this size is 31 ¼% (2,712 sf), and which cannot be exceeded, with mitigation required for lot coverage between 25% (2,170 sf) and 31 ¼% sf. In addition, the LDA regulations require minimum afforestation of 15%, equating to approximately 3 trees for a property this size. The MBA requirements further restrict lot coverage and structures within the Critical Area Buffer, which on this property is calculated a minimum of 100 feet landward of MHW. No lot coverage or impacts to the buffer are proposed at this time. By allowing the items requested by the petitioner, impacts on water quality will be minimized when a permit or plan is reviewed for compliance with the LDA and MBA regulations.

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

Any development proposal for the property will be reviewed for the application of the Critical Area LDA and MBA requirements, which, if approved, will improve buffer functions, and conserve fish, wildlife and plant habitat in nearby Norman Creek.

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

The request by the petitioner will be consistent with established land use policies, provided that the applicants meet any LDA and MBA requirements applicable, when proposed The request, if granted, will have no environmental impacts.

Reviewer: Thomas Panzarella
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 21, 2022

FROM: EFC for VKD
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2022
Item Nos. 2022-0117-A, 0133-A, 0134-A, 0135-A, 0136-A, 0137-A, 0138-A, 0139-A & 0140-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

* * * * *

VKD: cen
cc: file

PETITIONER'S
EXHIBIT NO. 46

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

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

DATE: 8/2/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 2022-0140-SPHA

INFORMATION:
Property Address: 414 Katherine Avenue
Petitioner: Glenn & Sheila Ogle
Zoning: DR 3.5
Requested Action: Variance, Special Hearing

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

Variance relief from Section(s) 1B02.3.C.1 of BCZR

- For the net lot area to be 8,678 square feet in lieu of the minimum net lot area of 10,000 square feet.
- For the lot width to be 46 feet in lieu of the minimum lot width of 70 feet;
- For the sum of the width of the side yards to be 20 feet in lieu of the minimum sum of 25 feet;
- For the rear yard depth (to the street) to be 25 feet in lieu of the minimum rear yard depth of 30 feet

Special Hearing to confirm:

- Subject lot (Lot 10) was not merged with 416 Katherine Avenue
- For such other and further relief as may be deemed necessary by at the Administrative Law Judge

The subject site is currently zoned DR 3.5. It is a vacant lot surrounded by single-family detached dwellings in a residential waterfront neighborhood. The subject property is located within the boundaries of the following community plans: Eastern Baltimore County Revitalization Strategy, Eastern Baltimore County Pedestrian and Bicycle Access Plan, and Lower Back River Neck Community Action Plan.

The subject property was a part of a Zoning Variance case in 1996 (Case # 1996-504-A), which requested both side and front yard relief, specifically for lot 9 (416). In this particular case, there was no mention of the lots being combined. There were no other cases on file.

A 2016 Google image as well as 2020 aerials were referenced on August 2, 2022. It showed 416 Katherine Ave with a single-family dwelling. The lot that should be 414 Katherine Ave was vacant, but the property had a drive way (that appears to be rocks). Though there is the driveway, there are no other indicators that 414 and 416 were merged. The Department will concur with the decision of the Administrative Law Judge as to the merged status of the properties in question. If, subsequent to the hearing, it is determined the uninhabited lot is buildable, it is the recommendation of the Department that

PETITIONER'S
EXHIBIT NO. 4c

the construction of a single family dwelling meeting all other zoning requirements with the exception of area and width at the front building line is appropriate.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: April Smith
Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC
Office of Administrative Hearings
People's Counsel for Baltimore County

PETITIONER'S

EXHIBIT NO. 5a

PETITIONER'S

EXHIBIT NO. 5b

PETITIONER'S

EXHIBIT NO. 5c

PETITIONER'S

EXHIBIT NO. 5d

PETITIONER'S

EXHIBIT NO. 5e

PETITIONER'S

EXHIBIT NO. 5f

PETITIONER'S

EXHIBIT NO. 5g

PETITIONER'S

EXHIBIT NO. 5h

PETITIONER'S

EXHIBIT NO. 5i

PETITIONER'S

EXHIBIT NO. 5j

PETITIONER'S

EXHIBIT NO. 5K

PETITIONER'S

EXHIBIT NO. 51

PETITIONER'S

EXHIBIT NO. 5M

PETITIONER'S

EXHIBIT NO. 5n

PETITIONER'S

EXHIBIT NO. 50

PETITIONER'S

EXHIBIT NO. 5p

PETITIONER'S

EXHIBIT NO. 5g

PETITIONER'S

EXHIBIT NO. 5r

PETITIONER'S

EXHIBIT NO. 5s

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** - 1503770160

Owner Information

Owner Name:	MONTLEY WILLIAM W MONTLEY BRENDA D	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	416 KATHERINE AVE BALTIMORE MD 21221-1628	**Deed Reference:**	/41927/ 00445

Location & Structure Information

Premises Address:	416 KATHERINE AVE BALTIMORE 21221-1628 Waterfront	**Legal Description:**	416 KATHERINE AVE NE CAPE MAY MANOR

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0007	0185	15080070.04	0000			9	2021	**Plat Ref:** 0006/ 0177

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1938	1,486 SF	434 SF	8,280 SF	34

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	FRAME	3	2 full/ 1 half		

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	259,500	259,500		
Improvements	106,200	220,000		
Total:	365,700	479,500	441,567	479,500
Preferential Land:	0	0		

Transfer Information

Seller: OGLE GLENN C **Type:** ARMS LENGTH IMPROVED	**Date:** 09/30/2019 **Deed1:** /41927/ 00445	**Price:** $520,000 **Deed2:**
Seller: MEALS JANE F **Type:** ARMS LENGTH IMPROVED	**Date:** 07/15/1994 **Deed1:** /10650/ 00507	**Price:** $121,500 **Deed2:**
Seller: CUMBERLAND LILLIAN C **Type:** ARMS LENGTH IMPROVED	**Date:** 03/03/1971 **Deed1:** /08716/ 00781	**Price:** $9,000 **Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 01/12/2021

Homeowners' Tax Credit Application Information

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

PETITIONER'S

EXHIBIT NO. 6

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 - 1506570848

Owner Information

Owner Name:	OGLE GLENN C OGLE SHEILA M	**Use:** **Principal Residence:**	RESIDENTIAL NO
Mailing Address:	1432 SEAHOUSE ST SEBASTIAN FL 32958-	**Deed Reference:**	/26902/ 00155

Location & Structure Information

Premises Address:	KATHERINE AVE ESSEX 21221- Waterfront	**Legal Description:**	CAPE MAY MANOR

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0098	0007	0185	15080070.04	0000			10	2021	Plat Ref: 0006/ 0177

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			9,200 SF	34

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

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	151,200	151,200		
Improvements	0	0		
Total:	151,200	151,200	151,200	151,200
Preferential Land:	0	0		

Transfer Information

Seller: LAUENSTEIN CARVILLE A/MARY E **Type:** ARMS LENGTH VACANT	**Date:** 04/17/2008 **Deed1:** /26902/ 00155	**Price:** $150,000 **Deed2:**
Seller: LAUENSTEIN CARVILLE A **Type:** NON-ARMS LENGTH OTHER	**Date:** 06/28/1996 **Deed1:** /12556/ 00145	**Price:** $0 **Deed2:**
Seller: FREUNDENBERG HEL EN **Type:** NON-ARMS LENGTH OTHER	**Date:** 12/04/1991 **Deed1:** /08989/ 00600	**Price:** $0 **Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

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

PETITIONER'S
EXHIBIT NO. 7