



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

August 24, 2023

Seth Ensor – seth.rlensor@gmail.com
12621 Greenspring Avenue
Owings Mills, MD 21117

RE: Petitions for Special Hearing & Variance
Case No. 2023-0119--SPHA
Property: 12621 Greenspring Avenue

Dear Petitioner:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul M. Mayhew", is written over a light blue horizontal line.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Enclosure

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
& VARIANCE		
(12621 Greenspring Avenue)	*	OFFICE OF
4 th Election District		
2 nd Council District	*	ADMINISTRATIVE HEARINGS
Seth Ensor		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0119-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and a Variance filed by the Petitioner Seth Ensor for the property located at 12621 Greenspring Avenue, Owings Mills. The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 500.7: to allow the owner, for personal use only, to use the garage to restore antique vehicles and the storage of materials and equipment used for restoration (car lift, tools, car parts, etc.).

In addition, the Petition also seeks a Variance from BCZR § 400.3: to approve an accessory building (garage) in the left rear yard at a maximum height of 20 ft., in lieu of the prescribed maximum height of 15 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”). They did not oppose the requested relief. There were no Protestants or interested citizens in attendance.

The Petitioner, Seth Ensor, appeared at the hearing, *pro se*. A site plan prepared by surveyor David Ransone was admitted as Petitioner’s Exhibit 1. The subject property is 9.86 acres and is zoned RC 5. Mr. Ensor explained that he intends to build this accessory structure to store and

work on various antique tractors and cars, as well as a recreational vehicle and dump truck. The size of some of these vehicles, as well as the use of lifts, necessitate the increased height for the structure. He further explained that the building will be well distant and well buffered from any surrounding dwellings – which are in any case owned by his uncles.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). Special Hearing relief has been deemed proper when it is within the spirit and intent of the regulations and does not harm the public health, safety or welfare. Based on the record evidence I find that this is such a case and that the Special Hearing relief should be granted. There is ample space on this nearly 10 acre lot for this proposed accessory structure and the restoration of antique tractors and vehicles is within the spirit and intent of the RC 5 zone.

VARIANCE

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.

significant grade change. The Petitioner would suffer practical difficulty and hardship if the variance were denied because he would be unable to build the proposed garage at a sufficient height to accommodate his hobbies and vehicles. I further find that the requested relief is within the spirit and intent of the BCZR and that it will not harm the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this **24th** day of **August, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing under BCZR § 500.7: to allow the owner, for personal use only, to use the garage to restore antique vehicles and the storage of materials and equipment used for restoration (car lift, tools, car parts, etc.), is hereby **GRANTED**.

IT IS FURTHER ORDERED that the Petition for Variance from BCZR § 400.3: to approve an accessory building (garage) in the left rear yard at a height of 20 ft., in lieu of the maximum height of 15 ft., is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- 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 their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- The proposed building shall not be used for commercial or residential purposes.
- There shall be no second utility meter(s).

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

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: 2023-0119-SPHA
Property Address: 12621 GREENSPRING AVE
OWINGS MILLS MD 21117
Legal Owners (Petitioners): SETH ENSOR
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): SETH ENSOR
Address: 12621 GREENSPRING AVE
OWINGS MILLS MD 21117
Telephone Number: 443-604-8442

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 8/3/2023

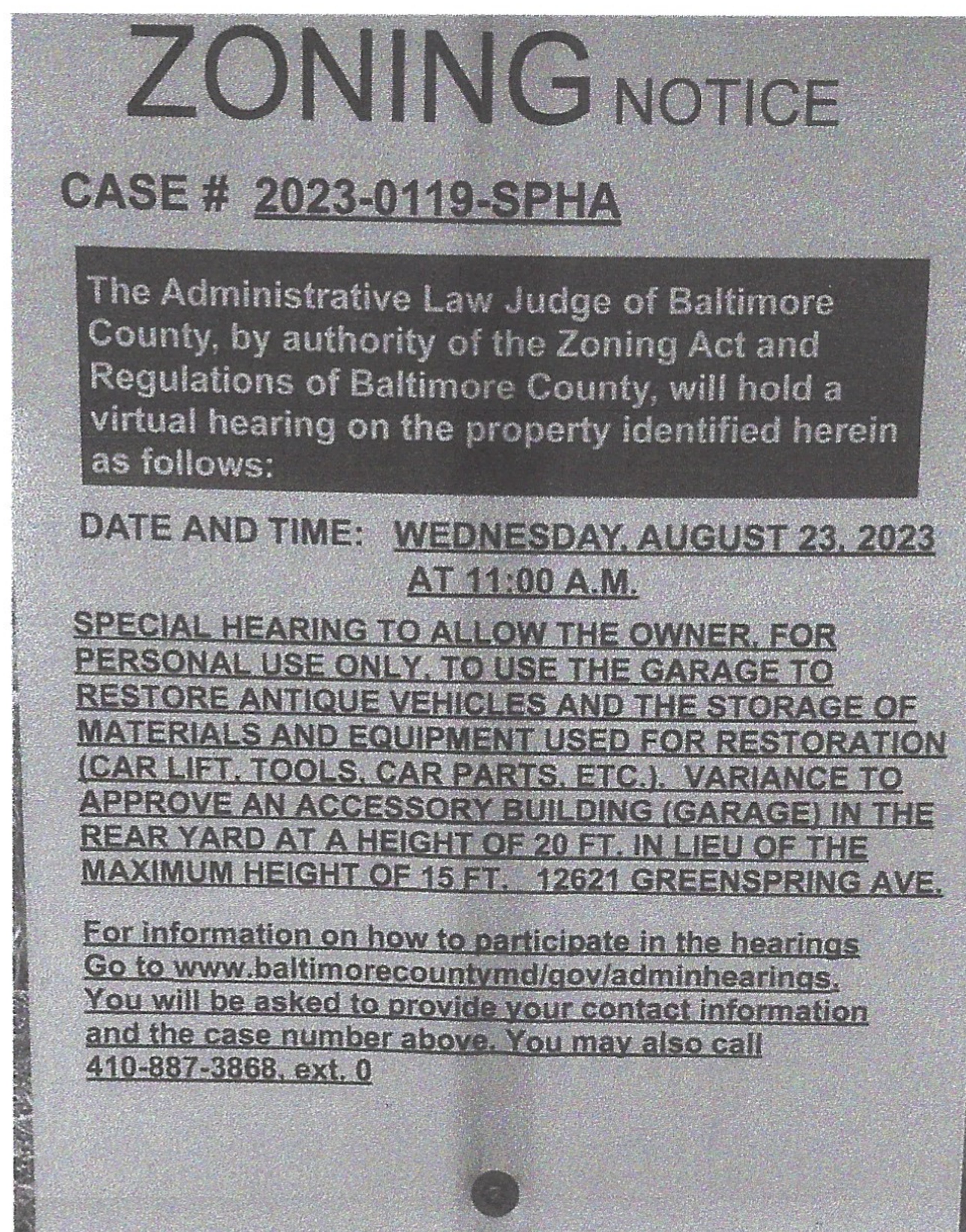
Case Number: 2023-0119-SPHA

Petitioner / Developer: SETH ENSOR

Date of Hearing: AUGUST 23, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
12621 GREENSPRING AVENUE

The sign(s) were posted on: AUGUST 3, 2023



Linda O'Keefe

(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, MD 21030

(City, State, Zip of Sign Poster)

410-666-5366

(Telephone Number of Sign Poster)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/14/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-00119-SPHA

INFORMATION:

Property Address: 12621 Greenspring Avenue

Petitioner: Seth Ensor

Zoning: RC 5

Requested Action: Special Hearing; Variance

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

Special Hearing - To allow the owner, for personal use only, to use the garage to restore antique vehicles and the storage of materials and equipment used for restoration (car lift, tools, car parts etc...)

Variance - To approve an accessory building (garage) in the left rear yard at a height of 20 ft. in lieu of the maximum height of 15 ft.

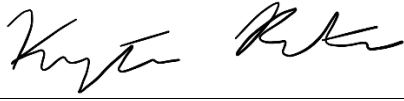
The subject property is located on Greenspring Avenue in the Worthington area of Baltimore County. The property consists of an approximately 9.86 acre parcel zoned RC 5 and is improved with an existing residential dwelling. Rural residential dwellings, farms and forest conservation surround the property.

The R.C.5 zoning classification was established in response to concerns over wasteful and disorderly rural-residential development and inadequate lot sizes for on-lot sewer and water systems. These issues could result in undue financial hardships and negatively affect the safety and welfare of citizens. In identifying specific areas suitable for rural-residential development, the aim is to direct future growth towards these areas and prevent disorderly development patterns. The R.C.5 zoning classification serves to provide suitable areas for rural-residential development, minimize encroachments on natural resource areas, and provide a minimum lot size for proper on-lot sewer and water system functioning.

The requests do not appear to affect the intent of the RC 5 zone. Therefore, the Department of Planning has no objection.

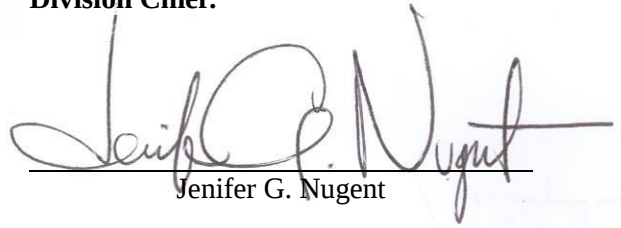
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Seth Ensor

Joseph Wiley and Abigail Rogers, Community Planners

Ngone Seye Diop, Community Planning Division Chief

Jeff Perlow, Zoning Review

Karin Lewis, Zoning Review

Office of Administrative Hearings

People's Counsel for Baltimore County

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: June 8, 2023

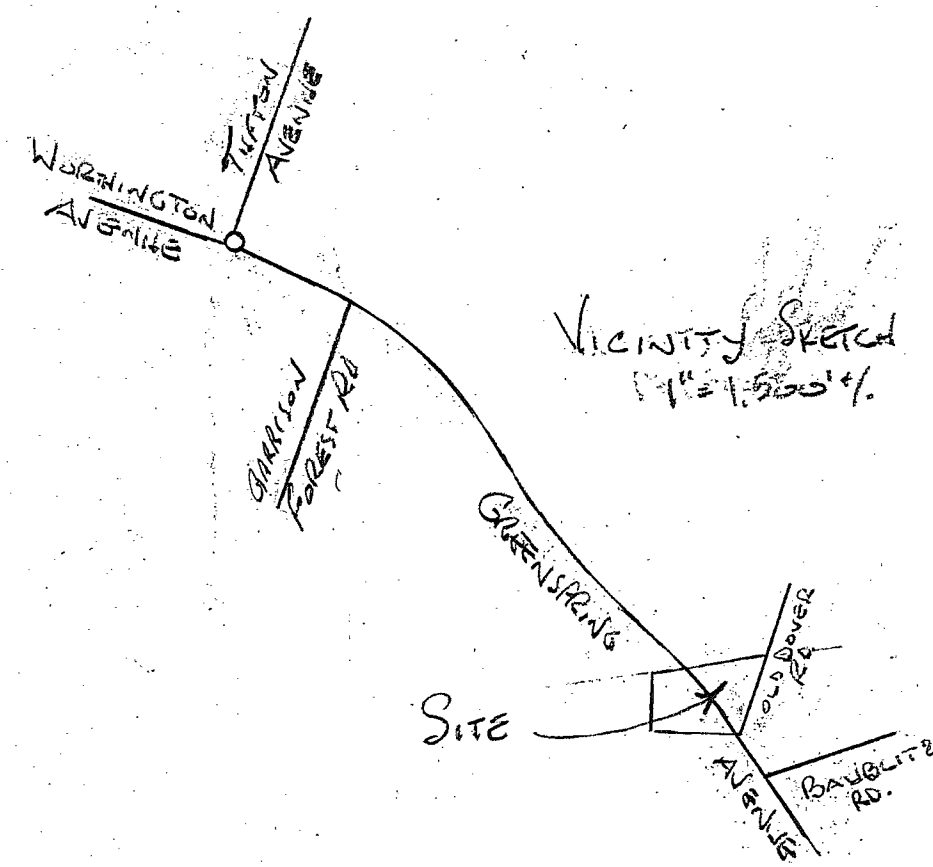
SUBJECT: DEPS Comment for Zoning Item # 2023-0119-SPHA
Address: 12621 GREENSPRING AVE
Legal Owner: Seth Ensor

Zoning Advisory Committee Meeting of June 12, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn



Seth Ensor
Parcel 2 JLE 35769-429
of 045061153

Raymond & Betty Ensor
#12695 Greenspring Ave
045061350

Greenspring Ave. E.P.
#12757 Greenspring Ave
200001192

#12604 Watersport Ct
2400014328
Stephen Bernstein
Lot 4 Resub. Sect. 11
Watersport P.B. N° 56/130

Jean R. Worthy LLC
1117 Greenspring Valley Road
Lutheville, MD 21093
Ref: N° 36879-202 (TBS 1340-264)
of 23075980

See Deed of Forest Conservation
and Management Agreement
JLE N° 11144-63

Net Area = 9.2 Acres ±
(402,302 SF)

#2836 Barbours Rd
1300013342
Bjoern & Shweta Leiser
MS 45/65
Lot 2B Hammond P.
Property

ZONING HEARING PLAN

12621 Greenspring Avenue
Owings Mills, MD 21117

Scale: 1" = 50' March 10, 2023

Owner: Seth Ensor
12621 Greenspring Avenue
Owings Mills, MD 21117
Ph: 443-604-8442
Email:

4th Election District
2nd Councilmanic District

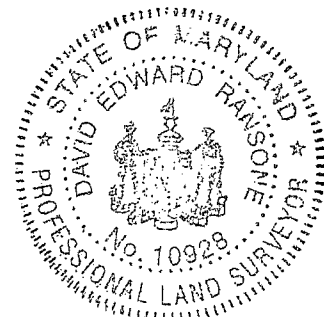
Acct #: 0405061152
Deed ref: JLE No. 35769 folio 429
Zoned RC-5

Property does not lie in a CBCA
Property does not lie in a Historic District
Property does not lie in a floodplain

No active zoning violations
No prior zoning cases

Private water and sewer

PLAN PREPARED BY: DAVID RANSONE - LAND SURVEYOR
MD #10928
204 RIDGE AVENUE - TOWSON, MD 21286
dransone@yahoo.com 410-207-8358



Plot 3 Fox Chase P.B. N° 63/33

#18 Fox Creek Cove
2200007886
Hasdim / Marjhalara Hesham
Lot 11

#20 Fox Creek Cove
2200007883
Randy & Judy Jacobman
Lot 10

#22 Fox Creek Cove
2200007884
Judy & Richard Colon
Lot 9

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Special Tax Recapture: AGRICULTURAL TRANSFER TAX
FCMA PENALTY

Account Identifier: District - 04 Account Number - 0405061152

Owner Information

Owner Name: ENSOR SETH K Use: AGRICULTURAL
Principal Residence: YES
Mailing Address: 12621 GREENSPRING AV
OWINGS MILLS MD 21117 Deed Reference: /35769/ 00429

Location & Structure Information

Premises Address: 12621 GREENSPRING AVE Legal Description: 9.86 AC WS
OWINGS MILLS 21117- WS GREENSPRING AVE
2640 S GARRISON FORST RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0049 0012 0076 4020022.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1954 1,384 SF 9.8600 AC 33

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
1 YES STANDARD UNITBRICK/ 3 1 full 1 Attached

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	82,100	82,100		
Improvements	127,300	162,200		
Total:	209,400	244,300	221,033	232,667
Preferential Land:	1,100	1,100		

Transfer Information

Seller: ENSOR VIRGINIA BLAYLOCK	Date: 01/16/2015	Price: \$310,000
Type: NON-ARMS LENGTH OTHER	Deed1: /35769/ 00429	Deed2:
Seller: ENSOR ROGER L	Date: 08/29/2012	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /32487/ 00001	Deed2:
Seller: SCHOENFELDER J E AG USE 83-84	Date: 12/19/1951	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /02054/ 00265	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

Special Tax Recapture: AGRICULTURAL TRANSFER TAX
FCMA PENALTY

Homestead Application Information

Homestead Application Status: Approved 02/06/2020

Homeowners' Tax Credit Application Information

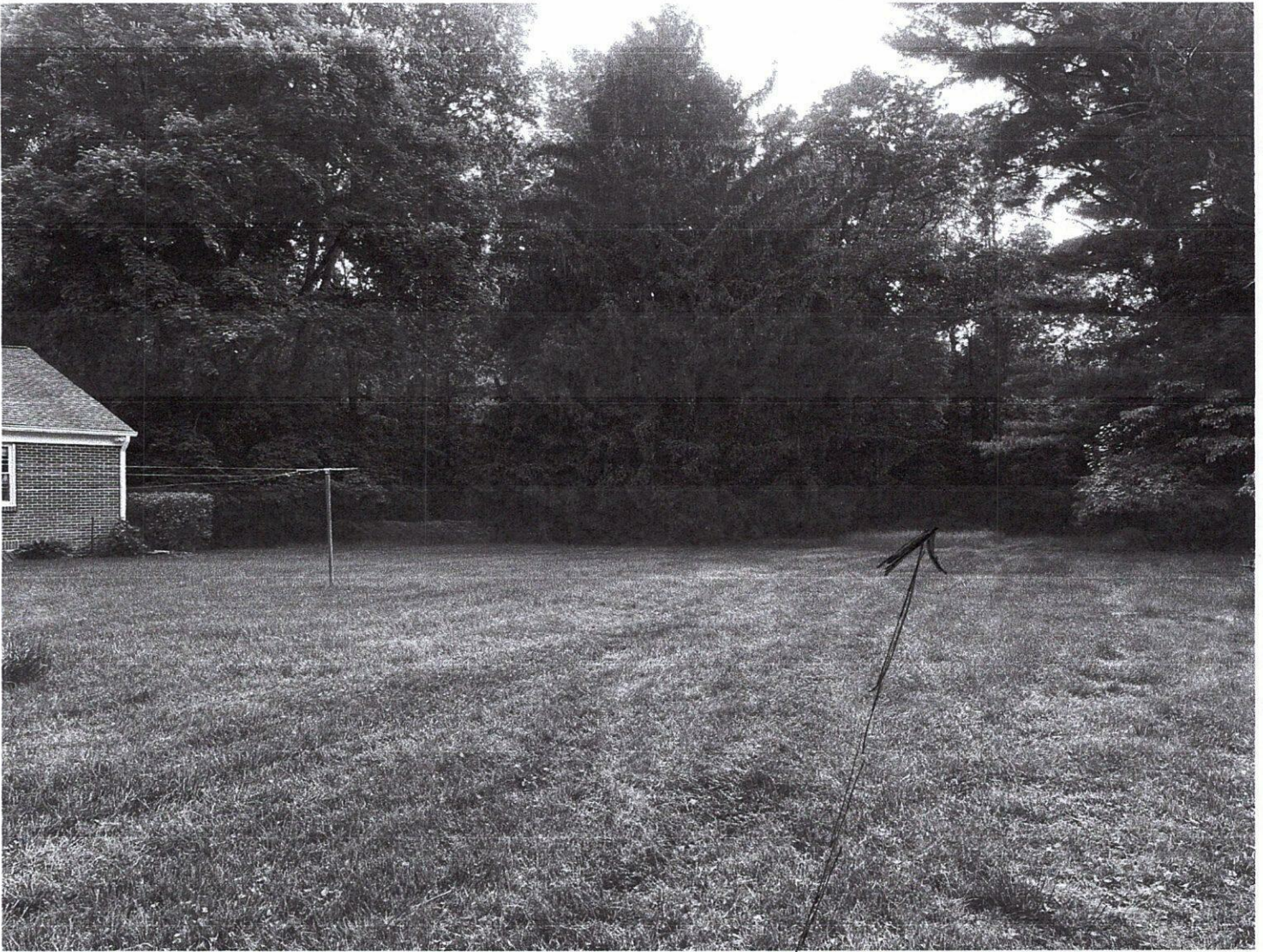
Homeowners' Tax Credit Application Status: No ApplicationDate:

2023-0119-SAAA



closer photo of
Garage location

2023-01-19-SPHA



Garage going here
located in backyard

2023-0119-SPHA



23-0464
Ct

**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353

<https://www.baltimorecountymd.gov>

Cashier: Jason S.
18-May-2023 10:57:03A

Transaction **101775**
1 Revised Peition Documents \$75.00

Total \$75.00
CREDIT CARD SALE \$75.00
VISA 6228

Retain this copy for statement
validation

Station: Permit Processing - Mini

18-May-2023 10:57:09A
\$75.00 | Method: EMV

VISA CREDIT
XXXXXXXXXXXX6228

SETH K ENSOR

Reference ID: 313800541902

Auth ID: 70948C

MID: *****2995

AID: A0000000031010

AthNtwkNm: VISA

SIGNATURE VERIFIED

Clover ID: JG0HBRKDGMS7A
Payment RDJCT4S2YCGJE

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<https://clover.com/privacy>

2023-0119-SATA



**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353

<https://www.baltimorecountymd.gov>

Cashier: Jason S.

24-May-2023 3:22:15P

Transaction **101788**

1 Inspection Fees \$75.00

Total \$75.00

CREDIT CARD SALE \$75.00
VISA 6228

Retain this copy for statement
validation

Station: Permit Processing - Mini

24-May-2023 3:22:21P

\$75.00 | Method: EMV

VISA CREDIT

XXXXXXXXXXXX6228

SETH K ENSOR

Reference ID: 314400542599

Auth ID: 22167C

MID: *****2995

AID: A0000000031010

AthNtwkNm: VISA

SIGNATURE VERIFIED

Clover ID: 6GFMFDCCVFJH6

Payment EWC892KEG39T2

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2023-01-19-544A

