

JOHN A. OLSZEWSKI, JR. County Executive

PAUL M. MAYHEW

Managing Administrative Law Judge

MAUREEN E. MURPHY

Administrative Law Judge

October 25, 2023

Youssef Alyhamwi Rajaa Abbas- <u>youssefalhamwi63@gmail.com</u> 1847 Church Road Baltimore, MD 21222

RE:

Petition for Variance

Case No. 2023-0169-A

Property: 1847 Church Road

Dear Petitioners:

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,

MAUREEN E. MURPHY Administrative Law Judge

Mauren Z. Murphy

for Baltimore County

MEM:dlm Enclosure IN RE: PETITION FOR VARIANCE (1847 Church Road)

12th Election District7th Council DistrictYouseff Alhamwi & Rajaa AbbasLegal Owners

BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS OF

BALTIMORE COUNTY

Petitioners * CASE NO. 2023-0169-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by the legal owners, Youseff Alhamwi and Rajaa Abbas ("Petitioners") for property located at 1847 Church Road, Dundalk (the "Property"). The Petitioners are requesting Variance relief from Baltimore County Zoning Regulations ("BCZR"), §400.1, to permit an existing accessory building (garage) to remain on the property (erected without a permit) with a side setback of 0 ft in lieu of the required 2.5 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners, along with their daughter, Tasnim Alhamwi who acted as a translator, appeared *pro se* at the hearing in support of the Petition. There were no Protestants or other interested persons who appeared at the hearing.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Department of Plans Review ("DPR"), and Department of Environmental Protection and Sustainability ("DEPS") which agencies did not oppose the requested relief.

The Property is 7,788 sf +/- and is improved with a 1,518 sf brick townhome constructed in 1957. A site plan (the "Site Plan") was submitted. (Pet. Ex 1 The Property is zoned Density Residential (DR 10.5). A Code Enforcement Violation was issued on July 6, 2023 (Case No.

CB2300385) for the construction of a 264 sf, detached garage in the rear yard without a permit. The Petitioners, who are originally from Syria and speak English as a second language with the assistance of their daughter, proceeded to construct the garage beginning on June 10, 2023. When the Citation was issued, Petitioners stopped all work and waited for the instant zoning hearing to take place. Street view photographs were submitted showing a 1-vehicle garage with Tyvek wrap in the rear yard. (Pet. Exs. 2, 3).

Petitioners explained that in Syria, a building permit is not required to construct a garage. Petitioners also inquired of their neighbors as to whether a permit was needed and they were informed that none was required. Street view photographs of the neighboring garages and/or sheds. (Pet. Ex. 2, 3). The garage height is 11 ft. and its total square footage is less than the house. Petitioners stated that the need not only a place to park their car but also storage space for tools, etc. The garage was constructed overtop of the concrete parking pad.

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).

I find that the Property is unique due to its irregular shape as shown on the My Neighborhood GIS Map and Site Plan. The Property is not a rectangle but rather fans out as it gets closer to Church Rd. However, the rear of the Property, where the garage was constructed, is narrower, limiting the space where a garage could be constructed. Given that the Petitioners would not have been required to obtain a building permit in Syria to construct a garage, and the fact that when the Citation was issued, the Petitioner immediately stopped working on the garage,

I find that there was no intent to avoid the legal requirement for a permit but rather an inadvertent misunderstanding as to what the law requires. Many townhomes in this neighborhood have detached garages or sheds. This case does not address whether those other homes in the neighborhood obtained building permits or not. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this <u>25th</u> day of October 2023, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §400.1 to permit an existing accessory building to remain on the property (erected without a permit) with a side setback of 0 ft. in lieu of the required 2.5 ft., be, and it is hereby **GRANTED**; and

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are 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, Petitioners would be required to return the subject property to its original condition.
- 2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
- 3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.
- 4. The detached garage shall not be used for commercial or industrial purposes.
- 5. No construction shall occur with respect to the garage until a Building Permit is issued and a County Building Inspector has approved the existing construction.
- 6. The Site Plan which is attached hereto, shall be incorporated herein in its entirety.

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

MAUREEN E. MURPHY

Administrative Law Judge

for Baltimore County

MEM/dlm

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits,	Approvals and Inspections
To the Office of Administrative Hearings for Baltimore	e County for the property located at:

Address 1847 Church Rd Dund	SILK MD 21722 Currently Zoned DR 10.5
Deed Reference 41498 100476	10 Digit Tax Account # 12 16 0 4 5 6 6 1
	Wi / Ratad Abbac
	APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
The undersigned, who own and occupy the property situate in Ba hereof, hereby petition for an:	altimore County and which is described in the plan/plat attached hereto and made a part
 a Special Hearing under Section 500.7 of the or not the Zoning Commissioner should approve 	ne Zoning Regulations of Baltimore County, to determine whether
2 a Special Exception under the Zoning Regu	ulations of Baltimore County to use the herein described property for
3a Variance from Section(s)	
	ory building to remain on the property (erected without a of the required 2.5 feet.
	e zoning law of Baltimore County, for the following reasons: (Indicate
below your hardship or practical difficulty or is additional space, you may add an attachment to I weed it to put My car and go	
Baltimore County adopted pursuant to the zoning law for Baltimo	sting, etc. and further agree to be bound by the zoning regulations and restrictions of
Contract Purchaser/Lessee:	Legal Owners (Petitioners):
Name - Type or Print	Name #1 – Type or Print Name #2 – Type or Print
Signature	Signature #1 Signature #2
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone #'s (Cell and Home) Email Address Gamai
Attorney for Petitioner:	Representative to be contacted:
Name - Type or Print	Name – Type or Print
Signature	Signature 1847 Church Rd Baltinexe MD
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address 63 @ mail
Case Number 2003-0169-A Filing Date	7 1 4 1 23 Do Not Schedule DatesReviewer
	JSS Revised 8/2022

1847 Church Road

(12-10-045601)

2023-0169-A

Property Description

Located on the north corner of Church Road (60' row) and Harold Road (60' row).

Being Lot #6, Block B, Section #5 in the subdivision Eastfield. As recorded in Baltimore County Plat Book #2, Folio #85. Containing 7,788 square feet of land, located in the 12th Election District and 7th Councilmatic District.

BEGINNING FOR THE SAME on the eastern side of Church Road as shown on Subdivision Plat No. 2 - Section No. 5 - Eastfield recorded among the Land Records of Baltimore County in Plat Book G.L.B. No. 23, folio 85, at the distance of 203 and 36/ 100ths feet southerly measured along the eastern side of Church Road from a point where the eastern side of Church Road is intersected by the northern lot line of Lot No. 1 in Block B as shown on the aforesaid Plat, which place of beginning is at a point in line with the center line of a partition wall there erected, and running thence southerly binding on the eastern side of Church Road by a line curving to the right having a radius Of 350 feet for the distance of 54 and 92/100ths feet to the northern end of the curve forming the intersection or meeting of the eastern side of Church Road and the northern side of Harold Road, thence running southeasterly binding on said curve by a line curving to the left having a radius of 15 feet for the distance of 21 and 71/100ths feet to the end of said curve, thence running north 30 degrees 44 minutes 20 seconds east 192 and 13/100ths feet to the southern side of an alley 20 feet wide there situate, thence running northwesterly binding on the southern side of said alley with the use thereof in common with others 13 feet, thence running south 36 degrees 23 minutes 10 seconds west 70 and 42/100ths feet to meet a line drawn north 56 degrees 54 minutes 40 seconds east from the place of beginning to, through and along the center line of the partition wall first above mentioned in this description, thence running southwesterly reversing said line so drawn and binding thereon 93 and 36/100ths feet to the place of beginning.

Baltimere County Department of Permits, Approvals And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement County Office Building 111 West Chesapeake Avenue Towson, MD 21204

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

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

BALTHMORE COUNTY DIMERORM CODE EMPORCEMENT CONTROL CONTROL
Citation Case No. <u>CB2300 385</u> Property No. <u>12100 45601</u> Zoning:
Name(s): YOUSSET Alhampi and Rajaa Abbas 1847 church Ru.
Address: Ovnick, MD 21222
Violation Location: 1847 chuch Ru.
Ovniak, MD. 2/222
DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:
Baltimore County code 2003
Building reguladions - Acticle 35
Subtitle 3 - Ovilling formits
Sec 35-2-30A Penalty for action without perants
Rear garge/sourdure requires a permit.
•
YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:
ON OR BEFORE: 08/16/23 DATE ISSUED: 07/05/23
FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OF 90 DAYS IN JAIL, OR BOTH.
INSPECTOR: Mally PRINT NAME: Mike Lakey
PURSUANT TO INSEPCTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:
ON OR BEFORE:DATE ISSUED:
INSPECTOR: PRINT NAME:
COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR
PAI BI 10 $(2023-0)69-A$

CERTIFICATE OF POSTING

Date: 9-16-23 RE: Case Number: 2023-0169-A Petitioner/Developer: ALHAMW I Date of Hearing/Closing: (0-11-2-3 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 1847 Church Road The signs(s) were posted on 9-16-23 (Month, Day, Year) Lawrence Pulson (Signature of Sign Poster) J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)



BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 9/14/2023

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0169-A

INFORMATION:

Property Address: 1847 Church Road

Petitioner: Youssef Alttommi, Rajad Abbas

Zoning: DR 10.5 **Requested Action:** Variance

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

Variance -

1. From Section 400.1 of the Baltimore County Zoning Regulations to permit an existing accessory building to remain on the property (erected without a permit) with a side setback of 0 feet in lieu of the required 2.5 feet.

The subject site is an approximately 7,788 square foot parcel in the Dundalk area. The property is at the corner of Church Road and Harold Road, and is therefore a slightly irregular configuration; the front of the lot is significantly wider than the rear of the lot. The site is improved with a two-story, end unit rowhome and has an approximately 11' x 24' detached garage. The garage is located in the rear yard, facing the alley behind the home, per the submitted site plan. The property, like many of the surroundings, has a small parking pad off of the alley, which is separated from the backyard with a chain link fence. The alley behind the home divides the rear yards of the townhomes from the rear of commercial properties on Wise Avenue.

Surrounding uses in the neighborhood are primarily single family attached two-story townhomes. Based on aerial imagery available to the Department of Planning and Google Streetview, it appears many of the surrounding dwellings have accessory structures in the rear yard. This includes at 1841 and 1845 Church Road, as well as 7800, 7804, 7806, and 7808 Harold Road. The majority of these structures appear to abut chain link fences separating the rear yards of the dwelling.

The site has one active Code Enforcement Complaint against it (Case CB2300385). The complaint was submitted on June 29th, 2023 for the construction of a garage without a Building Permit. The case is listed as being on a Monitor status with Code Enforcement.

The site also has one pending Building Permit application (Permit R23-05071). Baltimore County Cityworks shows that the permit was applied for on July 5th, 2023 for the construction of a detached garage structure. The permit had not been issued as of the date of these comments.

On August 24th, 2023, the Department contacted the Petitioner via email requesting photos of the structure as constructed. In a September 5th, 2023 reply, the Petitioner provided photos of the garage, as well as photos from the alley of neighboring sheds, confirming they are constructed along the fence lines.

Because accessory structures along the fence line appears to be relatively common within the immediate neighborhood, the Department of Planning has no objections to the requested relief, subject to the following condition:

1. The Petitioner shall obtain the proper Building Permit and have the active Code Enforcement Complaint closed out.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP

c: Youssef Alttommi

David Birkenthal, Community Planner Ngone Seye Diop, Community Planning Division Chief Jeff Perlow, Zoning Review Kristen 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: September 1, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0169-A

Address: 1847 CHURCH RD

Legal Owner: Youseff Alhomwi, Rajaa Abbas

Zoning Advisory Committee Meeting of August 28, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn



Permits, Approvals and Inspections

111 W CHESAPEAKE AVE TOWSON, MD 21204 4108873353

https://www.baltimorecountymd .gov

Cashier: Jason S. 10-Aug-2023 11:20:21A

Transaction 101893
1 Petition Before ALJ

\$75.00

Total

\$75.00

CREDIT CARD SALE VISA 4280 \$75.00

Retain this copy for statement validation

Station: Permit Processing - Mini

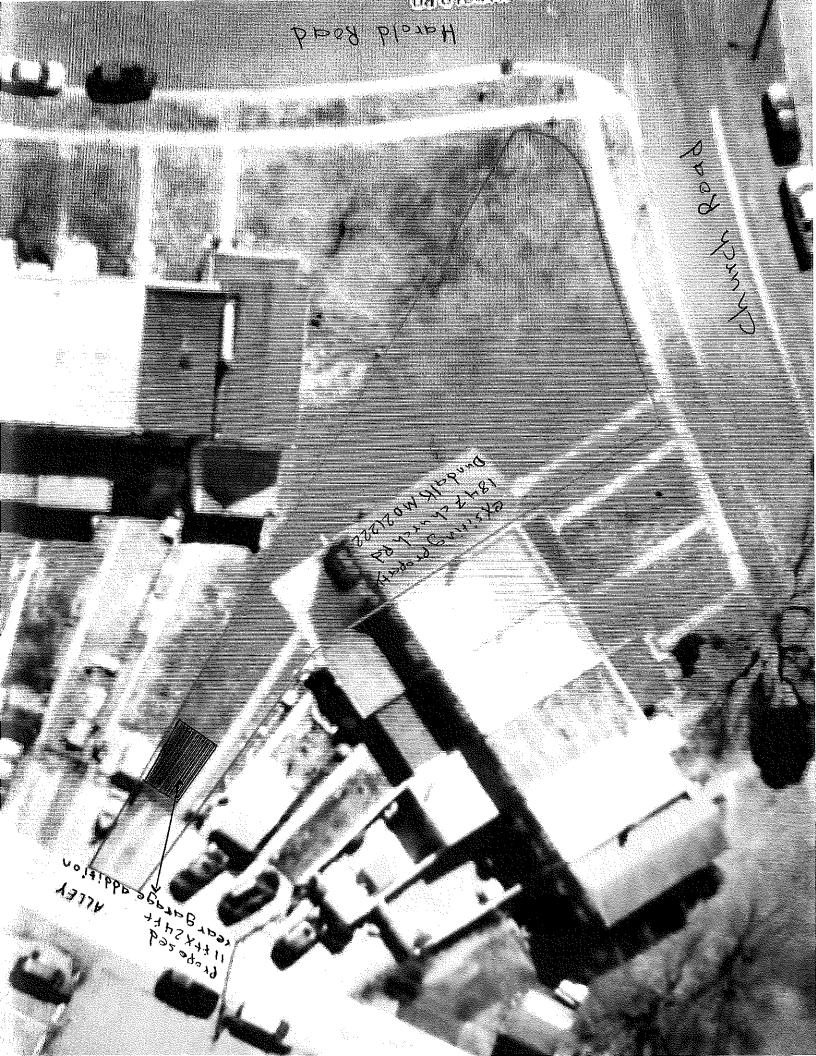
10-Aug-2023 11:20:48A \$75.00 | Method: EMV VISA CREDIT XXXXXXXXXXXX4280 YOUSSEF MUSTAFA ALHAMWI Reference ID: 322200547223 Auth ID: 05947D MID: ********2995

MID: *******2995 AID: A0000000031010 AthNtwkNm: VISA SIGNATURE

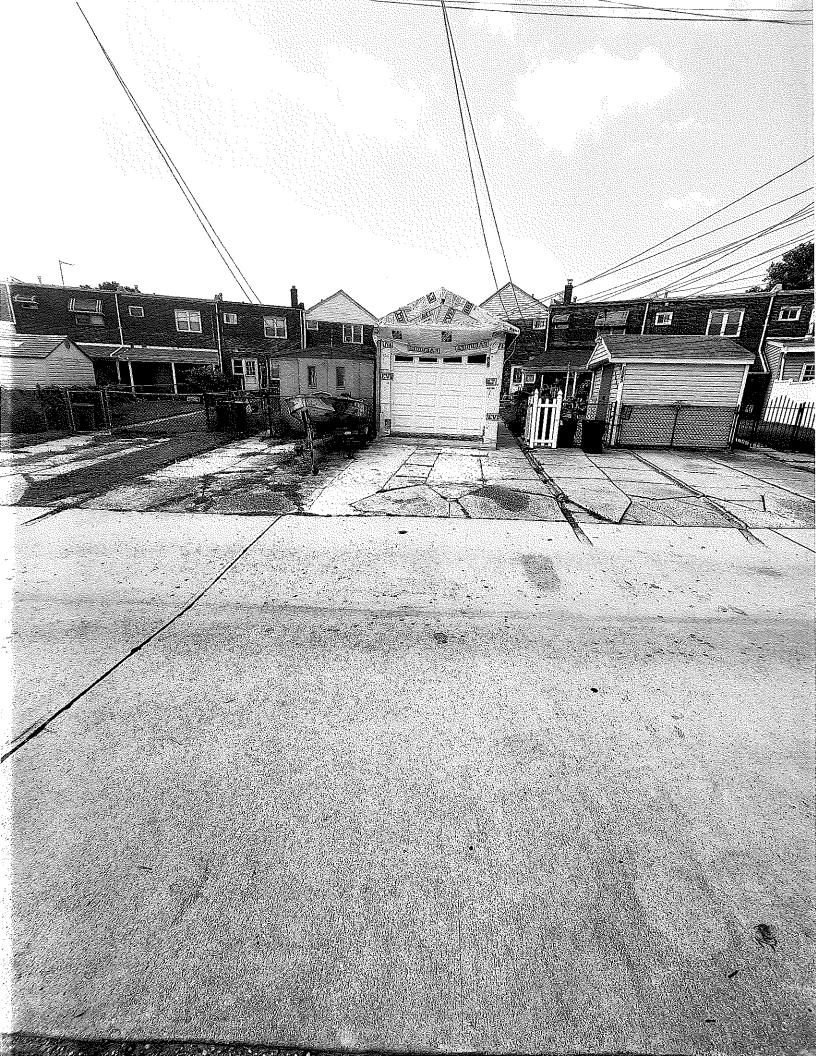
Clover ID: Q7GMBAWE9H576 Payment 66B479W8ZPVAY

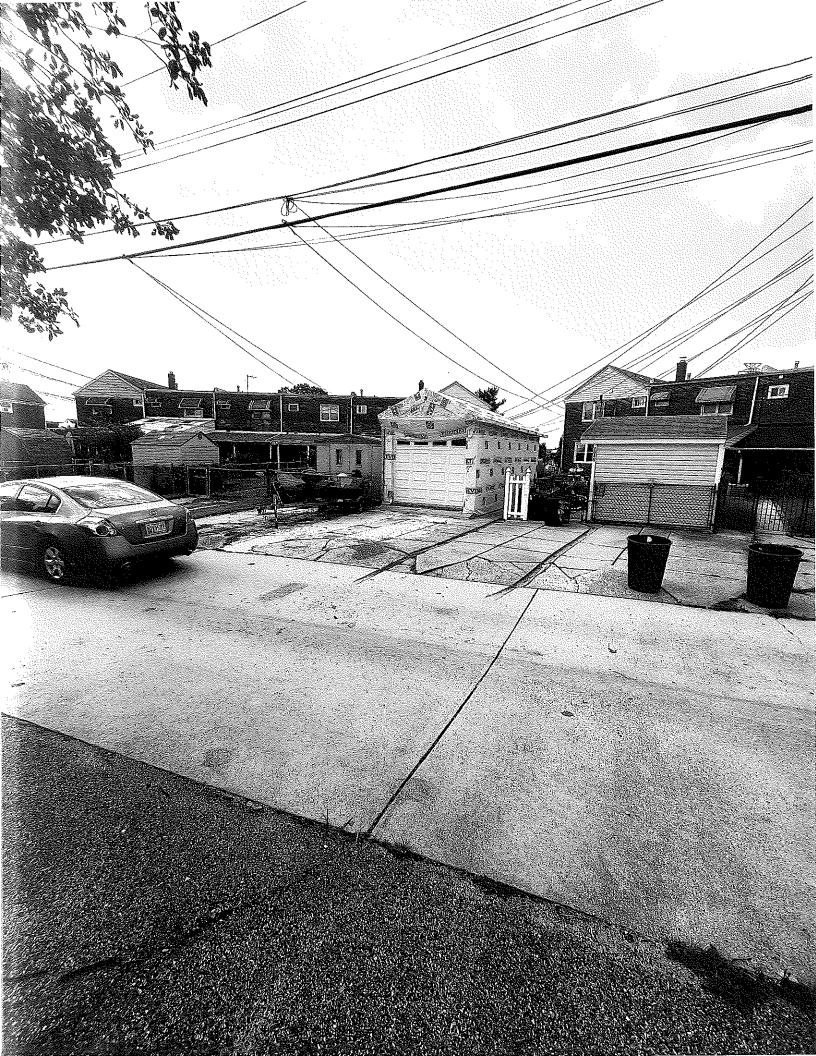
Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption			View Groun	dRent Registration
Special Tax Recapture	: None		COLUMN TO STATE OF THE STATE OF	у уулоон олоорог ас грамения алага алаган алан олоон байдай дай бай	TON CEEDING TO COMMENT AND COMMENT OF THE PROPERTY OF THE PROP
Account Identifier:	Distr	ict - 12 Accou	nt Numbe	e r - 1210045601	
	•	Owner Info	rmatio	n	
Owner Name:		AMWI YOUSSE AS RAJAA	F	Use: Principal Re	RESIDENTIAL
Mailing Address:		CHURCH RD DALK MD 21222-3202		Deed Refere	ence: /41498/ 00476
	Locatio	n & Structi	ıre info	rmation	
Premises Address:	s Address: 1847 CHURCH RD DUNDALK 21222-3202		Legal Descr	Legal Description: AT HAROLD R EASTFIELD	
Map: Grid: Parcel: Neig	hborhood: Subdiv	ision: Section:	Block: L	ot:Assessment	
0103 0018 0475 1203	10052.04 0000	5	B 6	2024	Plat Ref: 0023/ 00
Town: None					
Primary Structure Bui 1957	ItAbove Grade Liv 1,188 SF	ing AreaFinish 330 Si		nent AreaPrope 7,788	erty Land AreaCounty U SF 04
Stories Basement Typ	e Exterior Qu	ality Full/Half	Bath Gar	age Last Notice	of Major Improvements
	UNIT BRICK/ 3	1 full/ 1 ha			
		Value Info	rmatio	1	
	Base Valu	e Value		Phase-in As	sessments
	0000 1000	As of		As of	As of
		01/01/	2021	07/01/2023	07/01/2024
Land:	38,000	38,00	0		
Improvements	115,300	115,3	00		
Total:	153,300	153,3	00	153,300	
Preferential Land:	0				
	Т	ransfer Inf	ormati	on	
Seller: JOSEPH JOSE	PH E	Date: 06/10/2	2019		Price: \$160,000
Type: ARMS LENGTH		Deed1: /4149	98/ 00476		
Seller:	N. P. Company of the Control of the	Date: 09/23/2	2011	ggergeg wager prosent conservation and actually secured	Price: \$0
Type: NON-ARMS LENGTH OTHER		Deed1: /312			Deed2:
Seller:		Date:	ate:		Price:
Type:		Deed1:			Deed2:
	Ex	cemption Ir	forma	tion	
Partial Exempt Asses		•		07/01/2023	07/01/2024
County:	000			0.00	
State:	000			0.00	•
Municipal:	000			0.00	0.00[
Special Tax Recaptur	e: None	,,		at the sale of the	
	Homeste	ad Applica	tion in	formation	
Homestead Application					
	lomeowners'		Annlica	stion Inform	ation
			• •		
Homeowners' Tax Cre	adit Analiaatian Ct		n Pacain	an (taka) NE/91	F20127

















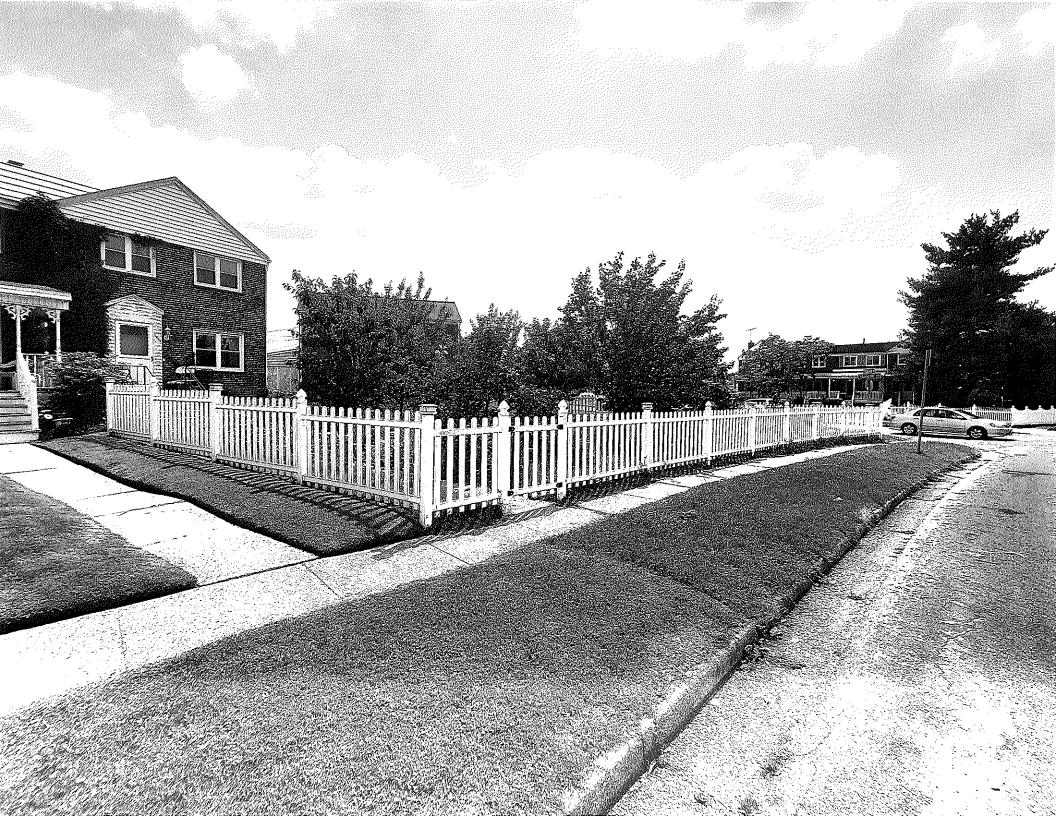










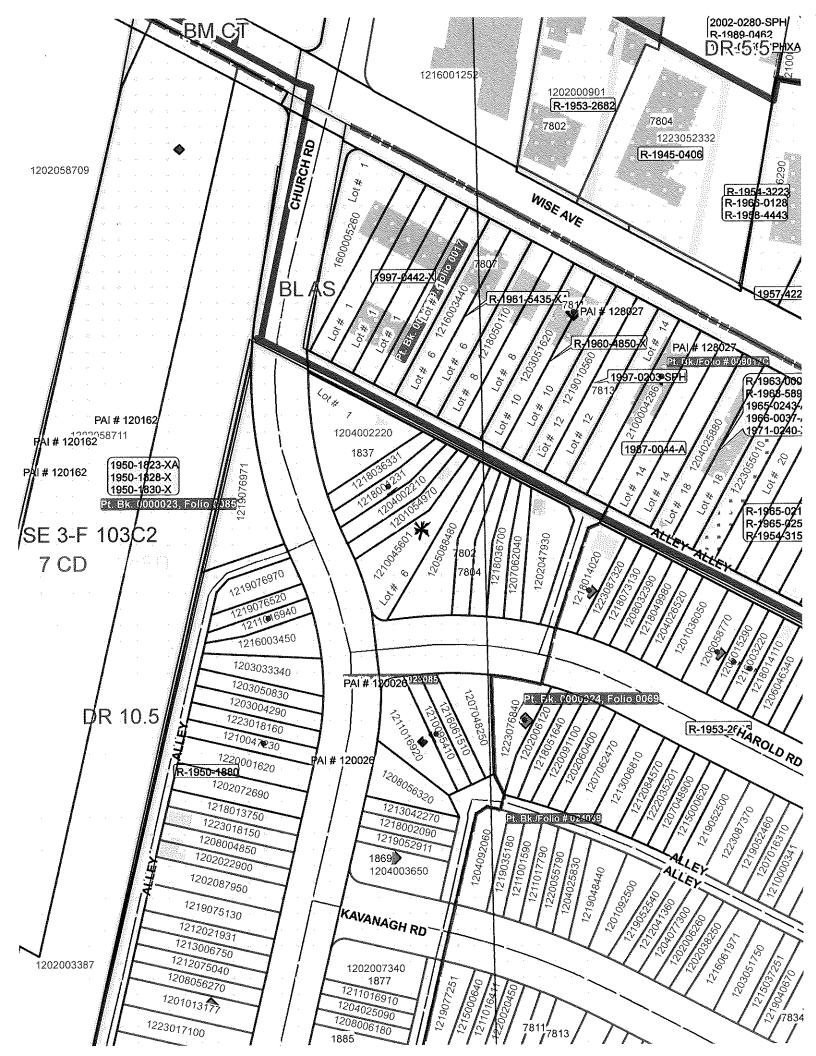








	Sile Alcum A Meh
Zoning Hearing Plan for Variance X for Special Hearing Mark Type Requested with (X)	Ausy
Address 1 2 4 7 Charch Rd Rd I in a re- Owner (a) Name (a) Name (a) 1 5 Co.	
Condition Name EASTFIELD LOUR LOUR BROWN BROWN BUILDING	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
40 Digit Tax# / 2 100 45621 Deed References T11112	Church Shade
ALLEY	N Wich & Bank
- INEF Proposed	MAP IS NOT TO SCALE
back M 1186X24FE	MAP IS NOT THE REAL PROPERTY.
West 1 test dayable	200
	Zoning DR 10.5
1 2 8 3 1 2 1 2 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2	EBOOM DISTRY
	Council District
	Lot Area Acresge 7, 7
W back 5.3" Till.6"	Lot Square Footage 7,788
back i i i	Historic (Yes or No) _A/O
-5 12-13 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 - 5 -	CBCA (Yes or No)
	Flood Plain (Yes or No) NO
	Utilities - Mark with (X)
	Water is:
1 . c. / 2/25 2 00 / 10 20 1 1 0 1 0 1 0 1	Public Private
	Sewer is:
1 2 2 2 2 1	Public Private
80/1/18.10-	Prior Hearing (Yes of No.
	If (Yes) list Case Number(s)
	and order result(s) below:
1	
the state of the s	
Front 68 FE	
Church Road	
CHAICH LOSS	Violation Case Number(s)
	CB 2300985
Plan Drawn By Youssef ALHamwi Date 09/07/1013 Scale: 264 Feet	
Plan Drawn By	



Dominated with MA	Sile Vicinity Map
Zoning Hearing Plan for Variance X for Special Hearing Maric Typa Requested with (X) Address 1847 Charles RARALLINA COMPANY Dishera(a) Name(a) Your Sec ALH AND COMPANY OF THE PROPERTY OF TH	Allen Sie
Subdivision Name EASTFIELD Lot # 12 Blook # 10 Section # 254	VIS
ALLEY	N Church & Share
PLAT 196 USINGLE	MAPIS NOT TO SCALE
back of wear garage	Zoning Map # 0/03
Tu and To I dooming	Zoning DR 10.5
	Council District
	Lot Area Agresge 7,7
C 1 1 5.3° 1 1 1 5	Lat Square Footage 7,788
- yard - g g g g	Historic (Yes or No) _ALO
Dack Park Dock To So To	Flood Pish (Yes or No) NO
2	Utilities Mark with (X) Weter is:
-106+ /M/E = = = / Right	Public Private
	Sewer la:
	Public Private Prior Hearing (Yes on No
00/1/18.10	if (Yes) list Case Number(s)
	and order result(s) below:
15	
Front 68FB	
church Road	
	Violation Case Number(s) CB 2300985
Plan Drawn By Youssef ALHamwi Date 08/07/1013 Scale: 264 Fest	