

| | | |
|---|---|--------------------------------|
| IN RE: PETITIONS FOR SPECIAL HEARING | * | BEFORE THE |
| AND VARIANCE | | |
| (3218 Northwind Road) | * | OFFICE OF |
| 11 th Election District | | |
| 5th Council District | * | ADMINISTRATIVE HEARINGS |
| Susan Hofstetter | | |
| <i>Legal Owner</i> | * | FOR BALTIMORE COUNTY |
| Petitioner | * | Case No. 2023-0178-SPHA |

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owner, Susan Hofstetter (“Petitioner”) for the property located at 3218 Northwind Road, Parkville (the “Property”). A Petition for Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7, to permit an accessory structure (garage) to be located on a parcel of land without a principal structure. A Petition for Variance was also filed requesting relief from BCZR, §400.3 to permit an accessory structure (garage) to have height of 30 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared at the hearing in support of the Petition along with Bruce E. Doak, a licensed surveyor, of Bruce E. Doak Consulting, LLC, who prepared a site plan (the “Site Plan”). (Pet. Ex. 1). Francis X. Borgerding, Jr., Esquire represented the Petitioner represented the Petitioner. There were no Protestants or interested citizens at the hearing.

A Zoning Advisory Committee (“ZAC”) comment was 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 relief.

The Property is a 0.37 acre +/- (16,240 sf +/-) unimproved parcel (other than a shed) which is 50 ft wide and is land-locked. There is no access drive to the Property. Although the Property is located behind 3218 Northwind Rd., it does not share that address. The Petitioner individually owns the Property and she and her husband own the surrounding parcels (3214, 3216, 3218 and 3220). Their home is 3216 Northwind Rd. The Property is zoned Density Residential (DR2).

Given their ownership of the parcels surrounding the Property, and the need to store equipment such as tractors, snow blowers, plows, and lawn equipment to service the surrounding properties, Petitioner seeks approval to construct a 2,520 sf accessory structure (detached garage) with a height of 27 ft. in accordance with the Site Plan. (Pet. Ex. 1).¹ The additional 12 ft. in height beyond a maximum 15 ft. permitted is to accommodate an electric vehicle lift to perform maintenance on personal vehicles and equipment. A rendering of the building is on the Site Plan and shows a garage with one (1) overhead door. An aerial photograph of the Property and surrounding parcels was provided. (Pet. Ex. 3). Street view photographs reveals that the proposed location of the garage would be largely obstructed from Northwind Rd. due to the distance, downward slope, and existing mature trees. (Pet. Exs. 5A-5C). Petitioner testified that mature trees will remain and will be maintained.

Petitioner indicated that in the event zoning merger applies here, she would prefer the Property be considered as merged for zoning purposes with her home at 3216, and not 3218, as the Petition reflects.

SPECIAL HEARING

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

¹ While the Petition for Variance requests a height of 30 ft., the Site Plan confirms that the building will only be 27 ft. tall.

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). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based on the uncontroverted evidence presented, I find that the requested detached garage should be permitted to be constructed on the Property. However, because the Property does not have a dwelling, and does not meet the bulk regulations for the construction of a dwelling, I find that a condition in the Order will be that the Property will be merged for zoning purposes with the Petitioner's home at 3216 Northwind Rd. All electrical connections shall originate from one of the adjoining properties owned by the Petitioner; no separate electrical connection will service the Property. The Order will also contain a condition that the garage shall not be used as a dwelling or contain any living quarters, kitchen or bathrooms. With these conditions in the Order, I find that the construction of the proposed garage on the Property will be consistent with the spirit and intent of the BCZR, and will be compatible with the surrounding community.

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.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The Property is unique in that it is an asymmetrical rectangle which is smaller than the surrounding properties and is landlocked behind 3218 Northwind. Due to these unique features, the Property cannot be used for a dwelling, and, as a result, it becomes accessory to 3216 Northwind Rd. I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if the proposed detached garage could not be constructed on a parcel which cannot otherwise support a dwelling. The proposed garage will be in service to the landscaping and maintenance needs of the surrounding parcels. 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 17th day of **November, 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR §500.7 to permit an accessory structure (garage) to be located on a parcel of land without a principal structure, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §400.3 to permit an accessory structure (garage) to have a height of 27 ft. be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at 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.
2. From the date of this Order, the Property will be merged for zoning purposes with the property located 3216 Northwind Rd., Parkville, and that such merger will be binding on all subsequent owners of both the Property and of the subsequent owners of 3216 Northwind Rd.
3. The Site Plan (Pet. Ex. 1) which is attached hereto, shall be incorporated herein in its entirety.
4. Petitioner and/or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
5. The garage shall also not be used for commercial or industrial purposes.
6. The garage shall not have a separate utility or electric connection and shall connect to the electrical/utility from one of the adjoining properties.
7. Petitioner and/or subsequent owners shall comply with the DOP ZAC comment which is attached hereto and made a part hereof.
8. There shall not be an access driveway connecting the Property to any surrounding roads, streets or alleys. Access to the garage shall be from the surrounding properties only.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:d1m

GENERAL INFORMATION

1. Ownership: Susan M. Hofstetter
3216 North Wind Road Baltimore, MD 21234
2. Address: North Wind Road
3. Deed references: SA 31423/252
4. Area: 16,240 sq. ft. / 0.37 acre (per SDAT)
5. Tax Map / Parcel / Tax account #: 71 / 598 / 11-06-045452
6. Election District: 11 Councilmanic District: 5
ADC Map: GIS tile: 071C1 Position sheet: 41NEZ1
Census tract: 411404 Census block: 24005411404
Schools: Seven Oaks ES Pine Grove MS Perry Hall HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 071C1 and the information provided by Baltimore County on the Internet.
8. Improvements: Shed. The existing shed will remain.

OFFICE OF ZONING

Zoning: DR 2 There are no previous zoning cases on the subject parcels.

DR 2 Setbacks for Accessory Structures

Front/ Side / Rear: 2.5 feet from a property line

ENVIRONMENTAL

Watershed: Lower Gunpowder Falls URDL land type: 1

1. The subject property is not served by public or private utilities
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

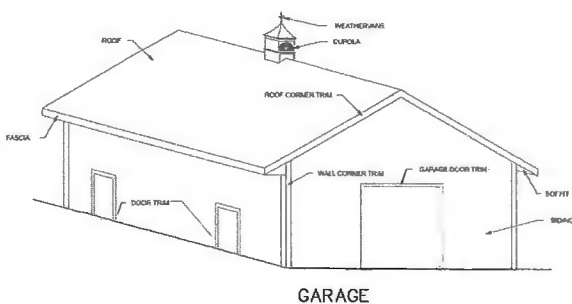
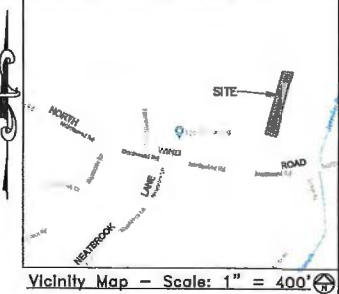
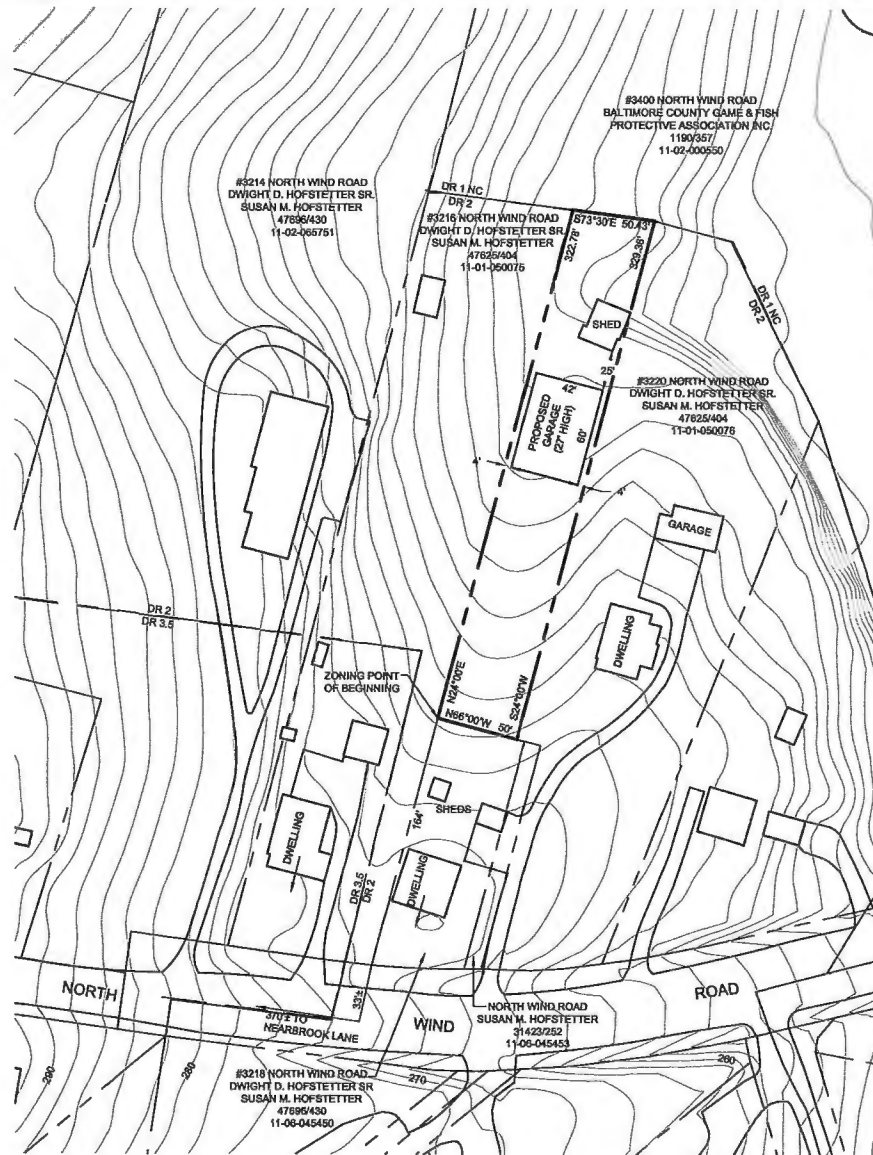
OFFICE OF PLANNING

Regional Planning District: Perry Hall / White Marsh District Code: 317

1. The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct a garage for residential use only.



Bruce E. Doak Consulting, LLC
 Land Use Expert and Surveyor
 3301 Baker Schoolhouse Road
 Freetown, MD 21058
 p 443-900-5535 m 410-419-4906
 bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
 A ZONING PETITION
 FOR THE
 SUSAN M. HOFSTETTER
 PROPERTY
 NORTH WIND ROAD
 BALTIMORE COUNTY, MARYLAND
 11th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

| |
|---------------|
| Date: 7/24/23 |
| Scale: 1"=50' |

Pgt. Ex #1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/5/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0178-SPHA

INFORMATION:

Property Address: 3218 Northwind Road
Petitioner: Susan Hofstetter
Zoning: DR 2
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To permit an accessory structure (garage) to be located on a parcel of land without a principal structure; and

Variance -

2. To permit an accessory structure (garage) to have a height of 30 feet per Section 400.3 of the Baltimore County Zoning Regulations.

The subject site is two parcels located in the Parkville area. The southern parcel (Tax ID 1106045450) is 8,360 square feet and is improved with a single-family detached dwelling and two sheds/accessory structures. The northern parcel (Tax ID 1106045452) is 16,240 square feet and is improved with a shed. Per aerial imagery available to the Department of Planning, the northern parcel appears to have mature trees, and the trees screen the existing shed from the public right of way.

Both parcels comprising the subject site are relatively narrow rectangles – according to County GIS, the southern parcel measure approximately 55' by 160', and the northern parcel measures approximately 50' by 325'. According to the State Department of Assessments and Taxation, the Petitioner's family appears to own many of the immediate surrounding parcels, including, but not limited to, 3210, 3214, 3216, and 3220 Northwind Road.

The subject site is primarily surrounded by single family detached residential dwellings. The dwellings appear to range in size, varying from one to two and a half stories in height. The lots range in size from 0.25 to 2+ acres.

Per the submitted site plan, the Petitioner wishes to construct a garage on the northern parcel, south of the existing shed. The garage is proposed to be 42' in width, 60' in length, and 27' in height. The garage is

proposed to be located 25' in front of/to the south of the existing shed. Per the Department of Planning's calculations, the front of the structure will be approximately 380' back from Northwind Road.

The subject site is within the boundary of the Carney-Cub Hill-Parkville Community Plan, adopted May 3rd, 2010. The plan calls for new single-family detached dwellings to be consistent with the neighborhood they are part of in terms of size, height, architectural style, architectural detailing, roof design, materials, orientation, and setbacks (page I-2). The plan does not, however, comment on accessory structures.

The Department of Planning contacted the representative for the petition via email on September 19th, 2023 seeking additional information on the petition. In an October 2nd, 2023 reply, the site surveyor for the project explained the following:

- The garage requires a height of 30' in lieu of the permitted 15' so the peak can accommodate large equipment, and so storage space can be built into the attic trusses. Further, the proposed height is to accommodate a vehicle lift.
- The garage cannot be built on one of the neighboring properties owned by the Petitioner due to the surrounding properties slopes, and because none of the properties have a clearing of land large enough to accommodate a garage in the rear yard. There is one large enough spot on a parcel with a dwelling, however, the clearing is near the road and would be highly visible.
- No driveway is proposed to the structure. Any equipment will be driven over the grass. The garage will not store daily use vehicles.

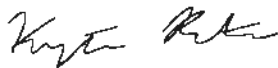
Due to the unique nature of the lot for 3218 Northwind Road being separated into two lots, the Department of Planning has no objections to the Special Hearing request to permit an accessory structure (garage) to be located on a parcel of land without a principal structure. The proposed structure would not fit on the parcel with the dwelling for 3218, and the proposed location allows the structure to be tucked back and concealed from view from the public right of way.

Due to the structure being located approximately 380' back from Northwind Road, and the existence of mature trees, the Department of Planning has no objections regarding the request to permit an accessory structure (garage) to have a height of 30' in lieu of the maximum permitted 15', subject to the following conditions:

1. The accessory structure shall not be used for commercial uses or purposes; and
2. The existing mature trees shall be maintained to screen the structure from the public right of way to the greatest extent possible.

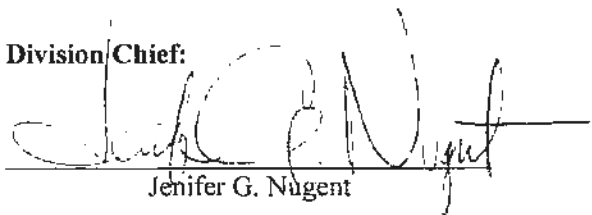
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Francis X. Borgerding, Jr.
Bruce Doak
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

November 17, 2023

Frank X. Borgerding, Jr., Esquire- borgerdinglaw@aol.com
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Petition for Variance
Case No. 2023-0178-A
Property: 3218 Northwind Road

Dear Mr. Borgerding:

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 that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: [Susan Hofstetter](mailto:Susan.Hofstetter)
[Bruce E. Doak – bdoak@bruceedoakconsulting.com](mailto:Bruce.E.Doak-bdoak@bruceedoakconsulting.com)



PETITION FOR ZONING HEARING(S)

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

Address 3218 Northwind Road Parkville, MD 21234 Currently Zoned DR2
Deed Reference 31423 / 0252 10 Digit Tax Account # 1106045452
Owner(s) Printed Name(s) Susan Hofstetter

(SELECT THE HEARING(S) BY MARKING AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

See Attached

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

3. a **Variance** from Section(s)

See Attached

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/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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

Legal Owners (Petitioners):

Susan Hofstetter
Name #1 - Type or Print Name #2 - Type or Print
Susan M Hofstetter
Signature #1 Signature #2
3216 Northwind Road Parkville MD
Mailing Address City State
21234 / 410-665-9597 / n/a
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Representative to be contacted:

Francis X. Borgerding, Jr.
Name - Type or Print
Signature
409 Washington Avenue, Suite 600 Towson MD
Mailing Address City State
21204 / 410-296-6820 / borgerdinglaw@aol.com
Zip Code Telephone # Email Address

Case Number 2023-0178-SPTA Filing Date 8 / 31 / 2023 Do Not Schedule Dates _____ Reviewer CP

*Please also notify B. Bruce Park
3801 Baker School House Rd
Frederick, md 21033*

Zoning Hearing Petitions Being Requested

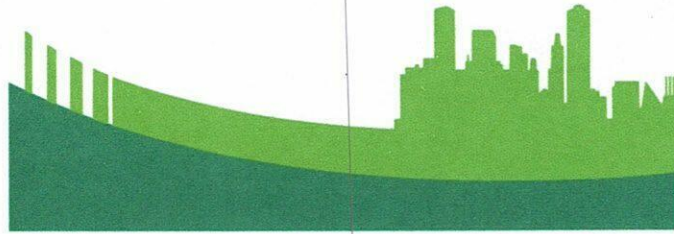
Special Hearing

To permit an accessory structure (garage) to be located on a parcel of land without a principal structure.

Variance

Variance to permit an accessory structure (garage) to have a height of 30 feet per Section 400.3 BCZR

2023-0178-SHA A



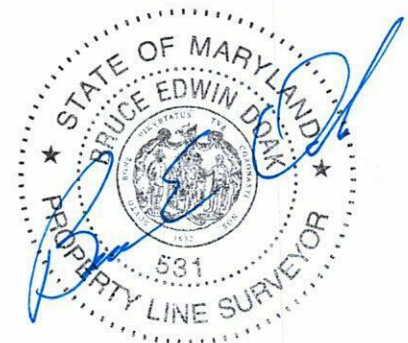
Zoning Description

North Side of North Wind Road- 16,240 Square Feet/ 0.37 Acre Parcel
Eleventh Election District Fifth Councilmanic District
Baltimore County, Maryland

Commencing at a point in the bed of North Wind Road, approximately 370 feet, more or less, easterly of the centerline of Nearbrook Lane, thence leaving the bed of North Wind Road and running North 24 degrees 00 minutes East 197 feet, more or less, to the zoning point of beginning, thence running with and binding on the outlines of the subject property, the four following courses and distances, viz 1) North 24 degrees 00 minutes East 322.78 feet, 2) South 73 degrees 30 minutes East 50.43 feet, 3) South 24 degrees 00 minutes West 329.36 feet and 4) North 66 degrees 00 minutes West 50 feet to the point of beginning.

Containing 16,240 Square Feet or 0.37 Acre of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2023-0178-SPHA

**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: 2023-0178-SPHA
Property Address: 3218 Northwind Rd
Parkville MD 21234

Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Susan Hoffstetter
Address: 3216 Northwind Rd
Parkville MD 21234

Telephone Number: 410-665-9597

*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.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 221174
8-31-
Date: 2023

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Obj | Dept | Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|--------------|------|-----|---------|--------|
| 001 | 826 | 0000 | | 0150 | | | | | 150.00 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Total: 150.00

Rec From: 3218 Northwind Rd

For: 2023-0178-SHA

DR2
23-0705

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

CF

Printed Checks 1-800-224-7821 7-7155/2520 **5394**

SUSAN M. HOFSTETTER
DWIGHT D. HOFSTETTER, SR.
3216 NORTHWIND ROAD
BALTIMORE, MD 21234-1217

Date July 21, 2023

Pay to the order of Baltimore County MD \$ 150.00
One hundred fifty 00 00 Dollars

ROSEDALE FEDERAL SAVINGS AND LOAN ASSOCIATION
WWW.ROSEDALEFEDERAL.COM

For hearing variance special Susan M Hofstetter

PRINTED ON RECYCLED PAPER USING VEGETABLE-BASED INKS Security Features included. Details on Back.

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 18, 2023

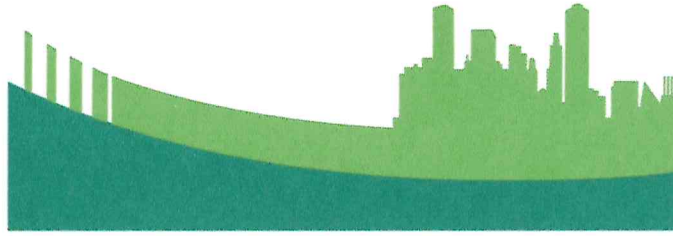
SUBJECT: DEPS Comment for Zoning Item # 2023-0178-SPHA
Address: 3218 NORTHWIND RD
Legal Owner: Susan Hofstetter

Zoning Advisory Committee Meeting of September 18, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn



CERTIFICATE OF POSTING

October 24, 2023

_____ amended for second inspection

Re:
Zoning Case No. 2023-0178-SPHA
Legal Owner: Susan Hoffstetter
Hearing date: November 13, 2023

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at rear of **3218 Northwind Road**.

The signs were initially posted on **October 24, 2023**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak". The signature is stylized and cursive.

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2023-0178-SPHA
Rear of 3218 Northwind Road

**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.**

DATE & TIME:
MONDAY NOVEMBER 13, 2023 10:00 AM

**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION
AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.**

REQUEST:

**SPECIAL HEARING TO PERMIT AN ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED ON A PARCEL OF LAND WITHOUT A
PRINCIPAL STRUCTURE. VARIANCE TO PERMIT AN
ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 30
FEET PER SECTION 400.3 BCZR.**

ZONING NOTICE

CASE NO. 2023-0178-SPHA

Rear of 3218 Northwind Road

**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.**

DATE & TIME:

MONDAY NOVEMBER 13, 2023 10:00 AM

**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
PLEASE GO TO WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION
AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.**

REQUEST:

**SPECIAL HEARING TO PERMIT AN ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED ON A PARCEL OF LAND WITHOUT A
PRINCIPAL STRUCTURE. VARIANCE TO PERMIT AN
ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 30
FEET PER SECTION 400.3 BCZR.**

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/5/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0178-SPHA

INFORMATION:

Property Address: 3218 Northwind Road
Petitioner: Susan Hofstetter
Zoning: DR 2
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To permit an accessory structure (garage) to be located on a parcel of land without a principal structure; and

Variance -

2. To permit an accessory structure (garage) to have a height of 30 feet per Section 400.3 of the Baltimore County Zoning Regulations.

The subject site is two parcels located in the Parkville area. The southern parcel (Tax ID 1106045450) is 8,360 square feet and is improved with a single-family detached dwelling and two sheds/accessory structures. The northern parcel (Tax ID 1106045452) is 16,240 square feet and is improved with a shed. Per aerial imagery available to the Department of Planning, the northern parcel appears to have mature trees, and the trees screen the existing shed from the public right of way.

Both parcels comprising the subject site are relatively narrow rectangles – according to County GIS, the southern parcel measure approximately 55’ by 160’, and the northern parcel measures approximately 50’ by 325’. According to the State Department of Assessments and Taxation, the Petitioner’s family appears to own many of the immediate surrounding parcels, including, but not limited to, 3210, 3214, 3216, and 3220 Northwind Road.

The subject site is primarily surrounded by single family detached residential dwellings. The dwellings appear to range in size, varying from one to two and a half stories in height. The lots range in size from 0.25 to 2+ acres.

Per the submitted site plan, the Petitioner wishes to construct a garage on the northern parcel, south of the existing shed. The garage is proposed to be 42’ in width, 60’ in length, and 27’ in height. The garage is

proposed to be located 25' in front of/to the south of the existing shed. Per the Department of Planning's calculations, the front of the structure will be approximately 380' back from Northwind Road.

The subject site is within the boundary of the Carney-Cub Hill-Parkville Community Plan, adopted May 3rd, 2010. The plan calls for new single-family detached dwellings to be consistent with the neighborhood they are part of in terms of size, height, architectural style, architectural detailing, roof design, materials, orientation, and setbacks (page I-2). The plan does not, however, comment on accessory structures.

The Department of Planning contacted the representative for the petition via email on September 19th, 2023 seeking additional information on the petition. In an October 2nd, 2023 reply, the site surveyor for the project explained the following:

- The garage requires a height of 30' in lieu of the permitted 15' so the peak can accommodate large equipment, and so storage space can be built into the attic trusses. Further, the proposed height is to accommodate a vehicle lift.
- The garage cannot be built on one of the neighboring properties owned by the Petitioner due to the surrounding properties slopes, and because none of the properties have a clearing of land large enough to accommodate a garage in the rear yard. There is one large enough spot on a parcel with a dwelling, however, the clearing is near the road and would be highly visible.
- No driveway is proposed to the structure. Any equipment will be driven over the grass. The garage will not store daily use vehicles.

Due to the unique nature of the lot for 3218 Northwind Road being separated into two lots, the Department of Planning has no objections to the Special Hearing request to permit an accessory structure (garage) to be located on a parcel of land without a principal structure. The proposed structure would not fit on the parcel with the dwelling for 3218, and the proposed location allows the structure to be tucked back and concealed from view from the public right of way.

Due to the structure being located approximately 380' back from Northwind Road, and the existence of mature trees, the Department of Planning has no objections regarding the request to permit an accessory structure (garage) to have a height of 30' in lieu of the maximum permitted 15', subject to the following conditions:

1. The accessory structure shall not be used for commercial uses or purposes; and
2. The existing mature trees shall be maintained to screen the structure from the public right of way to the greatest extent possible.

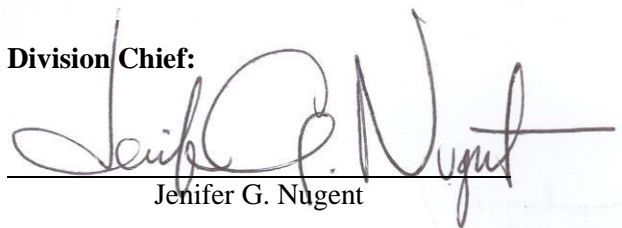
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Francis X. Borgerding, Jr.
Bruce Doak
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 11 Account Number - 1106045452

Owner Information

Owner Name: HOFSTETTER SUSAN M Use: RESIDENTIAL
Mailing Address: 3216 NORTHWIND RD Principal Residence: NO
BALTIMORE MD 21234-1217 Deed Reference: /31423/ 00252

Location & Structure Information

Premises Address: NORTH WIND RD Legal Description: LT NES NORTH WIND RD
0-0000 2640 E HARFORD RD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0071 0005 0598 11040038.04 0000 2024 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
16,240 SF 04

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

Value Information

| | Base Value | Value | | |
|--------------------|------------|------------|----------------------|------------|
| | | As of | Phase-in Assessments | |
| | | 01/01/2021 | As of | As of |
| Land: | 13,500 | 13,500 | 07/01/2023 | 07/01/2024 |
| Improvements | 0 | 0 | | |
| Total: | 13,500 | 13,500 | 13,500 | |
| Preferential Land: | 0 | | | |

Transfer Information

| | | |
|-----------------------------|----------------------|-----------------|
| Seller: HOFSTETTER SUSAN M | Date: 11/22/2011 | Price: \$83,000 |
| Type: ARMS LENGTH MULTIPLE | Deed1: /31423/ 00252 | Deed2: |
| Seller: FOLL CHARLES E | Date: 03/17/2011 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /30623/ 00109 | Deed2: |
| Seller: FOLL CHARLES E | Date: 10/13/2006 | Price: \$0 |
| Type: NON-ARMS LENGTH OTHER | Deed1: /24613/ 00307 | Deed2: |

Exemption Information

| | | |
|-----------------------------------|------------|------------|
| Partial Exempt Assessments: Class | 07/01/2023 | 07/01/2024 |
| County: | 000 | 0.00 |
| State: | 000 | 0.00 |
| Municipal: | 000 | 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:

20230178-SPHA

GENERAL INFORMATION

- Ownership: Susan M. Hofstetter
3216 North Wind Road Baltimore, MD 21234
- Address: North Wind Road
- Deed references: SM 31423/252
- Area: 16,240 sq. ft. / 0.37 acre (per SDAT)
- Tax Map / Parcel / Tax account #: 71 / 598 / 11-06-045452
- Election District: 11 Councilmanic District: 5
ADC Map: GIS tile: 071C1 Position sheet: 41NE21
Census tract: 411404 Census block: 24005411404
Schools: Seven Oaks ES Pine Grove MS Perry Hall HS
- The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 071C1 and the information provided by Baltimore County on the internet.
- Improvements: Shed. The existing shed will remain.

OFFICE OF ZONING

Zoning: DR 2 There are no previous zoning cases on the subject parcels.

DR 2 Setbacks for Accessory Structures

Front/ Side / Rear: 2.5 feet from a property line

ENVIRONMENTAL

Watershed: Lower Gunpowder Falls URDL land type: 1

- The subject property is not served by public or private utilities
- There are no underground storage tanks on the subject property.
- The subject property is not in the Chesapeake Bay Critical Area.
- The subject property is not located within a 100 year flood plain.

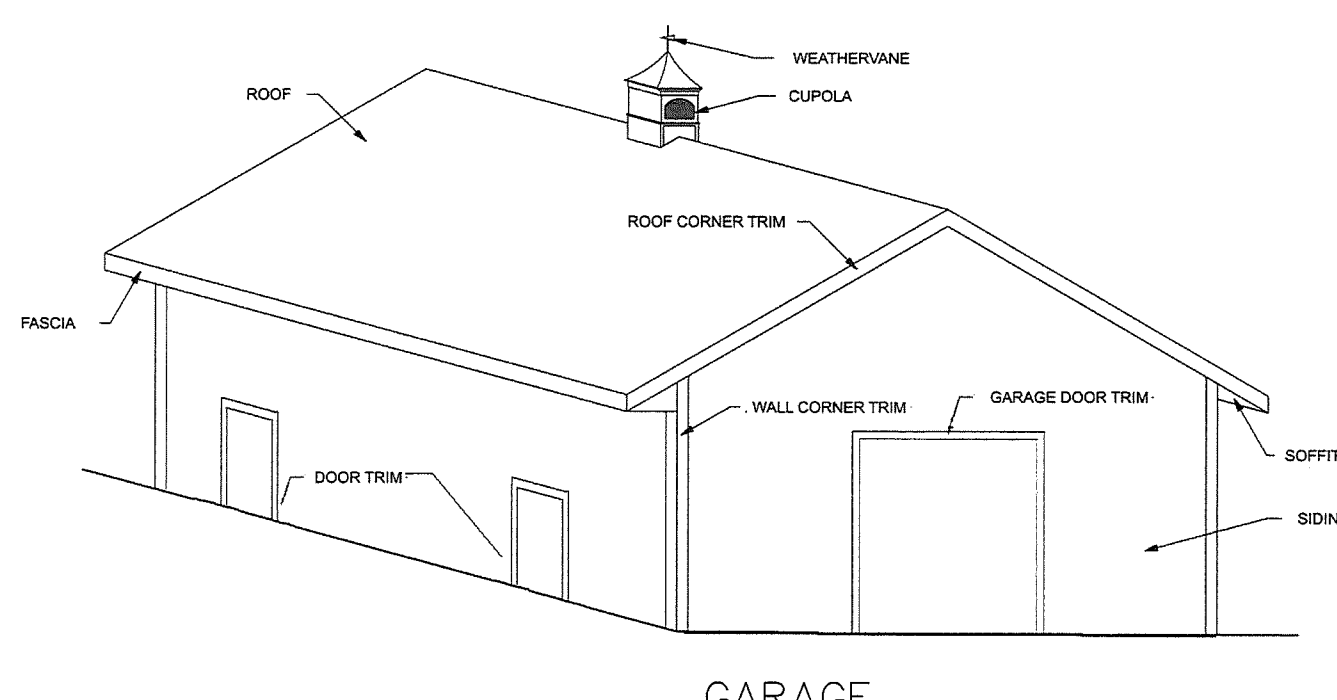
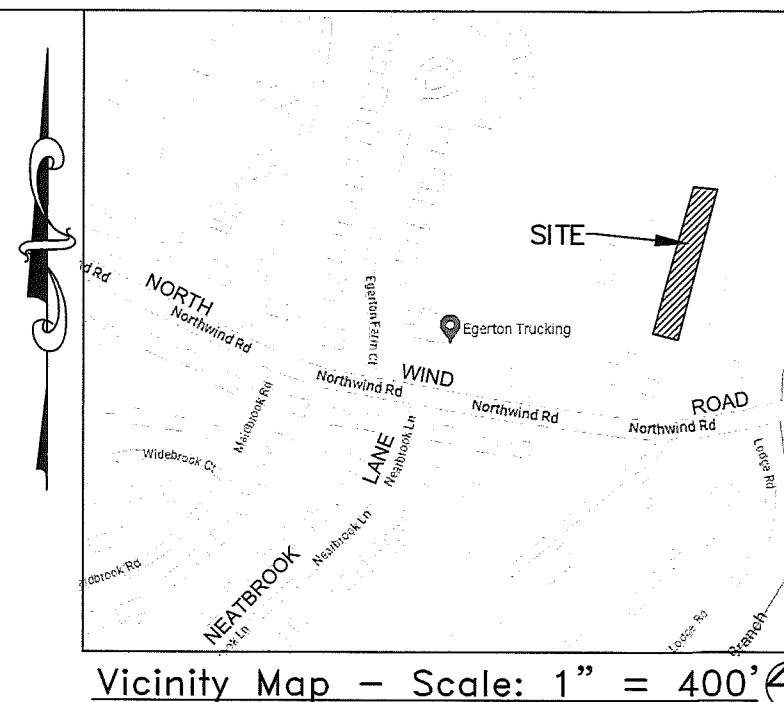
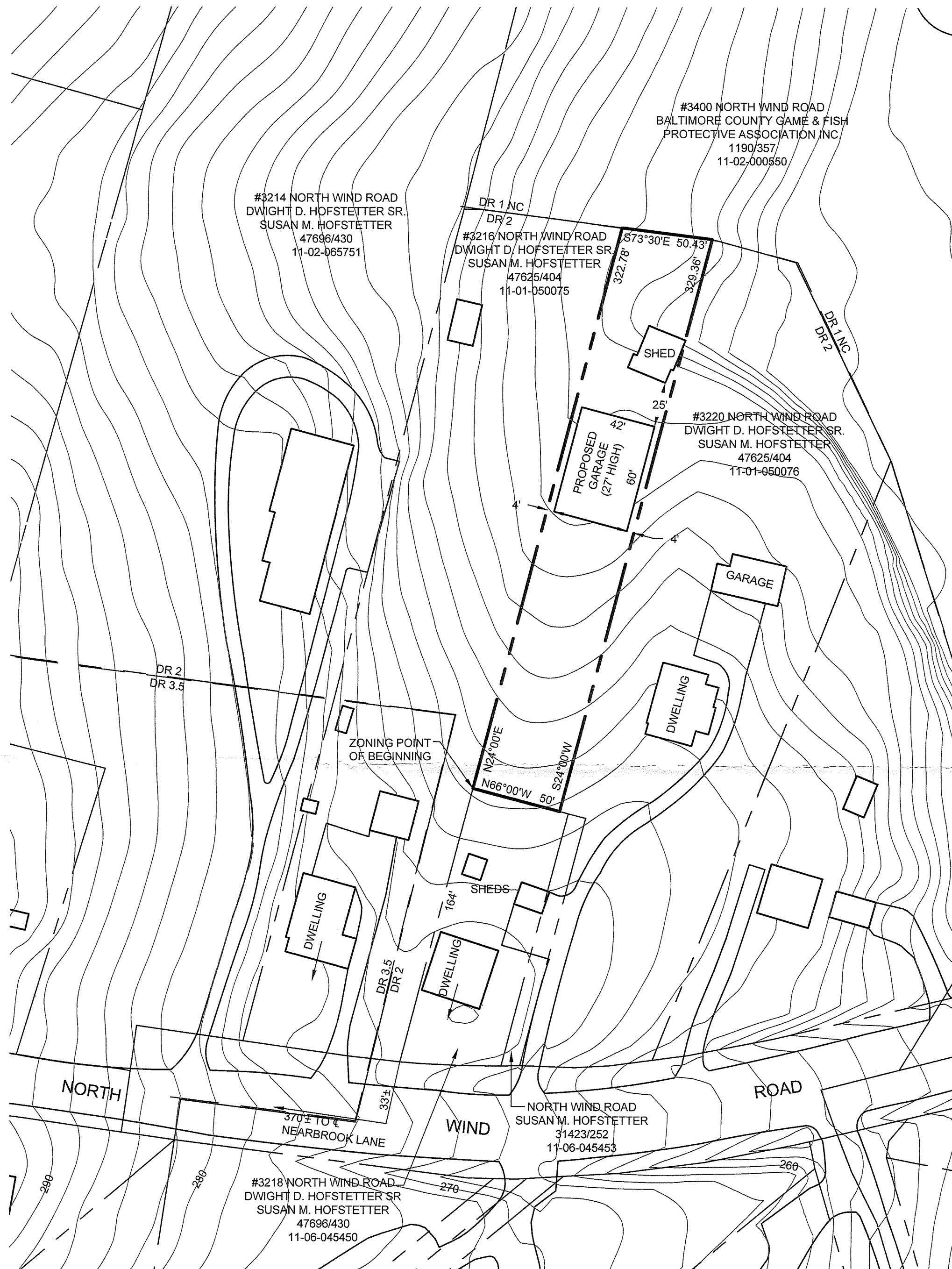
OFFICE OF PLANNING

Regional Planning District: Perry Hall / White Marsh District Code: 317

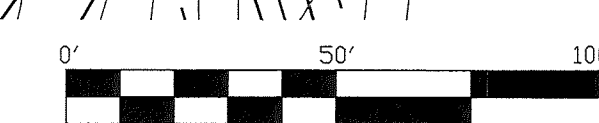
- The subject property is not in a historic district.

PROPOSED DEVELOPMENT

To construct a garage for residential use only.



GARAGE



REVISION



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR THE
SUSAN M. HOFSTETTER
PROPERTY
NORTH WIND ROAD
BALTIMORE COUNTY, MARYLAND
11th ELECTION DISTRICT 5th COUNCILMANIC DISTRICT

Date: 7/24/23
Scale: 1"=50'

2023-0178-SP#A