



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

December 14, 2023

Modupe Akintomide – dupejib@gmail.com
1011 Wampler Road
Middle River, MD 2122

RE: **CORRECTION - Address**
Petitions for Special Hearing & Variance
Case No. 2023-0191-SPHA
Property: **1011 Wampler Road**

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 be "DJB", written over a horizontal line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Dipo Akintomide – modipo@hotmail.com



JOHN A. OLSZEWSKI, JR.
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MAUREEN E. MURPHY
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December 14, 2023

Modupe Akintomide – dupejib@gmail.com
1011 Wampler Road
Middle River, MD 21220

RE: Petitions for Special Hearing & Variance
Case No. 2023-0191-SPHA
Property: 19925 Grave Run Road

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.

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DEREK J. BAUMGARDNER
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DJB:dlm
Enclosure

c: Dipo Akintomide – modipo@hotmail.com

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(1011 Wampler Road)	*	OFFICE OF
15 th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Modupe Akintomide		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	Case No. 2023-0191-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for a Special Hearing and Variance filed by legal owner and resident, Modupe Akintomide (“Petitioner”), for the property located at 1011 Wampler Road (the “Property”) in Middle River, Baltimore County, Maryland. A Special Hearing was filed pursuant to Baltimore County Zoning Regulation (“BCZR”) §500.7, to allow a detached accessory structure (garage) to be located in the side yard in lieu of the rear yard and to exceed the maximum height for accessory structures of 15 ft. pursuant to BCZR §§ 400.1 and 400.3. Petitioner further seeks variance relief to permit the construction of the accessory structure to a height of 20.3 ft.

The property is approximately 2.67 acres in land area and is currently improved by a single-family detached dwelling with driveway. The property is located in a DR-2 zone. The majority of the lot is forested with mature trees and the detached dwelling is owner-occupied.

A public hearing was conducted on December 6, 2023, using the WebEx virtual platform in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Modupe Akintomide, and Petitioner’s spouse, Dipo Akintomide, appeared *pro se*. There were no protestants or interested citizens at the hearing and the file does not contain any letters of opposition.

The following exhibits were received in the record and accepted into evidence:

- 1) Variance application;
- 2) Variance Hardship letter;
- 3) Site plan;
- 4) Zoning Advisory Committee ("ZAC") comment from the Department of Planning ("DOP") (Planning does not oppose the proposed relief);
- 5) Certificate of Public Posting;
- 6) Development Plans Review comment (PAI does not oppose the requested relief); and
- 7) Department of Environmental Protection & Sustainability comment (DEPS has no comment on the Petition)

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). "...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).

Petitioner submitted a hardship letter articulating her reasons for locating the proposed 20'3" tall accessory structure (garage) in the side yard of the property in lieu of the rear yard where accessory structures are permitted without Special Hearing relief. *Exhibit 2*. These reasons included maintaining the small open rear yard for unobstructed use as a "play area" with clear lines of sight to monitor family members in the rear yard. Petitioner explained that the requested height is necessary to accommodate a recreational vehicle (RV) that will be parked in the garage needing the additional height clearance above the 15-foot maximum height for accessory structures provided under BCZR §400.3. Mr. Akintomide, Petitioner's spouse, testified at the hearing that the side yard of the property was the only reasonable and cleared location to construct the accessory structure, as the rear of the property provided limited space without the clearing of mature trees. Moreover, as the purpose for the accessory structure (garage) is to house vehicles including an RV, locating the accessory structure in the side yard would provide more convenient access to the existing driveway for access to vehicles for residents of the property.

I find that the Petition satisfies the standards for a Special Hearing under BCZR §500.7. Further, the evidence provided satisfies Petitioner's burden that locating the proposed accessory structure with a height of 20.3 ft. in the side yard of the property as indicated in the Site Plan (*Exhibit 3*) will be compatible with the community and is generally consistent with the spirit and intent of the regulations. The proposed structure is to be constructed as a garage for vehicles and, save for its detached design, would be a common use and function if it were to be attached to the principal residence. For this reason, I find its location and height to be compatible with the community and generally consistent with the spirit and intent of the regulations.

VARIANCE

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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 site plan indicates that the lot enjoys substantial forest cover with mature trees. Petitioner's credible testimony supported by the Site Plan indicates that the only area available for construction without the need to clear trees is the existing side yard. *See Exhibit 3.*

The property's existing features including substantial forest cover, as well as its uniquely shaped panhandle lot, result in an orientation with the existing single-family dwelling being catty-corner to the single-family lots along Wampler Road south of the subject property, creating a neighborhood design in which the side yard of the subject property functions much like a rear yard-to-rear yard residential subdivision, rather than a typical side yard. This is unlike surrounding properties and necessitates variance relief as denial would result in practical difficulty in

constructing the proposed accessory structure in any other location on the property given the existing features and topography. As for height, while being constructed as a detached accessory structure, the location of the structure in the side yard a mere 12 feet from the single-family dwelling will make the garage appear to most adjoining properties because of their location as if it were attached, matching the height profile of the existing two-story single family dwelling and the predominantly two-story single-family dwellings that make up this neighborhood. This too is a unique feature of this lot's orientation to surrounding properties necessitating the grant of variance relief for the proposed height of 20.3 ft. in lieu of the maximum height of 15' under BCZR § 400.3.

THEREFORE, IT IS ORDERED, this 14th day of **December, 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR §500.7, to allow an accessory structure to be located on the side yard in lieu of the required rear yard and a height of 20.3 ft. in lieu of the required height of 15 ft. is **GRANTED**; and

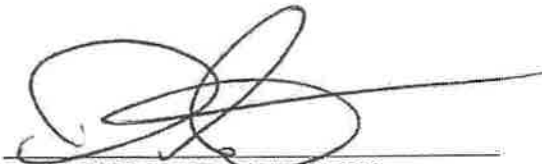
IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §§400.1 and 400.3 to permit a detached accessory structure to be built in the side yard due to the lot configuration in lieu of the rear yard and permit a height of 20.3 ft. is hereby, **GRANTED**.

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. Petitioner and/or subsequent owners shall not convert the accessory structure (garage) into any dwelling unit or apartment without first obtaining proper permitting relief, as required. The accessory structure (garage) shall not contain any sleeping quarters, living area, kitchen, or bathroom facilities;

3. The accessory structure (garage) shall not be used for any commercial, industrial, or business purposes;
4. The accessory structure (garage) shall not have separate utility or electric meters or connections and if electrified or serviced, such electrification or servicing shall be connected through the principal residence;
5. The Site Plan attached as Exhibit 3 is hereby incorporated into this Opinion and Order.

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

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DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB /dlm



Parcel#: 15-250009348
Address For Site Plan: 1011 Wampler Rd
City, State, ZIP: Middle River, MD 21220
Purpose of site plan: To apply for accessory structure permit

Scale: 1"=60'

Owner: AKINTOMIDE, MODUPE
Legal info: 2.670 AC 1011 WAMPLER RD ESR BICKEL
PROPERTY
Lot: 3 Block: N/A Section: N/A

Plat Ref: 79/ 260 Deed Reference: /44787/ 00229



Subdivision Name: Plat of
Bickel Property (9260)

Zoning: DR2

Election District: 15

Council District: 5

Plat book #: JLE 78

Folio#: N/A

Lot Area Acreage: 2.67

Lot Square Footage:
116305 SF

Historic: No

Flood plain: No
CBCA: No

Water Is Public

Sewer Is Public

No prior hearings.





JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
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December 14, 2023

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Sincerely,

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DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

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constructing the proposed accessory structure in any other location on the property given the existing features and topography. As for height, while being constructed as a detached accessory structure, the location of the structure in the side yard a mere 12 feet from the single-family dwelling will make the garage appear to most adjoining properties because of their location as if it were attached, matching the height profile of the existing two-story single family dwelling and the predominantly two-story single-family dwellings that make up this neighborhood. This too is a unique feature of this lot's orientation to surrounding properties necessitating the grant of variance relief for the proposed height of 20.3 ft. in lieu of the maximum height of 15' under BCZR § 400.3.

THEREFORE, IT IS ORDERED, this 14th day of **December, 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR §500.7, to allow an accessory structure to be located on the side yard in lieu of the required rear yard and a height of 20.3 ft. in lieu of the required height of 15 ft. is **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §§400.1 and 400.3 to permit a detached accessory structure to be built in the side yard due to the lot configuration in lieu of the rear yard and permit a height of 20.3 ft. 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;
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3. The accessory structure (garage) shall not be used for any commercial, industrial, or business purposes;
4. The accessory structure (garage) shall not have separate utility or electric meters or connections and if electrified or serviced, such electrification or servicing shall be connected through the principal residence;
5. The Site Plan attached as Exhibit 3 is hereby incorporated into this Opinion and Order.

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

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DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB /dlm



Parcel#: 15-250009348
Address For Site Plan: 1011 Wampler Rd
City, State, ZIP: Middle River, MD 21220
Purpose of site plan: To apply for accessory structure permit

Scale: 1"=60'

Owner: AKINTOMIDE, MODUPE
Legal info: 2.670 AC 1011 WAMPLER RD ESR BICKEL
PROPERTY

Lot: 3 Block: N/A Section: N/A

Plat Ref: 79/ 260 Deed Reference: /44787/ 00229



Subdivision Name: Plat of
Bickel Property (9260)

Zoning: DR2

Election District: 15

Council District: 5

Plat book # JLE 79

Folio# N/A

Lot Area Acreage: 2.67

Lot Square Footage:
116305 SF

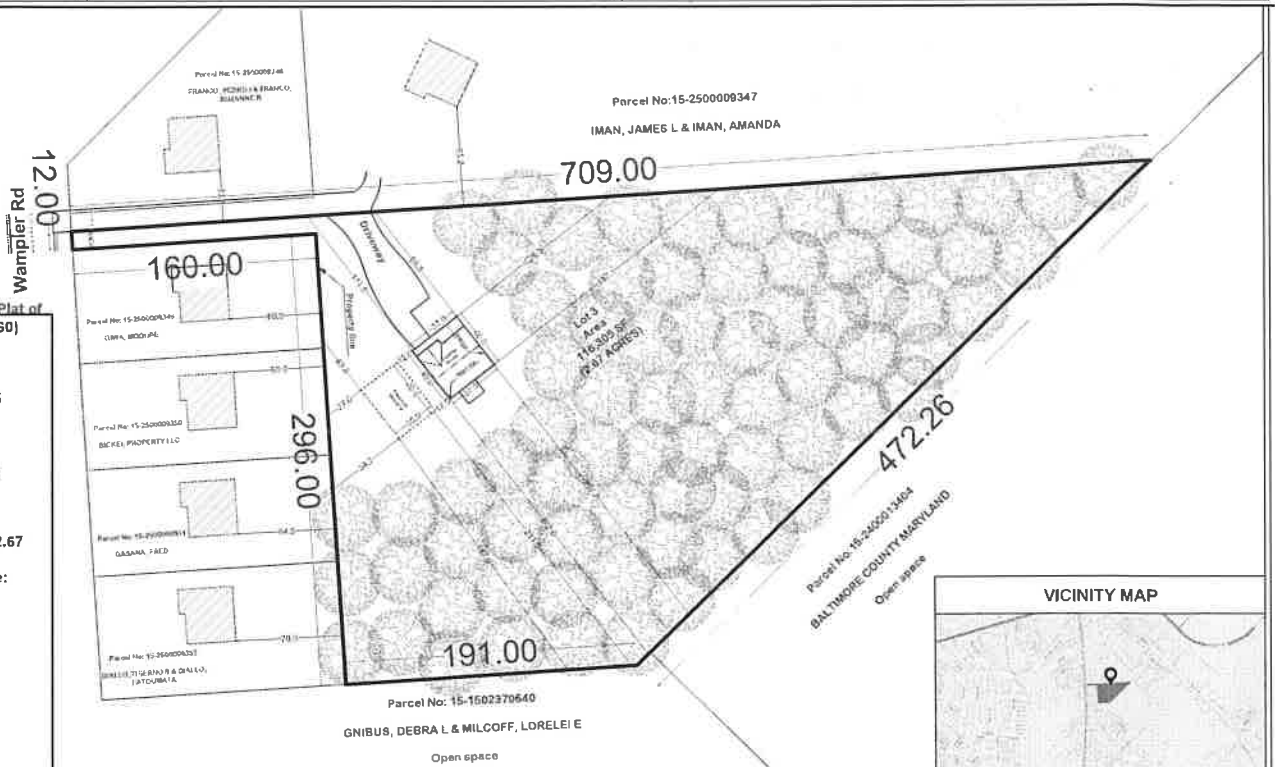
Historic: No

Flood plain: No
CBCA: No

Water is Public

Sewer is Public

No prior hearings.





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 1011 Wampler Rd, Middle River, MD 21220 Currently Zoned Residential DR-2
Deed Reference 44787 / 0229 10 Digit Tax Account # 2 5 0 0 0 0 9 3 4 8
Owner(s) Printed Name(s) Modupe Akintomide

(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

To allow an accessory structure to be located on the side yard in lieu of the required rear yard and a height of 20.3 feet in lieu of the required height of 15 feet.

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

3. ☒ **a Variance** from Section(s)

400.1 and 400.3; To permit a detached accessory structure to be built on the side yard due to the lot configuration in lieu of the rear yard and permit a height of 20.3 feet in lieu of the required height of 15 feet.

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)

Due to lot configuration and to better protect the play area on the rear yard, the accessory structure is proposed for the side yard. The 20.3 feet height is needed for access of an RV camper, while the size is needed for storage of my cars.

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 _____

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Modupe Akintomide /
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
1011 Wampler Rd, Middle River MD
Mailing Address _____ City _____ State _____
21220 / 443-805-3234 / dupejib@gmail.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Modupe Akintomide
Name - Type or Print _____
Signature _____
1011 Wampler Rd, Middle River MD
Mailing Address _____ City _____ State _____
21220 / 443-805-3234 / dupejib@gmail.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2023-0191-01A Filing Date 4 / 18 / 23 Do Not Schedule Dates _____ Reviewer TR

Modupe F. Akintomide
1011 Wampler Rd
Middle River MD 21220
September 9, 2023

Baltimore County Zoning
111 West Chesapeake Ave
Towson MD

To Whom it May Concern

I am writing to seek an area and height variance for a proposed accessory structure that I wanted to add to my single-family home at 1011 Wampler Road, Middle River MD 21220.

This will be a variance from section(s) 400.1 and 400.3 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. I am requesting permission to build a detached accessory structure to be built on the side yard due to the lot configuration in lieu of the rear yard and variance to permit a height of 20.3 feet in lieu of the required height of 15 feet. The 20.3 feet height is needed for access of an RV camper, while the size is needed for storage of my family cars. The rear yard play area could be better protected and leaving the play area in the rear yard allows for easy ingress and egress from the deck area and the basement and improves safe monitoring of family members. The topography of the lot will make it unnecessarily burdensome to build the accessory structure in the rear yard.

Granting this variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which my property is located. Also, granting this variance would have no effect on any adjoining properties or cause any detriment to the common good, as the strict application of the applicable zoning requirements of section(s) 400.1 and 400.3 would cause substantial undue and unnecessary hardship.

Sincerely,



Modupe Akintomide

2023-0191-SP1+A

THE ZONING PETITION PROPERTY DESCRIPTION

Three (3) typed copies (separate pages) of the zoning description of the property is required. Standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, are too wordy but some of the information must be used. (Note: Old deed information such as perches or a stone, etc. cannot be used as is.) Read your deed, your location survey and your State Assessment record to determine which of the three options you should use. DO NOT PHOTOCOPY THE DESCRIPTION IN THE DEED. The zoning property description must comply with Part A and Part B:

PART A:

ZONING PROPERTY DESCRIPTION FOR 1011 Wampler Rd, Middle River MD 21220

*Also known as Lot numbered three (3) on the plat entitled "Plat of the Bickel Property" The plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book JLE 79 at Plat No. 260. Beginning 160 feet on the east side of Wampler Road which is 12 feet wide at the distance of 1300 feet south of the centerline of the nearest improved intersecting street, Bird River Road, which is at least 32 feet wide.

PART B:

OPTION 2: (Subdivision Lot – lot is part of record plat):

Being Lot # (3), Block (n/a), Section # (n/a) in the subdivision of "Plat of Bickel Property " (9260) as recorded in Baltimore County Plat Book # JLE 79 Folio # (n/a), containing 350,200 total square feet. Located in the 15 Election District and Voting Precinct 15-007.

Modupe F. Akintomide
1011 Wampler Rd
Middle River MD 21220
September 9, 2023

Baltimore County Zoning
111 West Chesapeake Ave
Towson MD

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I am writing to seek an area and height variance for a proposed accessory structure that I wanted to add to my single-family home at 1011 Wampler Road, Middle River MD 21220.

This will be a variance from section(s) 400.1 and 400.3 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. I am requesting permission to build a detached accessory structure to be built on the side yard due to the lot configuration in lieu of the rear yard and variance to permit a height of 20.3 feet in lieu of the required height of 15 feet. The 20.3 feet height is needed for access of an RV camper, while the size is needed for storage of my family cars. The rear yard play area could be better protected and leaving the play area in the rear yard allows for easy ingress and egress from the deck area and the basement and improves safe monitoring of family members. The topography of the lot will make it unnecessarily burdensome to build the accessory structure in the rear yard.

Granting this variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which my property is located. Also, granting this variance would have no effect on any adjoining properties or cause any detriment to the common good, as the strict application of the applicable zoning requirements of section(s) 400.1 and 400.3 would cause substantial undue and unnecessary hardship.

Sincerely,



Modupe Akintomide

2023-0191-SP1+A

**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: 2023-0191-SPHA
Property Address: 1011 Wampler Rd, Middle River. MD 21220
Legal Owners (Petitioners): Modupe Akintomide
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Modupe Akintomide
Address: 1011 Wampler Rd,
Middle River
MD 21220
Telephone Number: 443-805-3234

*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.

Revised 3/2022

CERTIFICATE OF POSTING

CASE NO. 2023-0191-SPHA

PETITIONER/DEVELOPER

Modupe Akintomide

DATE OF HEARING/CLOSING

December 6, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1011 Wampler Rd

Sign 2



THE SIGN(S) POSTED ON November 13, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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 28, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0191-SPHA
Address: 1011 WAMPLER RD.
Legal Owner: Modupe Akintomide

Zoning Advisory Committee Meeting of October 2, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 9/27/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0191-SPHA

INFORMATION:

Property Address: 1011 Wampler Road
Petitioner: Modupe Akintomide
Zoning: DR 2
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To allow an accessory structure to be located in the side yard in lieu of the required rear yard, and to allow a height of 20.3 feet in lieu of the permitted 15 feet;

Variance -

2. From Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations to permit a detached accessory structure to be built on the side yard due to the lot configuration in lieu of the required rear yard, and to permit a height of 20.3 feet in lieu of the permitted 15 feet.

The subject site is a 2.67 acre property in the Middle River area that is improved with a single family detached dwelling and a driveway. The lot is a panhandle lot and, per the site plan and aerial imagery available to the Department of Planning, the majority of the lot is forested with mature trees. The lot is part of the Bickel Property Development (PAI # 15-0924), which was approved in 2008 for a Major Subdivision of seven (7) single family detached dwellings. On the subject site, there is a relatively small clearing of the trees where the dwelling was constructed. The largest clearing of trees around the home appears to be to the west of the home, where the Petitioners propose to construct a 40 foot x 30 foot detached garage structure.

Uses surrounding the subject site to the north, west, and south are primarily single family detached residential dwellings. Dwellings range in size from one to two and a half stories in height. The dwellings immediately west of the subject site (1003, 1005, 1007, and 1009 Wampler Road, which are part of the Bickel Property Development Plan) are two and a half stories in height. East of the subject site is forested land, which is owned by Baltimore County, according to the State Department of Assessments and Taxation, and is listed as a forest buffer easement and forest conservation reservation. Per Google Streetview from May of 2023 and aerial imagery available to the Department of Planning, there is

minimal landscaping between the west of 1011 Wampler Way and the east of 1007 and 1009 Wampler Way.

The subject site is within the boundaries of the Middle River-Bird River Area Plan, the Middle River Community Plan of 2007, the Windless Run/Bird River Road Area Community Plan, the Eastern Baltimore County Revitalization Strategy, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The adopted community plans outline strengths, weaknesses, and recommendations for the plan areas. The Middle River-Bird River Area Plan, adopted January 2002, states that new residential development should be adequately buffered from public roads for aesthetic purposes, and homes with backs or sides facing the public road should have an attractive appearance (page B-2).

Per the letter submitted with the petition, the Petitioner is requesting relief for the location of the accessory structure due to the lot configuration, the topography of the rear yard, and easier ingress/egress to the garage, as the side yard will be easier to access with the location of the existing driveway. The Petitioner is requesting relief for the height of the accessory structure to accommodate access for an RV camper.

The proposed location of the garage allows the Petitioner to construct the structure without needing to remove trees. The proposed increased height of the garage is only by 5.3 feet; due to the height of the existing, surrounding homes, the increased height will not dominate the landscape. For the aforementioned reasons, the Department of Planning has no objections to the requested relief, subject to the following conditions:

1. Due to the lack of landscaping between the western boundary of the subject site and the eastern boundaries of 1007 and 1009 Wampler Way, the west elevation of the accessory structure will be highly visible from the neighboring properties, as well as from the public right-of-way. As such, the west elevation shall not be left blank.
2. The Department of Planning recommends the garage be consistent with the dwelling in terms of design and materials.

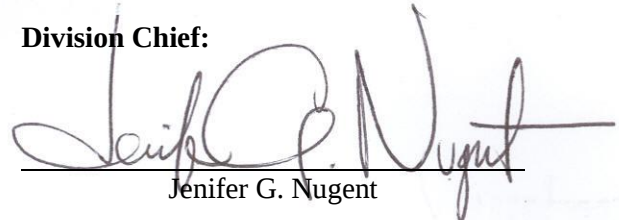
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Modupe Akintomide
Ainsley Jacobs, Community Planner
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Search Result for BALTIMORE COUNTY

View GroundRent Registration

Account Identifier: District - 15 Account Number - 2500009348

Owner Name:	AKINTOMIDE MODUPE	Use:	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1011 WAMPLER RD MIDDLE RIVER MD 21220-1816	Deed Reference:	/44787/ 00229

Premises Address:	1011 WAMPLER RD MIDDLE RIVER 21220-1816	Legal Description:	2.670 AC 1011 WAMPLER RD ESR BICKEL PROPERTY
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0082	0024	0658	15040028.04	9260			3	2024	Plat Ref: 79/ 260

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2013	1,845 SF		2.6700 AC	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNITS	SIDING/4	2 full/ 1 half	2 Attached		

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	105,000	105,000		
Improvements	245,200	245,200		
Total:	350,200	350,200	350,200	
Preferential Land:	0			

Seller: AKINTOMIDE DIPO	Date: 05/26/2021	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /44787/ 00229	Deed2:
Seller: BICKEL PROPERTY LLC	Date: 03/20/2018	Price: \$329,000
Type: ARMS LENGTH IMPROVED	Deed1: /40065/ 00454	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

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

Homestead Application Status: No Application

Homeowners' Tax Credit Application Status: No Application Date:

2023-0191-SPTA

R16

PAI # 150845

PAI # 150845

PAI # 150845

Pt. Bk./Folio # 079353

2500011341

2500011340

Pt. Bk. 0000079, Folio 0353

1600014073

1512740540

Lot # 2
2500009347

Pt. Bk. 0000079, Folio 0260

1506571460

1017

1013

2500009346

PAI # 150924

Pt. Bk./Folio # 079260

PAI # 150924

PAI # 150924

PAI # 150924

082C3

5 CD

NE 5-I

Lot # 4
2500009349

1973-0130-X

Middle River Community Plan (2007)

1011

2500009348

Martin State Airport Restriction

Lot # 3

Middle River - Bird River Area Plan

15 ED

DR 2

2500009350

Lot # 5

2500009351

Lot # 6

PAI # 150855

PAI # 150855

2500009352

Lot # 7

PAI # 150813

PAI # 150813

R-1975-0062
R-1994-0341

2400013404

Pt. Bk./Folio # 078081

Pt. Bk. 0000078, Folio 0081

2006-0176-A

1001

1502370640

Pt. Bk. 0000050, Folio 0144

2500001568

2500001567

Lot # 15
705

Pt. Bk. 0000078, Folio 0186
2500001566

Lot # 13
709

2500001565

PAI # 150836
2500001564

711

Lot # 12

2500001563

Lot # 11

KRISTY MICHELE CT

Lot # 1
2005-0263-A

2500001553

PAI # 150836

2008-0436-SA

Pt. Bk./Folio #

PAI # 150836

PAI # 150836

2500001554

Lot # 2

Lot # 3
2500001555

2005-0263-A

Lot # 9
2500001561

728

090C1

2500001562

715

2500001560

2500001570

1502005020
931 1516601103

1513201721

DR 3.5

WAMPLER RD

WAMPLER RD

22 PAI # 150706

2200007589

1900011666

Pt. Bk./Folio # 050144A
1900011667
PAI # 150855

Lot # A
1900011668

936

1513204000

2023-0191-SPHA

COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

APPROVED SIGN POSTERS

J. Lawrence Pilson, R.S.
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lpilson@hotmail.com

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Martin Ogle
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mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
fopie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.

