



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

January 4, 2024

Myrna Ferrera – ferreamyrna@gmail.com
7206 Birch Avenue
Dundalk, MD 21222

RE: Petitions for Special Hearing & Variance
Case No. 2023-0208-SPHA
Property: 7206 Birch Avenue

Dear Petitioner:

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Derek J. Baumgardner", is written over a blue circular stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure
c: Robert Duprey - rsduprey@verizon.net

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(7206 Birch Avenue)	*	OFFICE OF
12 th Election District		
7th Council District	*	ADMINISTRATIVE HEARINGS
Myrna Ferrera		
Legal Owner	*	FOR BALTIMORE COUNTY
 Petitioner	*	 Case No. 2023-0208-SPHA
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) on a Petition for Special Hearing and Variance filed by legal owner, Myrna Ferrera (the “Petitioner”), for the property located at 7206 Birch Avenue, Dundalk (the “Property”). A Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7, to permit an accessory building (detached garage) with a larger building footprint than the principal dwelling, and for variance relief from BCZR §400.3 to permit the proposed accessory building (garage) to have a height of 16.2 ft. in lieu of the maximum allowed 15 ft.

A public hearing was conducted on December 7, 2023, using the virtual WebEx platform in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner appeared *pro se*. Numerous community members attended and testified in opposition to the requested relief including Jeffrey Urlahs, Jeffrey Kolb, Kenneth Mugrage, and Marie Smith. Also, the file contains written testimony from Ms. Martha Koehler in opposition to the Petition.

The following exhibits were submitted and admitted into the record: (1) Site Plan; (2) Elevation Drawings; (3) GIS; (4) Photographs from Petitioner; (5) Zoning Advisory Committee (“ZAC”) comments (no objection); and (6) Photographs from community members.

Findings of Fact

Petitioner, Myrna Ferrera, requests relief by way of Special Hearing to approve an accessory building (garage) with a larger building footprint than the principal structure, a single-family dwelling. Further, Petitioner requests variance relief for the accessory building (garage) for a height of 16.2 ft. in lieu of the maximum height of 15 ft. permitted under BCZR Section 400.3. The proposed accessory building (garage) has already been constructed without proper permits. For purposes of zoning relief, this matter is heard *ex post facto*.

The Property is approximately 18,251 sq. ft. and is zoned DR 5.5. The Property is improved with a single-family dwelling with approximately 1,032 sq. ft. of floor area. The proposed accessory building (garage) is approximately 1,400 sq. ft. Petitioner testified that she plans to expand the home by enclosing the existing carport increasing the floor area of the home to 1,370 sq. ft., but still shy of the 1,400 sq. ft. accessory building (garage) to avoid the requirement of relief by Special Hearing. Petitioner testified that she filed for building permits to effectuate same but had not yet begun work.

Petitioner testified that the purpose of the garage is for storage of household items. Petitioner acknowledged that commercial construction materials, vehicles, and machinery have been located on site but that those materials, vehicles, and machinery have since been relocated to a properly permitted site in Baltimore City. When asked by this Administrative Law Judge, Petitioner stated that she now understood that commercial activity of any type was not permitted at the Property and that commercial operations, materials, vehicles, and machinery could not be located on the Property except under proper permit.

As for community testimony, Marie Smith, an adjoining property owner, testified regarding prior commercial operations occurring in the accessory building (garage). She stated

that commercial activity at this property was a nuisance to the community. Mr. Jeffrey Urlahs reiterated Ms. Smith's testimony regarding commercial activity at the property including the presence of commercial vehicles and machinery, as well as stormwater issues in front of the subject property along Birch Avenue as a result of driveway improvements. Jeffrey Kolb reiterated comments regarding commercial activity and added that he has personally witnessed Bobcats, cement mixers, and utility trucks on site. Kenneth Mugrage testified to commercial activity on the property as well as construction materials including scaffolding and Bobcats and stated that he "wanted to keep anything commercial out" of this quiet residential community. Several community members mentioned this property's proximity to Norwood Elementary School, across Birch Avenue from the Property, with small children that may be negatively impacted or at risk from construction equipment and vehicles at the Property. Lastly, the file contains a written statement from Martha Koehler, a community member, regarding alleged commercial activity occurring on the Property accompanied by photographs purportedly indicating same. In general, community testimony focused predominantly on perceived and prohibited commercial activity occurring at this property and did not address the existing garage, except for Ms. Smith who testified that the garage was "very large."

Conclusions of Law

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). 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).

An 'accessory structure' such as a detached garage must meet the definition in BZCR §101.1 as follows:

ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building.

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served;

* * * *

While the alleged commercial activity occurring at this property is concerning, I find that the requested accessory building (garage) for use as accessory to the residential dwelling and used exclusively for storage associated with the single-family home satisfies the requirements of BZCR §101.1. The existing one-story single-family home is small in size at only 1,032 sq. ft. of floor area. A detached garage with the floor area proposed is a reasonable accessory use for this property. Moreover, the difference between the 1,032 sq. ft. home and the 1,400 sq. ft. accessory building (garage) will be decreased upon completion of the proposed home addition that will increase the home's footprint to 1,370 sq. ft., just 30 sq. ft. shy of the 1,400 sq. ft. accessory building (garage),

thus mitigating the contrasting sizes of the structures. For these reasons, I find good cause to grant Special Hearing relief to permit the construction of this accessory building (garage) with a larger footprint than the principal structure as it remains subordinate in purpose to the principal use and structure.

VARIANCE

The Petition also requests a variance from BCZR § 400.3 to permit the proposed height of 16.2 ft. in lieu of the maximum permitted height of 15 ft. for an accessory building.

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 proposed accessory building (garage) is permitted by right save for the size of its footprint exceeding the size of the principal structure, and for purposes of a variance analysis, the structure's height, which exceeds the 15 ft. maximum by 1.2 ft., topping out at 16.3 ft. The property lies

across Birch Avenue from public ball fields and Norwood Elementary School. To the west of the Property and from which the existing accessory building (garage) is most visible lies an unimproved lot that is larger in size than most other lots in this residential subdivision. The existing single-family dwelling on the Property is a one-story structure with approximately 1,032 sq. ft. of floor area. The photographs included with the Petition, marked as Exhibit 4, do not provide height or scale of the single-family dwelling in relation to the accessory building (garage). However, these photographs do seem to indicate that the home and garage generally match one another in height, scale, and massing from the perspective of the public right of way.

For these reasons, I find that special circumstances or conditions exist that are peculiar to this property where strict compliance with the Zoning Regulations for Baltimore County with respect to accessory building height would result in practical difficulty for Petitioner. I further find that this minimal height variance is in strict harmony with the spirit and intent of said height regulations and that granting relief will not injure the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 4th day of **January, 2024**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR §500.7 to permit a proposed garage (accessory building) with a larger building footprint than the principal dwelling be and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §400.3 to permit to permit the proposed accessory building (garage) to have a height of 16.2 ft. in lieu of the maximum allowed 15 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; and

2. No commercial activities are permitted at this property except under proper permit;
3. No storage of commercial or construction materials, equipment, vehicles or machinery shall occur at this property except under proper permit;
4. The proposed accessory building (garage) shall not be used as living or sleeping quarters, shall not be permitted to access separate electric, water, or other utilities apart from the existing single-family dwelling, and shall remain accessory to the principal use of the property as a single-family dwelling; and
5. This zoning authorization does not mitigate or abrogate previously issued or pending citations or require the reduction in fines or fees imposed by PAI for work without a permit.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm

23-0702 JC



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 7206 Birch Ave Dundalk MD 21222 Currently Zoned DR 5.5
Deed Reference 46035 / 00094 10 Digit Tax Account # 1219052040
Owner(s) Printed Name(s) Myrna Ferrera

(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

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 _____

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Myrna Ferrera
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Myrna Ferrera
Signature #1 _____ Signature #2 _____
7206 Birch Ave Dundalk MD
Mailing Address _____ City _____ State _____
21222-9518232313 ferreramyrna@gmail
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

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

Case Number 2023-0208-SP-17A Filing Date 10/11/23 Do Not Schedule Dates _____ Reviewer SC

Attachment

Special Hearing

Special Hearing:

BCZR 500.7 to permit a proposed garage (accessory building) with a larger footprint than the principal dwelling.

Variance

BCZR, Section 400.3, to permit the proposed pole barn to have a height of 16.2 feet in lieu of the maximum allowed 15 feet.

PROPERTY DESCRIPTION

PART A

Beginning at a point on the west side of Birch which is 60' of right-of-way width wide at the distance of 153' feet northeast of the centerline of the nearest improved intersecting street Rita Rd which is 50' of right-of-way width wide.

PART B

Beginning for the same at the beginning of the first or north 26 degrees forty-five minutes East 466.00-foot line of that which by deed dated September 9, 1918 and recorded among land records of Baltimore County in Liber W.P.C. 504, folio 334. Thence for line of division North thirty-nine degrees West 159.34 feet to a pipe in the fourth or south 26 degrees 27 minutes West 263.30-foot line of the aforementioned. South 26 degrees 27 minutes West 115 feet to the pipe now set at the end of said fourth line, thence binding on the fifth line of said deed Containing 0.419 acres of land more or less.

2023.0206-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: 2023-0208-SPMA

Property Address: 7206 Birch Ave.

Legal Owners (Petitioners): MYRNA FERRERA

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____

Address: _____

Telephone Number: _____

*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.

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 CITATION

Citation Case No. CB2200639 Facility No. _____ Property No. 1219052040 Zoning: _____

Name(s): MYRNA D. FERRERA

Address: 7206 BIRCH AVE, DUNDALK, MD 21222

Violation Location: 7206 BIRCH AVE, DUNDALK, MD 21222

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2015 BALTIMORE COUNTY CODE SECTION 35.2 301 304
- REQUIRED PERMIT

2015 BALTIMORE COUNTY COUNCIL BILL 40-15 PART 115.1
- REQUIRED INSPECTIONS

2015 BALTIMORE COUNTY COUNCIL BILL 40-15 PART 121.3
- FAILURE TO COMPLY WITH BUILDING OFFICIAL'S

BUILT ACCESSORY STRUCTURE (GARAGE) IN REAR SIDE YARD
OF SFH PROPERTY WITHOUT REQUIRED PERMITS OBTAINED
AND NO INSPECTIONS AS REQUIRED. COMPLAINT RECEIVED
9/14/22; CITATION ISSUED 2/22/23; POST-DONED COURT 3/30/2023.

Pursuant to the Baltimore County Code, as a result of the violation(s) cited herein a civil penalty has been assessed in the amount indicated.

\$ 15,000

A quasi-judicial hearing has been pre-scheduled in the Jefferson Building, Room 205, 105 W. Chesapeake Avenue, Towson, MD 21204

DATE: 7 / 26 / 2023 TIME: 9:00 A.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: C. BELL

Inspector Signature: [Signature]

Date: 6 / 29 / 2023

COPIES: PINK-AGENCY, YELLOW-VIOLATION SITE, GOLD-DEFENDANT, WHITE-INSPECTOR

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 CITATION

Citation Case No. CB2200639 Facility No. _____ Property No. 1219052040 Zoning: _____

Name(s): MYRNA D. FERRERA

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Violation Location: 7206 BIRCH AVE, DUNDALK, MD 21222

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Inspector Printed Name: C. BELL

Inspector Signature: [Signature]

Date: 6 / 29 / 2023

COPIES: PINK-AGENCY, YELLOW-VIOLATION SITE, GOLD-DEFENDANT, WHITE-INSPECTOR

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

No. 226608

Date: 8/10/23

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 150.00
Total:									\$ 150.00

Rec From: FERRERA

For: ZONING VARIANCE + SPECIAL HEARING
(CASE # TBD)

7206 BIRCH AVE.

DISTRIBUTION

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

CASHIER'S
VALIDATION

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

FERRERA K CONSTRUCTION LLC

7206 Birch Ave
Dundalk, MD 21222
443-898-2800

M&T Bank
3401 Eastern Ave
Baltimore, MD 21224

7-11/520

2370

PAY TO THE ORDER OF Baltimore County \$ 150.00

One Hundred and Fifty Dollars — 00/100 DOLLARS

MEMO 7206 Birch Ave



Melina Ferrera
AUTHORIZED SIGNATURE

MP

⑈0002370⑈ ⑆052000113⑆ 9866239313⑈

Security features included. Details on back.

CERTIFICATE OF POSTING

Date: NOVEMBER 14, 2023

RE: Project Name: 7206 BIRCH AVENUE #1

Case Number /PAI Number: 2023-0208-SPHA

Petitioner/Developer: FERRERA

Date of Hearing/Closing: DECEMBER 7, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7206 BIRCH AVENUE

The sign(s) were posted on NOVEMBER 14, 2023
(Month, Day, Year)

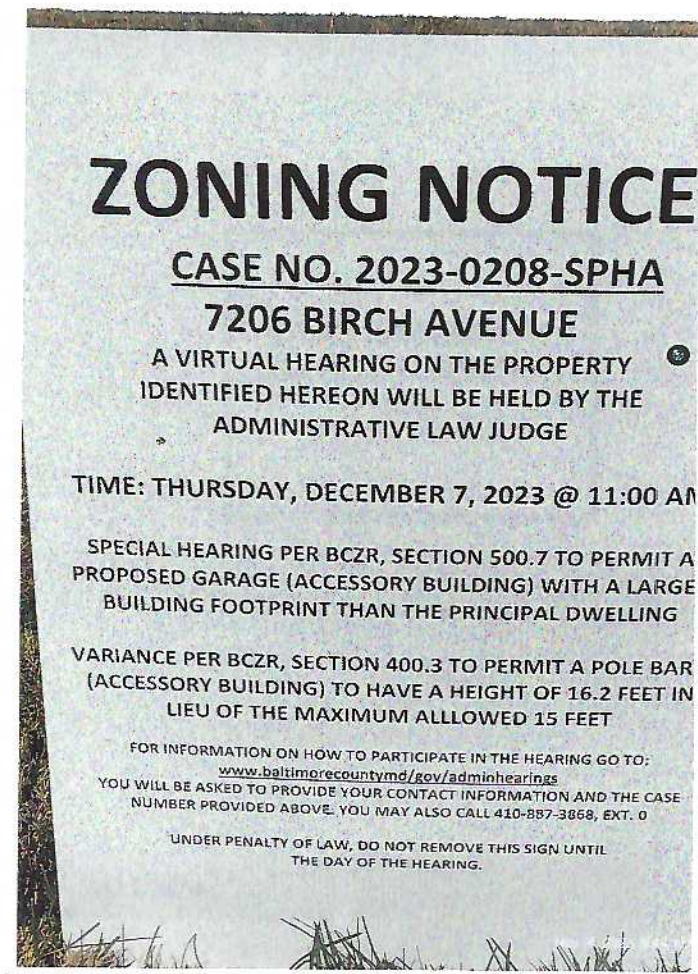

(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



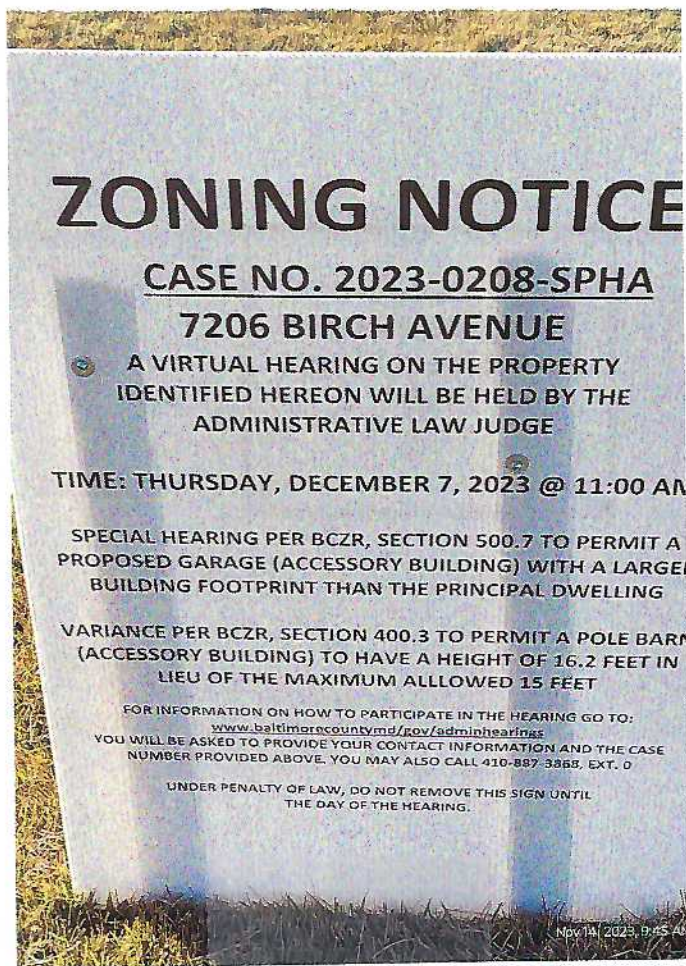
CERTIFICATE OF POSTING

Date: NOVEMBER 14, 2023

RE: Project Name: 7206 BIRCH AVENUE #2
Case Number /PAI Number: 2023-0208-SPHA
Petitioner/Developer: FERRERA
Date of Hearing/Closing: DECEMBER 7, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7206 BIRCH AVENUE

The sign(s) were posted on NOVEMBER 14, 2023
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

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: October 16, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0208-SPHA
Address: 7206 BIRCH AVE
Legal Owner: Myrna Ferrera

Zoning Advisory Committee Meeting of October 23, 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: 10/19/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-208-SPHA

INFORMATION:

Property Address: 7206 Birch Avenue
Petitioner: Myrna Ferrara
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. From Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to permit a proposed garage (accessory building) with a larger footprint than the principal dwelling; and

Variance -

2. From Section 400.3 of the BCZR to permit the proposed pole barn to have a height of 16.2 feet in lieu of the maximum allowed 15 feet.

The subject site is an approximately 18,251 square foot parcel in the Dundalk area. Aerial imagery available to the Department from May of 2023 and Google Streetview imagery from May of 2023 show that the site is improved with a one story, single family detached dwelling with an attached carport; two driveways, one to the north and one to the south of the dwelling; a wooden privacy fence; the detached garage, which is the subject of this Zoning Petition; and a pool. The driveway to the north of the home leads to the detached garage; the driveway to the south of the home leads to the existing carport. Per the State Department of Assessment and Taxation, the property is homeowner occupied.

The detached garage is located to the north of the existing dwelling, as shown on the site plan submitted with the Petition. It measures 28 feet by 50 feet, and is set 3 feet off the side property line (between 7206 and 7208 Birch Avenue) and 3 feet off the rear property line, per the submitted site plan. The structure is 1,400 square feet.

The subject site is primarily surrounded by single family detached residential dwellings, as well as two schools – Norwood Elementary School and Holabird Middle School. The site is within the boundaries of the Greater Dundalk-Edgemere Community Conservation Plan and the Eastern Baltimore County Revitalization Strategy. The Greater Dundalk-Edgemere Community Conservation Plan, adopted March

20th, 2000, encourages increasing homeownership rates, promoting healthy neighborhoods, and strengthening Code Enforcement, however, no guidance specific to the Petition at hand was identified.

The subject site has one active Code Enforcement – Case Number CB2200639. The complaint was submitted on September 14th, 2022 for the construction of an accessory structure without a permit. Per Citizen Access, the case is on a monitor status with Code Enforcement. The detached garage has two pending Building Permit applications for the construction of the detached garage. The first, R22-09816, was applied for on September 21st, 2022 and was marked as a Resubmit Required from Permit Processing on September 26th, 2022, as an Accessory Structure Letter and a site plan were required. The second, R23-05634, was applied for on July 25th, 2022 and was marked as a Resubmit Required from Permit Processing on July 28th, 2023, as a Variance and an Accessory Structure Letter were required.

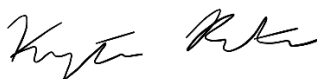
The Department of Planning contacted the property owner via email on October 16th, 2023 seeking additional information on the petition. The property owner explained that the square footage of the existing home is 1,032 square feet, but that she is currently working with an engineer to apply for a Building Permit to enclose the existing carport. The enclosed carport will be used as a bedroom and will add 338 square feet to the home, making the home 1,370 square feet upon completion. The Department of Planning confirmed that a Building Permit was pending review for the enclosure of the existing carport as of the date of these comments. The permit number is R23-05633. During the phone call, the property owner explained that the detached garage was needed to store the property owners' cars, as the neighborhood has had multiple car break-ins.

The detached garage is 368 square feet larger than the existing home. Upon completion of the enclosure of the carport, the detached garage will be 30 square feet larger than the home. The increased height is 1.2 feet. The Department of Planning finds these increases to be minimal. Because of this, the Department of Planning has no objections to the requested relief, subject to the following conditions:

1. The detached garage shall not be used for commercial purposes;
2. The detached garage shall not be converted into a dwelling unit or apartment;
3. A Building Permit shall be obtained for the construction; and
4. Code Enforcement Case Number CB2200639 shall be closed out.

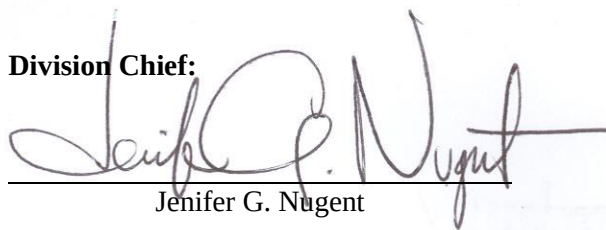
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

C: Myrna Ferrara
David Birkenthal, Community Planner
Maria Mourgridis, 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 - 12 Account Number 1219052040

Owner Information

Owner Name: FERRERA MYRNA D Use: RESIDENTIAL
Principal Residence: YES

Mailing Address: 7206 BIRCH AVE
BALTIMORE MD 21222-1212 Deed Reference: /46035/ 00094

Location & Structure Information

Premises Address: 7206 BIRCH AVE
BALTIMORE 21222-1212 Legal Description: .419 AC
7206 BIRCH AVE
600 SW OF 48TH ST

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0103	0004	0138	12010017.04	0000				2024	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1956	1,032 SF	513 SF	18,251 SF	04

Stories	Basement	Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNIT	SIDING/ 4	1 full	1 Carport	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	64,800	64,800		
Improvements	81,700	81,700		
Total:	146,500	146,500	146,500	
Preferential Land:	0			

Transfer Information

Seller: SMOLKO MARY LEE	Date: 12/15/2021	Price: \$235,000
Type: ARMS LENGTH IMPROVED	Deed1: /46035/ 00094	Deed2:
Seller: SMOLKO ALBERT F	Date: 04/01/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16265/ 00378	Deed2:
Seller: SMOLKO JOHN	Date: 10/29/1955	Price: \$1,000
Type: ARMS LENGTH IMPROVED	Deed1: /02807/ 00293	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	0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: Completed without credit for 2022 Date: 06/10/2021

Map NO: 103 B1

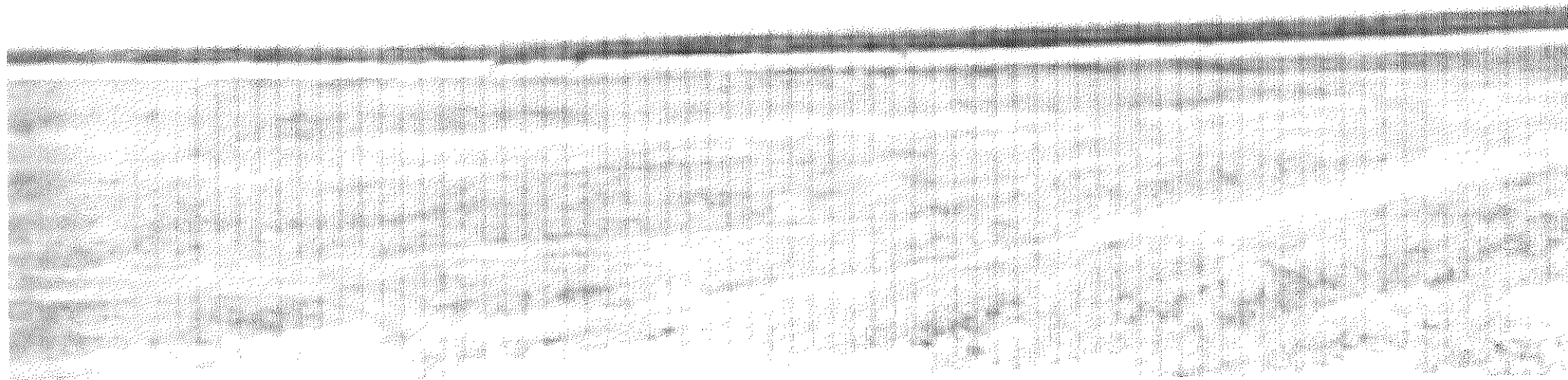
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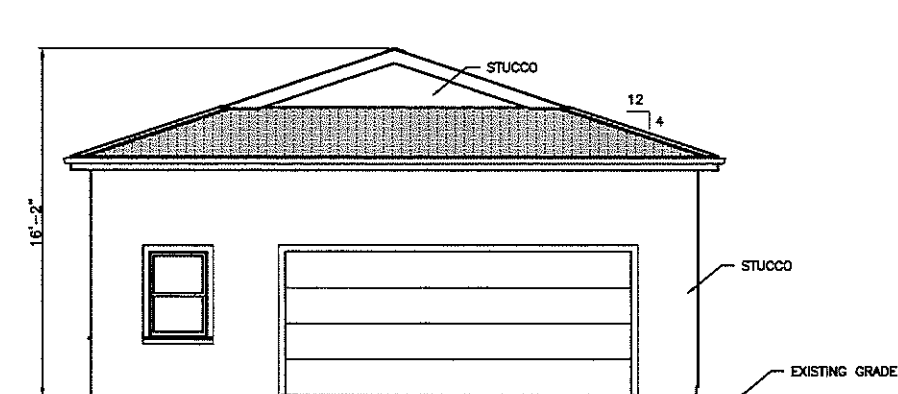
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2023-0208 SRHA 1/1



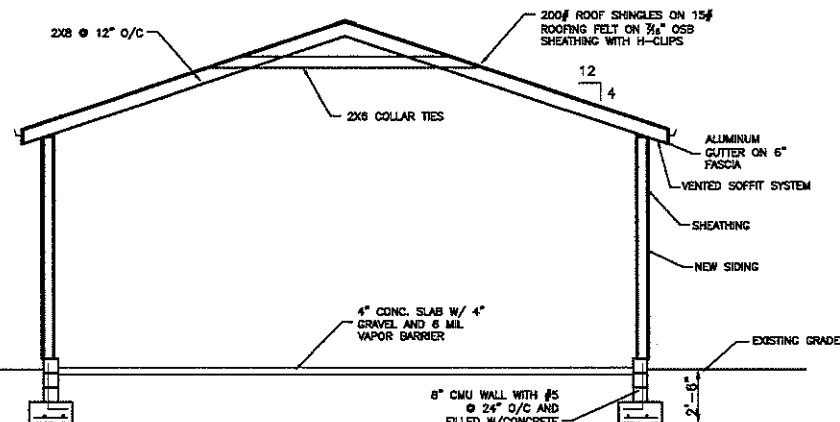






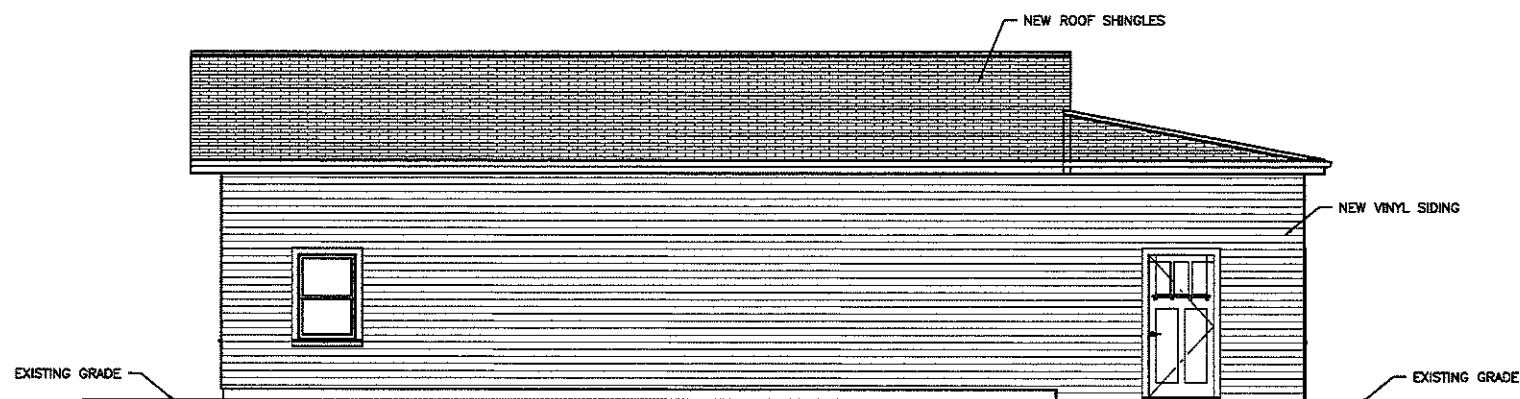
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



SECTION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"

ARENCO LLC

1840 HILL CREST
PULASKI, MD 21770
TEL: (410) 418-1000 • FAX: (410) 874-8424

PROJECT TITLE
RENOVATION AND ADDITION

PROJECT ADDRESS
**7206 BIRCH AVE
DUNDALK, MD 21222**

SHEET TITLE
ELEVATION / SECTION

DISCLAIMER

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED
OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER
UNDER THE LAWS OF THE
STATE OF MARYLAND, LICENSE
NO. 23001 EXPIRATION DATE:
04/24/2025



PROJECT NUMBER

R23-057

DRAWN BY

SP

APPROVED BY

PP

DATE

07-20-23

ORIGINAL SHEET SIZE

36X24
SHOULD MEASURE 1"

SCALE

AS SHOWN

DRAWING

G5



2023.0208.SPMA