

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 28, 2023

Ebere L. Ohaneje – <u>ohaneje21@gmail.com</u> 9005 Bruno Road Randallstown, MD 21133

RE:

CORRECTED OPINION ANNO ORDER

Case No. 2023-0227-A Property: 9005 Bruno 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,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB :dlm Enclosure

c: David Billingsley – <u>dwb0209@yahoo.com</u> Ms. Morgan – <u>nette15@msn.com</u> IN RE: PETITION FOR VARIANCE (9005 Bruno Road)

2nd Election District
4th Council District
Ebere Ohaneje

Legal Owner

* BEFORE THE

* OFFICE OF ADMINISTRATIVE

* HEARINGS OF

* BALTIMORE COUNTY

Petitioner * CASE NO. 2023-0227-A

* * * * * * * * *

CORRECTED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by the legal owner, Ebere Ohaneje ("Petitioner") for property located at 9005 Bruno Road, Randallstown (the "Property"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR") § \$ 1B02.3.C.1 and 301.1 to permit an existing carport (open-projection building without a permit, citation number CB2300476) with a side setback of 0 ft., in lieu of the required 7.5 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioner appeared at the hearing. David Billingsley appeared and assisted the Petitioner. Mr. Billingsley prepared the site plan. (Pet. Ex.

1) There were no Protestants or other interested persons who appeared at the hearing.

Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP"), Department of Plans Review ("DPR"), and Department of Environmental Protection and Sustainability ("DEPS"). DOP opposed the requested relief.

The Property is 8,645 sq. ft., +/- and zoned DR 5.5. Mr. Billingsley testified that Mr. Ohaneje employed the services of a contractor who constructed a carport up to the property line. A Code Enforcement complaint was filed by a neighbor with a case number of CB2300476,

however, no neighbors appeared in opposition during the Webex hearing. (Pet. Ex. 2) The property is located in the Woodgate subdivision. (Pet. Ex. 5) A review of an aerial photograph provided by the Petitioner reveals that there is nothing irregular as to the shape or size of the Petitioner's property in relation to the surrounding neighborhood. (Pet. Ex. 6)

The carport at issue has been built to the property line. Metal sheeting has been added to the side of the carport facing the adjacent neighbor's property. Additionally, a non-see-through fenced gate encloses the carport from street view. (Pet. Ex. 1A) Mr. Billingsley explained that while other residences in the area have added carports, none fully extend to the property line.

Petitioner, Ebere Ohaneje testified that he lives at the property with his wife and two brothers. He explained that his household owns four cars in total and that he has experienced problems with vandalism and his cars have been damaged when parked on the street. He explained that the carport was added for security purposes.

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 general rule is that "the authority to grant a variance should be exercised sparingly and only under exceptional circumstances." *Mueller v. People's Counsel for Baltimore* County, 177 Md. App. 43, 71(2007). This is because "a variance is an authorization for that which is prohibited by a zoning ordinance." *Cromwell v. Ward*, 102 Md. App. 691, 699 (1995). And because "citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations." *Salisbury Bd. Of Zoning Appeals v. Bounds*, 240 Md. 547, 555-56 (1965). Therefore,

"[t]he burden is on the applicant to show facts to warrant a variance," and "the specific need for

the variance must be substantial and urgent and not merely for the convenience of the applicant."

Mueller v. People's Counsel for Baltimore County, 177 Md. App. at 70.

Mr. Billingsley candidly acknowledged that Mr. Ohaneje had his carport constructed

without a permit and without variance relief. The Petitioners now seeks variance relief as a result

of a Code Enforcement Citation that was generated by citizen complaint. Mr. Bilingsley also

acknowledged that while other residents in the community have carports, none are built to the

property line. While Mr. Ohaneje testified that parking on the street created a hardship for his

family due to vandalism, there was no testimony presented addressing the issue of "uniqueness"

required in the Cromwell analysis. Petitioner's Ex. 5 & 6 illustrate the fact that the Petitioner's

property is not uncommon in size or shape from neighboring properties and no evidence has been

offered to establish otherwise. Consequently, the Petitioner has failed the satisfy the requirements

of the Cromwell analysis and the requested variance relief must be denied.

THEREFORE, IT IS ORDERED, this 27th day of December 2023, by the Administrative

Law Judge for Baltimore County, that the Petition for Variance from the BCZR § § 1B02.3.C.1

and 301.1 to permit an existing carport (open-projection building without a permit, citation number

CB2300476) with a side setback of 0 ft., in lieu of the required 7.5 ft., is hereby **DENIED**.

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

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB/dlm

3



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 27, 2023

Ebere L. Ohaneje – <u>ohaneje21@gmail.com</u> 9005 Bruno Road Randallstown, MD 21133

RE: Petitions for Variance

Case No. 2023-0227-A Property: 9005 Bruno Road

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Ms. Morgan - nette15@msn.com

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Petitioner

* BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS OF

* BALTIMORE COUNTY

* CASE NO. 2023-0227-A

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The Property is 8,645acres +/- and zoned DR 5.5. Mr. Billingsley testified that Mr. Ohaneje employed the services of a contractor who constructed a carport up to the property line. A Code Enforcement complaint was filed by a neighbor with a case number of CB2300476,

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

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB/dlm

3



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

Office of Administrative Hearings for Baltimore County for the property located at:

Address 9005 BRUNO ROAD	earings for Dankinore County	, , , , , , , , , , , , , , , , , , , ,	· E E
Deed Reference	46.00	Currently Zoned <u>DP</u> 0707653950	1929
Owner(s) Printed Name(s) EBERE L. OHI	10 Digit Tax Account # _ ANEJE	020200000	***
	3	I/C) AND ADDRIO THE DETITION	I DECUECTS
(SELECT THE HEARING(S) BY MARKING X AT TH		•	•
he undersigned, who own and occupy the property situate in B sereof, hereby pelition for an:	laitimore County and which is de	scribed in the plan/plat attached h	iereto and madé a part
a Special Hearing under Section 500.7 of t	ho Zoning Postulations of	Daltimona County to date	and the national field and
or not the Zoning Commissioner should approve	ne zoning Kegulations of	balumore County, to determ	nine whether
	6) Ca		
a Special Exception under the Zoning Reg	ulations of Baltimore Cou	nty to use the herein descri	bed property for
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. X a Variance from Section(s)			
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citation # CB2300476) with a side set		The state of the s	iout a permit,
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roperty is to be posted and advertised as prescribed by the zor	ning regulations.		
we agree to pay expenses of above petition(s), advertising, po- altimore County adopted pursuant to the zoning law for Baltimore	ore County,		
egal Owner(s) Affirmation: I / we do so solemnly declare and high is the subject of this / these Petition(s).	affirm, under the penalties of pe	rjury, that I / We are the legal owr	er(s) of the property
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Contract Purchaser/Lessee:	Legal Owners (Petition	•	
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COLUMN TARREST TO TO TO THE TARREST	7 Provide Do Not	Cuedule Dates	Reviewer

ZONING DESCRIPTION 9005 BRUNO ROAD

Beginning for the same at a point on the south side of Bruno Road (50 feet wide) distant 185 feet westerly from its intersection with the center of McDonough Road, thence being all of Lot 3, Block A as shown on the plat entitled Woodgate, recorded among the Baltimore County plat records in Plat Book 30 Folio 47.

Containing 8645 square feet or 0.198 acre of land, more or less.

Being known as 9005 Bruno Road. Located in the 2ND Election District, 4TH Councilmanic District of Baltimore County, MD.

2023-0227-A



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 9005 BRUNO ROAD	Currently Zoned
Deed Reference <u> </u>	10 Digit Tax Account # 0707653950
Owner(s) Printed Name(s) EBERE L. OH/	AYEJE !
(SELECT THE HEARING(S) BY MARKING \underline{X} AT TH	E APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
The undersigned, who own and occupy the property situate in B hereof, hereby petition for an:	altimore County and which is described in the plan/plat attached hereto and made a part
 a Special Hearing under Section 500.7 of to or not the Zoning Commissioner should approve 	he Zoning Regulations of Baltimore County, to determine whether
2 a Special Exception under the Zoning Reg	ulations of Baltimore County to use the herein described property for
3. X a Variance from Section(s)	
	nit an existing carport (open-projection built without a permit, back of 0 feet in lieu of the required 7.5 feet.
Baltimore County adopted pursuant to the zoning law for Baltimo	ing regulations:
Contract Purchaser/Lessee:	Legal Owners (Petitioners): EBERELL OHANELE
Name - Type or Print	Name #2 - Type or Print Name #2 - Type or Print
Signature	Signature #1 Signature #2 9005 BRUNO ROAD RANDALLS TOWN MD.
Mailing Address City State	Malling Address City State 21133 (443) 683-5347, chang 21 E
ip Code Telephone # Email Address	Zip Code : rejephone # 8 (Cell and nome) Einai Address
Attorney for Petitioner:	Representative to be contacted:
Name - Type or Print	Name Type or Print Of Ellewesty
Signature	Signature : GOI CHARWOOD CT. EDGEWOOD MD
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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:	
Property Address: 9005 BRUNO ROAO	
Legal Owners (Petitioners): EBERE L. OHANEJE	
Contract Purchaser/Lessee:	
PLEASE FORWARD ADVERTISING BILL TO: Name: Company/Firm (if applicable): EBEZE L. OHANEJE	
Address: 9005 BRUNO ROAD	
RANDALISTOWN, MD. 21/33	

^{*}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.

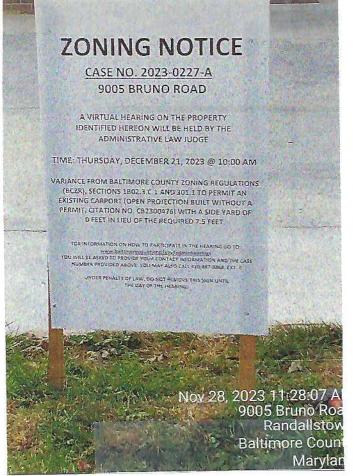
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9005 BRUNO RO

CERTIFICATE OF POSTING

Date: NOVEMBER 29, 2023

RE:	Project Name:	9005 BRUNO ROAD #1
	Case Number /PAI Number:	2023-0227-A
	Petitioner/Developer:	OHANEJE
	Date of Hearing/Closing:	DECEMBER 21, 2023
were	Probabilities to the control of the	enalties of perjury that the necessary sign(s) required by law property located at9005 BRUNO ROAD
	The sign(s) were posted on _	NOVEMBER 28, 2023 (Month, Day, Year)
		David Billingsless



(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 29, 2023

RE:	Project Name:	9005 BRUNO ROAD #2
	Case Number /PAI Number:	2023-0227-A
	Petitioner/Developer:	DHANEJE
	Date of Hearing/Closing:	DECEMBER 21, 2023
were	1 F1 YF1 U YF1 - 460 - 100 40 U WIN WOLD WIN WOLD WOLD WOLD WOLD WOLD WOLD WOLD WOLD	nalties of perjury that the necessary sign(s) required by law roperty located at9005 BRUNO ROAD
	The sign(s) were posted on _	NOVEMBER 28, 2023 (Month, Day, Year)



(Month, Day, Year)

David Bullingsley
(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

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 11/14/2023

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0227-A

INFORMATION:

Property Address: 9005 Bruno Road **Petitioner:** Ebere L. Ohaneje

Zoning: DR 5.5 **Requested Action:** Variance

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

Variance -

1. From BCZR Sections 1B02.3.C.1 & 301.1 to permit an existing carport (open-projection built without a permit, citation #CB2300476) with a side setback of 0 feet in lieu of the required 7.5 feet.

The proposed site is a 0.198 acre property that is surrounded by predominantly residential uses. The proposed site has previous zoning case history and is not in any historic district.

The existing land use is currently a residential, single-family use property zoned DR 5.5. The requested relief for setbacks of an existing carport, as said in the above request, creates an undesired visual encumbrance onto the adjacent neighbor and the public right-of-way. It is understood that the variance request was driven by a code violation (CB2300476). The property also has building complaints for previous development/construction on the site without a permit. The accessory structure is currently existing and both the front and rear of the lot has been converted into hardscape.

As currently exists, the dwelling provides extensive impervious surfacing with a carport design that does not compliment the existing character of the neighborhood. The permittance of the carport could set a design precedence that could alter the established streetscape and neighborhood. The Department does not support the requested variance relief. Should the variance relief be granted by the Administrative Law Judge, The Department of Planning offers the following recommendations:

- 1) The property as it currently exists has too much paving. Convert, to the extent possible, the hardscape back to pervious surface, complying with any landscaping guidelines required by the Baltimore County Landscape Architect.
- 2) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for D.R. 5.5 zoned property and
- 3) The plan meets all additional conditions as required by the Administrative Law Judge.

For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:

Krystle Patchak

Kyte Rte

SL/JGN/KP

David Billingsley
Daphne Daly, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Division Chief:

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: November 13, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0227-A

Address: 9005 BRUNO RD Legal Owner: Ebere Ohaneje

Zoning Advisory Committee Meeting of November 13, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CB2300476

Record ID

Assigned To

Assigned Date

Received Date

Status

Compliance Date

Hearing Date

CB2300476

Property

9005 BRUNO RD

Tax Id: 0202653950

Haroon Baksh

08/01/2023

08/01/2023

Correction Notice Issued

10/30/2023

Complaint Description: Description: neighbor at 9005 is getting a structure built within the building guidelines closer then it suppose to on property coding. the structure is over the allowed

footage from my property to there property.

OneView Id: 179353 Device Type: Apple

Device Model: iPhone 11 Pro Max

RANDALLSTOWN, MD 21133

<u>Owner</u>

OHANEJE EBERE L 9005 BRUNO RD

RANDALLSTOWN, MD 21133-0000

Complainant

Tammy Dobie 9007 Bruno rd

randalistown MD, 21133

4433928399

tdobie830@gmail.com

Inspection Details

Inspector

Date

<u>Service</u>

Result

<u>Action</u>

Complied On

Haroon Baksh

10/03/2023

Initial Inspection

Correction Notice Issued

Correction Notice

Issued

Haroon Baksh

Re-Inspection

Scheduled

Lien Information - No Lien

Comments Detail

10/3/2023: 10/3/2023 Violation carport built on property line. Correction notice issued to remove on or before 10/30/2023

Posted and mailed

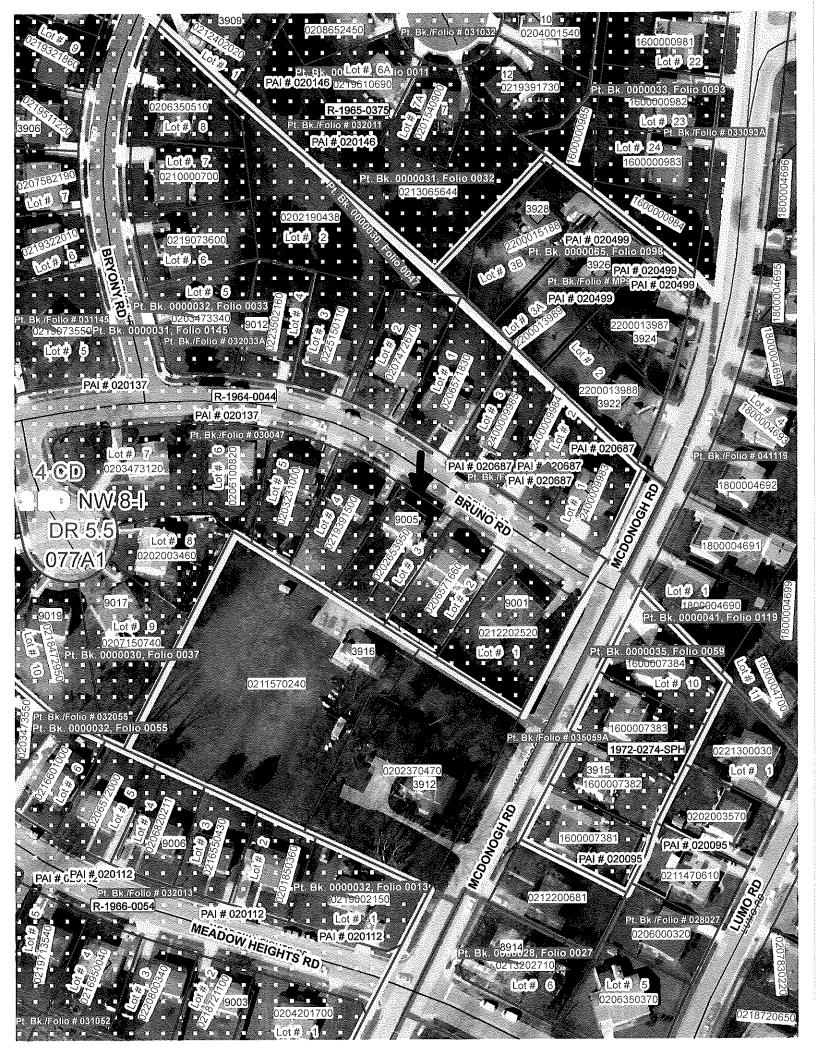
****HB/nrc***

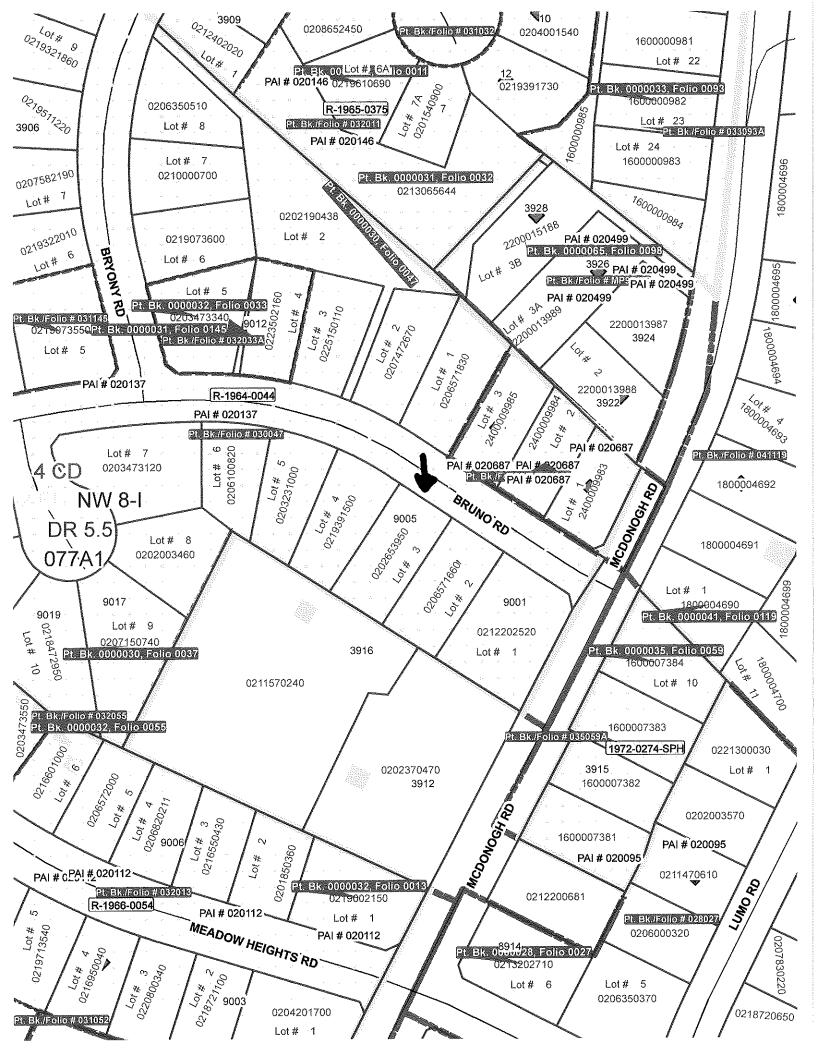
Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map V	lew Gr	oundRent l	Redemp	tion	View GroundRent Registration			
Special Tax Recapture: N	one		ETTOMOST VARIANTA		namen namen namen de servende de século es de Litte		Barrier Anna and Carlotte (All Samuel M. 1997). The Anna Anna and Anna and Anna and Anna and Anna and Anna and	
Account Identifier:		District -	02 Ассо	unt Number -	0202653950			
		c)wner	Informatio	on			
Owner Name:		OHANEJE	EEBERE	E L	Use: Principal Res	idence:	RESIDENTIAL YES	
Mailing Address:		9005 BRU RANDALL		I MD 21133	Deed Referen		/34483/ 00225	
	ı	Location	ı & Str	ructure Inf	ormation			
Premises Address:	9005 BRUNO RD RANDALLSTOWN 21133			l 21133	Legal Descrip	9005 BRUNO RD WOODGATE		
Map: Grid: Parcel: Neight	orkoo	d: Subdivis	sion: Se	ction: Block:		nt Year		
0077 0002 0870 203003	0.04	0000		Α :	3 2022		Plat Ref: 0030/ 00	
Town: None								
Primary Structure Built A	.800 Si		ıg Area l	inished Base		operty L	and Area County I	
StoriesBasementType		Evterio	rOuality	Full/Half Batt	Garanol ast N	lotice of	Major Improveme	
	ARD U	NITFRAME	-	2 full/ 1 half	oarage Lust N		major improveme	
		,	Value i	Informatio	n	4		
	E	lase Value		Value €	Phase-in	Assessi	nents	
				As of 01/01/2022	As of 07/01/202	3	As of 07/01/2024	
Land:	5	6,100	-	74,100				
Improvements	146,400			159,000				
Total: Preferential Land:	2	02,500		233,100 0	222,900		233,100	
rtelefelikai Laliu.	·			_	_			
		Tr	ransfe	r Informat	ion			
Seller: DUBECK MARSH	A D		Date: 12/02/2013			Price	: \$190,000	
Type: ARMS LENGTH IM	PROVE	D	Deed1: /34483/ 00225			Deed	Deed2:	
Seller: DUBECK MARSH.				4/03/2011		Price	·	
Type: NON-ARMS LENG		HER		/30771/ 0016	4	Deed		
Seller: DUBECK PHILIP	-	re e		1/29/1995 /11323/ 0063	7	Price Deed		
Type: NON-ARMS LENG	INOII					Deeu	۷.	
		Exe	emptic	on Informa	ition			
Partial Exempt Assessm	ents:	Class			07/01/2023		07/01/2024	
County:		000			0,00			
State:		000			0.00		0.0010.00	
Municipal:		000	and the second second		0.00 0.00	and the second of the	0.00 0.00	
Special Tax Recapture: (
	Н	omestea	ad Apı	olication li	nformation			
Homestead Application	Status:	No Applica	ation					
Но	meov	vners' Ta	ax Cre	dit Applic	ation Infor	matio	n	
Homeowners' Tax Credi					Date:			

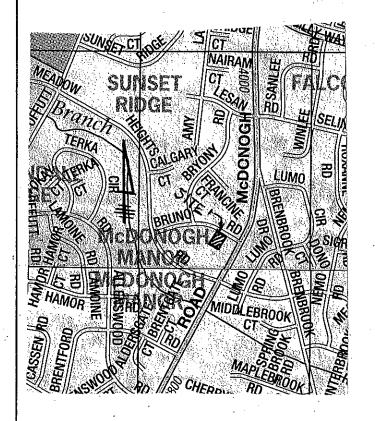
9005 BRUNO ROAD



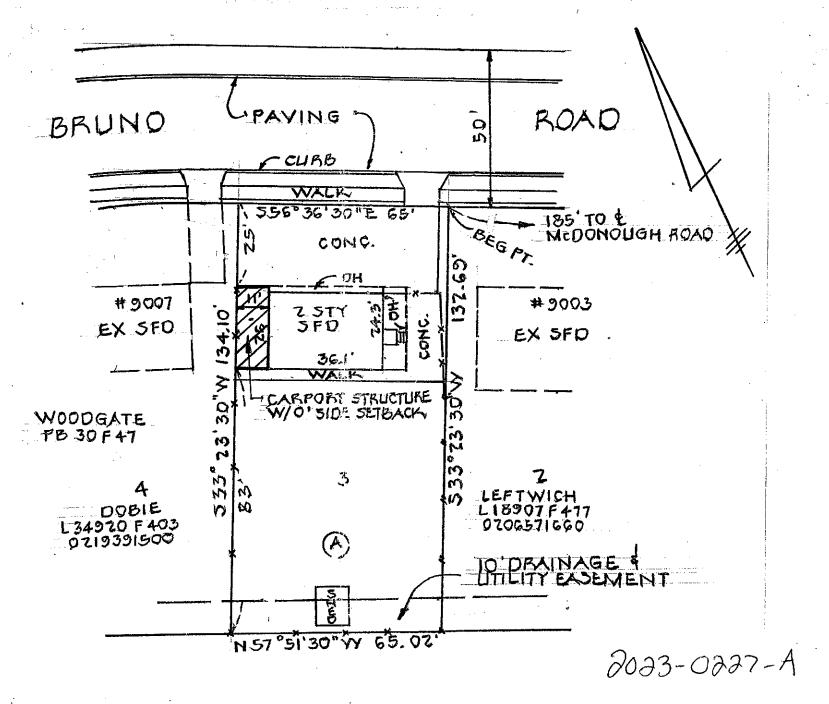




ZONING HEARING	PLAN FOR VARIANCE	FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 9005	BRUNO ROAD	OWNER(S) NAME(S) EBERE L. OHAN EJE
SUBDIVISION NAME	WOODGATE	LOT# 3 BLOCK# A_ SECTION# =
PLAT BOOK # 30	FOLIO# 47 10 C	NGIT TAX # 0707653950 DEED REF. # 34483/ 225_



SCALE: 1"=1000



CENTRAL DRAFTING & DESIGN 601 CHARWOOD COURT EDGEWOOD, MD 21040 (410) 679-8719

PLAN DRAWN BY DWB

_DATE_10-23-23 SCALE: 1 INCH = 30' FEET

ZONING MAP# 077A1 SITE ZONED DR 5,5 ELECTION DISTRICT Z COUNCIL DISTRICT 4 LOT AREA ACREAGE 02198AC OR SQUARE FEET 8645 HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN ? NO UTILITIES? MARK WITH X WATER IS: PUBLIC_X PRIVATE_ SEWER IS: PUBLIC_X PRIVATE_ PRIOR HEARING ? YES IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW R-1964-0044 REZONED FROM R-10 TO B-6

VIOLATION CASE INFO: CB 7300476