

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 30, 2024

Kevin and Danielle Hagel – <u>danielletoland1@gmail.com</u> 7328 Hughes Avenue
Sparrows Point, MD 21219

RE: Petition for Special Hearing

Case No. 2023-0256-SPH Property: 7328 Hughes Avenue

Dear Mr. and Mrs. Hagel:

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 IN RE: PETITION FOR SPECIAL HEARING

(7328 Hughes Avenue)

15th Election District

7th Council District

Kevin & Danielle Hagel

* ADMINISTRATIVE HEARINGS

* FOR BALTIMORE COUNTY

Petitioners

* Case No. 2023-0256-SPH

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Special Hearing filed on behalf of Kevin A. Hagel and Danielle M. Hagel ("Petitioners") for the property located at 7238 Hughes Avenue, Sparrows Point (the "Property"). The Petition for Special Hearing from the Baltimore County Zoning Regulations ("BCZR") §500.7, to allow an accessory apartment in an existing accessory structure.

A hearing was conducted remotely via WebEx. The Petition was advertised and posted as required by the BCZR. The Petitioners appeared *pro se*. There were no Protestants or interested citizens at the hearing.

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

The property is 15,000 square feet and is zoned DR 5.5. The Petitioners explained that Mr. Hagel's mother, Susan Brown, who is now residing in the Hagel's principal residence, will be moving into their existing accessory garage which they intend to convert into an apartment. (Petitioners' Ex 1-2) Ms. Hagel explained that this apartment will be less than 1,200 square feet, will include a bathroom, but no separate kitchen facility. The entrance to this apartment will

consist of the existing side door to the garage.

Ms. Hagel confirmed her intention to enter in a Declaration of Understanding with the Department of Permits, Approvals and Inspections, ("PAI") as contemplated by BCZR, §400.4(B)(1), and as required by BCZR, §400.4 (B)(3), Ms. Hagel confirmed that the proposed accessory apartment conformed with the Special Exception standards found in BCZR, §502.1

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).

As prospective tenant, Susan Brown meets the definition of a "immediate family member" as defined by BCZR, §101 and as required by BCZR, §400.4(C)(1)(b), and as the Petitioners' plans to convert their accessory garage into an apartment are consistent with the requirements of BCZR, §400.4 (B), the Petitioners' Request for Special Hearing is Granted subject to conditions.

THEREFORE, IT IS ORDERED this <u>30th</u> day of **January**, **2024** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR §500.7, to allow an accessory apartment in an existing accessory structure is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
- 2. The accessory apartment shall not be used for commercial purposes.
- 3. The accessory apartment shall not be converted into a second dwelling beyond the scope of BCZR, §400.4. The accessory apartment shall only be utilized by the persons named in the use permit who are immediate family members as defined in BCZR, §101.1, and may not be used by any persons not named in the use permit for any other reason (including family members not otherwise named). When the accessory apartment is no longer occupied by the persons named in the use permit, or if the Property is sold, the use permit shall terminate. Upon termination, the renovations constructed for the accessory apartment will be removed and the accessory building will be restored to its original condition.
- 4. The accessory apartment shall not have separate utility, gas and electric and/or water/sewerage connections or services. All services shall connect to the house.
- 5. Prior to the issuance of the use permit, Petitioners shall file and record at their expense, an executed and notarized Declaration of Understanding, along with a property description and a site plan showing the proposed improvements, along with a copy of this Order, in the Land Records of Baltimore County, and file a copy of the same with the Department of Permits, Approvals and Inspections.
- 6. Petitioners shall renew the use permit with Department of Permits, Approvals and Inspections every two (2) years by filing a renewal on a form approved by Department of Permits, Approvals and Inspections, to be dated from the month of the Order herein, and shall list the name of any person(s) occupying the accessory apartment.

7. Petitioners must comply with the DOP and DEPS comments, a copy of which are attached hereto and made a part thereof.

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

ANDREW M. BELT

Administrative Law Judge for Baltimore County

AMB:dlm



PETITION FOR ZONING HEARING(S) To be filed with the Department of Permits, Approvals and Inspections

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:

12 10 11.16.16.6	0	r
ed Reference 42478 / 175	10 Digit Tax Account # 15DS 880390	<u> </u>
	agel Danielle Megan Hagel	
(SELECT THE HEARING(S) BY MARKING X AT TH	IE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)	
e undersigned, who own and occupy the property situate in Bareof, hereby petition for an:	Baltimore County and which is described in the plan/plat attached hereto and made	de a pa
<u> </u>		
or not the Zoning Commissioner should approve	the Zoning Regulations of Baltimore County, to determine whether	er
Accessory Structure.	THE SECTION STATE OF THE SECTION OF)
a Special Exception under the Zoning Reg	gulations of Baltimore County to use the herein described proper	tyfor
I openial incorporation and its coming roa	golden of Balamore County to use the fieldin described proper	tyloi
a Variance from Section(s)		
u vaniano nom occasin(s)		
		MEDI 14
	he zoning law of Baltimore County, for the following reasons: (In	
low your nardsnip or practical difficulty <u>or</u> ditional space, you may add an attachment to	indicate below "TO BE PRESENTED AT HEARING". If you	u nee
ditional space, you may add an attachment to	o this petition)	100
operty is to be posted and advertised as prescribed by the zon	oning regulations.	- The state of the
we agree to pay expenses of above petition(s), advertising, po	osting, etc. and further agree to be bound by the zoning regulations and restriction	ons of
we agree to pay expenses of above petition(s), advertising, politimore County adopted pursuant to the zoning law for Baltimo	osting, etc. and further agree to be bound by the zoning regulations and restriction ore County.	
we agree to pay expenses of above petition(s), advertising, po- litimore County adopted pursuant to the zoning law for Baltimore agai Owner(s) Affirmation: I / we do so solemnly declare and	osting, etc. and further agree to be bound by the zoning regulations and restriction	
we agree to pay expenses of above petition(s), advertising, po- altimore County adopted pursuant to the zoning law for Baltimo- egal Owner(s) Affirmation: I / we do so solemnly declare and hich is the subject of this / these Petition(s).	osting, etc. and further agree to be bound by the zoning regulations and restriction nore County. d affirm, under the penalties of perjury, that I / We are the legal owner(s) of the pro-	
we agree to pay expenses of above petition(s), advertising, po- altimore County adopted pursuant to the zoning law for Baltimore egal Owner(s) Affirmation: I / we do so solemnly declare and hich is the subject of this / these Petition(s).	osting, etc. and further agree to be bound by the zoning regulations and restriction nore County. I d affirm, under the penalties of perjury, that I / We are the legal owner(s) of the process of the p	
we agree to pay expenses of above petition(s), advertising, po- altimore County adopted pursuant to the zoning law for Baltimore and the subject of this / these Petition(s). Contract Purchaser/Lessee:	osting, etc. and further agree to be bound by the zoning regulations and restriction nore County. d affirm, under the penalties of perjury, that I / We are the legal owner(s) of the pro-	
we agree to pay expenses of above petition(s), advertising, po- altimore County adopted pursuant to the zoning law for Baltimo- egal Owner(s) Affirmation: I / we do so solemnly declare and hich is the subject of this / these Petition(s).	costing, etc. and further agree to be bound by the zoning regulations and restriction for County. I affirm, under the penalties of perjury, that I / We are the legal owner(s) of the process of the pro	
we agree to pay expenses of above petition(s), advertising, po- altimore County adopted pursuant to the zoning law for Baltimo- egal Owner(s) Affirmation: I / we do so solemnly declare and hich is the subject of this / these Petition(s). contract Purchaser/Lessee: ame - Type or Print	Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Signature #2 Signature #2 Second of the property of the property of the print	
we agree to pay expenses of above petition(s), advertising, positimore County adopted pursuant to the zoning law for Baltimore and County adopted pursuant to the zoning law for Baltimoregal Owner(s) Affirmation: I / we do so solemnly declare and nich is the subject of this / these Petition(s). Contract Purchaser/Lessee: Type or Print gnature	Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Signature #2 Signature #2 Second of the property of the property of the print	trige
we agree to pay expenses of above petition(s), advertising, po- altimore County adopted pursuant to the zoning law for Baltime agal Owner(s) Affirmation: I / we do so solemnly declare and hich is the subject of this / these Petition(s). contract Purchaser/Lessee: ame - Type or Print gnature	Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #2 Time Address City City City City City City Country Country City Country Country City Country City Country	tinge to State
we agree to pay expenses of above petition(s), advertising, positimore County adopted pursuant to the zoning law for Baltimore and County adopted pursuant to the zoning law for Baltimore and County adopted pursuant to the zoning law for Baltimore and County adopted pursuant to the zoning law for Baltimore and County a	Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Signature #2 Signature #2 Second of the property of the property of the print	roperty tricycle State
we agree to pay expenses of above petition(s), advertising, positimore County adopted pursuant to the zoning law for Baltimore gal Owner(s) Affirmation: I / we do so solemnly declare and sich is the subject of this / these Petition(s). contract Purchaser/Lessee: ame - Type or Print gnature ailling Address City State / P Code Telephone # Email Address	Legal Owners (Petitioners): Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Name #2 - Type or Print Signature #2 7328 Hughes Arene Specials Pt Mailing Address City Zip Code Telephone #'s (Cell and Home) Email Address	roperty tricycle State
we agree to pay expenses of above petition(s), advertising, positimore County adopted pursuant to the zoning law for Baltimore and Italian (s). If you have the subject of this / these Petition(s).	Legal Owners (Petitioners): Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Signature #2 7328 Hughes Avenue Processes Pt Mailing Address City Legal Owners (Petitioners): All Print Pri	roperty tricycle State
we agree to pay expenses of above petition(s), advertising, positimore County adopted pursuant to the zoning law for Baltimore gall Owner(s) Affirmation: I / we do so solemnly declare and nich is the subject of this / these Petition(s). ontract Purchaser/Lessee: ame - Type or Print gnature ailing Address City State / p Code Telephone # Email Address ttorney for Petitioner:	Legal Owners (Petitioners): Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Signature #2 7328 Hughes Arene process City Lip Code Telephone #s (Cell and Home) Email Address Representative to be contacted:	roperty tricycle State
we agree to pay expenses of above petition(s), advertising, positimore County adopted pursuant to the zoning law for Baltimore and position (s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s). If we do so solemnly declare and pich is the subject of this / these Petition(s).	Legal Owners (Petitioners): Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Name #2 - Type or Print Signature #2 7328 Hughes Arene Specials Pt Mailing Address City Zip Code Telephone #'s (Cell and Home) Email Address	state
we agree to pay expenses of above petition(s), advertising, positimore County adopted pursuant to the zoning law for Baltimore and Inches and Inches the subject of this / these Petition(s). contract Purchaser/Lessee: ame - Type or Print gnature ailling Address City State / p Code Telephone # Email Address attorney for Petitioner:	Legal Owners (Petitioners): Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #1 Signature #2 7328 Hughes Arene process City Lip Code Telephone #s (Cell and Home) Email Address Representative to be contacted:	state
altimore County adopted pursuant to the zoning law for Baltimegal Owner(s) Affirmation: I / we do so solemnly declare and hich is the subject of this / these Petition(s). Contract Purchaser/Lessee: ame - Type or Print ignature lailing Address City State / ip Code Telephone # Email Address Attorney for Petitioner:	costing, etc. and further agree to be bound by the zoning regulations and restriction for a county. I affirm, under the penalties of perjury, that I / We are the legal owner(s) of the properties of perjury, that I / We are the legal owner(s) of the properties. Legal Owners (Petitioners): Legal Owners (Petitioners):	State
we agree to pay expenses of above petition(s), advertising, politimore County adopted pursuant to the zoning law for Baltimore Gounty adopted pursuant to the zoning law for Baltimore gal Owner(s) Affirmation: I / we do so solemnly declare and sich is the subject of this / these Petition(s). Contract Purchaser/Lessee: Imme - Type or Print Gnature All Imma Address City State Code Telephone # Email Address Attorney for Petitioner:	Legal Owners (Petitioners): Legal Owners (Petitioners): Name #1 - Type or Print Signature #1 Signature #2 Zip Code Telephone #'s (Cell and Home) Representative to be contacted: Name - Type or Print Signature	roperty tricycle State
we agree to pay expenses of above petition(s), advertising, potitimore County adopted pursuant to the zoning law for Baltimogal Owner(s) Affirmation: I / we do so solemnly declare and ich is the subject of this / these Petition(s). Contract Purchaser/Lessee: Imperiment Type or Print Ignature Iditional Address City State / Code Telephone # Email Address Ettorney for Petitioner: Interpretation of the petition of the peti	costing, etc. and further agree to be bound by the zoning regulations and restriction for a county. I affirm, under the penalties of perjury, that I / We are the legal owner(s) of the properties of perjury, that I / We are the legal owner(s) of the properties. Legal Owners (Petitioners): Legal Owners (Petitioners):	State

ZONING PETITION PROPERTY DESCRIPTION

PART A:

ZONING PROPERTY DESCRIPTION FOR:

7328 Hughes Avenue, Sparrows Point, MD 21219

Beginning at a point on the (north) south, east or west) side of Hughes Avenue, which is 30 feet of right-of-way width wide at the distance of 628 feet (north, south, east or west) of the centerline of the nearest improved intersection street, Lincoln Avenue, which is 30 number of feet of right-of-way width wide.

PART B:

Being Lot Nos 184 and 185, as shown on "Plat of Section B of Chesapeake Terrace", which Plat is recorded amongo the Land Records of Baltimore County, Maryland in Plat Book W.P.C. No. 5, Folio 36, containing 15,000 square feet, Located in Council District 15, Election District 7.

2023-6256-SPH

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: 2023-0256-59H#
Property Address: 7328 Hughes AEV
Legal Owners (Petitioners): Kevin and Danielle 1+agel
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.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

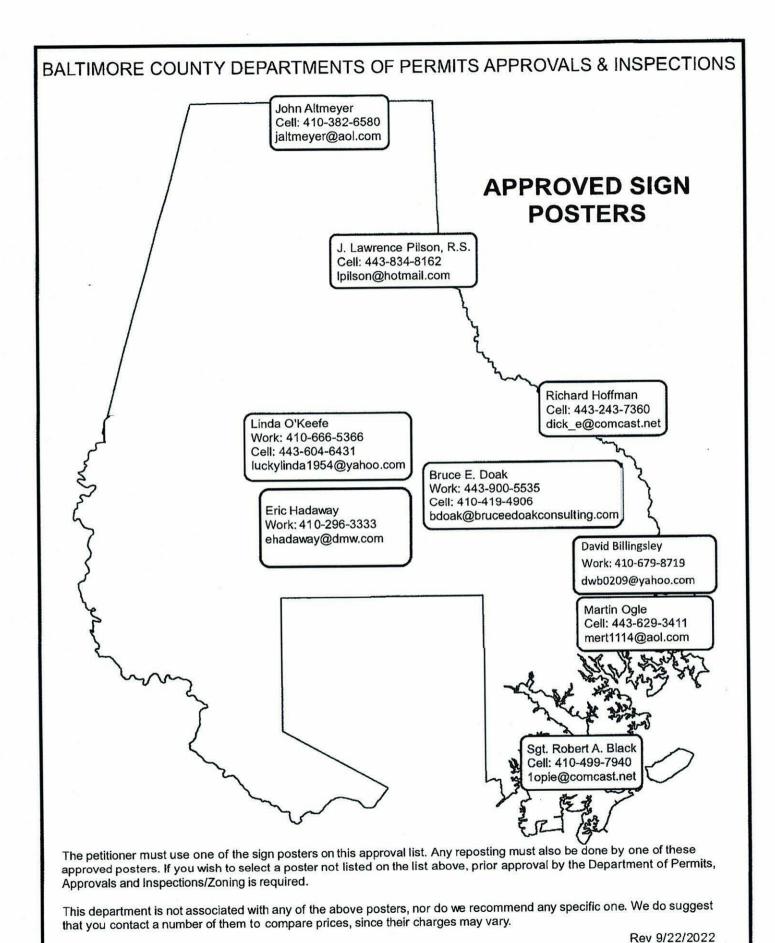
The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on 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 - 0 256 - 5 PH	
Property Address: 7328 Hughes AEV	
Legal Owners (Petitioners): Kevin and Danielle 1+9981	
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.



PDM GA11w

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

C. Pete Gutwald

DATE: 12/14/2023

Director, Department of Permits, Approvals and Inspections

FROM:

Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0256-SPH

INFORMATION:

Property Address:

7328 Hughes Avenue

Petitioner:

Kevin A. and Danielle M. Hagel

Zoning:

DR 5.5

Requested Action: Special Hearing

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

Special Hearing -

1. Under Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether or not the Zoning Commissioner should approve an accessory apartment in an existing accessory structure.

The subject site is an approximately 15,000 square foot parcel in the Sparrows Point area. It is improved with a one-story dwelling and a one-story detached garage. The garage is located behind the dwelling. Based on Google Streetview, the garage is a two-car garage and has existed since prior to 2007.

Based on the site plan submitted with the petition, the Petitioners propose to wall off approximately half of the detached garage to create an in-law apartment. The Department of Planning contacted the Petitioner via email on December 13th, 2023, seeking additional information on who would utilize the accessory apartment. In a same day reply, Petitioner/property owner Danielle Hagel stated that the apartment would be occupied by her mother-in-law.

The subject site is within the boundary of the Greater Dundalk-Edgemere Community Conservation Plan, adopted March 20th, 2000. The plan outlines strengths and weaknesses in the Greater Dundalk/Edgemere area, as well as recommendations on how to improve the area. Related to housing, the plan sets recommendations of encouraging home ownership and residential stability within the plan area and promoting healthy neighborhoods (page 36).

The structure is existing and will allow the Petitioners/property owners to remain in their home while housing their family member. As such, the Department of Planning has no objections to the requested Special Hearing or Variance relief, subject to the following condition:

1. The accessory apartment must remain properly permitted during its use duration.

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

Prepared by:

Krystle Patchak

Division Chief:

enifer G. Nugent

SL/JGN/KP

c: Kevin A. Hagel
Danielle M. Hagel
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Paul M. Mayhew; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

December 20, 2023

SUBJECT:

DEPS Comment for Zoning Item

2023-0256-SPHA

Address:

7328 HUGHES AVE

Legal Owner: Kevin & Danielle Hagel

Zoning Advisory Committee Meeting of December 19, 2023.

The Department of Environmental Protection and Sustainability has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is subject to Critical Area requirements. The applicant is proposing to permit the installation of an in-law apartment in an existing accessory structure. The lot is not waterfront. Any proposed development must meet all LDA requirements, including lot coverage limits and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (4,688 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Proposed lot coverage information was not provided. 15% afforestation (5 trees) is required. If the lot coverage and afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The property must meet all lot coverage and afforestation requirements. If lot coverage and afforestation requirements are met, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered lot. Provided that the applicants meet their lot coverage and afforestation requirements, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 12/20/23

CERTIFICATE OF POSTING

CORRECTED COPY

	2023-0256-SPHA RE: Case No.:
	Petitioner/Developer:
	Kevin & Danielle Hagel
	January 29, 2024 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Jeff Perlow:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perj posted conspicuously on the property located at:_	ury that the necessary sign(s) required by law were
7328 Hughes Avenue SI	GN 1A & 1B
Ja	nuary 8, 2024
The sign(s) were posted on(M	onth, Day, Year)
Sincer No. 10 CE HA HA URE OF A STATEMENT	January 8, 2024
NOT VEET AND	(Signature of Sign Poster) (Date)
ZONING NO Table 1 2023-0256-51 728 Higher Avenue A Administrative Law Lange of East and Management of the Zoning Act and Basinothy of the Court International Court of the	SSG Robert Black
ZON ZON TASE ### TASE TASE	(Print Name)
01/08/2024	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
NOTICE 256-SPHA Wenter Avenue de et alle man de la manda del manda del manda de la manda d	(City, State, Zip Code)
VG S23-02 Single with the state of the state	(410) 282-7940
ZONIII E # 20. Table in more and a more and	(Telephone Number)

CERTIFICATE OF POSTING

	RE: Case No.:	2023-02456-SPHA
	Petitioner/Developer:	
	Kevin	& Danielle Hage
	Date of Hearing/Closing:	January 29, 2024
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 Attn: Jeff Perlow: Ladies and Gentlemen: This letter is to certify under the penaltic posted conspicuously on the property loo		required by law were
7328 Hughes Avenue		
The sign(s) were posted on	January 8, 2024	
	(Month, Day, Year)	



January 8, 2024

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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: December 20, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0256-SPHA

Address: 7328 HUGHES AVE Legal Owner: Kevin & Danielle Hagel

Zoning Advisory Committee Meeting of December 19, 2023.

The Department of Environmental Protection and Sustainability has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area and is subject to Critical Area requirements. The applicant is proposing to permit the installation of an in-law apartment in an existing accessory structure. The lot is not waterfront. Any proposed development must meet all LDA requirements, including lot coverage limits and afforestation requirements. Lot coverage is limited to a maximum of 31.25% (4,688 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Proposed lot coverage information was not provided. 15% afforestation (5 trees) is required. If the lot coverage and afforestation requirements are met, then the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The property must meet all lot coverage and afforestation requirements. If lot coverage and afforestation requirements are met, this request will help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

This is a grandfathered lot. Provided that the applicants meet their lot coverage and afforestation requirements, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 12/20/23

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: December 19, 2023

Department of Permits, Approvals
Vishnu Desai, Supervisor

FROM:

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 19, 2023 Item No. 2023-0256-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW-T: N/C

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald **DATE:** 12/14/2023

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0256-SPH

INFORMATION:

Property Address: 7328 Hughes Avenue

Petitioner: Kevin A. and Danielle M. Hagel

Zoning: DR 5.5

Requested Action: Special Hearing

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

Special Hearing -

1. Under Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether or not the Zoning Commissioner should approve an accessory apartment in an existing accessory structure.

The subject site is an approximately 15,000 square foot parcel in the Sparrows Point area. It is improved with a one-story dwelling and a one-story detached garage. The garage is located behind the dwelling. Based on Google Streetview, the garage is a two-car garage and has existed since prior to 2007.

Based on the site plan submitted with the petition, the Petitioners propose to wall off approximately half of the detached garage to create an in-law apartment. The Department of Planning contacted the Petitioner via email on December 13th, 2023, seeking additional information on who would utilize the accessory apartment. In a same day reply, Petitioner/property owner Danielle Hagel stated that the apartment would be occupied by her mother-in-law.

The subject site is within the boundary of the Greater Dundalk-Edgemere Community Conservation Plan, adopted March 20th, 2000. The plan outlines strengths and weaknesses in the Greater Dundalk/Edgemere area, as well as recommendations on how to improve the area. Related to housing, the plan sets recommendations of encouraging home ownership and residential stability within the plan area and promoting healthy neighborhoods (page 36).

The structure is existing and will allow the Petitioners/property owners to remain in their home while housing their family member. As such, the Department of Planning has no objections to the requested Special Hearing or Variance relief, subject to the following condition:

1. The accessory apartment must remain properly permitted during its use duration.

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

Prepared by:

Krystle Patchak

Division Chief:

enifer G. Nugent

SL/JGN/KP

c: Kevin A. Hagel
Danielle M. Hagel
Maria Mougridis, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

RE:	PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
	AND VARIANCE		
	7328 Hughes Avenue; N/S of Hughes Aven	ue,*	OF ADMINSTRATIVE
	W of Lincoln Avenue		
	15 th Election & 7 th Councilmanic Districts	*	HEARINGS FOR
	Legal Owner(s): Kevin & Danielle Hagel		
	Petitioner(s)	*	BALTIMORE COUNTY
	. ,		
		*	2023-256-SPHA

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demílio /rmw

CAROLE S. DEMILIO

Deputy People's Counsel
Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188
peoplescounsel@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of December, 2023, a copy of the foregoing Entry of Appearance was emailed to Kevin & Danielle Hagel, 7328 Hughes Avenue, Sparrows Point, Maryland 21219, danielletolandi@gmail.com, Petitioner(s).

Peter Max Zimmerman/rmw

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map	View GroundRent	Redemption	View C	GroundRent	Registration
Special Tax Recapture	: None				
Account Identifier:	District - 15 A	ccount Number - 1	1505880390		
		Owner Inform	ation		
Owner Name:		HAGEL KEVIN ANDREW HAGEL DANIELLE MEGAN		Use: RESIDENTIAL Principal Residence:YES	
Mailing Address:	7328 HUGHES		Deed Referen		178/ 00175
	Locatio	n & Structure	Information		
Premises Address:	7328 HUGHES SPARROWS F	S AVE POINT 21219-2014	Legal Descrip	732	5 184,185 8 HUGHES AVE ESAPEAKE TERRAC
Map: Grid: Parcel: Nei 0111 0016 0128 151	ghborhood: Subdivis	sion: Section: Blo B	ock: Lot: Assessn 184 2024	nent Year:	Plat No: Plat Ref: 0005/0036
Town: None					
Primary Structure Bui	It Above Grade Livin	g Area Finished E		Property La	nd Area County Us
		Ouglity Full/Half Ba			
StoriesBasementType 1 NO STA	NDARD UNITSIDING	QualityFull/Half Ba 3 2 full	1 Detached	st Notice of	Major Improvement
		Value Informa	ation		
	Base Value	Value	Phase-i	n Assessm	ents
		As of 01/01/202	As of 07/01/20)23	As of 07/01/2024
Land:	75,700	75,700			
Improvements	236,200	236,200			
Total:	311,900	311,900	311,900		
Preferential Land:	0				
	Ţ	ransfer Inforn	nation		
Seller: HOBBS SAMUE	EL D JR	Date: 02/18/2020			\$325,000
Type: ARMS LENGTH	IMPROVED	Deed1: /42478/ 0	0175	Deed2	
Seller: HOBBS SAMUE		Date: 11/03/2017		Price:	(C) (E)
Type: NON-ARMS LEN		Deed1: /39594/ 0		Deed2	
Seller: UMBERGER S' Type: ARMS LENGTH		Date: 06/29/2009 Deed1: /28320/ 0		Price: Deed2	\$300,000 :
	Ex	emption Infor	rmation		
Partial Exempt Asses	sments:Class		07/01/2023	07/	01/2024
County:	000		0.00		
State:	000		0.00		
Municipal:	000		0.00	0.0	0
Special Tax Recaptur	e: None				
	Homeste	ad Applicatio	n Informatio	n	
Homestead Application		(#57/(#5))			
	Homeowners'	ax Credit Apı	olication Info	rmation	
Homeowners' Tax Cre			Date:		
nonleowners rax Cr	euit Application Statu	a. No Application	Date.		







