

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

February 15, 2024

Timothy Manuelides, Esquire – <u>tmanuelides@tmlaw-llc.com</u> 600 Washington Avenue, #202 Towson, MD 21204

RE:

Petitions for Special Hearing & Variance

Case No. 2023-0258-SPHA Property: 2106 Oak Road

Dear Mr. Manuelides:

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,

MAUREEN E. MURPHY Chief Administrative Law Judge

Mauren E. Hurphy

for Baltimore County

MEM:dlm Enclosure

c: Robert and Kimberly Venuto – <u>twistedhairgirl@gmail.com</u>
Rebecca Wheatley – <u>rwheatley@baltimorecountymd.gov</u>
Patrick Richardson – <u>rick@richardsonengineering.net</u>
Robert Venuto – <u>safetyguy1966@gmail.com</u>
PAI - Code Enforcement – paienforce@baltimorecountymd.gov

IN RE: PETITIONS FOR SPECIAL HEAR AND VARIANCE	ING *	BEFORE THE
(2106 Oak Road) 15 th Election District	*	OFFICE OF
7 th Council District	*	ADMINISTRATIVE HEARINGS
Robert & Kimberly Venuto Legal Owners	*	FOR BALTIMORE COUNTY
Petitioners	*	Case No: 2023-0258-SPHA

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH)" as a Petition for Special Hearing and Variance filed by the legal owners, Robert and Kimberly Venuto ("Petitioners") for the property located at 2106 Oak Road, Sparrows Point (the Property"). The Petition for Special Hearing was filed from the Baltimore County Zoning Regulations ("BCZR"), §500.7, requesting approval for a non-conforming use of a second residential dwelling in continuous existence at the property, without change, since before 1955 (the dwelling has been in continuous residential use). A Petition for Variance was also filed pursuant to BCZR, §1B02.3.C.1 to reduce the minimum front yard depth requirement of an existing residential dwelling constructed in 1926 from 24 ft. to 19 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Robert Venuto appeared in support of the Petition along with Patrick Richardson, PE of Richardson Engineering who prepared and sealed a site plan (the "Site Plan") and a redlined site plan (the "Redlined Site Plan"). (Pet. Ex. 1, 1A). Timothy Manuelides, Esquire represented the Petitioners. There were no Protestants or interested citizens at the hearing.

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

The Property is 10,000 sf +/- and was created as Lot 1064 on the Plat of Lodge Forest recorded in Land Records of Baltimore County on September 20, 1933 (Plat Book 10, liber 76). It is a long and narrow lot, measuring 50 ft. wide, and 200 ft. long. (Pet. Ex. 1, 1A). The Property is zoned Density Residential (DR 5.5).

The Property is improved with a 2-story, 2,508 sf single-family dwelling constructed in 1926 ("original home") which fronts on Oak Rd. At some unknown point in time, a second 2-story, 1,378 sf structure was built behind the single-family dwelling (the "rear structure"). An aerial photograph, as well as street view photographs of the structures, were provided. (Pet. Ex. 10). There are two (2) driveways on the Property. Upon information provided to the Petitioners as set forth in the Affidavits, the rear structure was, at various times, used as a dwelling. (Pet. Exs. 8, 9, 11). The DOP ZAC comment indicates that, as early as 1957, historical aerial photographs show both structures in existence. The rear structure does not have a separate mailing address, but does have a separate utility meter, and separate water and sewer services. After purchasing the Property in 2016, Petitioners have lived in the rear structure, and Petitioners' son and their son's family, have lived in the original home.

This Case was filed as a result of a Code Enforcement action (CB200760) for the Petitioners enclosing a porch/addition without a building permit. Petitioners filed for Special Hearing relief seeking approval for the non-conforming use of the rear structure as a dwelling unit and to approval its existing setbacks. During the course of the hearing, Petitioners made clear that they, and their son and/or other family members, would continue to occupy the original home and

the rear structure. As a result, the Petition for Special Hearing was changed to approve a detached accessory apartment Use Permit under BCZR, §400.4.B for the rear structure with the approval by necessity of the existing separate utility meter and separate water and sewer services. With the change to an accessory apartment, Petitioners also need related Variance relief for its additional height and for exceeding the maximum square footage. Toward this end, a Second Amended Petition was signed and filed with OAH. (See File). Petitioners are also still in need of Variance relief for a reduced front yard setback for the original home.

The proffered evidence was that, given the existing structure's use as accessory apartment for family of the existing owners and predecessors in title, that its continued use as an accessory in law apartment, and in particular, its size, location and purpose, would not be detrimental to the health, safety or general welfare of the surrounding community, and that it meets all of the Special Exception factors BCZR, §502.1. In regard to the prohibition against separate electric/utility meters, Petitioners urge that separate electric/utility meters with individual accounts already exists: original home - 9241536302, and the rear structure - 8423123610. Petitioners emphasize that there are no common utility or water and sewerage connections between the original home and that each has its own water/septic meters: original home – 06103533003, and rear structure - 06103534001. Thus, Petitioners contend that requiring the meters for the rear structure to be disconnected and to connect the services to the original home would add unnecessary expense onto the Petitioners and their family members residing in the original home.

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 Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). BCZR, §101.1 defines "accessory apartment as:

ACCESSORY APARTMENT — A second living quarters within a principal single-family detached dwelling or within an accessory building situated on the same lot as the principal single-family detached dwelling and in compliance with Section 400, with dedicated bathing and cooking facilities, and located on owner-occupied property, subject to the following:

- A. The owner may occupy either the principal dwelling or the accessory apartment;
- B. The occupant(s) of the accessory apartment and the occupant(s) of the principal single-family detached dwelling shall be family, related by blood, marriage or adoption; and
- C. The accessory apartment, whether located within the principal dwelling or in the accessory building, shall comply with all laws, regulations, and codes affecting residential occupancy.

Based on the uncontroverted evidence, I find that the existing structure's use as an in-law apartment, should continue as an accessory apartment for family as defined in BCZR, §101.1, by way of a use permit, pursuant to BCZR, §400.4. I find that the proposed use as an existing accessary apartment under BCZR, §400.4 will not be detrimental to the health, safety or general welfare of the surrounding neighborhood, and satisfies all of the Special Exception factors under BCZR, §502.1. Specifically, I find that there will be no increase in traffic, no congestion of the

land as the same number of people and cars currently park at the Property. There will be no interference with light or air, as the rear structure is surrounded by existing mature trees/vegetation. With the issuance of the requisite building permit for the non-permitted enclosed porch/addition, the rear structure will have to meet all fire and safety codes and thus, there will not be any hazard from fire, panic or other danger. There will not be any interference with adequate public facilities or public improvements as the accessory structure already has its own dedicated utility meter, as well as its own water and septic services. The proposed use will not be detrimental to environmental or natural resources as no trees or vegetation are being removed and the Petitioners will need to comply with the DEPS ZAC comment attached hereto.

According to the Redlined Site Plan, the Property is served by public water and private septic. In regard to the prohibition against separate electric/utility meters for an accessory apartment, the uncontroverted evidence was that separate electric/utility meters, and separate water/sewerage meters with individual accounts, already exist and are in service to both the original home and the rear structure. The evidence revealed that there are no common utility or water and sewerage connections between the original home and as such, requiring the meters for the rear structure to be disconnected and to connect the services to the original home would add unnecessary expense onto the Petitioners and their family members residing in the original home, particularly for a use permit. Based on these facts I find that the separate electric/utility meters and separate water and sewerage services are a necessity for this particular rear structure.

The Petitioners will execute and file with Permits, Approvals and Inspections ("PAI") and in the Land Records of Baltimore County the Declaration of Understanding which outlines compliance with BCZR, §400.4. As such, the Petition for Special Hearing for an accessory apartment use permit, along with separate electric/utility and separate water/sewerage services will

be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995). The rear structure, which measures 1,378 sf, exceeds the maximum size of 800 sf under BCZR, §400.4.B.2.b as the Property is only 10,000 sf, and the height of the existing rear structure at 20.6 ft., is beyond the maximum height of 15 ft. under BCZR, §400.3, thus requiring Variance relief. Given that the rear structure has been in existence since as least as early as 1957 according to DOP aerial photographs, and its asymmetrical placement on the Property is closer to the southern side yard Property line, as well as its proximity to the original 1926 home, I find that the odd location of the rear structure on this narrow Property makes the Property unique from the surrounding properties. The irregular placement of the rear structure favors its purported use as a temporary 'family' dwelling unit as contemplated in BCZR, §400.4. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed height and size of rear structure were not granted because it could not be used by Petitioners and/or their family as living quarters. Additionally, because the original home was constructed in 1926, prior to the enactment of the BCZR, the required front yard setbacks did not exist. Consequently, I find that the Petitioners would suffer a practical difficulty if Petitioners were required to remove 5 ft. of the front of the original home to comply with the front yard setback. Accordingly, the original home should be afforded front yard setback Variance relief. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR, and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, ORDERED this <u>15th</u> day of February, 2024 by this Administrative Law Judge, that the Second Amended Petition for Special Hearing under BCZR, §500.7 to permit an accessory (in-law) apartment permitted as a temporary use in the existing detached rear structure situated on the same owner-occupied lot as the principal dwelling pursuant to BCZR, §400.4.B, be, and it is hereby, GRANTED; and

IT IS FURTHER ORDERED that the Second Amended Petition for Special Hearing to approve electric/utility meters, water/sewerage meters, and water and sewerage services which are separate from the principal dwelling under BCZR, §400.4.B.4 be, and they are each hereby **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, §400.4.B.2.b to permit the size of the existing 1,378 sf, detached rear structure proposed for use as an accessory (in law) apartment in lieu of the maximum 800 sf for a lot which is less than one acre, and from BCZR, §400.3 for the height of the rear structure at 20.5 ft. beyond the maximum permitted 15 ft. height, be, and they are each hereby, **GRANTED**; and

IT IS FURTHER ORDERED the Variance relief from BCZR, §1B02.3.C.1 to reduce the minimum front yard depth requirement of the existing residential dwelling constructed in 1926 (original home) from 24 ft. to 19 ft., be, and it 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, Petitioners would be required to return the subject property to its original condition.

- 2. The rear accessory apartment shall not be used for commercial or industrial purposes.
- 3. Prior to issuance of permits, Petitioners must comply with the DEPS' ZAC comment, a copy of which is attached hereto and made a part hereof.
- 4. 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 Petitioners and by those family members permitted in the definition of "Accessory Apartment" in BCZR, §101.1, and may not be occupied by any person other than those permitted therein for any other reason including non-permitted family members. 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 improvements used in the accessory apartment shall be removed and the accessory structure shall be restored to a storage space/garage.
- 5. The accessory apartment is permitted to have separate utility and electric connection and service, as well as a separate septic system, subject to approval by DEPS.
- 6. 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, a copy of the proposed detailed floor plan and the Zoning Hearing Redlined Site Plan (Pet. Ex. 1A) as well as a copy of this Order, in the Land Records of Baltimore County, and shall file a copy of the same with the Department of Permits, Approvals and Inspections.
- 7. 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 each person occupying the accessory apartment.
- 8. Petitioners shall comply with, and file for, all Rental Housing Licenses and/or Exemption Affidavits as required under Baltimore County Code, §35-6-101 *et seq*.

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

MAUREEN E. MURPHY

Chief Administrative Law Judge

Mauren E. Murphy

for Baltimore County

MEM/dlm



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 2106 OAK ROAD, SPARROWS POINT, MD 21219		Currently Zoned DR 5.5
Deed Reference/	10 Digit Tax Account #	1508303150
Owner(s) Printed Name(s): ROBERT VENUTO, KIMBER	RLY D. VENUTO	
(SELECT THE HEARING(S) BY MARKING X AT THE	APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
The undersigned, who own and occupy the property situate in Bal hereof, hereby petition for an:	timore County and which is des	scribed in the plan/plat attached hereto and made a part
 a Special Hearing under Section 500.7 of the or not the Zoning Commissioner should approximate continuous existence at the property, without residential use. 	rove the nonconforming (use of a second residential dwelling in
2 a Special Exception under the Zoning Regu	ulations of Baltimore Cou	nty to use the herein described property for
3. X a Variance from Section(s) § 1B02.3.C.1 to residential dwelling constructed in 1926 from		yard depth requirement of an existing
of the zoning regulations of Baltimore County, to the below your hardship or practical difficulty or in additional space, you may add an attachment to to BE	dicate below "TO BE	PRESENTED AT HEARING". If you need
Property is to be posted and advertised as prescribed by the zonir I/ we agree to pay expenses of above petition(s), advertising, post Baltimore County adopted pursuant to the zoning law for Baltimore Legal Owner(s) Affirmation: I / we do so solemnly declare and a which is the subject of this / these Petition(s).	ing, etc. and further agree to be County.	
Contract Purchaser/Lessee:	Legal Owners (Petitio	oners):
Name - Type or Print	ROBERT VENUTO Name #17- Type or Print	/ KIMBERLY D. VENUTO // Mame #2 – Type on Friht
Signature	≸ignature #1	Signature #2
Mailing Address City State	2106 OAK ROAD Mailing Address	SPARROWS POINT MD State
Zip Code Telephone # Email Address		506-9004 / twistedhairgirl@gmail.com #'s (Cell and Home) Email Address
Attorney for Petitioner:	Representative to be	contacted:
TIMOTHY MANUELIDES	TIMOTHY MANUELIDES	
Name Type or Print Mulian	Name—Type or Print	Janlidy
Signature / /	Signature	
600 WASHINGTON AVENUE, # 202, TOWSON, MD Mailing Address City State	600 WASHINGTON AVENUMAIIING Address	JE, # 202 TOWSON MD City State
21204 / 443-538-5725 /tmanuelides@tmlaw-Ilc.com Zip Code Telephone # Email Address	21204 / 443-538-5	7725 / tmanuelides@tmlaw-llc.com elephone # Email Address
CASE NUMBER ZO23 · O 258 · SMMLFilling Date 17 1	/ <u>Z / 23</u> Do Not Sche	dule Dates Reviewer



ZONING PROPERTY DESCRIPTION FOR 2106 OAK ROAD 15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Located at a point on the West side of Oak Road approximately 157+/- feet North of the intersection between Oak Road and Bay Front Road. Then leaving Oak Road North 84 degrees 14 minutes West 200.00+/- feet. Then the following bearings and distances 1) North 5 degrees 46 minutes East 50.00+/- feet. 2) South 84 degrees 14 minutes East 200.00+/- feet. 3) South 5 degrees 46 minutes West 50.00+/- feet to the place of beginning. Also being known as Lot #1046 as shown on the plat of "Lodge Forest", which is recorded among the land records of Baltimore County in Plat Book W.P.C. No. 7, Folio 152.

Containing a net area of 10,000 square feet or 0.23 acres +/-.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2025

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:
Case Number: Z023.0258. SPHA Property Address: Z106. Oak Road
Legal Owners (Petitioners): Nobert and Kimberly VENCTO
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.



PETITION FOR ZONING HEARING(S)

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

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Attorney for Petitioner:	Representative to be	contacted:
TIMOTHY MANUELIDES	TIMOTHY MANUELIDES	
Name Type or Print Mulian	Name—Type or Print	Janlidy
Signature / /	Signature	
600 WASHINGTON AVENUE, # 202, TOWSON, MD Mailing Address City State	600 WASHINGTON AVENUMAIIING Address	JE, # 202 TOWSON MD City State
21204 / 443-538-5725 /tmanuelides@tmlaw-Ilc.com Zip Code Telephone # Email Address	21204 / 443-538-5	7725 / tmanuelides@tmlaw-llc.com elephone # Email Address
CASE NUMBER ZO23 · O 258 · SMMLFilling Date 17 1	/ <u>Z / 23</u> Do Not Sche	dule Dates Reviewer

2023-0258-SPHA 2106 Oak Road Revised Petition

Special Hearing: BCZR Section 500.7 to determine whether or not the Zoning Commissioner should approve the non-conforming use of two dwellings on a single lot and should approve non-conforming bulk standard (setbacks, lot area, lot width, etc.).

Revision fee



ZONING PROPERTY DESCRIPTION FOR 2106 OAK ROAD 15th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Located at a point on the West side of Oak Road approximately 157+/- feet North of the intersection between Oak Road and Bay Front Road. Then leaving Oak Road North 84 degrees 14 minutes West 200.00+/- feet. Then the following bearings and distances 1) North 5 degrees 46 minutes East 50.00+/- feet. 2) South 84 degrees 14 minutes East 200.00+/- feet. 3) South 5 degrees 46 minutes West 50.00+/- feet to the place of beginning. Also being known as Lot #1046 as shown on the plat of "Lodge Forest", which is recorded among the land records of Baltimore County in Plat Book W.P.C. No. 7, Folio 152.

Containing a net area of 10,000 square feet or 0.23 acres +/-.



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THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO:

Hon. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

January 9, 2024

SUBJECT:

DEPS Comment for Zoning Item

2023-0258-SPHA

Address:

2106 OAK RD

Legal Owner: Robert & Kimberly Venuto

Zoning Advisory Committee Meeting of January 9, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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) and is subject to Critical Area requirements. The applicant is proposing to permit the continued nonconforming use of a second residential dwelling. The lot is not waterfront. Any proposed development must meet all LDA requirements, including lot coverage limits and a 15% afforestation requirement. Lot coverage is limited to a maximum of 31.25% (3,125 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Lot coverage on the property was measured by EIR staff and was found to be above the maximum limit per EIR correspondence dated January 4, 2023, and the property owner was informed that no further permits would be approved be EIR until 1,430 square feet of lot coverage had been removed from the property. EIR has not been notified of any

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lot coverage removal. If the lot coverage and afforestation and 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, afforestation, and MBA mitigation 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

January 9, 2024



Certificate of Posting

Case# <u>2023-0258-SPHA</u>
Petitioner/Developer
Robert & Kimberly Venuto

Date of Hearing/Closing February 5, 2024

Baltimore County Department of Permits and Management County Office Building Room 111; 111 West Chesapeake Ave. Towson Md. 21204 Attention:

Ladies and Gentlemen:

This is to certify under penalties of perjury that the necessary sign/signs required by law were posted conspicuously on the [property located at 2106 Oak Road on January 12, 2024. Signs 1A & 1B

Sincerely, Martin Ogle

yorker gl

Martin Ogle 9912 Maidbrook Road

Parkville, Md. 21234

443-629-3411

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: January 9, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For January 9, 2024

Item No. 2023-0258-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

VKD: JK cc: file

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald DATE: 1/9/2024

Director, Department of Permits, Approvals and Inspections

FROM: Steve Lafferty

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 2023-0258-SPHX

INFORMATION:

Property Address: 2106 Oak Road

Petitioner: Robert Venuto & Kimberly Venuto

Zoning: DR 5.5

Requested Action: Special Hearing, Variance

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

Special Hearing - Under Section 500.7 of the Baltimore County Zoning Regulations (BCZR) to determine whether or not the Zoning Commissioner should approve the nonconforming use of two dwellings on a single lot and should approve non-conforming bulk standard (setbacks, lot area, lot width, etc.); and

Variance - From Section 1B02.3.C.1 to reduce the minimum front yard depth requirement of an existing residential dwelling constructed in 1926 from 24 feet to 19 feet.

The subject site is an approximately 10,000 square foot parcel in the Sparrows Point area. It is improved with two, two-story single family detached dwellings and two asphalt driveways. The primary dwelling fronts Oak Road, and the secondary dwelling is located west/behind the primary dwelling. Based on the State Department of Assessments and Taxation, the primary dwelling was constructed in 1926 and has been owned by the Petitioner since 2016. Based on aerial imagery available to the Department of Planning from Historic Aerials, both dwellings have existed since at least 1957, which is the oldest aerial imagery available for the site.

The subject site is primarily surrounded by single family detached residential dwellings on lots that are similar in size to the subject site. Many surrounding dwellings are 1-2 stories. Although the site is not waterfront, is it located near North Point Creek, and McCluskey's Marina.

The site is within the boundaries 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 site has one active Code Enforcement Complaint, Case CB2200760. The complaint was submitted in November of 2022 for the construction of an addition to the house in the back without a permit. It

continues that there used to be a small deck on the second floor, however, it appears to have been enclosed. Baltimore County's Citizen's Access lists the complaint as being on a Monitor status with Code Enforcement. Google Streetview from June 2022 shows the secondary dwelling with a red, non-enclosed porch on the front. The next update is from May 2023, and shows the porch being enclosed to create a room.

The Department of Planning found three past permits for the subject site – two issued Electrical Permits and unissued Permit R22-11239 for the construction of an unfinished 22' x 12' shell addition on the front of the secondary dwelling to be extra space. Permit R22-11239 was applied for in December of 2022, and was marked as a Resubmit by Zoning Review, as a Special Hearing would be required due to the existence of two dwellings on the lot and each dwelling being unable to meet bulk regulations.

The Department of Planning contacted the representative for the petition via email on January 4th, 2024 seeking additional information on if any exterior alterations were proposed at this time and who would occupy the secondary dwelling. In a January 8th, 2024 reply, the representative explained that the Petitioners live in the dwelling further back from Oak Road, and stated that he believed the Petitioners son lived in the dwelling located closer to Oak Road. The representative continued that there were no alterations proposed at this time, however, a porch was added to the Petitioners home and was shown on the submitted site plan.

Because both dwellings have existed on the site since prior to 1955, the Department of Planning has no objections to the requested Special Hearing and Variance relief, subject to the following condition:

1. Should either dwelling be used as a rental unit, it must be properly permitted with the Department of Permits, Approvals, and Inspections;

Division Chief:

- 2. Any necessary Building Permits shall be obtained prior to any necessary work continuing; and
- 3. Code Enforcement Case CB2200760 shall be closed out.

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

Prepared by:

Krystle Patchak

SL/JGN/KP

c: Timothy Manuelides
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. Maureen E. Murphy; Chief Administrative Law Judge

Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE: January 9, 2024

SUBJECT: DEPS Comment for Zoning Item # 2023-0258-SPHA

Address: 2106 OAK RD

Legal Owner: Robert & Kimberly Venuto

Zoning Advisory Committee Meeting of January 9, 2024.

 \underline{X} The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

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) and is subject to Critical Area requirements. The applicant is proposing to permit the continued nonconforming use of a second residential dwelling. The lot is not waterfront. Any proposed development must meet all LDA requirements, including lot coverage limits and a 15% afforestation requirement. Lot coverage is limited to a maximum of 31.25% (3,125 square feet), with mitigation required for any new lot coverage between 25% and 31.25%. Lot coverage on the property was measured by EIR staff and was found to be above the maximum limit per EIR correspondence dated January 4, 2023, and the property owner was informed that no further permits would be approved be EIR until 1,430 square feet of lot coverage had been removed from the property. EIR has not been notified of any

lot coverage removal. If the lot coverage and afforestation and 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, afforestation, and MBA mitigation 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 January 9, 2024

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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:
Case Number: Z023.0258. SPHA Property Address: Z106. Oak Road
Legal Owners (Petitioners): Nobert and Kimberly VENCTO
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.

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Memo Venuto - 2106 York Road



Permits, Approvals and Inspections

111 W CHESAPEAKE AVE TOWSON, MD 21204 4108873353 WWW.BALTIMORECOUNTYMD.GO

Cashier: Jason S.

01-Dec-2023 2:44:19P Transaction 102063

1 Petition Before ALJ

\$75.00

Total

\$75.00

CREDIT CARD SALE VISA 5071

\$75.00

Retain this copy for statement validation

Station: Permit Processing - Mini

01-Dec-2023 2:44:27P \$75.00 | Method: EMV

VISA CREDIT

XXXXXXXXXXXXX5071 TIMOTHY MANUELIDES

Reference ID: 333500553853 Auth ID: 02833G

MID: ******2995 AID: A0000000031010 AthNtwkNm: VISA

SIGNATURE

*** REPRINT ***

Clover ID: 9ZMWMT9PQ8Y2R Payment 6Q133R7JVPWP0

Clover Privacy Policy https://clover.com/privacy



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SIGNATURE

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Clover Privacy Policy https://clover.com/privacy

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 15 Account Number - 1508303150

Owner Information

Owner Name:

VENUTO ROBERT VENUTO KIMBERLY D

RESIDENTIAL Use: Principal Residence:

NO

Mailing Address:

609 MOUNTAIN RD

Deed Reference:

/41549/ 00097

FALLSTON MD 21047-2831

Location & Structure Information

Premises Address:

2106 OAK RD

Legal Description:

SPARROWS POINT 21219-2214

2106 OAK RD

LODGE FOREST

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0111 0017 0098 15130121.04 0000

10642024

Plat Ref: 0010/0076

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use 04

2.508 SF

10,000 SF

StoriesBasementType

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements 2 full

YES 2

STANDARD UNITSIDING/3

Value Information

	Base Value	Value	Phase-in Assessments		
		As of 01/01/2021	As of 07/01/2023	As of 07/01/2024	
Land:	74,500	74,500			
Improvements	162,400	162,400			
Total:	236,900	236,900	236,900		
Preferential Land:	0				

Transfer Information

Seller: VENUTO ROBERT Type: NON-ARMS LENGTH OTHER Seller: SECRETARY OF HOUSING AND

Date: 06/20/2019 Deed1: /41549/ 00097 Date: 05/25/2016

Price: \$0 Deed2: Price: \$120,000

Type: NON-ARMS LENGTH OTHER Seller: NATIONSTAR MORTGAGE LLC Type: NON-ARMS LENGTH OTHER

Deed1: /37552/ 00265 Date: 12/17/2015 Deed1: /36991/ 00390 Deed2: Price: \$0 Deed2:

Exemption Information

Partial Exempt Assessments: Class County:

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07/01/2024

0.00

Municipal: Special Tax Recapture: None

State:

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

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