

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 31, 2024

Beth Doerfler and Mike DeQuevedo – <u>bethoutthere@gmail.com</u> 1343 S. Seneca Road Middle River, MD 21220

RE:

Petition for Administrative Variance

Case No. 2024-0006-A

Property: 1343 S. Seneca Road

Dear Petitioners:

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,

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw Enclosure IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

(1343 S. Seneca Road)

15th Election District * OFFICE OF ADMINISTRATIVE

5th Council District

Beth Doefler & Mike DeQuevedo * HEARINGS FOR

* BALTIMORE COUNTY

Petitioners * CASE NO. 2024-0006-A

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners of the property, Beth Doefler and Mike DeQuevedo ("Petitioners") for the property located at 1343 S. Seneca Road, Middle River (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 400.3, to approve an accessory building (garage) at total height of 20 ft. in lieu of the required maximum height of 15 ft. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2C).

A Zoning Advisory Committee ("ZAC") comment was contained in the case file from the Department of Public Works and Transportation ("DPW&T")/Bureau of Engineering and Construction, undated, indicating the following:

"1. 2004-0006-A, 1343 S. Seneca Rd.:

A. The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100455F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The proposed accessory structure is landward of the LiMWA.

B. The proposed garage shown on the plan provided with the application is 400 square feet. The proposed garage must meet Parts 124.4 and 124.5 of the 2015 Baltimore Building Code."

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on January 11, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code ("BCC"). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I find that there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted.

Although the Department of Planning did not make any recommendations related to the detached garage, I will impose conditions that the detached garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and will not have separate electric or utility connections, or used for commercial purposes.

Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 31st day of January, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the

Baltimore County Zoning Regulations ("BCZR"), Section 400.3 to approve an accessory building (garage) at total height of 20 ft. in lieu of the required maximum height of 15 ft., and they are hereby, **GRANTED.**

The relief granted herein shall be subject to the following:

- 1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
- 3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.
- 4. The detached garage shall not be used for commercial or industrial purposes.
- 5. Petitioners shall comply with the DPW&T/Bureau of Engineering and Construction ZAC comment, undated, which is attached hereto and made a part hereof.

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

DEREK J. BAUMGARDNER Administrative Law Judge for Baltimore County

DJB:dlw

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments following the review of the ZAC Agenda for the distribution meeting of January 19, 2024 and comments due January 26, 2024:

- 1) 2024-0006-A, 1343 S. Seneca Rd.:
 - A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100455F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The proposed accessory structure is landward of the LiMWA.
 - B) The proposed garage shown on the plan provided with the application is 400 square feet. The proposed garage must meet Parts 124.4 and 124.5 of the 2015 Baltimore Building Code.

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To be filed with the Department of P To the Office of Administrative Hearings for B	
address 1343 South Seneca Rd 2122	205
1 220 26	it Tax Account # 1 5 1 3 2 0 5 9 70
Owner(s) Printed Name(s) Doer flex Beth, Des	acevedo Mike
(SELECT THE HEARING(S) BY MARKING X AT THE APPROPR	IATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the reverse of this Petition for	orm must be completed and notarized.
The undersigned, who own and occupy the property situate in Baltimore Countereof, hereby petition for an:	
ADMINISTRATIVE VARIANCE from Section(s) 3400, 2	> Height
BCZR 400.3 to approve an accessory building (garage) at to height of 15 feet.	
of the zoning regulations of Baltimore County, to the zoning law of Baltimore	County.
work in this space: i.e., to raze, alter or construct addition to building)	ant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of
of the zoning regulations of Baltimore County, to the zoning law of Baltimore	County.
Property is to be posted and advertised as prescribed by the zoning regulatio If we agree to pay expenses of above petition(s), advertising, posting, etc. an Baltimore County adopted pursuant to the zoning law for Baltimore County.	ons. Indicate the desired form of the second second form of the second second form of the second sec
Owner(s)/Petitioner(s):	
Both Doerfler, Mike T	requevedo
Name #1 – Type or Print Name #/2 –	Type or Print
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signature #1 5 Seneca D Parthings	ture # 2
Mailing Address City	State
21220, 443 831 8910 , be-	thout there a grant can
Zip Code Telephone #'s (Cell and Home)	Email Address)
Attorney for Owner(s)/Petitioner(s):	Representative to be Contacted:
Name - Type or Print	Name - Type or Print
Signature	Signature
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
A PUBLIC HEARING having been formally demanded and/or found to b Baltimore County, this day of	1 × 2
	Administrative Law Judge for Baltimore County
Case Number 2024-0006- A Filing Date 13	-11
	Revised 8/2022
	- 1/29/24 (10sins

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 1343 South Seneca Rd	Raltimore	MO	21220
Print or Type Address of Property	City	State	Zip Code
Based upon personal knowledge, the following are the Variance at the above address. (Clearly state practice)	he facts upon which I/we bas ctical difficulty or hardship	se the request for an here)	Administrative
The owners of the property u		uld a 2-sto	-10
Pfloor with a maximum height Pfloor with a loft and there	0 11	The house it	10.1
to the surrounding houses on	The street except	one origina	I have not
rebuilt post hurricane Isabel	1	11 3	o Sitore Cars
and the upstairs area will k	se used for storo	ge . the re	sidence
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mother-in-law suite upstair	5. Thegarage v	vill siting	in area
currently occupied by a she	ed and will be a	in the street	side not
Impeding anyone's view. This street properties within loop	s construction is		on adjacent
(If additional space for the petition request or the		*	ı it to this Form)
Signature of Owner (Affiant)	Signature of O	wner (Affiant)	
teh Derfler			
Name - Print or Type	Name - Print o	г Туре	
The following information is to be co	ompleted by a Notary Pu	blic of the State of	of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMOR	RE, to wit:		
I HEREBY CERTIFY, this day of and for the County aforesaid, personally appeared:	1	, before me a N	Notary of Maryland, in
Print name(s) here: Beth ANNLO	My Seaves	F. 7	
the Affiant(s) herein, personally known or satisfacto	rily identified to me as such ,	Affiant(s).	
AS WITNESS my hand and Notaries Seal			
May Lathour Enh	6		
Notary Public	÷ −3		
My Commission Expires			

Being Lot #222 Block () Section () in the subdivision of Bowleys Quarters as recorded in Baltimore County Plat Book L.McL.M.#9, Folio #12, containing 17,250 SF. Located in the 15th Election District and 5th council district.

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 -0006 -A Address 1343 S. Schtca Roge				
Contact Person: Tyles COX Phone Number: 410-887-3391 Planner, Please Print Your Name				
Filing Date: 1/3/24 Posting Date: 1/14/24 Closing Date: 1/29/24				
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.				
1. POSTING/COST : The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.				
 DEADLINE: The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date. 				
3. ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.				
4. <u>POSSIBLE PUBLIC HEARING AND REPOSTING:</u> In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.				
Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)				
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT				
Case Number:A Address				
Petitioner's Name: Telephone (Cell)				
Posting Date: Closing Date:				
Wording for Sign: To Permit				
CZR 400.3 to approve an accessory building (garage) at total height of 20 feet in lieu of the required maximum — eight of 15 feet.				

Revised 1/2022

If (Yes) list Case Number(s) MAP IS NOT TO SCALE Violation Case Number(s) Prior Hearing (Yes or No) and order result(s) below: Site Vicinity Map Flood Plain (Yes or No) Utilities - Mark with (X) Private Private Lot Square Footage Election District 15 Historic (Yes or No) CBCA (Yes or No). Zoning RC-5 Lot Area Acreage Zoning Map #___ Council District Public X Public Sewer is: Water is: Owners(s) Name(s) Both DOCFFIEL /M, Be DeQueved 600se 320592000100444605100026 124 Scale: 1 inch = 6.0 Section # Mark Type Requested with (X) Block # / Lot # 222 for Special Hearing__ Same Siteas Existing Folio # 12 10 Digit Tax # 1 5 Plan Drawn By Scth Doctfele Subdivision Name 3041075 @ UGFTCF5 20 29/190 Zoning Hearing Plan for Variance Scotta Daive Way LOH 222 Address 1343 Plat Book # 9 Z

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: February 5, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0006-A

Address: 1343 S SENECA RD

Legal Owner: Beth Doefler, Mike DeQuevedo

Zoning Advisory Committee Meeting of January 26, 2024.

EPS has reviewed the subject zoning petition for compliance with the goals of the Statemandated 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 a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is seeking approval to permit a side yard addition with a side setback of 4 feet in lieu of the required 35 feet. The proposed development must meet LDA requirements and the 15% afforestation requirement. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront lot with a 100-foot Critical Area buffer extending onto the property from Seneca Creek. The buffer consists of a maintained grass lawn. Part of the existing house and an attached deck is located within the buffer. The proposed garage will be located outside the buffer. Meeting the MBA

requirements, lot coverage requirements, and the 15% afforestation requirement will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

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.

If the proposed development can be designed to meet the MBA, lot coverage, and afforestation requirements, the relief requested will be consistent with established land-use policies.

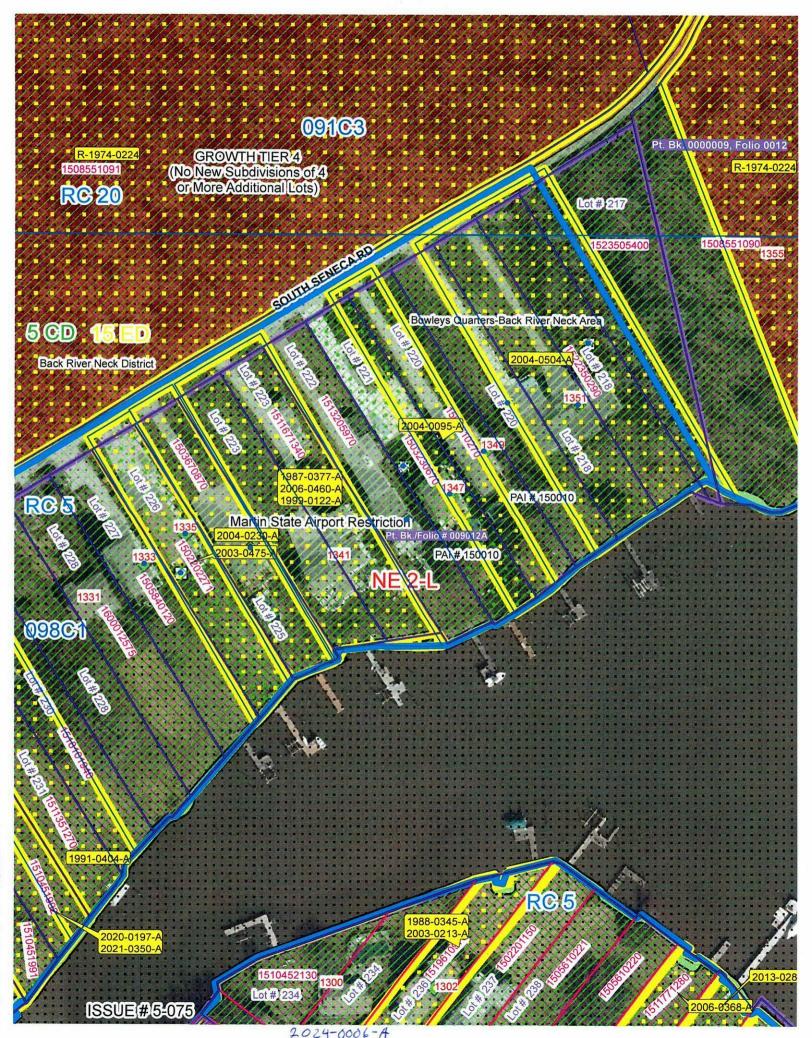
Reviewer: Gris Batchelder

Real Property Data Search () Search Result for BALTIMORE COUNTY

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2024-0006-A

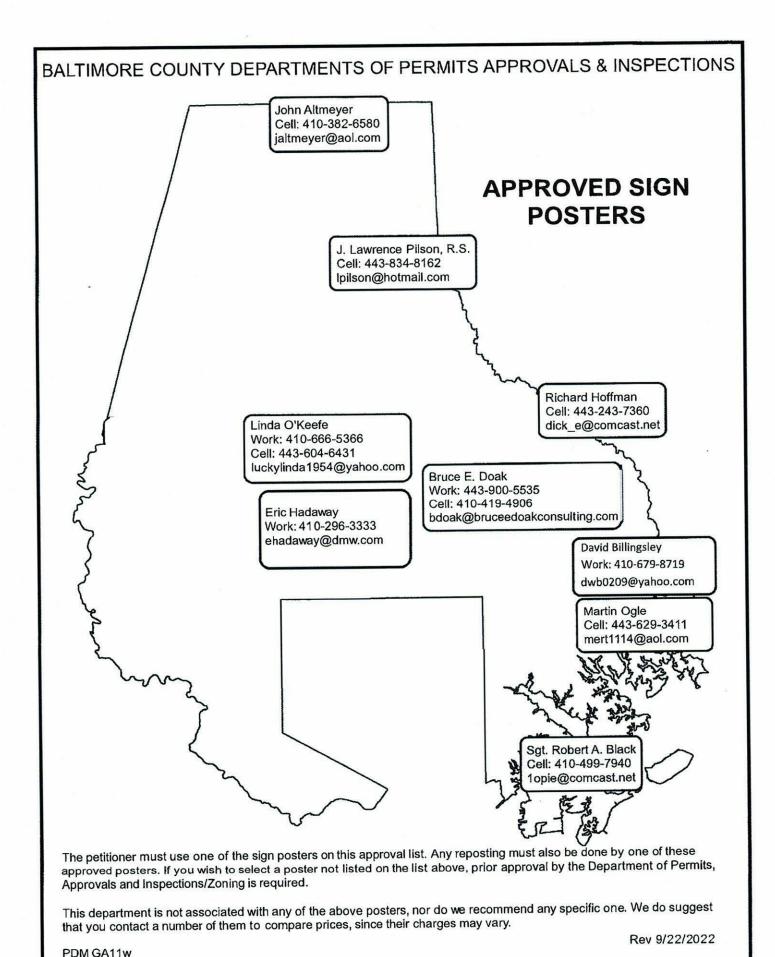
Homeowners' Tax Credit Application Status: No Application Date:



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Wording for Sign: To Permit			
CZR 400.3 to approve an accessory building (garage) at total height of 20 feet in lieu of the required maximum — eight of 15 feet.			
Poviced 1/2022			





Baltimore County Department of Permits, Approvals & Inspections

SHEDS AND ACCESSORY STORAGE STRUCTURES: FOUNDATION REQUIREMENTS

Accessory storage buildings of *light frame construction** up to 400 sf in area:

No permanent foundation is required, but the building must

be anchored. Eave height must not exceed 10 feet.

Accessory storage buildings greater than 400 sf in area that are not of light frame construction*:

A permanent foundation supported at least 30" below finished grade is required.

*light frame construction: structural elements are primarily formed from a system of repetitive wood or cold-formed steel framing members.

NOTE: Permits are required for all accessory structures over 120 square feet

Explanatory Notice to Applicants: When soil freezes, entrapped moisture expands, lifting anything built on top of it. This movement, known as frost heave, can severely damage a building whose foundation is not deep enough. Damage from frost heave is directly proportional to the size and complexity of the structure. The smaller the shed, the more likely it will rise and fall as a unit without differential movement. The addition of windows and doors decreases the likelihood of unity of movement, causing portions of the structure to move out of balance with other portions and thus decrease building function.

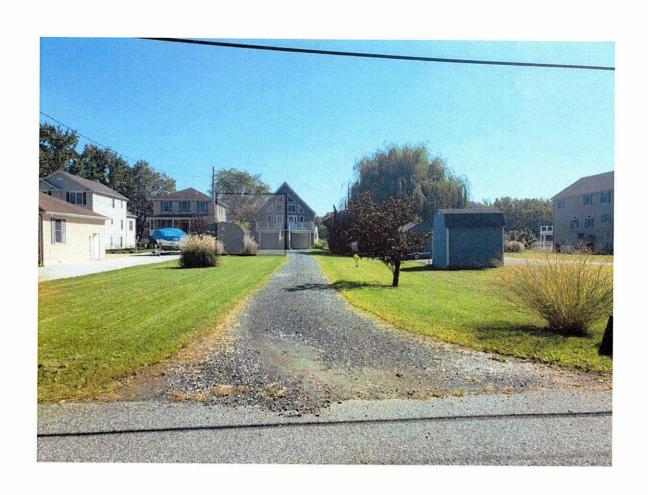
For further information, contact Building Inspection at 410-887-3953.

Applicant Poll on	Date 9/14/23



2024-6006-4





The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments following the review of the ZAC Agenda for the distribution meeting of January 19, 2024 and comments due January 26, 2024:

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