



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

March 4, 2024

Oscar P. Torres
Nora L. Lopez
8221 Dundalk Avenue
Baltimore, MD 21222

RE: Petition for Variance
Case No. 2024-0009-A
Property: 8221 Dundalk Avenue

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,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is fluid and cursive.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure
c: Bruce E. Doak – bdoak@bruceedoakconsulting.com

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(8221 Dundalk Avenue)		
12 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Oscar Torres and Nora Lopez	*	HEARINGS OF
Legal Owners		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0009-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Oscar Pacheco Torres and Nora Zamora Lopez (“Petitioners”) for property located at 8221 Dundalk Avenue, Dundalk, (the “Property”). A Petition was initially filed requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1 to permit an addition to the existing dwelling with a side yard setback of 1 ft., in lieu of the required 10 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Mr. Torres, who did not speak English as his first language appeared at the hearing, along with his daughter who translated for him. Bruce E. Doak of Bruce E. Doak Consulting, a licensed property line surveyor, prepared and sealed a site plan (the “Site Plan”) and a redlined site plan (“Redlined Site Plan”). (Pet. Ex. 1, 1A). There were no Protestants or other interested persons in attendance.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”), which agencies did not oppose the requested relief. A ZAC comment was also received for Development Plans Review (“DPR”) and Department of Public Works and Transportation

("DPWT") which reads as follows:

1) 2024-0009-A, 8221 Dundalk Ave.:

A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100555F 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 LiMWA is not on the property.

B) State Document Record Plat 13/19 shows an existing 5-foot reservation along the rear property line. The reservation is not shown on the plan provided with the application. The plan provided with the application shows an existing cabana and existing fence in the reservation. The existing cabana and existing fence should be removed from the reservation area.

As shown on the Site Plan, the Property is 5,500 sf +/- and is improved with a 1 ½ story, 1,125 sf dwelling constructed in 1944 which does not face Dundalk Ave., but rather faces the home at 8219 Dundalk Ave. The Property is zoned Density Residential (DR 5.5). This Case was filed as a result of a Code Enforcement case (CB2300339) for constructing an addition in side yard without a building permit. (See File). While Mr. Torres owns his own construction company which provides labor on a job site, his company is the subcontractor to a larger contracting company. When questioned about why a building permit was not obtained prior to constructing the addition, he testified that the company with whom he contracts obtains the building permits. As a result of the Code Enforcement case, he stopped all work on the addition. (See File). Mr. Torres was also asked about the front porch extension which he also constructed without a permit.

In reviewing the Site Plan at the hearing, due to the orientation of the front of the home, it was apparent that the addition was not constructed in the side yard but rather the rear yard. (Pet. Ex. 1). The rear yard addition abuts the fence next to 8219 Dundalk Avenue, with the exception of 1 ft. The property owner of 8223 Dundalk Ave. provided a letter of support for the addition to

remain. (Pet. Ex. 8). It was clear that given the orientation of the home that an Amended Petition and Redlined Site Plan would need to be filed to address several issues including a cabana which was constructed in the front yard but is also located within a 5 ft reservation as shown on the Plat of Murray Point, Section B, filed in Land Records of Baltimore County on April 22, 1942 (Plat Book 13, page 19). DPWT requires the removal of the cabana and the 6 ft fence from the reservation area. An Amended Petition and Redlined Site Plan were filed. (See File). (Pet. Ex. 1A). Street view photographs of the home and addition were provided. (Pet. Exs. 5).

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).

As explained above, the Property is unique due to the front orientation toward the property at 8219 Dundalk Ave., such that the side of the home on the Property faces Dundalk Ave. Additionally, the shape of the Property is trapezoidal and different from other properties in the neighborhood. The orientation of the home and irregular property shape causes a practical difficulty on the Petitioners because otherwise the addition, which is needed to expand the kitchen which faces Dundalk Ave. and to provide an additional bedroom, would need to be removed. Given the modest size of the 1944 home, this additional space is needed. However, any addition constructed would not meet the required setbacks due to the orientation and oddly shaped lot. I 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, IT IS ORDERED, this 4th day of **March, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief pursuant to BCZR to permit:

1) An existing addition to the dwelling with a rear yard setback of 1 foot in lieu of the required 30 feet per BCZR, §1B02.3.C.1;

2) An existing dwelling with a front yard setback of 18 feet in lieu of the required 25 feet per BCZR, §1B02.3.C.1;

3) An existing open porch with a front yard setback of 12 feet in lieu of the required 18.75 feet per BCZR, §1B02.3.C.1;

4) An existing shed to be located in the side and rear yard per BCZR, §400.1; and

5) An existing accessory structure (cabana) to be located in the front yard per BCZR, §400.1,

be, and they are each hereby, **GRANTED**; and

IT IS FURTHER ORDERED that the Petition for Variance to permit an existing dwelling with a rear yard setback of 8 feet in lieu of the required 30 feet per BCZR, §1B02.3.C.1 be, and it is hereby, **DISMISSED AS MOOT** in that the existing addition to the dwelling with a rear yard setback of 1 foot in lieu of the required 30 feet per BCZR, §1B02.3.C.1, was granted; and

IT IS FURTHER ORDERED that the Petition for Variance to permit an existing accessory structure (cabana) to have a setback from the property line of 0 feet in lieu of the 2.5 ft., per BCZR, § 400.1 be, and it is hereby, **DENIED**, given that the cabana must be located outside of the 5 ft. reservation area.

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. Petitioners shall obtain building permits for the addition and for the front porch.

3. Prior to obtaining building permits, Petitioners shall comply with the DEPS and DPR/DPWT ZAC comments which are attached hereto and incorporated herein, including the removal of the cabana and the fence located within the 5 ft reservation as addressed in the DPR/DPWT ZAC comment to the satisfaction and/or inspection by DPR/DPWT.

4. The Redlined Site Plan (Pet. Ex. 1-A) is attached hereto and incorporated herein.

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

A handwritten signature in dark ink, reading "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent than the last name "Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

GENERAL INFORMATION

1. Ownership: Oscar Pacheco Torres and Nora Leticia Zamora Lopez
8221 Dundalk Avenue Baltimore, MD 21222
2. Address: 8221 Dundalk Avenue
3. Deed references: JLE 46445/1
4. Area: 5,500 sq. ft. / 0.126 acre (per SDOAT)
5. Tax Map / Parcel / Tax account #: 110732 / 12-13-010920
6. Election District: 12 Councilmanic District: 7
ADC Map: GIS tile: 110C1 Position sheet: 20SE22
Census tract: 492700 Census block: 240054927002000
Schools: Logan ES Dundalk MS Dundalk HS
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 022A2 and the information provided by Baltimore County on the Internet.
8. Improvements: Single family dwelling (built in 1944) and a shed. The existing dwelling and shed will remain.

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcels.

Zoning Setbacks for Residential Buildings (per zoning regulations 1802.3.B)

Front: 25 feet from the property line or street right of way

Side: 10 feet from the property line

Rear: 30 feet from the property line

ENVIRONMENTAL IMPACT

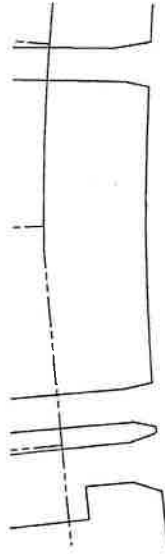
Watershed: Baltimore Harbor UROL land type: 1

1. The existing dwelling is currently serviced by public water and sewer in Dundalk Avenue.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Dundalk/Turners Station District Code: 329

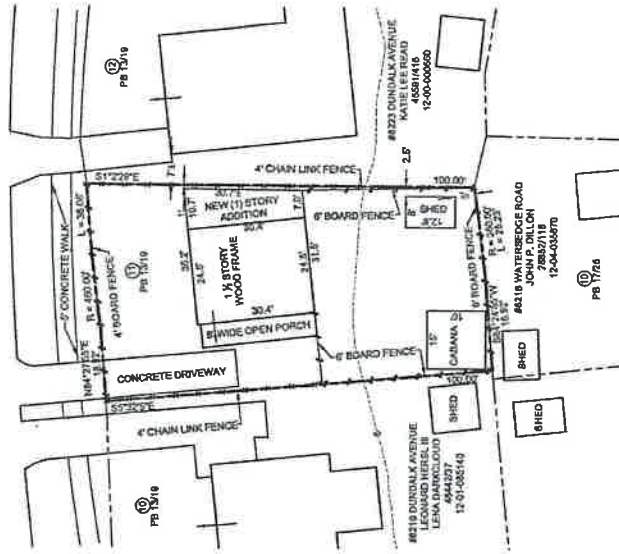
1. The subject dwelling is not historic. The subject property is not in a historic district.



AVENUE

DUNDALK

(80' WIDE)



REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
1501 Baltimore Pike, Suite 200
Baltimore, MD 21206
410-580-5525
bdoak@doakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR

#8221 DUNDALK AVENUE

BALTIMORE COUNTY, MARYLAND
12TH ELECTION DISTRICT 7th COUNCILMANIC DISTRICT
Date: 1/7/2024
Scale: 1" = 20'

Per Ex #1

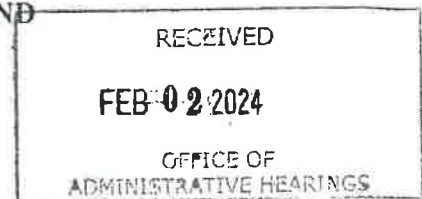
The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments following the review of the ZAC Agenda for the distribution meeting of January 19, 2024 and comments due January 26, 2024:

1) 2024-0009-A, 8221 Dundalk Ave.:

- A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100555F 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 LiMWA is not on the property.
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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 2, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0009-A
Address: 8221 DUNDALK AVE
Legal Owner: Oscar Torres, Nora Lopez

Zoning Advisory Committee Meeting of January 26, 2024.

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 an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements. The applicant is proposing to permit an addition to the existing dwelling with a side yard setback of 1 foot in lieu of the required minimum 10 feet. Any proposed development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation required to meet 10% pollution reduction, the requested amendment will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Any new development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation requirement for 10% pollution reduction, 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 the IDA requirements for 10% pollution reduction for any new development, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 2/1/2024



PETITION FOR ZONING HEARING(S)

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

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

Address 8221 DUNDALK AVENUE which is presently zoned DR55
Deed References: JLE 46445/1 10 Digit Tax Account # 1 2 1 3 0 1 0 9 2 0
Property Owner(s) Printed Name(s) OSCAR PACHECO TORRES
NORA LETICIA ZAMORA LOPEZ

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E DOAK CONSULTING LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2024-0009-A

Filing Date 1/14/2024

Do Not Schedule Dates:

Reviewer mtk

Zoning Hearing Petitions Being Requested

Variance to permit an addition to the existing dwelling with a side yard setback of 1 foot in lieu of the required 10 feet per Section 1B02.3.C.1 (BCZR).



Zoning Description

8221 Dundalk Avenue
Twelfth Election District Seventh Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Dundalk Avenue, easterly 288 feet, more or less, from the centerline of Faircross Road and then southerly from the center line of Dundalk Avenue 40 feet, more or less.

Being Lot 11 Block 6 Section B as shown on the plat dated March 1942 and entitled "Plat of Murray Point Section B Dundalk" recorded in the Baltimore County Land Records in Plat Book 13, page 19.

Containing 5,500 square feet of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2024-0009-A

**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 fifteen (15) 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: 2024-0009-A
Property Address: 8221 DUNDALK AVE BALTIMORE MD 21222
Property Description: LOT 11 "MURRAY POINT" PB 13/19

Legal Owners (Petitioners): OSCAR P. TORRES & NORA L.Z. LOPEZ
Contract Purchaser/Lessee: N/A

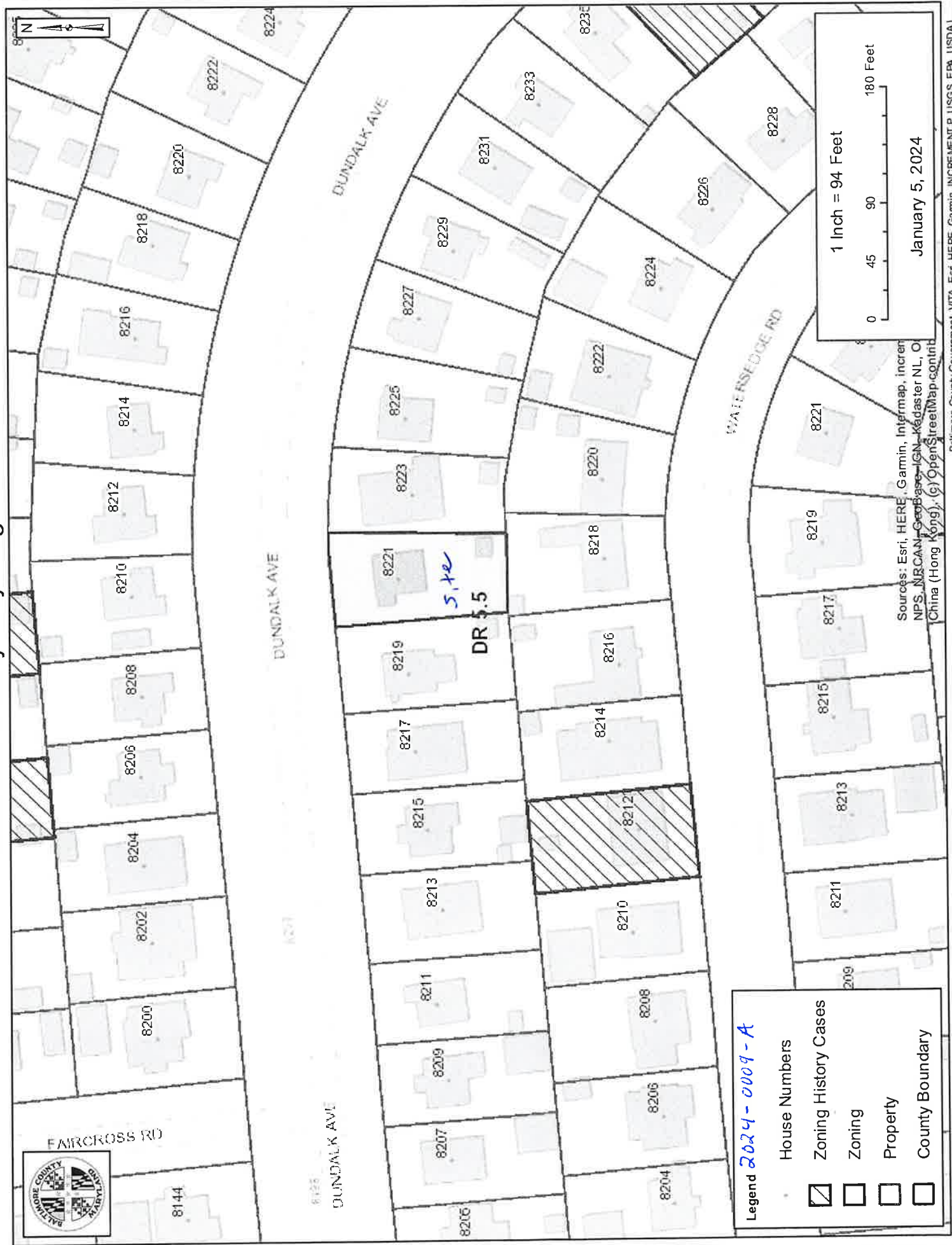
PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053

Telephone Number: 410-419-4906

Revised 5/20/2014

Baltimore County - My Neighborhood



Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 1213010920

Owner Information

Owner Name: TORRES OSCAR PACHECO Use: RESIDENTIAL
LOPEZ NORA LETICIA ZAMORA Principal Residence: YES
Mailing Address: 8221 DUNDALK AVE Deed Reference: /46445/ 00001
BALTIMORE MD 21222-6014

Location & Structure Information

Premises Address: 8221 DUNDALK AVE Legal Description:
BALTIMORE 21222-6014 MURRAY POINT

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0110 0006 0032 12050097.04 0000 B 6 11 2024 Plat Ref: 0013/ 0019

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1944 1,125 SF 5,500 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 1/2 NO STANDARD UNITSIDING/3 1 full/ 1 half

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	49,500	63,700		
Improvements	83,500	117,300		
Total:	133,000	181,000	133,000	149,000
Preferential Land:	0	0		

Transfer Information

Seller: CERENZE MARY ANN	Date: 02/22/2022	Price: \$195,000
Type: ARMS LENGTH IMPROVED	Deed1: /46445/ 00001	Deed2:
Seller: MCKAY FRANCIS J	Date: 11/29/1976	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /05701/ 00399	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0009-A

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

No. 229453

Date: 1/4/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	866	6000		6150				\$ 75.00

Total: \$ 75.00

Rec
From:

Bruce Doak

For:

Residential Zoning Variance
8221 Dunbar Ave
Zoning Case No. 2024-0009-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

MTA

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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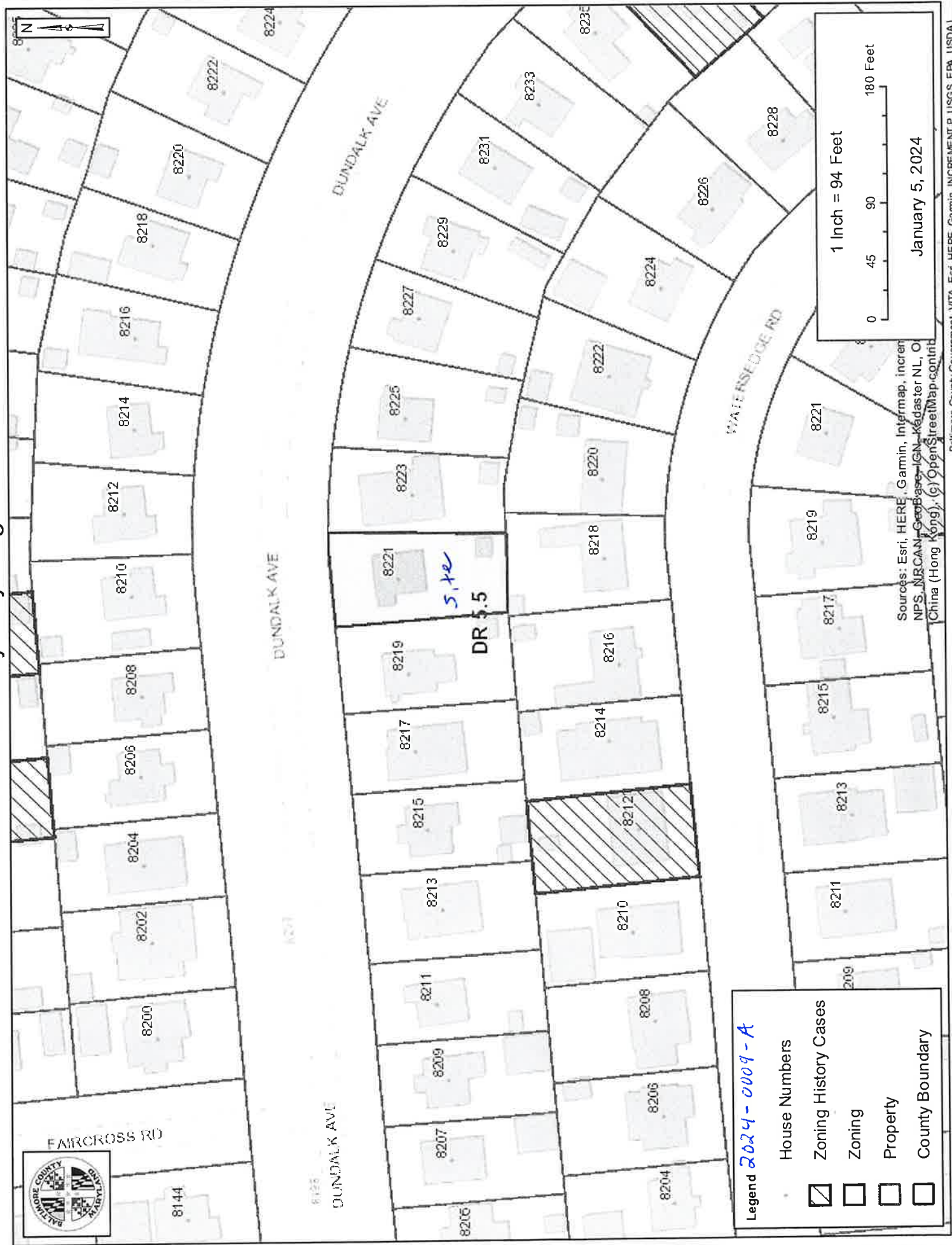
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Revised 5/20/2014

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1944 1,125 SF 5,500 SF 04

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Type: NON-ARMS LENGTH OTHER	Deed1: /05701/ 00399	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

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Total: \$ 75.00

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From:

Bruce Doak

For:

Residential Zoning Variance

8221 Dunbar Ave

Zoning Case No. 2024-0009-A

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PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

MTA

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 2, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0009-A
Address: 8221 DUNDALK AVE
Legal Owner: Oscar Torres, Nora Lopez

Zoning Advisory Committee Meeting of January 26, 2024.

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 an Intensely Developed Area (IDA) of the Chesapeake Bay Critical Area (CBCA) and is subject to Critical Area requirements. The applicant is proposing to permit an addition to the existing dwelling with a side yard setback of 1 foot in lieu of the required minimum 10 feet. Any proposed development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation required to meet 10% pollution reduction, the requested amendment will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront. Any new development of the property must meet IDA requirements for 10% pollution reduction. If the applicant complies with any mitigation requirement for 10% pollution reduction, 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 the IDA requirements for 10% pollution reduction for any new development, then the relief requested will be consistent with the established land-use policies.

Additional Comments:

Reviewer: Libby Errickson 2/1/2024

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) 2024-0009-A, 8221 Dundalk Ave.:
 - A) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100555F 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 LiMWA is not on the property.
 - B) State Document Record Plat 13/19 shows an existing 5-foot reservation along the rear property line. The reservation is not shown on the plan provided with the application. The plan provided with the application shows an existing cabana and existing fence in the reservation. The existing cabana and existing fence should be removed from the reservation area.

ZAC AGENDA

Case Number: 2024-0009-A **Reviewer:**
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Oscar Torres, Nora Lopez
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 8221 DUNDALK AVE

Location: Southside of Dundalk Avenue, 288 ft. east of the centerline of Faircross Road

Existing Zoning: DR 5.5

Area: 5,500 SQ. FT.

Proposed Zoning:

VARIANCE:

to permit an addition to the existing dwelling with a side yard setback of 1 ft. in lieu of the required 10 ft. per section 1B02.3.C.1, BCZR.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

No Greenways affected.

Landscape: N/C .

Miscellaneous Notes:

Landscape - NC

Rec Parks : NC & No Greenways Affected

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 1/23/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0009

INFORMATION:

Property Address: 8221 Dundalk Avenue
Petitioner: Oscar Pacheco Torres and Nora Leticia Zamora Lopez
Zoning: DR 5.5
Requested Action: Variance

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

Variance - To permit an addition to the existing dwelling with a side yard setback of 1foot in lieu of the required 10 foot per Section 1B02.3.C.1 (BCZR).

The subject property consists of +-1.65 acres and zoned DR5.5 in the Dundalk area of Baltimore County. The property is improved with a detached residential dwelling. Other detached residential dwellings, Peach Orchard Park and the Peach Orchard Cove surrounds the property.

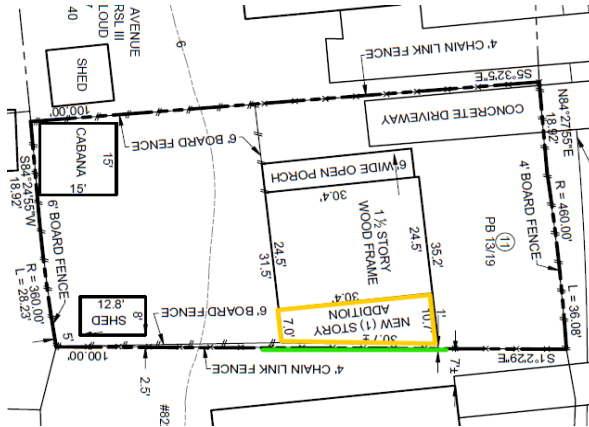
According to the applicant's representative, Mr. Bruce E. Doak of the Bruce E. Doak Consulting LLC, the proposed development has already been constructed and in use. Baltimore County's code Enforcement issued a citation for this violation under Case CB2300339 (building addition on side without permit). For reference, the green line indicates the property line and the yellow line is the proposed (already built) side addition (see below).

The petitioner has indicated that they intend to present a demonstration of unreasonable hardship or practical difficulty as required to grant this variance at the hearing for this request. No such unreasonable hardship or practical difficulty is readily identifiable through provided documents or accessible information. Yet, the information gathered through the review of potentially relevant guidance, such as community plans, does not require that the requested variance be denied. It is worth noting that the proposed addition is not consistent with the environment and the proposed addition is the only one in the neighborhood.

The Department of Planning does not object to the requested relief and defer all decision making to the Administrative Law Judge. The Department requests that an approval to the requested relief for side yard setback must include the following conditions:

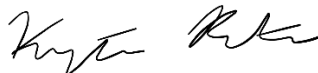
1. A sufficient demonstration of unreasonable hardship or practical difficulty is presented as determined by the Administrative Law Judge.

2. The Petitioners or subsequent owners shall not convert the subject extension into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
3. The accessory structure shall not be used for commercial or industrial purposes.

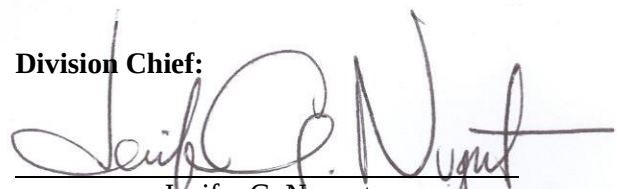


For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:

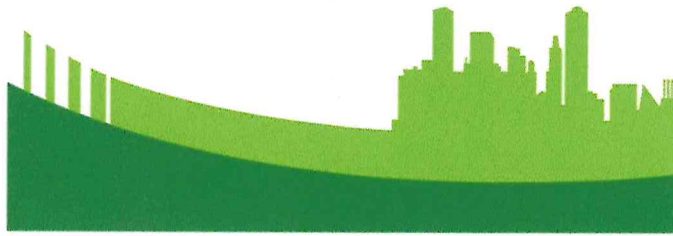

 Krystle Patchak

Division Chief:


 Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak, Bruce E. Doak Consulting LLC, Petitioner
 Maria Mougridis, Community Planner
 Jeff Perlow, Zoning Review
 Kristen Lewis, Zoning Review
 Office of Administrative Hearings
 People's Counsel for Baltimore County



CERTIFICATE OF POSTING

January 27, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0009-A

Legal Owner: Oscar Torres & Nora Lopez

Hearing date: February 23, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **8221 Dundalk Avenue**.

The signs were initially posted on January 27, 2024.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink that reads "Bruce E. Doak". The signature is stylized with a large "B" and "D".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2024-0009-A

8221 Dundalk Avenue

THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY, BY
AUTHORITY OF THE ZONING ACT AND REGULATIONS OF
BALTIMORE COUNTY, WILL HOLD A VIRTUAL HEARING
(VIA WEBEX) ON THE PROPERTY IDENTIFIED HEREIN AS FOLLOWS:

DATE & TIME:

FRIDAY FEBRUARY 23, 2024 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS,
PLEASE VISIT THE WEB SITE ADDRESS BELOW NO LATER THAN
48 HOURS PRIOR TO THE HEARING:

WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS.

YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION
AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL

410-887-3868, EXT. 0 OR SEND AN EMAIL TO

ADMINISTRATIVEHEARINGS@BALTIMORECOUNTYMD.GOV

**VARIANCE TO PERMIT AN ADDITION TO AN EXISTING
DWELLING WITH A SIDE YARD SETBACK OF 1 FT. IN
LIEU OF THE REQUIRED 10 FT. PER THE BALTIMORE
COUNTY ZONING REGULATIONS (BCZR), SECTION
1B02.3.C.1.**

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COUNTY ZONING REGULATIONS (BCZR), SECTION
1B02.3.C.1.

GENERAL INFORMATION

1.

Ownership: Oscar Pacheco Torres and Nora Leticia Zamora Lopez
8221 Dundalk Avenue Baltimore, MD 21222
2.

Address: 8221 Dundalk Avenue
3.

Deed references: JLE 46445/ 1
4.

Area: 5,500 sq. ft. / 0.126 acre (per SDAT)
5.

Tax Map / Parcel / Tax account #: 110 / 32 / 12-13-010920
6.

Election District: 12 Councilmanic District: 7
ADC Map: GIS tile: 110C1 Position sheet: 20SE22
Census tract: 492700 Census block: 240054927002000
Schools: Logan ES Dundalk MS Dundalk HS
7.

The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tiles 022A2 and the information provided by Baltimore County on the internet.
8.

Improvements: Single family dwelling (built in 1944) and a shed. The existing dwelling and shed will remain.

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcels.

Zoning Setbacks for Residential Buildings (per zoning regulations 1B02.3.B)

- Front: 25 feet from the property line or street right of way
- Side: 10 feet from the property line
- Rear: 30 feet from the property line

ENVIRONMENTAL IMPACT

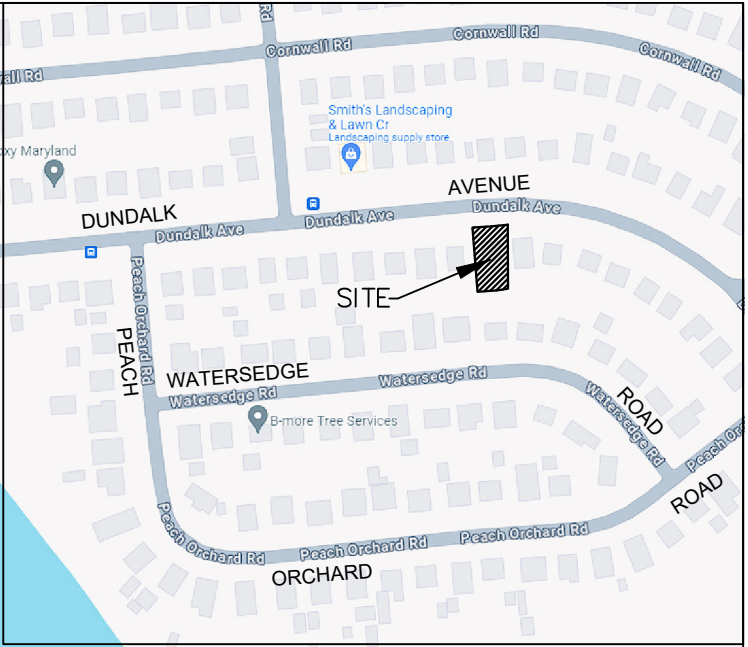
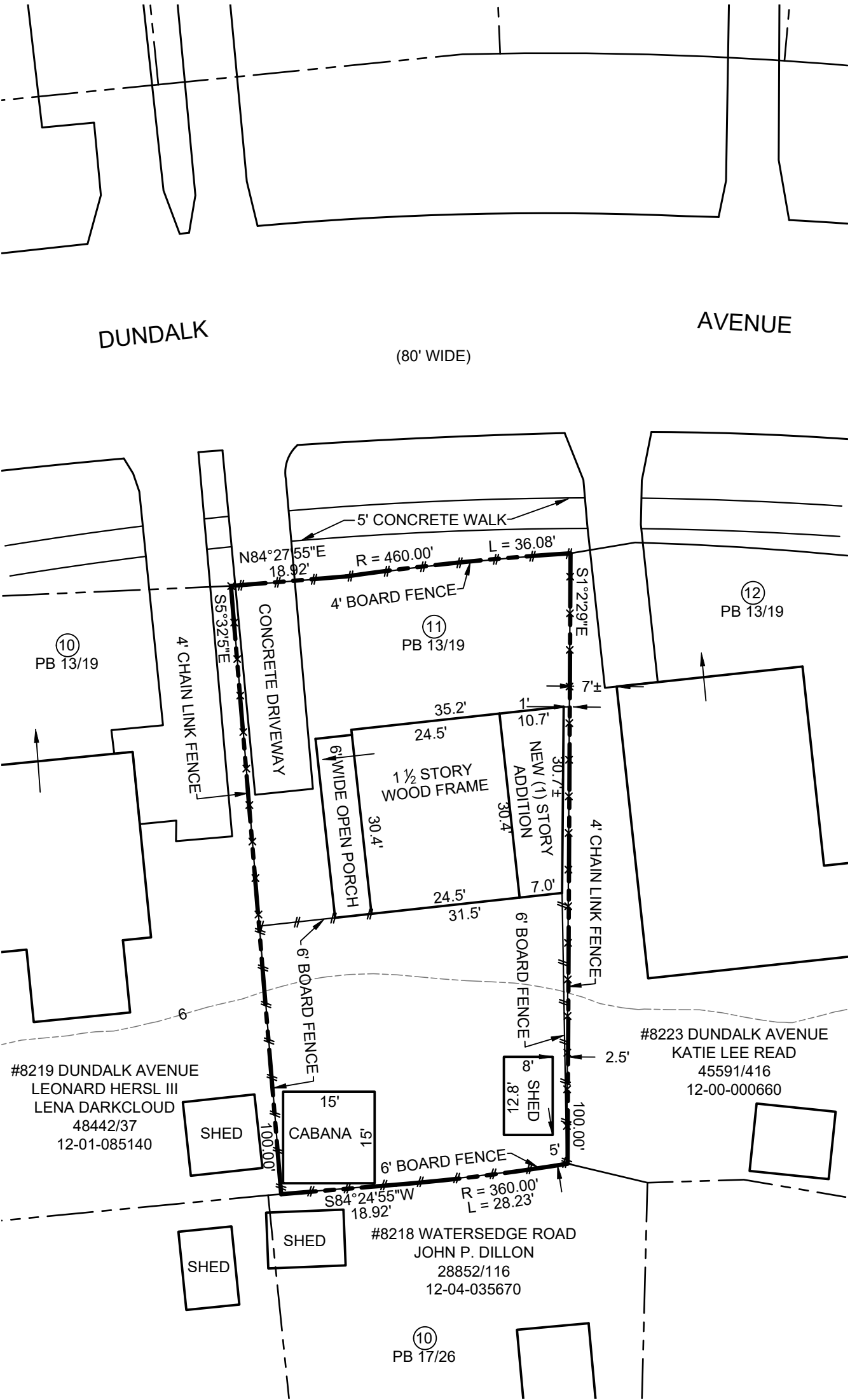
Watershed: Baltimore Harbor URDL land type: 1

1. The existing dwelling is currently serviced by public water and sewer in Dundalk Avenue.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Dundalk/Turners Station District Code: 329

1. The subject dwelling is not historic. The subject property is not in a historic district.



Vicinity Map – Scale: 1” = 300’



REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION

FOR

#8221 DUNDALK AVENUE

BALTIMORE COUNTY, MARYLAND
12th ELECTION DISTRICT 7th COUNCILMANIC DISTRICT

Date: 1/7/2024

Scale: 1”= 20’