



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 26, 2024

Donna Fisher - shwright78@gmail.com
426 Lorraine Avenue
Essex, MD 21221

RE: Petition for Administrative Variance
Case No. 2024-0023-A
Property: 426 Lorraine Avenue

Dear Ms. Fisher:

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, appearing to be "DJB", is written over a circular stamp or seal.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure
C: Ike Okoye – mikadadesigngroup@yahoo.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(426 Lorraine Avenue)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
	*	HEARINGS FOR
Donna Fisher		
	*	BALTIMORE COUNTY
Petitioner	*	CASE NO. 2024-0023-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Donna Fisher (“Petitioner”), for the property located at 426 Lorraine Avenue, Essex (the “Property”). The Petitioner is requesting variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”), § 1B02.3B, to approve an existing house and proposed rear addition with a side setback of 8 ft in lieu of the minimum required 10 ft., and a rear setback of 25 ft. in lieu of the minimum required 30 ft. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1. A Letter of Intent, GIS imagery, and street view photographs were marked and accepted into evidence as Petitioner’s Exhibits 2-4.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The Department of Environmental Protection and Sustainability (“DEPS”) provided comments indicating that the Property is located within the Chesapeake Bay Critical Area (“CBCA”) and the Limited Development Area (“LDA”) and is subject to Critical Area requirements.

The Petitioner having filed a Petition for Administrative Variance and the subject property

having been posted on February 2, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioner.

THEREFORE, IT IS ORDERED, this 26th day of **February, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BCZR"), § 1B02.3B, to approve an existing house and proposed rear addition with a side setback of 8 ft in lieu of the minimum required 10 ft., and a rear setback of 25 ft. in lieu of the minimum required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner must comply with the DEPS ZAC comment, a copy of 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.



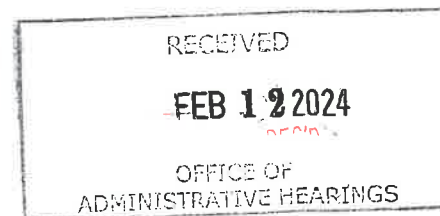
DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw

AV 2/19

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 (DEPS) - Development Coordination

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0023-A
Address: 426 LORRAINE AVE
Legal Owner: Donna Fisher

Zoning Advisory Committee Meeting of February 12, 2024.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

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;

This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development must comply with the 10% pollutant reduction requirements to minimize adverse impacts on water quality that result from the development activities. The zoning relief requested can be supported by DEPS provided that the development complies with residential 10% pollutant reduction requirements prior to permit approval.

2. Conserve fish, wildlife, and plant habitat; and

The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for the proposed development, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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.

The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review



ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 426 Lorraine Ave Baltimore MD 21221 Currently Zoned DR 5.5
Deed Reference 06452 / 1 00117 10 Digit Tax Account # 1 505340080
Owner(s) Printed Name(s) Fisher Raymond Philip & Fisher Donna D

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR 1B02.3.B To approve an existing house and a proposed rear addition with a side yard setback of 8 ft in lieu of the minimum required 10 ft and a rear setback of 25 ft in lieu of the minimum required 30 ft, respectively

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

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 regulations.

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

Owner(s)/Petitioner(s):

Donna Fisher
Name #1 – Type or Print Name #2 – Type or Print

Donna Fisher
Signature #1 Signature #2

426 Lorraine Ave Baltimore MD
Mailing Address City State

21221 / 443226 3736 shwnight78@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

Ike Okoye
Name - Type or Print

Ike Okoye
Signature

3375 Elliott Ct #1759 Elliott City MD
Mailing Address City State

21044 / 3017043776 mikadadesigngroup@yahoo.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2023-0023-A Filing Date 1/26/2024 Estimated Posting Date 2/19/2024 Reviewer CP

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: 426 Lorraine Ave Baltimore Maryland 21221
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. (Clearly state practical difficulty or hardship here)

We are requesting for administrative variance for the above address to seek relief of required rear yard setback.
The proposed reduction of rear yard setback would allow owner to add more dwelling space to accommodate family growth.
The lot is currently irregular in shape from 25ft to 30ft rear property measurement.
We are requesting ~~increasement~~ reduction in required 30ft setback to 25ft rear setback. Granting of variance would have no effect on any adjoining property or cause any detriment to the common good as the literal. Granting variance will not be materially detrimental to the public welfare or injuries.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Donna Fisher
Signature of Owner (Affiant)

Signature of Owner (Affiant)

Donna Fisher
Name - Print or Type

Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22ND day of January, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

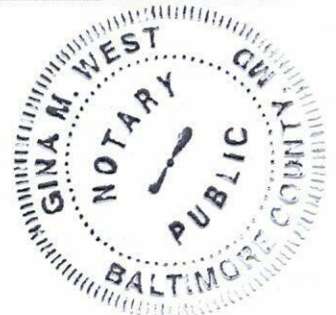
Print name(s) here: DONNA FISHER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Gina M. West
Notary Public

01/22/2027
My Commission Expires



2024-0023-A

**PART A ZONING PROPERTY DESCRIPTION FOR 426 LORRAINE DR
BALTIMORE MARYLAND 21221**

Southwest side of Lorraine Avenue which is 50 feet wide at a distance of 175 feet
Nothwest of River Side Drive which is 50 feet wide.

2024-0023-A

PROPERTY DESCRIPTION:

Being Lot #14, Block# 4M, Section# E, in the subdivision of Middle River as recorded in Baltimore County Plat Book # 0009/0074, Libel# 06452, and Folio# 00117, containing a total of 4,800 square feet of land area. Located in the Election District 15, and Councilmanic District 07, and Legislative District 06 and Congressional District 02.

2024-0023-A

Site Vicinity Map

Cedar Ave

Lorraine Ave

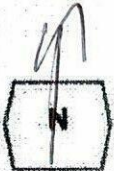
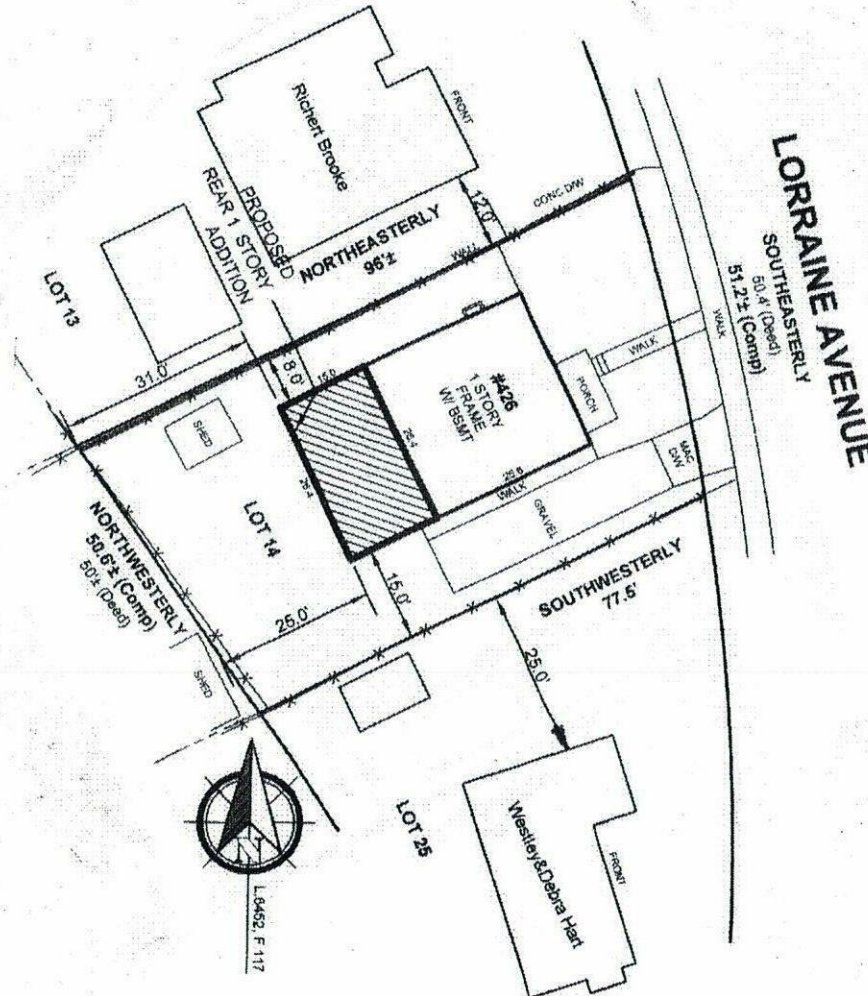
Riverside Dr

N

MAP IS NOT TO SCALE

Zoning Map # 097A2
Zoning DR 5-5
Election District 15
Council District 07
Lot Area Acreage 0.11
Lot Square Footage 4,800
Historic (Yes or No) NO
CBCA (Yes or No) NO
Flood Plain (Yes or No) no
Utilities – Mark with (X)
Water is:
Public X Private _____
Sewer is:
Public X Private _____
Prior Hearing (Yes or No) No
If (Yes) list Case Number(s)
and order result(s) below:
N/A

Violation Case Number(s)
N/A



Plan Drawn By IKE OKOYE

Date 12/05/23 Scale: 1 inch = 30 Feet

2024-0023-A

CERTIFICATE OF POSTING

CASE NO. 2024-0023-A

PETITIONER/DEVELOPER

Donna Fisher

DATE OF HEARING/CLOSING

February 19, 2024

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
426 Lorraine Avenue



THE SIGN(S) POSTED ON February 2, 2024
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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 (DEPS) - Development Coordination

DATE: February 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0023-A
Address: 426 LORRAINE AVE
Legal Owner: Donna Fisher

Zoning Advisory Committee Meeting of February 12, 2024.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (DEPS) has provided written recommendations describing how the proposed request would:

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The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for the proposed development, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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The zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for the proposed development.

Paul Dennis, Environmental Impact Review

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

DPR: No comment

BALTIMORE COUNTY, MARYLAND

DPW-T: No Exception taken

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
Recreations & Parks

DATE: February 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0023-A

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

DPR: No comment.

DPW-T: No Exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.





MIKADA DESIGN GROUP

3375 ELLICOTT CENTER, STE 1759
ELLICOTT CITY MARYLAND 21041

Phone: 301-704-3776

Fax: 410-744-0336

Date: December 4, 2023

Current Zoning: DR5.5

Tax Account #: 1505340080

Property Address: 426 Lorraine Avenue, Baltimore, Maryland 21221

Ref: Letter of Intent for Administrative Zoning Variances

Dear Planning & Zoning Members,

We are requesting a variance for the above address to seek relief of the required rear yard setback, for the reasons detailed below, the proposed reduction of the rear yard setback would allow the property owner to increase their home square footage that would be in character with the surrounding homes along Lorraine Avenue.

1. Due to the shape and irregularity of this lot combined with the required rear setback of 30 FT. The strict application of the requirements of this applicable zoning chapter would deprive the existing property owner of rights and privileges currently enjoyed on this site and by other property owners in the same zoning district.

We are requesting a reduction in the required rear setback to 25 Ft. for the rear one-story addition.

2. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

3. The granting of the variance would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good. The strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner.

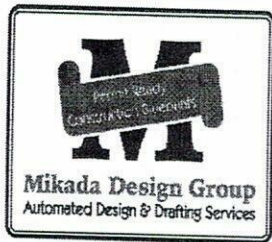
Thank you for your consideration,

Sincerely,

/s/ L. Okoye

Prepared and presented by: Mikada Design Group LLC

2024-0023-A



MIKADA DESIGN GROUP
3375 ELLICOTT CENTER, STE 1759
ELLICOTT CITY MARYLAND 21041
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Thank you for your consideration,

Sincerely,

/s/ K. L. Okoye

Prepared and presented by: Mikada Design Group LLC

2024-0023-A



MIKADA DESIGN GROUP
3375 ELLICOTT CENTER, STE 1759
ELLICOTT CITY MARYLAND 21041
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Sincerely,

/s/ K. L. Okoye

Prepared and presented by: Mikada Design Group llc

2023-0023-A

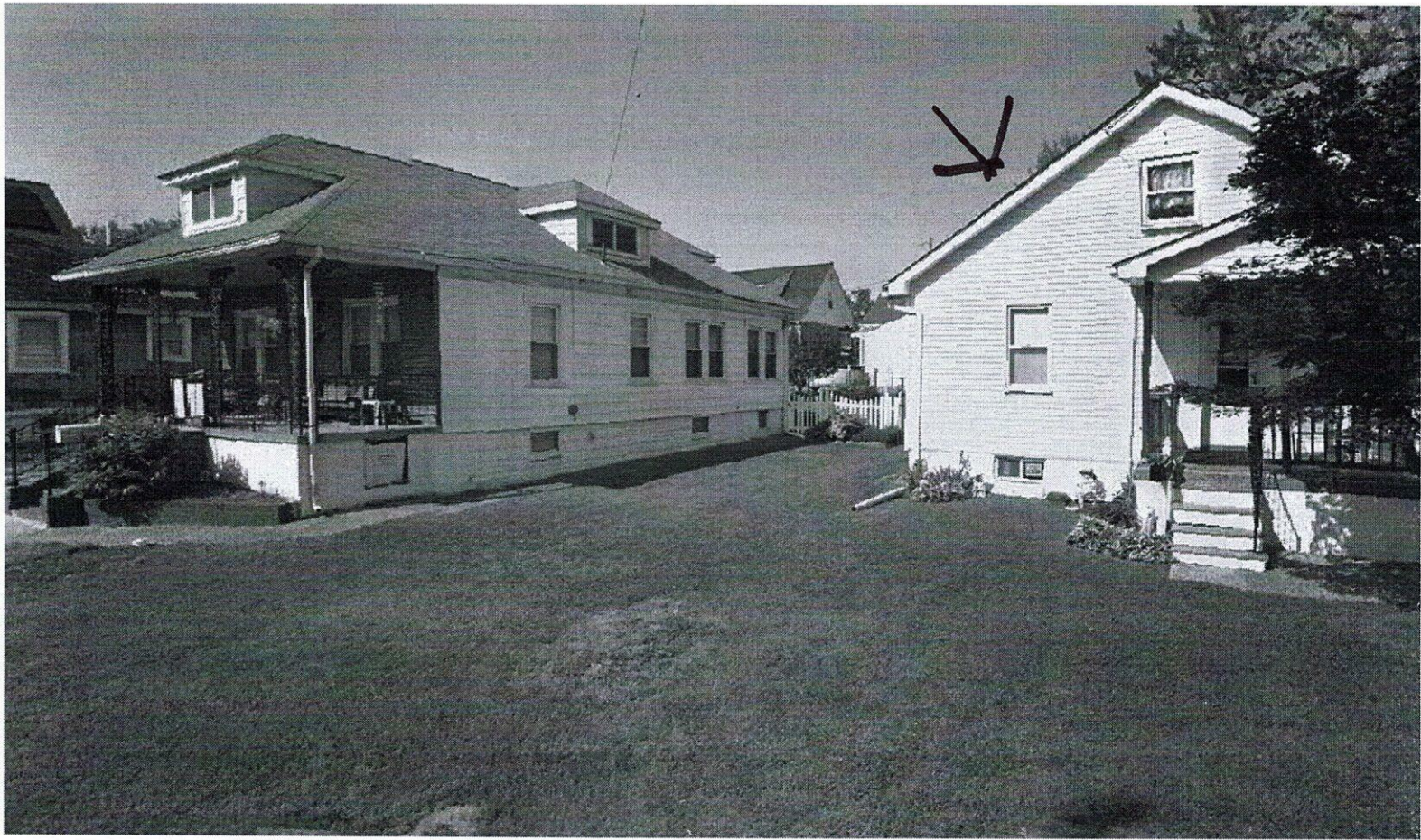


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2024-0023-A



2024-0023-A



2024-0023-A



2024-0023-A

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

No. 229417

Date: 1-26-2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		4150					75.00
Total:									75.00

Rec From: 426 LORRAINE Ave

For: 2024-0023-A

75.5

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION
CP 24-0001

MIKADA DESIGN GROUP
AUTOMATED DESIGN & DRAFTING SRVCS
PERMIT READY CONSTR. BLUEPRINTS
3375 ELLICOTT CENTER SUITE 1759
ELLICOTT CITY, MD 21041

0246

65-330/550

PAY TO THE ORDER OF: Baltimore County

Seventy Five

\$ 75.00
DOLLARS

FOR: TRUIST

Lorraine Petition

YK/OK7e

00000246 055003308 0005157479808

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 - 1505340080	
Owner Information		
Owner Name:	FISHER RAYMOND PHILLIP FISHER DONNA D	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	426 LORRAINE AVE BALTIMORE MD 21221-6819	Deed Reference: /06452/ 00117
Location & Structure Information		
Premises Address:	426 LORRAINE AVE BALTIMORE 21221-6819	Legal Description: PT LT 14 ESSEX
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:		
0097 0008 0365 15100095.04 0000 E 4M 14 2024 Plat Ref: 0009/ 0074		
Town: None		
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use		
1939 676 SF 4,800 SF 04		
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements		
1 YES STANDARD UNITS SIDING/3 1 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	59,500	59,500		
Improvements	59,100	77,700		
Total:	118,600	137,200	118,600	124,800
Preferential Land:	0	0		

Transfer Information

Seller: EIERMAN JOSEPH B	Date: 11/08/1982	Price: \$37,000
Type: ARMS LENGTH IMPROVED	Deed1: /06452/ 00117	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:

2024-0023-A