



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

May 10, 2024

Lawrence E. Schmidt, Esquire – lschmidt@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Variance
Case No. 2024-0068-A
Property: 9532 Bauer Avenue

Dear Mr. Schmidt:

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 blue ink, appearing to be "DJB", with a stylized flourish at the end.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c – See Next Page-

- c: Stanley and Teresa Kaminski – stash_md@yahoo.com
Gregory Mitas - gregmitas.gm@gmail.com
Chris Isennock- chrisisennock@gmail.com
Daniel Blevins- dblevins@designsolutions.com
Erin - thel7fox@gmail.com
Jason- swobobafett@gmail.com
John Bogdan- jbogdan7@yahoo.com
Mary Nagle- nail350@verizon.net
R. Swoboda- rachelswoboda@gmail.com
Stas Kaminski- stasthe3rd@verizon.net
Gina- fiatodd@gmail.com

IN RE: PETITION FOR VARIANCE

(9532 Bauer Avenue)

11th Election District

5th Council District

Stanley and Teresa Kaminski

Legal Owners

Phoenix Holdings, LLC

Contract Purchaser

Petitioners

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS OF

BALTIMORE COUNTY

CASE NO. 2024-0068-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the legal owners, Stanley and Teresa Kaminski, and contract purchaser, Phoenix Holdings, LLC (“Petitioners”) for the property located at 9532 Bauer Avenue, Nottingham, Baltimore County, Maryland (the “Property”). Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C (and ZPM RM-26) to permit an existing side yard setback of 8.33 ft. in lieu of 10 ft. and for such other and further relief as may be required by the Administrative Law Judge (“ALJ”) for Baltimore County. This matter was filed with OAH Case No. 2024-0069-SPHA. These cases were consolidated for the purposes of this hearing but retain their case numbers as the properties involved and the relief requested remain separate and distinct.

A public hearing was conducted on May 8, 2024, using the virtual hearing platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Stanley Kaminski, along with Dan Blevins, a licensed engineer, appeared at the hearing to provide testimony. Mr. Blevins also prepared and sealed the Site Plan (the “Site Plan”). (Pet. Ex. 1). Lawrence E. Schmidt, Esq. of Smith Gildea Schmidt, LLC represented the Petitioner. Several community members appeared and provided testimony including: Chris Isennock, Erin Cogburn,

and John Bogdan. Their testimony is summarized below. Several other community members attended but did not provide testimony.

The following materials were submitted by Petitioner and admitted into the record: (1) Site Plan (1A & 1B); (2) 1937 Plat; (3) GIS Aerial (close); (4) GIS aerial (mid); (5) GIS aerial (far); (5) ZAC comments; (6) Site photographs; (7) Resume of Dan Blevins. The following county agency reports were also received and admitted into the record: (1) Zoning Advisory Committee (“ZAC”) comments from the Department of Planning (“DOP”); (2) Department of Environmental Protection and Sustainability (“DEPS”) comments; and (3) Development Plans Review (DPR) comments.

Findings of Fact

Mr. Schmidt proceeded by way of proffer. The Property is comprised of two lots, Lot 11 and Lot 12, with an approximate land area of 15,000 sq. ft. The Property is improved with an existing two-story single family detached dwelling constructed in 1952 and is zoned DR 5.5. *See* SDAT report. The Property is further improved with an existing garage and paved driveway. Petitioner also owns the adjacent unimproved lot to the north of the subject site, Lot 10, which is subject to OAH Case No. 2024-0069-SPHA, a Petition to authorize the construction of a single-family detached dwelling. The subject Petition requests a variance to permit the existing single-family detached dwelling to maintain its 8.3 ft. side yard setback from Lot 10 in lieu of the required 10 ft. setback as required under BCZR. Mr. Kaminski testified that the intent is to renovate the existing single-family home without alteration to the existing footprint, setbacks, or other bulk regulations. However, renovation of the home is not the subject of this Petition.

Several community members testified in opposition to the Petition. Chris Isennock, a neighboring property owner, testified regarding drainage and stormwater issues that are ongoing

problems in this community. He stated his concerns that adding another single-family home with additional impervious surface would exacerbate existing drainage and stormwater problems. Mr. Isenock stated that conditions discussed with Petitioner may act to mitigate water drainage issues in the community and recommended that such conditions be imposed, namely to reduce the amount of impervious surface proposed and to subject the project to stormwater management evaluation by Baltimore County DEPS. Erin Cogburn, a neighboring property owner, testified to her concerns regarding drainage and stormwater runoff, as well as sump pump, parking, and traffic issues along Bauer Avenue. John Bogdan, a neighboring property owner for 30 years, testified to sump pump, long-term drainage, curb, gutter and storm drain issues in this community.

Conclusions of Law

This property has benefitted from the land use doctrine of merger where three contiguous lots under common ownership (Lots 10, 11, and 12) were used for purposes of zoning compliance. “We described zoning merger to be the merger for zoning purposes of two or more lots held in common ownership where one lot is used in service to one or more of the other common lots solely to meet zoning requirements.” *Remes v. Montgomery Cnty.*, 387 Md. 52, 64, 874 A.2d 470, 476 (2005). The court in *Remes* points to *Friends of The Ridge v. Baltimore Gas & Elec. Co.*, 352 Md. 645, 658, 724 A.2d 34, 40 (1999) where the court “recognized the existence of the doctrine of zoning merger in Maryland.” *Id.* at 64, 874 A.2d 470, 476 (2005). The court in *Friends of The Ridge v. Baltimore Gas & Elec. Co.* held “that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project...”. 352 Md. 645, 658, 724 A.2d 34, 40 (1999). “...unless the ordinance's language specifically and clearly prohibits it, an owner of contiguous parcels of real property ... is free to combine them into

larger and fewer parcels without violating the zoning code.” *Id.* at 648, 724 A.2d at 35–36.

For the subject lots benefitting from merger, the side yard setback was measured from the exterior property line of Lot 10, instead of the exterior property line of Lot 11, satisfying setback and lot area requirements for Lot 11 for the existing single-family dwelling. Under OAH Case No. 2024-0069-SPHA, heard together with the subject case, Petitioner proposes the sale of Lot 10 with eventual construction of a new single-family dwelling. This sale breaks title previously held under common ownership and lot 11 no longer benefits from merger with respect to the side yard setback. The resulting side yard setback of 8.3 ft. would no longer satisfy the 10 ft. setback requirement under BCZR § 1B02.3.C. Therefore, to ensure Lot 11 remains in compliance, Petitioner requests a variance from this side yard setback requirement. While not expressly addressed at the hearing, it is likely that many if not most of the single-family homes constructed in this subdivision similarly violate current bulk regulations. *See* Pet. Exhs. 3-5.

Lots 11 and 12 remain under common ownership and are improved by a two-story single family detached dwelling, garage, and paved driveway. The single-family dwelling was constructed in 1952. *See* SDAT report. Pursuant to the zoning regulations in effect when the home was constructed, the side yard setback at that time was 7 feet. *See* Zoning Regulations and Restrictions for Baltimore County (1945-1955) Section III.C.3. As such, the single-family dwelling is a lawfully erected nonconforming structure. As the single-family dwelling is a lawfully constructed nonconforming structure it remains in compliance with zoning requirements.

With this finding, merger is no longer necessary to permit the continuation of the existing side yard setback of 8.3 feet, and the side yard setback of 8.3 ft. remains in compliance with BCZR without the need for a variance.

Notwithstanding this finding, the property would likely satisfy a full variance analysis as

well. The property is unique in that it is properly platted with an undersized lot and is improved with a single-family dwelling constructed under proper setbacks in 1952, but now faces practical difficulty in complying with current setback requirements under BCZR. Further, there is nothing in this record to indicate that the proposed side yard setback is in disharmony with the spirit and intent of the setback regulations or would result in any injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this **10th** day of **May, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition to permit an existing side yard setback of 8.3 ft. in lieu of 10 ft. be and is hereby, **GRANTED** on alternate grounds as described above.

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; and
2. Petitioners must comply with all county agency ZAC comments attached hereto and incorporated herein by reference.

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/dlm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/3/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0068-A

INFORMATION:

Property Address: 9532 Bauer Avenue
Petitioner: Stanley A. Kaminski, Teresa E. Kaminski
Zoning: DR 5.5
Requested Action: Variance

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

Variance -

1. From Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) to permit an existing side yard setback of 8' in lieu of the required 10'; and
2. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is two parcels (Lots 11 and 12) totaling approximately 14,998 square feet in the Nottingham area. Lot 11 is improved with an existing two-story single family detached dwelling, which the State Department of Assessments and Taxation (SDAT) lists as being constructed in 1952. Lot 12 is improved with an existing garage and paved driveway. The property owner/Petitioner also owns the lot to the north of the subject site, Lot 10, which is currently vacant. The Petitioner wishes to construct a two-story dwelling with a driveway on Lot 10 (Zoning Case 2024-0069-SPHA), and therefore needs a Variance for the existing side yard setbacks for the dwelling on Lot 11.

The subject site is located on a dead-end road off of Klausmier Road, which is off of Belair Road. Both Klausmier Road and Bauer Avenue are primarily residential streets. Based on Google Streetview from July of 2022, the dwellings on Bauer Avenue range in height from one to two stories.

The subject site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides background information on the area, as well as recommendations related to building strong neighborhoods, creating a sense of place, improving mobility, and serving as environmental stewards, however, it does not provide guidance on the request at hand.

The setbacks of the dwelling are existing and the dwelling has existed since approximately 1952. Further, the decrease in the side yard setback is minimal. As such, the Department of Planning has no objections to the requested relief.

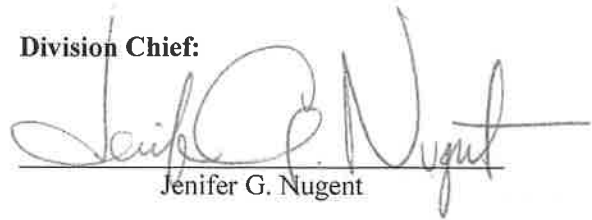
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Lawrence E. Schmidt, Esquire
Ainsley Pressl, 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: April 2, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0068-A
Address: 9532 BAUER AVE.
Legal Owner: Stanley & Teresa Kaminski

Zoning Advisory Committee Meeting of April 2, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0068-A

DATE: March 28, 2024

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.



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 9532 Bauer Avenue Currently Zoned DR 5.5
Deed Reference 21860 / 00365 10 Digit Tax Account # 1123052177
Owner(s) Printed Name(s) Stanley A. Kaminski and Teresa E. Kaminski

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

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. ☐ 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. ☒ a **Variance** from Section(s)

See attached.

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 HEARING

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.

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:

Gregory Mitas, Authorized Rep. of Phoenix Holdings, LLC

Name - Type or Print

Greg Mitas (member)

Signature

350 Washington Ave. Glen Burnie MD

Mailing Address City State

21060 / gregmitas.gm@gmail.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Esquire

Name - Type or Print

Lawrence E. Schmidt

Signature

600 Washington Ave., Ste 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Stanley A. Kaminski / Teresa E. Kaminski

Name #1 - Type or Print

Stanley A. Kaminski

Signature #1

9532 Bauer Avenue

Mailing Address

21236 /

Zip Code Telephone #'s (Cell and Home)

Name #2 - Type or Print

Teresa E. Kaminski

Signature #2

Baltimore MD

City State

stash_md@yahoo.com

Email Address

Representative to be contacted:

Lawrence E. Schmidt Esquire

Name - Type or Print

Lawrence E. Schmidt

Signature

600 Washington Ave., Ste 200 Towson MD

Mailing Address City State

21204 / (410) 821-0070 / lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Case Number 2024-0069-A Filing Date 3/11/2024 Do Not Schedule Dates * Reviewer mjk

* schedule with 2024-0069-SP#4

ATTACHMENT TO PETITION FOR ZONING HEARING

9532 Bauer Avenue
Lots 12 & 11 on Dengler Height Plat (12/18)
(Tax ID No. 1123052177)
5th Councilmanic District
11th Election District

A Variance from Section(s):

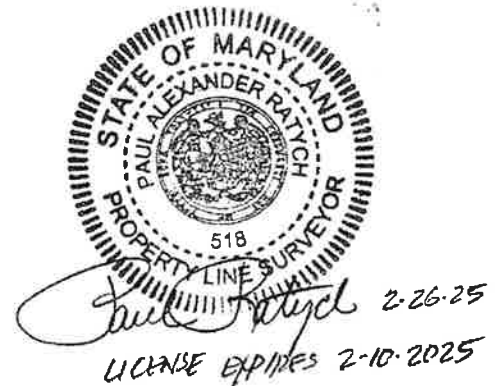
1. 1B02.3.C (and ZPM RM-26) to permit an existing side yard setback of 8 ft in lieu of 10 ft; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.



ZONING PROPERTY DESCRIPTION FOR PART OF 9532 BAUER AVENUE

Beginning at a point on the West side of Bauer Avenue, which is a 40' foot wide right of way, at a distance of $\pm$ 570' feet North of the centerline of Klausmier Road, which is a 40' foot wide right of way.

Being lots #11 and #12, in the subdivision as shown on the "Plat of Dengler Heights" as recorded in Baltimore County Plat Book CWB Jr. 12, Folio 18, containing 15,000 square feet or 0.3443 acres $\pm$. Located in the 11th Election District and 5th Council District.



7427 Harford Road
Baltimore, MD 21234
Phone (410) 444-4312
Fax (410) 444-1647

2024-0068-A

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

No. 229538

Date: 3/11/2024

		Rev		Sub					Amount
Fund	Dept	Unit	Sub Unit	Source/	Rev/	Obj	Sub Obj	Dept Obj	
001	806	0006		6150					\$ 75

Total: \$ 75

Rec

From: Smith Gilden & Schmitt, LLC

For:

Zoning Variance (Res)
9532 Beaver Ave
Zoning Case 2024-0068-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MTA

**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: 2024-0068-A

Property Address: 9532 Bauer Avenue

Property Description: West Side of Bauer Ave, 470 feet north
of the center line of Klausmier Road

Legal Owners (Petitioners): Stanley A. Kaminski and Teresa E. Kaminski

Contract Purchaser/Lessee: Phoenix Holdings, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gregory Mitas

Company/Firm (if applicable): Phoenix Holdings, LLC

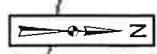
Address: 350 Washington Avenue
Glen Burnie, MD 21060

Telephone Number: gregmitas.gm@gmail.com

Revised 5/20/2014

2024-0068-A

Baltimore County - My Neighborhood



Legend

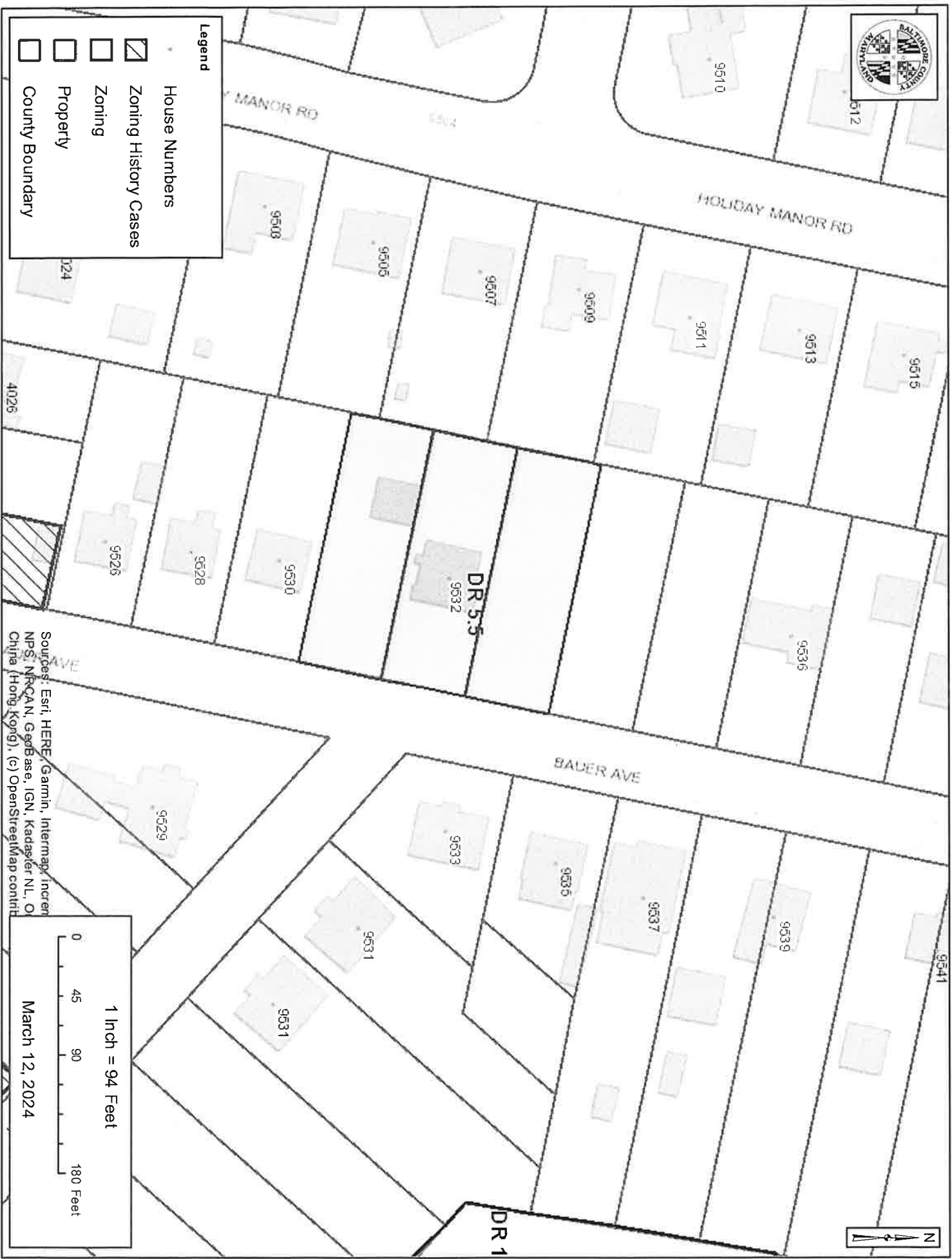
☒ House Numbers

☒ Zoning History Cases

☐ Zoning

☐ Property

☐ County Boundary



Sources: Esri, HERE, Garmin, Intermap, increment PLS, NRCAN, Geobase, IGN, Kadaster NL, OpenStreetMap contributors, Swatch, China (Hong Kong), (c) OpenStreetMap contributors

1 Inch = 94 Feet

0

45

90

180 Feet

March 12, 2024

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 11 Account Number - 1123052177

Owner Information

Owner Name: KAMINSKI STANLEY A Use: RESIDENTIAL
KAMINSKI TERESA E Principal Residence: YES
Mailing Address: 9532 BAUER AVE Deed Reference: /21860/ 00365
BALTIMORE MD 21236-1430

Location & Structure Information

Premises Address: 9532 BAUER AVE Legal Description: LTS 10,11,12
BALTIMORE 21236-1430 9532 BAUER AVE
DENGLER HEIGHTS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0072 0003 1008 11050044.04 0000 10 2024 Plat Ref: 0012/ 0018

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1952	1,430 SF		22,500 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	1/2	YES	STANDARD UNIT	STUCCO	3	2 full	1 Detached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	103,300	109,700		
Improvements	146,500	169,600		
Total:	249,800	279,300	249,800	259,633
Preferential Land:	0	0		

Transfer Information

Seller: WILLIAMS ISABELLE M	Date: 05/13/2005	Price: \$250,000
Type: ARMS LENGTH IMPROVED	Deed1: /21860/ 00365	Deed2:
Seller: WILLIAMS ISABELLE M	Date: 10/15/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16942/ 00288	Deed2:
Seller: WILLIAMS LEWIS A	Date: 12/21/1988	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08057/ 00799	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:

2024-0068-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/17/2024

Case Number: 2024-0068-A

Petitioner / Developer: SMITH, GILDEA & SCHMIDT, LLC ~
PHOENIX HOLDINGS, LLC ~ STANLEY & TERESA KAMINSKI

Date of Hearing: MAY 8, 2024

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
9532 BAUER AVENUE

The sign(s) were posted on: APRIL 17, 2024

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0068-A
9532 BAUER AVENUE
W/S of Bauer Avenue, 470 ft. North of
centerline of Klausmier Road
Council District 5, Election District 11
Legal Owners: Stanley & Teresa Kaminski

PETITION REQUEST: VARIANCE: From the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C (and ZPM RM-26), to permit an existing side yard setback of 8 ft. in lieu of 10 ft. and for such other and further relief as may be required by the Administrative Law Judge ("ALJ") for Baltimore County.

WebEx Hearing: Wednesday, May 8, 2024 – 1:30 PM

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3568, ext.0
Email: administrativehearings@baltimorecountymd.gov

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

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: April 2, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0068-A
Address: 9532 BAUER AVE.
Legal Owner: Stanley & Teresa Kaminski

Zoning Advisory Committee Meeting of April 2, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/3/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0068-A

INFORMATION:

Property Address: 9532 Bauer Avenue
Petitioner: Stanley A. Kaminski, Teresa E. Kaminski
Zoning: DR 5.5
Requested Action: Variance

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

Variance -

1. From Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) to permit an existing side yard setback of 8' in lieu of the required 10'; and
2. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is two parcels (Lots 11 and 12) totaling approximately 14,998 square feet in the Nottingham area. Lot 11 is improved with an existing two-story single family detached dwelling, which the State Department of Assessments and Taxation (SDAT) lists as being constructed in 1952. Lot 12 is improved with an existing garage and paved driveway. The property owner/Petitioner also owns the lot to the north of the subject site, Lot 10, which is currently vacant. The Petitioner wishes to construct a two-story dwelling with a driveway on Lot 10 (Zoning Case 2024-0069-SPHA), and therefore needs a Variance for the existing side yard setbacks for the dwelling on Lot 11.

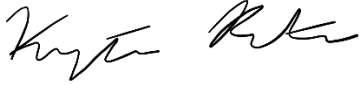
The subject site is located on a dead-end road off of Klausmier Road, which is off of Belair Road. Both Klausmier Road and Bauer Avenue are primarily residential streets. Based on Google Streetview from July of 2022, the dwellings on Bauer Avenue range in height from one to two stories.

The subject site is within the boundary of the Perry Hall Community Plan, adopted February 22nd, 2011. The plan provides background information on the area, as well as recommendations related to building strong neighborhoods, creating a sense of place, improving mobility, and serving as environmental stewards, however, it does not provide guidance on the request at hand.

The setbacks of the dwelling are existing and the dwelling has existed since approximately 1952. Further, the decrease in the side yard setback is minimal. As such, the Department of Planning has no objections to the requested relief.

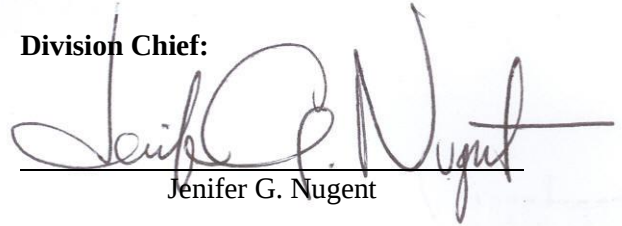
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Lawrence E. Schmidt, Esquire
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

SITE GENERAL NOTES

- A. OWNER: STANLEY A. & TERESA E. KAMINSKI
9532 BAUER AVENUE
PERRYHALL, MARYLAND 21236
- B. DEVELOPER: GREGORY MITAS
350 WASHINGTON AVENUE
GLEN BURNE, MARYLAND 21060
(727) 244-0315
EMAIL: gregmitas.gm@gmail.com
- C. PLAN PREPARED BY: DEVELOPMENT & DESIGN SOLUTIONS, LLC.
3202 ACTON ROAD
BALTIMORE, MARYLAND 21234
PHONE: (410) 905-0778
EMAIL: ddlevins@dev-designsolutions.com
- D. SITE LOCATION:
1. STREET ADDRESS: 9532 BAUER AVENUE
PERRY HALL, MARYLAND 21236
2. ELECTION DISTRICT: 11th
3. COUNCILMANIC DISTRICT: 5th
4. CENSUS TRACT: #4114.06
5. ADC MAP: MAP# 29, GRID D-4 (OLD)
6. GIS TILE NUMBER: 072A1
7. TAX MAP: MAP #0072, GRID 0003, PARCEL 1008
8. WATERSHED: LOWER GUNPOWDER FALLS
RIVER BASIN: GUNPOWDER RIVER
SUBSHED: LOWER GUNPOWDER FALLS
11-23-052177
11. DEED REFERENCE: LIBER 21860, FOLIO 00365
12. PLAT REFERENCE: LIBER 0012, FOLIO 0018
13. SUBDIVISION NAME: DENGLER HEIGHTS - LOTS 11 & 12
- E. EXISTING SITE DATA AND ZONING:
1. GROSS SITE AREA: 14,998 S.F. / 0.344 Ac.± (LOTS 11 & 12)
2. EXISTING ZONING: DR-5.5 (RESIDENTIAL)
3. EXISTING LAND USE: EXISTING RESIDENTIAL (WITH EX. DWELLING, GARAGE AND DRIVEWAY)
4. ZONING MAP NUMBER: 072A1
- F. EXISTING SITE INFORMATION:
1. TOPOGRAPHIC AND BOUNDARY SURVEY INFORMATION SHOWN ON THIS PLAN ARE BASED ON BALTIMORE COUNTY GIS DATA.
2. SOILS INFORMATION WAS TAKEN FROM THE USDA SOIL SURVEY OF BALTIMORE COUNTY, MARYLAND. THIS SITE IS EXEMPTED FROM FOREST CONSERVATION EASEMENT IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY DEPS SINCE THE PROPERTY IS LESS THAN ONE ACRE.
3. THERE ARE NO KNOWN WETLANDS, FLOODPLAIN, CRITICAL AREAS, ARCHEOLOGICAL SITES, HISTORIC SITE, ENDANGERED SPECIES, HABITATS OR HAZARDOUS MATERIALS ASSOCIATED WITH THIS PROPERTY.
4. THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
5. THERE ARE NO STEEP SLOPES OF > 25% ASSOCIATED WITH THIS SITE AS SHOWN ON PLAN.
6. THIS PROPERTY IS NOT ASSOCIATED WITH THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
7. SCHOOL DISTRICT: PERRY HALL ELEMENTARY SCHOOL
PERRY HALL MIDDLE SCHOOL
PERRY HALL HIGH SCHOOL
9. THIS PROPERTY IS BEING SERVED BY PUBLIC WATER AND SEWER.
10. THERE ARE NO PRIOR HEARINGS AND/OR VARIANCES ASSOCIATED WITH THIS PROPERTY.
- G. PROPOSED DEVELOPMENT INFORMATION:
1. PROPOSED DEVELOPMENT: SINGLE-FAMILY RESIDENTIAL DWELLING
2. PARKING REQUIRED: 2 P.S./LOT = 2 P.S.
- H. THE PROPOSED PROJECT WILL NOT CREATE ANY RESIDENTIAL TRANSITION AREA (RTA).

SOILS CHART			
MAP SYMBOL	MAPPING UNIT	DRAINAGE	HYDROLOGIC SOIL GROUP
BtB	Beltville - Urban land complex 0% to 5% slopes	Moderately well drained	C

GENERAL NOTES

- TOPOGRAPHY AND BOUNDARY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE #072A1
- THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
- ALL CONSTRUCTION DRAWINGS AND CONSTRUCTION FOR PUBLIC USE SHALL CONFORM WITH BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS DESIGN STANDARDS AND STANDARD SPECIFICATIONS AND DETAILS FOR CONSTRUCTION.
- THE DEVELOPER SHALL BE RESPONSIBLE FOR DAMAGES TO THE COUNTY'S FACILITIES, SUCH AS WATER METERS, MANHOLES, CURBS AND GUTTERS, AND INLETS WITHIN THIS SUBDIVISION. OCCUPANCY PERMITS WILL BE WITHHELD UNTIL SUCH DAMAGES HAVE BEEN CORRECTED.
- THE PROPOSED DWELLING SHALL BE TWO STORIES IN HEIGHT, WITH A MAXIMUM HEIGHT OF 50 FEET.
- THE ARE NO WELLS ON THIS PROPERTY THERE ARE NO SEPTIC SYSTEM ON THIS PROPERTY
- PROPOSED DRIVEWAY ENTRANCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE BALTIMORE COUNTY STANDARD DETAILS PLATE #R-15.
- ADDRESS NUMBERS FOR THE RESIDENTIAL LOTS SHALL BE A MINIMUM OF 3" IN SIZE PER THE PROVISIONS OF THE BALTIMORE COUNTY FIRE PREVENTION CODE SECTION 1:10.12.1.5, COUNTY BILL NO. 48-10.
- ALL NEW ONE AND TWO FAMILY DWELLINGS SHALL BE SPRINKLERED IN ACCORDANCE WITH BALTIMORE COUNTY BUILDING CODE, BILL NO. 47-10 THAT WENT INTO EFFECTED ON JANUARY 1, 2011.
- A SEPARATE BUILDING PERMIT IS REQUIRED FOR THE INSTALLATION OF SPRINKLERS IN ONE AND TWO FAMILY DWELLINGS.
- THE RESIDENTIAL SPRINKLER SYSTEMS SHALL BE INSPECTED BY THE BALTIMORE COUNTY FIRE MARSHALL'S OFFICE PRIOR TO TAKING OCCUPANCY.
- TRASH COLLECTION AND MAIL SERVICE WILL OCCUR AT THE INTERSECTION OF PAVED DRIVEWAY AND PUBLIC STREET.
- THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32-4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL TOPOGRAPHIC FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
- PROPOSED DWELLING WALLS ARE COMBINATION OF CONCRETE MASONRY AND WOOD. PROPOSED DWELLING SHALL MEET THE REQUIREMENTS OF THE BALTIMORE COUNTY BUILDING CODE OF MINIMUM 8 INCHES FROM ANY PART OF WOOD FRAMING TO THE PROPOSED GROUND.



LOCATIONS OF EXISTING UTILITIES SHOWN HEREON HAVE BEEN DEVELOPED FROM UTILITY COMPANY RECORDS AND/OR ABOVE GROUND INSPECTION OF THE SITE. COMPLETENESS OR ACCURACY OF TYPE, SIZE, DEPTH OR HORIZONTAL LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES CANNOT BE GUARANTEED. PURSUANT TO REQUIREMENTS OF MARYLAND SENATE BILL 911, KNOWN AS THE MISS UTILITY LAW, WHICH WENT INTO EFFECT ON 10-1-10, CONTRACTORS MUST VERIFY LOCATIONS OF UNDERGROUND UTILITIES BY NOTIFYING FACILITY OWNERS THROUGH THE ONE-CALL SYSTEM, 1-800-257-7777, NO LESS THAN 2 DAYS NOR MORE THAN 10 DAYS PRIOR TO EXCAVATION OR DEMOLITION WORK.

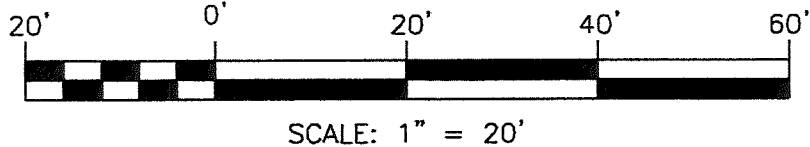
UTILITY NOTE:

EXISTING UTILITIES ARE SHOWN FOR THE CONVENIENCE OF THE CONTRACTOR AND THE COMPLETENESS OR ACCURACY OF THE SAME IS NOT GUARANTEED. THE CONTRACTOR SHALL DETERMINE THE LOCATION AND ELEVATION OF THE EXISTING UTILITIES BEFORE ANY WORK BEGINS.

CONTRACTOR SHALL TEST PIT ALL UTILITY CROSSINGS AND AT EX. UTILITY CONNECTIONS PRIOR TO BEGINNING UTILITY INSTALLATION TO VERIFY EXACT HORIZONTAL AND VERTICAL LOCATION. RESULTS OF TEST PITS TO BE PROVIDED TO ENGINEER TO DETERMINE IF UTILITY MODIFICATIONS ARE NECESSARY. FAILURE TO DO SO MAY RESULT IN CONTRACTOR BEARING COST OF ANY UTILITY REVISIONS/RELOCATIONS DUE TO CONFLICT.



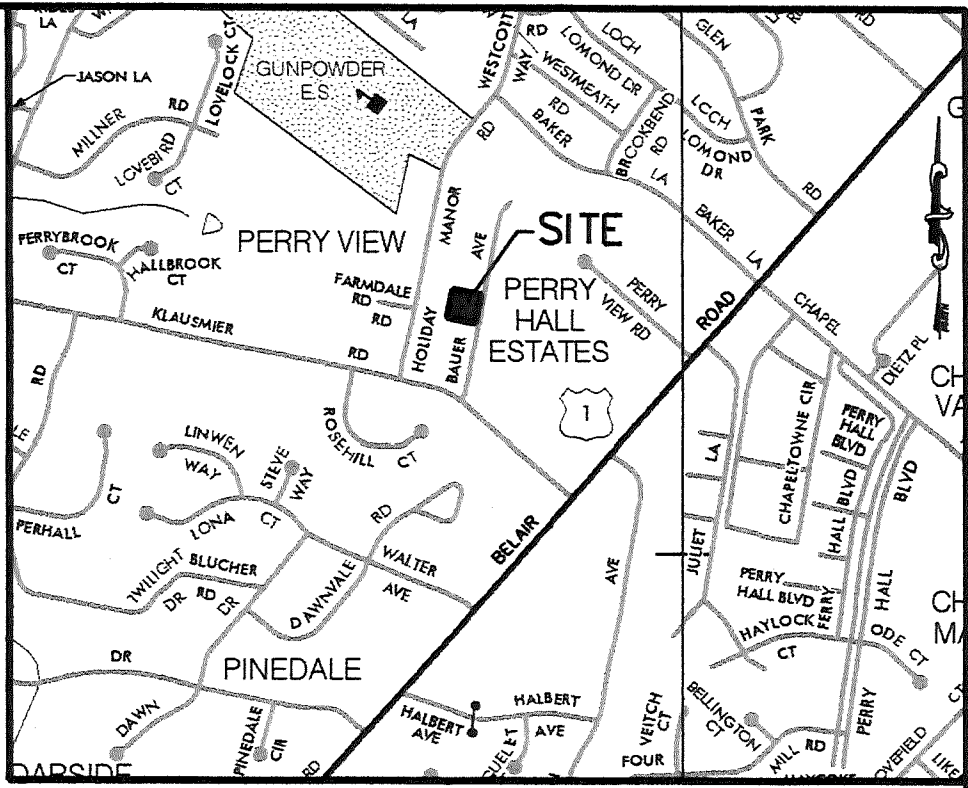
PLAN



SCALE: 1" = 20'

PETITION FOR A VARIANCE FROM SECTION(S):

- 1802.3.C (AND ZPM RM-26) TO PERMIT AN EXISTING SIDE YARD SETBACK OF 8 FT. IN LIEU OF 10'; AND
- OR SUCH OTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.



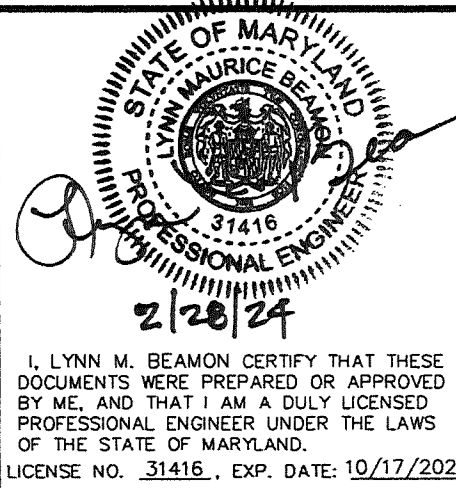
VICINITY MAP

SCALE: 1"=1000'

LEGEND

- EXISTING 10' CONTOUR
- EXISTING 2' CONTOUR
- PROPERTY BOUNDARY
- ADJACENT OWNER PROPERTY BOUNDARY
- RIGHT-OF-WAY BOUNDARY
- BUILDING RESTRICTION LINE
- EXISTING PAVING
- PROPOSED PAVING
- EXISTING BUILDING
- PROPOSED BUILDING
- EXISTING SANITARY SEWER
- PROPOSED SEWER HOUSE CONNECTION
- EXISTING WATER MAIN
- PROPOSED WATER HOUSE CONNECTION
- EXISTING TREELINE

NO.	DATE	REVISIONS	BY
DRAWING:			
SITE PLAN (TO ACCOMPANY ZONING HEARING PLAN FOR VARIANCE)			
PROJECT:			
9532 BAUER AVENUE PERRYHALL, MARYLAND 21236			
BALTIMORE COUNTY, MD		11th ELECTION DISTRICT	
ENGINEER:			
Development & Design Solutions, LLC Consultants, Engineers and Planners 3202 Acton Road - Baltimore, Maryland 21234 Phone: (410)905-0778			
DESIGNED:	DMB		
DRAWN:	DMB		
CHECKED:	DMB		
DATE:	FEBRUARY 26, 2024		
SCALE:	1"=20'		
DRAWING NO:	SHEET NO.		
ZHP-1	1 of 1		



I, LYNN M. BEAMON CERTIFY THAT THESE DRAWINGS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 31418, EXP. DATE: 10/12/2025