



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: Petitions for Special Hearing & Variance
Case No. 2024-0069-SPHA
Property: 9534 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 read "D. Baumgardner", is written over a light blue circular stamp.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

: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: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(9534 Bauer Avenue)	*	OFFICE OF
11 th Election District		
5th Council District	*	ADMINISTRATIVE HEARINGS
Stanley and Teresa Kaminski		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
Phoenix Holdings, LLC		
<i>Contract Purchaser</i>	*	Case No. 2024-0069-SPHA

Petitioners

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing and Variance filed by legal owners, Stanley and Teresa Kaminski, and contract purchaser, Phoenix Holdings, LLC (the “Petitioners”) for the property located at 9534 Bauer Avenue, Nottingham, Baltimore County, Maryland (the “Property”). Special Hearing relief was requested pursuant to the Baltimore County Zoning Regulations (“BCZR”) §304 to approve a one-family detached dwelling to be erected on a lot having an area or width at the building line less than that required by the area and for such other and further relief as may be deemed necessary by the Administrative Law Judge (“ALJ”). In the alternative, variance relief is requested under BCZR § 1B02.3.C (and ZPM RM-26) to permit a lot width of 50 ft. in lieu of 55 ft. and for such other and further relief as may be required by the ALJ for Baltimore County. This matter was filed with OAH Case No. 2024-0068-A. 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 approximately 7,500 sq. ft. in land area and is zoned DR 5.5. The Property is an interior lot known as Lot 10 in the Dengler Heights subdivision plat recoded in 1937. *See* Pet. Exh. 2. The subject lot is currently unimproved. The Petitioner also owns the two parcels to the south of the subject site, marked on the plat as Lots 11 and 12, which are improved by a two-story single family detached dwelling, a garage, and a paved driveway constructed in 1952. *See* SDAT report. Petitioner proposes to construct a single-family detached dwelling on the unimproved lot that observes all current setback requirements under BCZR. However, the lot has a width of only 50 ft. where 55 ft. is required under BCZR § 1B02.3.C.1. Petitioner requests Special Hearing relief to authorize the undersized lot pursuant to BCZR §304.

Several community members testified in opposition to the Petition. Chris Isenock, 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.

Petitioner did not dispute the existence of stormwater or drainage issues in this community but did contend that such issues were best addressed during permitting and engineering review, and not through the zoning relief requested under this Petition. Nonetheless, Petitioner offered to reduce the amount of impervious surface proposed by reducing the width of the driveway and by voluntarily subjecting the project to stormwater management review by DEPS.

Conclusions of Law

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to

determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

Based upon the testimony offered at the hearing and the evidence contained in this record, I find that Special Hearing relief should be granted. The subject property was platted in 1937 with identical lot widths of 50 ft. *See* Pet. Exh. 2. This recordation occurred prior to the enactment of zoning regulations in Baltimore County in 1945. At that time, lot width minimums were established in what were then termed a "A Residence Zones" at 50 feet. *See* Zoning Regulations and Restrictions for Baltimore County (1945-1955) Section III.C.1. The subject lot has a width of 50 ft. in compliance with Section III.C.1 and there is no evidence in this record to show that the lot has been altered since 1945. However, the pertinent zoning regulations have been amended multiple time since 1945 to now require a minimum lot width of 55 ft. While not expressly addressed at the hearing, it is likely that many if not most of the single-family homes constructed in this subdivision violate current bulk regulations. *See* Pet. Exhs. 3-5.

Pursuant to BCZR § 304.1, a one-family detached or semidetached dwelling may be erected on a lot having an area or width at the building line less than that required by the area regulations contained in these regulations if: (A) Such lot shall have been duly recorded either by deed or in a validly approved subdivision prior to March 30, 1955; (B) All other requirements of the height and area regulations are complied with; and (C) The owner of the lot does not own

sufficient adjoining land to conform to the width and area requirements contained in these regulations. This record establishes that the lot was recorded by plat through subdivision in 1937, all other requirements of the height and area regulations are complied with and no variances are requested under this Petition, and the owner of the lot does not own sufficient adjoining land to conform to the width and area requirements contained in these regulations that would not otherwise violate other provisions of BCZR. While the owner does own an adjacent lot, the lot is improved with a single-family dwelling constructed in 1952 with an 8.3 ft. side yard setback. Any lot line adjustment would violate existing setback regulations contravening the purpose of BCZR § 304.1 and adversely impacting the adjacent lot. For these reasons, I find that the subject property, Lot 10, is a nonconforming undersized lot that satisfies the requirements of BCZR § 304.1. As Special Hearing relief is granted, the request for variance is moot.

THEREFORE, IT IS ORDERED, this 10th day of **May 2024**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR, §304 to approve a one-family detached dwelling to be erected on a lot having an area or width at the building line less than that required by the area be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. Petitioners must comply with all county agency ZAC comments, copies of which are attached hereto and made a part hereof;
3. The Site Plan (Pet. Ex. 1A and 1B) is attached hereto and incorporated herein;

4. As agreed, to on the record, this approval is subject to voluntary stormwater management review by DEPS, the purpose of which is to mitigate stormwater impacts by using best available practices for stormwater treatment and control through hardscaping, landscaping, and community controls such as swales, culverts, or drains as recommended by Baltimore County; and
5. As agreed, to on the record, Petitioner shall use reasonable efforts to decrease impervious surfaces on the lot while maintaining two off-street parking spaces pursuant to the requirements of BCZR § 409.6. This condition is intended work in concert with condition number 4 above.

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: 2024-0069-SPHA

INFORMATION:

Property Address: 953⁴~~2~~ Bauer Avenue
Petitioner: Stanley A. Kaminski, Teresa E. Kaminski
Zoning: DR 5.5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To determine whether the Zoning Commissioner should approve a one-family detached dwelling to be erected on a lot having an area of width at the building line less than that required by the area regulations as provided in the Baltimore County Zoning Regulations (BCZR) Section 304; and
2. For such other and further relief as may be required by the Administrative Law Judge.

Should the Special Hearing relief not be granted, in the alternative, *Variance -*

3. From Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50' in lieu of the required 55'; and
4. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is an approximately 7,498 square foot parcel in the Nottingham area. It is currently vacant. The property owner/Petitioner also owns the two parcels to the south of the subject site, Lots 11 and 12, which are improved with a two-story single family detached dwelling, a garage, and a paved driveway. Based on the site plan submitted with the petition, the Petitioner wishes to construct a new, two-story single family detached dwelling with a driveway on the subject site.

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. Based on the site plan submitted with the petition, as well as GIS data available to the Department of Planning, it appears multiple lots on Bauer Avenue are 50' in width; this includes, but is not limited to, lots 11 and 12 of 9532 Bauer Avenue, as well as 9530, 9528, and 9526 Bauer Avenue.

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 proposed lot width of 50' in lieu of the required 55' is not inconsistent with the immediately surrounding dwellings on Bauer Avenue. As such, the Department of Planning has no objections to the requested Special Hearing or Variance relief.

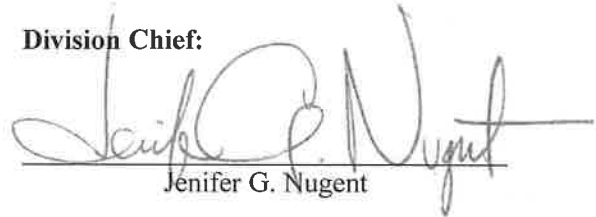
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

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 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0069-A
Address: 9534 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
MS

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0069-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.

SITE GENERAL NOTES

- A. OWNER: STANLEY A. & TERESA E. KAMINSKI
9532 BAUER AVENUE
PERRYHALL, MARYLAND 21236
- B. DEVELOPER: GREGORY MITAS
350 WASHINGTON AVENUE
GLEN BURNIE, 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: dblevins@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
10. TAX ACCOUNT #: 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)
EXISTING LAND USE: EXISTING RESIDENTIAL (WITH EX. DWELLING, GARAGE AND DRIVEWAY)
3. 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.
3. 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.
4. THERE ARE NO KNOWN WETLANDS, FLOODPLAIN, CRITICAL AREAS, ARCHEOLOGICAL SITES, HISTORIC SITE, ENDANGERED SPECIES, HABITATS OR HAZARDOUS MATERIALS ASSOCIATED WITH THIS PROPERTY.
5. THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
6. THERE ARE NO STEEP SLOPES OF > 25% ASSOCIATED WITH THIS SITE AS SHOWN ON PLAN.
7. THIS PROPERTY IS NOT ASSOCIATED WITH THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
8. 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 SOIL CONSERVATION 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.

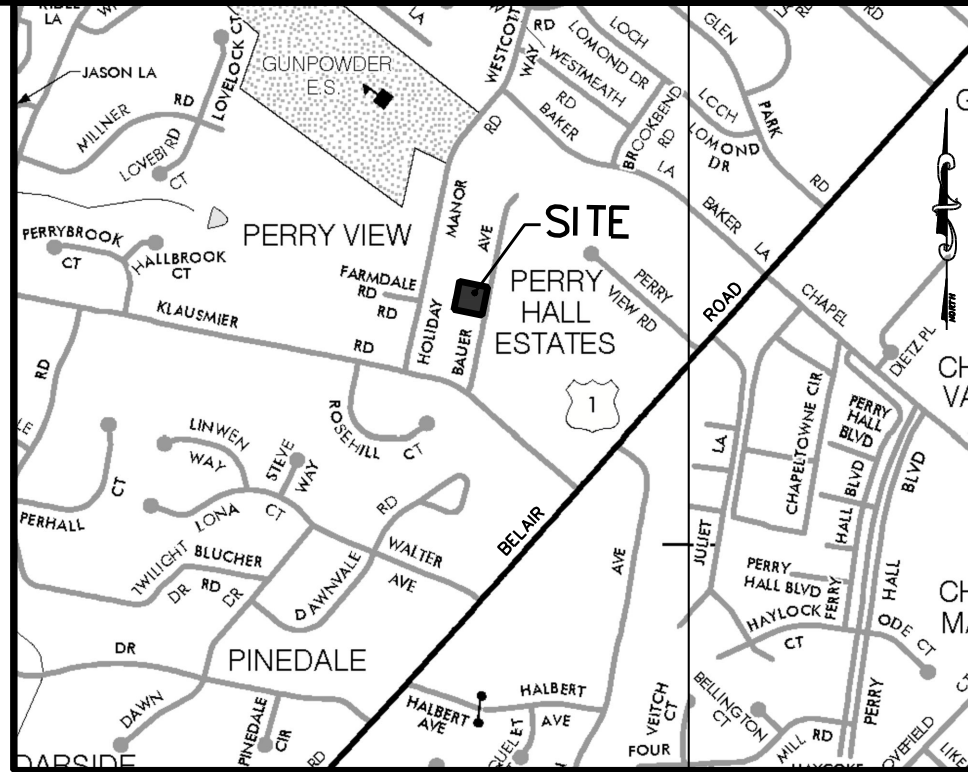


PLAN



PETITION FOR A VARIANCE FROM SECTION(S):

- 1B02.3.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
- SS
- EXISTING SANITARY SEWER
- PROPOSED SEWER HOUSE CONNECTION
- W
- 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 9, 2024	
SCALE:		1"=20'	
DRAWING NO:		SHEET NO.	
ZHP-1		1 OF 1	

SITE GENERAL NOTES

- A. OWNER: STANLEY A. & TERESA E. KAMINSKI
9532 BAUER AVENUE
PERRYHALL, MARYLAND 21236
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PHONE: (410) 905-0778
EMAIL: dblevins@dev-designsolutions.com
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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
10. TAX ACCOUNT #: 11-23-052177
11. DEED REFERENCE: LIBER 21860, FOLIO 00365
12. PLAT REFERENCE: LIBER 0012, FOLIO 0018
13. SUBDIVISION NAME: DENGLE Heights - LOT 10
- E. EXISTING SITE DATA AND ZONING:
1. GROSS SITE AREA: 7,498 S.F. / 0.172 Ac.± (LOT 10)
2. EXISTING ZONING: DR-5.5 (RESIDENTIAL)
EXISTING LAND USE: RESIDENTIAL (VACANT LOT)
3. ZONING MAP NUMBER: 072A1
- F. EXISTING SITE INFORMATION:
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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 SOIL CONSERVATION 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

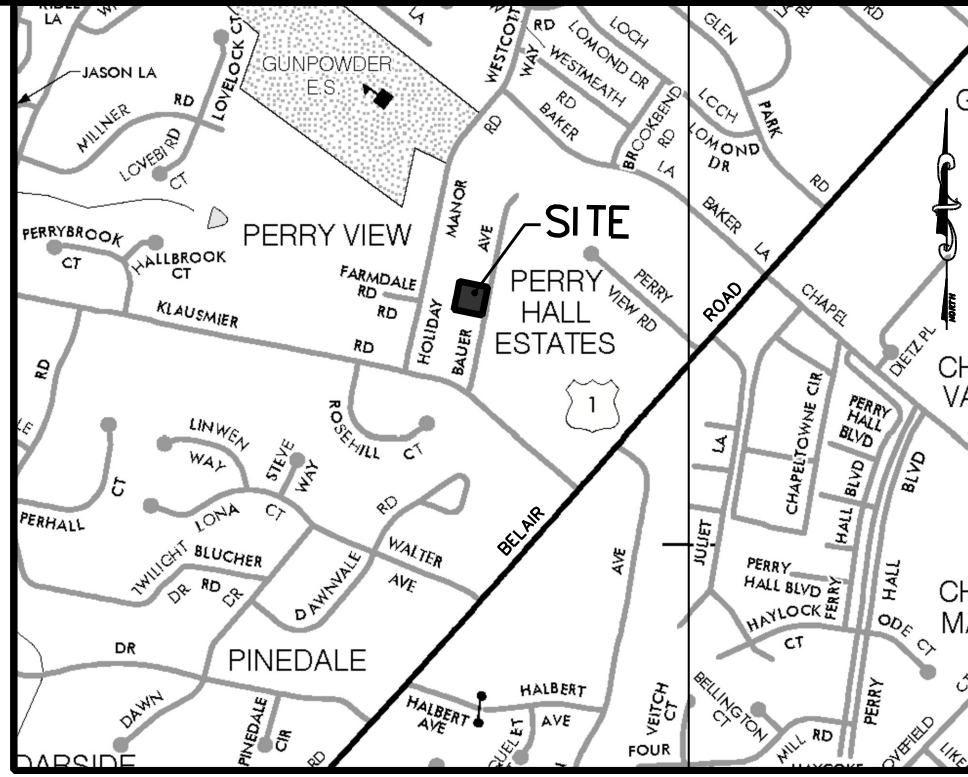


SPECIAL HEARING TO DETERMINE WHETHER THE ZONING COMMISSIONER SHOULD APPROVE:

- A ONE-FAMILY DETACHED DWELLING TO BE ERECTED ON A LOT HAVING AN AREA OR WIDTH AT THE BUILDING LINE OF 50' WHICH IS LESS THAN THAT REQUIRED BY THE AREA REGULATIONS AS PROVIDED IN BCZR SECTION 304;
- AND FOR SUCH OTHER AND FUTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

(IN THE ALTERNATIVE; SHOULD THE SPECIAL HEARING RELIEF NOT GRANTED) A VARIANCE FROM SECTION(S):

- 1B02.3.C (AND ZPM RM-26) TO PERMIT A LOT WIDTH OF 50 FT. IN LIEU OF 55 FT. AND;
- AND FOR SUCH OTHER AND FUTHER 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
- SS EXISTING SANITARY SEWER
- PROPOSED SEWER HOUSE CONNECTION
- W EXISTING WATER MAIN
- PROPOSED WATER HOUSE CONNECTION
- EXISTING TREELINE

NO.	DATE	REVISIONS	BY

DRAWING:

SITE PLAN

(TO ACCOMPANY ZONING HEARING PLAN FOR VARIANCE)

PROJECT:

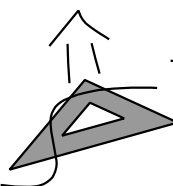
9534 BAUER AVENUE
PERRYHALL, MARYLAND 21236

Petitioner's
Exhibit 1B

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 9, 2024
SCALE:	1"=20'

DRAWING NO:	SHEET NO.
ZHP-1	1 OF 1



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 9534 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

See attached.

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

Case Number 2024-0069-SPHA Filing Date 3/11/24

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

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

21204 / (410) 821-0070

Zip Code

Telephone #

Email Address

lschmidt@sgs-law.com

Do Not Schedule Dates *

Reviewer *mst*

** schedule with 2024-0068-A*

ATTACHMENT TO PETITION FOR ZONING HEARING

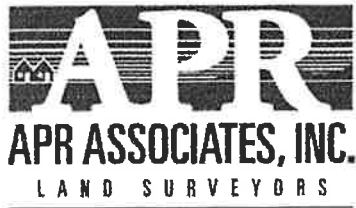
9534 Bauer Avenue
Lot 10 on Dengler Height Plat (12/18)
(Tax ID No. 1123052177)
5th Councilmanic District
11th Election District

Special Hearing to determine whether the Zoning Commissioner should approve:

1. A one-family detached dwelling to be erected on a lot having an area or width at the building line less than that required by the area regulations as provided in BCZR § 304;
2. And for such other and further relief as may be deemed necessary by the Administrative Law Judge.

(In the alternative; should special hearing relief not be granted) A Variance from Section(s):

1. 1B02.3.C (and ZPM RM-26) to permit a lot width of 50 ft in lieu of 55 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 953⁴~~2~~ 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 lot #10 in the subdivision as shown on the "Plat of Dengler Heights" as recorded in Baltimore County Plat Book CWB Jr. 12, Folio 18, containing 7,500 square feet or 0.1722 acres $\pm$. Located in the 11th Election District and 5th Council District.



Paul Ratych 2-26-25
LICENSE EXPIRES 2-10-2025

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

2024-0069-SPHA

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

No. 229537

Date: 3/11/2024

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 150

Total: \$ 150

Rec
From:

Smith, Gilden & Schmitt, LLC

For:

Zoning Variance & Special Hearing (Res)
9534 Beaver Ave
Zoning Case 2024-0069-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

mk

**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: 2024-0069-SPHA

Property Address: 9534 Bauer Avenue

Property Description: West Side of Bauer Avenue, 570 feet
north of the centerline 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

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:

2024-0069-SPHA

Baltimore County - My Neighborhood 2024-0069-SPHA



CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 4/17/2024

Case Number: 2024-0069-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:
9534 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 # 2024-0069-A
9534 BAUER AVENUE
W/S of Bauer Avenue, 570 ft. North of centerline of Klausmier Road
Council District 5, Election District 11
Legal Owners: Stanley & Teresa Kaminski

SPECIAL HEARING: To determine if the Administrative Law Judge ("ALJ") should approve a one-family detached dwelling to be erected on a lot having an area or width at the building line less than that required by the area regulations as provided in the From the Baltimore County Zoning Regulations ("BCZR"), Section 304. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ").

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 410-887-3868, 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 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0069-A
Address: 9534 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: 2024-0069-SPHA

INFORMATION:

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

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

Special Hearing -

1. To determine whether the Zoning Commissioner should approve a one-family detached dwelling to be erected on a lot having an area of width at the building line less than that required by the area regulations as provided in the Baltimore County Zoning Regulations (BCZR) Section 304; and
2. For such other and further relief as may be required by the Administrative Law Judge.

Should the Special Hearing relief not be granted, in the alternative, *Variance -*

3. From Section 1B02.3.C of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50' in lieu of the required 55'; and
4. For such other and further relief as may be required by the Administrative Law Judge.

The subject site is an approximately 7,498 square foot parcel in the Nottingham area. It is currently vacant. The property owner/Petitioner also owns the two parcels to the south of the subject site, Lots 11 and 12, which are improved with a two-story single family detached dwelling, a garage, and a paved driveway. Based on the site plan submitted with the petition, the Petitioner wishes to construct a new, two-story single family detached dwelling with a driveway on the subject site.

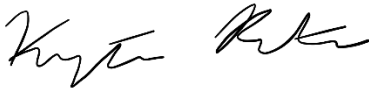
The subject site is located on a dead-end road off of Klausmier Road, which is off of Belair Road. Both Klausmier Road and Bauer Avenue are primarily residential streets. Based on Google Streetview from July of 2022, the dwellings on Bauer Avenue range in height from one to two stories. Based on the site plan submitted with the petition, as well as GIS data available to the Department of Planning, it appears multiple lots on Bauer Avenue are 50' in width; this includes, but is not limited to, lots 11 and 12 of 9532 Bauer Avenue, as well as 9530, 9528, and 9526 Bauer Avenue.

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 proposed lot width of 50' in lieu of the required 55' is not inconsistent with the immediately surrounding dwellings on Bauer Avenue. As such, the Department of Planning has no objections to the requested Special Hearing or Variance relief.

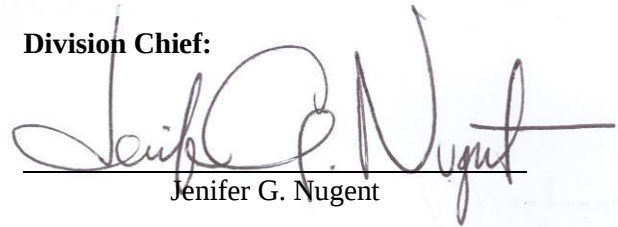
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

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 BURNIE, 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: dblevins@dev-designsolutions.com
- D. SITE LOCATION:
1. STREET ADDRESS: 9534 BAUER AVENUE
PERRY HALL, MARYLAND 21236
2. ELECTION DISTRICT: 11th
3. COUNCILMANIC DISTRICT: 5th
4. CENSUS TRACT: #4114.06
5. ADC MAP: #0721
6. GIS TILE NUMBER: MAP #0072, GRID 0003, PARCEL 1008
7. TAX MAP: LOWER GUNPOWDER FALLS
8. WATERSHED: GUNPOWDER RIVER
9. SUBSHED: LOWER GUNPOWDER FALLS
10. TAX ACCOUNT # 11-23-052177
11. DEED REFERENCE: LIBER 21860, FOLIO 00365
12. PLAT REFERENCE: LIBER 0012, FOLIO 0018
13. SUBDIVISION NAME: DENGLER HEIGHTS - LOT 10
- E. EXISTING SITE DATA AND ZONING:
1. GROSS SITE AREA: 7,498 S.F. / 0.172 Ac.± (LOT 10)
2. EXISTING ZONING: DR-5.5 (RESIDENTIAL)
3. EXISTING LAND USE: RESIDENTIAL (VACANT LOT)
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.
3. 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.
4. THERE ARE NO KNOWN WETLANDS, FLOODPLAIN, CRITICAL AREAS, ARCHEOLOGICAL SITES, HISTORIC SITE, ENDANGERED SPECIES, HABITATS OR HAZARDOUS MATERIALS ASSOCIATED WITH THIS PROPERTY.
5. THERE ARE NO UNDERGROUND STORAGE TANKS ON SITE.
6. THERE ARE NO STEEP SLOPES OF > 25% ASSOCIATED WITH THIS SITE AS SHOWN ON PLAN.
7. THIS PROPERTY IS NOT ASSOCIATED WITH THE CHESAPEAKE BAY CRITICAL AREA (CBCA).
8. 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
BFB	Beltsville - Urban land complex 0% to 5% slopes	Moderately well drained	C

GENERAL NOTES

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- THE AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.
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- 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 STORES 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."
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- 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 SOIL CONSERVATION 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.

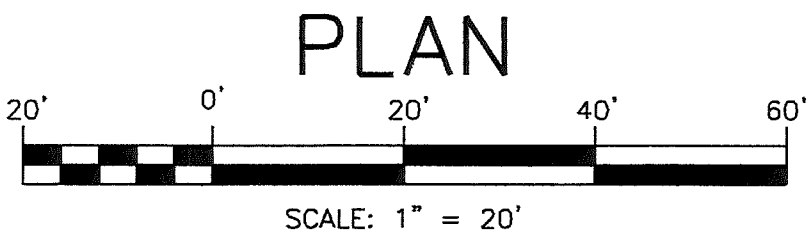
MISS UTILITY LAW

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 811, 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.

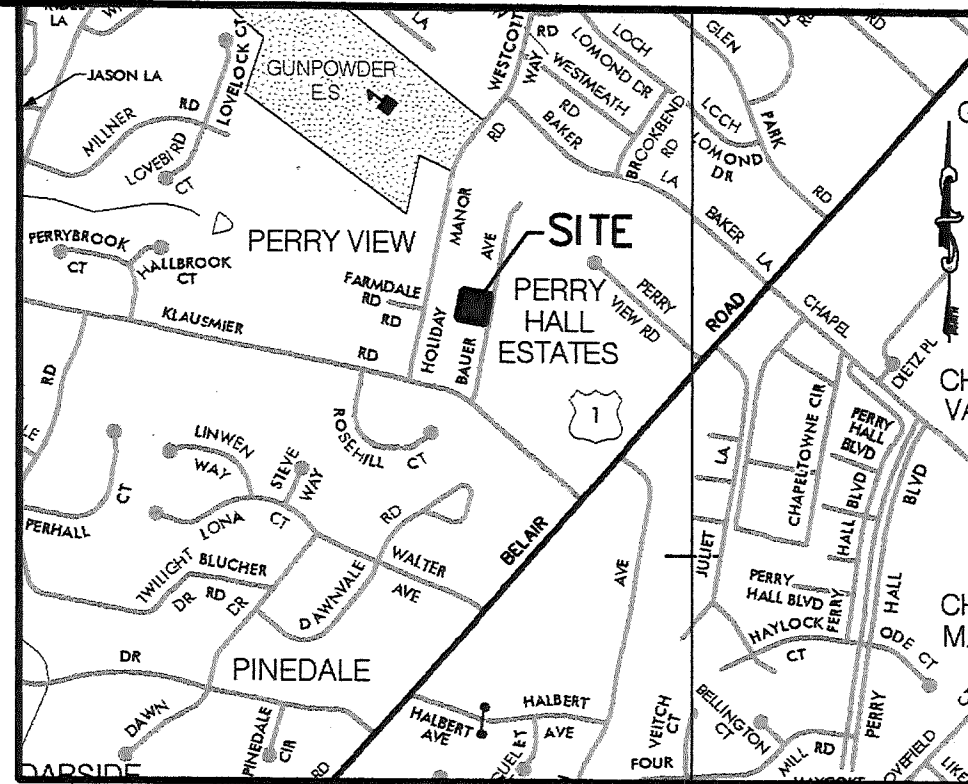


SPECIAL HEARING TO DETERMINE WHETHER THE ZONING COMMISSIONER SHOULD APPROVE:

- A ONE-FAMILY DETACHED DWELLING TO BE ERCTED ON A LOT HAVING AN AREA OR WIDTH AT THE BUILDING LINE OF 50' WHICH IS LESS THAN THAT REQUIRED BY THE AREA REGULATIONS AS PROVIDED IN BCZR SECTION 304;
- AND FOR SUCH OTHER AND FUTHER RELIEF AS MAY BE DEEMED NECESSARY BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.

(IN THE ALTERNATIVE, SHOULD THE SPECIAL HEARING RELIEF NOT GRANTED) A VARIANCE FROM SECTION(S):

- 1802.3.C (AND ZPM RM-26) TO PERMIT A LOT WIDTH OF 50 FT. IN LIEU OF 55 FT. AND;
- AND FOR SUCH OTHER AND FUTHER 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:

9534 BAUER AVENUE
PERRYHALL, MARYLAND 21236

BALTIMORE COUNTY, MD

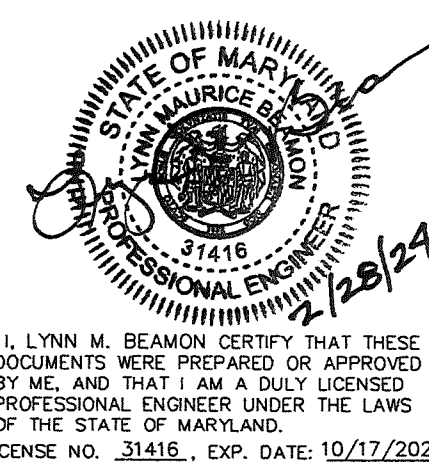
11th ELECTION DISTRICT

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:

ZHP-1

SHEET NO.

1 OF 1

2024-0069-SPHA

DNS PROJECT #23-012 DD