



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

June 21, 2024

Amy Grossi, Esquire – agrossi@sgs-law.com
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204

RE: Petition for Special Hearing
Case No. 2024-0089-SPH
Property: 903 Dropleaf Court

Dear Ms. Grossi:

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 blue ink signature of Derek J. Baumgardner, consisting of a stylized 'D' and 'B' intertwined.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

c: Code Enforcement - paienforce@baltimorecountymd.gov
Esther Riopedre – eriopedre79@hotmail.com

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(903 Dropleaf Court)		
2 nd Election District	*	OFFICE OF
2 nd Council District		
Esther Riopedre & Jose Hernandez	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2024-0089-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of the legal owners, Esther Riopedre and Jose Hernandez (“Petitioners”), for the property located at 903 Dropleaf Court, Pikesville Baltimore County, Maryland (the “Property”). The Petition for Special Hearing was filed pursuant to Baltimore County Zoning Regulation (“BCZR”) 500.7 for a waiver under Baltimore County Code (“BCC”) §§ 32-4-414, 32-4-107(a)(2), and 32-8-301, and from the Baltimore County Building Code (“BCBC”), Parts 123, 124, & 125, to permit an already constructed accessory structure (shed) in a riverine floodplain. The Petition is hereby modified to request similar relief for an existing rear addition to a single-family dwelling. In addition, the Petition is hereby modified to request a setback variance for the existing accessory structure (shed).

A public hearing was conducted on June 12, 2024 using the virtual hearing platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners appeared and gave testimony in support of their Petition. Petitioners were represented by Amy Grosso of Smith, Gildea & Schmidt, LLC. Petitioners were joined by James Whitmer of JNM Engineering, LLC, a licensed civil engineer, who prepared the site plan and gave testimony in support of the Petition. There were no Protestants or interested citizens in attendance at the

hearing.

The following exhibits were received and admitted into evidence: (1) Site Plan; (2) Plat for Scotts Hill; (3) SDAT Report; (4) Photographs; (5) 2015 Building Code (excerpt); (6) GIS Aerial (1996); (7) Code Enforcement Citation CB2200424; and (8) James W. Whitmer Resume. The following reports were received from county agencies and admitted as county exhibits: (1) Zoning Advisory Committee (“ZAC”) comments from the Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (DEPS) comments; and (3) Development Plans Review (DPR) comments for DPR/DPW-T/R&P/Landscaping. County reports do not indicate any objection to the requested relief.

Findings of Fact

This case stems from Code Enforcement Citation CB2200424 issued on January 10, 2023. That citation stemmed from a correction notice issued on July 12, 2022, citing residential construction without a proper permit. Petitioners made efforts to come into compliance but PAI determined those efforts were inadequate or untimely to abate the correction notice prompting the issuance of the citation.

The property is approximately 12,716 sq. ft. in land area and is zoned DR 5.5. The property was platted in 1961 and is improved with a detached single-family dwelling with 1,738 sq. ft. above-grade living area. *See* Petitioners’ Exhibits 2 & 3. The Property enjoys significant tree cover in the rear yard. *See* Petitioners’ Exhibit 6. The single-family dwelling was originally constructed in 1965. *See* Petitioners’ Exhibit 3. The Property is also improved with a detached accessory structure (shed) located in the rear yard. *See* Petitioners’ Exhibit 1, *et al.*

Ms. Martinez, with the assistance of her daughter, explained that the single-family home had a preexisting rear deck when they purchased the property in 2018, and they fully enclosed that

deck creating a rear addition to the home sometime in 2022. The accessory structure (shed) was also erected and placed in the rear yard after purchase. Ms. Martinez, with the assistance of her daughter, testified they were unaware the aforementioned improvements required a building permit. She further testified to a series of attempts through contractors and other third parties to complete the permit and entitlements process to abate the correction notice and come into compliance with permitting and zoning requirements.

Mr. Whitmer, a licensed Maryland civil engineer, testified regarding the floodplain with respect to county regulations on the existing improvements to the property. Mr. Whitmer testified, and Ms. Martinez corroborated, that a stream runs down slope to the east of the Property, the source of the subject floodplain indicated on the Site Plan. *See* Petitioners' Exhibit 1. The property shows no signs of frequent flooding on the lot itself or elsewhere, and the stream, a branch of the Gwynns Falls, does not pose a risk to life and safety for residents of the Property. Moreover, the existing improvement of the second-floor rear addition sits above the floodplain height of 395.2 ft. at 402.54 ft. *See* Petitioners Exhibit 1. The rear addition is constructed as a second-floor addition with no first floor, the addition having independent load bearing, overhanging the open ground floor rear patio. The existing improvement of the shed, while sitting below the floodplain height of 395.2 ft. at 391.65 ft, is small in size and used merely for typical storage, posing no risk to the life and safety of residents. Moreover, the majority of the lot, platted in 1961 prior to more stringent floodplain regulations, rests within the floodplain, making the placement of any structure practically impossible without a waiver.

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).

Pursuant to BCC §32-4-107 (1), the Hearing Officer may grant a waiver of any or all requirements of Subtitles 3, 4, and 5 of this title if the Hearing Officer finds that: (i) (1) The size, scope, and nature of a proposed development does not justify strict compliance with this title; (2) A waiver would be within the scope, purpose, and intent of this title; and (3) All other county laws and regulations have been complied with; or (ii) Compliance with this title would cause unnecessary hardship. A waiver shall be granted only in accordance with Title 8 of this article. BCC §32-4-107 (2). Pursuant to Baltimore County Code ("BCC") § 32-8-301, as provided in BCC § 32-4-107, waivers of the provisions of § 32-4-414 or Subtitle 2 and any regulations or codes adopted in accordance with § 32-4-414 or Subtitle 2 may be granted as specified in this subtitle.

Pursuant to Baltimore County Code (“BCC”) § 32-8-301 (b), the Hearing Officer shall hear and decide requests for waivers under this subtitle. Waiver actions shall be consistent with sound floodplain management and the number of waiver actions shall be kept to a minimum. BCC § 32-8-301(c). For any waiver issued in a riverine floodplain or tidal floodplain, all applicable conditions of § 32-8-207 of this title and the Building Code shall be met. BCC § 32-8-301 (d).

Based on the evidence admitted into this record, I find that the size, scope, and nature of the existing rear addition and accessory structure (shed) does not justify strict compliance with BCC regulations with respect to improvements in the floodplain. A waiver would be within the scope, purpose, and intent of Baltimore County floodplain regulations, as the existing addition and shed pose no life, health, or safety risks to residents or others. There is no indication in this record that this is an active floodplain and the slope of the land makes flood events unlikely to extend to the property. Moreover, the addition’s height as a second-floor addition with an open-air ground floor patio place it above the floodplain elevation during a flooding event. The shed, while below the floodplain elevation and deeper into the floodplain, is small in size and used solely for typical residential storage, and likewise poses no risk to life, health, or safety. Moreover, the shed does not appear to contain utilities, water, electricity, or other services that could potentially pose a dangerous condition during a flood event. Therefore, I find this waiver to be consistent with sound floodplain management and is the minimum necessary to afford relief.

Variance(s)

While not noted on the *pro se* Petition, filed prior to the appearance of counsel, the Site Plan indicates that the existing accessory structure (shed) may have been placed within the side yard setback for accessory structures in DR zones. *See* BCZR § 400.1 (“...In no case shall they be located less than 2½ feet from any side or rear lot lines, except those two private garages may be

built with a common party wall straddling a side interior property line if all other requirements are met...). Therefore, in an abundance of caution, the shed's placement in the rear yard will be evaluated for a yard setback variance in addition to the relief requested under the Petition.

Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The Property slopes west to east towards Gynns Falls and has various features in the rear yard that restrict where an accessory structure (shed) could be placed. Photographs of the Property (Petitioners' Exhibit 4) show the rear yard with trees to the east and west of the existing shed which would inhibit minor relocation of the shed outside of the 2.5 ft. setback. Further, the property is encumbered by a 10-foot-wide utility easement along the rear property line which may further inhibit the ability to relocate the shed to alternate locations on the lot. For all these reasons, I find

that this property is unique and that special circumstances or conditions exist that are peculiar to this property where strict compliance with the requirements of BCZR § 400.1 for the existing accessory structure would create a practical difficulty upon Petitioners. I also find that the requested variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare.

THEREFORE, IT IS ORDERED this 21st day of **June, 2024**, by this Administrative Law Judge, that the Petition for Special Hearing per BCZR §500.7, for a waiver under Building Code Parts 123, 124, 125, and BCC §§ 32-4-414, 32-4-107(a)(2) and 32-8-301, to permit the existing rear addition and accessory structure in a riverine floodplain be and is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that variance relief from the requirements of BCZR § 400.1 be, and is hereby, **GRANTED**, to permit the existing accessory structure (shed) to remain in its current location as indicated in the Site Plan.

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, Petitioner would be required to return the subject property to its original condition.
2. Petitioners' Site Plan is incorporated into this approval.
3. Pursuant to BCC § 32-8-301 (d), all applicable conditions of BCC § 32-8-207 and the Building Code shall be satisfied.
4. Petitioners shall satisfy all permitting requirements including any requirements articulated by DPW-T and DEPS in their respective reports which are attached hereto and made a part hereof.
5. The accessory structure (shed) shall not be used for any commercial or industrial purposes and shall not have separate water, electrical, or other utilities.

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

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a horizontal line extending to the right.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm

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 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0089-SPH
Address: 903 DROPLEAF CT
Legal Owner: Ester Riopedre, Jose Hernandez

Zoning Advisory Committee Meeting of April 26, 2024.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

The addition and ancillary structures are within area that would be Forest Buffer Easement. Therefore, assuming the requested zoning relief is granted, a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains must be granted and any variance conditions met prior to building permit approval.

Reviewer: Glenn Shaffer

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 22, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0089-SPH

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

DPR: No comment.

DPW-T: A.) The property is located within non-tidal (riverine), Special Flood Hazard Area. Current Baltimore County Code prohibits development within a non-tidal special flood hazard area. The 2015 Baltimore County Building Code Part 125.1 states "No new Buildings or Additions shall be constructed in any riverine floodplain."

B.) A riverine flood plain that meets the qualifications of a Baltimore County flows overland on the property. Based on Baltimore County Code, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Variance for the addition. The proposed addition must also meet DPWT Design Manual Plate DF-1.

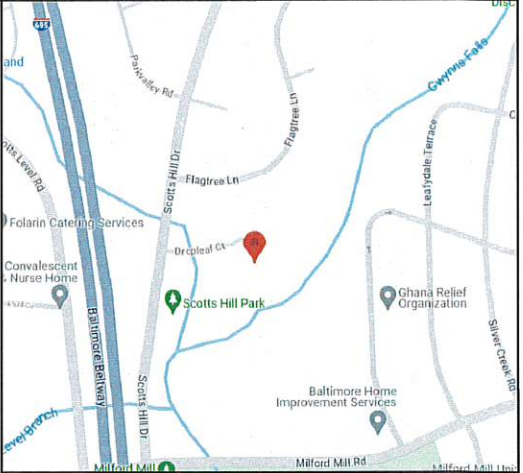
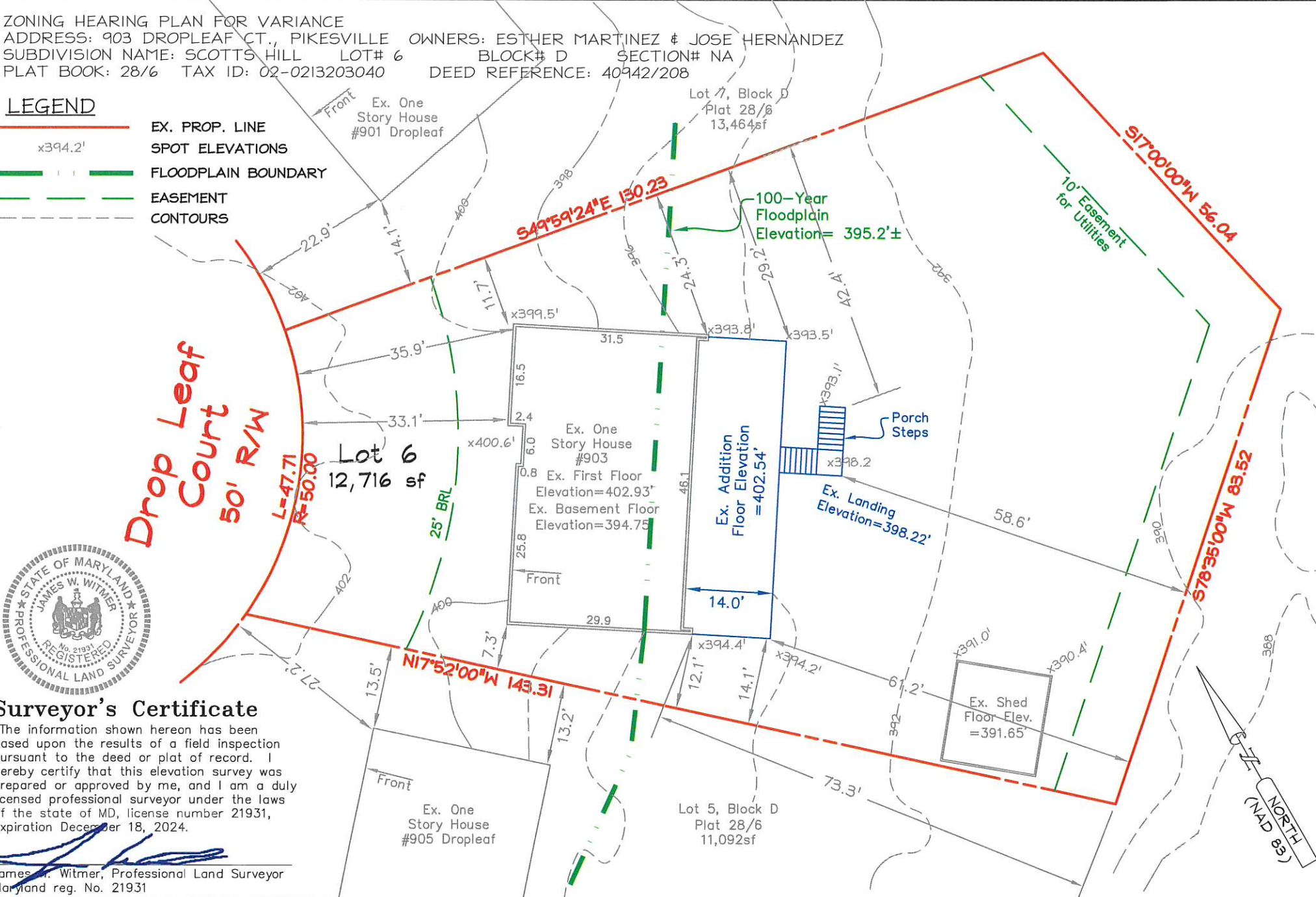
Landscaping: No comment.

Recreations & Parks: No Greenways affected.

ZONING HEARING PLAN FOR VARIANCE
ADDRESS: 903 DROPLEAF CT., PIKESVILLE OWNERS: ESTHER MARTINEZ & JOSE HERNANDEZ
SUBDIVISION NAME: SCOTTS HILL LOT# 6 BLOCK# D SECTION# NA
PLAT BOOK: 28/6 TAX ID: 02-0213203040 DEED REFERENCE: 40942/208

LEGEND

- EX. PROP. LINE
- SPOT ELEVATIONS
- FLOODPLAIN BOUNDARY
- EASEMENT
- CONTOURS



VICINITY MAP
Not to Scale

ZONING MAP:
ZONING: DR5.5
ELECTION DIST.: 2ND
COUNCIL DIST.: 2
LOT AREA (AC.): 0.292
LOT ARE (SF): 12,716
HISTORIC: NO
CBCA: NO
FLOODPLAIN: YES
PUBLIC WATER: YES
PUBLIC SEWER: YES
PRIOR HEARING: NO
VIOLATION CASE#:

GENERAL NOTES

- BOUNDARY ILLUSTRATED IS APPROXIMATE. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE HOUSE AND BUILDING ELEVATION IN RELATION TO THE FEMA 100-YEAR FLOODPLAIN ELEVATIONS.
- FLOOD ZONE "X" and "AE" PER CURRENT F.E.M.A. FIRM MAP 2400100380G.
- ELEVATIONS SHOWN ARE BASED ON NAVD88. ELEVATIONS WERE CHECKED INTO BALTIMORE COUNTY CONTROL POINT CBM767.
- DIMENSIONS SHOWN FROM HOUSE TO PROPERTY LINE ARE APPROXIMATE.
- ILLUSTRATED CONTOURS ARE BASED ON AVAILABLE COUNTY TOPOGRAPHIC DATA.



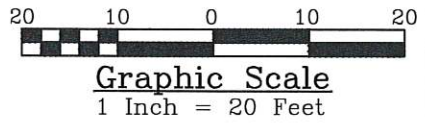
Surveyor's Certificate

"The information shown hereon has been based upon the results of a field inspection pursuant to the deed or plat of record. I hereby certify that this elevation survey was prepared or approved by me, and I am a duly licensed professional surveyor under the laws of the state of MD, license number 21931, expiration December 18, 2024.

James W. Witmer, Professional Land Surveyor
Maryland reg. No. 21931



JNM ENGINEERING, LLC
CIVIL ENGINEERING, SURVEYING, LAND PLANNING,
ENVIRONMENTAL, ARBORICULTURE, LEED PROFESSIONALS
1105 LEAFY HOLLOW CIRCLE, MOUNT AIRY, MD 21771
(301) 514-2808, JNMENGINEERINGLLC.COM



**ELEVATION CERT. FOR:
903 Dropleaf Court**
Liber 40942 Folio 208, Lot 6
Plat 28/6, Account 02-0213203040
12,716 Square Feet, Baltimore County

Scale:	1" = 20'
Date:	11/06/23
Field By:	JWW
Drawn By:	JWW
File No.:	xxxx
Page No.:	1 of 1

VIOLATION CASE #CB2200424





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 903 Dropikaf, Pikesville, MD 21208 Currently Zoned DR 5.5
Deed Reference 40942, 00208 10 Digit Tax Account # 0213203040
Owner(s) Printed Name(s) Esther Riopedre Martinez, Jose Chan Hernandez

(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)

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)

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:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Esther Riopedre, Jose Chan Hernandez
Name #1 - Type or Print Name #2 - Type or Print
Esther Riopedre
Signature #1 Signature #2
903 Dropikaf Ct Pikesville MD
Mailing Address City State
21208, 443-680-8522, erriopedre79@gmail.com
Zip Code Telephone #s (Cell and Home) Email Address

Representative to be contacted:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Case Number 2024-0089-SPH Filing Date 4/1/24 Do Not Schedule Dates ☐ Reviewed

ZONING PROPERTY DESCRIPTION FOR 903 DROPLEAF CT, PIKESVILLE MD,
21208

Beginning at a point on the south side of Dropleaf Ct which is 30' wide at the distance of 379' east of the centerline of the nearest improved intersecting street Scotts Hill Dr which is 33' wide.

Being known and designated as Lot No. 6, Block D, as shown on the plat entitled, Plat No. 6, Scotts Hill, Baltimore County, which plat is recorded among the Land Records of Baltimore County in Liber WJR 28 folio 6.

RIVERRINE FLOODPLAIN WAIVER FOR SPECIAL HEARING

Esther Martinez & Jose Hernandez
903 Dropleaf Ct
Pikesville, MD 21208

Special Hearing for a waiver pursuant to BCZR Section 500. 7; Building Code Parts 123, 124, 125; and BCC Sections 32-4-414, 32-4-107(a)(2), 32-8-301 to permit a already constructed accessory structure in a riverine floodplain.

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 twenty (20) 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: 2024-02089-SPH

Property Address: 903 Droplea f G

Legal Owners (Petitioners): Esther Martinez, Joese Hernandez

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): _____

Address: _____

Telephone Number: _____

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Baltimore County
Department of Permits,
Approvals And Inspections

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. CB2200424 Property No. 0123203040 Zoning: _____

Name(s): Martinez Esther Riopiedre Hernandez Jose Omar

Address: 903 Dropleaf ct Pikesville MD 21208

Violation Location: 903 Dropleaf ct Pikesville MD 21208

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

2003 Baltimore County Code Subtitle 3 Section 25-2-301
Permits and Inspections are required for Structures Built

Addition to house needs Permits and Inspections

Accessory Structures over 120 sq ft Also Require
Permits

BCC 13-7-310, 312. Trash and Junk / Debris

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 8-16-22 DATE ISSUED: 7-12-22

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION
SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1,000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR
90 DAYS IN JAIL, OR BOTH.

INSPECTOR: H.B. PRINT NAME: Harold Smith

STOP WORK NOTICE

PURSUANT TO INSEPCION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS
ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION
OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE: 7-12-22 DATE ISSUED: 7-12-22

INSPECTOR: H.B. PRINT NAME: Harold Smith

COPIES: PINK - AGENCY, YELLOW - VIOLATION SITE, GOLD - DEFENDANT, WHITE - INSPECTOR

ZONING HEARING PLAN FOR VARIANCE
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SUBDIVISION NAME: SCOTTS HILL LOT# 6 BLOCK# D SECTION# NA
PLAT BOOK: 28/6 TAX ID: 02-0213203040 DEED REFERENCE: 40942/208

LEGEND

- EX. PROP. LINE
SPOT ELEVATIONS
FLOODPLAIN BOUNDARY
EASEMENT
CONTOURS



Surveyor's Certificate

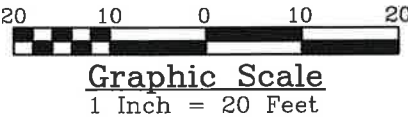
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James W. Witmer, Professional Land Surveyor
Maryland reg. No. 21931



JNM ENGINEERING, LLC

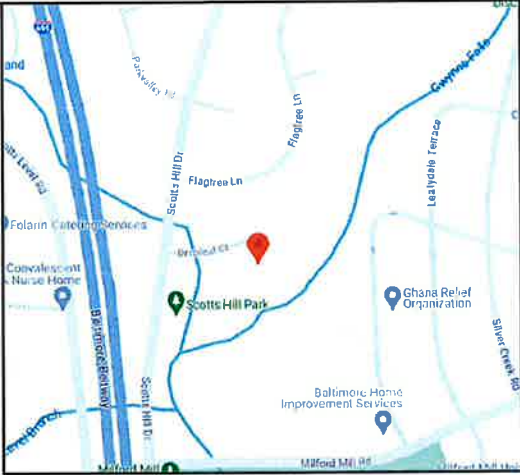
CIVIL ENGINEERING, SURVEYING, LAND PLANNING,
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ELEVATION CERT. FOR:
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Liber 40942 Folio 208, Lot 6
Plat 28/6, Account 02-0213203040
12,716 Square Feet, Baltimore County

Scale:	1" = 20'
Date:	11/06/23
Field By:	JWW
Drawn By:	JWW
File No.:	xxxx
Page No.:	1 of 1



VICINITY MAP
Not to Scale

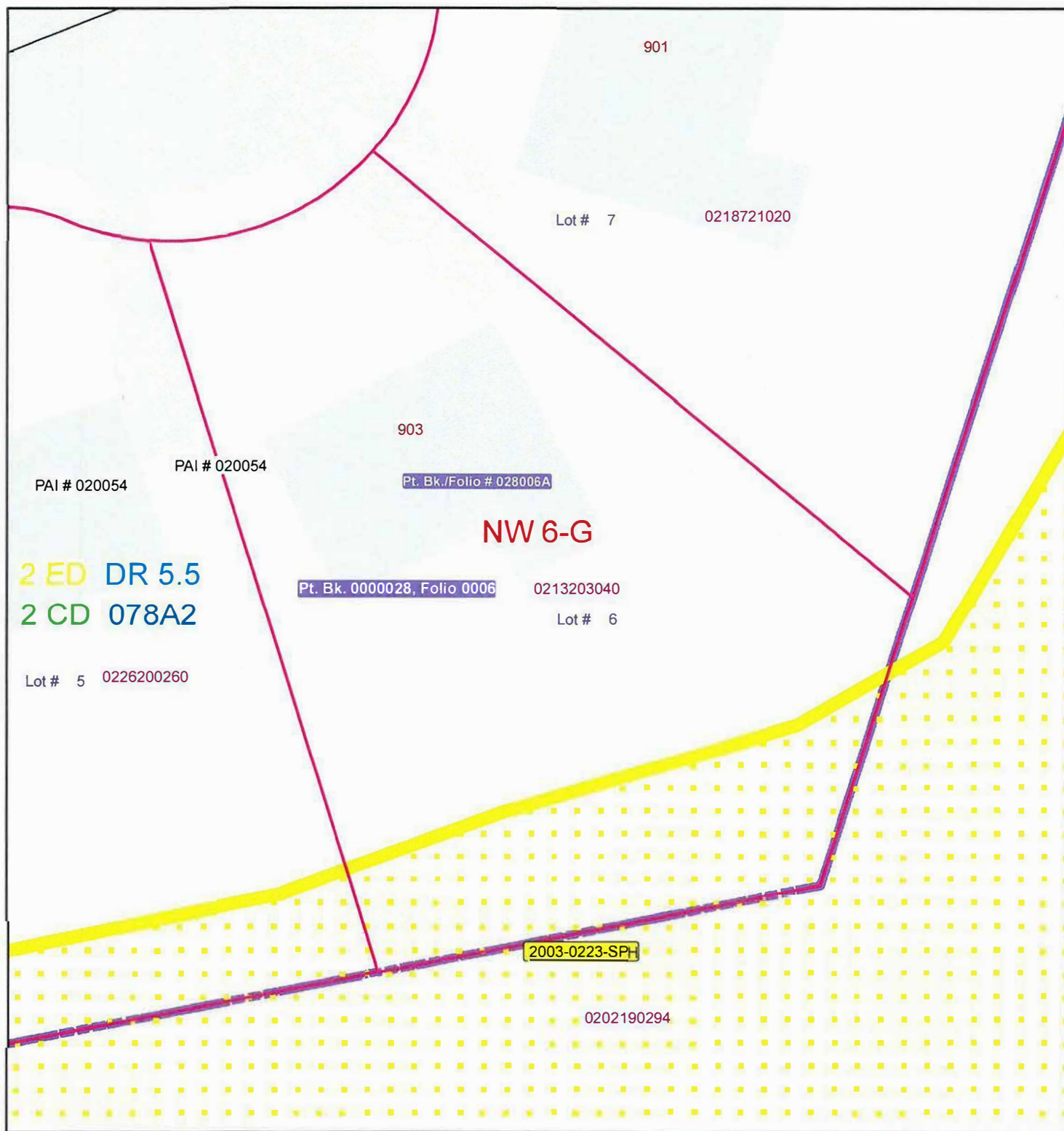
ZONING MAP:
ZONING: DR5.5
ELECTION DIST.: 2ND
COUNCIL DIST.: 2
LOT AREA (AC.): 0.292
LOT ARE (SF): 12,716
HISTORIC: NO
CBCA: NO
FLOODPLAIN: YES
PUBLIC WATER: YES
PUBLIC SEWER: YES
PRIOR HEARING: NO
VIOLATION CASE#:

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- 4) DIMENSIONS SHOWN FROM HOUSE TO PROPERTY LINE ARE APPROXIMATE.
- 5) ILLUSTRATED CONTOURS ARE BASED ON AVAILABLE COUNTY TOPOGRAPHIC DATA.

VIOLATION CASE #CB2200424

903 Dropleaf ct



Publication Date: 4/2/2024



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 26.007356 feet

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 02 Account Number - 0213203040

Owner Information

Owner Name:	MARTINEZ ESTHER RIOPEDRE HERNANDEZ JOSE ONAN	Use:	RESIDENTIAL
Mailing Address:	903 DROPLEAF CT PIKESVILLE MD 21208-3536	Principal Residence:	YES
		Deed Reference:	/40942/ 00208

Location & Structure Information

Premises Address:	903 DROPLEAF CT PIKESVILLE 21208-3536	Legal Description:	SCOTTS HILL
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 6
0078 0013 0488 2010009.04 0000 D 6 2022 Plat Ref: 0028/ 0006

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use				
1965	1,738 SF	12,716 SF	04	

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	59,300	59,300		
Improvements	139,800	160,000		
Total:	199,100	219,300	212,567	219,300
Preferential Land:	0	0		

Transfer Information

Seller: MALL AARON TRUSTEE	Date: 12/07/2018	Price: \$212,000
Type: ARMS LENGTH IMPROVED	Deed1: /40942/ 00208	Deed2:
Seller: MALL AARON MALL CAROLE TRUSTEES	Date: 01/06/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /38477/ 00368	Deed2:
Seller: MALL AARON	Date: 04/11/1997	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12124/ 00643	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:
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BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

APPROVED SIGN POSTERS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

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lpilson@hotmail.com

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1opie@comcast.net

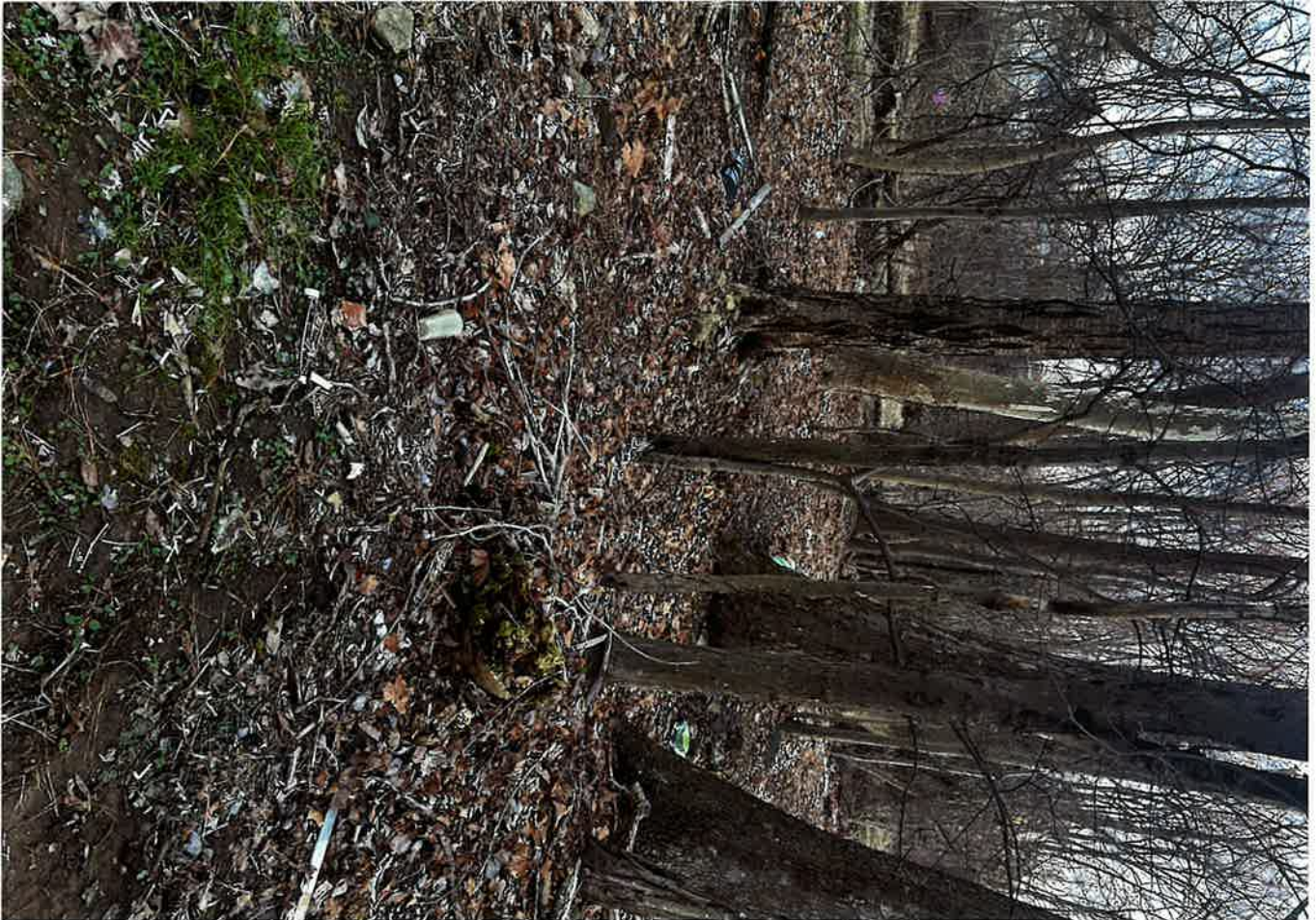
The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a poster not listed on the list above, prior approval by the Department of Permits, Approvals and Inspections/Zoning is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.











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

No. 229851

Date: 3/15/24

Fund	Dept	Unit	Sub Unit	Source/ Obj	Rev	Sub Rev/	Sub Obj	Dept Obj	BS Acct	Amount
001	806		6/15							75.00

Total: \$75.00

Rec From: Esther Rio peder

For: Special Hearing

CASHIER'S
VALIDATION

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

DOMINICAN BARBER SHOP HAIR SALON
LATIN AMERICAN BEAUTY SALON LLC
104 REISTERSTOWN RD
PIKESVILLE, MD 21208-6103
410-580-0442

1553
65-320/550 7403

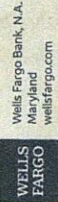
01/22/2024
DATE

PAY TO THE
ORDER OF

Baltimore County
Seventy Five dollars xx

\$ 75.00

DOLLARS



WELLS
FARGO
Maryland
wellsfargo.com

FOR 903 drop leaf ct. pikesville Estby Rio peder

0550032010 5363633396 01553



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 903 Dropikaf, Pikesville, MD 21208 Currently Zoned DR 5.5
Deed Reference 40942, 00208 10 Digit Tax Account # 0213203040
Owner(s) Printed Name(s) Esther Riopedre Martinez, Jose Chan Hernandez

(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)

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)

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:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Esther Riopedre, Jose Chan Hernandez
Name #1 - Type or Print Name #2 - Type or Print
Esther Riopedre
Signature #1 Signature #2
903 Dropikaf Ct Pikesville MD
Mailing Address City State
21208, 443-680-8522, erriopedre79@gmail.com
Zip Code Telephone #s (Cell and Home) Email Address

Representative to be contacted:

Name - Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Case Number 2024-0089-SPH Filing Date 4/1/24 Do Not Schedule Dates ☐ Reviewed ☒

ZONING PROPERTY DESCRIPTION FOR 903 DROPLEAF CT, PIKESVILLE MD,
21208

Beginning at a point on the south side of Dropleaf Ct which is 30' wide at the distance of 379' east of the centerline of the nearest improved intersecting street Scotts Hill Dr which is 33' wide.

Being known and designated as Lot No. 6, Block D, as shown on the plat entitled, Plat No. 6, Scotts Hill, Baltimore County, which plat is recorded among the Land Records of Baltimore County in Liber WJR 28 folio 6.

RIVERRINE FLOODPLAIN WAIVER FOR SPECIAL HEARING

Esther Martinez & Jose Hernandez
903 Dropleaf Ct
Pikesville, MD 21208

Special Hearing for a waiver pursuant to BCZR Section 500. 7; Building Code Parts 123, 124, 125; and BCC Sections 32-4-414, 32-4-107(a)(2), 32-8-301 to permit a already constructed accessory structure in a riverine floodplain.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/25/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0089-SPH

INFORMATION:

Property Address: 903 Dropleaf Court
Petitioner: Esther Riopedre Martinez/Jose Onan Hernandez
Zoning: DR 5.5
Requested Action: Special Hearing

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

Special Hearing -

1. For a waiver pursuant to Baltimore County Zoning Regulations Section 500.7; Building Code Parts 123, 124, 125, and Baltimore County Code Sections 32-4-414, 32-4-107(a)(2), 32-8-301 to permit an already constructed accessory structure in a riverine floodplain.

The proposed site is an approximately 0.292-acre property zoned DR 5.5. The site has a previous Zoning case (2003-0223-SPH) to permit playground equipment, asphalt walkways, and a pedestrian bridge to be located in a riverine floodplain, which was granted. There are also multiple code violations for this site including the current one for this petition (CB2200424) for an addition constructed without building permits.

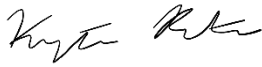
The subject property is currently a residence. The requested zoning relief, as said in above request, does not adversely impact the public right-of-way or the surrounding neighborhood. The petitioner would like to apply for a waiver to allow the accessory structure that was built without permits, located in a riverine floodplain, to remain. According to the site plan, the 100 year floodplain buffer bisects the property and encompasses a portion of the principal structure and the already constructed addition. The Department of Planning acknowledges that the addition will continue to meet DR 5.5 setback and bulk regulations, and will not exceed the square footage of the principal structure. Planning recognizes that realistically the entire site is affected by floodplains and other possible environmental impacts, but with the previous allowance of the existing dwelling and other additional amenities and structures, it is determined that the existing environmental impacts will not adversely impact the function, location and design of the addition, as well as the safety, health and wellness of the community.

The Department of Planning has no objection to the requested relief conditioned upon the following:

1. Confirm with the Department of Environmental Protection and Sustainability that environmental impacts will not adversely affect the site or adjacent neighbors and that the proposal is in compliance with all other applicable environmental requirements.
2. Coordinate with the Baltimore County Landscape Architect to comply with any additional landscaping requirements.
3. Any additional conditions set forth by the Administrative Law Judge.

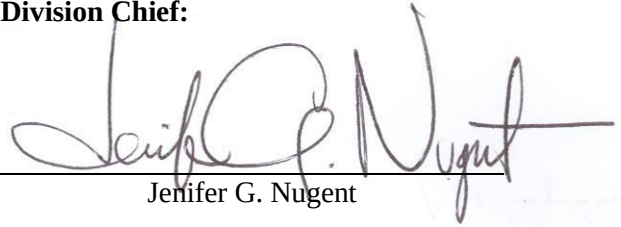
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

Esther Riopedre Martinez
Sydney Cooper, 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 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0089-SPH
Address: 903 DROPLEAF CT
Legal Owner: Ester Riopedre, Jose Hernandez

Zoning Advisory Committee Meeting of April 26, 2024.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Additional Comments:

The addition and ancillary structures are within area that would be Forest Buffer Easement. Therefore, assuming the requested zoning relief is granted, a variance to the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains must be granted and any variance conditions met prior to building permit approval.

Reviewer: Glenn Shaffer

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 22, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0089-SPH

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

DPR: No comment.

DPW-T: A.) The property is located within non-tidal (riverine), Special Flood Hazard Area. Current Baltimore County Code prohibits development within a non-tidal special flood hazard area. The 2015 Baltimore County Building Code Part 125.1 states "No new Buildings or Additions shall be constructed in any riverine floodplain."

B.) A riverine flood plain that meets the qualifications of a Baltimore County flows overland on the property. Based on Baltimore County Code, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Variance for the addition. The proposed addition must also meet DPWT Design Manual Plate DF-1.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/19/2024

Case Number: 2024-0089-SPH

Petitioner / Developer: ESTHER RIOPEDRE JOSE HERNANDEZ

Date of Hearing: JUNE 12, 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:
903 DROPLEAF COURT

The sign(s) were posted on: MAY 19, 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 # 2024-0089-SPH
903 DROPLEAF COURT
PIKESVILLE, MD 21208 (S/S OF DROPLEAF COURT, 379 FT. East of Scotts Hill Drive
Council District: 2, Election District: 2

SPECIAL HEARING: For a waiver pursuant to Baltimore County Zoning Regulations ("BCZR"), Section 500.7; Baltimore County Building Code ("BCBC"), Parts 123, 124, & 125, and Baltimore County Code ("BCC"), Sections 32-4-414, 32-4-107(a)(2) and 32-8-301, to permit an already constructed accessory structure in a riverine floodplain.

Hearing Date: Wednesday, June 12, 2024 – 10:00 AM

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)

ZONING HEARING PLAN FOR VARIANCE
ADDRESS: 903 DROPLEAF CT., PIKESVILLE OWNERS: ESTHER MARTINEZ & JOSE HERNANDEZ
SUBDIVISION NAME: SCOTTS HILL LOT# 6 BLOCK# D SECTION# NA
PLAT BOOK: 28/6 TAX ID: 02-0213203040 DEED REFERENCE: 40942/208

LEGEND

- EX. PROP. LINE
SPOT ELEVATIONS
FLOODPLAIN BOUNDARY
EASEMENT
CONTOURS



Surveyor's Certificate

"The information shown hereon has been based upon the results of a field inspection pursuant to the deed or plat of record. I hereby certify that this elevation survey was prepared or approved by me, and I am a duly licensed professional surveyor under the laws of the state of MD, license number 21931, expiration December 18, 2024.

James W. Witmer, Professional Land Surveyor
Maryland reg. No. 21931



JNM ENGINEERING, LLC

CIVIL ENGINEERING, SURVEYING, LAND PLANNING,
ENVIRONMENTAL, ARBORICULTURE, LEED PROFESSIONALS
1105 LEAFY HOLLOW CIRCLE, MOUNT AIRY, MD 21771
(301) 514-2808, JNMEENGINEERINGLLC.COM

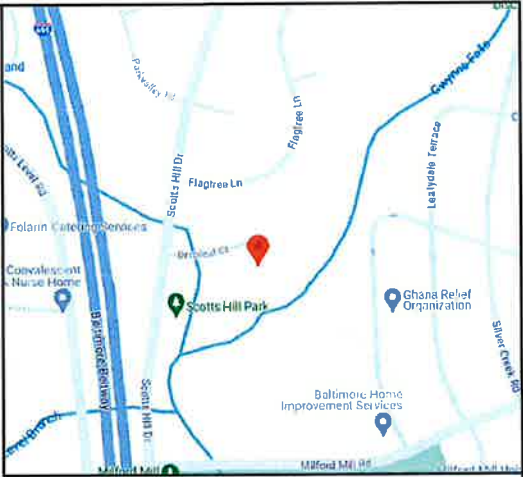


Graphic Scale
1 Inch = 20 Feet

ELEVATION CERT. FOR:
903 Dropleaf Court

Liber 40942 Folio 208, Lot 6
Plat 28/6, Account 02-0213203040
12,716 Square Feet, Baltimore County

Scale:	1" = 20'
Date:	11/06/23
Field By:	JWW
Drawn By:	JWW
File No.:	xxxx
Page No.:	1 of 1



VICINITY MAP
Not to Scale

ZONING MAP:
ZONING: DR5.5
ELECTION DIST.: 2ND
COUNCIL DIST.: 2
LOT AREA (AC.): 0.292
LOT ARE (SF): 12,716
HISTORIC: NO
CBCA: NO
FLOODPLAIN: YES
PUBLIC WATER: YES
PUBLIC SEWER: YES
PRIOR HEARING: NO
VIOLATION CASE#:

GENERAL NOTES

- 1) BOUNDARY ILLUSTRATED IS APPROXIMATE. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE HOUSE AND BUILDING ELEVATION IN RELATION TO THE FEMA 100-YEAR FLOODPLAIN ELEVATIONS.
- 2) FLOOD ZONE "X" and "AE" PER CURRENT F.E.M.A. FIRM MAP 2400100380G.
- 3) ELEVATIONS SHOWN ARE BASED ON NAVD88. ELEVATIONS WERE CHECKED INTO BALTIMORE COUNTY CONTROL POINT CBM767.
- 4) DIMENSIONS SHOWN FROM HOUSE TO PROPERTY LINE ARE APPROXIMATE.
- 5) ILLUSTRATED CONTOURS ARE BASED ON AVAILABLE COUNTY TOPOGRAPHIC DATA.

VIOLATION CASE #CB2200424