



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 13, 2024

Timothy Kotroco, Esquire – tkotroco@gmail.com
Matthew Kotroco, Esquire – mattkotroco@gmail.com
210 Alleghany Avenue, Suite 100
Towson, MD 21204

RE: Petitions for Special Hearing & Variance
Case No. 2024-0096-SPHA
Property: 850 Middle River Road

Dear Counsel:

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 Andrew M. Belt, written in a cursive style.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

:dlm

Enclosure

c: John and Jacqueline Hodges –
Matthew Bafitis – bafitisassoc@comcast.net

IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
(850 Middle River Road)	*	OFFICE OF
15 th Election District		
6 th Council District	*	ADMINISTRATIVE HEARINGS
John & Jacqueline Hodges		
<i>Legal Owners</i>	*	FOR BALTIMORE COUNTY
 Petitioners	 *	 Case No. 2024-0096-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of John and Jacqueline Hodges, legal owners (“Petitioners”) for the property located at 850 Middle River Road (the “Property”). The Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”), §500.7 to approve an accessory building with a square footage larger than the principal structure. In addition, Variance relief was also requested from BCZR, §400.3 to allow an accessory building (garage) to have height of 19 ft. in lieu of the required 15 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on June 5, 2024 at 11:00 a.m. The Petition was properly advertised and posted. The Petitioner, John Hodges appeared, with Matthew Kotroco, Esq. and Timothy Kotroco, Esq. also appeared on his behalf and represented the Petitioner. Matthew M. Bafitis, P.E. also appeared on behalf of the Petitioner. There were no Protestants or interested citizens that appeared at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Development Plans Review (“DPR”) and the Department of Environmental Protection and Sustainability (“DEPS”) and they did oppose the requested relief.

The Property is 1.377 acres+/-, and is zoned BL and DR 5.5., with the proposed 3,600-sf. addition to an existing garage being located on the DR 5.5 portion of the property. Mr. Kotroco explained that the subject property is located at the signalized intersection of Middle River Road and Bird River/Transverse Avenue. The property is owned and operated by Hodges Windows and Glass. (Pet. Exs. 1 & 2) The neighboring property on Middle River Road is another retail establishment owned and operated by the Petitioner's sister. The family has operated a business in the area since 1960.

As confirmed and authorized in prior Case No. 2021-0302-SPH, the total square footage of the buildings currently on the property is 5,690 square feet. The principal structure is the retail portion of the property which also contains residential apartments on the second floor. A 2,750-sf. storage structure is currently used to house inventory for the window and glass business, while the 1,500-sf. garage located on the DR 5.5 portion of the property is currently unused and in a dilapidated condition. As noted by Timothy Kotroco, a separate driveway leads to this garage and the building sits behind the principal structure, completely screened by a forest conservation easement along Transverse Avenue, making the structure completely shielded from view from outside the property. (Pet. Exs. 3A-3G) Additionally, there are trees along the opposite side of Transverse Avenue which further screen this structure from neighboring residential properties.

Mr. Kotroco explained that Petitioners are proposing a 3,500-sf. addition to the existing 1,500-sf. garage. This building will be used as a designated parking area for the residents of the apartments in the principal structure, as well as storage for the Petitioners' car collection. Mr. Kotroco further explained that residents currently use parking in the retail portion of the property which creates safety and logistical concerns. The Petitioners are proposing a height of 19 feet for the garage addition due to the fact that the existing portion of the garage already has a height of 19

feet, which will also be conducive to the storage of larger vehicles.

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).

BCZR § 101.1. defines an accessory use or structure as:

A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) **is subordinate in area, extent or purpose to the principal use or structure**; (c) is located on the same lot as the principal use or structure served; and (d) **contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served**; except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. . . (Emphasis added)

Petitioners have filed a Request for Special Hearing to allow a 3,500-sf. addition to an existing accessory building for a total of 5,000-sf., making it of larger than the 3,735-sf. principal structure. Based on the evidence presented, I find that the Special Hearing relief should be granted.

In keeping with the definition of an accessory structure, while the garage's square footage after the proposed addition will exceed the size of the principal structure, I find that this proposed garage will be subordinate in purpose and use. Additionally, I find that the use of this garage by the residents of the apartments in the principal structure contributes to the comfort, convenience and necessity of these residents. Based on the evidence presented, I find that the requested relief is within the spirit and intent of the BCZR and will not harm the public health, safety, or welfare.

VARIANCE

A variance request involves a two-step process, summarized as follows:

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

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

As noted above, the current height of the existing garage is 19 ft. This fact presents a unique characteristic as to this structure, requiring the proposed addition to be built to the same height for the purposes of convenience and architectural continuity. I find that if such variance relief were denied, Petitioners will experience a practical difficulty, in that the existing structure would have to be modified or razed, both options being impractical in light of the circumstances.

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, particularly in light of the lack of opposition. Consequently, the requested variance relief is granted.

In the ZAC comments regarding the Petitioners' proposed relief, it was noted that a Landscape Plan and Lighting Plan be required if the requested relief were to be granted. Due to the fact that the proposed addition to the existing garage does not significantly change what has

already been approved in Case No. 2021-0302-SPH and the fact that the proposed addition is completely screened by a forest conservation easement, I find that neither plan will be required.

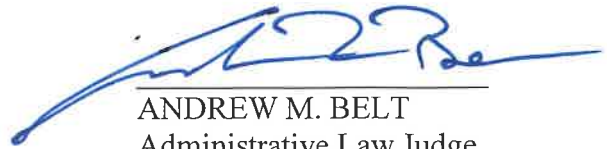
THEREFORE, IT IS ORDERED this 13th day of **June 2024** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR §500.7 to approve an accessory building with a square footage larger than the principal structure be and it is hereby, **GRANTED**;

IT IS FURTHER ORDERED that Variance relief from BCZR, § 400.3 to allow an accessory building (garage) to have height of 19 ft. in lieu of the required 15 ft. 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. The Site Plan is attached hereto is incorporated into this Order.
3. Petitioners and/or subsequent owners shall not convert the garage into a dwelling unit or apartment. The proposed garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
4. The garage shall also not be used for commercial or industrial purposes. It may be used for agricultural purposes.
5. The garage shall not have a separate utility or electric connection and shall connect to the electrical/utility in the home.
6. Prior to issuance of permits, Petitioners must comply with the DOP and DEPS ZAC comments a copy of which are attached hereto and made a part hereof, while landscape and lighting plans shall not be required.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

1. **Identify the problem.** The problem is that the *Journal of Applied Social Psychology* is not being distributed outside the U.S. Therefore, the editor is looking for a way to make the journal available to a wider audience.
2. **The firm's important goals are:** (1) *Journal of Applied Social Psychology* is a highly respected journal in the field of social psychology. (2) The firm's important goal is to make the journal available to a wider audience.
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[illegible]

TO ALLOW AN ACCESSORY CHANCE TO HAVE A HEIGHT OF 18' IN LIEU OF THE REQUIRED 18' MEN SECTION 400.5 INCODE

[illegible]

Get Expressional Flowers
800-272-2726
1-800-272-2726
1-800-272-2726

#850 MIDDLE RIVER ROAD

SCALE 1" = 30'	EST. DRAFTER 22103	DATE 11/17/74	PROJECT W.H.H.	FIG. NO. 1	DATE 11/17/74
WILLIAM W. BARTON, P.E. Professional Geotechnical Engineer, No. 1000 State of New York, License No. 1000 1000 State Street, Albany, N.Y. 12243 (Albany) 486-1234					
NEW YORK STATE DEPARTMENT OF TRANSPORTATION DIVISION OF MOTOR VEHICLES ALBANY, N.Y. 12243					

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: May 1, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0096-SPHA
Address: 850 MIDDLE RIVER RD
Legal Owner: John & Jacqueline Hodges

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 this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Reviewer: Libby Errickson 5/1/2024

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 4/29/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0096-SPHA

INFORMATION:

Property Address: 850 Middle River Road
Petitioner: John and Jacqueline Hodges
Zoning: BL, DR 5.5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To approve an accessory structure with a square footage larger than the principal structure; and

Variance -

2. From Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory garage to have a height of 19' in lieu of the maximum permitted 15'.

The subject site is an approximately 1.4 acre parcel at the signalized intersection of Middle River Road and Bird River Road/Transverse Avenue. The property is owned and operated by Hodges Windows and Glass, a local company that provides repairs and replacements to windows and doors. Based on Google Streetview imagery of the property, Hodges has occupied the space since at least 2009, which is the first Streetview available of the property. The site is improved with multiple structures, including the following:

- A two-story building near Middle River Road, which includes 1st floor retail, workshop, and office space, and a 2nd floor three-bedroom apartment;
- A 2,750 square foot garage behind that structure, which serves as storage for the retail store;
- A 1,500 square foot garage along Transverse Avenue, which serves as storage for the retail store; and
- A 1,440 square foot garage at the rear of the property, which is proposed to have a 3,600 square foot addition added onto it, which is the subject of this Special Hearing and Variance request.

The subject site is within the boundary of the Community Conservation Plan for Essex/Middle River and the Middle River Community Plan. The Middle River Community Conservation Plan, adopted September 4th, 2007, specifically calls out that Middle River Road is one of the primarily commercially zoned roads

within the plan area boundary (page 11) and the Proposed Land Use map on page 50 shows the property as remaining commercial (Map 23).

The site was the subject of previous Zoning Cases in 1947, 1967, 1976, and 2021. Case 2021-0302-SPH involved a Special Hearing request to approve a total storage area of 5,690 square feet (comprising three separate storage buildings as shown on the site plan), which exceeded the size of the existing commercial building of 3,735 square feet. The Special Hearing was approved.

The Department of Planning contacted the representative for the Petition via email on April 22nd, 2024 seeking additional information on the requests and why they were needed. In an April 24th, 2024 reply, the representative provided the following information to the Department:

- All of the existing buildings are to remain on the property. The 2,750 square foot and 1,500 square foot garages are used for business storage.
- The three-bedroom apartment is currently occupied by tenants.
- The garage in the rear will be used as an accessory structure to the apartments and will not be used as an accessory structure to the Hodges Windows and Glass store.
- The current tenants of the apartment do not have covered parking available. Although sufficient parking is provided on-site, with deliveries coming and going, customer parking, and employee parking, parking for the tenants of the apartment is often cumbersome and complicated. Having a dedicated garage in the rear will allow for the tenants to have a separate location from the business to park their cars under cover and away from the daily traffic.
- Regarding hardship or practical difficulty necessitating the Variance relief relevant to the height, given the size of the building, a taller roof is necessary to ensure all structural/slope requirements are met for the large floor area. Additionally, the increased height will allow the design of the garage to match the other buildings aesthetically.

The Department of Planning has no objections to the requested relief. The request will accommodate parking for the existing tenants, will allow the design of the structure to match the other structures on the site, and appears to be in keeping with the previously approved Special Hearing. Further, the location for the addition is located at the rear of the property and is located immediately south of a forest conservation easement, meaning it will likely be screened from the public right of way along Transverse Avenue.

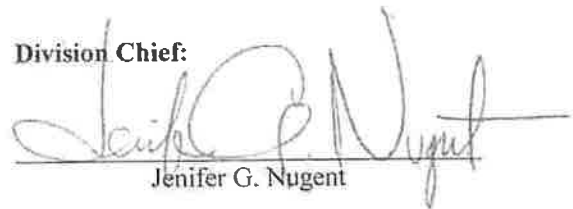
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Matthew T. Kotroco, Esq.
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

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

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

Address 850 Middle River Road, Baltimore MD 21220 which is presently zoned BL/DR 5.5
 Deed References: 43035/ 00006 10 Digit Tax Account # 1508650601
 Property Owner(s) Printed Name(s) John Hodges, Jacqueline Hodges

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

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

1. ☒ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

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)

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

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

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

Engineer:

Bafitis & Associates

Name- Type or Print Matthew T. Bafitis, P.E.
 Signature _____
1249 Engleberth Road Essex MD
 Mailing Address City State
21221 410-391-2336 bafitisassoc@comcast.net
 Zip Code Telephone # Email Address

Attorney for Petitioner:

Matthew T. Kotroco, Esq

Name- Type or Print Matthew T. Kotroco
 Signature _____
210 Allegheny Ave STE 100 Towson MD
 Mailing Address City State
21204 410-299-9453 mattkotroco@gmail.com
 Zip Code Telephone # Email Address

Legal Owners (Petitioners):

John Hodges	Jacqueline Hodges
Name #1 - Type or Print	Name #2 - Type or Print
<u>John Hodges</u>	<u>Jacqueline Hodges</u>
Signature #1	Signature #2
<u>2810 Mountain Rd</u>	<u>Joppa</u>
Mailing Address	City State
<u>21085</u>	<u>410-258-5122</u>
Zip Code	Telephone # Text
	Email Address

Representative to be contacted:

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

CASE NUMBER 2024-0096-SPHA Filing Date 4/9/2024 Do Not Schedule Dates: _____ Reviewer MJC

Matthew T. Kotroco, Esq.

210 Allegheny Avenue, Suite 100

Towson, Maryland 21204

410-299-9453

Mattkotroco@gmail.com

Special Hearing:

A Special Hearing to approve an accessory structure with a square footage larger than the principal structure.

Variance:

A variance from BCZR §400.3 to allow an accessory garage to have a height of 19' in lieu of the required 15'.



ZONING DESCRIPTION FOR

#850 MIDDLE RIVER ROAD
BALTIMORE COUNTY MARYLAND 21220
15TH ELECTION DISTRICT

BEGINNING AT A POINT ON THE WEST SIDE OF MIDDLE RIVER ROAD 66' WIDE;
142'± SOUTHWESTERLY FROM THE CENTERLINE INTERSECTION OF TRANSVERSE AVENUE 70' WIDE;

THENCE LEAVING THE POINT OF BEGINNING THE FOUR FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 50°-13'-24" WEST AT A DISTANCE OF 392.05' TO A POINT;
- 2) NORTH 37°-53'-18" WEST AT A DISTANCE OF 130.58' TO A POINT;
- 3) NORTH 52°-06'-42" EAST AT A DISTANCE OF 146.31' TO A POINT;
- 4) NORTH 37°-53'-18" WEST AT A DISTANCE OF 63.09' TO A POINT ON THE SOUTH SIDE OF TRANSVERSE AVENUE;

THENCE RUNNING ALONG SAID AVENUE THE FOUR FOLLOWING COURSES AND DISTANCES:

- 5) A CURVE TO THE RIGHT WITH A RADIUS OF 635.00' AND THE ARC LENGTH OF 177.64' WHICH HAS A CHORD BEARING OF NORTH 64°-56'-45" EAST AND A CHORD DISTANCE OF 176.96' TO A POINT;
- 6) NORTH 72°-57'-22" EAST AT A DISTANCE OF 66.84' TO A POINT;
- 7) NORTH 72°-57'-22" EAST AT A DISTANCE OF 37.78' TO A POINT;
- 8) SOUTH 66°-37'-28" EAST AT A DISTANCE OF 28.23' TO A POINT ON THE WEST SIDE OF MIDDLE RIVER ROAD;
- 9) THENCE RUNNING ALONG SAID ROAD SOUTH 12°-07'-08" EAST AT A DISTANCE OF 88.24' TO THE PLACE OF BEGINNING;

CONTAINING: 60,007 SQUARE FEET OR 1.377 ACRES MORE OR LESS

WILLIAM N. BAFITIS, P.E. MD. REG. #11641



SEAL

No. 230415

Date: 4/9/2024

[illegible]

Total:

25/8

Timothy M. Kotrocz

Veriame & Special Hearing
Zoning Case # 2024-CORR & SPHA
1850 Middle River Road

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**

2257K

**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: 2024-0096-SPHA
Property Address: 850 Middle River Road
Property Description: Corner of West Side of Middle River Road
& South Side of Transverse Avenue
Legal Owners (Petitioners): John Hodges
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco
Company/Firm (if applicable): Kotroco & Associates, LLC
Address: 305 Washington Ave Suite 502
Towson, MD 21204
Telephone Number: 410 299 2943

Revised 7/9/2015

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1508650601

Owner Information

Owner Name: HODGES JOHN B Use: COMMERCIAL
HODGES JACQUELINE M Principal Residence: NO
Mailing Address: 2810 MOUNTAIN RD Deed Reference: /43035/ 00006
JOPPA MD 21085-

Location & Structure Information

Premises Address: 850 MIDDLE RIVER RD Legal Description: LT WS MIDDLE RIVER R
BALTIMORE 21220-2513
OPP BIRD RIVER RD

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0082	0022	0280	31504.04	0000				2024	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1974	4,164 SF		1.2387 AC	06

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
	MIXED RESIDENTIAL / RETAIL/	C3			

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	342,900	342,900		
Improvements	203,800	345,300		
Total:	546,700	688,200	546,700	593,867
Preferential Land:	0	0		

Transfer Information

Seller: HODGES WYNONA M	Date: 06/23/2020	Price: \$0
Type: ARMS LENGTH MULTIPLE	Deed1: /43035/ 00006	Deed2:
Seller: HODGES WYNONA M	Date: 09/06/2019	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /41836/ 00321	Deed2:
Seller: HODGES WYNONA M	Date: 03/01/2019	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /41177/ 00421	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

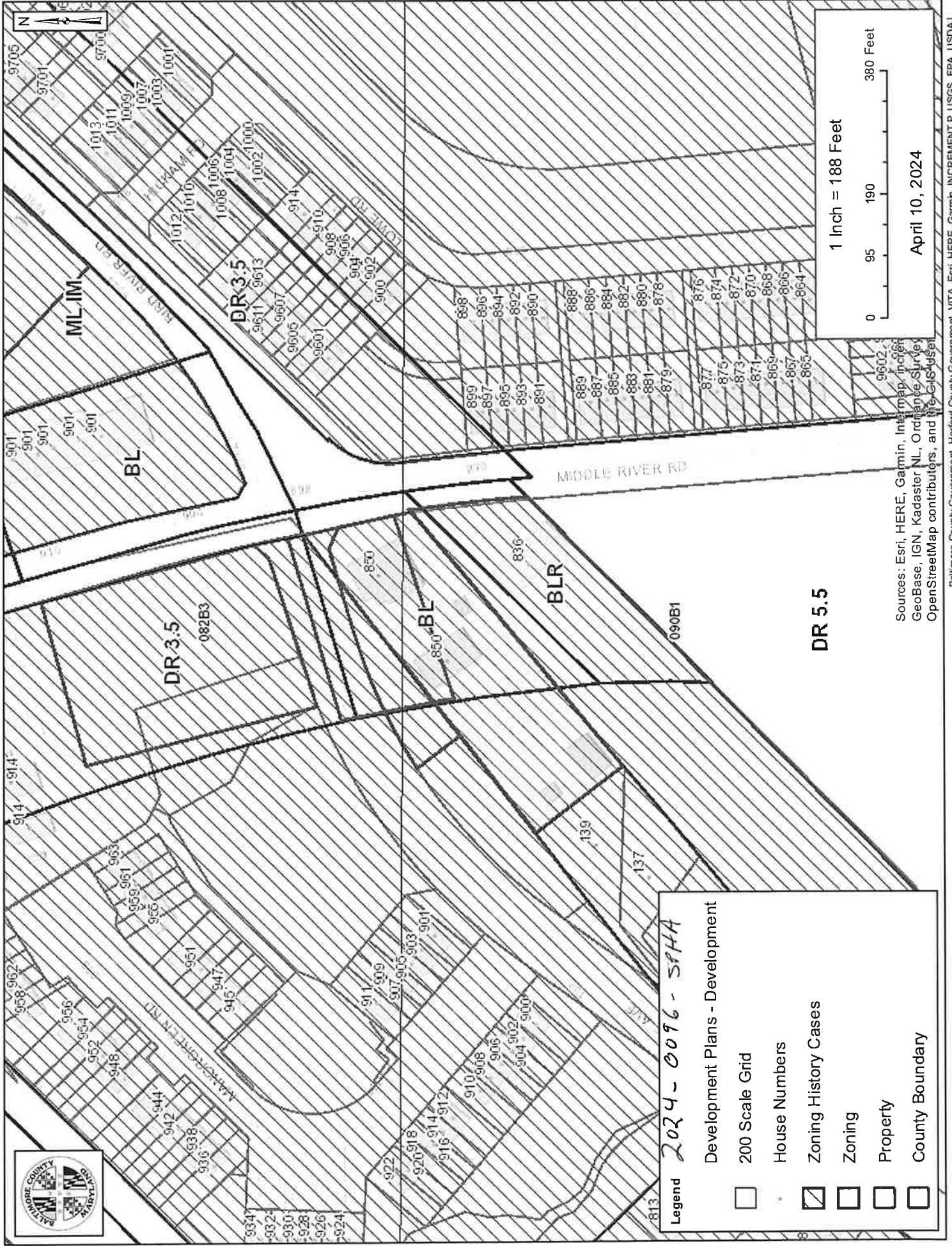
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0096-SPHA

Baltimore County - My Neighborhood



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: May 1, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0096-SPHA
Address: 850 MIDDLE RIVER RD
Legal Owner: John & Jacqueline Hodges

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 this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

Reviewer: Libby Errickson 5/1/2024

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 2024-0096-SPHA

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: If Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 4/29/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0096-SPHA

INFORMATION:

Property Address: 850 Middle River Road
Petitioner: John and Jacqueline Hodges
Zoning: BL, DR 5.5
Requested Action: Special Hearing, Variance

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

Special Hearing -

1. To approve an accessory structure with a square footage larger than the principal structure; and

Variance -

2. From Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory garage to have a height of 19' in lieu of the maximum permitted 15'.

The subject site is an approximately 1.4 acre parcel at the signalized intersection of Middle River Road and Bird River Road/Transverse Avenue. The property is owned and operated by Hodges Windows and Glass, a local company that provides repairs and replacements to windows and doors. Based on Google Streetview imagery of the property, Hodges has occupied the space since at least 2009, which is the first Streetview available of the property. The site is improved with multiple structures, including the following:

- A two-story building near Middle River Road, which includes 1st floor retail, workshop, and office space, and a 2nd floor three-bedroom apartment;
- A 2,750 square foot garage behind that structure, which serves as storage for the retail store;
- A 1,500 square foot garage along Transverse Avenue, which serves as storage for the retail store; and
- A 1,440 square foot garage at the rear of the property, which is proposed to have a 3,600 square foot addition added onto it, which is the subject of this Special Hearing and Variance request.

The subject site is within the boundary of the Community Conservation Plan for Essex/Middle River and the Middle River Community Plan. The Middle River Community Conservation Plan, adopted September 4th, 2007, specifically calls out that Middle River Road is one of the primarily commercially zoned roads

within the plan area boundary (page 11) and the Proposed Land Use map on page 50 shows the property as remaining commercial (Map 23).

The site was the subject of previous Zoning Cases in 1947, 1967, 1976, and 2021. Case 2021-0302-SPH involved a Special Hearing request to approve a total storage area of 5,690 square feet (compromising three separate storage buildings as shown on the site plan), which exceeded the size of the existing commercial building of 3,735 square feet. The Special Hearing was approved.

The Department of Planning contacted the representative for the Petition via email on April 22nd, 2024 seeking additional information on the requests and why they were needed. In an April 24th, 2024 reply, the representative provided the following information to the Department:

- All of the existing buildings are to remain on the property. The 2,750 square foot and 1,500 square foot garages are used for business storage.
- The three-bedroom apartment is currently occupied by tenants.
- The garage in the rear will be used as an accessory structure to the apartments and will not be used as an accessory structure to the Hodges Windows and Glass store.
- The current tenants of the apartment do not have covered parking available. Although sufficient parking is provided on-site, with deliveries coming and going, customer parking, and employee parking, parking for the tenants of the apartment is often cumbersome and complicated. Having a dedicated garage in the rear will allow for the tenants to have a separate location from the business to park their cars under cover and away from the daily traffic.
- Regarding hardship or practical difficulty necessitating the Variance relief relevant to the height, given the size of the building, a taller roof is necessary to ensure all structural/slope requirements are met for the large floor area. Additionally, the increased height will allow the design of the garage to match the other buildings aesthetically.

The Department of Planning has no objections to the requested relief. The request will accommodate parking for the existing tenants, will allow the design of the structure to match the other structures on the site, and appears to be in keeping with the previously approved Special Hearing. Further, the location for the addition is located at the rear of the property and is located immediately south of a forest conservation easement, meaning it will likely be screened from the public right of way along Transverse Avenue.

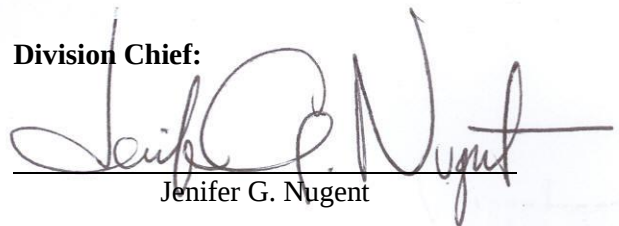
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Matthew T. Kotroco, Esq.
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

NOTES

- Topography shown hereon was taken from Baltimore County GIS Topography & Updated by field survey. (JAN. 2021)
- The Firm Insurance Rate Map, 240010-0430 G indicates this SITE is situated within flood Zone X.
- Property lines shown hereon were established from public information.
- This site is NOT situated within the Chesapeake Bay Critical Areas.(MAP 82)
- There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Baltimore County Department of Environmental Protection and Sustainability.
- There are no forest or developed woodlands on this site.
- There are NO Tidal & Non-Tidal Wetlands shown on this site.
- There is no significant plant or animal habitat on this site.
- There are no slopes greater than 15% on this site.
- There are no known wells on this site.
- There are no known underground storage tanks or septic systems on this site.
- There are no known potentially hazardous materials on this site as defined by Title 7- Health and Environmental Article, Annotated Code of Maryland, except as noted.
- There are no buildings or property within this site that are included on the Maryland Historical Trust Inventory, The Baltimore County Landmarks List, the National Register of Historic Places, the Maryland Archeological Survey or is a Baltimore County Historical District.
- Public Water and sewer serve this site.
- Caution underground utilities may exist in Middle River Road & onsite, contact Miss Utility (800-257-7777) prior to any construction.
- Proposed dwelling height < 35'.

ZONING HISTORY

1976-0057-SPHX
GRANTED: 10/23/1975

1967-0084-X
GRANTED: 10/17/1966

R-1947-0914-X
GRANTED: 05/20/1947

2021-0302-SPH
GRANTED: 01/18/2022

SPECIAL HEARING REQUEST

TO APPROVE A ACCESSORY STRUCTURE SQUARE FOOTAGE LARGER THAN THE PRINCIPAL STRUCTURE;

VARIANCE REQUEST

TO ALLOW AN ACCESSORY GARAGE TO HAVE A HEIGHT OF 19' IN LIEU OF THE REQUIRED 15' PER SECTION 400.3 BCZR;

PARKING CALCULATION

EXISTING
#850 MIDDLE RIVER ROAD
1ST FLOOR
RETAIL 5 P.S. PER 1,000 S.F.
RETAIL AREA = 360 S.F.
5/1,000 = 0.005 X 360 = 1.8 = 2 P.S.

OFFICE 3.3 P.S. PER 1,000 S.F.
OFFICE AREA = 238 S.F.
3.3/1,000 =0.0033 X 238 = 0.7854 = 1 P.S.

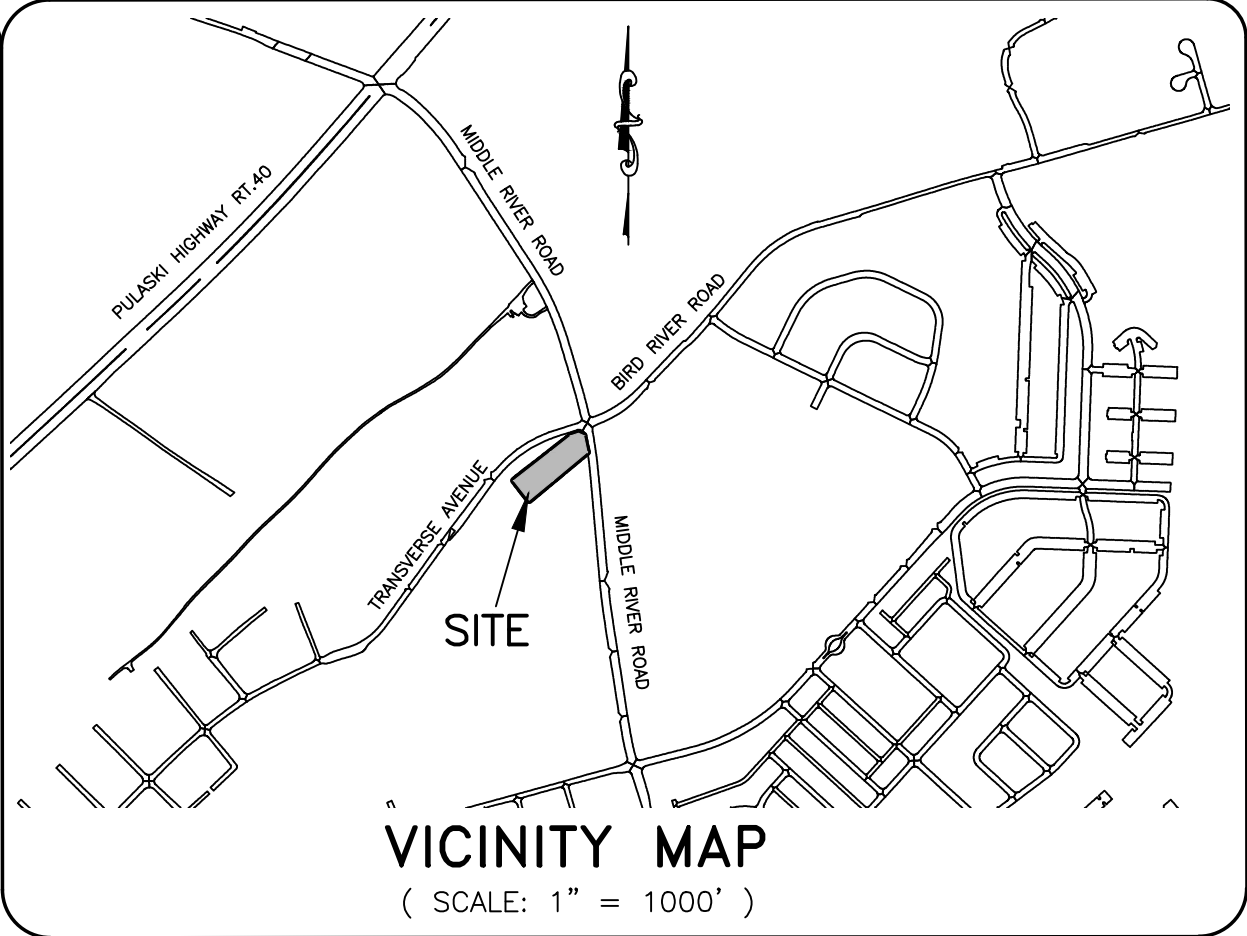
2ND FLOOR
APARTMENT 1.5 P.S. PER 3 OR MORE BEDROOMS
3 BEDROOMS
1.5 X 3 = 4.5 = 5 P.S.

EMPLOYEE PARKING
1 P.S. PER EMPLOYEE
13 EMPLOYEES
1 X 13 = 13 = 13 P.S.

TOTAL = 21 P.S.

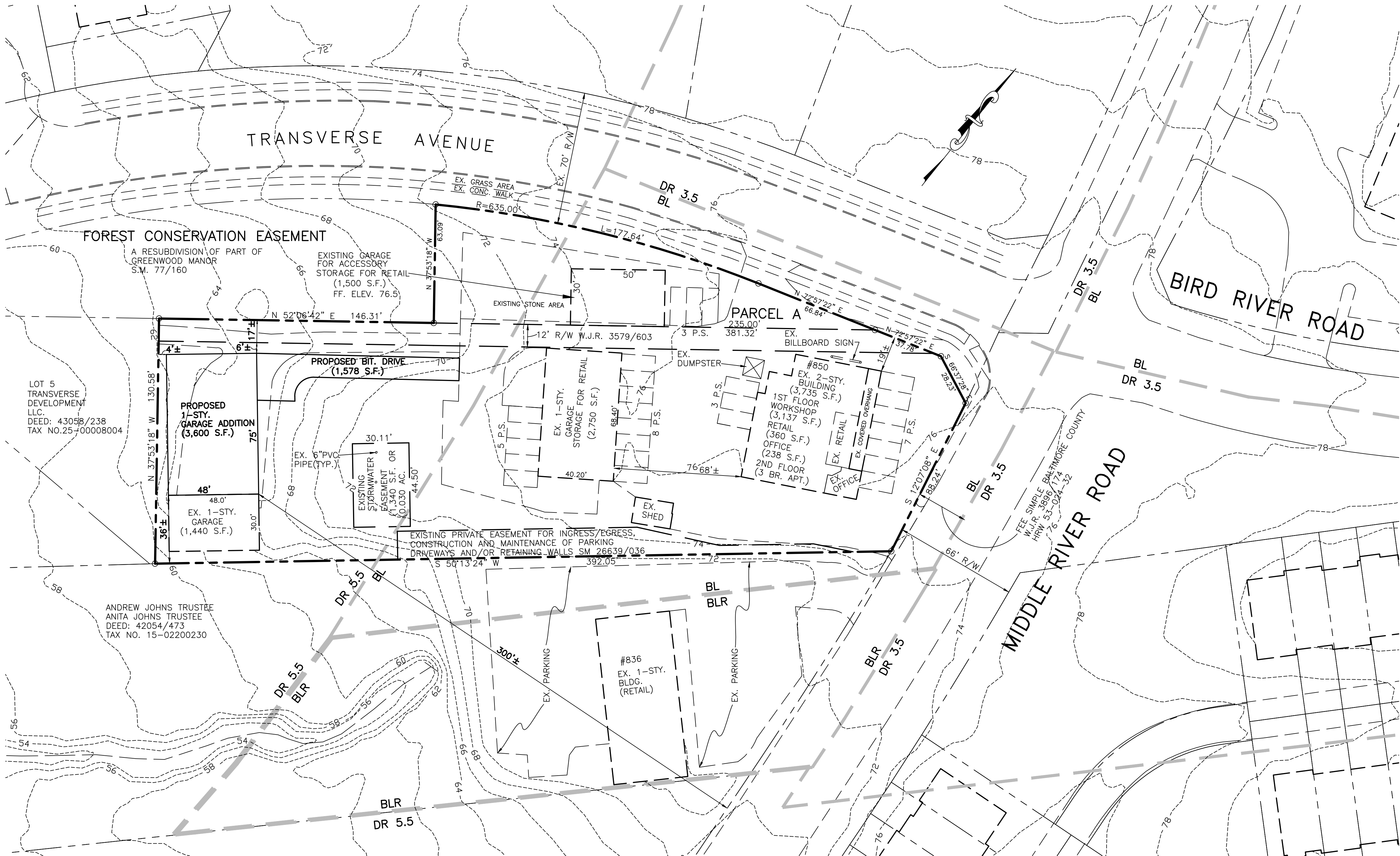
REQUIRED PARKING NONE

PROVIDED PARKING = 26 P.S.



SITE DATA

- OWNER: JOHN B. HODGES & JACQUELINE M. HODGES
#2810 MOUNTAIN ROAD
JOPPA MARYLAND 21085
TELEPHONE (410) 686-1389
- DEED REF: 43035/006
- TAX ACC. NO.: 15-08650601 & 24-00009962
- TAX MAP: 82 PARCEL: 280 & A LOT: NONE
- PLAT REF: PLAT OF GREENWOOD MANOR BOOK 79 FOLIO 261
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 6TH
- REGIONAL PLANNING DISTRICT: MIDDLE RIVER
- CENSUS TRACT: 4514.01
- ZONING: BL & DR 5.5
- ZONING MAP: 082B3 & 090B1
- USE: EXISTING: COMMERCIAL
PROPOSED: 1-STORY GARAGE
- SITE AREA: 60,007 S.F. OR 1.377 AC. +/-.
- SEE PARKING CALCULATION



Bafitis & Associates
Civil Engineers/Land Planners
SURVEYORS
(410) 391-2336
bafitisassoc@comcast.net

William N. Bafitis, P.E.
1249 Engleberth Rd. Baltimore, MD 21221

PLAN TO ACCOMPANY
PETITION FOR SPECIAL HEARING
FOR
PROPOSED 1-STORY GARAGE
#850 MIDDLE RIVER ROAD
15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

WILLIAM N. BAFITIS, P.E.
Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland.
License No. 11641 Expiration Date: 09/09/2025

1

SHEET 1 OF 1

NO.	REVISIONS	DATE