



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

July 11, 2024

Dexter Sammy – dexter@baltimore@aol.com
901 Chester Road
Baltimore, MD 21220

RE: Petition for Variance
Case No. 2024-0127-A
Property: 901 Chester Road

Dear Petitioner:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM :dlm
Enclosure

c: Matt Gawal – Code Enforcement mgawel@baltimorecountymd.gov
David Billingsley – dwb0209@yahoo.com
David Thompson – davethompson@comcast.net
Louis Libertini – captlou59@verizon.net

IN RE: PETITION FOR VARIANCE

(901 Chester Road)

15th Election District

5th Council District

Dexter Sammy

Legal Owner

Petitioner

*

BEFORE THE

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OFFICE OF ADMINISTRATIVE

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HEARINGS OF

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BALTIMORE COUNTY

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CASE NO. 2024-0127-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Dexter Sammy (“Petitioner”) for property located at 901 Chester Road, Middle River (the “Property”). The Petitioner is requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”), §400.1 to permit an existing accessory building (garage/shed) to be located partially in the side yard in lieu of the required rear yard only, within the closest third of the lot removed from any street in lieu of the farthest third and if necessary, occupying as much as 70% of said third in lieu of 50%; and with a 1 ft. rear yard setback in lieu of 2.5 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on July 8, 2024. The Petition was properly advertised and posted. The Petitioner appeared at the hearing in support of the Petition along with David Billingsley of Central Drafting and Design who prepared a site plan (the “Site Plan”). (Pet. Ex. 1). Neighboring property owners David Thompson, 814 Chester Rd. and Louis Libertini, 915 Coldspring Rd. testified in support of the Petition.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Department of Environmental Protection Sustainability (“DEPS”), and Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”)

which agencies did not oppose the requested relief.

This Case was filed as a result of a Code Enforcement Violation – CB2200520 which was initially issued on September 29, 2022 for the construction of multiple additions to a garage/shed without permits and/or proper approvals. The date to correct the violations was November 3, 2022. Upon receipt of the Correction Notice, according to the Petitioner, he hired a consultant to file an Application for Building Permit. The file indicates that Building Permit #R-22-08471 was cancelled because it was an incorrect type of permit. A second Building Permit #R22-10264 was cancelled due to a replacement permit. Because a Building Permit was not issued, a second Correction Notice was issued on April 17, 2024 to correct the violations by May 5, 2024. (Pet. Ex. 8). After the second Correction Notice was issued, Petitioner hired Mr. Billingsley to file the Petition for Variance relief and for a Building Permit (#R24-03136).

The Property is 0.358 acres +/- (15,600 sf) located at the corner of Chester Rd. and Susquehanna Avenue. It is zoned Density Residential (DR 3.5). (Pet. Ex. 7). According to Mr. Billingsley's title search, the Property was created by an illegal subdivision in a Deed dated April 3, 1962 and filed in the Land Records of Baltimore County (Liber 3973, folio 183). (Pet. Ex. 6). The Property was originally Lot 267 created by Plat known as *Plan C of Long Beach Estates* filed in Land Records of Baltimore County on August 7, 1914 (Plat Book WPC 4, folio 131). (Pet. Ex. 4). As the original Lot 267, a 1-story, single-family dwelling was constructed in 1935. At some point, a detached garage/accessory building was built in the rear yard behind the single-family dwelling. That accessory building currently exists (without a principal dwelling) on the remainder of Lot 267, and has an address of 905 Chester Rd. (Pet. Ex. 7) (the "905 accessory building"). According to Mr. Billingsley, there is no sewer connection to the 905 accessory building. Street view photographs show the 905 accessory building which, according to Petitioner, is used for

storage by the current owner. (Pet. Ex. 9F). A wooden fence separates the Property at 901 Chester from 905 Chester Rd.

Petitioner purchased the Property in 1998. In 2010, he had a 200-sf rectangular-shaped shed installed over a concrete slab floor with footers, in the side and rear yards, but without zoning approvals and without a permit. In 2020, Petitioner, by himself, constructed a 120-sf addition onto the eastern side of the original shed, also without a permit. In 2023, he constructed a 270-sf addition to the western side of the original shed along with an overhead door facing Susquehanna Ave. to park a vehicle, also without a permit. The original shed has now become a detached garage which sits partly in the side yard and partly in the rear yard, is not in the third of the Property farthest removed from any street, occupies 70% of the third in violation of the maximum 50%, and is only 1 ft. off the rear Property line in lieu of the required setback of 2.5 ft. The detached garage has its own passenger door and is only 2 ½ ft from the single-family home. Mr. Billingsley testified that the height of the detached garage is 13 ft. Petitioner also extended the driveway from Susquehanna Avenue to the garage overhead door. As part of the Building Permit Application (#R24-03136), Geoffrey A. Tizard, PE, examined and diagramed the detached garage. (Pet. Ex. 11). As part of the DEPS ZAC comment, because the Property is within the Chesapeake Bay Critical Area (“CBCA”), it is required to meet CBCA regulations and its existing impervious surface has exceeded the maximum allowable by 1,737 sf.

Petitioner testified that he knew that building permits were required prior to construction. As far as the 2020 eastern addition, he indicated that the County Permit Office was closed and/or that the permits were delayed due to COVID pandemic. That fact notwithstanding, he proceeded to construct both the eastern and western additions himself, without permits.

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).

I find that the Property is unique to its small size as compared to properties in the neighborhood as shown on the Plat of Long Beach Estates. As shown in the 1962 and as confirmed by Mr. Billingsley, the original Lot 267 was never approved by the County to be subdivided. When the illegal subdivision of Lot 267 occurred in the 1962 Deed, the rear yard was reduced to 17 ft. in width, making it disproportionately smaller than the front yard. However, I do not find a self-imposed hardship here because Petitioner did not create the boundary lines, he purchased the Property in 1998 with the 17 ft. wide rear yard. In 2010, he did fail to obtain a building permit and zoning approval for the original 200-sf shed. In 2020, he then failed to obtain a building permit for the 120-sf eastern addition to the shed which total structure then measured 320-sf. In 2023, he also failed to obtain a building permit for the 270-sf western addition such that the total detached garage now measures 710 sf +/-.

This is a Case with an odd set of facts in need for the Variance relief is due to the 17 ft. rear yard width which was caused by the illegal subdivision in 1962. Said another way, but-for the illegal subdivision, the size of the Property would not exist as a unique feature under *Cromwell*, *supra*. In my view, however, if Petitioner had applied for the zoning relief for the original shed - as it was located partly in the side yard, is 1 ft. from the rear Property line, and is not located in the 1/3 of the yard farthest removed from any street, occupies 70% of the farthest 1/3 in lieu of 50% - the same small size of the Property at that time would have been considered a unique feature.

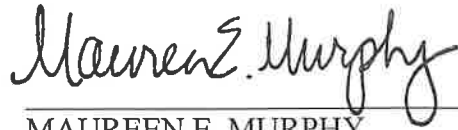
Consequently, I find the Petitioner would suffer a practical difficulty and/or unreasonable hardship if the Variance relief was denied in that the rear yard as it was created, does not have adequate space to have a detached garage, whether or not the proper building permits were obtained. I also find 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.

THEREFORE, IT IS ORDERED, this 11th day of **July 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §400.1 to permit an existing accessory building (garage/shed) to be located partially in the side yard in lieu of the required rear yard only, within the closest third of the lot removed from any street in lieu of the farthest third and if necessary, occupying as much as 70% of said third in lieu of 50%; and with a 1 ft. rear yard setback in lieu of 2.5 ft, be and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is 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. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein.
3. Petitioner and subsequent owners shall not convert the detached garage into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.
4. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home.
5. The detached garage shall not be used for commercial or industrial purposes.
6. Petitioner must comply with the DOP and DEPS ZAC comments, copies are attached hereto and made a part hereof.

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

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a horizontal line underneath it.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

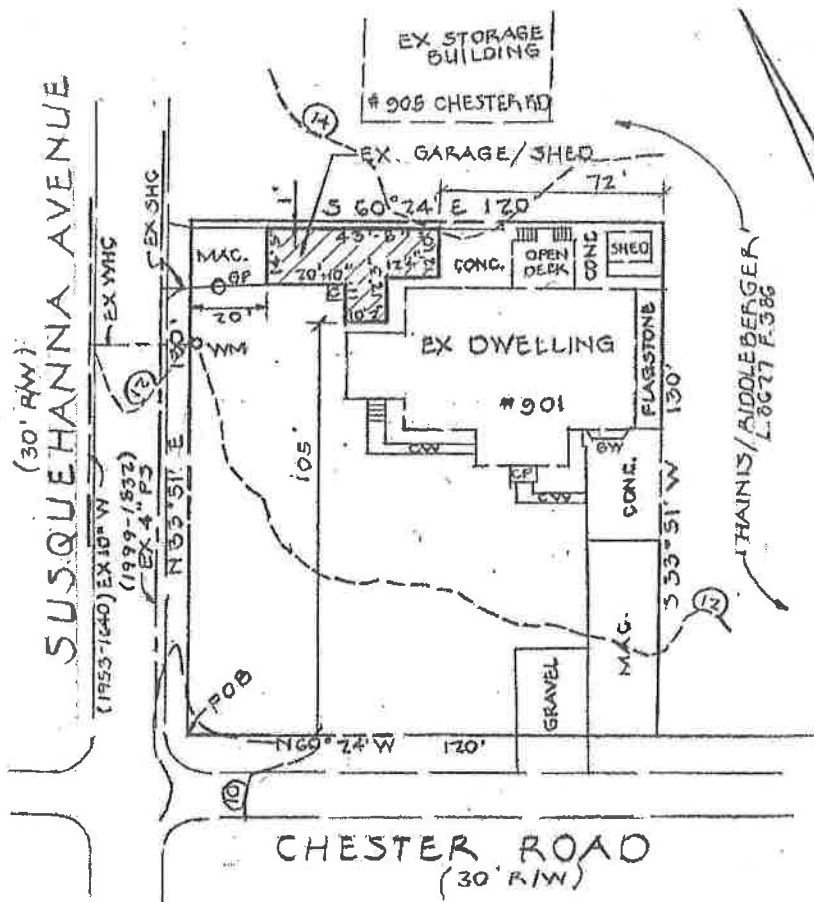
MEM/dlm

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 901 CHESTER ROAD OWNER(S) NAME(S) DEXTER SAMMY

SUBDIVISION NAME LONG BEACH ESTATES LOT # 267 BLOCK # 1 SECTION # 1

PLAT BOOK # 4 FOLIO # 131 10 DIGIT TAX # 1519580460 DEED REF. # 12614/230



VICINITY MAP
SCALE: 1" = 1000'

PETITIONER'S
EXHIBIT NO. 1

CENTRAL DRAFTING & DESIGN
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

ZONING MAP# 091B3
SITE ZONED DR 3.5
ELECTION DISTRICT 15
COUNCIL DISTRICT 5
LOT AREA ACREAGE 0.358 AC
OR SQUARE FEET 15,600
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING? N/A
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
N/A

VIOLATION CASE INFO:
CB2200520



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 901 CHESTER ROAD Currently Zoned DR 3-5
Deed Reference L.12614 / F. 230 10 Digit Tax Account # 1 5 1 9 5 8 0 4 6 0
Owner(s) Printed Name(s) DEXTER SAMMY

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

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

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

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

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):

DEXTER SAMMY
Name #1 - Type or Print _____ Name #2 - Type or Print _____
☒ Dexter Sammy
Signature #1 _____ Signature #2 _____
901 CHESTER ROAD BALTO. MD
Mailing Address _____ City _____ State _____
21220 / (443) 386-6548
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

DAVID BILLINGSLEY
Name - Type or Print _____
David Billingsley
Signature _____
601 CHARWOOD CT. EDGEWOOD, MD.
Mailing Address _____ City _____ State _____
21040 / (410) 679-8719 / dwb0209@yahoo.com
Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2024-0127-A Filing Date 5/15/2024 Do Not Schedule Dates _____ Reviewer MSK
3/2022

VARIANCE HEARING RELIEF
901 CHESTER ROAD

SECTION 400.1 TO PERMIT AN EXISTING ACCESSORY BUILDING (GARAGE/SHED) TO BE LOCATED PARTIALLY IN THE SIDE YARD IN LIEU OF THE REAR; WITHIN THE CLOSEST THIRD OF THE LOT REMOVED FROM ANY STREET IN LIEU OF THE FARTHEST THIRD; IF NECESSARY, OCCUPYING AS MUCH AS 70% OF SAID THIRD IN LIEU OF 50%; AND WITH A 1-FOOT REAR YARD SETBACK IN LIEU OF 2.5 FEET.

ZONING DESCRIPTION
901 CHESTER ROAD

Beginning for the same at a point formed by the intersection of the north side of Chester Road (30 feet wide) with the east side of Susquehanna Avenue (30 feet wide), thence

1. N 33° 51' E 130 feet
2. S 60° 24' E 120 feet
3. S 33° 51' W 130 feet and
4. N 60° 24' W 120 feet to the place of beginning.

Containing 15,600 square feet or 0.358 acre, more or less.

Being a part of Lot 267 as shown on the plat entitled Long Beach Estates recorded among the Baltimore County plat record in plat book 4 folio 131.

Being known as 901 Chester Road. Located in the 15TH Election District, 5TH Councilmanic District of Baltimore County, MD.

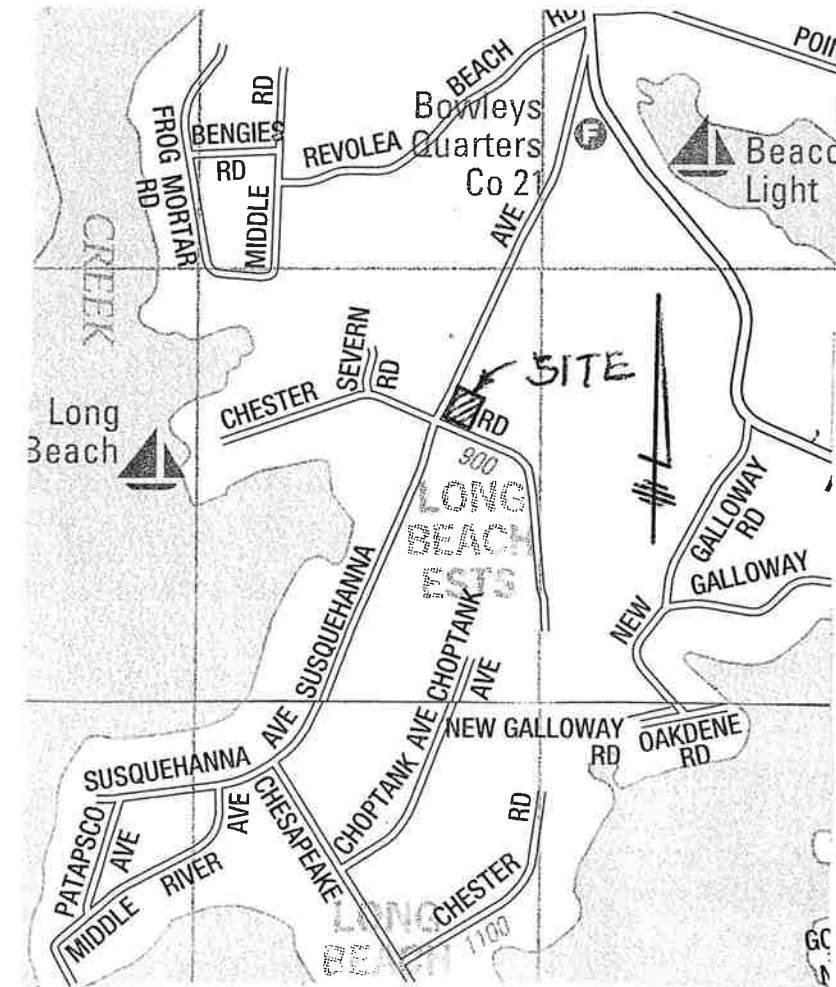
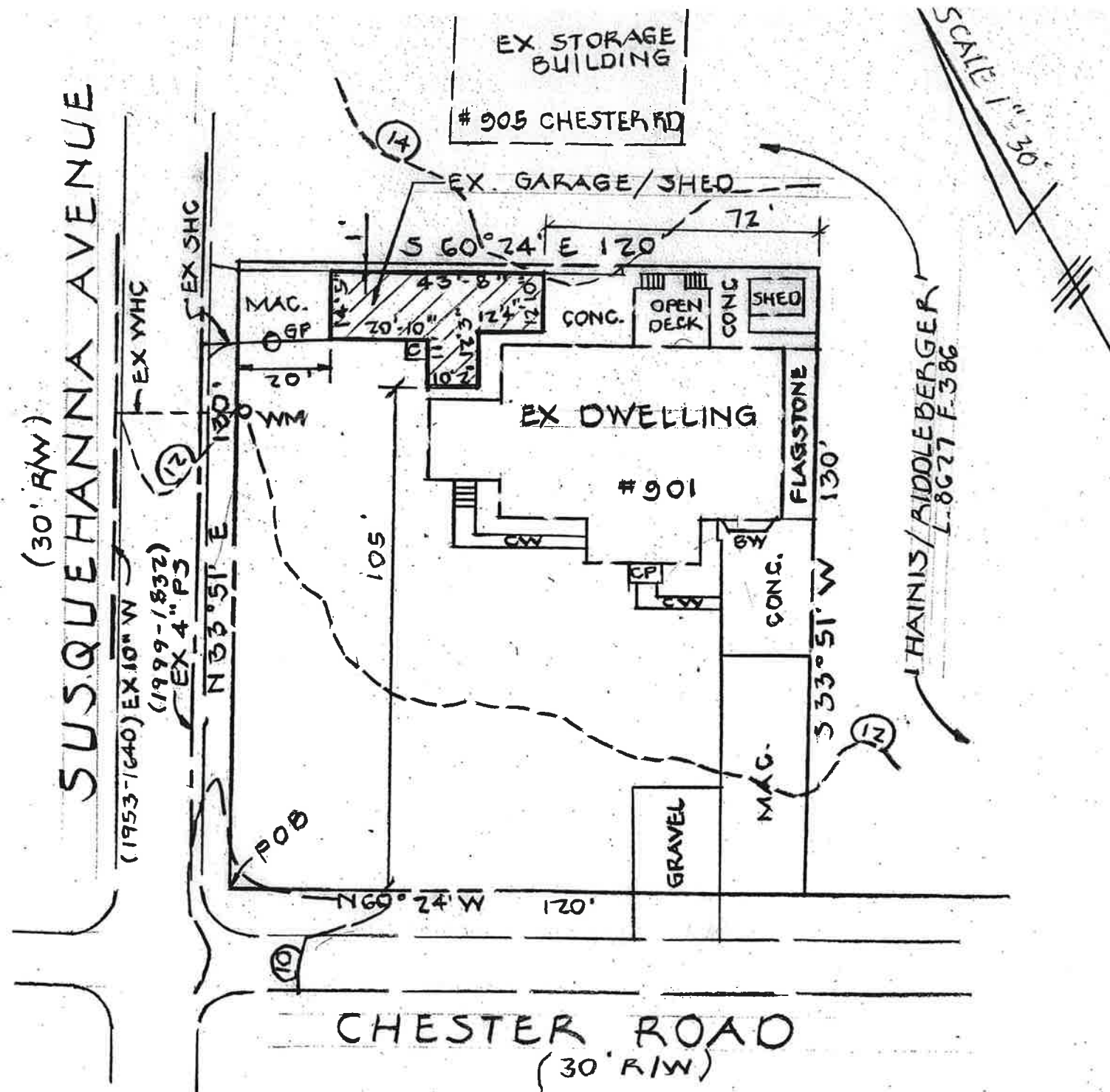
2024-0127-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 901 CHESTER ROAD OWNER(S) NAME(S) DEXTER SAMMY

SUBDIVISION NAME LONG BEACH ESTATES LOT # 267 BLOCK # - SECTION # -

PLAT BOOK # 4 FOLIO # 131 10 DIGIT TAX # 1519580460 DEED REF. # 12614/230



VICINITY MAP
SCALE: 1" = 1000'

CENTRAL DRAFTING & DESIGN
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

ZONING MAP# 091B3
SITE ZONED DR 3.5
ELECTION DISTRICT 15
COUNCIL DISTRICT 5
LOT AREA ACREAGE 0.358 AC
OR SQUARE FEET 15,600
HISTORIC? NO
IN CBCA? YES
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING? N/A
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
N/A

VIOLATION CASE INFO:
CB2200520

2024-0127-A

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: 2024-0127-A
Property Address: 901 Chester Road
Legal Owners (Petitioners): Dexter Sammy
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): David B. Hingsley
Address: 601 Charwood Ct.
Edgewood, MD 21040
Telephone Number: 410-679-8719

*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, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 230487

Date: 5/15/2024

		Rev		Sub						Amount
Fund	Dept	Unit	Sub Unit	Source/	Obj	Sub Obj	Dept	Obj	BS Acct	
001	806	0000		6150						\$ 75.00

Total: \$ 75.00

Rec

From:

Central Drafting & Design

For:

Zoning Variance

901 Chester Road

Zoning Cax # 2024-0127-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

msh

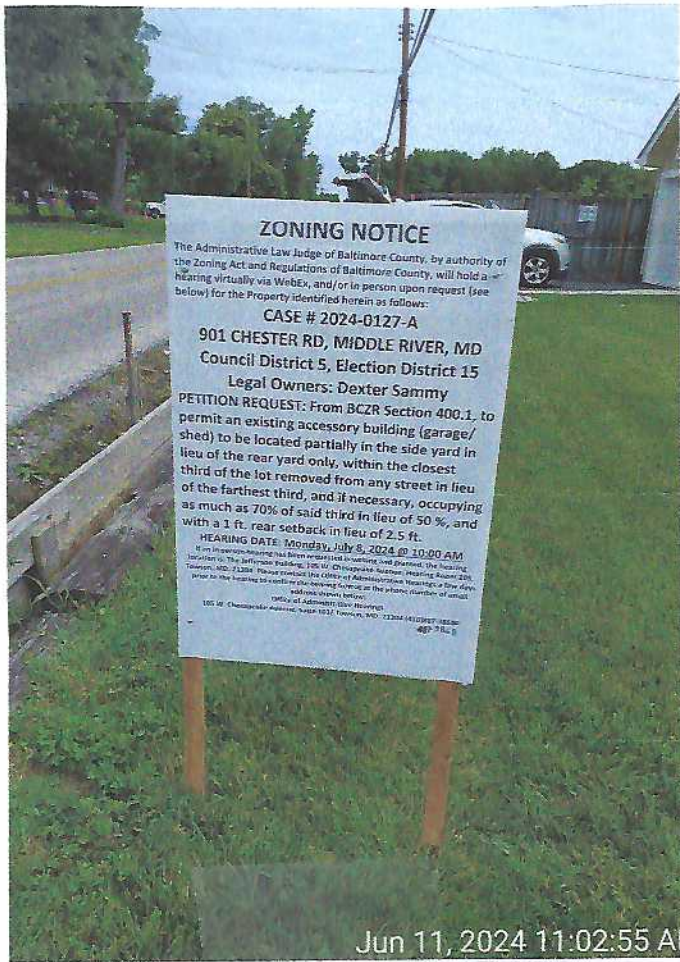
CERTIFICATE OF POSTING

Date: June 12, 2024

RE: Project Name: 901 CHESTER ROAD (1)
Case Number /PAI Number: CASE 2024-0127-A
Petitioner/Developer: SAMMY
Date of Hearing/Closing: JULY 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 901 CHESTER ROAD

The sign(s) were posted on JUNE 11, 2024
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: June 12, 2024

RE: Project Name: 901 CHESTER ROAD (Z)
Case Number /PAI Number: CASE 2024-0127-A
Petitioner/Developer: SAMMY
Date of Hearing/Closing: JULY 8, 2024

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The sign(s) were posted on JUNE 11, 2024
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: June 12, 2024 (3)

RE: Project Name: 901 CHESTER ROAD
Case Number /PAI Number: CASE 2024-0127-A
Petitioner/Developer: SAMMY
Date of Hearing/Closing: JULY 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 901 CHESTER ROAD

The sign(s) were posted on JUNE 11, 2024
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Date: June 12, 2024 (4)

RE: Project Name: 901 CHESTER ROAD
Case Number /PAI Number: CASE 2024-0127-A
Petitioner/Developer: SAMMY
Date of Hearing/Closing: JULY 8, 2024

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The sign(s) were posted on JUNE 11, 2024
(Month, Day, Year)

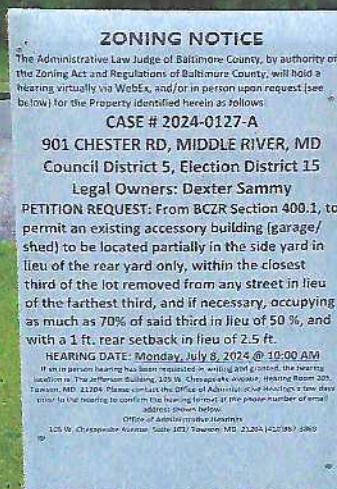

(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



Jun 11, 2024 11:04:21 AM

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

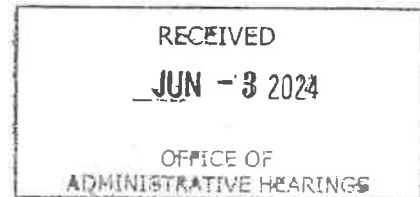
DATE: 6/3/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0127-A

INFORMATION:

Property Address: 901 Chester Road
Petitioner: Dexter Sammy
Zoning: DR 3.5
Requested Action: Variance



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

Variance -

1. From Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing accessory building (garage/shed) to be located partially in the side yard in lieu of the rear; within the closest third of the lot removed from any street in lieu of the farthest third; if necessary, occupying as much as 70% of said third in lieu of 50%; and with a 1 foot rear yard setback in lieu of the required 2.5 feet.

The subject site is an approximately 15,600 square foot parcel at the corner of Chester Road and Susquehanna Avenue in the Middle River area. It is improved with a one-story single family detached dwelling, small shed, and a garage/shed, the latter of which is the subject of this Zoning Case. Google Streetview of the property from May 2023 shows the garage/shed accessory structure. The structure matches the primary dwelling in terms of design, size, color palette, and materials, and appears to be well maintained.

The garage/shed was the subject of Code Complaint CB2200520, which was submitted on July 26th, 2022 for the construction of three additions without permits and/or proper approvals. Citizen's Access states that a Correction Notice for the violation was issued on September 30th, 2022, and then a second Correction Notice was issued on April 18th, 2024. As of the date of these comments, the case is listed as being on a Monitor status with Code Enforcement.

The garage/shed has been the subject of three past building permit applications – R22-08471, which was cancelled due to being the wrong permit type; R22-10264, which was cancelled due to a replacement permit being filed; and R24-03136, which was filed for the construction of the garage/shed accessory structure and is pending the outcome of this Zoning Case.

The subject site is within the boundary of the Bowley's Quarters Community Action Plans of 1992 and 2000. The Bowley's Quarters Action Plan 2000, adopted February 20th, 2001, provides background

information, community objectives, land use analysis, and information on environmental issues, adequate facilities, and design guidelines related to new dwelling construction within the plan area boundary. The Plan does not provide insight on construction of new accessory structures.

The existing single-family dwelling is set relatively far back from the road, leaving little space for a rear yard. Within the rear yard, the property has a small shed and an open deck. While the garage/shed accessory structure is located somewhat in the side yard, it fits within the contours of the existing dwelling and is located in the rear yard as much as possible, given the location of the dwelling on the lot. The location of the garage portion of the accessory structure allows it to be accessed via Susquehanna Avenue and an existing driveway.

The accessory structure appears to be well maintained and in keeping with the character of the existing dwelling. As such, the Department of Planning has no objections to the requested Variance relief, subject to the following condition:

1. The Petitioner shall obtain the proper Building Permit and have the active Code Enforcement Complaint closed out.

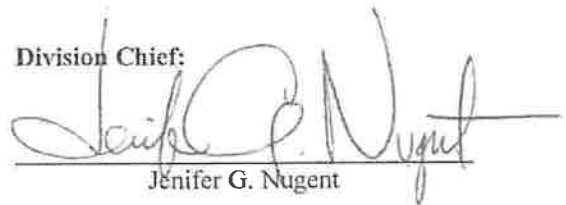
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



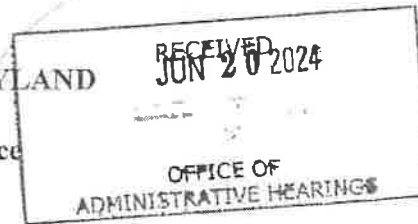
Jenifer G. Nugent

SL/JGN/KP

c: David Billingsley
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: June 7, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0127-A
Address: 901 CHESTER RD
Legal Owner: Dexter Sammy

Zoning Advisory Committee Meeting of June 4, 2024.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The lot is 15,600 square feet (sf). LDA regulations impose a lot coverage limit of 25% or 3,900 sf on this lot. Alternately, a lot coverage limit of 31.25% or 4,875 sf is allowed with mitigation for the amount above 25%. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Prior to construction of the garage/shed, total lot coverage was approximately 5,615 sf, exceeding the amount allowed. Current lot coverage with the unpermitted garage/shed, is approximately 6,612 sf, exceeding the amount allowed by 1,737 sf. The proposed development is not minimizing impacts to water quality due to excess lot coverage. DEPS-Environmental Impact Review will not approve a permit for the proposed development unless 1,737 sf of lot coverage is removed.

In addition, there is a 15% forest cover requirement for LDA properties that requires a minimum of five trees to be maintained on this property at all times.

2. Conserve fish, plant, and wildlife habitat;

This is a non-waterfront lot within the Critical Area. The proposed development must comply with Critical Area regulations. Meeting lot coverage requirements and the 15% afforestation requirement will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The proposed development does not comply with lot coverage requirements; therefore, it is not consistent with established land-use policies. The afforestation requirement can be complied with by planting additional Maryland, native trees so that the lot contains at least five trees.

Additional Comments:

Reviewer: Marie Brady

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: June 7, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0127-A
Address: 901 CHESTER RD
Legal Owner: Dexter Sammy

Zoning Advisory Committee Meeting of June 4, 2024.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. The lot is 15,600 square feet (sf). LDA regulations impose a lot coverage limit of 25% or 3,900 sf on this lot. Alternately, a lot coverage limit of 31.25% or 4,875 sf is allowed with mitigation for the amount above 25%. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Prior to construction of the garage/shed, total lot coverage was approximately 5,615 sf, exceeding the amount allowed. Current lot coverage with the unpermitted garage/shed, is approximately 6,612 sf, exceeding the amount allowed by 1,737 sf. The proposed development is not minimizing impacts to water quality due to excess lot coverage. DEPS-Environmental Impact Review will not approve a permit for the proposed development unless 1,737 sf of lot coverage is removed.

In addition, there is a 15% forest cover requirement for LDA properties that requires a minimum of five trees to be maintained on this property at all times.

2. Conserve fish, plant, and wildlife habitat;

This is a non-waterfront lot within the Critical Area. The proposed development must comply with Critical Area regulations. Meeting lot coverage requirements and the 15% afforestation requirement will aid in the conservation of fish, plant, and wildlife habitat in the watershed.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The proposed development does not comply with lot coverage requirements; therefore, it is not consistent with established land-use policies. The afforestation requirement can be complied with by planting additional Maryland, native trees so that the lot contains at least five trees.

Additional Comments:

Reviewer: Marie Brady

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 30, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0127-A

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

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** May 29, 2024
Department of Permits, Approval, and Inspections

FROM: Derek M. Chastain
Bureau of Building Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0127-A

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

BPR: No comments

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/3/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0127-A

INFORMATION:

Property Address: 901 Chester Road
Petitioner: Dexter Sammy
Zoning: DR 3.5
Requested Action: Variance

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

Variance -

1. From Section 400.1 of the Baltimore County Zoning Regulations (BCZR) to permit an existing accessory building (garage/shed) to be located partially in the side yard in lieu of the rear; within the closest third of the lot removed from any street in lieu of the farthest third; if necessary, occupying as much as 70% of said third in lieu of 50%; and with a 1 foot rear yard setback in lieu of the required 2.5 feet.

The subject site is an approximately 15,600 square foot parcel at the corner of Chester Road and Susquehanna Avenue in the Middle River area. It is improved with a one-story single family detached dwelling, small shed, and a garage/shed, the latter of which is the subject of this Zoning Case. Google Streetview of the property from May 2023 shows the garage/shed accessory structure. The structure matches the primary dwelling in terms of design, size, color palette, and materials, and appears to be well maintained.

The garage/shed was the subject of Code Complaint CB2200520, which was submitted on July 26th, 2022 for the construction of three additions without permits and/or proper approvals. Citizen's Access states that a Correction Notice for the violation was issued on September 30th, 2022, and then a second Correction Notice was issued on April 18th, 2024. As of the date of these comments, the case is listed as being on a Monitor status with Code Enforcement.

The garage/shed has been the subject of three past building permit applications – R22-08471, which was cancelled due to being the wrong permit type; R22-10264, which was cancelled due to a replacement permit being filed; and R24-03136, which was filed for the construction of the garage/shed accessory structure and is pending the outcome of this Zoning Case.

The subject site is within the boundary of the Bowley's Quarters Community Action Plans of 1992 and 2000. The Bowley's Quarters Action Plan 2000, adopted February 20th, 2001, provides background

information, community objectives, land use analysis, and information on environmental issues, adequate facilities, and design guidelines related to new dwelling construction within the plan area boundary. The Plan does not provide insight on construction of new accessory structures.

The existing single-family dwelling is set relatively far back from the road, leaving little space for a rear yard. Within the rear yard, the property has a small shed and an open deck. While the garage/shed accessory structure is located somewhat in the side yard, it fits within the contours of the existing dwelling and is located in the rear yard as much as possible, given the location of the dwelling on the lot. The location of the garage portion of the accessory structure allows it to be accessed via Susquehanna Avenue and an existing driveway.

The accessory structure appears to be well maintained and in keeping with the character of the existing dwelling. As such, the Department of Planning has no objections to the requested Variance relief, subject to the following condition:

1. The Petitioner shall obtain the proper Building Permit and have the active Code Enforcement Complaint closed out.

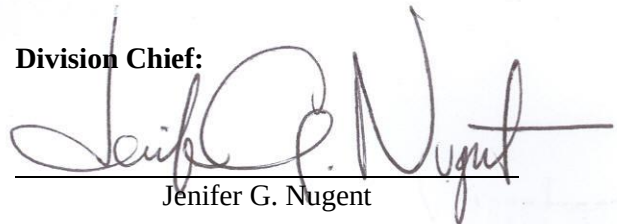
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: David Billingsley
Ainsley Pressl, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

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 - 1519580460

Owner Information

Owner Name: SAMMY DEXTER Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 901 CHESTER RD Deed Reference: /12614/ 00230
BALTIMORE MD 21220-4345

Location & Structure Information

Premises Address: 901 CHESTER RD Legal Description: PT LT 267
BALTIMORE 21220-4345 901 CHESTER RD
LONG BEACH ESTATES

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: C
0098 0004 0203 15030020.04 0000 267 2024 Plat Ref: 0004/ 0131

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1935 1,512 SF 15,600 SF 04

StoriesBasementType ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements
1 NO STANDARD UNITSIDING/3 1 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	122,900	133,600		
Improvements	93,500	116,800		
Total:	216,400	250,400	216,400	227,733
Preferential Land:	0	0		

Transfer Information

Seller: ZABKOWSKI BEN JOHN	Date: 01/16/1998	Price: \$89,000
Type: ARMS LENGTH IMPROVED	Deed1: /12614/ 00230	Deed2:
Seller: MUELLER FREDERICK W	Date: 08/18/1975	Price: \$16,000
Type: ARMS LENGTH IMPROVED	Deed1: /05557/ 00641	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

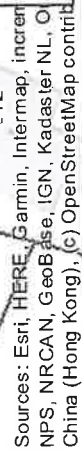
Homestead Application Status: Approved 04/29/2010

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0127-A

2024-0127-A



Baltimore County Government! Harford County Government! VITA_Esri_HERE_Gamin_INCREMENT_P_USGS_EPA_USDA!

901 CHESTER ROAD 2024-0127-A



DR 3.5

SITE

091B3

1:1,128

0 45 90 180 Feet

May 13, 2024