



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

September 24, 2024

Francis Hepner, Jr. & Amy Hepner – fhep1@comcast.net
3920 New Section Road
Baltimore, MD 21220

RE: Petition for Administrative Variance
Case No. 2024-0163-A
Property: 3920 New Section Road

Dear Petitioners:

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, appearing to be "DJB", written over a circular line.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure

c: R. Craig Rodgers – craigrodgers200@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(3920 New Section Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Francis & Amy Hepner	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0163-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by Francis and Amy Hepner, the legal owners (“Petitioners”), for the property located at 3920 New Section Road, Baltimore County, Maryland (the “Property”). Petitioners request variance relief from Baltimore County Zoning Regulations (“BCZR”), Section 400.3, to allow an accessory building/structure with a height of 27 ft. in lieu of the maximum height permitted of 15 ft., BCZR Section 400.1, to allow a 1.0 ft. side yard in lieu of the minimum required 2.5 ft., and BCZR Section 1A04.3.B.2.b, to allow a 25.2 ft. street centerline setback in lieu of the required 75 ft.

A public hearing was conducted on September 16, 2024. Petitioner, Frank Hepner, appeared and gave testimony. Petitioner was assisted by R. Craig Rodgers who also provided testimony. No other interested persons appeared and the file does not contain any written testimony or correspondence from community members. The property was properly posted.

Petitioners submitted the following exhibits which were accepted into the record: (1) Site Plan; (2) SDAT printout; (3) Deed; (4) Record Plat; (5) Current aerial photo (GIS); (6) Photos 1-4; (7) Floor Plans; (8) GIS aerial photo history; (9) ZAC comments with responses; (10a) Zoning Petition; and (10b) Zoning Description. The file contains the following Zoning Advisory

Committee (“ZAC”) comments from county agencies which were accepted into the record: (1) DEPS; and (2) DPR.

Findings of Fact

The Property is comprised of 15,600 sq. ft. of land area and is more fully depicted on Petitioners’ Site Plan. *See* Petitioners’ Exhibit 1. The Property is currently improved by a detached single-family dwelling constructed in 2005 with 1,144 sq. ft. of above-grade living area and an accessory structure that was constructed prior to 2005. Petitioners purchased the property in 2014 and they use it as their principal residence. The existing one-story cinder block shed has a foundation with a footprint of approximately 800 square feet. The property is located within the Chesapeake Bay Critical Area (“CBCA”) and is subject to Critical Area requirements as noted in DEPS ZAC comment. *See* County Exhibit 1. DPR’s ZAC comments, on behalf of DPR and DPW-T, provided the following:

“DPR: In a 100-year FEMA floodplain AE Zone BFE 6 NAVD88, BC AE Zone BF 7 NAVD88.

DPW-T: A) Public webpage, Zillow, shows that the basement is partially finished. Baltimore County records do not show permits for partially finishing the basement. Proper evidence must be submitted to Baltimore County showing the finished area was built to FEMA compliance. No permits must be issued until Baltimore County receives such documentation.

B) The proposed accessory structure is equal to 800 square feet. Code 32-8-507 (A) limits accessory structures in a tidal special flood hazard area to 300 square feet. For this reason, the administrative variance must be denied.

C) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100455F dated 9/26/08. Must comply with Flood Plain Ordinance, *See* County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.”

Petitioners propose to remodel the existing shed and add an additional floor without expanding the existing footprint. The second floor will be utilized for storage accessory to the primary residence while the ground floor will be used as a garage. Cosmetic improvements are proposed to enhance

the shed's appearance on the first floor by using siding or other materials while the second floor will utilize architectural elements like dormers to improve the massing and visual impact of the accessory building from neighboring properties. These improvements trigger the requested height variance but the remaining variance relief pertains to the accessory building's nonconforming status with respect to side yard and street setback requirements. No expansion of the existing footprint is proposed.

Mr. Rodgers testified and provided documentary evidence that the existing accessory building has been located on the property since at least 1995 and likely for some time before 1995. *See* Petitioner's Exhibits 8a-d. The exhibits do not indicate any changes in square footage to the accessory building between 1995 and 2023. *Id.* Mr. Rodgers further testified that based upon his communications with the adjacent property owner that there were no community objections to the Petition. Mr. Hepner testified to the history of the existing garage on the property and the purpose of the proposed improvements is to provide additional storage for the single-family home.

Conclusions of Law

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).

I find that the Property is unique and that special circumstances or conditions exist that are peculiar to the improvements on this parcel and strict compliance with the Zoning Regulations for Baltimore County with respect to accessory structure height would result in practical difficulty. The existing garage is nonconforming and the proposed improvements do not increase the degree of nonconformity as they neither impermissibly expand the garage to a size greater in size than permitted in a floodplain or further encroach into requirement setbacks. The Petition and Site Plan indicate that the footprint of the structure will not be increased. The proposed height is necessary for both structural and aesthetic reasons. DPW-T comments are noted but seem to indicate the Petition was reviewed as proposing a new accessory building of 800 sq. ft. instead of proposed improvements to an existing accessory building. Further, as this was an entitlement review for an accessory building and not a code enforcement case, the status of the basement area of the single-family dwelling is not properly before OAH. Lastly, Petitioner indicated a willingness to comply with all floodplain regulation requirements with respect to the accessory building which are included as conditions of approval below.

For these reasons, I find that the requested variance relief can be granted in strict harmony with the spirit and intent of BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition, indicating the purposes of BCZR are generally satisfied. There is no indication that the additional height impedes light or air or impedes the views from neighboring properties such that adjacent lots are adversely impacted.

THEREFORE, IT IS ORDERED, this 24th day of **September , 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Baltimore County Zoning Regulations (“BCZR”), Section 400.3, to allow an accessory building/structure with a height of 27 ft. in lieu of the maximum height restriction of 15ft.; BCZR Section 400.1, to allow a 1.0 ft. side yard in lieu of the required 2.5 ft. minimum; and BCZR Section 1A04.3.B.2.b, to allow a 25.2 ft. street centerline setback in lieu of the required 75 ft., be and are hereby, **GRANTED**; and

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition;
2. Petitioners and subsequent owners shall not convert the detached garage into a dwelling unit or apartment except under proper permit. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities at this time;
3. The detached garage shall not have a separate utility or electric connection and shall connect all electrical to the home;
4. The detached garage shall not be used for commercial or industrial purposes;
5. Petitioners must comply with the DEPS ZAC comment, dated July 25, 2024; a copy of which is attached hereto and made a part hereof; and
6. Petitioners shall comply with Baltimore County floodplain regulations found under BCC Section 32, Title 4, and Section 32, Title 8, which shall specifically include the installation of flood vents in the accessory building.

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

A handwritten signature in black ink, appearing to be 'DJB', with a large, stylized loop at the end.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw

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: July 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0163-A
Address: 3920 NEW SECTION ROAD
Legal Owner: Francis & Amy Hepner

Zoning Advisory Committee Meeting of July 8, 2024.

EPS 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 a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is seeking approval to permit an accessory structure with a height of 27 feet instead of the required 15 feet, as well as a side yard setback of 1 foot instead of the required 2.5 feet. In addition, the applicant is seeking a street centerline setback of 25.2 feet in lieu of the required 75 feet. The proposed development must meet LDA requirements and the 15% afforestation requirement. The maximum lot coverage for this property is 31.25%. The lot coverage limit is based on the area of the property above mean high tide. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a 100-foot Critical Area buffer extending onto the property from Seneca Creek. The buffer consists of a maintained grass lawn. The proposed replacement garage will be located outside the buffer. Meeting the 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.

If the proposed development can be designed to meet the lot coverage and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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 3920 NEW SECTION RD. BALTO. MD 21220 Currently zoned RC5
 Deed Reference 34601 / 03 10 Digit Tax Account # 1511001770
 Owner(s) Printed Name(s) FRANCIS HEPNER, JR. & AMY HEPNER

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

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. ADMINISTRATIVE VARIANCE from Section(s) 400.3 TO ALLOW AN ACCESSORY BUILDING/STRUCTURE WITH A HEIGHT OF 27' IN LIEU OF THE REQUIRED 15', 400.1 TO ALLOW A 1.0' SIDEYARD IN LIEU OF THE REQUIRED 2.5', and 1A04.3.B.2.6 TO ALLOW A 25.2' STREET CENTERLINE SETBACK IN LIEU OF THE REQUIRED 15' of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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.

Owner(s)/Petitioner(s):

FRANCIS HEPNER, JR. / AMY HEPNER

Name #1 – Type or Print

Name #2 – Type or Print

X [Signature]
Signature #1

X [Signature]
Signature #2

3920 NEW SECTION RD. BALTIMORE, MD.
Mailing Address City State

21220 / 410-960-7339 / fhepner@comcast.net
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name– Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

CRAIG RODGERS

Name – Type or Print

[Signature]
Signature

38 STALGONQUIN TRAIL, SNOW HILL, MD.
Mailing Address City State

21863 / 443-677-2007 / craigrodgers200@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 14 day of July, 2024 that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2024-0163-A Filing Date 6/27/2024 Estimated Posting Date 7/1/24 Reviewer [Signature]

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3920 NEW SECTION RD BALTIMORE MD. 21226
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

THE EXISTING GARAGE IS IN DISREPAIR. WE HAVE BUILDING PLANS THAT WOULD "REPLACE" IT. LIVING ON THE WATER CERTAINLY HAS ITS ADVANTAGES BUT STORAGE AREA IS CERTAINLY NOT ONE OF THEM. WE DESIRE TO ADD A SECOND STORY WHEN WE REBUILD OUR GARAGE. THIS WOULD CALL FOR A HEIGHT OF 21' WHICH IS SIMILAR TO VARIOUS STREET FRONT GARAGES, INCLUDING THE ONE NEXT DOOR. WE FEEL THE "PRACTICAL DIFFICULTY" IS THE LIMIT OF WAYS TO GAIN STORAGE SPACE. WE DON'T HAVE A BASEMENT. SHEDS WOULD ADD "LOT COVERAGE," WHICH IS NOT THE CASE BY ADDING THE SECOND FLOOR TO AN AREA ALREADY CONSIDERED "LOT COVERAGE."
WE BELIEVE THAT BUILDING A NEW GARAGE WITH STORAGE ABOVE IS WITHIN THE SPIRIT AND INTENT OF ZONING REGULATIONS.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

X [Signature]
Signature of Owner (Affiant)

FRANCIS HEPNER, JR.
Name- Print or Type

X Amy Hepner
Signature of Owner (Affiant)

AMY HEPNER
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of June, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

FRANCIS HEPNER JR. and AMY HEPNER

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Rebecca L. Robinson
Notary Public
STATE OF MARYLAND
My Commission Expires April, 17, 2025
My Commission Expires

REV. 5/5/2016

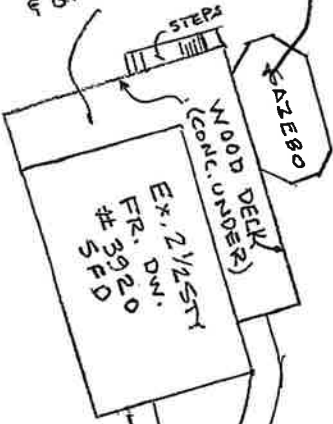
**PROPERTY DESCRIPTION FOR:
3920 NEW SECTION RD.**

BEGINNING AT A POINT ON THE NORTH SIDE OF NEW SECTION RD. WHICH IS 30 FEET WIDE AT A DISTANCE OF 533 FEET EAST OF THE CENTER LINE OF SOUTH SENECA RD. WHICH IS 30 FEET WIDE, BEING LOT #310, PLAT #11 IN THE SUBDIVISION OF BOWLEYS QUARTERS AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #10, FOLIO 64, CONTAINING 15,600 SQUARE FEET. LOCATED IN THE 15TH ELECTION DISTRICT AND THE 5TH COUNCIL DISTRICT.

2024-0163-A

SENECA CREEK
55°51'W 61.48'

CASE: 2012-0042-A
RELIEF FROM SECT.
301.1.A OF BCZR
SETBACK REQUIRE-
MENTS FOR THE DECK
& GAZEBO GRANTED



N 25°52'W

267.80'

#3922
ROSENSTEEL
T.A. #1513200670
DEED REF. 30949/147
SFD

* CASE: 2012-0034-A
GAR. HT. OF 24' IN-
LIEU OF 15' APPROVED
9/8/11

* NO INCREASE IN
LOT COVERAGE

39'±

MAC.

ATTACHED
SHED
EX GARAGE
TO BE
REMODELED
27' HT.

40'±

20.3'

25'

30'
2 STY FR. GAR.
* 24' HT.
4'±

1.0'±

30' R.O.W.

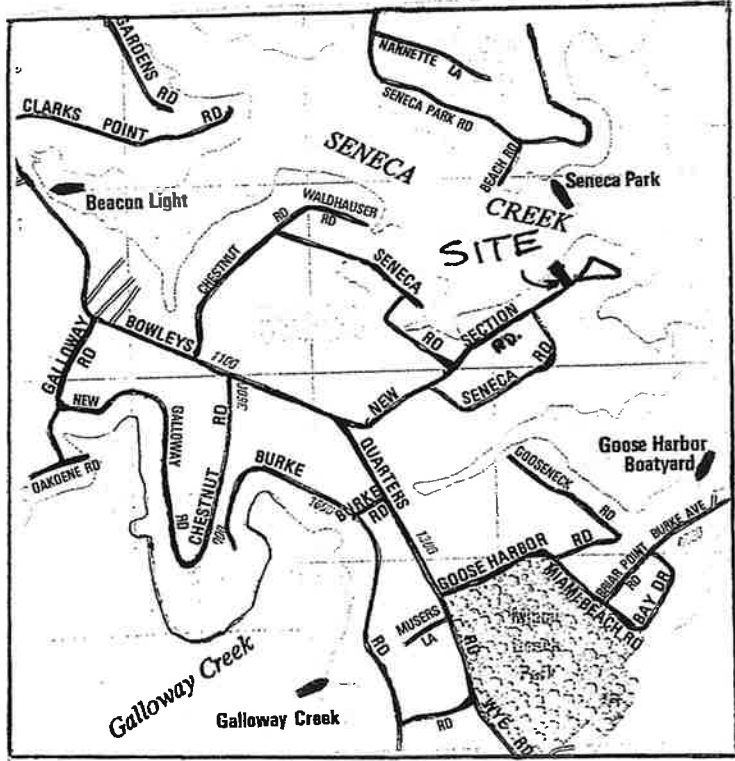
NEW SECTION RD.

254.58'

S 25°52'E

#3916

RESEALER
TA #1513080330
DEED REF 38402/370



VICINITY MAP
SCALE: 1"=2000'

GENERAL NOTES

ZONING MAP# 091C3
SITE ZONED: RC-5
ELECTION DISTRICT: 15
COUNCIL DISTRICT: 5
LOT AREA ACREAGE: 0.3581 ±
OR SQUARE FEET: 15,600
HISTORIC: NO
IN CBCA: YES
IN FLOOD PLAIN: YES
WATER IS: PUBLIC
SEWER IS: PUBLIC
PRIOR HEARING? SEE PLAN
PRIOR N/A
VIOLATIONS?

ZONING PLAN TO ACCOMPANY
ADMINISTRATIVE VARIANCE FOR:
3920 NEW SECTION RD.

ELECTION DISTRICT 15
BALTIMORE COUNTY, MD
DEED REF: 34601/03
TAX ACCT NO. 1511001770
TAX MAP 91, PARCEL 99

SCALE: 1"=30' DATE: 6/25/24

2024-0163-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0163 - A Address 3920 New Section Road

Contact Person: Mitch Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/27/2024 Posting Date: 7/14/2024 Closing Date: 7/29/2024

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time, and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Petitioner: This Part of the Form is for the Sign Poster Only. (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2024 - 0163 - A Address 3920 New Section Road

Petitioner's Name: Francis E Amy Hepner Telephone (Cell): 410 - 960 - 7339

Posting Date: 7/14/2024 Closing Date: 7/29/2024

Wording for Sign: To Permit a 27-foot building height in lieu of 15 feet,
a 1-foot side setback in lieu of 2.5 feet, and a
25.2-foot street centerline setback in lieu of 75 feet
for an accessory building (detached garage).

Revised 1/2022

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

No. 231867

Date: 6/27/2024

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

Total: \$ 75.00

Rec From: Frank Heymer, Jr.

For: Administrative Zoning Variance
3920 New Section Road
Zoning Case 2024-0163-A

DISTRIBUTION

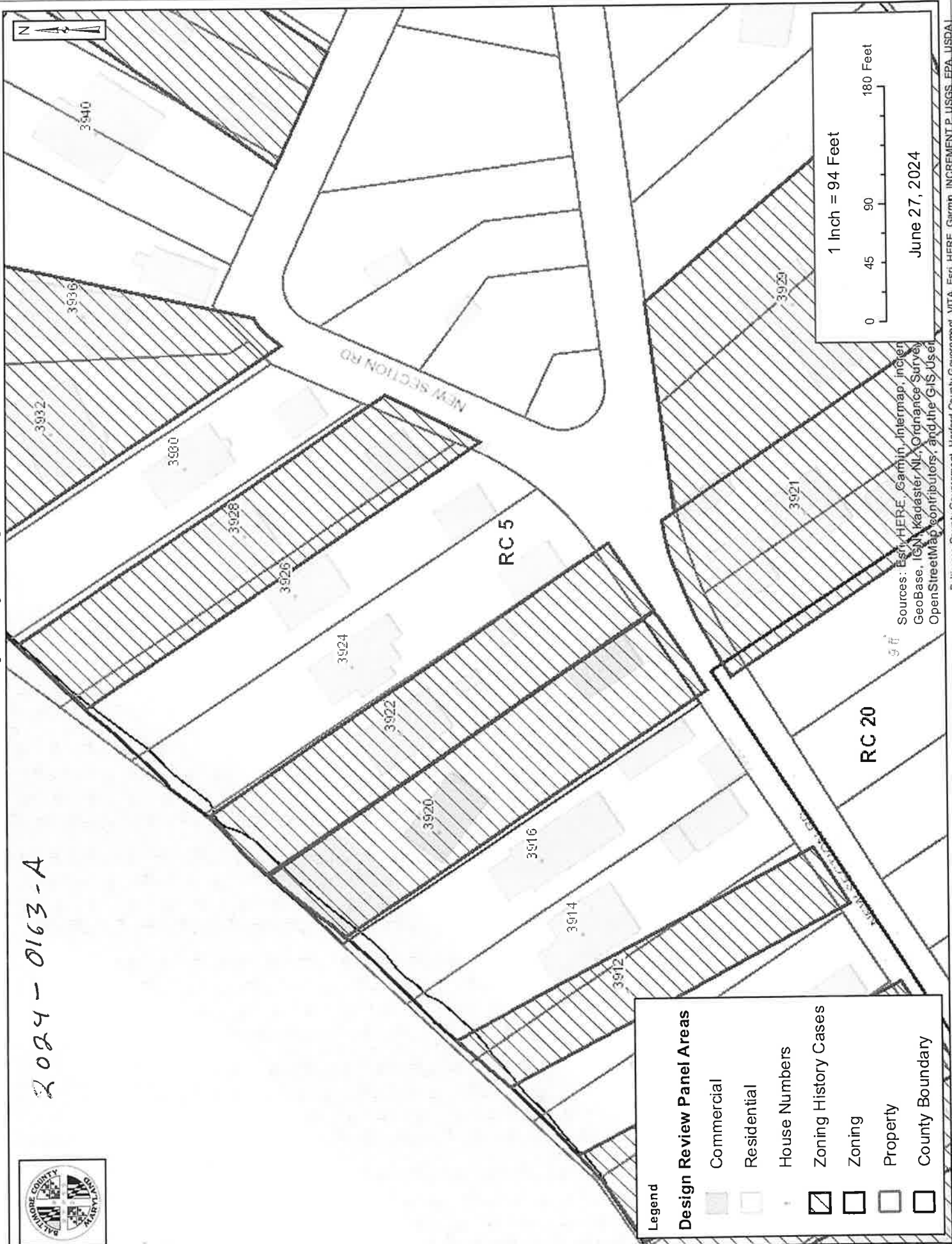
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

MST

Baltimore County - My Neighborhood

024-0163-A



Sources: Esri, HERE, Garmin, Intermap, incirien
GeoBase, IGN, Kadaster NL, Ordnance Survey,
OpenStreetMap contributors, and the GIS User

Baltimore County Government Harford County Government VITA Esri HERE Garmin, INCREMENT P USGS, EPA, USDA, I

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 - 1511001770

Owner Information

Owner Name: HEPNER FRANCIS L JR Use: RESIDENTIAL
HEPNER AMY S Principal Residence: YES
Mailing Address: 3920 NEW SECTION RD Deed Reference: /34601/ 00003
BALTIMORE MD 21220-4030

Location & Structure Information

Premises Address: 3920 NEW SECTION RD Legal Description: 3920 NEW SECTION RD
BALTIMORE 21220-4030 BOWLEYS QUARTERS
Waterfront

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 11
0091 0024 0099 15030020.04 0000 310 2024 Plat Ref: 0010/ 0064

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2005	1,144 SF		15,600 SF	34

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNITS	SIDING/4	2 full	1 Detached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	262,900	338,600		
Improvements	264,000	297,900		
Total:	526,900	636,500	526,900	563,433
Preferential Land:	0	0		

Transfer Information

Seller: BARRETT ROBERT	Date: 01/10/2014	Price: \$515,000
Type: ARMS LENGTH IMPROVED	Deed1: /34601/ 00003	Deed2:
Seller: KASHEN JOSEPH E TRUSTEE	Date: 09/09/2003	Price: \$325,000
Type: ARMS LENGTH IMPROVED	Deed1: /18742/ 00651	Deed2:
Seller: KASHEN JOSEPH E	Date: 12/05/2001	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /15820/ 00320	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: Approved 02/19/2014

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0163-A

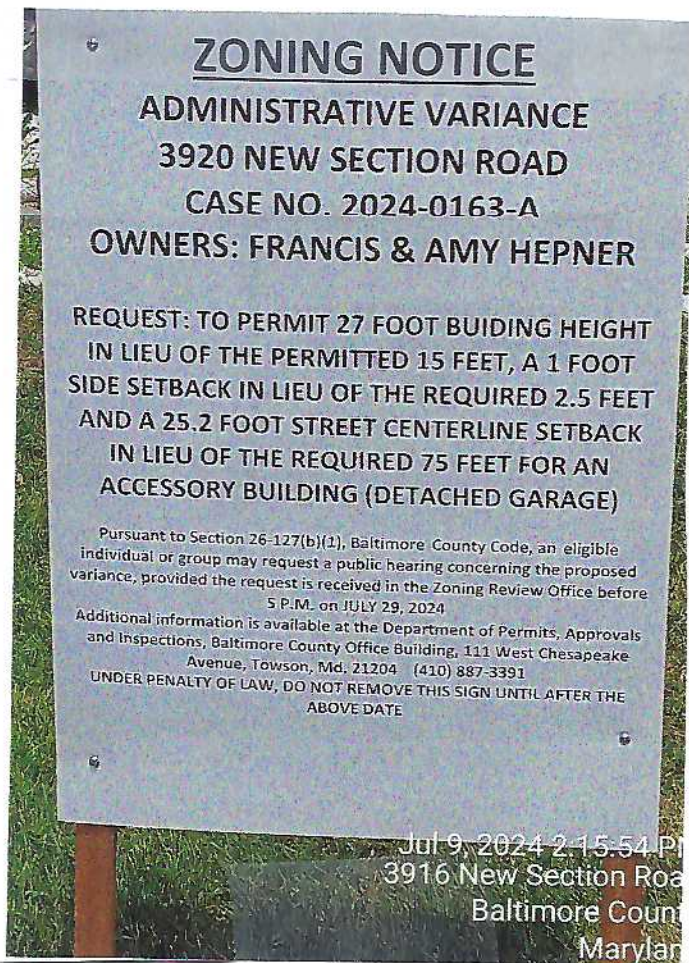
CERTIFICATE OF POSTING

Date: JULY 10, 2024

RE: Project Name: 3920 NEW SECTION ROAD #1
Case Number /PAI Number: CASE NO. 2024-0163-A
Petitioner/Developer: HEPNER
Date of Hearing/Closing: JULY 29, 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 3920 NEW SECTION ROAD

The sign(s) were posted on JULY 9, 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: JULY 10, 2024

RE: Project Name: 3920 NEW SECTION ROAD # 2
Case Number /PAI Number: CASE NO. 2024-0163-A
Petitioner/Developer: HEPNER
Date of Hearing/Closing: JULY 29, 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 3920 NEW SECTION ROAD

The sign(s) were posted on JULY 9, 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)

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: July 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0163-A
Address: 3920 NEW SECTION ROAD
Legal Owner: Francis & Amy Hepner

Zoning Advisory Committee Meeting of July 8, 2024.

EPS 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 a Modified Buffer Area (MBA) and is subject to Critical Area requirements. The applicant is seeking approval to permit an accessory structure with a height of 27 feet instead of the required 15 feet, as well as a side yard setback of 1 foot instead of the required 2.5 feet. In addition, the applicant is seeking a street centerline setback of 25.2 feet in lieu of the required 75 feet. The proposed development must meet LDA requirements and the 15% afforestation requirement. The maximum lot coverage for this property is 31.25%. The lot coverage limit is based on the area of the property above mean high tide. If the proposed development can comply with the lot coverage restrictions and the 15% afforestation requirement, the relief requested can result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This is a waterfront property with a 100-foot Critical Area buffer extending onto the property from Seneca Creek. The buffer consists of a maintained grass lawn. The proposed replacement garage will be located outside the buffer. Meeting the 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.

If the proposed development can be designed to meet the lot coverage and afforestation requirements, the relief requested will be consistent with established land-use policies.

Reviewer: Gris Batchelder

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 3, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0163-A

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

DPR: In a 100-year FEMA floodplain AE Zone BFE 6 NAVD88, BC AE Zone BF 6 NAVD88.

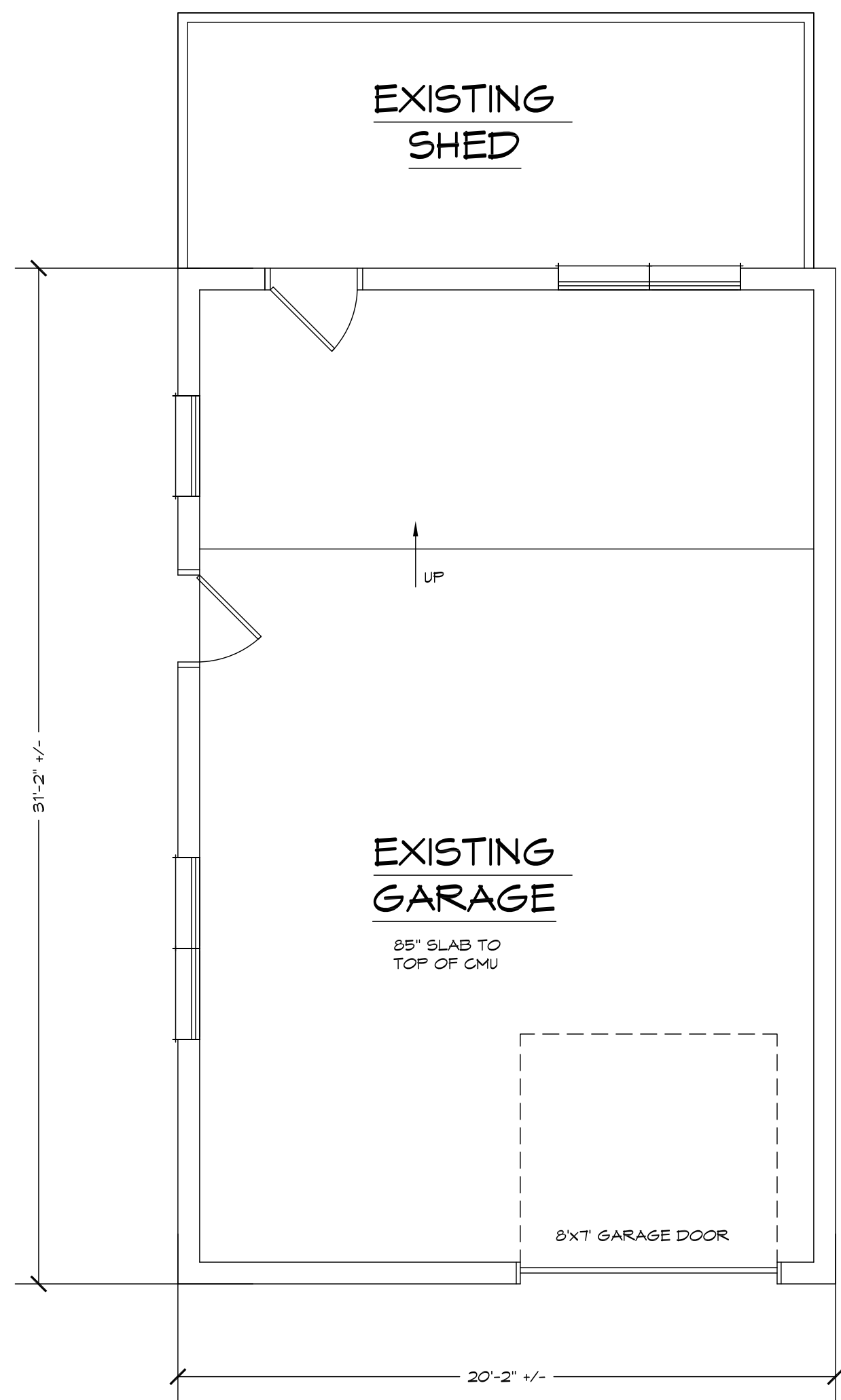
DPW-T: A) Public webpage, Zillow, shows that the basement is partially finished. Baltimore County records do not show permits for partially finishing the basement. Proper evidence must be submitted to Baltimore County showing the finished area was built to FEMA compliance. No permits must be issued until Baltimore County receives such documentation.

B) The proposed accessory structure is equal to 800 square feet. Code 32-8-507 (A) limits accessory structures in a tidal special flood hazard area to 300 square feet. For this reason, the administrative variance must be denied.

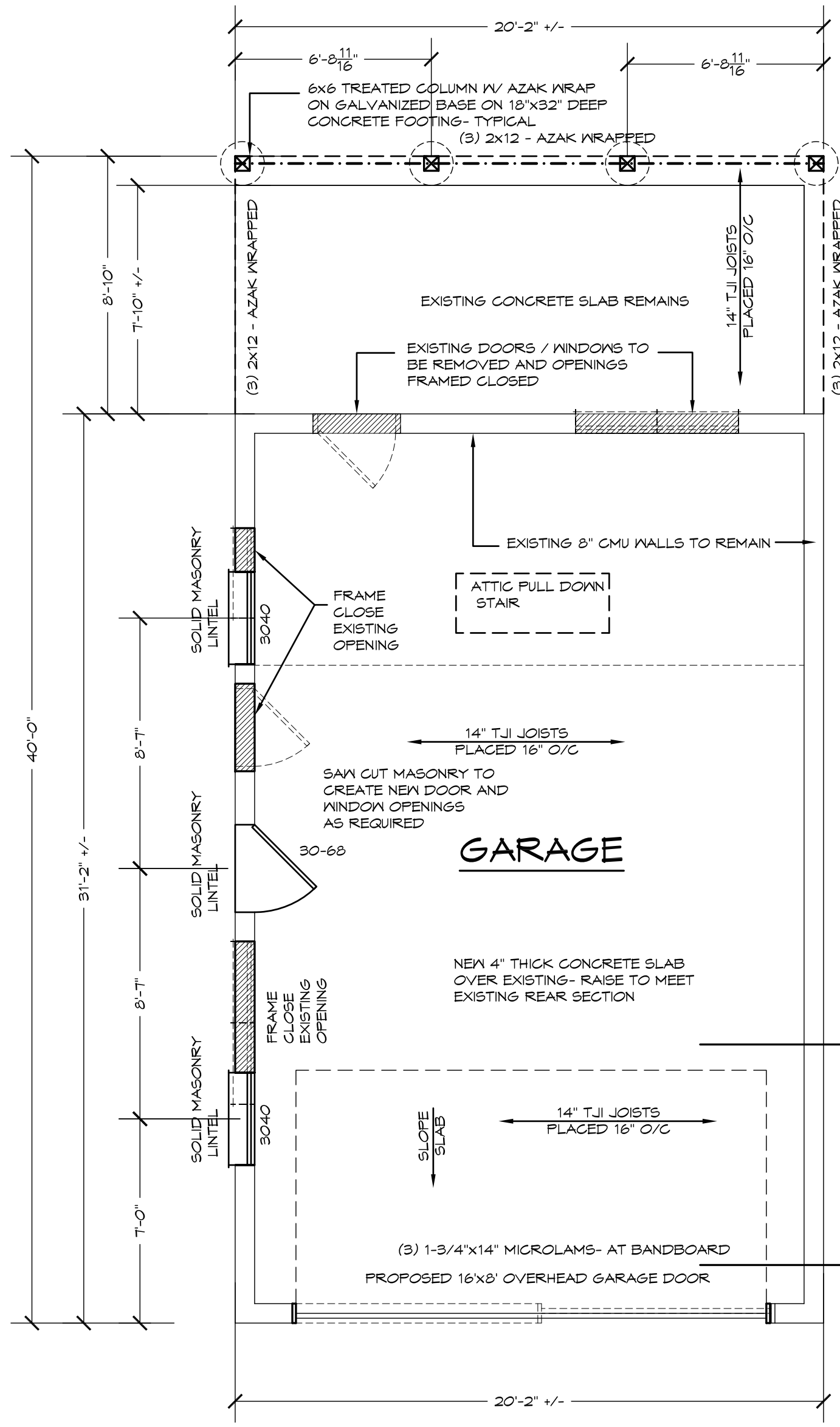
C) The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100455F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 6-24, 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

Landscaping: No comment.

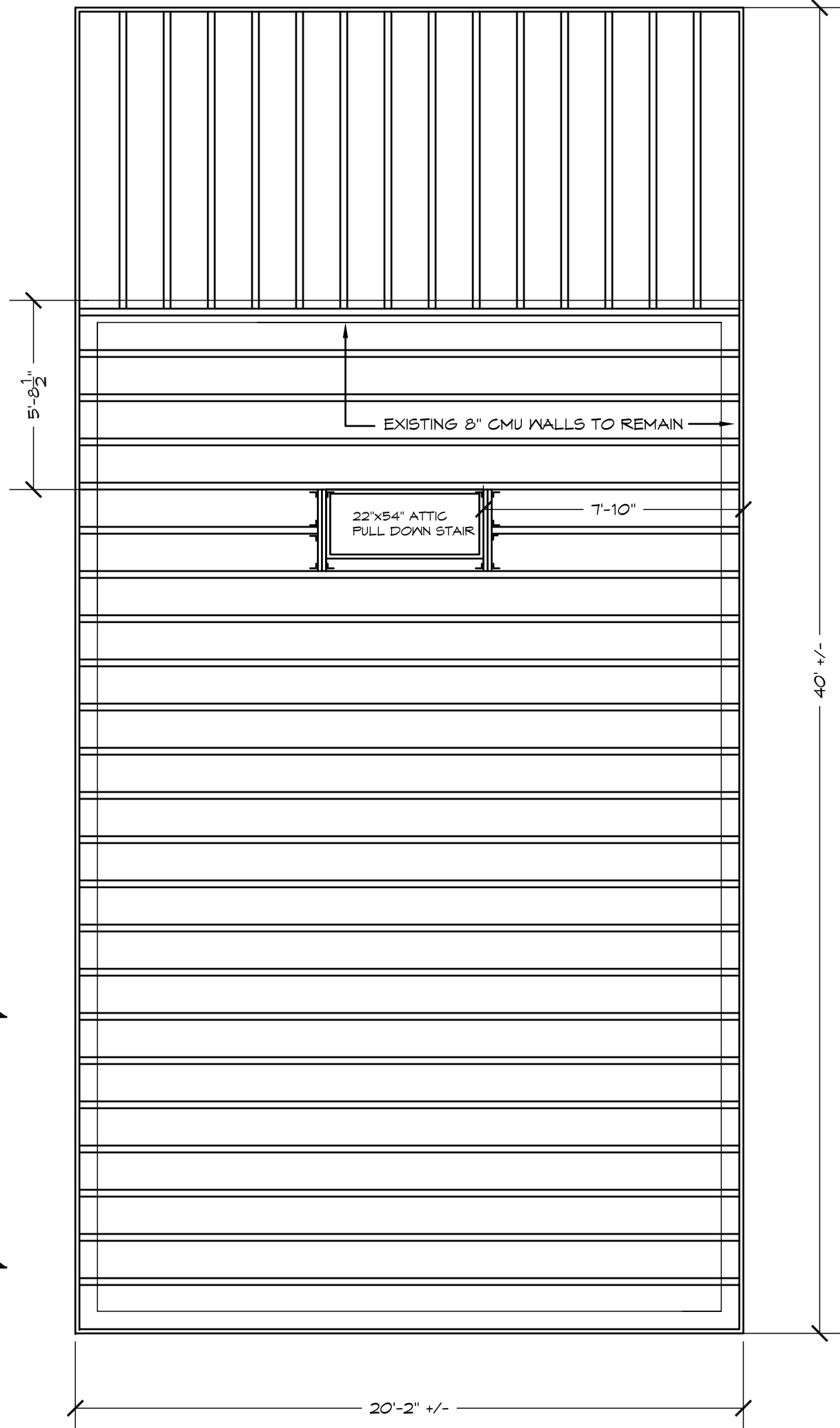
Recreations & Parks: No comment LOS & No Greenways affected.



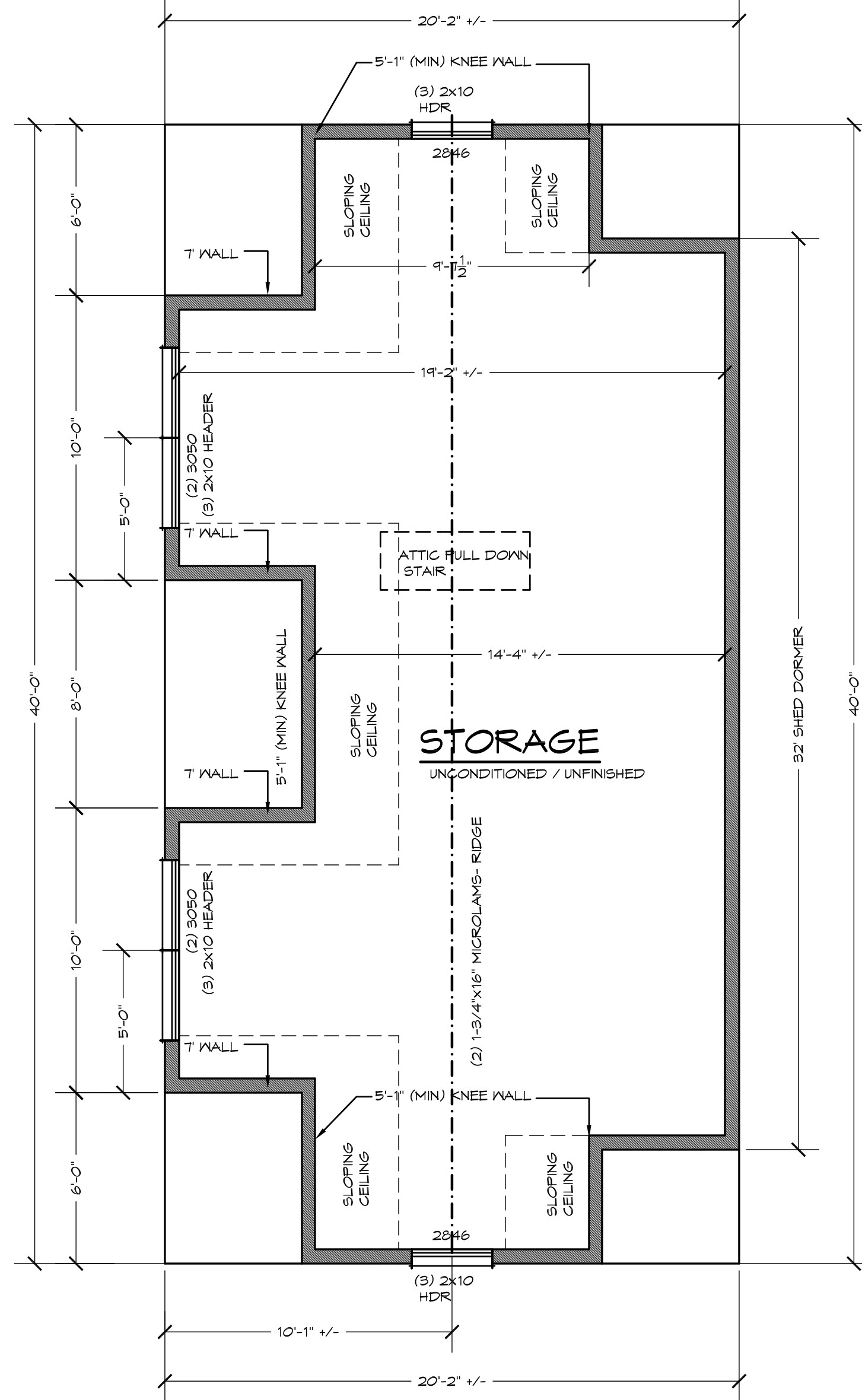
EXISTING GARAGE FLOOR PLAN
SCALE: 1/4"=1'-0"



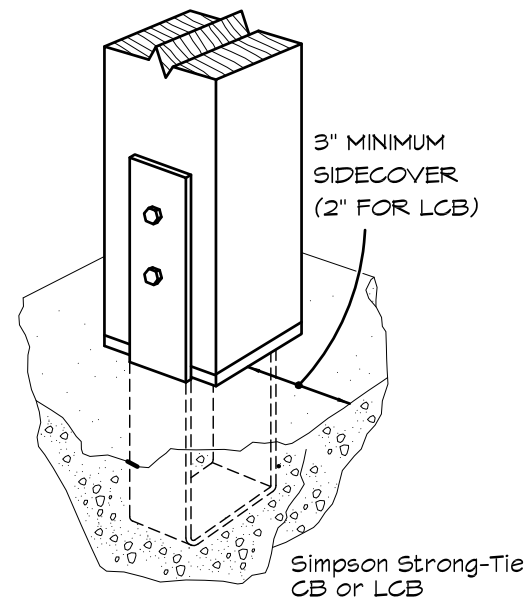
PROPOSED GARAGE FLOOR PLAN
SCALE: 1/4"=1'-0"



ATTIC JOIST PLAN
SCALE: 1/4"=1'-0"



SECOND FLOOR ATTIC PLAN
SCALE: 1/4"=1'-0"



POST TO FOOTER
CONNECTION DETAIL
NOT TO SCALE

R619.2 WINDOW SILLS
ALL WINDOWS WHERE THE OPERABLE
OPENING IS LOCATED MORE THAN 12"
ABOVE FINISHED GRADE OR SURFACE
BELOW, THE LOWEST PART OF THE CLEAR
OPENING SHALL BE A MIN. OF 24" ABOVE
THE FINISHED FLOOR OF THE ROOM IN
WHICH THE WINDOW IS LOCATED. GLAZING
BETWEEN THE FLOOR AND 24" SHALL BE
FIXED OR HAVE OPENINGS THROUGH
WHICH A 4" DIA. SPHERE CANNOT PASS.

EXCEPTIONS:
1. WINDOWS WHOSE OPENINGS WILL NOT
ALLOW A 4" DIA. SPHERE TO PASS THROUGH
THE OPENING WHEN THE OPENING IS IN ITS
LARGEST OPENED POSITION
2. OPENINGS THAT ARE PROVIDED WITH
WINDOW GUARDS THAT COMPLY WITH
ASTM F 2006 OF F 2040

THE HEPNER RESIDENCE

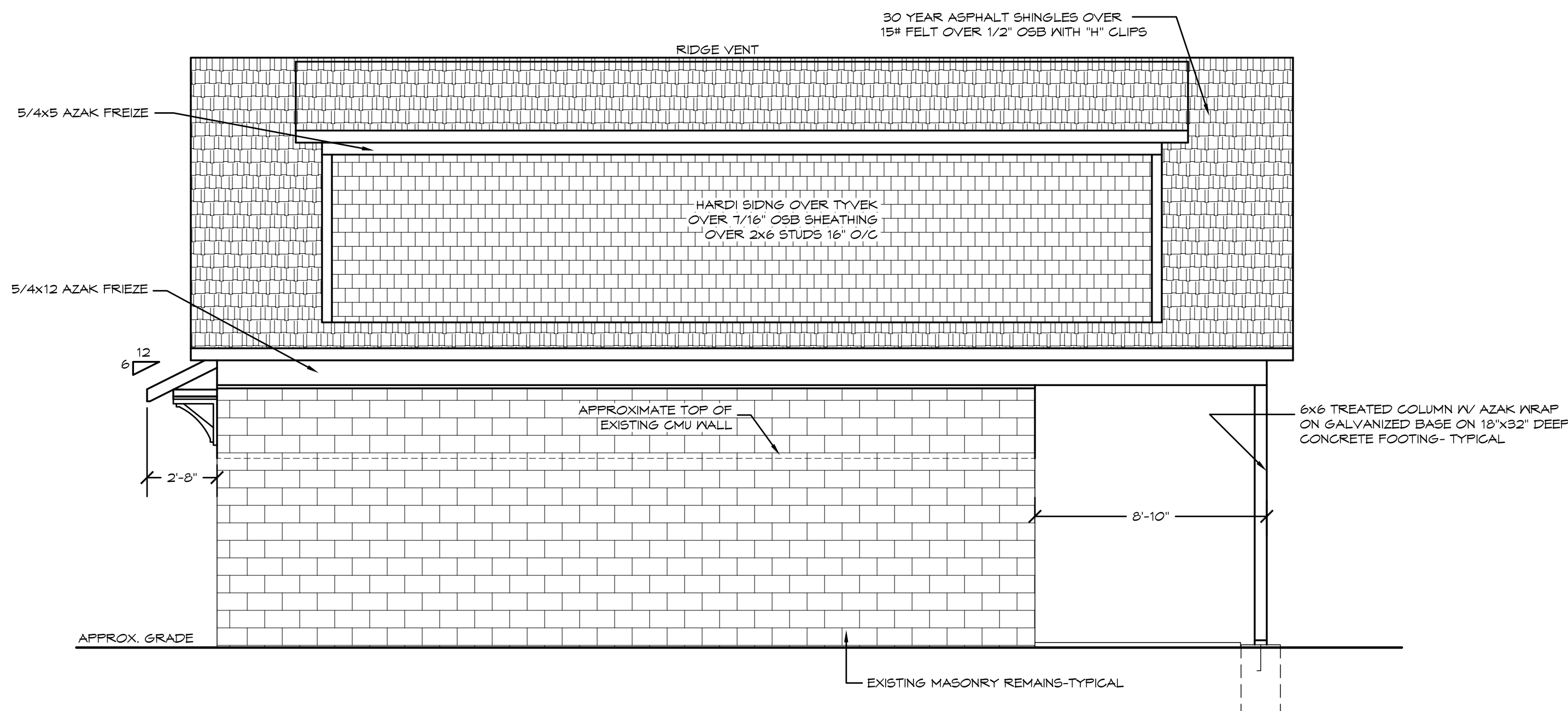
REVISED 1/16/2024

PROJECT ADDRESS:
3420 NEW SECTION ROAD
MIDDLE RIVER, MD. 21220
BALTIMORE COUNTY, MD.

SCALE: 1/4" = 1'-0"	DATE: 11/2023		SHEET NO.: 1	GBL CUSTOM HOME DESIGN INC. PO BOX 237 FINKSBURG, MD 21048 PHONE 410-833-8320

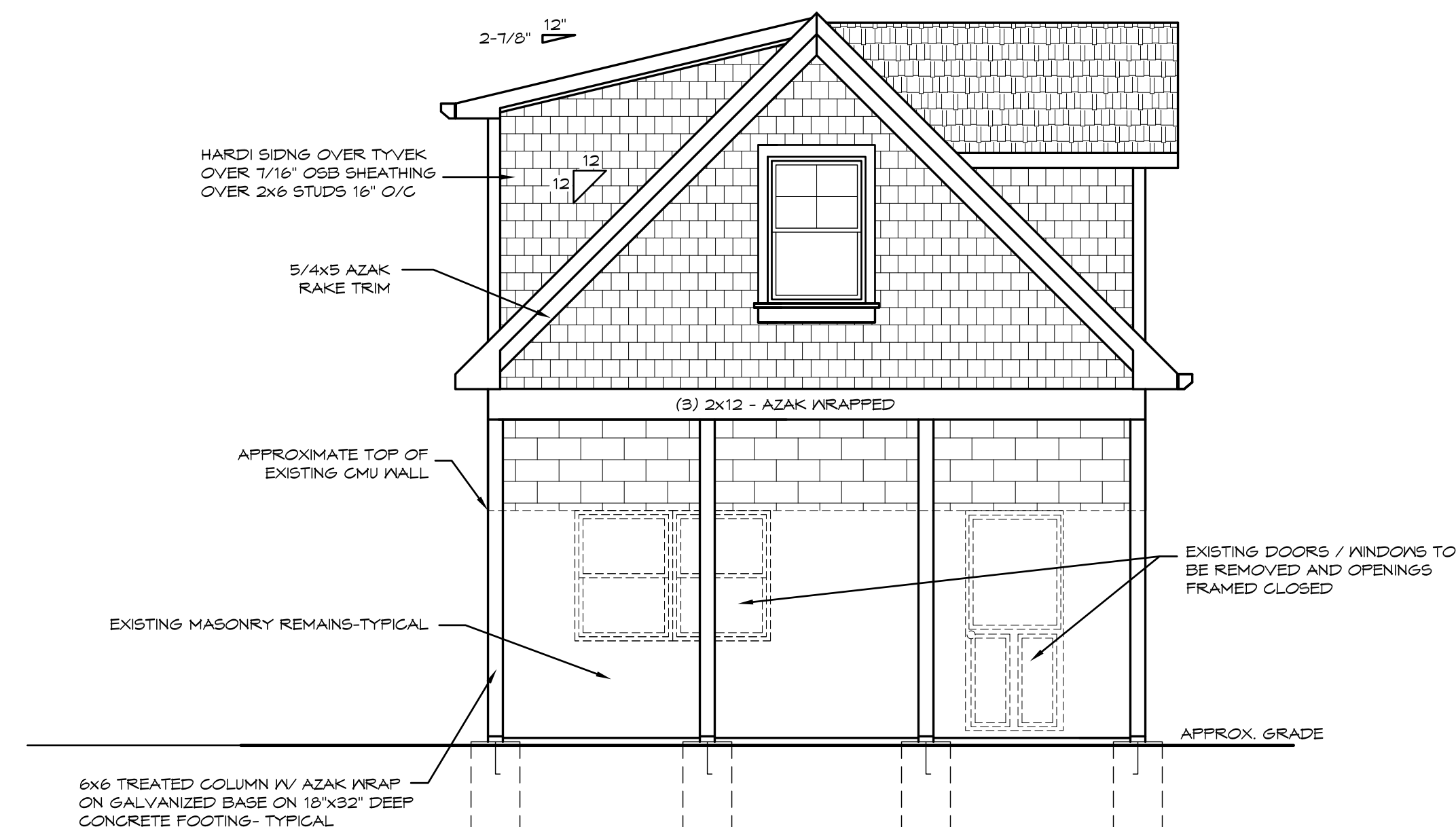
FILE: HEPNER RESIDENCE 2

THE HEPNER RESIDENCE



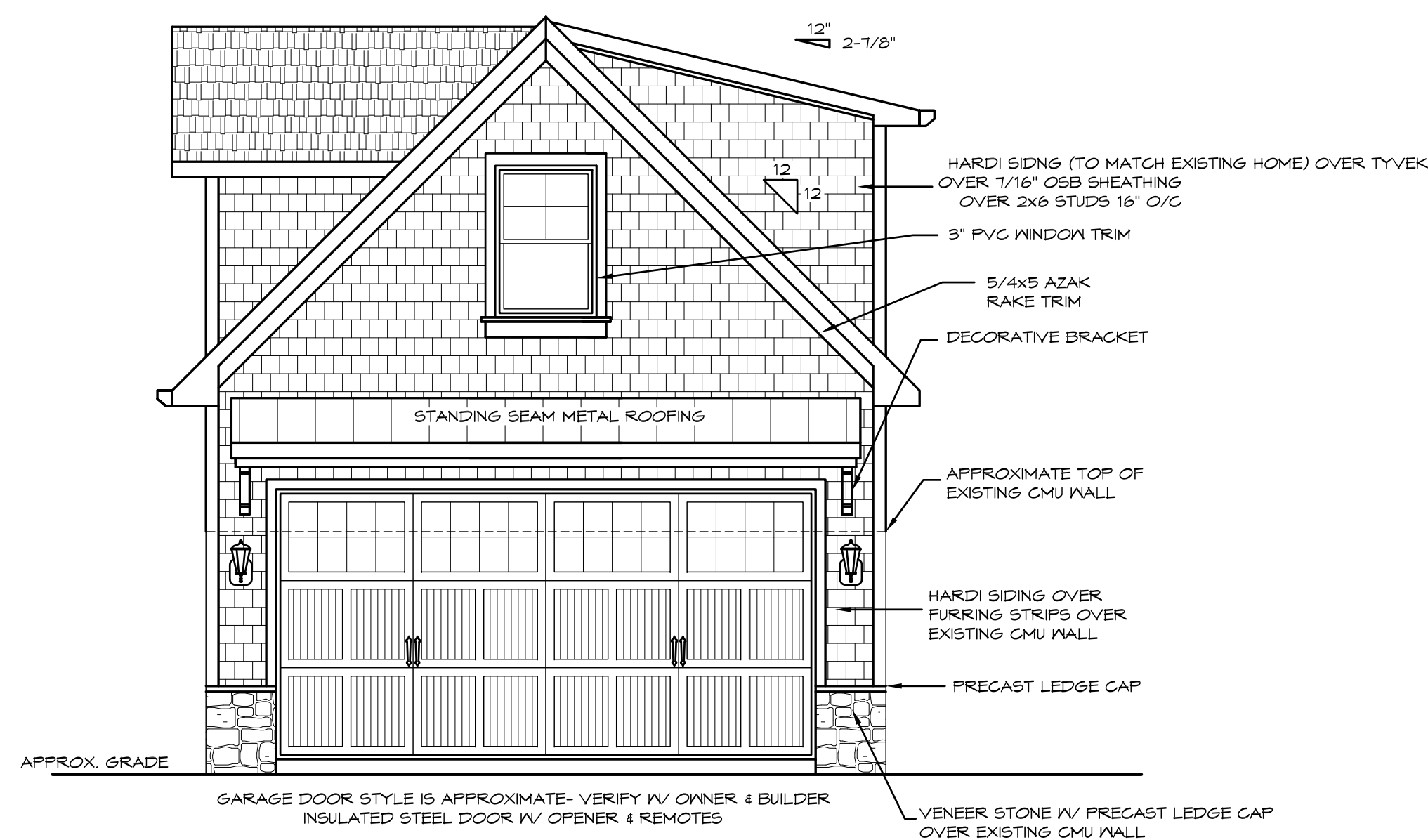
PROPOSED SIDE ELEVATION

SCALE: 1/4"=1'-0"



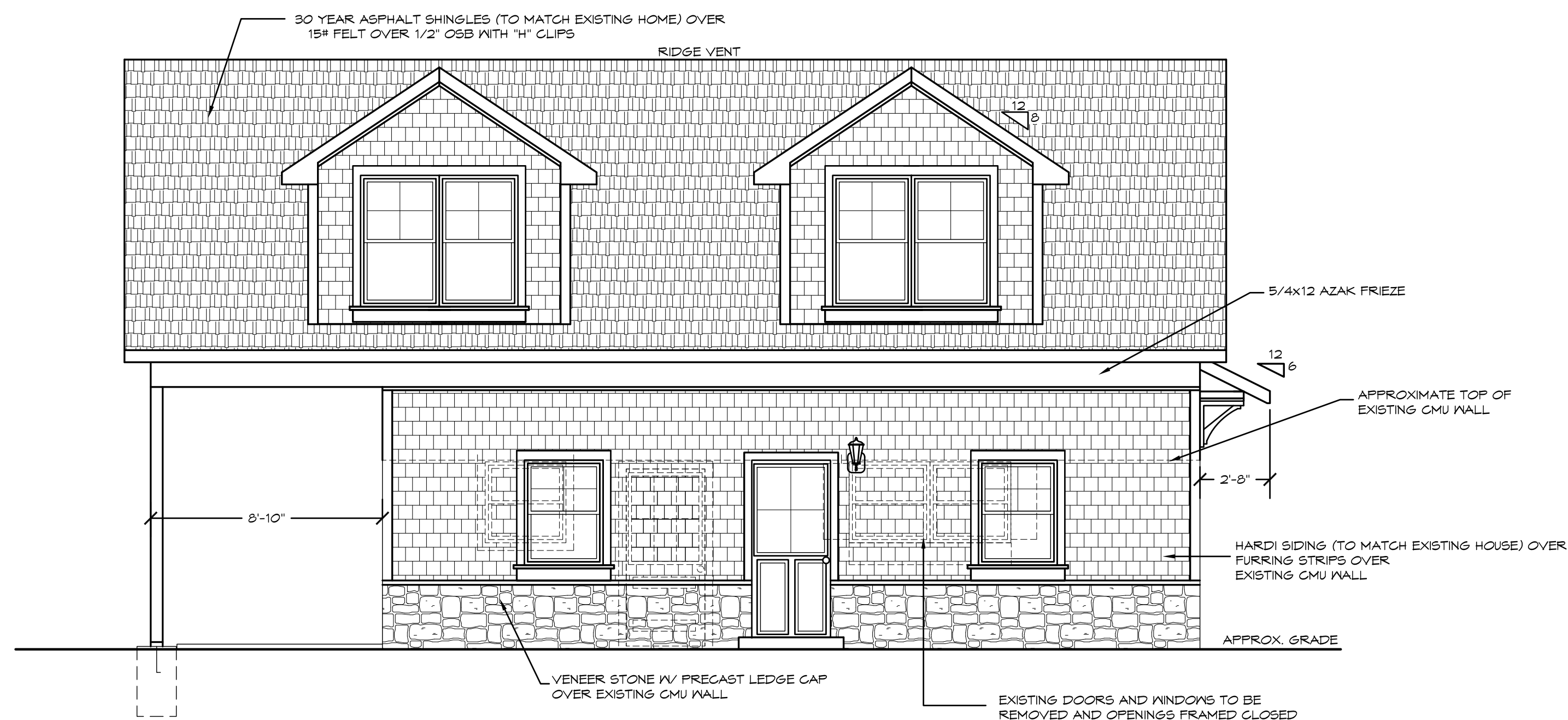
PROPOSED REAR ELEVATION

SCALE: 1/4"=1'-0"



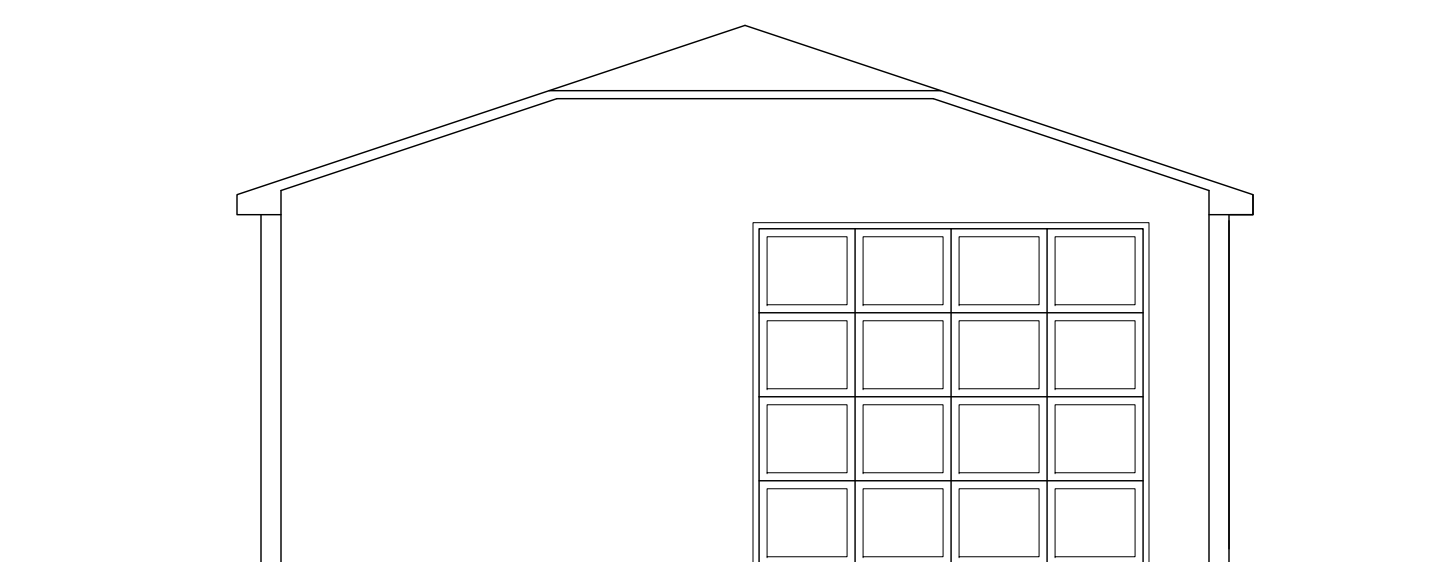
PROPOSED FRONT ELEVATION "STREET-SIDE"

SCALE: 1/4"=1'-0"



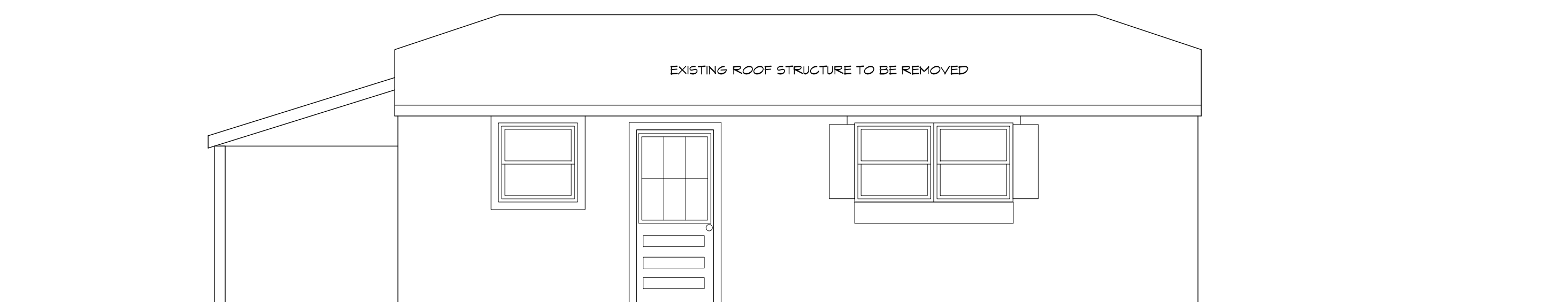
PROPOSED SIDE ELEVATION

SCALE: 1/4"=1'-0"



EXISTING FRONT ELEVATION "STREET-SIDE"

SCALE: 1/4"=1'-0"



EXISTING SIDE ELEVATION

SCALE: 1/4"=1'-0"

FILE: HEPNER RESIDENCE 2

SCALE: 1/4" = 1'-0"

DATE: 11/2023

SHEET NO.: 2

GBL CUSTOM HOME

DESIGN INC.

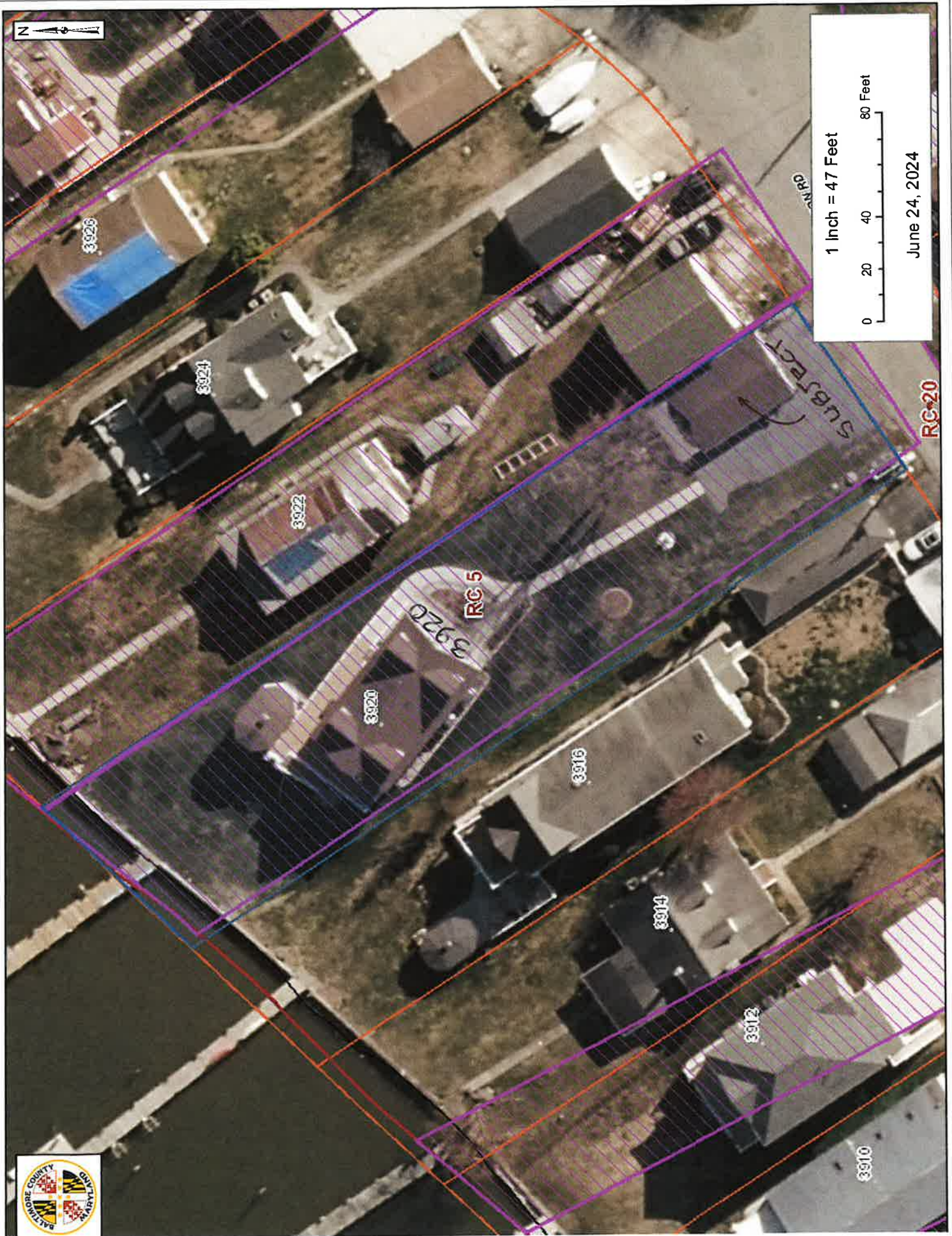
PO BOX 237 FINKSBURG, MD 21048

PHONE 410-833-8520

PROJECT ADDRESS:
3420 NEW SECTION ROAD
MIDDLE RIVER, MD. 21220
BALTIMORE COUNTY, MD.

THE HEPNER RESIDENCE

Baltimore County - My Neighborhood



2024-0163-A

2024-0163-A



#1

2024-0163-A



#2

2834-0163-A



#3



2 NEIGHBORHOOD
GARAGES @ 15' HT +

2024-0162-A

2024. 0163-A



#4