



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

November 14, 2024

Thomas Nixon – jessnixon824@gmail.com
Jessica Nixon
33 North Prospect Avenue
Baltimore, MD 21228

RE: Petition for Special Hearing
Case No. 2024-0217-SPH
Property: 33 N. Prospect Avenue

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 that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" and last name "Murphy" clearly distinguishable.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: Bruce Doak doakfarm@gmail.com
Tom Nixon tom.nixon3@gmail.com

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(33 N. Prospect Avenue)		
1 st Election District	*	OFFICE OF
1 st Council District		
Thomas and Jessica Nixon	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2024-0217-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed by legal owners, Thomas and Jessica Nixon (“Petitioners”) for the property located at 33 N. Prospect Avenue, (the “Property”). The Petition for Special Hearing was filed under Baltimore County Zoning Regulations (“BCZR”), §500.7, to confirm that a proposed picket fence in a non-tidal floodway (riverine) will not block the flow of floodwaters or trap debris as set forth in Baltimore County Code (“BCC”), §32-8-503(a).

A hearing was conducted remotely via WebEx on November 12, 2024. The Petition was advertised and posted as required by the BCZR. The Petitioners appeared in support of the Petition along with Bruce E. Doak of Bruce E. Doak Consulting, LLC, licensed property line surveyor, who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). There were no Protestants or interested citizens who attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) who noted that the Petitioners needed to provide evidence in support of a “waiver in a floodplain” citing three (3) factors set forth in former BCC, §32-8-303 (which Section was replaced in Bill 6-24, effective March 21, 2024).

Development Plans Review (“DPR”) and Department of Public Works and Transportation (“DPWT”) provided a joint comment wherein DPR insisted that Petitioners had to provide evidence that the proposed fence meets the factors for a Floodplain Variance set forth in BCC, §32-8-703, as recently enacted by Bill 6-24. DPWT, commented that the ‘Variance’ (not the Petition for Special Hearing) should be denied based on the following:

DPWT – This property is in a non-tidal (riverine) flood plain that leads to a densely populated area downstream. Allowing the fence to be built could increase water surface elevation causing more damage to neighboring properties. If a flood happens the fence could be washed away to be used as a projectile to hurt or kill unsuspecting residents downstream. The variance should be denied and no permits must be issued.

The property is within the Non-Tidal Special Flood Hazard Area Zone AE per panel FIRM 2400100388C dated 11/2/23.

Department of Environmental Protection and Sustainability (“DEPS”) did not oppose the requested relief.

The Property is 5,520 sf and is improved with a 1 ½ story, 896 sf single family dwelling constructed in 1927, as well as a detached garage in the rear yard. As shown on the aerial photograph, the Property is located on a residential street with similarly sized lots and homes. (Pet. Ex. 3). It is zoned Density Residential (DR 5.5). Petitioners testified that they hired a contractor to construct a 48-inch tall, wooden, picket fence which would enclose a 160-sf area in the rear yard (the “fence contractor”). Each vertical panel of the proposed picket fence shows a 2.5-inch gap between each panel. The fence contractor applied for a fence permit and were informed by DPWT that because the Property was located in a floodplain, the Office of Zoning Review (“OZR”) would need to review the proposal. Following the direction of OZR, Petitioners filed the instant Petition for Special Hearing under BCZR, §500.7 seeking a determination under the newly enacted BCC,

§32-8-503(a) that the proposed fence would not “block the flow of floodwaters or trap debris.” Admittedly, the Petitioners do not need, and are not seeking, a Floodplain Variance under newly enacted BCC, §32-8-701 *et seq.* As was produced in evidence at the hearing, the Property does not have unique physical characteristics, but rather is like other properties in the neighborhood.

Petitioners produced street view photographs of the Property and surrounding properties, many of which show various types of rear yard fences. (Pet. Exs. 4A-4P). The Site Plan depicts a strip of land adjoining the Property which, as researched by Mr. Doak, does not have a legal owner of record. That strip of land has a slight downward slope away from the Property which Dr. Doak indicated would drain water away from the Property. There is an existing inlet on the strip of land which connects to a storm drain system. (Pet. Ex. 4N). Petitioners do not dispute that the Property is located within a non-tidal riverine flood plain. (Pet. Ex. 5). The Property is otherwise flat.

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**.

(Emphasis Added). "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).

As expressly set forth in BCZR, §500.7, a Petition for Special Hearing is a determination of rights under the BCZR, not the BCC. In this Case, Petitioners have sought a determination of the BCC, §32-8-503(a), not the BCZR. For this reason alone, the requested relief must be dismissed.

If what the Petitioners are seeking is actually a waiver of the floodplain regulations, floodplain waivers were removed from Title 8 Article 32 with the enactment of Bill 6-24, effective 3/21/2024. Thus, the floodplain waiver factors under former BCC, §32-8-303, which DOP in its ZAC comment indicates must be proven through evidence, are no longer the law. Additionally, although a General Waiver provision still exists in BCC, §32-4-107(a), those waivers are part of the development process when a development plan has been filed. Even so, BCC, §32-4-107(a)(2) still requires all floodplain waivers (to the extent any can be interpreted as still existing) be granted only in accordance with Title 8 - Floodplains.

Additionally, both DPR and DPWT ZAC comments inadvertently refer to the standards required for a Floodplain Variance which was not requested, and is not applicable here. Unless a Floodplain Variance is requested under newly enacted Subtitle 7 of Title 8, which would include a Variance from flood protection setbacks under BCC, §32-8-502, (for which a ‘staff report and recommendation’ is required to be provided to OAH under BCC, §32-8-302(m) and §32-8-703), those Floodplain Variance standards do not apply here.

While nothing contained in this Opinion and Order should be construed as ‘interpreting’ the BCC in connection with a Petition for Special Hearing, for the benefit of the Petitioners who

desire to erect a rear yard fence, Subtitle 3 of Title 8 is now labeled “Administration.” It is notable that a new “floodplain administrator” role has been created, made up of both the Director of Permits, Approvals and Inspections (“PAI”) and Director of DPWT, and/or their designees consisting of “qualified technical personnel, plan examiners, inspectors, and other employees.” [BCC, §32-8-301(a)]. The duties of the Floodplain Administrator are numerous as listed in BCC, §32-8-302, and one of those duties, as may be applicable here, is the ‘reasonableness’ standard for reviewing an application for proposed activities:

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

* * * *

(c) **Review applications to determine whether proposed activities will be reasonably safe from flooding** and require new construction and substantial improvements to meet the requirements of these Floodplain Management Provisions.

* * * *

A plain reading of BCC, §32-8-302 makes clear that a fence permit application for Property located within a riverine floodplain, here does not fall within the purview of OAH. And even if OAH was charged with this decision, making a determination of about future unknown flood waters, and unidentified debris, which may or may not be ‘trapped’ in a flood, would be speculative, at best. Accordingly, the Petition for Special Hearing will be **DISMISSED, with prejudice.**

THEREFORE, IT IS ORDERED this **14th** day of **November, 2024** by this Administrative Law Judge, that the Petition for Special Hearing pursuant to BCZR, §500.7, to confirm that a proposed picket fence in a non-tidal floodway (riverine) will not block the flow of floodwaters or trap debris under BCC, §32-8-503(a), be, and it is hereby **DISMISSED, with prejudice.**

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


MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm



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 33 N. PROSPECT AVENUE which is presently zoned DR 5.5

Deed References: 49163/1355 10 Digit Tax Account # 0102200770

Property Owner(s) Printed Name(s) THOMAS NIXON & JESSICA NIXON

(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. X 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 PAGE

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

3. a **Variance** from Section(s)

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

TO BE PRESENTED IN THE HEARING

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).

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):

THOMAS NIXON | JESSICA NIXON

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2024-0217-SPH

Filing Date 9/30/24

BD@BRUCEE-DOAKCONSULTING.COM

Do Not Schedule Dates:

Reviewer PK

Attachment

A Special Hearing pursuant to Section 32-8-503.(A) of the B.C.C. to confirm that a proposed picket fence in a non-tidal floodway (riverine) will not block the flow of floodwaters or trap debris.



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 33 N. PROSPECT AVENUE which is presently zoned DR 5.5
Deed References: 49/63/355 10 Digit Tax Account # 0102200770
Property Owner(s) Printed Name(s) THOMAS NIXON & JESSICA NIXON

(SELECT THE HEARING(S) BY MARKING ☒ 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:

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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

CASE NUMBER 2024-0217-SPH Filing Date 9/30/24

Legal Owners (Petitioners):

THOMAS NIXON / JESSICA NIXON
Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
Signature #1 Signature #2

33 N. PROSPECT AVE. BALTIMORE MD
Mailing Address City State

21228 X 443-527-1478 JESSNIXONB24@GMAIL.COM
Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING LLC
Name - Type or Print

[Signature]
Signature

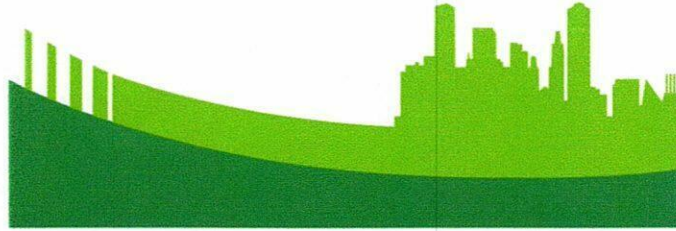
3801 BAKER SCHOOLHOUSE ROAD FREEBURG MD
Mailing Address City State

21053 410-919-4906 BD@BRUCEEDOAKCONSULTING.COM
Zip Code Telephone # Email Address

Do Not Schedule Dates: Reviewer [Signature]

Attachment

A Special Hearing pursuant to Section 32-8-503.(A) of the B.C.C. to confirm that a proposed picket fence in a non-tidal floodway (riverine) will not block the flow of floodwaters or trap debris.



Zoning Description

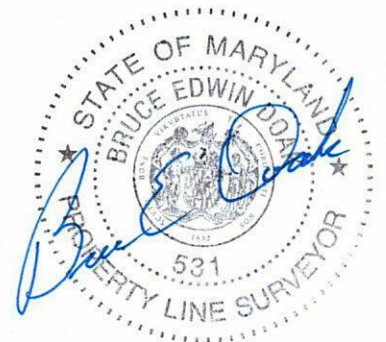
#33 N. Prospect Avenue
First Election District First Councilmanic District
Baltimore County, Maryland

Beginning at a point on the east side of N. Prospect Avenue, 860 feet, more or less, southerly from the center line of Edmondson Avenue.

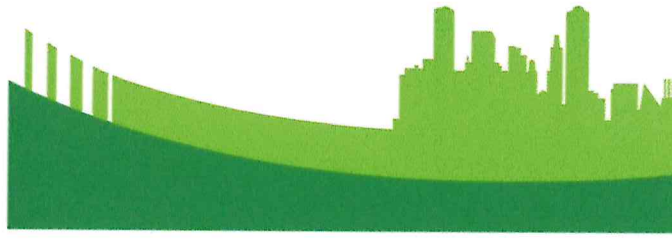
Being Lot #33 as shown on the plat entitled "Edmondson Ridge" and recorded in the land records of Baltimore County.

Containing 5,520 square feet of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



CERTIFICATE OF POSTING

October 21 , 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0217-SPH

Legal Owner: Thomas Nixon

Hearing date: November 12, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **33 Prospect Avenue**.

The signs were initially posted on **October 21, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bruce E. Doak", with a stylized flourish at the end.

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

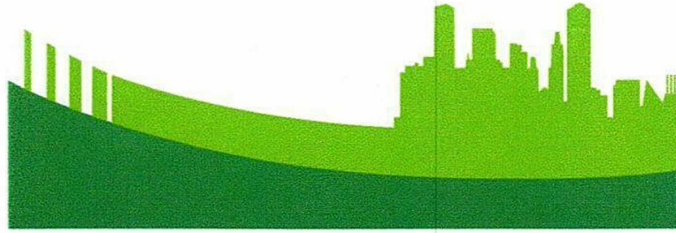
Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com



Zoning Description

#33 N. Prospect Avenue

First Election District First Councilmanic District
Baltimore County, Maryland

Beginning at a point on the east side of N. Prospect Avenue, 860 feet, more or less, southerly from the center line of Edmondson Avenue.

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410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

**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/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2024-0217-SPH

Property Address: 33 N. PROSPECT AVENUE

Property Description: LOT 33 EDMONDSON RIDGE

860'S OF E EDMONDSON AVE.

Legal Owners (Petitioners): THOMAS NIXON & JESSICA NIXON

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK

Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC

Address: 3801 BAKER SCHOOLHOUSE ROAD

FREELAND MD 21053

Telephone Number: 410-419-4906

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: October 22, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0217-SPH
Address: 33 PROSPECT AVENUE
Legal Owner: Thomas Nixon

Zoning Advisory Committee Meeting of October 16, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: October 9, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0217-SPH

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

DPR: Applicant must demonstrate how they addressed BCC 32-8-703.

DPW-T: This property is in a non-tidal (riverine) flood plain that leads to a densely populated area downstream. Allowing the fence to be built could increase water surface elevation causing more damage to neighboring properties. If a flood happens the fence could be washed away to be used as a projectile to hurt or kill unsuspecting residents downstream. The variance should be denied and no permits must be issued.

The property is within the Non-Tidal Special Flood Hazard Area Zone AE per panel FIRM 2400100388C dated 11/2/23.

Landscaping: No comment.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 10/21/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0217-SPH

INFORMATION:

Property Address: 33 N. Prospect Avenue
Petitioner: Thomas Nixon & Jessica Nixon
Zoning: DR 5.5
Requested Action: Special Hearing

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

Special Hearing - Pursuant to Section 32-8-503(A) of the Baltimore County Code (B.C.C.) to confirm that a proposed picket fence in a non-tidal floodway (riverine) will not block the flow of floodwaters or trap debris.

The proposed site is a 0.126-acre property zoned DR 5.5. that is surrounded by mostly residential properties and is currently improved with an existing structure that is located in a riverine floodplain. The applicant proposes a 4'8" high wooden picket fence.

The property at 33 N. Prospect Avenue is located in a 100-year floodplain located in the Catonsville Area. The applicant's request to erect a wooden picket fence in the rear yard appears to be within the character of the neighborhood. There are multiple adjacent homes in the area, that are also located in the floodplain, who currently have fencing. The proposed fencing will only encompass the rear yard. Impervious surfaces (macadam driveway, concrete walks) do not appear to be adversely impacted or affected. The fence will be a 4'8" high wooden picket fence with 2.5" spacing between boards with a 2" clearing underneath which should be sufficient to allow adequate water flow. While there are concerns of trapped debris, this is ubiquitous in most communities during heavy storms. The area does not appear to have a lot of vegetation and trees which would possibly be the biggest debris threat.

Pursuant to the Baltimore County Code Section 32-8-303, the applicant must demonstrate the following to be considered for any waivers in a floodplain:

- (1) A showing of good and sufficient cause;
- (2) A determination that failure to grant a waiver would result in exceptional hardship, other than economic hardship, to the applicant; and
- (3) A determination that the granting of a waiver will not increase flood heights, impact public safety, incur extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with exist local and state laws and ordinances.

The Department has no objections in granting the relief conditioned upon the following:

- 1) Review and approval from the Department of Environmental Protection and Sustainability to confirm compliance with BCC Section 32-8-303.
- 2) Comments from the state coordinating office and the County Department of Public Works and Transportation shall be taken into account and maintained with the permit file pursuant to BCC Section 32-8-303(c).
- 3) The plan conforms to all other bulk and setback regulations set forth in the Baltimore County Zoning Regulations for DR 5.5 zoned property and
- 4) The plan meets all additional conditions as required by the Administrative Law Judge.

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

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak, Bruce E Doak Consulting LLC.
Abigail Rodgers, 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 - 01 Account Number - 0102200770

Owner Information

Owner Name: NIXON JESSICA Use: RESIDENTIAL
NIXON THOMAS Principal Residence: YES
Mailing Address: 33 N PROSPECT AVE Deed Reference: /49163/ 00355
BALTIMORE MD 21228-

Location & Structure Information

Premises Address: 33 N PROSPECT AVE Legal Description: 33 N PROSPECT AVE
BALTIMORE 21228- EDMONDSON RIDGE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0101 0003 1089 1060104.04 0000 33 2025 Plat Ref:

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1927 1,103 SF 605 SF 5,520 SF 04

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
1 1/2 YES STANDARD UNITS SIDING/4 3 full

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2024	07/01/2025
Land:	115,500	115,500		
Improvements	228,600	228,600		
Total:	344,100	344,100	344,100	
Preferential Land:	0			

Transfer Information

Seller: PASKOR EDWARD F	Date: 06/24/2024	Price: \$445,000
Type: NON-ARMS LENGTH OTHER	Deed1: /49163/ 00355	Deed2:
Seller: FLANDERS ANDREA LEE	Date: 06/19/2020	Price: \$390,000
Type: ARMS LENGTH IMPROVED	Deed1: /43014/ 00271	Deed2:
Seller: 33 N PROSPECT AVE LLC	Date: 09/21/2018	Price: \$372,000
Type: ARMS LENGTH IMPROVED	Deed1: /40694/ 00348	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	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:

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

Case #: 2024-0217-SPH

33 Prospect Avenue

(East side of Prospect Ave., southerly from centerline of Edmondson Ave.)

Council District 1, Election District 1

Legal Owners: Thomas Nixon

SPECIAL HEARING: Pursuant to Section 32-8-503(A) of the Baltimore County Code ("BCC") to confirm that a proposed picket fence in a non-tidal floodway (riverine) will not block the flow of floodwaters or trap debris.

Hearing Date: Tuesday, November 12, 2024 at 10:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 101, Towson, Maryland 21204 / Phone 410-857-3868, ext.0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

Case #: 2024-0217-SPH

33 Prospect Avenue

(East side of Prospect Ave., southerly from centerline of Edmondson Ave.)

Council District 1, Election District 1

Legal Owners: Thomas Nixon

SPECIAL HEARING: Pursuant to Section 32-8-503(A) of the Baltimore County Code ("BCC") to confirm that a proposed picket fence in a non-tidal floodway (riverine) will not block the flow of floodwaters or trap debris.

Hearing Date: Tuesday, November 12, 2024 at 10:00 a.m.

the hearing location is: The

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

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If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing location at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3568, ext.0

Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

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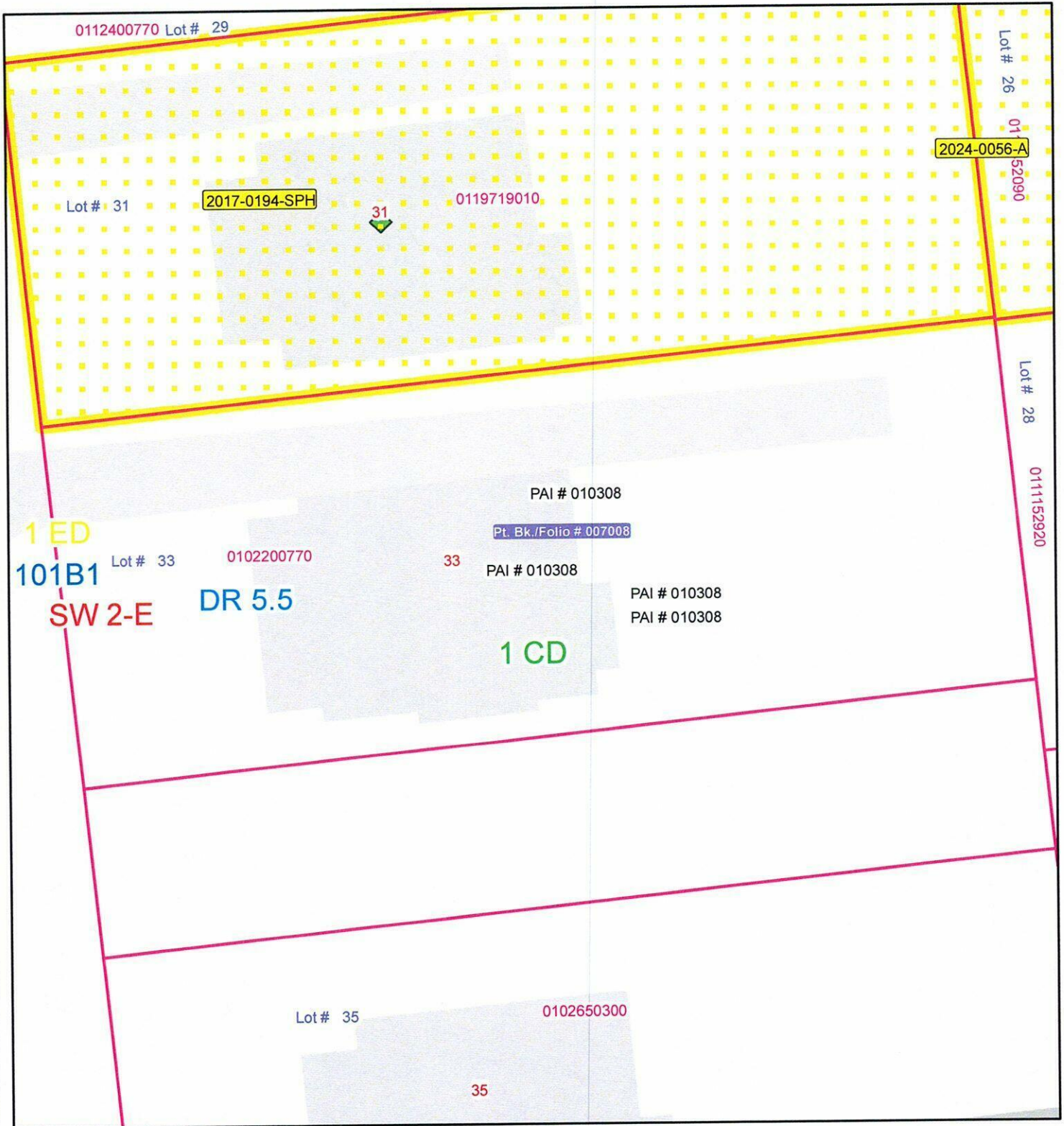
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33 N Prospect Ave



Publication Date: 9/30/2024



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



0 4.759.5 19 28.5 38 Feet

1 inch = 17.257807 feet

GENERAL INFORMATION

1. Ownership: Thomas Nixon & Jessica Nixon
33 North Prospect Avenue Baltimore, MD 21228
2. Address: 33 North Prospect Avenue Baltimore, MD 21228
3. Deed references: JLE 48163/355
4. Area: 5,520 square feet (per SDAT)
5. Tax Map / Parcel / Tax account #: 101 / 1089 / 01-01-2200770
6. Election District: 1 Councilmanic District: 1
ADC Map: GIS tile: 101B1 Position sheet: 7SW20
Census tract: 400600 Census block: 24005400600
Schools: Westowne ES Arbutus MS Catonsville HS
Master Sewer Designation: S-1 Master Water Designation: W-1
7. The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 101B1 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling, shed & driveway. The existing dwelling, shed and driveway will remain.

OFFICE OF ZONING

Zoning: DR 5.5 There are no previous zoning cases on the subject parcel.

Parking Calculations

Required parking spaces: 2
(2 parking spaces per single family dwelling per section 409.6A.1 BCZR)
Parking spaces provided on site: 2+

DR 5.5 Setbacks for Residential Buildings Sect. 1B02.3.C.1 (chart) BCZR

Front: 25 feet from the centerline of the road
Side: 10 feet from the property line
Rear: 30 feet from the property line

DR 5.5 setback for accessory structures: 2.5 feet

ENVIRONMENTAL

Watershed: Gwynns Falls URDL land type: 1

1. The existing dwelling is currently served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is located within a 100 year flood plain.

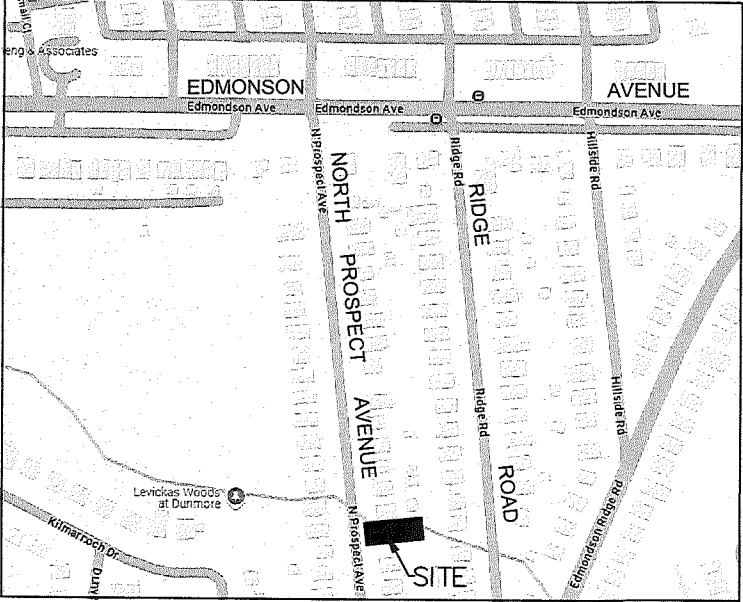
OFFICE OF PLANNING

Regional Planning District: Catonsville District Code: 324

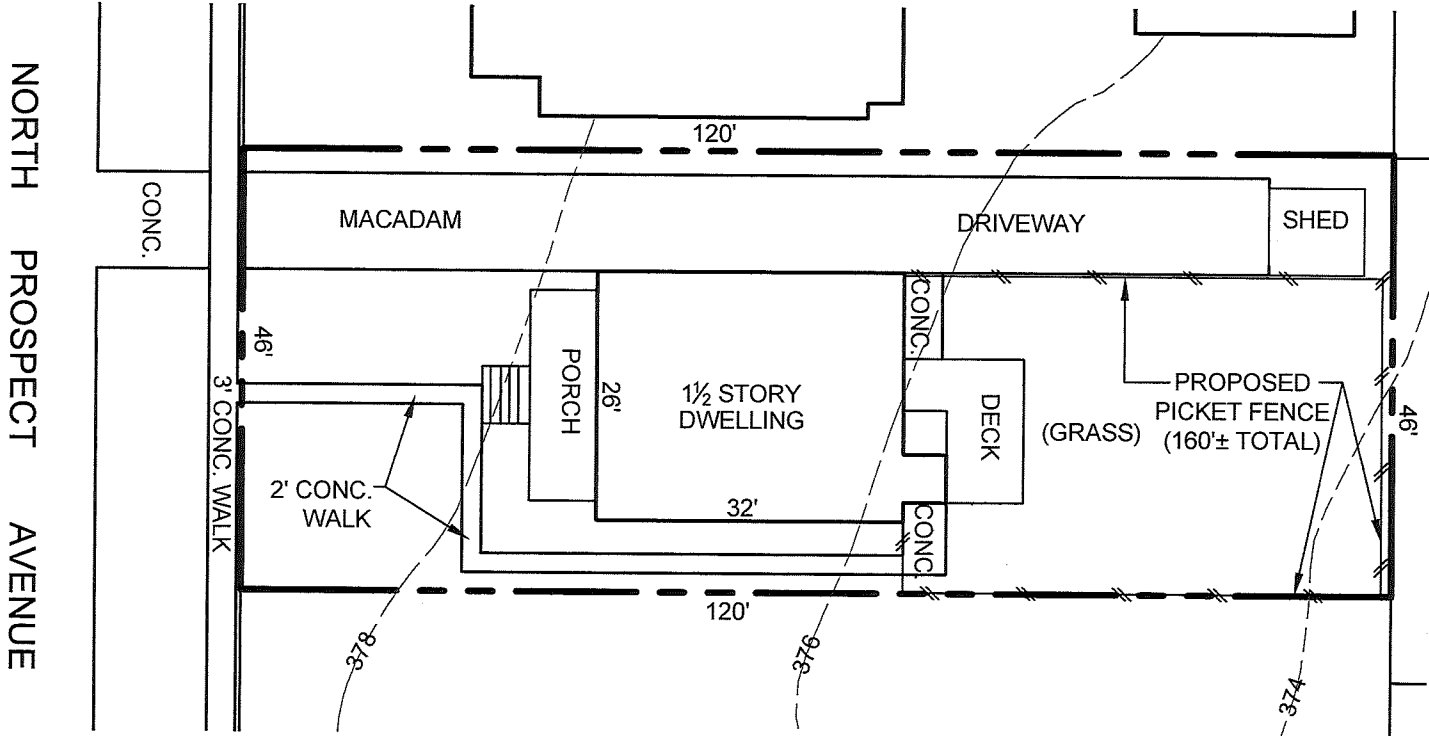
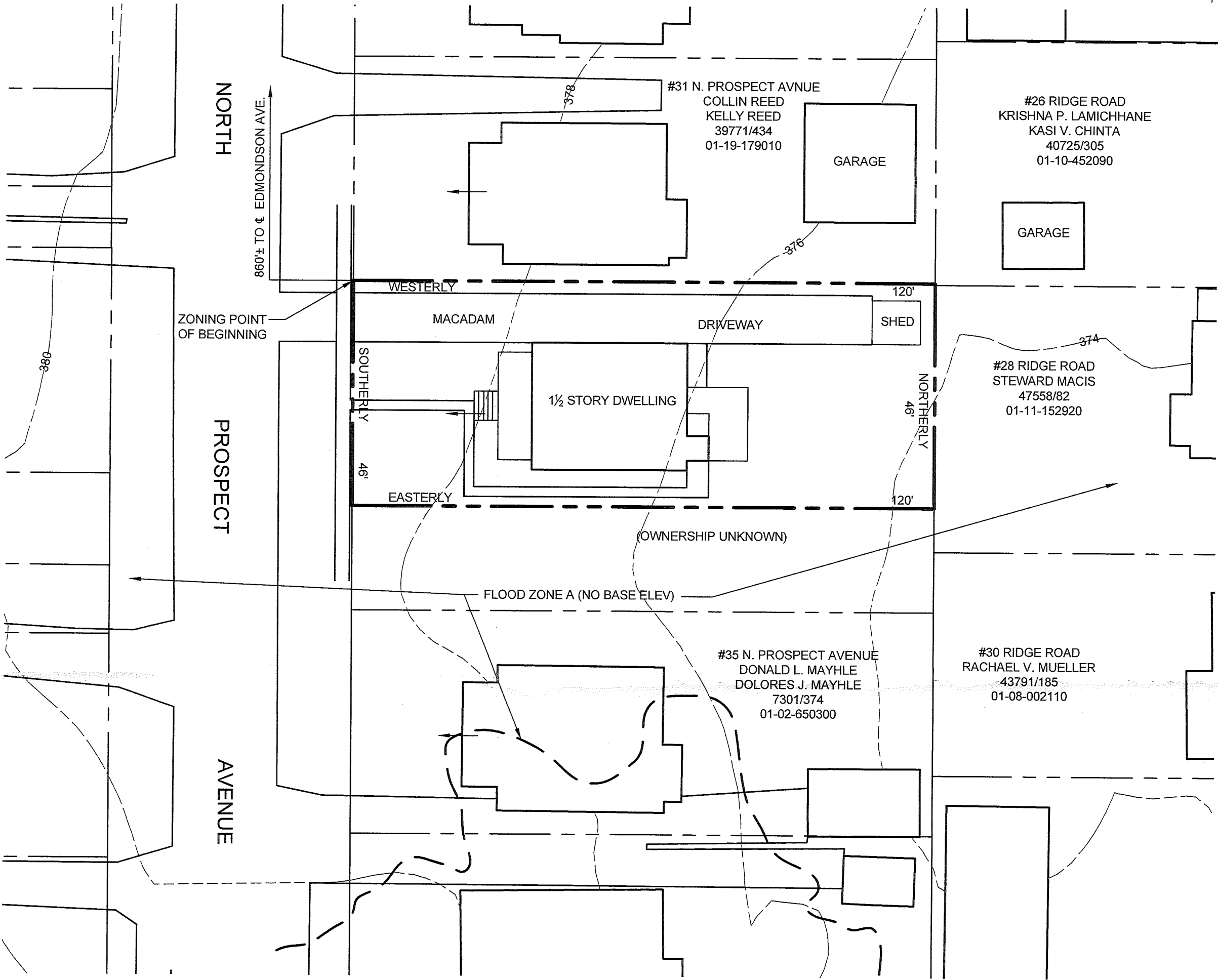
1. The subject dwelling is not historic. The subject property is not in a historic district.
2. Growth Tier: 1

PROPOSED DEVELOPMENT

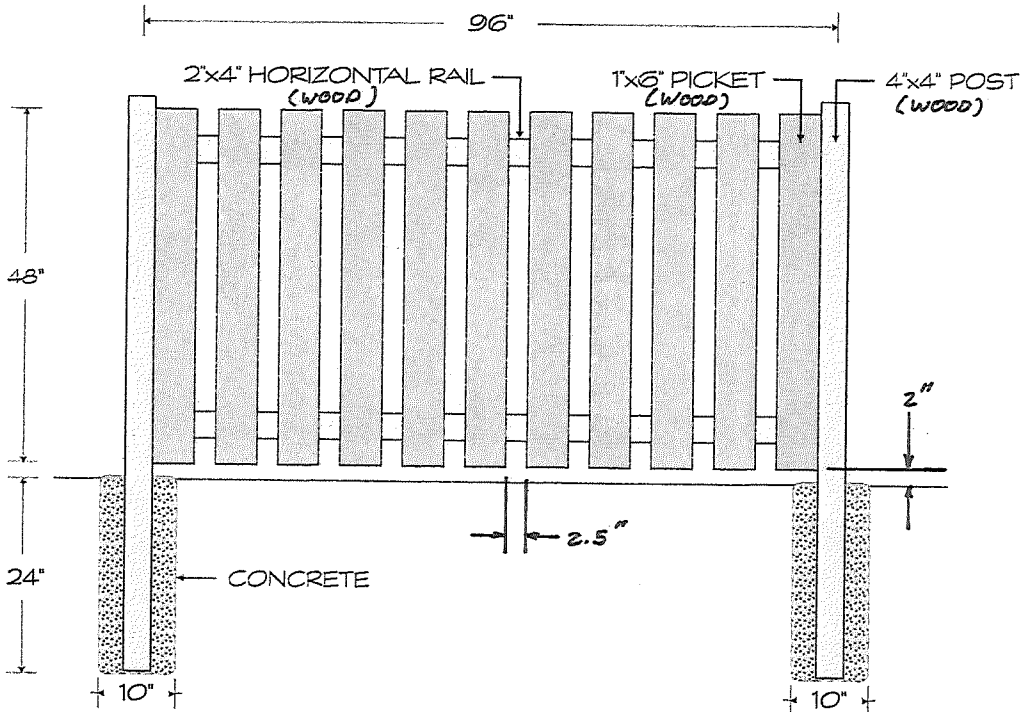
To install a picket fence in the rear yard



Vicinity Map – Scale: 1" = 400'



DETAIL
1" = 20'



FENCE DETAIL
NTS

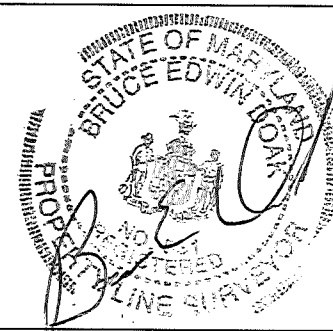


REVISION

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#33 NORTH PROSPECT AVENUE

BALTIMORE COUNTY, MARYLAND
1st ELECTION DISTRICT 1st COUNCILMANIC DISTRICT



Date: 9/11/2024

Scale: 1"=20'

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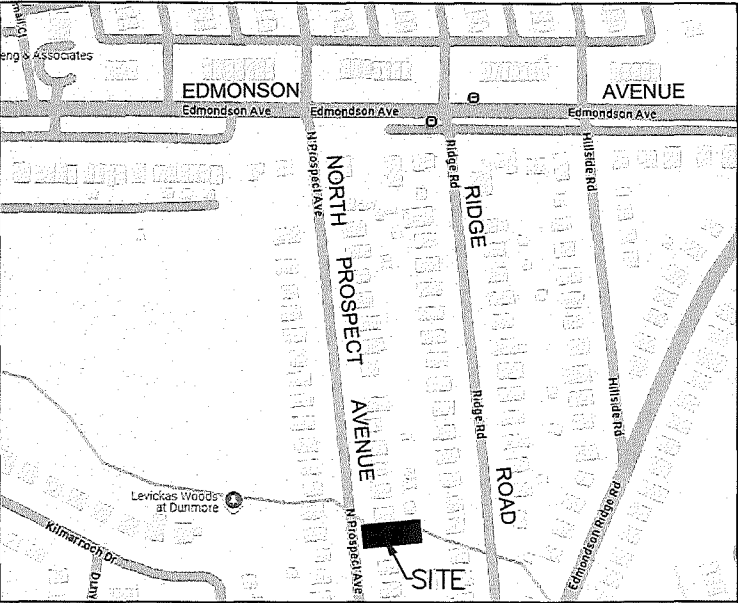
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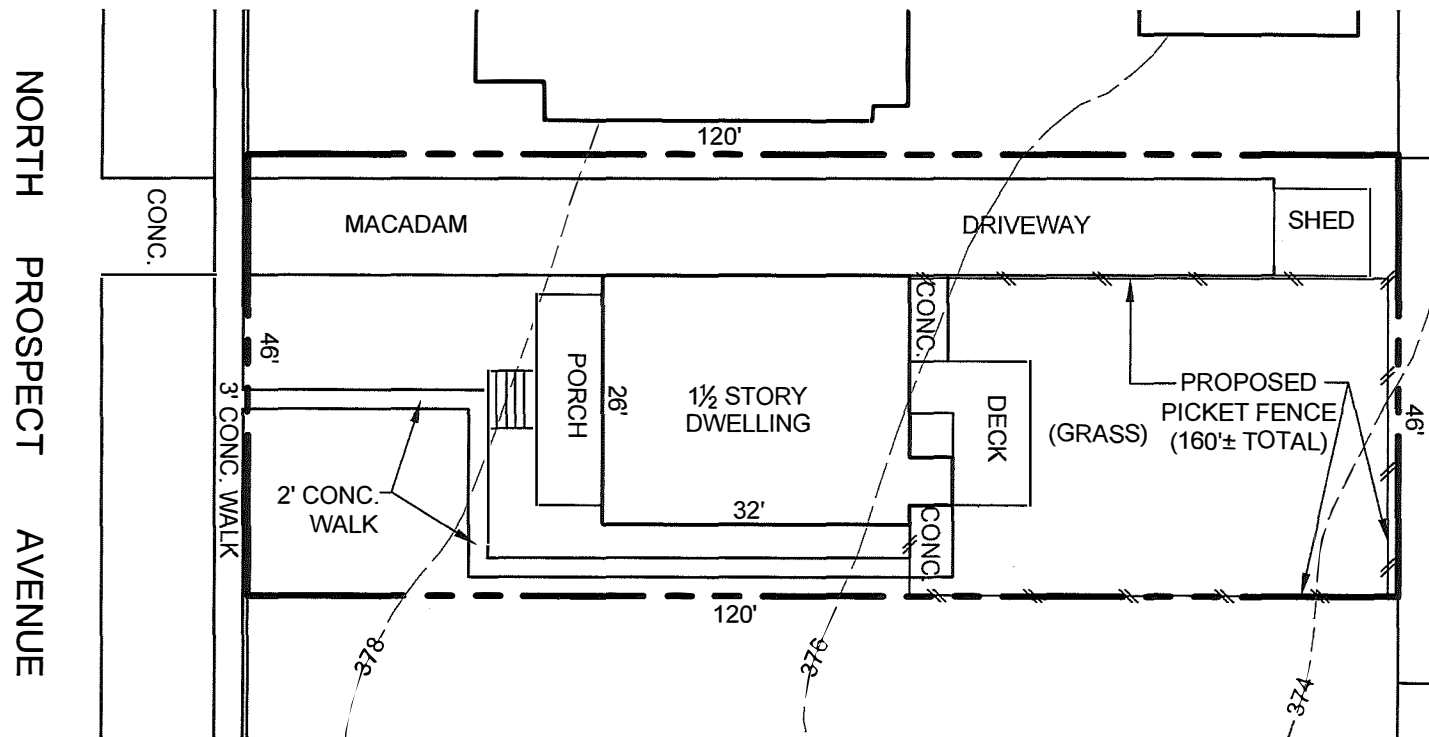
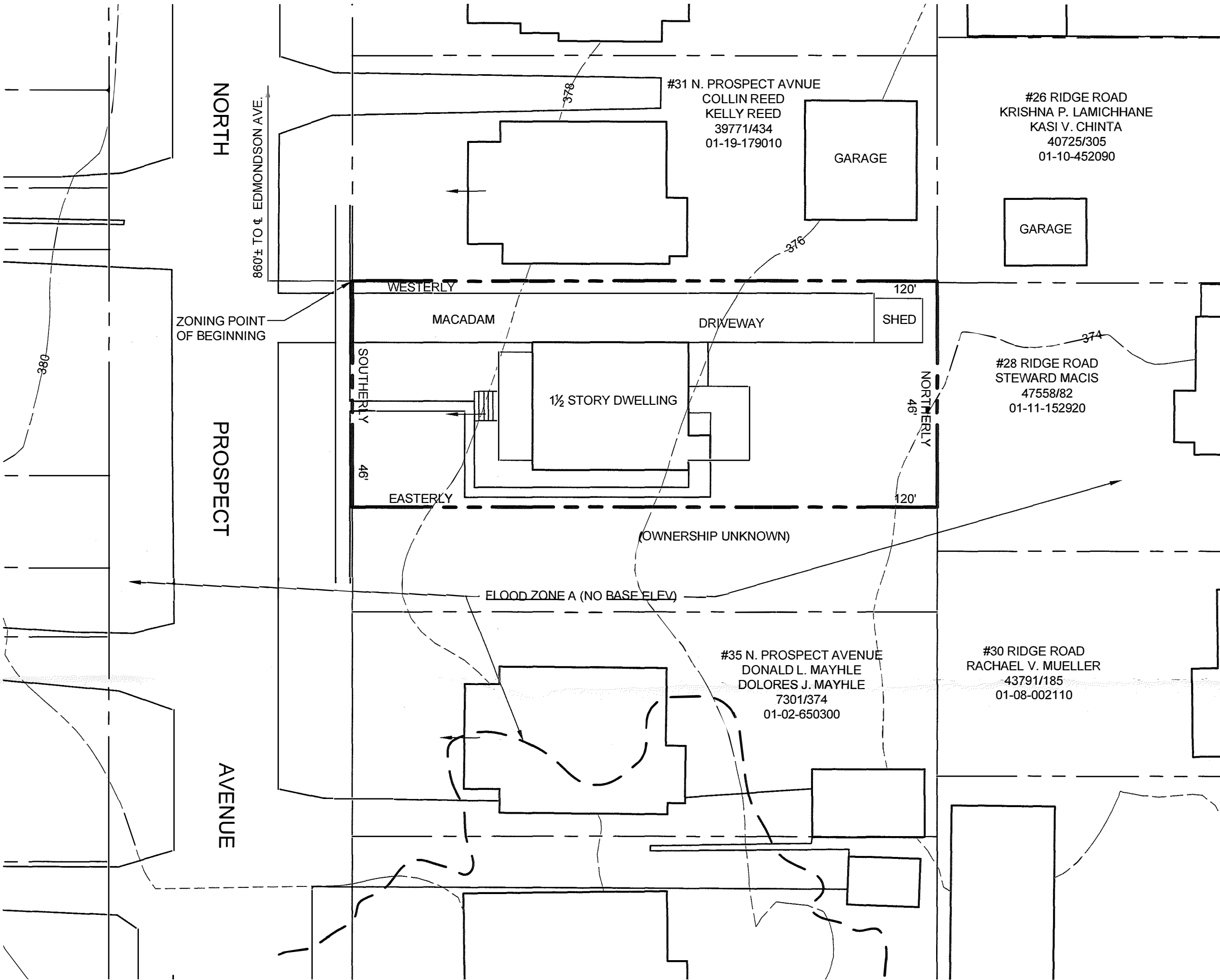
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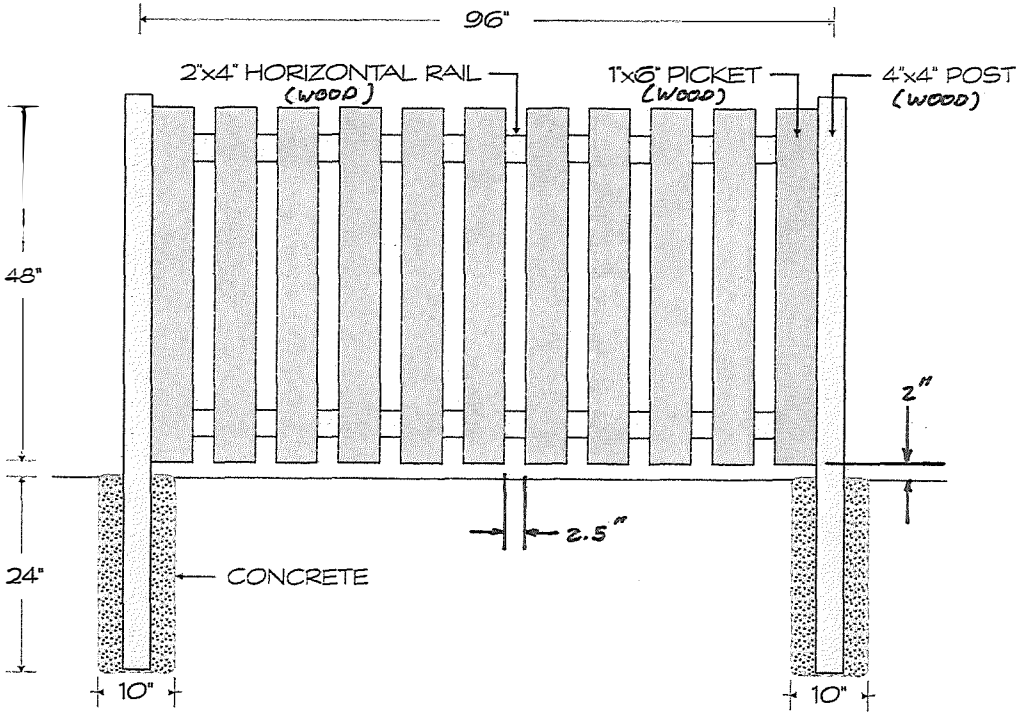
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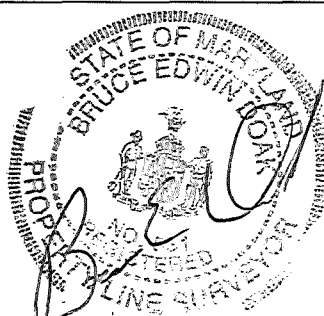


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