



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

January 2, 2025

Francisco and Debra Marin – liafca@ymail.com
1921 Oak Drive
Baltimore, MD 21207

RE: Petition for Special Hearing
Case No. 2024-0237-SPH
Property: 5600 Dogwood 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", is written over a faint, larger signature.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm
Enclosure

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(5600 Dogwood Road)		
1st Election District	*	OFFICE OF
1st Council District		
Francisco and Debra Marin	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
	*	FOR BALTIMORE COUNTY
Petitioners		
	*	Case No. 2024-0237-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Hearing filed on behalf of Francisco and Debra Marin (“Petitioners”) for the property located at 5600 Dogwood Road, Baltimore County, Maryland (the “Property”). The Petition for Special Hearing was filed pursuant to Baltimore County Zoning Regulations (“BCZR”) § 500.7 to approve an accessory building (garage) to be located on a lot without a residential dwelling. The relief requested was amended at the hearing to include variances for maximum permitted accessory building height and side yard location.

A public hearing was conducted on December 16, 2024, using the virtual platform WebEx in lieu of an in-person hearing. The Petition was advertised and posted as required by the BCZR. Petitioner, Francisco Marin, appeared *pro se* and was assisted by his daughter, Patricia Marin. There were no Protestants or interested citizens at the hearing.

Petitioner submitted the following exhibits which were admitted into the record: (1) Site Plan; (2a-d) SDAT; (3a-b) My Neighborhood GIS; and (4a-e) Photographs. The following Zoning Advisory Committee (“ZAC”) comments were received and admitted into the record: (1) Department of Planning (“DOP”); (2) Department of Environmental Protection & Sustainability (“DEPS”); Development Plans Review (“DPR”) for DPR/DPWT/Rec & Parks. County agencies did not oppose the requested relief but did propose conditions upon approval.

Findings of Fact

The property is comprised of ten (10) lots under six (6) separately deeded taxable parcels totaling approximately 5,000 sq. ft. in land area all zoned DR 5.5. In addition to various ancillary structures, one taxable lot is improved with a single-family dwelling used as Mr. Marin's primary residence; a second lot is also improved as a single-family dwelling that is currently leased; one lot is improved with a covered pavilion; and one lot remains mostly unimproved except for a portion of an existing garage that straddles two lots. The property was granted a variance in 2008 to permit a rear setback for the existing single-family home. *See* 2008-0220-A. Mr. Marin testified that the purpose of the proposed accessory building is for truck, tool, and other personal item storage used both for his home and properties as well as to provide a workshop space for his personal use. The accessory building (e.g., garage) is proposed to be a two-story structure with storage on the first floor and a workshop on the second floor. The building will be 40 ft. x 24 ft. x 25 ft., exceeding the maximum permitted height of 15 ft. by 10 ft. The garage is sited on a corner lot with frontage along Dogwood Road and Park Place. The parcels lie close to the Gwynns Falls riverine floodplain but Mr. Marin testified that his properties are located at an elevation at which flooding does not regularly occur on his property.

Conclusions of Law

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, § 500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any

premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

There is no indication in this record that this is an active floodplain and the slope of the land makes flood events unlikely to extend to the property. The accessory building's height is not excessive and the proposed use for storage and a workshop do not place residents at further risk. The accessory building will not contain utilities, water, or electricity except for the limited use for lighting and personal tool use. For these reasons, as conditioned below, I find that the proposed accessory building will be compatible with the community and generally consistent with the spirit and intent of BCZR.

FLOODPLAIN WAIVER

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

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

Based on the evidence in this record, I find that the size, scope, and nature of the proposed accessory structure (garage) does not justify strict compliance with BCC regulations with respect to improvements in the floodplain. A waiver would be within the scope, purpose, and intent of Baltimore County floodplain regulations, as the proposed garage poses no life, health, or safety risks to residents or others. There is no indication in this record that this is an active floodplain and the slope of the land makes flood events unlikely to extend to the property. Moreover, the addition’s height with an open-air ground floor patio likely places it above the floodplain elevation during a flooding event. Therefore, I find this waiver to be consistent with sound floodplain management and is the minimum necessary to afford relief.

VARIANCE(S)

The Petition was amended after the hearing to include requests for variance relief from BCZR §§400.1 & 400.3, permitting an accessory building in a residential zone to be located in the side yard in lieu of the location in the third of the lot furthest removed from any street (for a corner lot) and at a height of 25 feet in lieu of the maximum allowed height of 15 feet. Pursuant to BCZR § 307.1, “...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Furthermore, any

such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare...”. A variance request involves a two-step process, summarized as follows:

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

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

The parcels slope significantly to the southwest and the portion of the lot proposed for the accessory building is a corner lot. Neighboring lots to the northwest and south are largely unimproved, heavily wooded, or used for open space purposes like a cemetery. For these reasons, I find that the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity necessitates variance relief. Moreover, I find that strict compliance with the Zoning Regulations for Baltimore County with respect to accessory building height and side yard siting would result in practical difficulty. Lastly, for the reasons stated above, I also 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.

THEREFORE, IT IS ORDERED this 2nd day of **January, 2025** by this Administrative Law Judge, that the Petition for Special Hearing from the BCZR § 500.7 to approve an accessory building (garage) to be located on a lot without a residential dwelling, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that variances from BCZR §§400.1 & 400.3, to permit an accessory building in a residential zone to be located in the side yard in lieu of the location in the

third of the lot furthest removed from any street (for a corner lot) and at a height of 25 feet in lieu of the maximum allowed height of 15 feet, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that a floodplain waiver pursuant to BCC §32-4-107 is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition;
2. The accessory building (garage) shall not be used for commercial purposes;
3. The accessory building (garage) shall not have separate utility, gas and electric and/or water/sewerage connections or services. All services shall connect to the house unless required by a utility service provider for capacity or safety purposes;
4. Petitioner must comply with Planning's comment, a copy of which is attached hereto and made a part thereof; and
5. For purposes of zoning relief, a riverine flood study is not required pursuant to this approval.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 11/6/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0237-SPH

INFORMATION:

Property Address: 5600 Dogwood Road
Petitioner: Francisco and Debra Marin
Zoning: DR 5.5
Requested Action: Special Hearing

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

Special Hearing - Under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner should approve an accessory building (garage) to be located on a lot without a residential dwelling.

The proposed site is a 5,000 sqft. property that is surrounded by predominately residential properties. The site area is comprised of multiple parcels and currently has an existing dwelling and ancillary structures on the property. The applicant proposes to place an accessory building (garage) on a lot that does not have a residential dwelling.

The proposed lot has an existing covered pavilion on the site. It is understood that the garage will be a 40'Lx24'Wx25'H dimensioned building and have two stories. The first story will be used for the parking of the applicant's trucks, while the second floor will be used for tool storage. The garage, albeit on a separate tax parcel lot, will serve the dwelling at 5600 Dogwood Road. The garage will be visible from the public right-of-way, and will be placed on a corner lot. Due to the size of the accessory structure, Planning would request that the proposed building materials match that of the principal structure/dwelling located at 5600 Dogwood Road to be compatible with the area.

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

- 1) At the time of permitting, proposed architecture for the garage is to be submitted for review by the Department of Planning, and materials should be compatible with the principal structure at 5600 Dogwood Road.
- 2) Garage may not be used as living quarters.
- 3) Comply with any landscape requirements deemed necessary by the Baltimore County Landscape Architect.
- 4) Comply with all applicable accessory structure regulations pursuant to the Baltimore County Zoning Regulation section 400.

- 5) 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
- 6) The plan meets all additional conditions as required by the Administrative Law Judge.

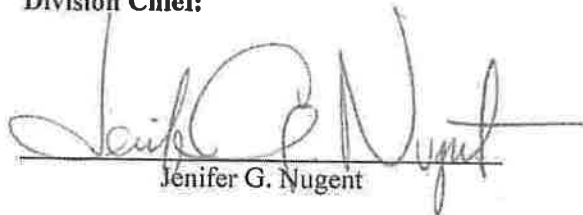
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN

c: Francisco and Debra Marin
Abigail Rodgers, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 5600 Dogwood Rd Baltimore Md 21207 Currently Zoned DR 5-5
Deed Reference 15824, 0440 10 Digit Tax Account # 0119000035
Owner(s) Printed Name(s) Francisco Marin / Debra Marin

(SELECT THE HEARING(S) BY MARKING **X** 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

An accessory building (garage) to be located on a lot without a residential dwelling.

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

3. ☐ **Variance** from Section(s)

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Case Number 2024-0237-SP4

Filing Date

10 / 10 / 24

Do Not Schedule Dates

Reviewer JS

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #'s (Cell and Home)

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Address: 5600 Dogwood
Rd,Baltimore.Md,21207

Being and Comprising the Southeastern one-
half of Lot no.5 and all of Lots nos.
6,7,8,9,10,11,12,13, and 14,51, and 52 in
Block no. 5 as laid down on the Plat of
“Wiindsor Terrace”, said Plat being recorded
among the Land Records of Baltimore County
in Plat Books WPC no.6,folio 180

2024-0237 - SPH

JSS
24-0928



**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353
WWW.BALTIMORECOUNTYMD.GO
V

Cashier: Jason S.
25-Sep-2024 11:47:11A

Transaction **102542**
1 Petition Before ALJ \$75.00

Total \$75.00

DEBIT CARD SALE \$75.00
VISA 2727

Retain this copy for statement
validation

Station: Permit Processing - Mini

25-Sep-2024 11:47:24A
\$75.00 | Method: EMV
US DEBIT XXXXXXXXXXXX2727
FRANCISCO GALAVIZ-MARIN
Reference ID: 426900570513
Auth ID: 040117
MID: *****2995
AID: A0000000980840
AthNtwkNm: VISA
RtInd: CREDIT
SIGNATURE

Clover ID: GW4NHZ8KEQ9WC
Payment G3RN50SESCJ28

Clover Privacy Policy
<https://clover.com/privacy>

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: 2024-0237-SPH

Property Address: 5600 DOGWOOD ROAD

Legal Owners (Petitioners): FRANCISCO + DEBRA MARIN

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): FRANCISCO MARIN

Address: 1921 OAK DRIVE

BALTIMORE, MD 21207

Telephone Number: 443-518-6203

*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.



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 5600 Dogwood Rd Baltimore Md 21207 Currently Zoned DR 5-5
Deed Reference 15824 / 0440 10 Digit Tax Account # 0119000035
Owner(s) Printed Name(s) Francisco Marin / Debra Marin

(SELECT THE HEARING(S) BY MARKING **X** 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

An accessory building (garage) to be located on a lot without a residential dwelling.

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

3. ☐ **Variance from Section(s)**

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

Property is to be posted and advertised as prescribed by the zoning regulations.
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

Francisco Marin / Debra Marin
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Francisco Marin / Debra Marin
Signature #1 _____ Signature #2 _____
1921 Oak Drive Baltimore MD
Mailing Address _____ City _____ State _____
21207 / 443 518 6203 diafca@gmail.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

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

Case Number 2024-0237-SPH Filing Date 10 / 10 / 24 Do Not Schedule Dates _____ Reviewer JS

Address: 5600 Dogwood
Rd, Baltimore. Md, 21207

Being and Comprising the Southeastern one-half of Lot no. 5 and all of Lots nos. 6, 7, 8, 9, 10, 11, 12, 13, and 14, 51, and 52 in Block no. 5 as laid down on the Plat of "Windsor Terrace", said Plat being recorded among the Land Records of Baltimore County in Plat Books WPC no. 6, folio 180

2024-0237 - SPH

CORRECTED CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/25/2024

Case Number: 2024-0237-SPH

Petitioner / Developer: FRANCISCO & DEBRA MARIN

Date of Hearing: DECEMBER 16, 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:
5600 DOGWOOD ROAD

The sign(s) were posted on: NOVEMBER 24, 2024

The sign(s) were corrected on: NOVEMBER 25, 2024

ZONING HEARING

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

CASE # 2024-0237-SPH
5600 DOGWOOD ROAD
N/EAST CORNER OF DOGWOOD RD.
AND PARK PL.
Council District: 1, Election District: 1

PETITION REQUEST: Per Baltimore County Zoning Regulations, Section 500.7, for an accessory building (garage) to be located on a lot without a residential dwelling.

Hearing Date: Monday, December 16, 2024 -10:00 am

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

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3868, ext.0
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 5600 Dogwood Rd. ~ 11/24/2024



Background Photo 2nd Sign @ 5600 Dogwood Rd. ~ 11/24/2024
CASE # 2024-0237 SPH

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 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0237-SPH
Address: 5600 DOGWOOD ROAD
Legal Owner: Francisco & Debra Marin

Zoning Advisory Committee Meeting of October 28, 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 31, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0237-SPH

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

DPR: No comment.

DPW-T: A) An ultimate land use conditions riverine flood study meeting the Baltimore County Department of Public Works and Transportation (DPWT) Design Manual and the Baltimore County Department of Permits, Approvals and Inspections (PAI) Bureau of Development Plans Review Policy Manual is required and must be submitted to PAI to be "Accepted for Filing". The applicant may be required to apply for a Zoning Hearing with the Administrative Law Judge to obtain a waiver to Baltimore County Code 32-4-414 and 32-8. The proposed structure must also meet DPWT Design Manual Plate DF-1.

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: 11/6/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0237-SPH

INFORMATION:

Property Address: 5600 Dogwood Road
Petitioner: Francisco and Debra Marin
Zoning: DR 5.5
Requested Action: Special Hearing

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Special Hearing - Under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner should approve an accessory building (garage) to be located on a lot without a residential dwelling.

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The proposed lot has an existing covered pavilion on the site. It is understood that the garage will be a 40'Lx24'Wx25'H dimensioned building and have two stories. The first story will be used for the parking of the applicant's trucks, while the second floor will be used for tool storage. The garage, albeit on a separate tax parcel lot, will serve the dwelling at 5600 Dogwood Road. The garage will be visible from the public right-of-way, and will be placed on a corner lot. Due to the size of the accessory structure, Planning would request that the proposed building materials match that of the principal structure/dwelling located at 5600 Dogwood Road to be compatible with the area.

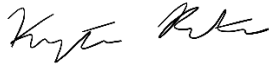
The Department has no objections in granting the relief conditioned upon the following:

- 1) At the time of permitting, proposed architecture for the garage is to be submitted for review by the Department of Planning, and materials should be compatible with the principal structure at 5600 Dogwood Road.
- 2) Garage may not be used as living quarters.
- 3) Comply with any landscape requirements deem necessary by the Baltimore County Landscape Architect.
- 4) Comply with all applicable accessory structure regulations pursuant to the Baltimore County Zoning Regulation section 400.

- 5) 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
- 6) The plan meets all additional conditions as required by the Administrative Law Judge.

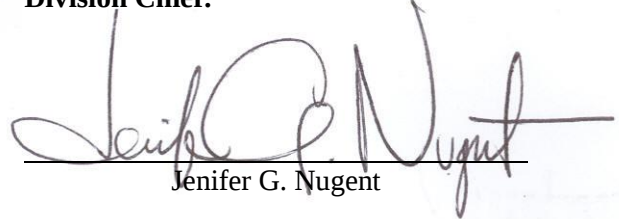
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN

c: Francisco and Debra Marin
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 - 0119000034			
Owner Information			
Owner Name:	MARIN FRANCISCO MARIN DEBRA	Use: RESIDENTIAL Principal Residence: NO	
Mailing Address:	1921 OAK DR BALTIMORE MD 21207-	Deed Reference: /15824/ 00440	
Location & Structure Information			
Premises Address:	FRANKLINTOWN RD 0-0000	Legal Description: WINDSOR TERRACE	
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:			
0095 0004 0246 1030042.04 0000 5 8 2025 Plat Ref: 0006/ 0180			
Town: None			
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use			
2,000 SF 04			
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements			
/			
Value Information			
	Base Value	Value	Phase-in Assessments
		As of	As of
		01/01/2022	07/01/2024
			As of
			07/01/2025
Land:	1,200	1,200	
Improvements	0	0	
Total:	1,200	1,200	1,200
Preferential Land:	0		
Transfer Information			
Seller: KAUN ROLAN W	Date: 12/05/2001	Price: \$68,000	
Type: ARMS LENGTH MULTIPLE	Deed1: /15824/ 00440	Deed2:	
Seller: SABATINO ELIZABETH J	Date: 02/03/1998	Price: \$0	
Type: NON-ARMS LENGTH OTHER	Deed1: /12642/ 00203	Deed2:	
Seller: SABATINO CARLO N	Date: 12/03/1986	Price: \$0	
Type: NON-ARMS LENGTH OTHER	Deed1: /07345/ 00342	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:			

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 - 0119000036

Owner Information

Owner Name:	MARIN FRANCISCO MARIN DEBRA	Use:	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1921 OAK DR BALTIMORE MD 21207-	Deed Reference:	/15824/ 00440

Location & Structure Information

Premises Address:	5600 DOGWOOD RD BALTIMORE 21207-	Legal Description:	LT 6-7 PT 5 5600 DOGWOOD RD WINDSOR TERRACE
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0095	0004	0246	1030042.04	0000		5	6	2025	Plat Ref: 0006/ 0180

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1950	2,460 SF	400 SF	5,000 SF	04

Stories	Basement	Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNITS	SIDING/3	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:	61,000	61,000		
Improvements	211,400	211,400		
Total:	272,400	272,400	272,400	
Preferential Land:	0			

Transfer Information

Seller: KAUN ROLAN W	Date: 12/05/2001	Price: \$68,000
Type: ARMS LENGTH MULTIPLE	Deed1: /15824/ 00440	Deed2:
Seller: SABATINO ELIZABETH J	Date: 02/03/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12642/ 00203	Deed2:
Seller: SABATINO CARLO N	Date: 12/03/1986	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07345/ 00342	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:

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 - 0111000821

Owner Information

Owner Name:MARIN FRANCISCO
MARIN DEBRA

Use:RESIDENTIAL
Principal Residence:NO

Mailing Address:1921 OAK DR
BALTIMORE MD 21207-

Deed Reference:/15848/ 00631

Location & Structure Information

Premises Address:5602 DOGWOOD RD
BALTIMORE 21207-

Legal Description:LT 4 PT 5
5602 DOGWOOD RD
WINDSOR TERRACE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0095 0004 0246 1030042.04 0000 5 4 2025 Plat Ref: 0006/ 0180

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1933 1,401 SF 3,000 SF 04

StoriesBasementType Exterior QualityFull/Half BathGarageLast Notice of Major Improvements

2 YES STANDARD UNITWOOD SHINGLE/3 2 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: 59,500 59,500

Improvements 91,300 91,300

Total: 150,800 150,800 150,800

Preferential Land: 0

Transfer Information

Seller: KAUN ROLAN WHOERL KAVIA L Date: 12/12/2000 Price: \$50,000

Type: ARMS LENGTH MULTIPLE Deed1: /15848/ 00631 Deed2:

Seller: KAUN MARY R Date: 10/23/1991 Price: \$0

Type: NON-ARMS LENGTH OTHER Deed1: /07345/ 00340 Deed2:

Seller: Date: Price:

Type: Deed1: 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:

https://sdat.dat.maryland.gov/RealProperty/Pages/viewdetails.aspx?County=04&SearchTy... 10/9/2024

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 01 Account Number - 0119000035

Owner Information

Owner Name:	MARIN FRANCISCO MARIN DEBRA	Use:	RESIDENTIAL
Mailing Address:	1921 OAK DR BALTIMORE MD 21207-	Principal Residence:	NO
		Deed Reference:	/15824/ 00440

Location & Structure Information

Premises Address:	FRANKLINTOWN RD 0-0000	Legal Description:	LT 9-10 NW COR PARK PL WINDSOR TERRACE
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Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0095 0004 0246 1030042.04 0000 5 9 2025 Plat Ref: 0006/ 0180

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			4,000 SF	04

Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2024	07/01/2025
Land:	1,000	1,000		
Improvements	0	0		
Total:	1,000	1,000	1,000	
Preferential Land:	0			

Transfer Information

Seller: KAUN ROLAN W	Date: 12/05/2001	Price: \$68,000
Type: ARMS LENGTH MULTIPLE	Deed1: /15824/ 00440	Deed2:
Seller: SABATINO ELIZABETH J	Date: 02/03/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12642/ 00203	Deed2:
Seller: SABATINO CARLO N	Date: 12/03/1986	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07345/ 00342	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

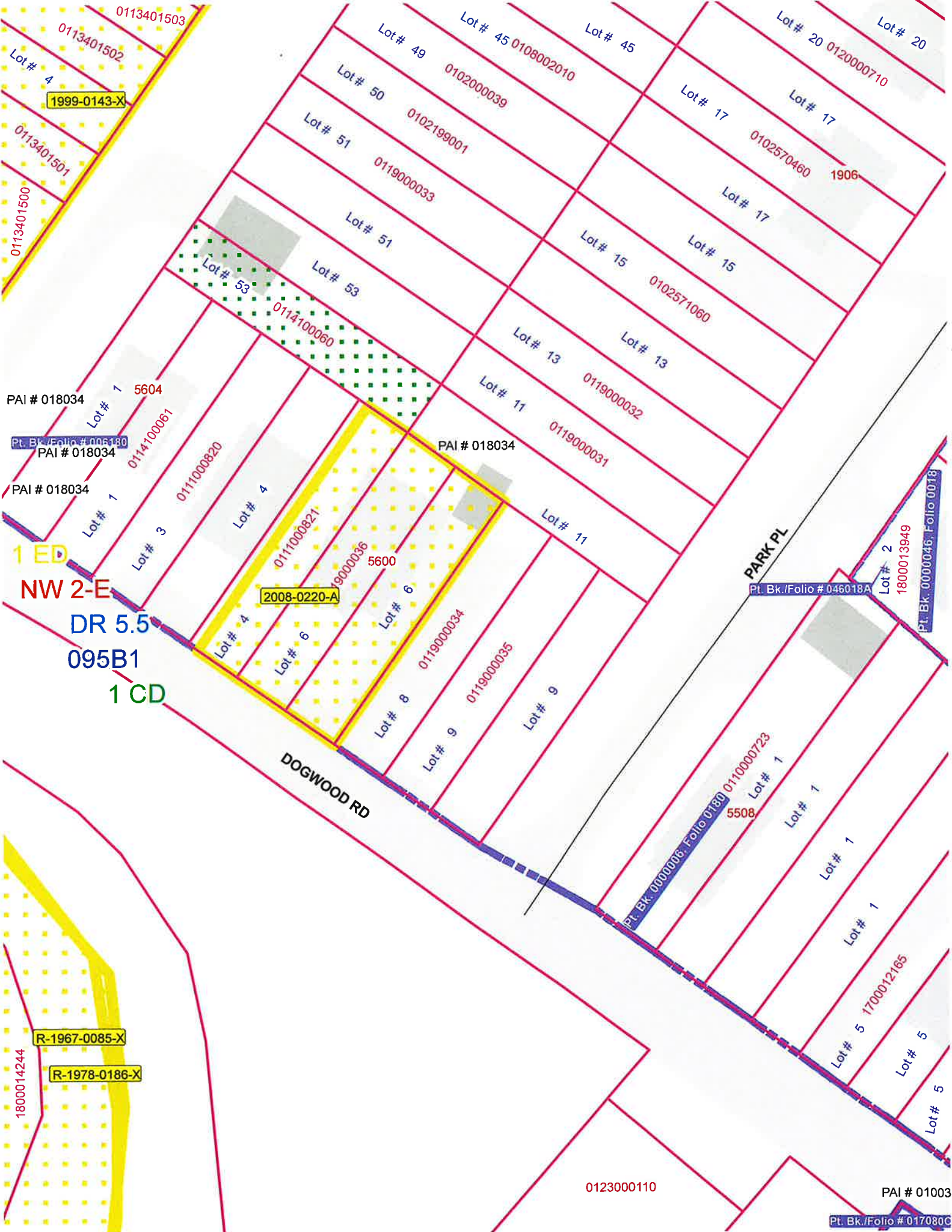
Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:


PROJECT IS
ON THIS LOT.



0113401503
0113401502
Lot # 4
1999-0143-X
0113401501
0113401500

PAI # 018034
Pt. Bk./Folio # 006180
PAI # 018034
PAI # 018034
1 ED
NW 2-E
DR 5.5
095B1
1 CD

1800014244
R-1967-0085-X
R-1978-0186-X

2008-0220-A

DOGWOOD RD

PARK PL

0123000110

PAI # 01003
Pt. Bk./Folio # 017080C













ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING X (MARK TYPE REQUESTED WITH X)
ADDRESS 5600 Dogwood Rd OWNER(S) NAME(S) Francisco Marin / Debra Marin
SUBDIVISION NAME _____ LOT # 4 BLOCK # 5 SECTION # _____
PLAT BOOK # 6 FOLIO # 180 10 DIGIT TAX # 0119000035 DEED REF. # 1582410490

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 095B1

SITE ZONED DR 5.5

ELECTION DISTRICT 1

COUNCIL DISTRICT 1

LOT AREA ACREAGE _____

OR SQUARE FEET 4000 $\pm$

HISTORIC? X

IN CBCA? X

IN FLOOD PLAIN? X

UTILITIES? MARK WITH X

WATER IS: _____

PUBLIC X PRIVATE _____

SEWER IS: _____

PUBLIC X PRIVATE _____

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2008-0220-A

REAR SETBACK OF DWELLING

GRANTED

VIOLATION CASE INFO:



REVISIONS: 9-23-2024

Diets Surveying, Inc.
LAND SURVEYING AND LAND PLANNING
8119 Oakleigh Road
Baltimore, MD, 21234
Ph 410-661-3160
Fax 410-661-3163

SITE PLAN

5600 DOGWOOD ROAD
BALTIMORE COUNTY, MD.

1st ELECTION DISTRICT, 1st COUNCILMANIC DISTRICT

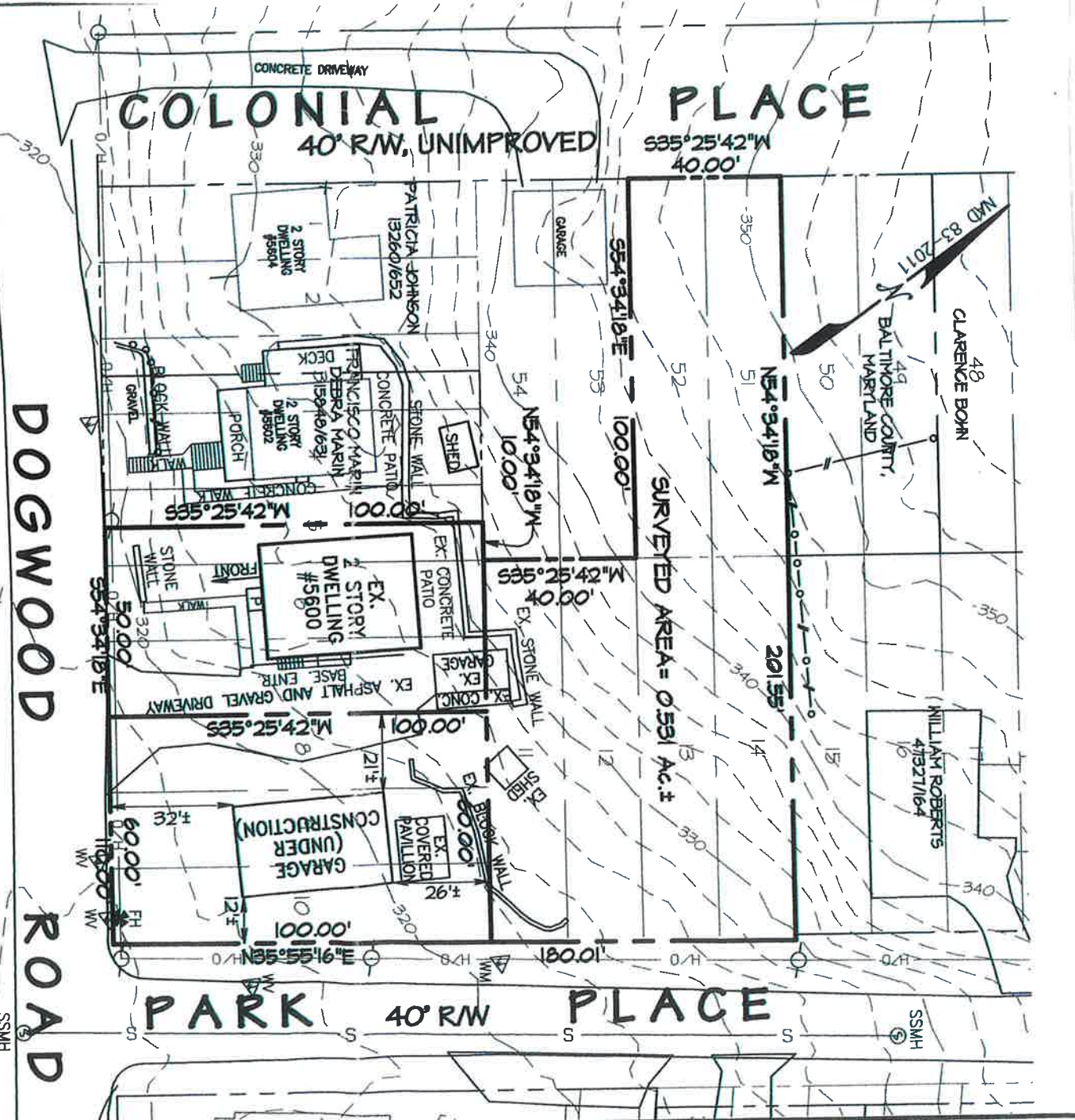
DRAWN: BRD

FIELD: BRD, DER

DATE: 9-13-2024

JOB NO. 24270

SCALE: 1"=40'



PLAN DRAWN BY _____

DATE _____

SCALE: 1 INCH = _____ FEET

2024-0237-SPH