

KATHERINE A. KLAUSMEIER County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 30, 2025

Zainab & Babatunde Ogunbajo – <u>labimail25@yahoo.com</u> 11817 Greenspring Avenue Owings Mills, MD 21117

RE:

Petition for Administrative Variance

Case No. 2024-0273-A

Property: 11817 Greenspring 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,

MAUREEN E. MURPHY

Mauren Z. Hurphy

Chief Administrative Law Judge

for Baltimore County

MEM:dlw Enclosure **N** RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE

(11817 Greenspring Avenue)

5<sup>th</sup> Election District 2<sup>nd</sup> Council District

Zainab & Babatunde Ogunbajo

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

\* BALTIMORE COUNTY

Petitioners \* CASE NO. 2024-0273-A

\* \* \* \* \* \* \* \*

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owners, Zainab Ogunbajo and Babatunde Ogunbajo ("Petitioners") for the property located at 11817 Greenspring Avenue, Owings Mills (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A04.3.B.2.b, to allow a garage addition on the left side of the house with a setback of 20.81 ft in lieu of the required 50 ft. The Property is more fully depicted on the site plan (the "Site Plan"). (Pet. Ex. 1). Street view photographs of the Property were submitted showing the location of the proposed garage addition. (Pet. Exs. 2A-2E).

A Zoning Advisory Committee ("ZAC") comment was received from the Department of Environmental Protection and Sustainability ("DEPS"), dated January 23, 2025 and received on January 27, 2025, indicating the following:

- 1. DEPS-Ground Water Management ("GWM") does not oppose the zoning relief requested, but be advised that the following conditions will be required prior to building permit approval from GWM:
  - a. GWM approval must be obtained prior to the approval of the building permit.
  - b. Requirements for approval will include submission of a site plan that meets GWM site plan requirements and an on-site disposal system (OSDS) inspection report locating all septic system components.

Submission of percolation test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system may also be required.

c. Additions must comply with GWM policy regarding additions, interior alterations and change of occupancy permits found on page 12 of the GWM policy manual dated 7-21-23.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on January 10, 2025 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Site Plan indicates that Petitioners desire to construct a 143 sf addition on the western side of the existing 1966 dwelling. The existing dwelling does not meet the 50 ft side yard setback without the proposed addition. While Petitioners are also proposing to construct a 103 sf rear yard addition as well as a second story, from the Site Plan, the rear yard addition and second story do not appear to need any zoning relief.

The Petitioners have filed the supporting Affidavit as required by Baltimore County Code ("BCC"), §32-3-303. Based upon the information available, there is no evidence in the file to indicate that the requested Variance would adversely affect the health, safety or general welfare of the public, particularly in light of the lack of opposition. In the opinion of the Administrative Law Judge, the information, photographs, and Affidavit submitted provide sufficient facts that comply with the requirements of BCZR, §307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the Property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested Variance will be granted.

THEREFORE, IT IS ORDERED, this **30th** day of **January**, **2025**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A04.3.B.2.b, to allow a garage addition on the left side of the

Pouse with a setback of 20.81 ft in lieu of the required 50 ft, be, and is hereby, **GRANTED**.

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, Petitioner is 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 must comply with the DEPS ZAC comment, dated January 23, 2025 and received on January 27, 2025, a copy of which is attached hereto and made a part hereof.
- 3. The Site Plan (Pet. Ex. 1) is attached hereto and incorporated herein.

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

MAUREEN E. MURPHY

Chief Administrative Law Judge

Mauren E. Murphy

for Baltimore County

MEM:dlw

AV

### 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:

January 23, 2025

SUBJECT:

**DEPS** Comment for Zoning Item

# 2024-0273-A

Address:

11817 GREENSPRING AVENUE

Legal Owner:

Zainab & Babatunde Ogunbajo

Zoning Advisory Committee Meeting of January 21, 2025.

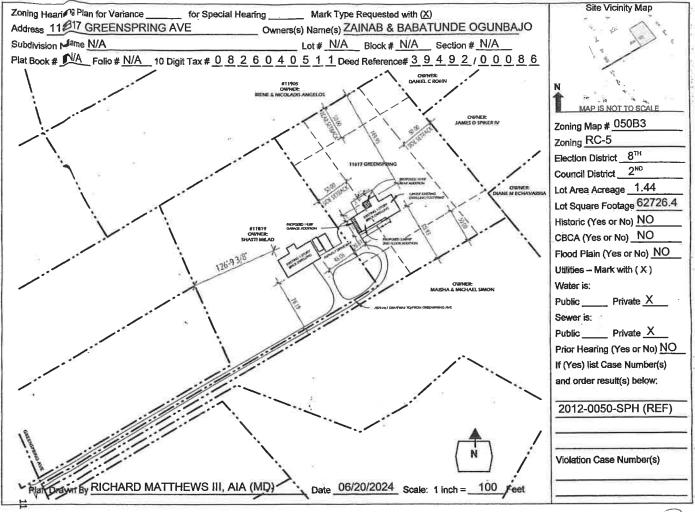
X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- EPS-GWM does not oppose the Zoning relief requested, but be advised that the following conditions will be required prior to building permit approval from GWM.
  - a. Ground Water Management (GWM) approval must be obtained prior to approval of the building permit.
  - b. Requirements for approval will include submission of a site plan that meets GWM site plan requirements and an on-site disposal system (OSDS) inspection report locating all septic system components. Submission of percolation test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system may also be required.
  - c. Additions must comply with GWM policy regarding additions, interior alterations and change of occupancy permits found on page 12 of the GWM policy manual dated 7-21-23.

### Additional Comments:

Reviewer:

Mia Lowery, January 23, 2025



2024-0271-4

Pot. Est. 1\_

### 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:

To the Office of Administrative Hearings for Baltimore County for the property located at:
Address 11817 GREENSPRING INE OWNINGS MUCS NO 21117 Currently Zoned RC-5
Deed Reference 39492 / 00086 10 Digit Tax Account # 0 8 2 6 0 4 0 5 1 1
Owner(s) Printed Name(s) ZANABB OGUNBAJO & BABATUNDE OGUNBAJO
(SELECT THE HEARING(S) BY MARKING $\underline{X}$ 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)
1A04.3.B.2.b. to allow a garage addition on the left side of the house with a setback of 20.81 feet in lieu
of the required 50 feet.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
2ADMINISTRATIVE 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 zoning regulations of Baltimore County, to the zoning law of Baltimore County.
Property is to be posted and advertised as prescribed by the zoning regulations.  If 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):  ZAINAR GUNBAT BARYNK OFUNBATO  Name #1 - Type or Print  Name #2 - Type or Print  Signature #2  I/BIT YREEWSKINK ANF OWNES MILLS NO 21117  Zip Code Telephone #'s (Cell and Home)  Attorney for Owner(s)/Petitioner(s):  Representative to be Contacted:  BARYNDE OFUNBATO  Name - Type or Print  Signature  Name - Type or Print  Signature  Mailing Address  City State  Mailing Address  City State  Mailing Address  City State  Mailing Address  City State
2 1112 40 492-8646 ILASIMAN 25 DYANGOO CO
Zip Code Telephone # Email Address 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 day of, 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 0273 - A Filing Date 2 / 23 / 24 Estimated Posting Date 1 / 12 / 25 Reviewer 2
C105, 6 1/27/25 Revised 8/2022

# 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: 11317	GREENSPRING	AR	DUTNES	MILLS	an O		8/117
Print o	r Type Address of P	roperty		City		State	Zip Code
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Signature of Own		request or the	above state	Kan	f Owner (Aff		t to this Form)
PINAB C	GUNBAJU			BABATI	INDE E	THUNBA	S
Name - Print or 1	уре			Name - Prir	nt or Type		
The fo	llowing information	on is to be co	mpleted by	a Notary	Public of t	the State of	Maryland
STATE OF MAR	YLAND, COUNTY	OF BALTIMOR	E, to wit:				
I HEREBY CERT and for the Coun	TIFY, this 13 <sup>th</sup> ty aforesaid, person	day of <u>Se</u> ally appeared:	ptembel	, 20	)24_, be	efore me a No	otary of Maryland, in
Print name(s) he	re: Zamab (	Decorbajo	& Be	batund	e Ogor	nbajo	
the Affiant(s) her	ein, personally know	n or satisfactor	ily identified t	o me as suo	ch Affiant(s)	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	
AS WITNESS m	y hand and Notaries	Seal			E	RIC A JAUN Notary Publ Baltimore Cou Maryland	ic
09. 13.	2025				My Comn	nission Expires	Sept. 13, 2025

2024-0273-4

My Commission Expires

Richard Matthews III, AIA, NOMA, NCARB RM3 Architecture + Design 8808 Doris Drive Ft. Washington, MD 20744 215.802.7366

27 May 2024

ATTN Zoning Review Office
Baltimore County Government, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204
410.887.3048

Re: Request for Administrative Variance for Building Setback (Non-conforming)

To Whom It May Concern,

I am writing to formally request an administrative variance for the building located at 11817 Greenspring Avenue. This request pertains to the existing setback that does not comply with the current zoning ordinance requirement and is necessary to facilitate the construction of a garage addition and a second-level addition to the property.

### Background

The property in question is a brick one-story 1,834 sf residential dwelling. The current building side setback is 26.99' which deviates from the 50' required in the current Baltimore County Zoning Regulations. We propose to design and construct a second-level addition that will maintain the existing footprint of the building, thus requiring a variance for the existing setback.

#### Justification for Variance

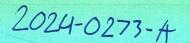
- Existing Non-Conformance: The building was constructed in 1966, prior to the enactment of the current setback requirements. This non-conformance is thus a result of changes in zoning regulations rather than any action taken by the current owner.
- 2. <u>No Adverse Impact:</u> The current setback does not adversely affect the surrounding properties or the community. It has been in place for [number] years without any complaints or issues raised by neighbors or the community.
- Consistency with Surrounding Area: The setback of the building is consistent with other properties in the immediate vicinity, many of which also do not meet the current setback requirements. Granting this variance would maintain the character and uniformity of the neighborhood.
- 4. <u>Use and Enjoyment:</u> The current setback does not impede the use and enjoyment of the property, nor does it negatively impact the use and enjoyment of neighboring properties.

I believe that granting this variance aligns with the intent of the zoning regulations and will not detract from the community's welfare or character. I am committed to working collaboratively with the zoning department to address any concerns and provide additional information as needed.

Thank you for considering my request. I look forward to your response. Please feel free to contact me at to discuss this matter further or to schedule a meeting.

Sincerely,

Richard Matthews III, AIA, NOMA, NCARB



### Zoning Property Description for 11817 Greenspring Ave, Owings Mills, MD 21117

Beginning at a point on the east side of Greenspring Avenue which is 60' wide at the distance of 647.8' northwest of the centerline of the nearest improved intersecting street, Caves Rd. which is 60' wide.

Being Parcel # 0296 in neighborhood #8090180.04 in subdivision #0000, containing 1.44 Acres located in the 8<sup>th</sup> election district and 2<sup>nd</sup> council district.

2024-02973-A

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

## **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number: 2024 -0273 -A Address 11817 Grun Spring AVE
Contact Person: Tylcr Cox Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 12/23/24 Posting Date: 1/12/25 Closing Date: 1/27/25
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
<ol> <li>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.</li> </ol>
2. <u>DEADLINE</u> : The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to fil a formal request for a public hearing. Please understand that even if there is no formal request for public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the Administrative Law Judge. The judg may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set if for a public hearing. If all County/State agencies' comments are received, you will receive writte 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 yo by First Class mail.
4. <u>POSSIBLE PUBLIC HEARING AND REPOSTING:</u> In cases that must go to a public hearing (whether du 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 -0273 -A Address 11817 Grun Sering AUT
Petitioner's Name: Telephone (Cell)
Posting Date: 1/27/25 Closing Date: 1/27/25
Wording for Sign: To Permit
1A04.3.B.2.b. to allow a garage addition on the left side of the house with a setback of 20.81 feet in lieu of the required 50 feet.

Revised 1/2022

### **CERTIFICATE OF POSTING**

CASE NO. <u>2024-0273-A</u>	
PETITIONER/DEVELOPER	ZONING NOTICE
Owo Labi	VARIANCE
	IAOU 3, DE 2, DE ALLEM A SANSE ADDITION OU DOUBLET OUR DE PARE SON A STRUCK OF ADDITION OU DOUBLET OUR DE PARE EXPUNES DE PERFECT OF ADMINISTRAÇÃO DE PARE EXPUNSAÇÃO
DATE OF HEARING/CLOSING	PUBLIC HEARING?
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	General Design Control MAGENTA  Control Tourney Control Contro
BALTIMORE COUNTY DEPARTMENT OF	
PERMITS AND DEVELOPMENT MANAGEME	NT
COUNTY OFFICE BUILDING ROOM 111	
111 WEST CHESAPEAKE AVENUE	
ATTENTION:	
LADIES AND GENTLEMEN:	
THIS LETTER IS TO CERTIFY UNDER PENALTI	ES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WEF	RE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT	
11817 Greenspring Avenue	
THE SIGN(S) POSTED ON January 10, 202	<u>25</u>
(MONTH, DAY, YE	AR)
SINCERLEY,	
MARTIN OGLE	arth of
MARTIN OGLE	
9912 MAIDBROOK RD.	
PARKVILLE, MD 21234	
443-629-3411	

### **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: January 23, 2025

SUBJECT: DEPS Comment for Zoning Item # 2024-0273-A

Address: 11817 GREENSPRING AVENUE Legal Owner: Zainab & Babatunde Ogunbajo

Zoning Advisory Committee Meeting of January 21, 2025.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- 1. EPS-GWM does not oppose the Zoning relief requested, but be advised that the following conditions will be required prior to building permit approval from GWM.
  - **a.** Ground Water Management (GWM) approval must be obtained prior to approval of the building permit.
  - b. Requirements for approval will include submission of a site plan that meets GWM site plan requirements and an on-site disposal system (OSDS) inspection report locating all septic system components. Submission of percolation test application and/or conducting additional percolation testing and potentially installing a new septic system or upgrading the existing septic system may also be required.
  - **c.** Additions must comply with GWM policy regarding additions, interior alterations and change of occupancy permits found on page 12 of the GWM policy manual dated 7-21-23.

### Additional Comments:

Reviewer: Mia Lowery, January 23, 2025

## Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map	View Ground	Rent Redemption	View Grou	ındRent Registr	ation
Special Tax Recapt	ure: None				
Account Identifier:	District	- 08 Account Number	er - 0826040511		
		Owner Infor	mation		
Owner Name:		BAJO ZAINAB BAJO BABATUNDE	Use: Principal Residence	RESIDENTIAL e:YES	
Mailing Address:		GREENSPRING AVE S MILLS MD 21117-1	Deed Reference: 657	/39492/ 00086	
	Loc	ation & Structu	re Information		
Premises Address:		GREENSPRING AVE S MILLS 21117-1657	Legal Description:	* 11817 GREEN 650FT N CAVE	
Map: Grid: Parcel: 0050 0021 0296	Neighborhood: 8090180.04	Subdivision: Sec	tion: Block: Lot: Ass 2023		Plat No: Plat Ref:
Town: None					
Primary Structure B	uilt Above Grade	Living Area Finishe	d Basement Area Prop	erty Land Area	County Use
1966	1,054 SF	600 SF		00 AC	04
StoriesBasementTy 1 YES ST	pe Ex		BathGarage Last No nalf 1 Attached	otice of Major In	nprovements

#### Value Information

	Base Value	Value	Phase-in Asses	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2024	As of 07/01/2025	
Land:	175,300	175,300			
Improvements	126,500	201,500			
Total:	301,800	376,800	351,800	376,800	
Preferential Land:	0	0			

### **Transfer Information**

Seller: ALVAREZ BARBARA T	Date: 10/10/2017	Price: \$305,000
Type: ARMS LENGTH IMPROVED	Deed1: /39492/ 00086	Deed2:
Seller: ALVAREZ BARBARA T	Date: 06/17/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /30066/ 00138	Deed2:
Seller: ZISSIMOS BARBARA T	Date: 01/03/1995	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10891/ 00230	Deed2:

### **Exemption Information**

Partial Exempt Asso	essments:Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.000.00	0.000.00

Special Tax Recapture: None

### **Homestead Application Information**

Homestead Application Status: Approved 09/17/2018

### Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0273-4

