

M E M O R A N D U M

DATE: September 25, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0028-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on September 24, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE
(4516 Old Court Road)
3rd Election District
2nd Council District
Albert & Deborah Spence
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2020-0028-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Variance filed by the legal owners of the subject property, Albert and Deborah Spence (“Petitioners”). The Petitioners are requesting Variance relief pursuant to Baltimore County Zoning Regulations (“BZCR”) § 400.1 to permit an existing accessory structure (garage) to be located in the front and side yard in lieu of the required rear yard and with a setback of 0 ft. in lieu of the required 2.5 ft. A site plan was marked as Petitioners’ Exhibit 1.

Due to the COVID-19 pandemic, a WebEx hearing was conducted remotely by computer and/or phone participation. Petitioners Albert and Deborah Spence, appeared in support of the requested relief. Albert Spence appeared on behalf of the Petitioner. There were no protestants in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies. There is, however, a “stop work” order in place that was issued by the County in September, 2019 due to the fact that the Petitioners did not obtain a permit prior to commencing construction of the subject garage.

ORDER RECEIVED FOR FILING

Date 8/25/20
By [Signature]

Mr. Spence testified that the contractor he hired to build the garage was responsible for obtaining any necessary permits and that he was not aware what, if any, permits were needed. He was further unaware that a variance was needed. Further, until a boundary survey was recently done he was not aware that the tip of one corner of this garage encroaches on the adjoining property at 4512 Old Court Road. The Petitioners submitted an "Encroachment License Agreement" that they have entered with their neighbor, Reverend Lucy Ware, which permits this encroachment.

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 subject property is somewhat irregularly shaped and construction of this garage in the rear of the residence would have required the addition of substantially more impervious driveway. As such the property is unique. The Spences explained in their Petition that they have several expensive vehicles that they wish to house in the garage in order to avoid theft and vandalism. They explain that their home is in close proximity to the Old Court Metro station and there is a high volume of foot traffic and petty crime in the area. They would, therefore, suffer practical difficulty and hardship if they were unable to house their vehicles. Mr. Spence acknowledged that he unwittingly went about this process in a backwards fashion and he expressed regret that he had not obtained the proper permit and variance relief prior to construction of the garage. I find that this was an honest mistake and I believe the requested variance relief can be granted within the spirit and intent of the BCZR and without causing harm

ORDER RECEIVED FOR FILING

Date 8/25/20
By J. Mignone

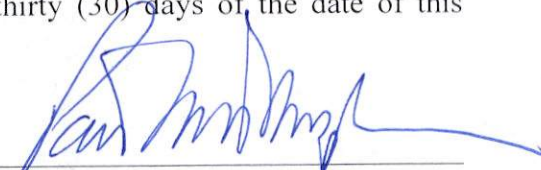
to the public health, safety or welfare.

THEREFORE, IT IS ORDERED, this **25th** day of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief, from BCZR § 400.1 to permit an existing accessory structure (garage) to be located in the front and side yard in lieu of the required rear yard and with a setback of 0 ft. in lieu of the required 2.5 ft. be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at his 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.
- Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, kitchen or bathroom facilities, unless the proposed bathroom facilities are approved by the County agencies.
- The proposed detached garage shall not be used for commercial purposes.

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm

ORDER RECEIVED FOR FILING

Date

8/25/20

By

Ornigian



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 4516 Old Ct. Rd. Currently zoned DR3.5
 Deed Reference 1 10 Digit Tax Account # 0218471280
 Owner(s) Printed Name(s) Albert + Deborah SPENCE

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

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

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

1. X **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 BCZR
To permit an existing accessory structure (garage) to be located in the front and side yard in lieu of the required rear yard and with a setback of 0' in lieu of the required 2.5' of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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

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

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

Owner(s)/Petitioner(s):

Albert Spence Deborah Spence
 Name #1 – Type or Print Name #2 – Type or Print
Albert Spence Deborah P. Spence
 Signature #1 Signature #2
4516 Old Ct. Rd Pikesville, Md.
 Mailing Address City State
21208 443-324-8003
 Zip Code Telephone # Email Address
alsastours@yahoo.com

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

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

Representative to be contacted:

Al Spence
 Name – Type or Print
Al Spence
 Signature
4516 Old Court Rd Pikesville, Md
 Mailing Address City State
21208 410-496-5276 alsastours@yahoo.com
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 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 2020-0028-4 Filing Date 1/29/20 Estimated Posting Date 2/9/20 Reviewer JF

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: 4516 Old Court Rd Pikesville, Md 21208
Print or Type Address of property City State Zip Code

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

See Attached Sheet

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

Albert Spence
Signature of Owner (Affiant)
Albert Spence
Name- Print or Type

Deborah P. Spence
Signature of Owner (Affiant)
Deborah P. Spence
Name- Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of January, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Albert & Deborah Spence

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

AS WITNESS my hand and Notaries Seal

A. C. Luth
Notary Public
4/23/20
My Commission Expires

January 28, 2020

Office of Administrative Hearings
For Baltimore County
Historic Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: 4561 Old Court Road, Pikesville, Maryland 21208

To Whom It May Concern:

We are requesting a variance because of the garage constructed due to various reasons which are stated below.

The home we are in does not have the storage space of our previous home so we needed extra storage for lawn furniture, grills etc. We have several high end vehicles which we felt were not safe to leave sitting outside and lastly my wife and I travel for business most of the time. We live about a block from the Old Court subway station and to give an example of why we built this garage, during the time that my parents lived here they had all four tires stolen and their car was put on bricks. In addition while the garage was under construction several workers had their cars broken into during broad daylight. There is a great deal of foot traffic during the day as well as into the night because the subway does not close until midnight. We felt we needed to make sure that our vehicles were secured as much as possible.

We have spoken with our neighbor on the side in which the garage has been constructed, we drew up an agreement which addressed all concerns. Also enclosed is an Engineer's Inspection report and a status report from Miss Utility clearing that there is no conflict.

We hope all concerns about building this garage have been expressed in this letter.

Sincerely,



Albert Spence



Deborah P. Spence

Part 1

Zoning Property Description for 4516 Old Court Road

"Beginning at a point on the north side of Old Court Road which is 75 feet wide at a distance of of 100' (north, south, east or west) of the centerline of the nearest improved intersecting street Scott Level Road which is 50 feet wide.

Part 2

Recorded in Deed Liber 40743, Folio, 476 containing 37,679 square feet located in the 2 Election District and 2 Council District.

2020-0028-A

CERTIFICATE OF POSTING

Date: 8-21-20

RECEIVED

AUG 21 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

RE: Case Number: 2020-0028-A RECERT

Petitioner/Developer: Spence

Date of Hearing/Closing: Tues Aug 25, 2020 10AM

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 4516 Old Court Rd

The signs(s) were posted on RECERT 8-21-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

CASE # 2020-0028-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: FOR INFO ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTYMD.GOV/ADMIN HEARINGS NO LATER THAN
13 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-887-3868 EXT. 0.

DATE AND TIME: TUESDAY AUGUST 25, 2020 10AM

REQUEST: VARIANCE: FROM BCZR SECTION, TO PERMIT
AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED
IN THE FRONT AND SIDE YARD IN LIEU OF THE REQUIRED
REAR YARD AND WITH A SETBACK OF 0 FT. IN LIEU OF
THE REQUIRED 2.5 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM THE DATE AND TIME OF THE HEARING, CALL 410-887-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF FINE.
HANDICAPPED ACCESSIBLE

#2

ZONING NOTICE

CASE # 2020-0028-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE FOR INFO ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS NO LATER
THAN 48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-887-3868 EXT. 0

DATE AND TIME: TUESDAY AUGUST 25, 2020 10AM

REQUEST: VARIANCE: FROM BCZR SECTION, TO PERMIT
AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE
LOCATED IN THE FRONT AND SIDE YARD IN LIEU OF THE
REQUIRED REAR YARD AND WITH A SETBACK OF 0 FT. IN
LIEU OF THE REQUIRED 2.5 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING, CALL 887-0301
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



CERTIFICATE OF POSTING

Date: 8-2-20

RE: Case Number: 2020-0028-A

Petitioner/Developer: Spence

Date of Hearing/Closing: Tues Aug 25, 2020 10AM

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 4516 Old Court Rd

The signs(s) were posted on 8-2-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)



RECEIVED
JAN 13 1964
TO: JAMES
FROM: JAMES

RECEIVED
JAN 13 1964
TO: JAMES
FROM: JAMES

ZONING NOTICE

CASE # 2020-0028-A

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE FOR INFO ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTY.MD/GOV/ADMIN HEARINGS NO LATER THAN
48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-867-3868 EX 110.

DATE AND TIME: TUESDAY, AUGUST 25, 2020 10AM

REQUEST: VARIANCE FROM BOZZR SECTION, TO PERMIT
AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED
IN THE FRONT AND SIDE YARD IN LIEU OF THE REQUIRED
REAR YARD AND WITH A SETBACK OF 0 FT IN LIEU OF
THE REQUIRED 2.5 FT.

POSTPONEMENTS DUE TO WHATSOEVER OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM THE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

#2
NOTICE

ZONING

CASE # 2020-0028-A

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE

IN TOWSON, MD

PLACE FOR INFO ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTYMD.GOV/EDM/HEARINGS AND LATER
THAT 48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-887-3960 EXT. 0

DATE AND TIME: WEDNESDAY, AUGUST 25, 2020 10AM

REQUEST: VARIANCE FROM BGR SECTION TO PERMIT
AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE
LOCATED IN THE FRONT AND SIDE YARD OF 0 FT. IN
REQUIRD REAR YARD AND WITH A SETBACK OF 2.5 FT.

POSTPONEMENT SUBJECT TO VARIATION OF THE ZONING
ORDINANCE AND PAY OF THE APPLICANT'S FEE
HANDLING AND CLOSING



JOHN A. OLSZEWSKI, JR.
County Executive

July 29, 2020

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

AMENDED NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

Hearing: Tuesday, August 25, 2020 at 10:00 AM

For information on how to participate in the hearings, please go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, press 0 for operator.

Case Number: 2020-0028-A

Property Address: 4516 OLD COURT RD.

Location: Beginning point on the north side of Old Court Road which is 75 ft. wide at a distance of 100 south of the centerline of the intersection street Scott Level Road, 50 which is 50 ft. wide

Election District: 2 Council District: 2

Legal Owner: Albert & Deborah Spence

Contract Purchaser: No Contract Purchaser was set.

VARIANCE: From BCZR Section, to permit an existing accessory structure (garage) to be located in the front and side yard in lieu of the required rear yard and with a setback of 0 ft. in lieu of the required 2.5 ft.

A handwritten signature in black ink, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge for Baltimore County
Office of Administrative Hearings

ON AUTHORITY OF: Michael Mallinoff, Director, Department of Permits, Approvals and Inspections

PMM:dln

c: alsatours@yahoo.com
lpilson@hotmail.com

NOTE: THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 5, 2020.

CERTIFICATE OF POSTING

Date: 8-2-20

RE: Case Number: 2020-0028-A

Petitioner/Developer: Spence

Date of Hearing/Closing: Tues Aug 25, 2020 10AM

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 4516 Old Court Rd

The signs(s) were posted on 8-2-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING

NOTICE

CASE # 2020-0028-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: FOR INFO ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTYMD.GOV/ADMINHEARINGS NO LATER
THAN 48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-367-3868 EXT 0

DATE AND TIME: TUESDAY AUGUST 25, 2020 10AM

REQUEST: VARIANCE FROM BCZR SECTION, TO PERMIT
AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE
LOCATED IN THE FRONT AND SIDE YARD IN LIEU OF THE
REQUIRED REAR YARD AND WITH A SETBACK OF 0 FT. IN
LIEU OF THE REQUIRED 2.5 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 387-4191
DO NOT REMOVE THIS SIGN AND POST ON THE DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2020-0028-A

**A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTYMD.GOV/ADMIN/HEARINGS NO LATER THAN
48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-387-3868 EXT. 0

DATE AND TIME: TUESDAY AUGUST 25, 2020 10AM

REQUEST: VARIANCE: FROM BCZR SECTION, TO PERMIT
AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO BE LOCATED
IN THE FRONT AND SIDE YARD IN LIEU OF THE REQUIRED
REAR YARD AND WITH A SETBACK OF 0 FT. IN LIEU OF
THE REQUIRED 2.5 FT.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM THE HEARING, CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
LAWRENCE M. STAHL
Administrative Law Judge

July 23, 2020

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

Case Number: 2020-0028-A

Property Address: 4516 OLD COURT RD.

Location: Beginning point on the north side of Old Court Road which is 75 ft. wide at a distance of 100 south of the centerline of the intersection street Scott Level Road, 50 which is 50 ft. wide

Election District: 2 Council District: 2

Legal Owner: Albert & Deborah Spence

Contract Purchaser: No Contract Purchaser was set.

VARIANCE: From BCZR Section, to permit an existing accessory structure (garage) to be located in the front and side yard in lieu of the required rear yard and with a setback of 0 ft. in lieu of the required 2.5 ft.

Hearing: Monday, August 25, 2020 at 10:00 AM

For information on how to participate in the hearings, please go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, press 0 for operator.

A handwritten signature in black ink that reads "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge for Baltimore County
Office of Administrative Hearings

ON AUTHORITY OF: Michael Mallinoff, Director, Department of Permits, Approvals and Inspections

PMM:dln

c: alsastours@yahoo.com

NOTE: THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 5, 2020

Donna Mignon

From: Donna Mignon
Sent: Thursday, July 23, 2020 9:20 AM
To: Kristen L Lewis
Cc: Debra Wiley
Subject: Link - 4516 Old Court Road

Event: Zoning Hearing - 4516 Old Court Road
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e393826>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eaaf1be>
Date and time: Tuesday, August 25, 2020 10:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
4516 Old Court Road
Case No: 2020-0028-A
Owner Name: Albert & Deborah Spence
Event number: 157 403 0184
Event password: 1234
Host key: 648167
Alternate Host: Debra Wiley, Henry Ayakwah, Paul Mayhew
Panelist Info:
Panelist password:
Panelist numeric password: 808870
Video Address: 1574030184@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 157 403 0184

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Tuesday, July 21, 2020 4:18 PM
To: Kristen L Lewis
Subject: 4516 Old Court Road - 2020-0028-A

Dear Kristen,
I want to make sure I can set this in for August 25, 2020 at 10:00 a.m.
If there are any problems, please let me know.

Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Donna Mignon
Sent: Tuesday, July 21, 2020 4:08 PM
To: 'alsastours@yahoo.com'
Subject: 4516 Old court Road - Case No: 2020-0028-A

Dear Sir/Madam:

Please be advised that our office left a voicemail on 7/17/2020.

Please contact our office at 410- 887-3868, so we may set up your Variance hearing in regard to the above-referenced matter.

If you no longer wish a hearing, please email our office at administrativehearings@baltimorecountymd.gov. and advise us.

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Aug.
10:25 AM
10

CERTIFICATE OF POSTING

Date: 2-9-20

RE: Case Number: 2020-0028-A

Petitioner/Developer: SPENCE

Date of Hearing/Closing: 2-24-20

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 4516 Old Court Rd

The signs(s) were posted on 2-9-20
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2020-0028-A

TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE FRONT AND
SIDE YARD IN LIEU OF THE REQUIRED REAR YARD
AND WITH A SETBACK OF 0' IN LIEU OF THE
REQUIRED 2.5'

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 2/24/20

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

#2

ADMINISTRATIVE VARIANCE

CASE # 2020-0028-A

TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE FRONT AND SIDE
YARD IN LIEU OF THE REQUIRED REAR YARD AND
WITH A SETBACK OF 0' IN LIEU OF THE REQUIRED
2.5'

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON 2/24/20

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
TEL. 887-3391

REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW. RETURN BOTH TO ZADM, RM-104
MEETING IS HANDICAP ACCESSIBLE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0028 -A Address 4516 OLD COURT RD
Contact Person: Jun Fernando Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 1-29-20 Posting Date: 2-9-20 Closing Date: 2/24/20

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), 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.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2020- 0028 -A Address: 4516 OLD COURT RD.
Petitioner's Name: ALBERT SPENCE Telephone: 443-324-8003
Posting Date: 2/9/20 Closing Date: 2/24/20

Wording for Sign:

To permit an existing accessory structure (garage) to be located
in the front & side yard in lieu of the required rear yard and
with a setback of 0' in lieu of the required 2.5'

**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 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: 2020-0028-A

Property Address: 4516 Old Court Rd

Property Description: _____

Legal Owners (Petitioners): Albert & Deborah Spence

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Al Spence

Company/Firm (if applicable): _____

Address: 4516 Old Court Rd
Pikesville, Md 21208

Telephone Number: 410-496-5276



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

February 25, 2020

Albert & Deborah Spence
4516 Old Court Road
Pikesville MD 21208

RE: Case Number: 2020-0028-A, 4516 Old Court Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 29, 2020. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 12, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0028-A
Address 4516 Old Court Road
(Spence Property)

Zoning Advisory Committee Meeting of February 10, 2020.

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

Reviewer: Steve Ford

Date: 2/3/20

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. **2020-0028-A**

*Administrative Variance
Albert & Deborah Spence
4516 Old Court Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@mdot.maryland.gov).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

2-24

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 12, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0028-A
Address 4516 Old Court Road
(Spence Property)

Zoning Advisory Committee Meeting of **February 10, 2020.**

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

Reviewer: Steve Ford

Formal Demand

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: February 26, 2020

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Administrative Law Judge
Office of Administrative Hearings

RE: Petition for Administrative Variance – 2/24/2020 Closing Date
Case No. 2020-0028-A – 4516 Old Court Road

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing.

Our office cannot process this as an administrative variance for the following reason:

- An Affidavit in Support of Administrative Variance, Petitioners signed and affirmed that the subject property is not the subject of an active Code Enforcement case. However, Mr. Haroon Baksh in Building Inspections confirmed with Debbie Wiley that this is, in fact, an active case. In fact, a Stop Work Order was issued in September, 2019 for building the garage without a permit.

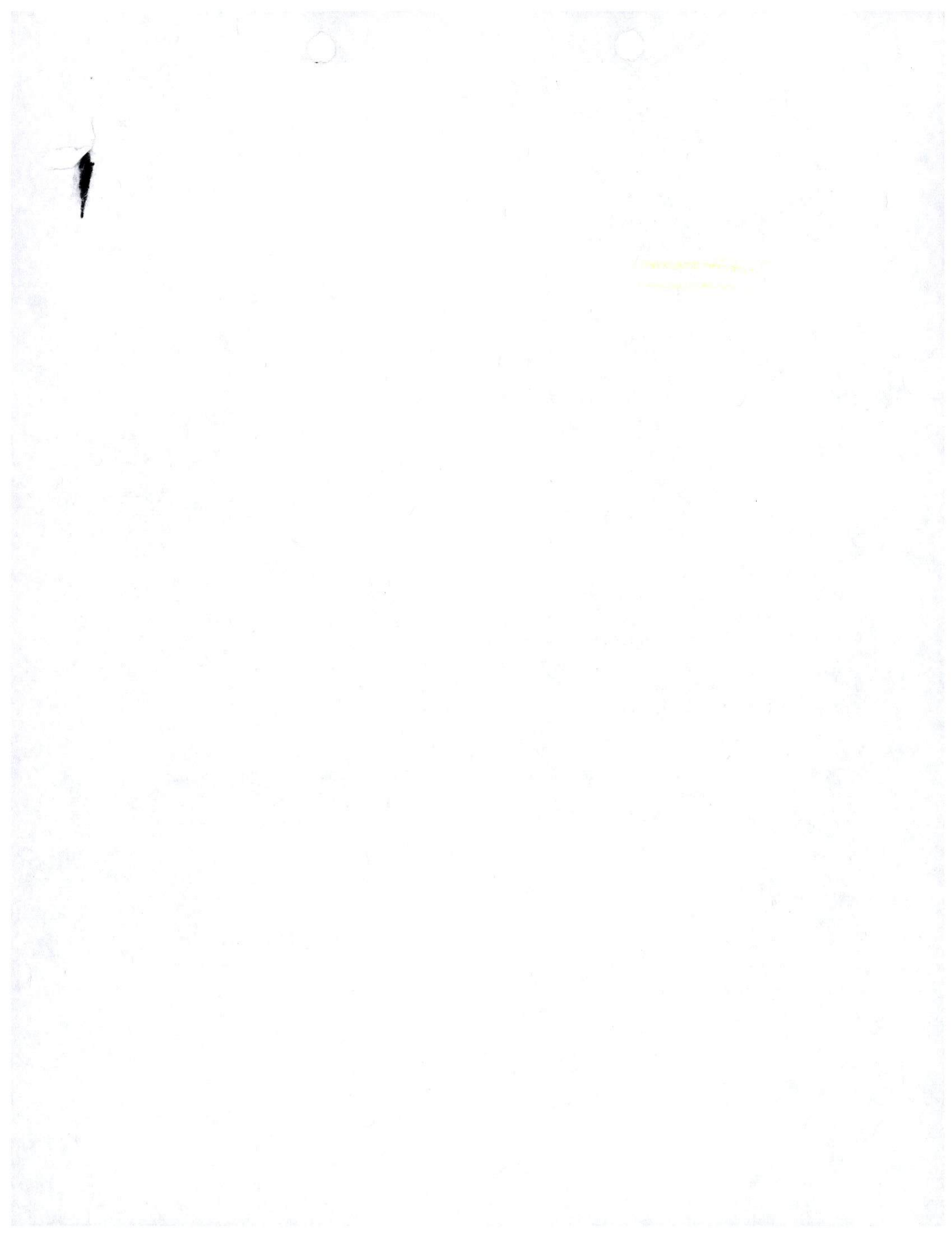
It has been the long-standing policy of OAH that administrative variances will not be granted administratively if there is an active code enforcement citation on the subject property.

Our office is returning the file to you for further processing, posting and advertising of the hearing notices.

Thank you

LMS:dlw

c: W. Carl Richards, Jr., Office of Zoning Review, PAI
~~Aaron K. Tsui, Office of Zoning Review, PAI~~
Haroon Baksh, Building Inspections, PAI
Office of People's Counsel



C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>2-12</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-3</u>	STATE HIGHWAY ADMINISTRATION	<u>No object.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 2-9-20 by PilsonSIGN POSTING (2nd) Date: _____ by _____PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐Comments, if any: Sp. to Mr. Spence - he'll deliv. attachments to his (-28 etc. 2/26 11:30

Sp to Hallie, then Lisa in Bldg. Inspect. Stop work order issued 9-18-19
CB 1900525 11:44 am 2/26
lost msa. for Down - rec'd v.m. for Harvey Bakshy 2/26
Del. Code for

Donna Mignon

From: Donna Mignon
Sent: Thursday, July 23, 2020 9:49 AM
To: 'alsastours@yahoo.com'
Subject: Hearing set for August 25, 2020 at 10:00 a.m.
Attachments: 4516 Old Court Road - zoning hearing notice.pdf

Dear Mr. Spence,
I sent you an invitation for your hearing that is scheduled for August 25, 2020 at 10:00 a.m.
Please find attached a copy of your hearing notice.

Please contact J. Lawrence Pilson at 443-834-8162 – lpilson@hotmail.com to have your postings done 20 days before the hearing and 2nd certification 5 days before the hearing.

Please also email 48 hours before your hearing any exhibits you wish to present at the hearing. Please email these exhibits to: administrativehearings@baltimorecountymd.gov

Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



Debra Wiley

From: Debra Wiley
Sent: Thursday, February 27, 2020 7:51 AM
To: Kristen L Lewis; Jenae Johnson
Subject: FORMAL DEMAND - AV 2020-0028-A - Closing Date: 2/24/2020
Attachments: 20200227074538016.pdf

Good Morning,

FYI - see attached.

Thanks.

Debra Wiley, Legal Administrative Secretary Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Thursday, February 27, 2020 7:46 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 02.27.2020 07:45:37 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: February 26, 2020

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Administrative Law Judge
Office of Administrative Hearings

RE: Petition for Administrative Variance – 2/24/2020 Closing Date
Case No. 2020-0028-A – 4516 Old Court Road

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing.

Our office cannot process this as an administrative variance for the following reason:

- An Affidavit in Support of Administrative Variance, Petitioners signed and affirmed that the subject property is not the subject of an active Code Enforcement case. However, Mr. Haroon Baksh in Building Inspections confirmed with Debbie Wiley that this is, in fact, an active case. In fact, a Stop Work Order was issued in September, 2019 for building the garage without a permit.

It has been the long-standing policy of OAH that administrative variances will not be granted administratively if there is an active code enforcement citation on the subject property.

Our office is returning the file to you for further processing, posting and advertising of the hearing notices.

Thank you.

LMS:dlw

c: W. Carl Richards, Jr., Office of Zoning Review, PAI
~~Aaron K. Tsui, Office of Zoning Review, PAI~~
Haroon Baksh, Building Inspections, PAI
Office of People's Counsel

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 02 Account Number - 0218471280		
Owner Information		
Owner Name:	SPENCE DEBORAH SPENCE ALBERT A	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	4516 OLD COURT RD PIKESVILLE MD 21208-	Deed Reference: /40743/ 00476
Location & Structure Information		
Premises Address:	4516 OLD COURT RD BALTIMORE 21208-	Legal Description: .99 AC 4516 OLD COURT RD NW 470 SW STREAMWOOD RD
Map:	Grid:	Parcel:
0077	0012	0763
Neighborhood:	Subdivision:	Section:
2040057.04	0000	
Block:	Lot:	Assessment Year:
		2019
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1959	2,014 SF	Property Land Area
		37,679 SF
County Use	04	
Stories	Basement	Type
2	NO	SPLIT LEVEL
Exterior	Quality	Full/Half Bath
BRICK/	4	2 full
Garage		
Last Notice of Major Improvements		
Value Information		
	Base Value	Value
		As of
		01/01/2019
		Phase-in Assessments
		As of
		07/01/2019
		As of
		07/01/2020
Land:	69,600	69,600
Improvements	170,000	172,200
Total:	239,600	241,800
Preferential Land:	0	240,333
		241,067
		0
Transfer Information		
Seller: SPENCE DEBORAH	Date: 10/02/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40743/ 00476	Deed2:
Seller: SPENCE ROY W	Date: 06/05/2018	Price: \$150,000
Type: ARMS LENGTH IMPROVED	Deed1: /40317/ 00009	Deed2:
Seller: SAPPERSTEIN JEROME	Date: 06/02/1993	Price: \$140,000
Type: ARMS LENGTH IMPROVED	Deed1: /09790/ 00205	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
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:		

ZAC AGENDA

Case Number: 2020-0027-A **Reviewer:** Jeffrey Perlow
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Dellis, Michael & Loann
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 3

Property Address: 1307 GATESHEAD RD
Location: West side of Gateshead Road, 576' Northwest of Saint Francis Road.

Existing Zoning: DR 1 **Area:** 34,476 SQ FT
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
1B023.C.1, BCZR, To permit proposed dwelling addition with a rear yard setback of 40 feet in lieu of the minimum required 50 feet.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 02/24/2020

Miscellaneous Notes:

Case Number: 2020-0028-A **Reviewer:** Jun Fernando
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Albert & Deborah Spence
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 2 **Council Dist:** 2

Property Address: 4516 OLD COURT RD
Location: Beginning point on the north side of Old Court Road which is 75 feet wide at a distance of 100 south of the center line of the intersection street Scott Level Road, 50 which is 50 feet wide.

Existing Zoning: DR 3.5 **Area:** 37,679 SQ FT
Proposed Zoning:
ADMINISTRATIVE VARIANCE:
400.1 BCZR To permit an existing accessory structure (garage) to be located in the front and side yard in lieu of the required rear yard and with a setback of 0' in lieu of the required 2.5'.
Attorney: Not Available
Prior Zoning Cases: None
Concurrent Cases: None
Violation Cases: None
Closing Date: 02/24/2020

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 02 Account Number - 0218471280		
Owner Information		
Owner Name:	SPENCE DEBORAH SPENCE ALBERT A	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	4516 OLD COURT RD PIKESVILLE MD 21208-	Deed Reference: /40743/ 00476
Location & Structure Information		
Premises Address:	4516 OLD COURT RD BALTIMORE 21208-	Legal Description: .99 AC 4516 OLD COURT RD NW 470 SW STREAMWOOD RD
Map: 0077	Grid: 0012	Parcel: 0763
Neighborhood: 2040057.04	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2019
Plat No:	Plat Ref:	
Town: None		
Primary Structure Built 1959	Above Grade Living Area 2,014 SF	Finished Basement Area
		Property Land Area 37,679 SF
		County Use 04
Stories 2	Basement NO	Type SPLIT LEVEL
Exterior BRICK/	Quality 4	Full/Half Bath 2 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		Phase-in Assessments
		As of 01/01/2019
		As of 07/01/2020
		As of 07/01/2021
Land:	69,600	69,600
Improvements	170,000	172,200
Total:	239,600	241,800
Preferential Land:	0	241,067
		241,800
		0
Transfer Information		
Seller: SPENCE DEBORAH	Date: 10/02/2018	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /40743/ 00476	Deed2:
Seller: SPENCE ROY W	Date: 06/05/2018	Price: \$150,000
Type: ARMS LENGTH IMPROVED	Deed1: /40317/ 00009	Deed2:
Seller: SAPPERSTEIN JEROME	Date: 06/02/1993	Price: \$140,000
Type: ARMS LENGTH IMPROVED	Deed1: /09790/ 00205	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		0.00 0.00
Homestead Application Information		
Homestead Application Status: Approved 06/01/2020		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

8/25/20 10:00

CASE NO. 2020-0028-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
-----------------------------	-------------------	---

<u>2/12</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
-------------	---	------------

	DEPS (if not received, date e-mail sent _____)	
--	---	--

	FIRE DEPARTMENT	
--	-----------------	--

<u>2/3</u>	PLANNING (if not received, date e-mail sent _____)	<u>N/C</u>
------------	---	------------

	STATE HIGHWAY ADMINISTRATION	
--	------------------------------	--

	TRAFFIC ENGINEERING	
--	---------------------	--

	COMMUNITY ASSOCIATION	
--	-----------------------	--

	ADJACENT PROPERTY OWNERS	
--	--------------------------	--

ZONING VIOLATION	(Case No. _____)
------------------	------------------

PRIOR ZONING	(Case No. _____)
--------------	------------------

NEWSPAPER ADVERTISEMENT

Date: _____

SIGN POSTING (1st)

Date: 8/2/20

by Pilson

SIGN POSTING (2nd)

Date: 8/21/20

by "

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any:

See Memo from Larry

RECEIVED

FEB 27 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

ENCROACHMENT LICENSE AGREEMENT

This Encroachment License Agreement ("Agreement") is made by and between Lucy Reverend Ware ("Ware"), on the one hand, and Albert Spence and Deborah Spence (collectively, the "Spences"), on the other. Ware and the Spences are each at times referenced herein as a "Party" and collectively referenced as the "Parties."

RECITALS

WHEREAS, Ware is the owner of the real property known as 4512 Old Court Road, Baltimore County, Maryland, 21208 (the "Ware Property");

WHEREAS, the Spences are the owners of the real property known as 4516 Old Court Road, Baltimore County, Maryland, 21208 (the "Spence Property");

WHEREAS, Ware recently obtained a boundary survey of the Ware Property (the "Survey") and the Parties have agreed that the Survey accurately identifies the boundaries between the Ware and Spence Properties;

WHEREAS, a garage at the side of the Spence Property encroaches on the Ware Property (the "Encroaching Garage");

WHEREAS, the Parties wish to establish the common boundary line between the Ware Property and the Spence Property; and,

WHEREAS, Ware has determined to consent to the Encroaching Garage upon the terms and conditions contained herein.

NOW THEREFORE, in consideration of the premises and mutual promises made in this Agreement, and other good and valuable consideration by each of the Parties set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Parties covenant and agree as follows:

1. The Survey attached hereto as Exhibit A accurately sets forth the common boundary line between the Ware Property and the Spence Property.
2. The Spences waive any adverse possession, prescriptive easement, or other claim that they may allegedly have with respect to the Ware Property, including, without limitation, concerning the Encroaching Garage.
3. Ware hereby consents to the Encroaching Garage. Ware hereby consents that the Spences may enter the Ware Property to utilize the Encroaching Garage. Any and all rights granted to the Spences under this Agreement shall be exercised at the Spences' sole cost, risk and expense. Nothing contained in this Agreement shall be deemed to grant, convey, create or vest in the Spences any real property interest in the Ware Property; including, but not limited to, any fee, leasehold interest, easement, servitude or irrevocable license.

PETITIONER' S

EXHIBIT NO.

3

4. All costs associated with modification, removal or damage to the Encroaching Garage shall be solely the responsibility of the Spences.

5. All costs in connection with the negotiation, execution, and performance of this Agreement shall be solely the responsibility of the Spences and not to exceed seven-hundred and fifty dollars (\$750).

6. The Spences agree to protect, indemnify and save harmless Ware and her agents, heirs and personal representatives, from and against any and all claims, demands, suits, liability and expense, by reason of loss or damage to any property or bodily injury to any person whatsoever, that may arise from the Encroaching Garage.

7. Ware may terminate this Agreement at any time, without notice. The Parties agree that this Agreement will inure to the benefit of the mortgagees, current or future, of their respective properties.

8. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Maryland (without giving effect to the conflict of law rules of that state).

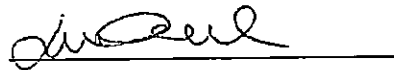
9. This Agreement contains the final and entire agreement between the parties and neither they nor their agents shall be bound by any terms, conditions or representations not herein written.

10. This Agreement may be executed in counterparts and electronic signatures shall be just as good as the original. Signatures transmitted via email (as a .pdf file or .tif file) shall be treated as originals for all purposes.

IT IS MUTUALLY COVENANTED AND AGREED by the Parties that this Agreement shall run with the land and inure to the benefit of and be binding upon the parties, their heirs, distributees, legal representatives, successors and assigns.

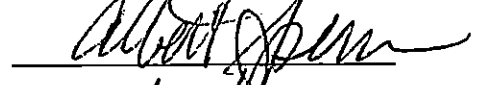
IN WITNESS WHEREOF, this Agreement has been signed as of the date and year first above written.

LUCY REVEREND WARE



Date: 01/24/2020

ALBERT SPENCE



Date: 1/25/2020

DEBORAH SPENCE



Date: 1/25/2020

John L. Schneider, P.E.
ENGINEERING & CONSTRUCTION CONSULTANT

100 North Rolling Road
Catonsville, Maryland 21228
(410) 744-1945

October 10, 2019

Mr. Albert A Spence
4516 Old Court road
Pikesville, MD. 21208



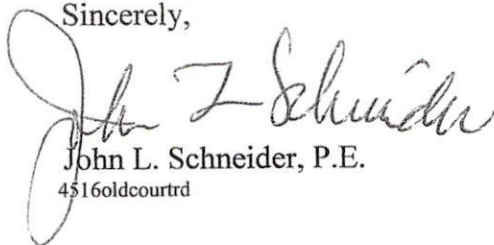
*Hand Delivered
by Mr.
Spence*

Re: Engineer's Inspection Report/Certification-four car garage construction
Address: 4516 Old court Road, Pikesville, MD.

Mr. Spence,

At your request, I met with you earlier today and inspected the new four car garage that you had built. The footings were poured on good bearing soils and minimum 30 inches deep and a block foundation built to slab height and poured solid with the slab. The framing is 2X6 studs at 16" on center with roof trusses. Two trusses were missed placed and gable end trusses used in place of stand ones and these are being modified for strength. Tied downs are also being added for the walls to the foundation and sill plated. I am pleased to certify this framing and foundation as meeting code. I hope this letter meets your needs in this matter, but if there are any questions on this or other projects please contact my office.

Sincerely,


John L. Schneider, P.E.
4516oldcourtrd



PETITIONER'S

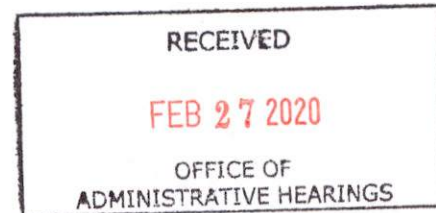
EXHIBIT NO. 4

Ticket Check Status for MD Ticket 19702635

From: md@occinc.com (md@occinc.com)

To: alsastours@yahoo.com

Date: Thursday, October 10, 2019, 04:25 PM EDT



Ticket Number: 19702635

Location: 4516 OLD COURT RD PIKESVILLE, MD

As of 10/10/19 16:25 EDT, participating facility owners have responded to
Ticket Check as follows:

District Code	Status
BGE ELECTRIC-USIC	Clear/No conflict
BGE GAS-USIC	Marked
BALTIMORE CITY DPW - PRO COMM	Marked up to privately owned utility
COMCAST/UTILIQUEST	Clear/No conflict Response by Utiliquest
VERIZON	Clear/No conflict

To review this ticket in its entirety, visit Search and Status on
www.managetickets.com.

PETITIONER'S

EXHIBIT NO.

5

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: February 26, 2020

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: Lawrence M. Stahl, Administrative Law Judge
Office of Administrative Hearings

RE: Petition for Administrative Variance – 2/24/2020 Closing Date
Case No. 2020-0028-A – 4516 Old Court Road

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing.

Our office cannot process this as an administrative variance for the following reason:

- An Affidavit in Support of Administrative Variance, Petitioners signed and affirmed that the subject property is not the subject of an active Code Enforcement case. However, Mr. Haroon Baksh in Building Inspections confirmed with Debbie Wiley that this is, in fact, an active case. In fact, a Stop Work Order was issued in September, 2019 for building the garage without a permit.

It has been the long-standing policy of OAH that administrative variances will not be granted administratively if there is an active code enforcement citation on the subject property.

Our office is returning the file to you for further processing, posting and advertising of the hearing notices.

Thank you.

LMS:dlw

c: W. Carl Richards, Jr., Office of Zoning Review, PAI
Aaron K. Tsui, Office of Zoning Review, PAI
Haroon Baksh, Building Inspections, PAI
Office of People's Counsel



Existing
House

constructed
Garage

PETITIONER'S

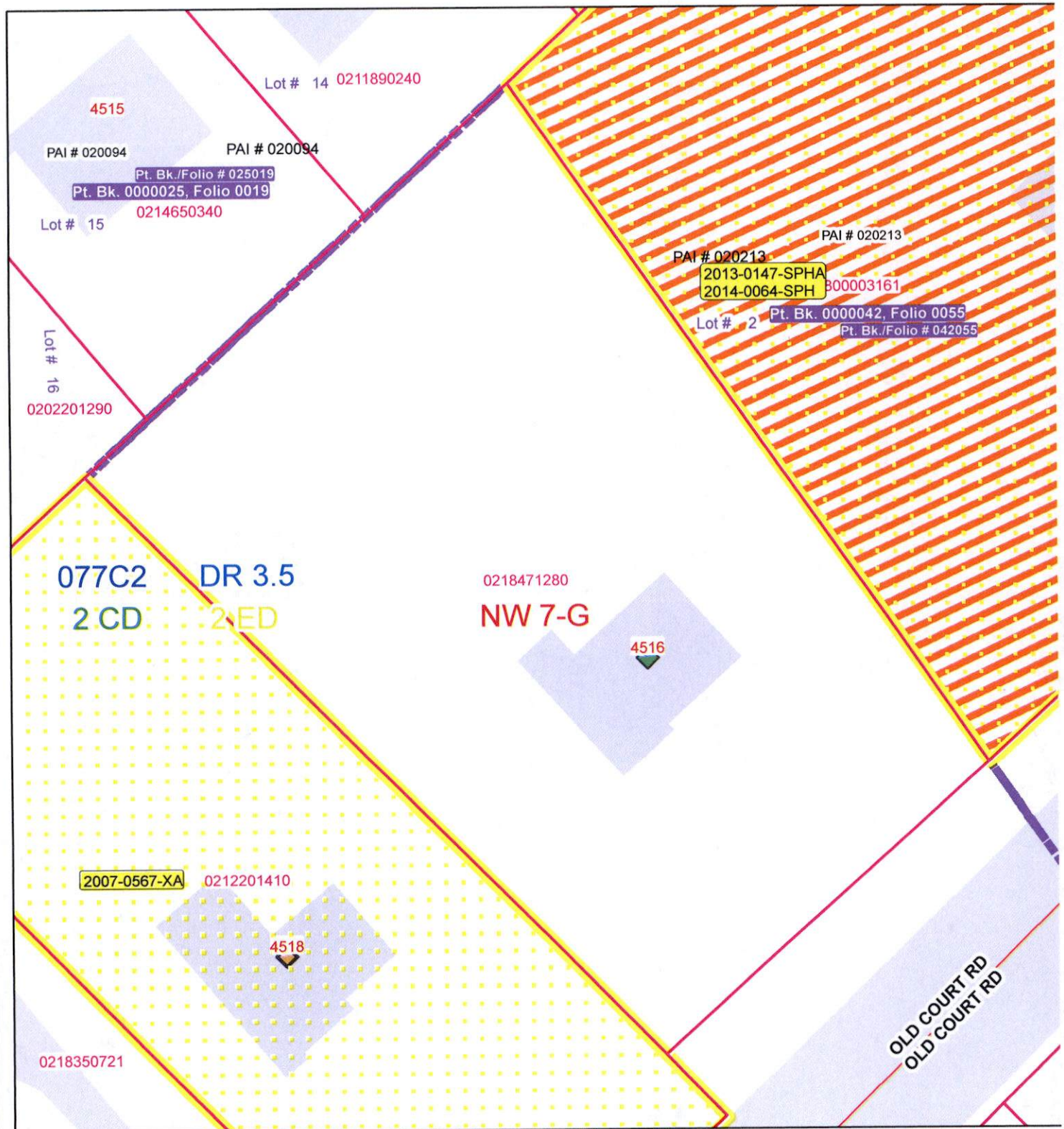
EXHIBIT NO.

2





4516 Old Court Road



Publication Date: 12/20/2019

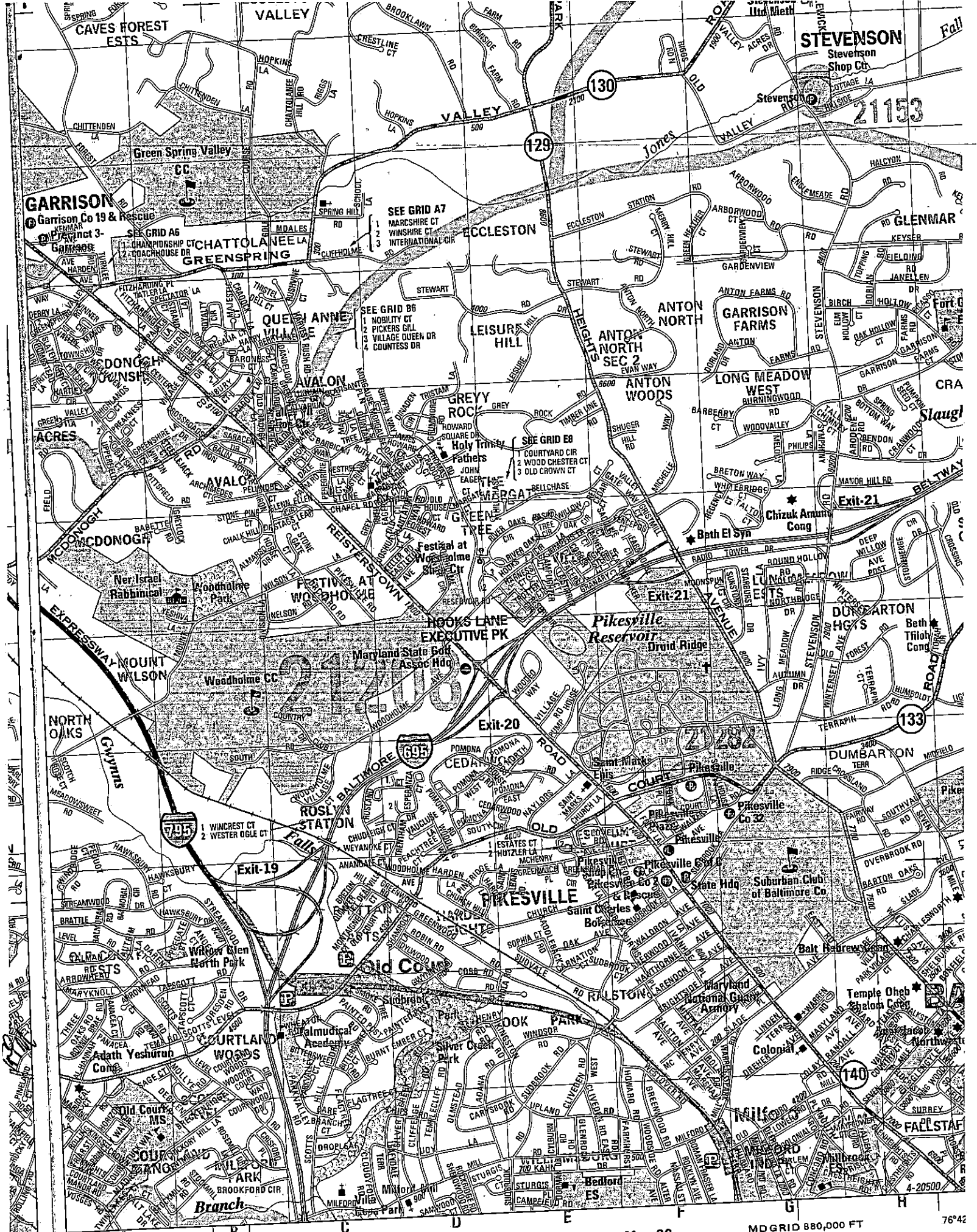


Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 10 20 40 60 80 Feet

1 inch = 40 feet



870,000 FT 76°45'00"

Joins Map 33

MD GRID 880,000 FT

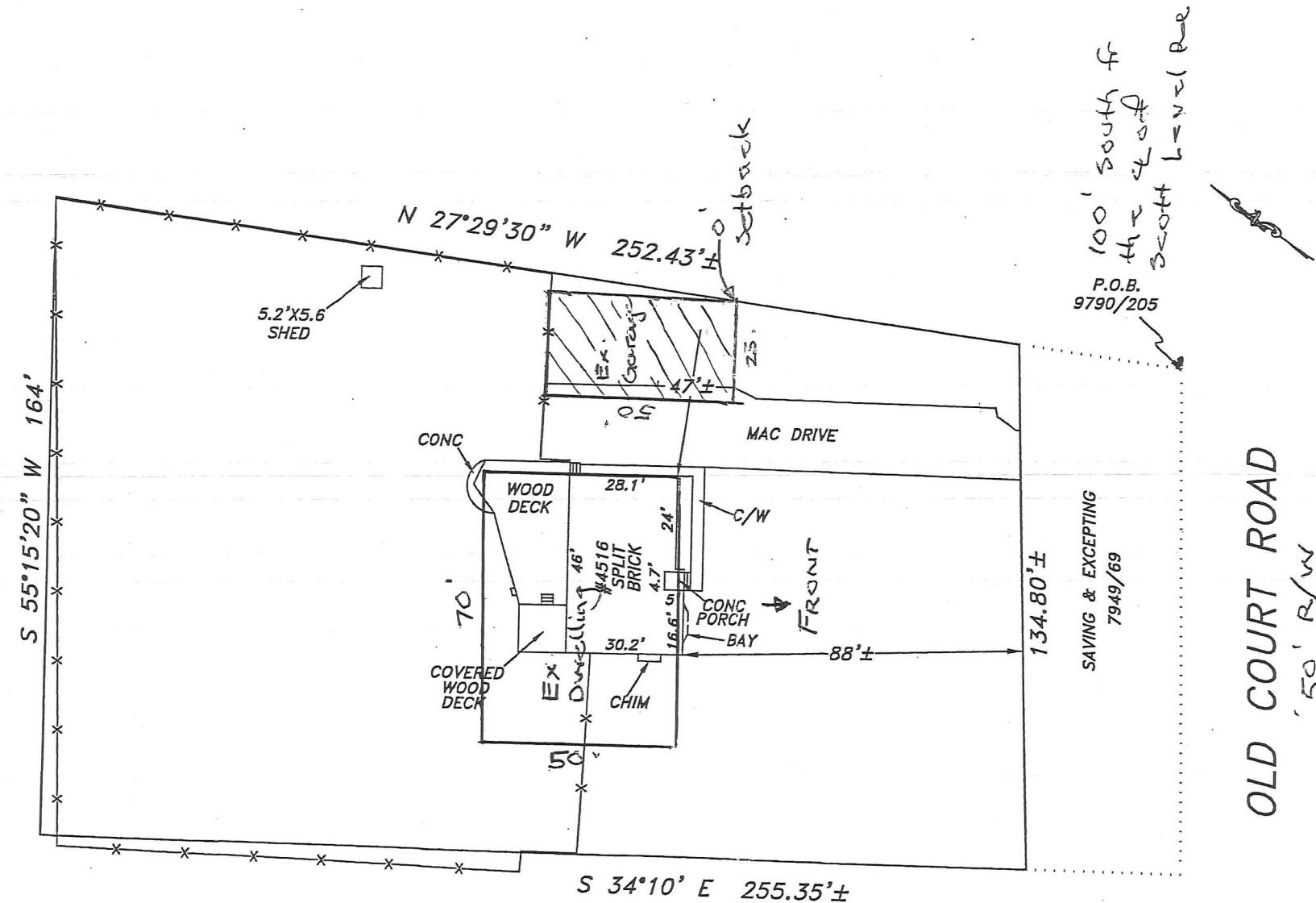
76°42'

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

ADDRESS 4516 Old Court Road OWNER(S) NAME(S) Albert & Deborah Spence

SUBDIVISION NAME N/A LOT# N/A BLOCK# N/A SECTION# N/A

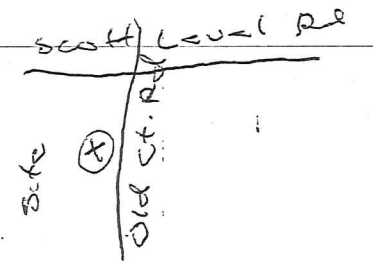
PLAT BOOK# N/A FOLIO# N/A 10 DIGIT TAX# 0218471280 DEED REF.# 40743/00476



PLAN DRAWN BY A.S.

DATE 1/29/20 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 077C2

SITE ZONED DR 3.5

ELECTION DISTRICT 2

COUNCIL DISTRICT 2

LOT AREA ACREAGE .99

OR SQUARE FEET 37,679

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

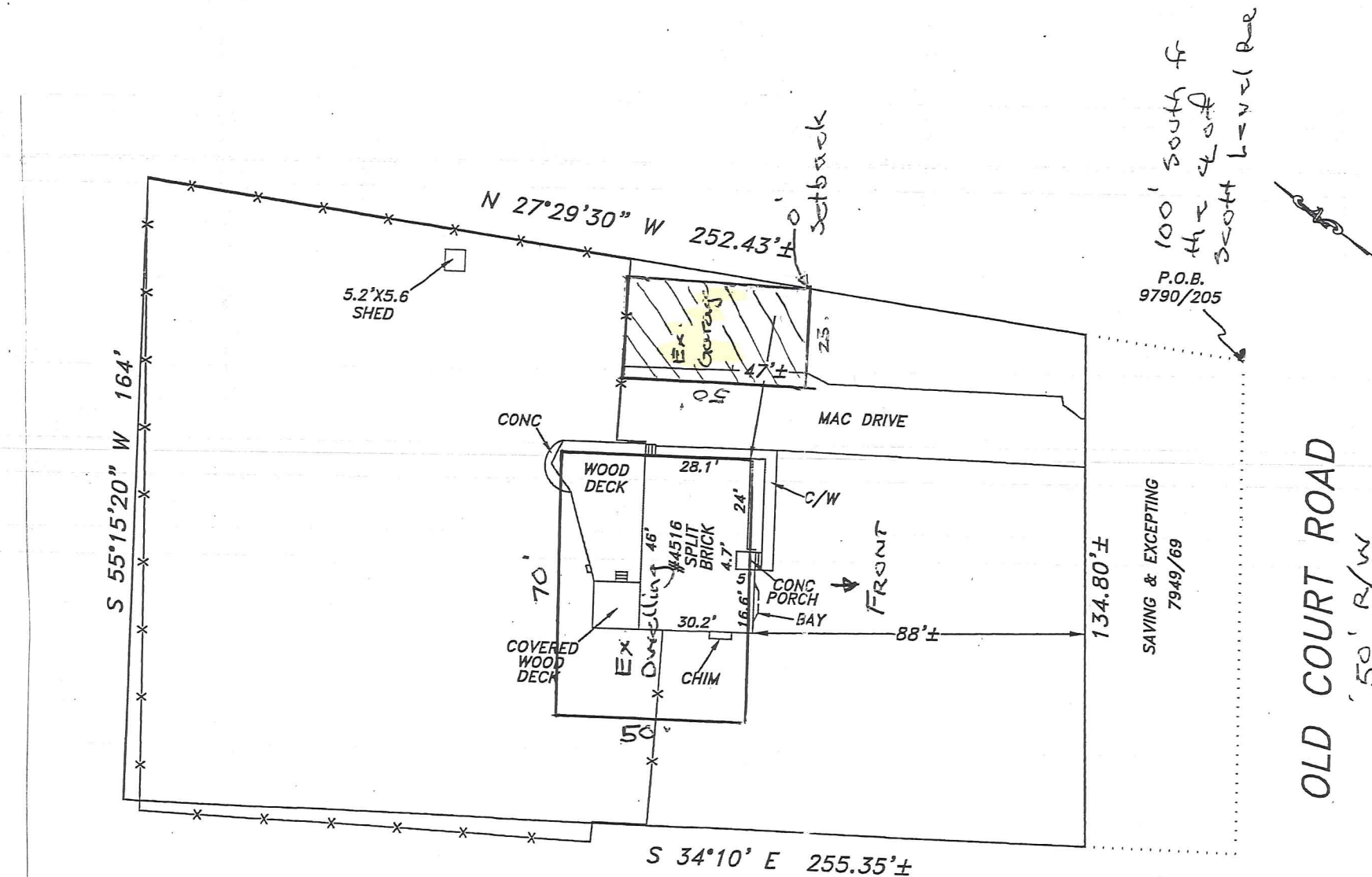
2020-0028-A

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

ADDRESS 4516 Old Court Road OWNER(S) NAME(S) Albert & Deborah Spence

SUBDIVISION NAME N/A LOT # N/A BLOCK # N/A SECTION # N/A

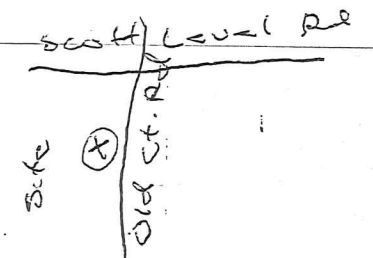
PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 021847128 DEED REF. # 40743/00476



PLAN DRAWN BY A.S.

DATE 1/29/20 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 077C2

SITE ZONED DR 3.5

ELECTION DISTRICT 2

COUNCIL DISTRICT 2

LOT AREA ACREAGE .99

OR SQUARE FEET 37,679

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PETITIONER'S

EXHIBIT NO. 1

2020-0028-A