

DM
8/18/20

M E M O R A N D U M

DATE: August 18, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0039-~~A~~^{SPHA} Appeal Period Expired

The appeal period for the above-referenced case expired on August 17, 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.'

/dlm

cc: Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(5222 Byerly Road) *

4th Election District *

3rd Council District *

Michael S. Martin, *Legal Owner* *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Petitioner *

Case No. 2020-0039-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Michael S. Martin, legal owner (“Petitioner”). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling). In the alternative, a Petition for Variance was filed pursuant to BCZR § 400.3 to permit an existing accessory structure (garage) to have a height of 19.5 ft. in lieu of the maximum height required of 15 ft. A site plan was marked and accepted into evidence as Petitioner’s Exhibit 1.

Michael Martin and Bruce Doak, surveyor appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from Department of Planning (“DOP”) but that agency did not oppose the requested relief.

SPECIAL HEARING

Under BCZR § 500.7 relief can be granted provided that the requested relief does not run counter to the spirit and intent of the BCZR or cause harm to the public health, safety or welfare.

ORDER RECEIVED FOR FILING

Date 7/17/20

By D Mignon

In the instant case the Petitioner asks to construct an accessory structure that is slightly larger (1728 sq. ft.) than his residence (1404 sq. ft.). The property in question is in an RC 2 zone and many of the surrounding properties in this rural area have outbuildings larger than their residences. The Petitioner explained that he needs a garage structure of this size in order to house all his various equipment and a boat. I find that the requested relief can be granted within the spirit and intent of the BCZR and without harm to the public health, safety and welfare.

VARIANCE

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 narrow and has a steep topography to the rear of the residence and this garage structure. As such the property is unique. As Mr. Doak explained at the hearing, the steep topography is part of the reason that the garage must be slightly taller than the permitted 15 feet. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because he would be unable to construct a garage large enough to house all his equipment and his boat. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. It is noteworthy that the Petitioner obtained the written consent of all the surrounding property owners. (Petitioner's Exhibit 5).

THEREFORE, IT IS ORDERED this 17th day of **July, 2020**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to §500.7 of the BCZR to permit an existing

ORDER RECEIVED FOR FILING

Date 7/17/20

By DMugnon

accessory structure (garage) larger than the existing principal structure (single family dwelling),
be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his 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, Petitioner would be required to return the subject property to its original condition.
2. Petitioner or subsequent owners shall not convert the proposed accessory building (detached garage) into a dwelling unit or apartment. The proposed accessory building (detached garage) shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The proposed accessory building (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:sln

ORDER RECEIVED FOR FILING

Date 7/17/20

By D. Mignone



PETITION FOR ZONING HEARING(S)

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

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

Address 5222 BYERLY ROAD which is presently zoned RC2
Deed References: 28665/204 10 Digit Tax Account # 25 00004604
Property Owner(s) Printed Name(s) MICHAEL S. MARTIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

SEE ATTACHED PAGE

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

3. ☒ a **Variance** from Section(s)

SEE ATTACHED PAGE

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

TO BE PRESENTED AT THE HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

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):

MICHAEL S. MARTIN

Name #1- Type or Print

Name #2 - Type or Print

Signature #1

B.E.D.

Signature #2

Mailing Address

BRUCE

City

State

Zip Code

21155

Telephone #

410-419-4906

Email Address

SHAWN.MARTIN@B61D@GMAIL.COM

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING.COM

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

21053

Telephone #

410-419-4906

Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2020-0039-SP4A Filing Date 2/10/20

Do Not Schedule Dates:

Reviewer AT

REV. 10/4/11

Zoning Hearing Petitions Being Requested
#5222 Byerly Road

Case # 2020- 0039- SPHA

Special Hearing

To permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling).

Variance

To permit an existing accessory structure (garage) to have a height of 19.5 feet in lieu of the maximum height required of 15 feet per Section 400.3 BCZR



Zoning Description

5222 Byerly Road
Fourth Election District Third Councilmanic District
Baltimore County, Maryland

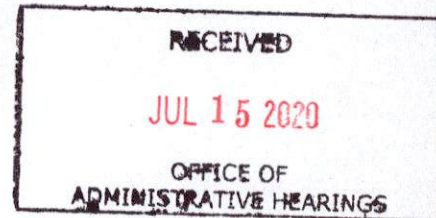
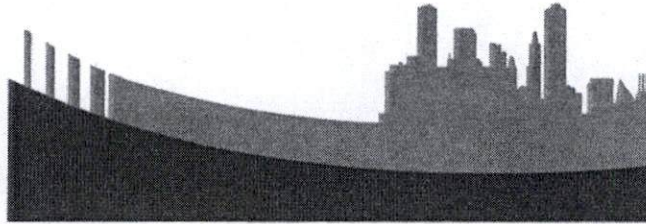
Beginning at a point on the north side of Byerly Road, 580 feet, more or less, northeasterly of the centerline of Old Hanover Pike, thence leaving said road and running and binding on the outlines of the subject property 1) North 29 degrees 18 minutes 21 seconds West 368.88 feet, 2) North 44 degrees 41 minutes 16 seconds East 178.53 feet, 3) South 29 degrees 26 minutes 32 seconds East 376.54 feet to the north side of said road, thence binding on said road and continuing to run and bind on the outlines 4) South 47 degrees 09 minutes 00 seconds West 177.44 feet to the point of beginning.

Containing 1.4726 acres of land, more or less.

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

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





CERTIFICATE OF POSTING

June 29, 2020
July 13, 2020 amended for second inspection

Re:
Zoning Case No. 2020-0039-SPHA
Legal Owner: Michael Martin
Hearing date: July 17, 2020

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **5222 Byerly Road**.

The signs were initially posted on **June 26, 2020**.

The subject property was also inspected on **July 13, 2020**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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

2. 2. 2. 2. 2.

7. 317.4

2025 RELEASE UNDER E.O. 14176

ZONING NOTICE

CASE NO. 2019-0039-SPHA

5222 Byerly Road

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.

DATE & TIME: FRIDAY JULY 17, 2020 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, EXT. 0.

REQUESTS:

**SPECIAL HEARING TO PERMIT AN EXISTING ACCESSORY
STRUCTURE (GARAGE) LARGER THAN THE EXISTING
PRINCIPAL STRUCTURE (SINGLE FAMILY DWELLING).**

**VARIANCE TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(GARAGE) TO HAVE A HEIGHT OF 19.5 FT. IN LIEU OF THE
MAXIMUM HEIGHT REQUIRED OF 15 FT. PERMIT SECTION
400.3, BCZR**

ZONING NOTICE

CASE NO. 2019-0039-SPHA

5222 Byerly Road

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(GARAGE) TO HAVE A HEIGHT OF 19.5 FT. IN LIEU OF THE
MAXIMUM HEIGHT REQUIRED OF 15 FT. PERMIT SECTION
400.3, BCZR**

Donna Mignon

From: Bruce Doak <doakfarm@gmail.com>
Sent: Monday, June 29, 2020 1:23 PM
To: Administrative Hearings
Subject: Case #2020-0039-SPHA
Attachments: Exhibit #1.pdf; Exhibit #2.pdf; Exhibit #3 A-G.pdf; Exhibit #4 A & B.pdf

CAUTION: This message from doakfarm@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

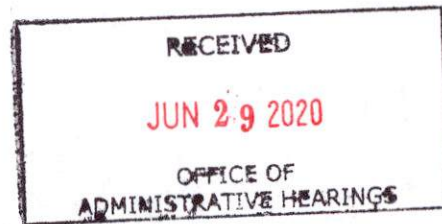
Please invite the following person so he can testify:

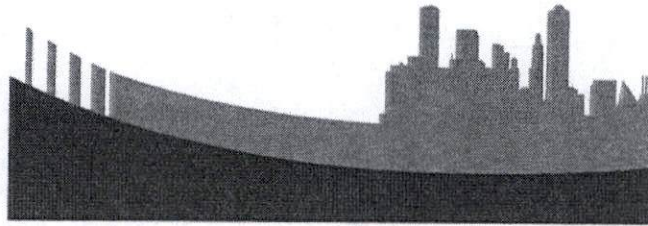
Michael Martin shawnmartinb61d@gmail.com

Enclosed are my exhibits for the hearing:

Thanks

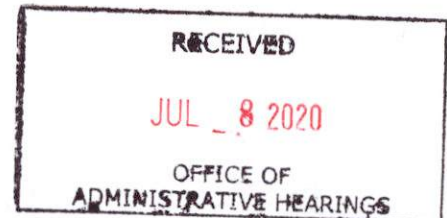
Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com





CERTIFICATE OF POSTING

June 29, 2020
_____ amended for second inspection



Re:
Zoning Case No. 2020-0039-SPHA
Legal Owner: Michael Martin
Hearing date: July 17, 2020

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 5222 Byerly Road.

The signs were initially posted on June 26, 2020 .

The subject property was also inspected on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

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

ZONING NOTICE

CASE NO. 2019-0039-SPHA

5222 Byerly Road

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.

DATE & TIME: FRIDAY JULY 17, 2020 10:00 AM

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS
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YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION AND
THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.

REQUESTS:

**SPECIAL HEARING TO PERMIT AN EXISTING ACCESSORY
STRUCTURE (GARAGE) LARGER THAN THE EXISTING
PRINCIPAL STRUCTURE (SINGLE FAMILY DWELLING).**

**VARIANCE TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(GARAGE) TO HAVE A HEIGHT OF 15.5 FT. IN LIEU OF THE
MAXIMUM HEIGHT REQUIRED OF 15 FT. PERMIT SECTION
400.3, BCZR**

ZONING NOTICE

CASE NO. 2019-0039-SPHA

5222 Byerly Road

**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.**

DATE & TIME: FRIDAY JULY 17, 2020 10:00 AM

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THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL
410-887-3868, EXT. 0.**

REQUESTS:

**SPECIAL HEARING TO PERMIT AN EXISTING ACCESSORY
STRUCTURE (GARAGE) LARGER THAN THE EXISTING
PRINCIPAL STRUCTURE (SINGLE FAMILY DWELLING).**

**VARIANCE TO PERMIT AN EXISTING ACCESSORY STRUCTURE
(GARAGE) TO HAVE A HEIGHT OF 15 FEET INSTEAD OF THE
MAXIMUM HEIGHT REQUIRED OF 12 FEET BY ZONING SECTION
400.3, BCZR**

TO: THE DAILY RECORD
Friday, March 13, 2020 – Issue

Please forward billing to:

Bruce Doak
3801 Baker Schoolhouse Road
Freeland, MD 21053

410-419-4906

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 public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2020-0039-SPHA

5222 Byerly Road

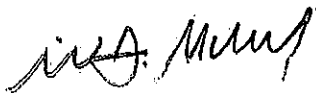
N/s of Byerly Road, 580 ft. n/east of Old Hanover Pike

4th Election District – 3rd Councilmanic District

Legal Owners: Michael Martin

Special Hearing to permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling). Variance to permit an existing accessory structure (garage) to have a height of 19.5 ft. in lieu of the maximum height required of 15 ft. permit Section 400.3, BCZR.

Hearing: Thursday, April 2, 2020 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 3, 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 public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2020-0039-SPHA

5222 Byerly Road
N/s of Byerly Road, 580 ft. n/east of Old Hanover Pike
4th Election District – 3rd Councilmanic District
Legal Owners: Michael Martin

Special Hearing to permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling). Variance to permit an existing accessory structure (garage) to have a height of 19.5 ft. in lieu of the maximum height required of 15 ft. permit Section 400.3, BCZR.

Hearing: Thursday, April 2, 2020 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Michael Mallinoff
Director

MM:kl

C: Michael Martin, 5222 Byerly Road, Upperco 21155
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 13, 2020.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 24, 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: 2020-0039-SPHA

5222 Byerly Road

N/s of Byerly Road, 580 ft. n/east of Old Hanover Pike

4th Election District – 3rd Councilmanic District

Legal Owners: Michael Martin

Special Hearing to permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling). Variance to permit an existing accessory structure (garage) to have a height of 19.5 ft. in lieu of the maximum height required of 15 ft. permit Section 400.3, BCZR.

Hearing: Friday, July 17, 2020 at 10:00 a.m.

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, ext. 0.

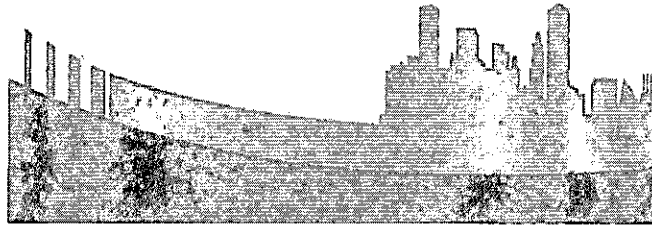
A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Michael Martin, 5222 Byerly Road, Upperco 21155
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

NOTE: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JUNE 27, 2020.



CERTIFICATE OF POSTING

March 11, 2020 (amended March 31, 2020)

Re:
Zoning Case No. 2020-0039-SPHA
Legal Owner: Michael S. Martin
Hearing date: April 2, 2020

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **5222 Byerly Road**.

The signs were posted on **March 11, 2020**.

The signs were inspected again on **March 30, 2020**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

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

ZONING NOTICE

CASE NO. 2020-00000-0000

2222 Birch Road

APPLICANT: [Name]

DATE: [Date]

TIME: [Time]

LOCATION: [Address]

REASON: [Reason]

DATE: [Date]

NOTICE: [Notice text]

ZONING NOTICE

CASE NO. 2020-0039-SPHA

5222 Byerly Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: ROOM 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

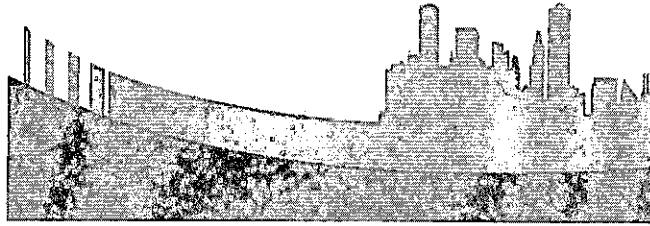
DATE & TIME: Thursday April 2, 2020 11:00 AM

REQUEST:

SPECIAL HEARING TO PERMIT AN EXISTING
ACCESSORY STRUCTURE (GARAGE) LARGER THAN
THE EXISTING PRINCIPAL STRUCTURE (SINGLE
FAMILY DWELLING). VARIANCE TO PERMIT AN
EXISTING STRUCTURE (GARAGE) TO HAVE A
HEIGHT OF 14.5 FEET IN LIEU OF THE MAXIMUM
HEIGHT REQUIRED OF 12 FEET PER SECTION 400.1
BCEH

FOR INFORMATION ONLY: THE APPLICANT HAS REQUESTED A VARIANCE TO THE ZONING ORDINANCE TO PERMIT AN EXISTING ACCESSORY STRUCTURE (GARAGE) LARGER THAN THE EXISTING PRINCIPAL STRUCTURE (SINGLE FAMILY DWELLING). THE APPLICANT HAS REQUESTED A VARIANCE TO PERMIT AN EXISTING STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 14.5 FEET IN LIEU OF THE MAXIMUM HEIGHT REQUIRED OF 12 FEET PER SECTION 400.1 BCEH.

FOR INFORMATION ONLY: THE APPLICANT HAS REQUESTED A VARIANCE TO THE ZONING ORDINANCE TO PERMIT AN EXISTING ACCESSORY STRUCTURE (GARAGE) LARGER THAN THE EXISTING PRINCIPAL STRUCTURE (SINGLE FAMILY DWELLING). THE APPLICANT HAS REQUESTED A VARIANCE TO PERMIT AN EXISTING STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 14.5 FEET IN LIEU OF THE MAXIMUM HEIGHT REQUIRED OF 12 FEET PER SECTION 400.1 BCEH.



CERTIFICATE OF POSTING

March 11, 2020 (amended _____)

Re:
Zoning Case No. 2020-0039-SPHA
Legal Owner: Michael S. Martin
Hearing date: April 2, 2020

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

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The signs were posted on March 11, 2020.

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

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

ZONING NOTICE

CASE NO. 2020-0039-SPHA

5222 Byerly Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday April 2, 2020 11:00 AM

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EXISTING STRUCTURE (GARAGE) TO HAVE A
HEIGHT OF 19.5 FEET IN LIEU OF THE MAXIMUM
HEIGHT REQUIRED OF 15 FEET PER SECTION 400.3
BCZR

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOLELY AT THE
NECESSARY TO CONFIRM THE HEARING CALL 410-807-3291
DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2020-0039-SPHA

5222 Byerly Road

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Thursday April 2, 2020 11:00 AM

REQUEST:

SPECIAL HEARING TO PERMIT AN EXISTING
ACCESSORY STRUCTURE (GARAGE) LARGER THAN
THE EXISTING PRINCIPAL STRUCTURE (SINGLE
FAMILY DWELLING). VARIANCE TO PERMIT AN
EXISTING STRUCTURE (GARAGE) TO HAVE A
HEIGHT OF 19.5 FEET IN LIEU OF THE MAXIMUM
HEIGHT REQUIRED OF 15 FEET PER SECTION 400.3
BCZR

POSTPONEMENTS DUE TO WEATHER OR OTHER CIRCUMSTANCES ARE POSSIBLE
NECESSARY TO CONFIRM THE HEARING DATE

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING
PENALTY OF LAW

THE HEARING IS HANDICAPPED ACCESSIBLE

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Page 1 of 1

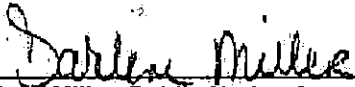
PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/13/2020

Order #: 11867568
Case #: 2020-0039-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2020-0039-SPHA


Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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 public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2020-0039-SPHA

5222 Byerly Road

N/s of Byerly Road, 580 ft. n/east of Old Hanover Pike

4th Election District - 3rd Councilmanic District

Legal Owners: Michael Martin

Special Hearing to permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling). Variance to permit an existing accessory structure (garage) to have a height of 19.5 ft. in lieu of the maximum height required of 15 ft. permit Section 400.3, BCZR.

Hearing: Thursday, April 2, 2020 at 1:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

mh13

ME
bnp
Me

CELLULOSE

12-5-0000-2-11
1391000

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
5222 Byerly Road; N/S Byerly Road,
580' NW of Old Hanover Pike
4th Election & 3rd Councilmanic Districts
Legal Owner(s): Michael S. Martin
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2020-039-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
FEB 20 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of February, 2020, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:

Item Number or Case Number: 2020 - 0039 - SPHA
Petitioner: MICHAEL S. MARTIN
Address or Location: 5222 BYERLY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: MICHAEL S. MARTIN
Address: 5222 BYERLY ROAD
UPPERCO MD 21155

Telephone Number:

PAY RECEIPT

BUSINESS ACTUAL TIME DRW
2/10/2020 2/10/2020 10:38:42 3

REG 1503 - WALKIN - DM
 >>RECEIPT 1 051713 2/10/2020 09LN

Receipt Tot: \$	150.00
150.00 CK	.00
Baltimore County, Maryland	

For:

2020-0039-SPHA

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 6, 2020

Bruce E. Doak,
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2020-0039-SPHA, 5222 Byerly 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 February 10, 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 dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

22

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Acting Secretary

Tim Smith, P.E.
Acting Administrator

Date: 2/20/20

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

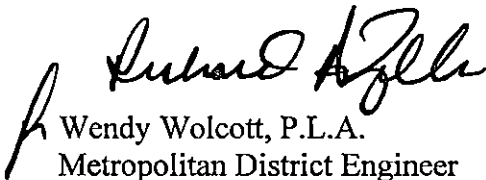
Dear Ms. Lewis:

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. *2020-0039 - SPHA*

*Special Hearing Variance
Michael S. Martin
5222 Byerly 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

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 20, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0039-SPHA
Address 5222 Byerly Road
(Martin Property)

Zoning Advisory Committee Meeting of **February 24, 2020.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 4/2/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-039

INFORMATION:

Property Address: 5222 Byerly Road
Petitioner: Michael S. Martin
Zoning: RC 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling); and a variance to permit an existing accessory structure (garage) to have a height of 19.5 feet in lieu of the maximum height required of 15 feet per section 400.3 of the Baltimore County Zoning Regulations (BCZR).

The site is comprised of a single family dwelling and garage. The area is a mix of rural residential and agriculture. The property is surrounded by residences to the north, west, and east, and an agricultural field to the south.

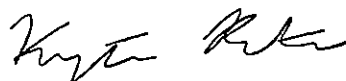
The area is considered the rural village of Boring in the Hanover Pike Corridor study, adopted by the Baltimore County Council in 1992. On page 12 of the plan, it says that each village's unique character should remain. It is common to see larger accessory structures in the rural area to hold equipment and storage for property maintenance. The building is already existing and is located in the rear of the dwelling.

The Department of Planning does not object to these requests pending the following condition is met:

1. The accessory building shall not be used for commercial purposes nor contain any living quarters.

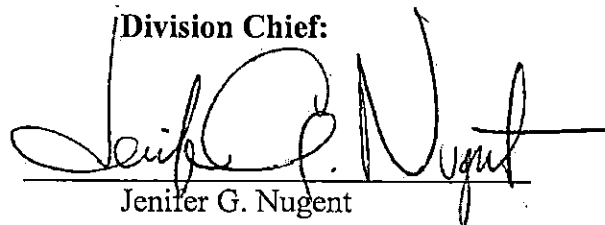
For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

Date: 4/2/2020
Subject: ZAC # 20-039
Page 2

CPG/JGN/kma/

c: Joseph Wiley
Bruce Doak
Office of the Administrative Hearings
People's Counsel for Baltimore County

4-2

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 20, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0039-SPHA
Address 5222 Byerly Road
(Martin Property)

Zoning Advisory Committee Meeting of **February 24, 2020.**

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

Reviewer: Steve Ford

BALTIMORE COUNTY MAIL AND

INTER-OFFICE CORRESPONDENCE

DATE: 2/20/2020

TO: W. Carl Richards, Jr.
Zoning Review SupervisorFrom: Matt Gawel
Chief Building InspectorSUBJECT: Item No:
Legal Owner/Petitioner:
Contract Purchaser:
Property Address:
Location Description:

2020-0039-SPA

VIOLATION INFORMATION: Case No.:
Defendants:

CB1900684

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is for a public hearing, please notify the following person(s) regarding the hearing date:

NAME Chris Luszczek
80ADDRESS 5220 Byerly
Upperco MD 21155

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint intake from/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☐ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt(s) (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Kristin Lewis in Room 111 in order that the appropriate action may be taken relative to the violation case.



Department of Permits, Approvals & Inspections

Complaint Report

Record Id: CB1900684

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CB1900684	Josef Lacher	12/09/2019	12/09/2019	Inspection Scheduled		

Complaint Description: Description: Huge garage built on-site do not see the building permit larger than house almost

Property

5222 BYERLY RD
UPPERCO, MD 21155
Tax Id: 2500004604

Owner

MARTIN MICHAEL S
5222 BYERLY RD
UPPERCO, MD 21155-9504

Complainant

Chris Lusczek
5220 Byerly Rd
UPPERCO MD, 21155
4438054767
thehog69@gmail.com

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Josef Lacher		Initial Inspection	Scheduled		

Lien Information - No Lien

Comments Detail - No Comments

12-10-19 Posters stop work Took Photos J.L.

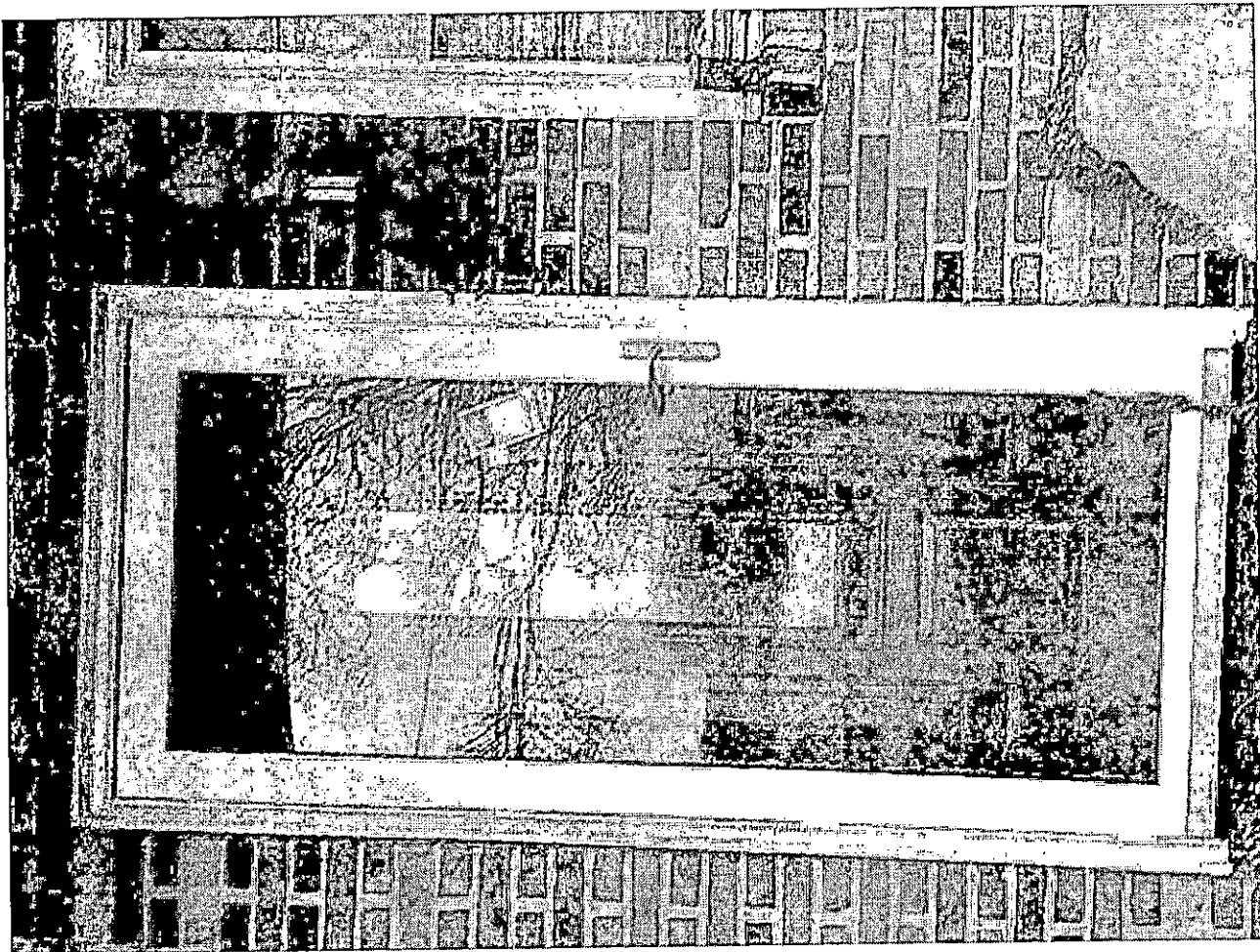
12-23-19 Home owner called Has applied for permit
Need zoning variance

J.L.
R/L 1/17/20
sfl

Josef Lacher

From: Josef Lacher <jllacher@comcast.net>
Sent: Tuesday, December 10, 2019 3:11 PM
To: Josef Lacher
Subject: Byerly

CAUTION: This message from jllacher@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.



Sent from my iPhone

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearings-5222 Byerly Road
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eabe849dabe057887c7f75069ee663d75>
Start: Fri 7/17/2020 10:00 AM
End: Fri 7/17/2020 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Organizer: webex

CAUTION: This message from messenger@webex.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)

Event number (access code): 160 902 0104

Host key: 738829 (Use this to reclaim host privileges.)

Friday, July 17, 2020 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eabe849dabe057887c7f75069ee663d75>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e211e7466a53b754050ba7e2c8a>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1609020104@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 112772

Need help? Go to <http://help.webex.com>

Donna Mignon

From: Bruce Doak <doakfarm@gmail.com>
Sent: Monday, June 29, 2020 1:23 PM
To: Administrative Hearings
Subject: Case #2020-0039-SPHA
Attachments: Exhibit #1.pdf; Exhibit #2.pdf; Exhibit #3 A-G.pdf; Exhibit #4 A & B.pdf

CAUTION: This message from doakfarm@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Donna,

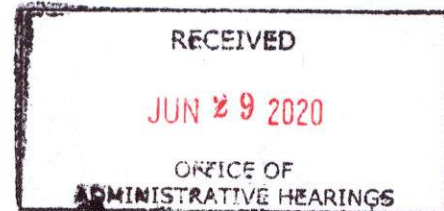
Please invite the following person so he can testify:

Michael Martin shawnmartinb61d@gmail.com

Enclosed are my exhibits for the hearing:

Thanks

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com



RECEIVED
JUN 19 2000
OFFICE OF
ADMINISTRATIVE SERVICES

Order ✓ ltr. ✓

4-2 @ 11 AM
7/17/20-10 AM

CASE NO. 2020-0039-SPHA

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>2/20</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>4/2</u>	PLANNING (if not received, date e-mail sent _____)	<u>NO OBJ w/cond.</u>
<u>2/20</u>	STATE HIGHWAY ADMINISTRATION	<u>No obj.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>6/26/20</u>	by <u>Bruce Doak</u>
SIGN POSTING (2 nd)	Date: <u>7/13/20</u>	by <u>ll ll</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☒	

Comments, if any: _____

Donna Mignon

From: Bruce Doak <doakfarm@gmail.com>
Sent: Wednesday, July 15, 2020 11:20 AM
To: Donna Mignon
Subject: Case 2020-0039-SPHA exhibit to submit
Attachments: petition.pdf

CAUTION: This message from doakfarm@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning Donna,

Please add this petition to the petitioner's exhibits.

Thanks

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com



ZAC AGENDA

Case Number: 2020-0039-SPHA **Reviewer:** Aaron Tsui
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING, VARIANCE
Legal Owner: Michael S. Martin
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 4 **Council Dist:** 3

Property Address: 5222 BYERLY RD

Location: N/s of Byerly Road; 580 ft. n/e of Old Hanover Pike

Existing Zoning: RC2 **Area:** 1.4726 AC

Proposed Zoning:

SPECIAL HEARING:

To permit an existing accessory structure (garage) larger than the existing principal structure (single family dwelling).

VARIANCE:

To permit an existing accessory structure (garage) to have a height of 19.5 ft. in lieu of the maximum height required of 15 ft. per Section 400.3 BCZR.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:



PETITION FOR ZONING HEARING(S)

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

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

Address 5222 BYERLY ROAD which is presently zoned RC2
 Deed References: 28665/204 10 Digit Tax Account # 25 00004604
 Property Owner(s) Printed Name(s) MICHAEL S. MARTIN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

SEE ATTACHED PAGE

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

3. ☒ a Variance from Section(s)

SEE ATTACHED PAGE

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

TO BE PRESENTED AT THE HEARING

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

Contract Purchaser/Lessee:

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

Attorney for Petitioner:

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

Legal Owners (Petitioners):

MICHAEL S. MARTIN
 Name #1 - Type or Print Name #2 - Type or Print
x MICHAEL S. MARTIN
 Signature #1 B.E.D. Signature #2
5222 BYERLY ROAD UPPERROCK MD
 Mailing Address Bever City State
21155 1-410-412-9905 1
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
BRUCE E. DOAK CONSULTING.COM
 Name - Type or Print
Bruce E. Doak
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREEWAVE MD
 Mailing Address City State
21053 1-410-419-4906
 Zip Code Telephone # Email Address

CASE NUMBER 2020-0039-SPNA Filing Date 2/10/20

Do Not Schedule Dates: Reviewer BT

REV. 10/4/11

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Special Tax Recapture: None					
Account Identifier:		District - 04 Account Number - 2500004604			
Owner Information					
Owner Name:	MARTIN MICHAEL S	Use:	RESIDENTIAL		
Mailing Address:	5222 BYERLY RD UPPERCO MD 21155-9504	Principal Residence:	YES		
		Deed Reference:	/28665/ 00204		
Location & Structure Information					
Premises Address:	5222 BYERLY RD 0-0000	Legal Description:	1.4726AC 5222 BYERLY RD 650FT NE OLD HANOVER RD		
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:
0031	0004	0137	4020022.04	0000	
					Block:
					Lot:
					Assessment Year:
					2019
					Plat No:
					Plat Ref:
Town: None					
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1965		1,404 SF		1.4700 AC	
				County Use	
				04	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath
1	YES	STANDARD UNIT	SIDING/	3	1 full/ 2 half
					Garage
					1 Carport
Last Notice of Major Improvements					
Value Information					
		Base Value	Value		Phase-in Assessments
			As of		As of
			01/01/2019		07/01/2019
					As of
					07/01/2020
Land:		94,200	94,200		
Improvements		121,800	135,500		
Total:		216,000	229,700		220,567
Preferential Land:		0			225,133
					0
Transfer Information					
Seller: FRAZIER KATHLEEN M		Date: 09/22/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /28665/ 00204		Deed2:	
Seller: GORE HOWARD ZEPP,JR		Date: 03/03/2009		Price: \$260,000	
Type: ARMS LENGTH IMPROVED		Deed1: /27730/ 00315		Deed2:	
Seller: GORE HOWARD JEPP JR/FRANCES M		Date: 02/07/2008		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /26648/ 00402		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2019		07/01/2020	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Special Tax Recapture: None					
Homestead Application Information					
Homestead Application Status: Approved 05/26/2009					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

Baltimore County - My Neighborhood

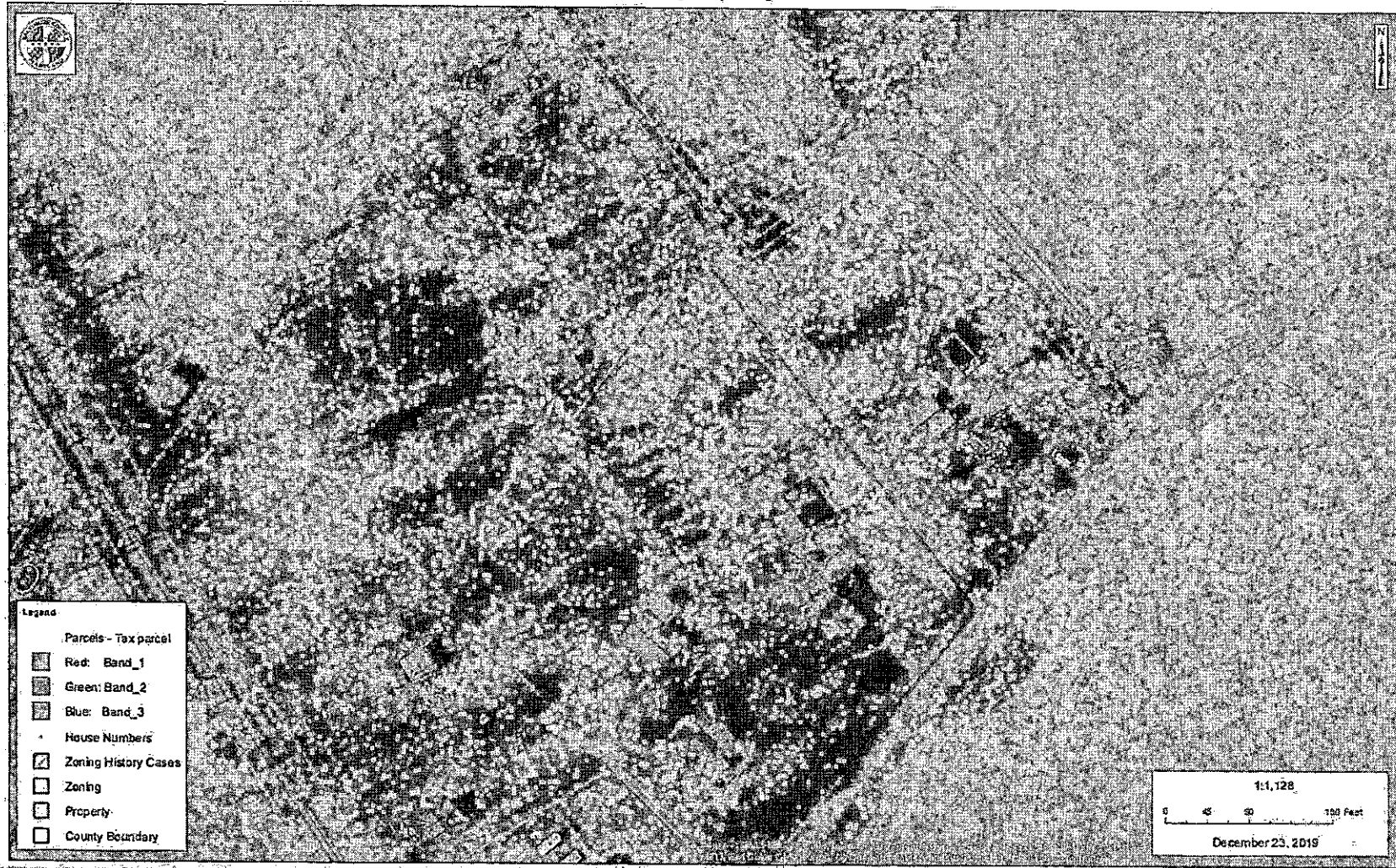


EXHIBIT #2

PETITIONER'S

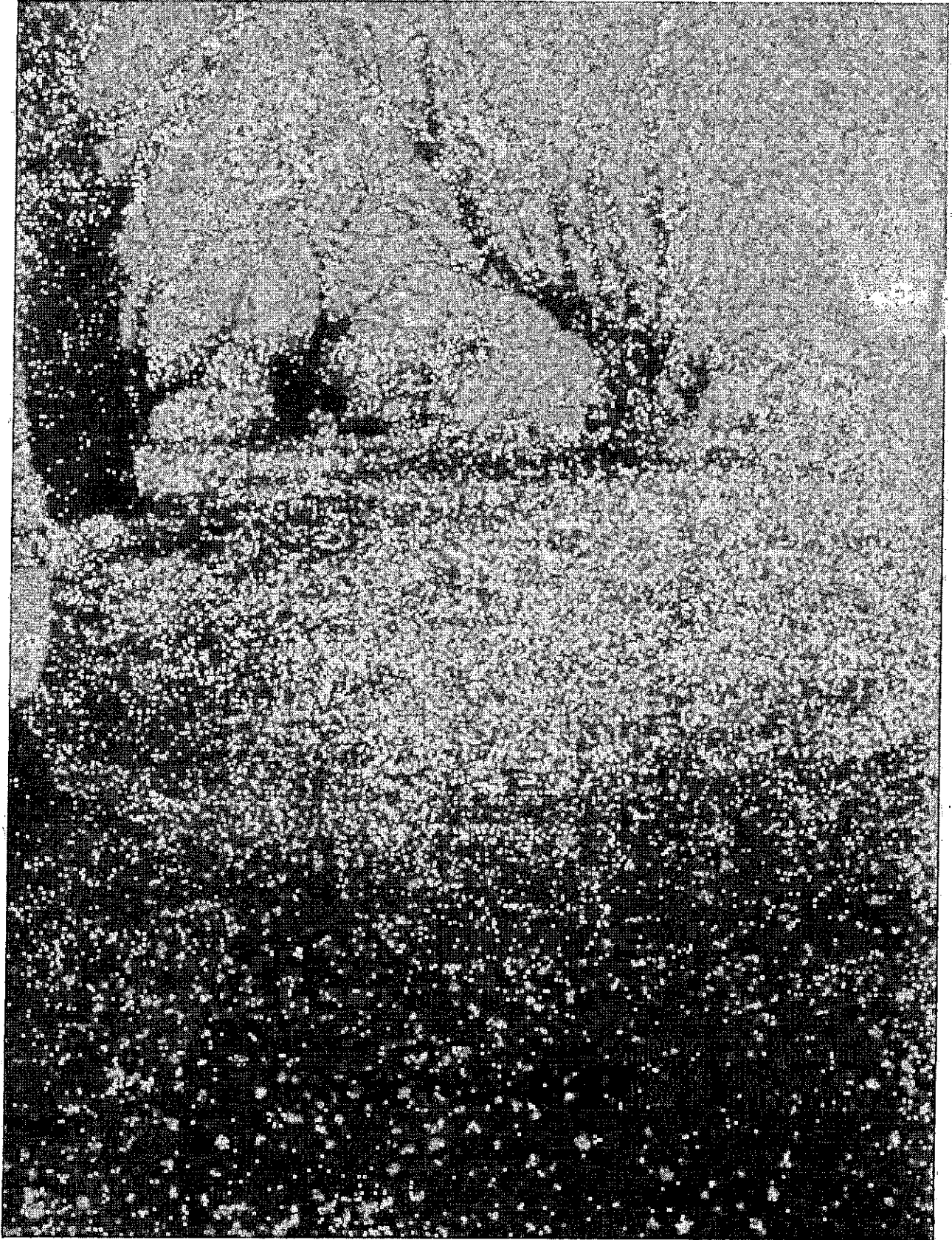
EXHIBIT NO. 2



Exhibit #3A

PETITIONER'S

EXHIBIT NO. 3A



PETITIONER'S

EXHIBIT NO. 3B



PETITIONER' S

EXHIBIT NO. 3-C



PETITIONER'S

EXHIBIT NO. 3-D



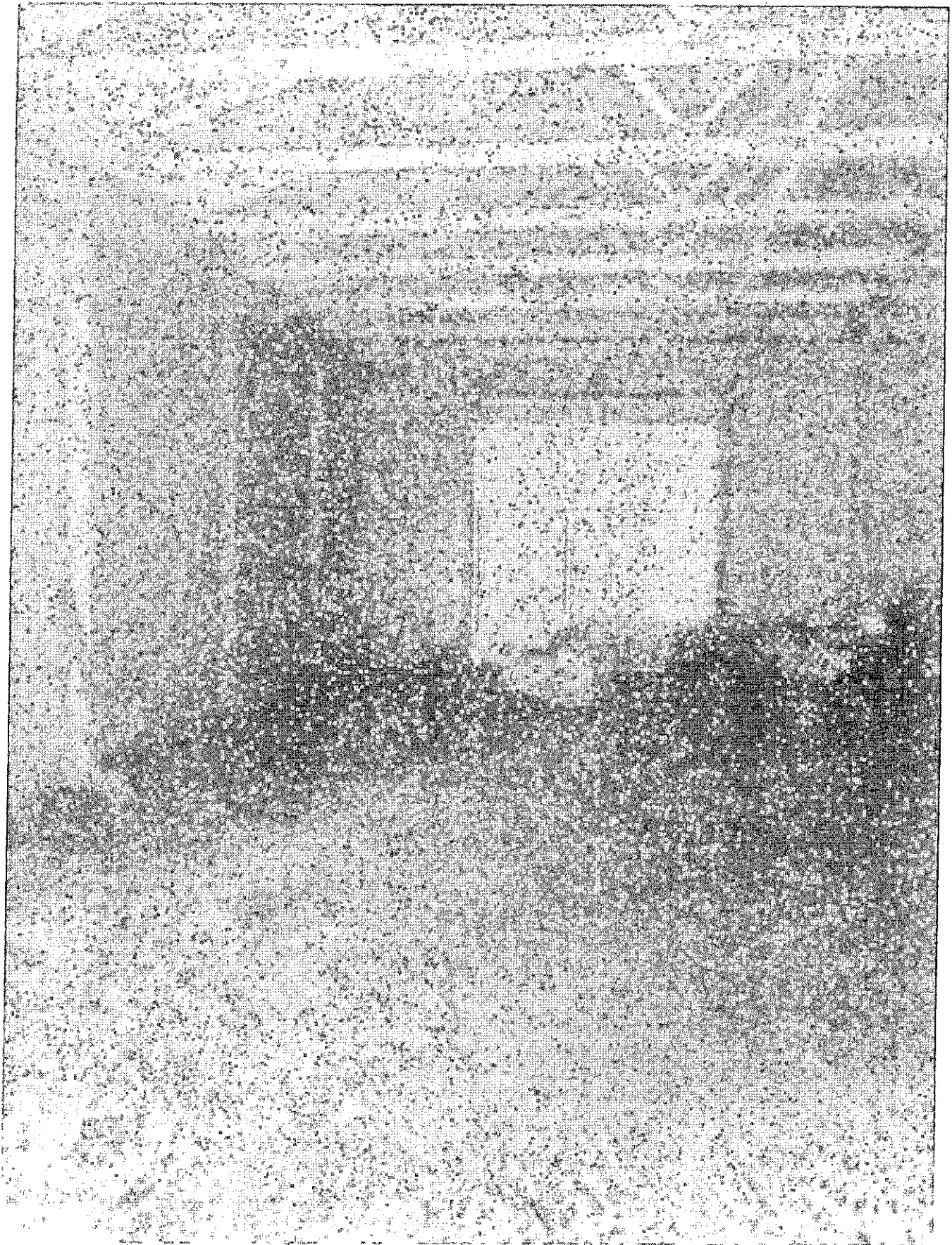
PETITIONER'S

EXHIBIT NO. 3E



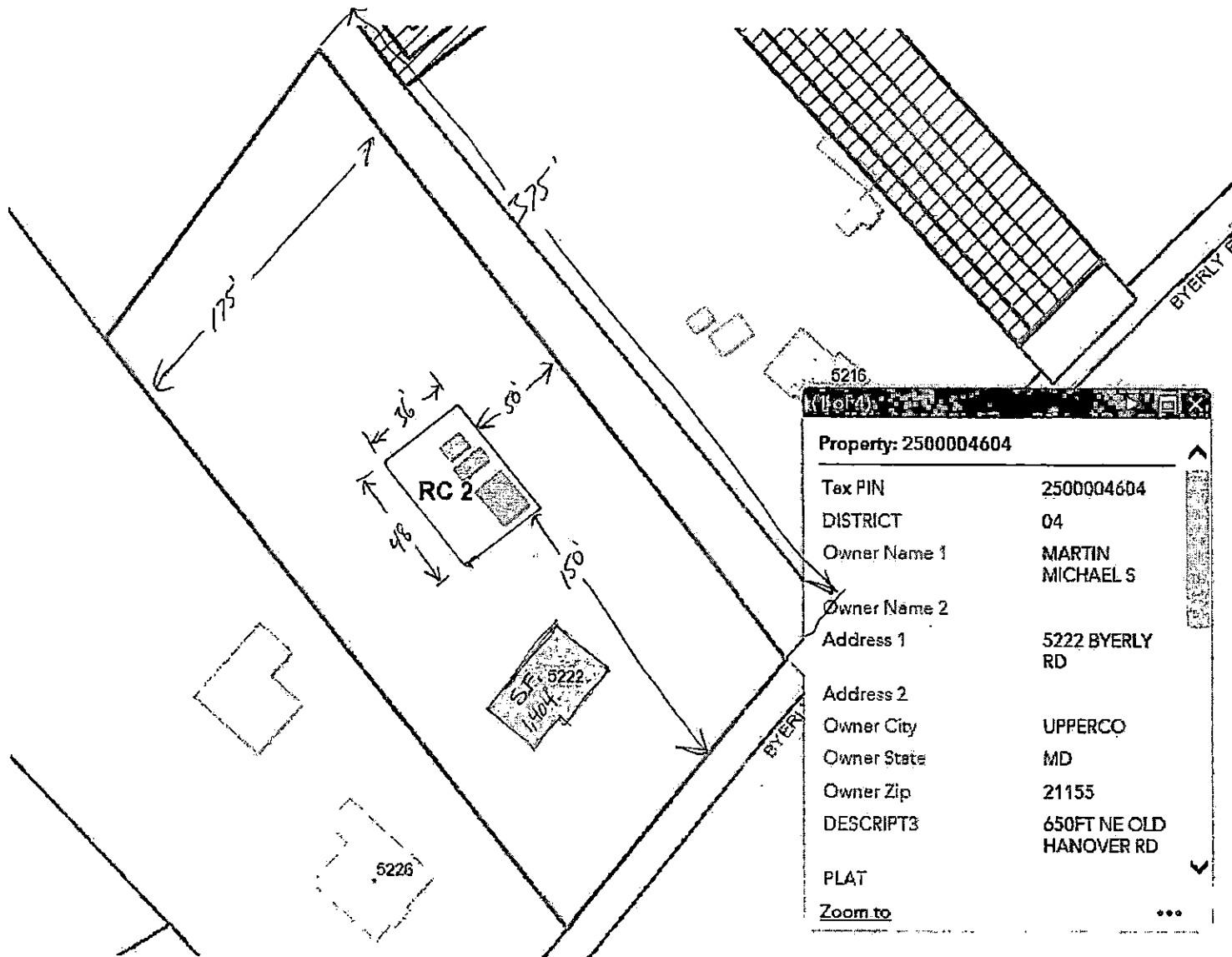
PETITIONER'S

EXHIBIT NO. 3-E



PETITIONER' S

EXHIBIT NO. 3-G



PETITIONER'S

EXHIBIT NO. 4B

Petition for Mr. Martin to keep his building as is. I understand Mr. Martin's building is slightly larger than his single family home in square footage and slightly taller than 15' (19.5'). This variance in size does not affect my family in any way.

Name (print) SEVS HANNON Signature [Signature]
Address 5231 BYERLY RD. UPPERCO 21155

Name (print) WILLIAM HARE Signature William Hare
Address 5216 BYLEY Rd UPPERCO MD 21155

Name (print) Julie Harris Hare Signature Julie Harris Hare
Address 5216 Byerly Rd Upperco MD 21155

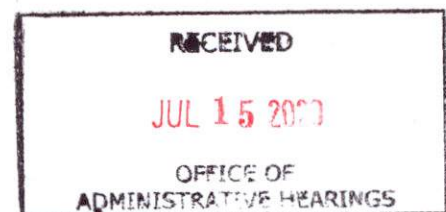
Name (print) ELIZABETH PHELPS Signature [Signature]
Address 5226 Byerly Rd, Upperco, MD 21155

Name (print) Amanda Turner Signature [Signature]
Address 5226 Byerly Rd. Upperco MD. 21155

Name (print) Sarah Alden Phelps Signature [Signature]
Address 5226 Byerly Rd. Upperco MD 21155

Name (print) Charles A. Phelps Signature [Signature]
Address 5226 Byerly Rd

Name (print) Alma Coufal Martin Signature Alma Martin
Address 15119 Old Hanover Rd Upperco MD 21155



PETITIONER'S

EXHIBIT NO. 5

5222 Byerly Road Baltimore County Maryland

Petition for Mr. Martin to keep his building as is. I understand Mr. Martin's building is slightly larger than his single family home in square footage and slightly taller than 15' (19.5'). This variance in size does not affect my family in any way.

Name (print) Lance Martin Signature [Signature]
Address 15119 Old Hanover Rd Upperco Md 21155

Name (print) BRIAN MARTIN Signature Brian Martin
Address 15119 OLD HANOVER RD UPPERCO MD 21155

Name (print) Russell E Abbat Signature Russell E A B/3.72
Address Upperco Md Byerly Rd 21155

Name (print) Ray Ciccarelli Signature [Signature]
Address 5152 Byerly Rd Upperco MD 21155

Name (print) Sarah Ciccarelli Signature [Signature]
Address 5150 Byerly Rd Upperco MD 21155

Name (print) _____ Signature _____
Address _____

Name (print) _____ Signature _____
Address _____

Name (print) _____ Signature _____
Address _____

GENERAL SITE INFORMATION

1. Owner(s): Michael S. Martin
5222 Byerly Road Upperco, MD 21155
2. Address: 5222 Byerly Road
3. Deed reference: 16665/104
4. Area: 1.426 ac. (per SDA)
5. Tax Map / Parcel / Tax account #: 31 / 137 / 23-00-00524
6. Election District: 4 Councilmanic District: 3
ADC Map: 4343G4 GIS file: 03181 Position sheet: 927W41
7. The boundary shown hereon is from the deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS file 03181 and the information provided by Baltimore County to the internet.
8. Improvements: Single family dwelling, garage & parking areas. All existing improvements will remain.

OFFICE OF ZONING

Zoning: RC 2
Zoning History: None

ENVIRONMENTAL IMPACT

Waterbody: Each River Reservoir UDL land type: 1

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

GROUND WATER MANAGEMENT

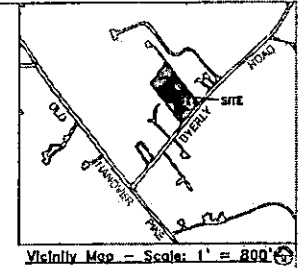
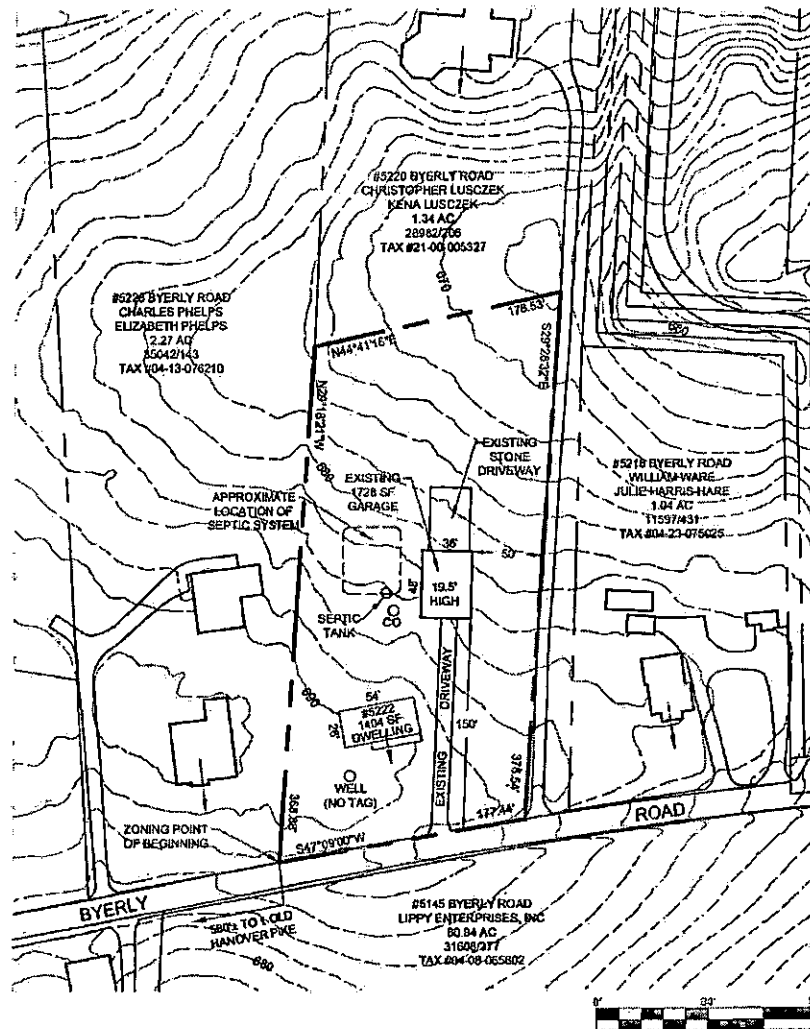
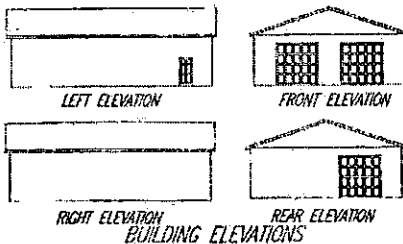
The location of the well and septic system shown hereon were provided by Baltimore County and the owner.

OFFICE OF PLANNING

Regional Planning District: Fowlesburg District Code: 303
1. The subject dwelling is not historic. The subject property is not in a National Register Historic District.

PROPOSED DEVELOPMENT

The residential use of the existing garage by the owner.

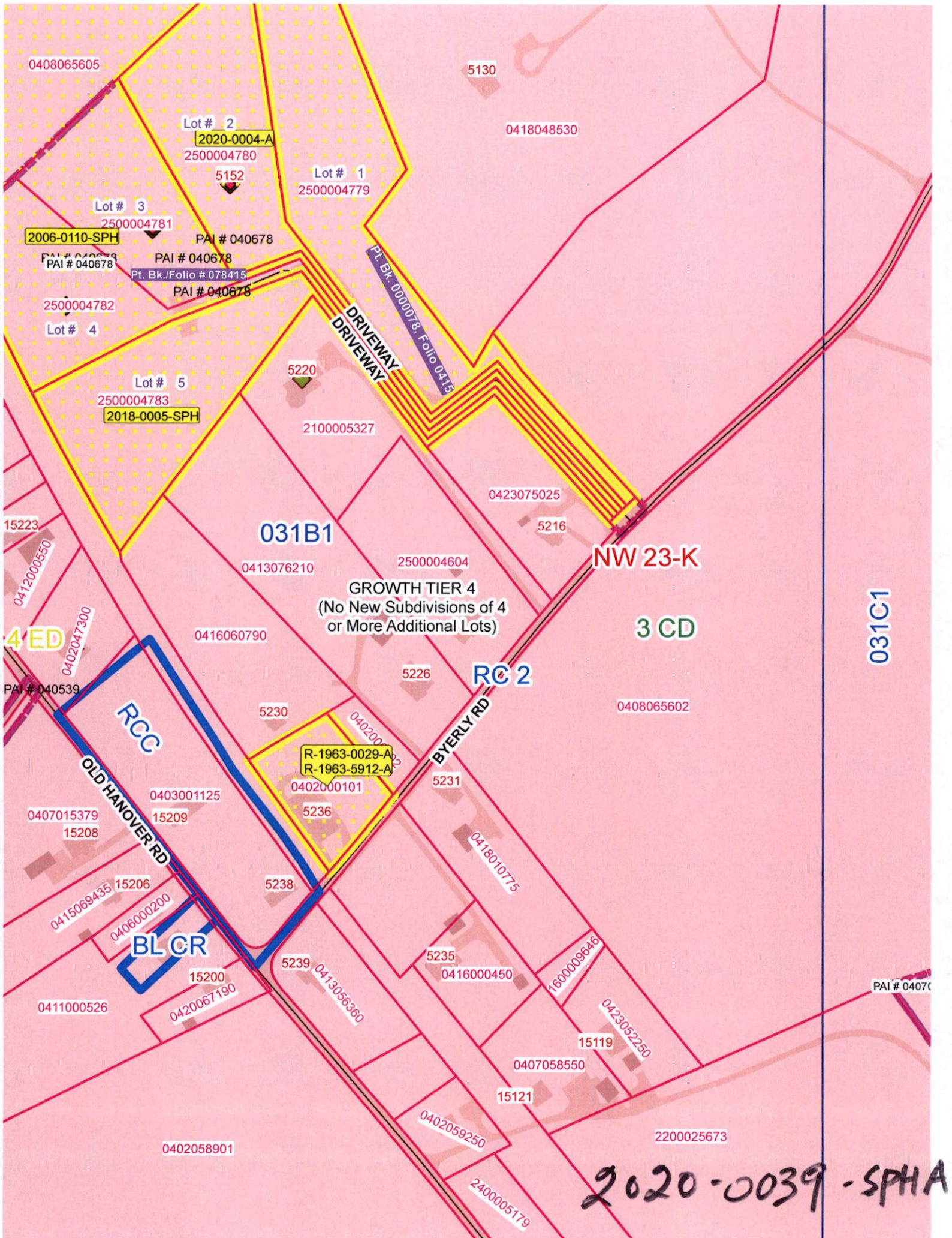


Bruce E. Dook Consulting, LLC
Land Use Expert and Surveyor
3501 Belair Boulevard Road
Pikesville, MD 21113
410-400-5556 or 410-419-4296
bdo@bruceedookconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
5222 BYERLY ROAD
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 1/28/20
Scale: 1"=80'

EXHIBIT #1



GENERAL SITE INFORMATION

1. Ownership: Michael S. Martin
5222 Byerly Road Upperco, MD 21155
2. Address: 5222 Byerly Road
3. Deed references: 28665/204
4. Area: 1.4726 ac. (per SDAT)
5. Tax Map / Parcel / Tax account #: 31 / 137 / 25-00-004604
6. Election District: 4 Councilmanic District: 3
ADC Map: 4343G4 GIS tile: 031B1 Position sheet: 90NW41
7. The boundary shown hereon is from the deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 031B1 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling, garage & parking areas. All existing improvements will remain.

OFFICE OF ZONING

Zoning: RC 2
Zoning History: None

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

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

GROUND WATER MANAGEMENT

The location of the well and septic system shown hereon were provided by Baltimore County and the owner.

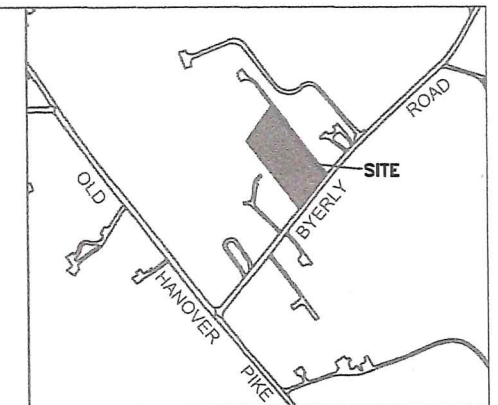
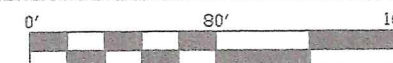
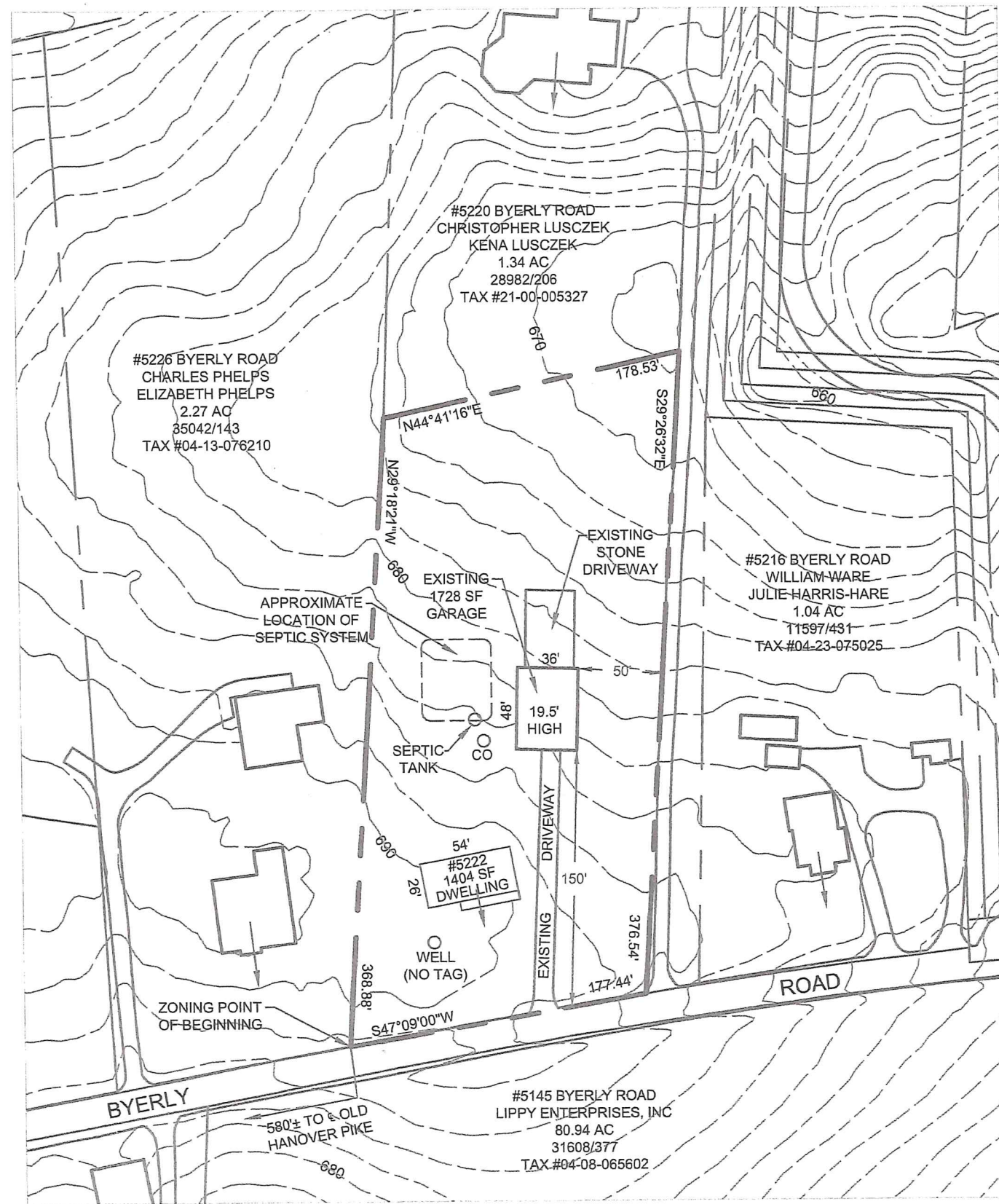
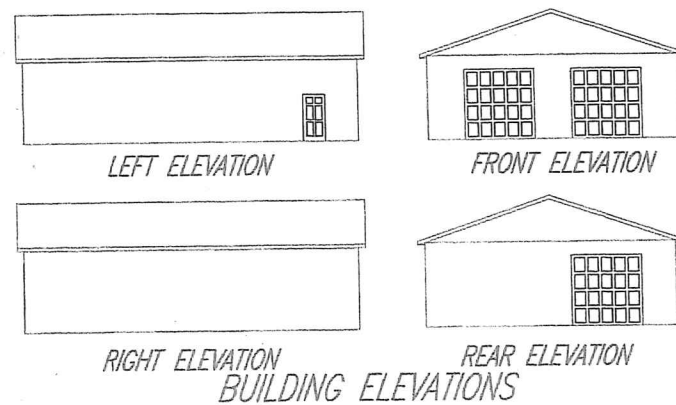
OFFICE OF PLANNING

Regional Planning District: Fowblesburg District Code: 303

1. The subject dwelling are not historic. The subject property is not in a National Register Historic District.

PROPOSED DEVELOPMENT

The residential use of the existing garage by the owner.



Vicinity Map - Scale: 1" = 800'



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21103
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR

#5222 BYERLY ROAD
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 1/28/20

PETITIONER'S

EXHIBIT NO. 1

CASE # 2020-0039-SP4A

GENERAL SITE INFORMATION

1. Ownership: Michael S. Martin
5222 Byerly Road Upperco, MD 21155
2. Address: 5222 Byerly Road
3. Deed references: 28665/204
4. Area: 1.4726 ac. (per SDAT)
5. Tax Map / Parcel / Tax account #: 31 / 137 / 25-00-004604
6. Election District: 4 Councilmanic District: 3
ADC Map: 4343G4 GIS tile: 031B1 Position sheet: 90NW41
7. The boundary shown hereon is from the deeds recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 031B1 and the information provided by Baltimore County on the internet.
8. Improvements: Single family dwelling, garage & parking areas. All existing improvements will remain.

OFFICE OF ZONING

Zoning: RC 2
Zoning History: None

ENVIRONMENTAL IMPACT

Watershed: Loch Raven Reservoir URDL land type: 1

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

GROUND WATER MANAGEMENT

The location of the well and septic system shown hereon were provided by Baltimore County and the owner.

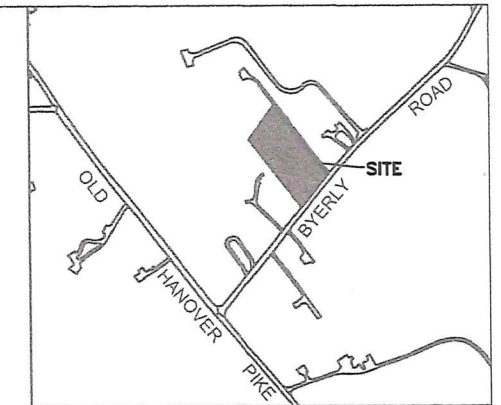
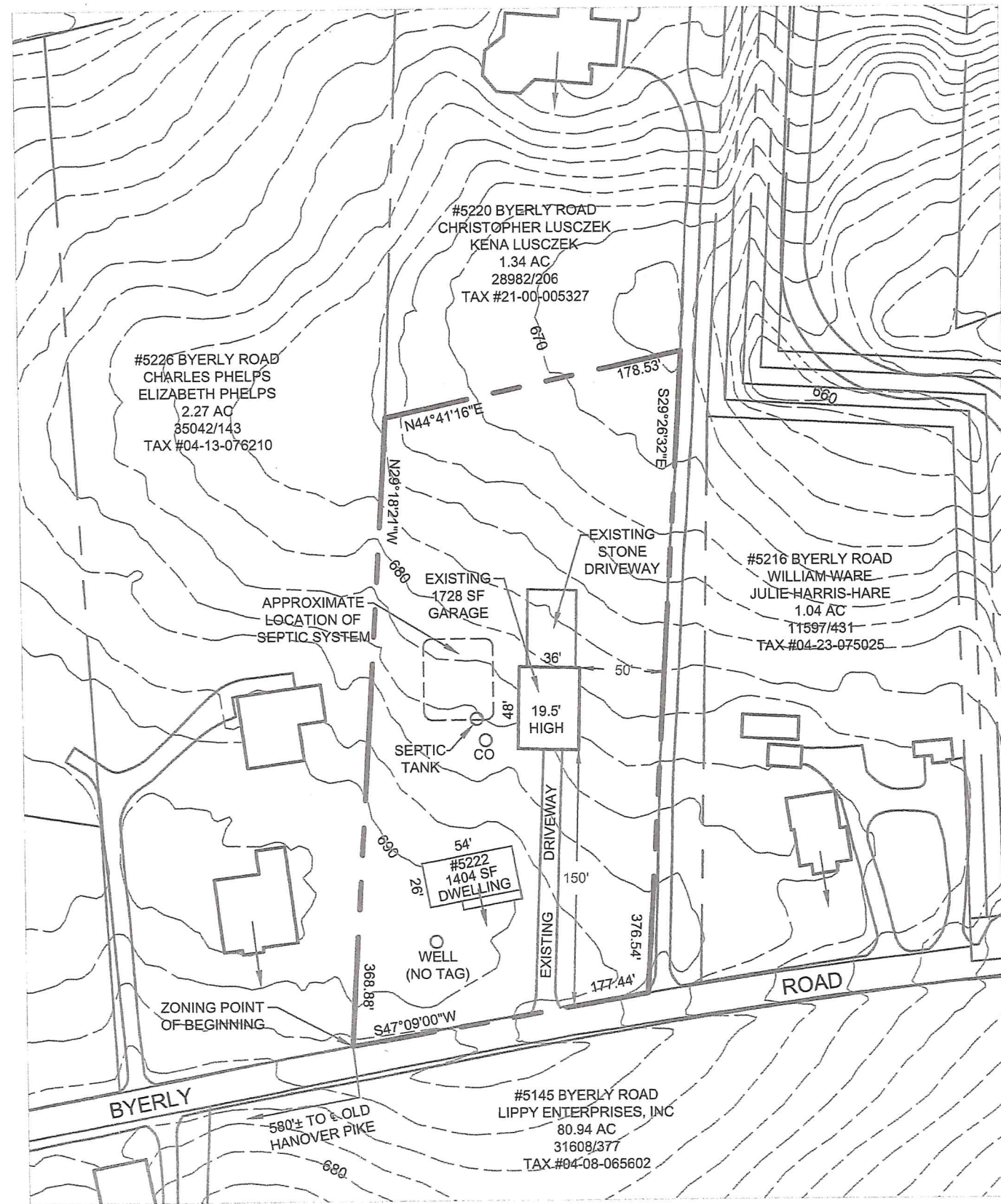
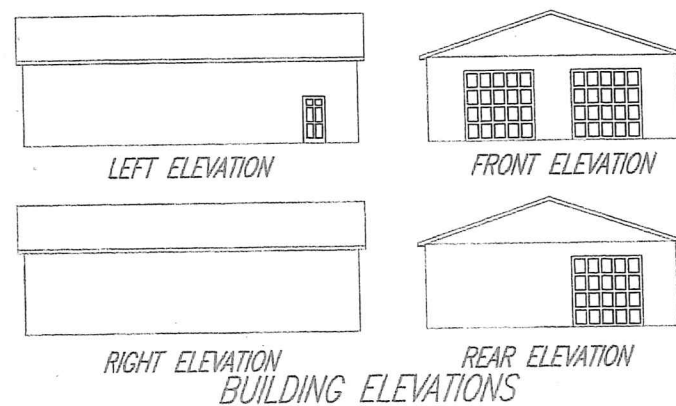
OFFICE OF PLANNING

Regional Planning District: Fowlesburg District Code: 303

1. The subject dwelling are not historic. The subject property is not in a National Register Historic District.

PROPOSED DEVELOPMENT

The residential use of the existing garage by the owner.



Vicinity Map - Scale: 1" = 800'



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o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR

#5222 BYERLY ROAD
BALTIMORE COUNTY, MARYLAND
4th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 1/28/20

Scale: 1"=80'

CASE # 2020-0039-5PHA