

M E M O R A N D U M

DATE: September 15, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0164-A- Appeal Period Expired

The appeal period for the above-referenced case expired on September 11, 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: PETITION FOR ADMIN. VARIANCE *
(2312 Garrett Road)
7th Election District *
3rd Council District *
Henry P. & Elizabeth N. Smyth *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2020-0164-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Henry P. and Elizabeth N. Smyth (“Petitioners”). The Petitioners are requesting Variance relief from § 400.1 to allow an accessory structure (pool) in the front yard in lieu of the requirement that it be in the rear yard. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. The property is subject to certain environmental regulations as noted in the ZAC comment, dated July 31, 2020, submitted by the Department of Environmental Protection and Sustainability (DEPS).

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 26, 2020, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 8/12/20

By Drummond

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 12th day of **August, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 400.1 to allow an accessory structure (pool) in the front yard in lieu of the requirement that it be in the rear yard, 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 their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- Petitioners must comply with the DEPS ZAC comment, dated July 31, 2020; a copy of which is attached hereto and made a part hereof.

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:dlw

ORDER RECEIVED FOR FILING

Date 8/12/20

By D. Mignone

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 31 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

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: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0164-A
Address 2312 Garrett Road
(Smyth Property)

Zoning Advisory Committee Meeting of **July 27, 2020.**

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

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

A Forest Buffer Easement must be recorded on the property to protect the stream system as a condition of permit approval.

Forest Conservation Law can be addressed by filing a Single Lot Declaration of Intent. This Declaration would be required prior to permit approval.

Reviewer: Glenn Shaffer



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 Law of Baltimore County for the property located at:

Address 2312 Garrett Road which is presently zoned RC-2

Deed Reference 34037 / 403 10 Digit Tax Account # 1900010725

Property Owner(s) Printed Name(s) Henry P. & Elizabeth N. Smyth

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

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 400.1 to allow an accessory structure (pool) in the front yard in lieu of the requirement that it be in the rear yard

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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:

Henry P. Smyth / Elizabeth N. Smyth

Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature #2

PO Box 72 White Hall MD

Mailing Address City State

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

21161 / 202-215-3705 / henrypasmith@gmail.com

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2020-0164-A Filing Date 7/14/20 Estimated Posting Date 7/26/20 Reviewer JS

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 2312 Garrett Road White Hall MD 21161
Print or Type Address of property City State Zip Code

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

The existing house is located in the center of the very large lot and we intend to construct a pool in the front yard of the house. The orientation of the existing house is to face to the east. The driveway approaches from the south and east of the house and loops around to the north side. There is a large slope to the rear of the dwelling making it impossible to construct a pool in that location. There is a slope to the south and also the restriction of the driveway in that area making it an undesirable location for the pool. There is a field to the north of the house where the pool can be constructed, but the slope that is along the west side continues up in this area, so it will need to be eastward enough so that it is in the "front" of the house. The attached plan and pictures show that it will not be visible from any other neighbors and so we request the relief as the minimum necessary in order to construct the pool and enjoy use of the property.

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

Henry P. Smyth

Signature of Affiant

Henry P. Smyth

Name- Print or Type

Elizabeth N. Smyth

Signature of Affiant

Elizabeth N. Smyth

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 2nd day of July, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Henry Smyth Elizabeth Smyth
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal

Peterson Lynne J
Notary Public

30 June 2021
My Commission Expires

Baltimore Co., MD

**ZONING PROPERTY DESCRIPTION FOR
2312 GARRETT ROAD
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point 1,282 feet +/- East of the intersection of Garrett Road and Vernon Road binding on the center of Garrett Road (1) North 66 degrees 26 minutes 20 seconds East 170.55 feet, (2) North 72 degrees 22 minutes East 70.16 feet, (3) North 81 degrees 02 minutes 20 seconds East 55.78 feet, (4) North 88 degrees 43 minutes 40 seconds East 146.32 feet, (5) North 74 degrees 53 minutes 20 seconds East 125.25 feet, and (6) North 68 degrees 12 minutes 40 seconds East 7.42 feet, thence leaving said road and then the following bearings and distances (7) North 20 degrees 17 minutes 20 seconds West 524.21 feet, (8) North 20 degrees 17 minutes 20 seconds West 321.82 feet, (9) North 23 degrees 36 minutes 45 seconds West 263.62 feet, (10) South 62 degrees 22 minutes 43 seconds West 130.70 feet, (11) South 83 degrees 28 minutes 48 seconds West 168.53 feet, (12) South 71 degrees 05 minutes 12 seconds West 334.17 feet, (13) South 73 degrees 37 minutes West 454.25 feet, (14) South 29 degrees 03 minutes 40 seconds East 560.90 feet, and (15) South 20 degrees 20 minutes East 513.34 feet, to the point of beginning.

Containing a net area of 875,914 square feet or 20.11 acres +/-.

2020-0164-A



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 Law of Baltimore County for the property located at:

Address 2312 Garrett Road

which is presently zoned RC-2

Deed Reference 34037 / 403

10 Digit Tax Account # 1900010725

Property Owner(s) Printed Name(s) Henry P. & Elizabeth N. Smyth

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

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s) 400.1 to allow an accessory structure (pool) in the front yard in lieu of the requirement that it be in the rear yard

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

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:

Henry P. Smyth / Elizabeth N. Smyth

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

PO Box 72

White Hall

MD

Mailing Address

City

State

21161

/ 202-215-3705 / henrypasmyth@gmail.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Richardson Engineering, LLC Rick Richardson

Name – Type or Print

Signature

30 E. Padonia Road

Timonium

MD

Mailing Address

City

State

21093

/ 410-560-1502

/ rick@richardsonengineering.net

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Administrative Law Judge of Baltimore County

CASE NUMBER 2020-0164-A

Filing Date 7/14/20

Estimated Posting Date 7/26/20

Reviewer JS

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 2312 Garrett Road White Hall MD 21161
Print or Type Address of property City State Zip Code

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

The existing house is located in the center of the very large lot and we intend to construct a pool in the front yard of the house. The orientation of the existing house is to face to the east. The driveway approaches from the south and east of the house and loops around to the north side. There is a large slope to the rear of the dwelling making it impossible to construct a pool in that location. There is a slope to the south and also the restriction of the driveway in that area making it an undesirable location for the pool. There is a field to the north of the house where the pool can be constructed, but the slope that is along the west side continues up in this area, so it will need to be eastward enough so that it is in the "front" of the house. The attached plan and pictures show that it will not be visible from any other neighbors and so we request the relief as the minimum necessary in order to construct the pool and enjoy use of the property.

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

Henry P. Smyth

Signature of Affiant

Henry P. Smyth

Name- Print or Type

Elizabeth N. Smyth

Signature of Affiant

Elizabeth N. Smyth

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 2nd day of July, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Henry Smyth

Elizabeth Smyth

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) **(Print name(s) here)**

AS WITNESS my hand and Notaries Seal

Patricia Lynne Jones

Notary Public

30 June 2021

My Commission Expires

Baltimore Co. MD.

**ZONING PROPERTY DESCRIPTION FOR
2312 GARRETT ROAD
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point 1,282 feet +/- East of the intersection of Garrett Road and Vernon Road binding on the center of Garrett Road (1) North 66 degrees 26 minutes 20 seconds East 170.55 feet, (2) North 72 degrees 22 minutes East 70.16 feet, (3) North 81 degrees 02 minutes 20 seconds East 55.78 feet, (4) North 88 degrees 43 minutes 40 seconds East 146.32 feet, (5) North 74 degrees 53 minutes 20 seconds East 125.25 feet, and (6) North 68 degrees 12 minutes 40 seconds East 7.42 feet, thence leaving said road and then the following bearings and distances (7) North 20 degrees 17 minutes 20 seconds West 524.21 feet, (8) North 20 degrees 17 minutes 20 seconds West 321.82 feet, (9) North 23 degrees 36 minutes 45 seconds West 263.62 feet, (10) South 62 degrees 22 minutes 43 seconds West 130.70 feet, (11) South 83 degrees 28 minutes 48 seconds West 168.53 feet, (12) South 71 degrees 05 minutes 12 seconds West 334.17 feet, (13) South 73 degrees 37 minutes West 454.25 feet, (14) South 29 degrees 03 minutes 40 seconds East 560.90 feet, and (15) South 20 degrees 20 minutes East 513.34 feet, to the point of beginning.

Containing a net area of 875,914 square feet or 20.11 acres +/-.

2070-0164-A

CERTIFICATE OF POSTING

2020-0164-A

RE: Case No.: _____

Petitioner/Developer: _____

SMYTH

Date of Hearing/Closing: August 10, 2020

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

2312 Garrett Road

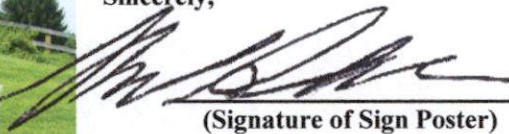
SIGN 1 Recertification

July 26, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

August 9, 2020

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0164-A

RE: Case No.: _____

Petitioner/Developer: _____

SMYTH

August 10, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

2312 Garrett Road

SIGN 2 Recertification

July 26, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 August 9, 2020
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0164-A

RE: Case No.: _____

Petitioner/Developer: _____

SMYTH

August 10, 2020

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

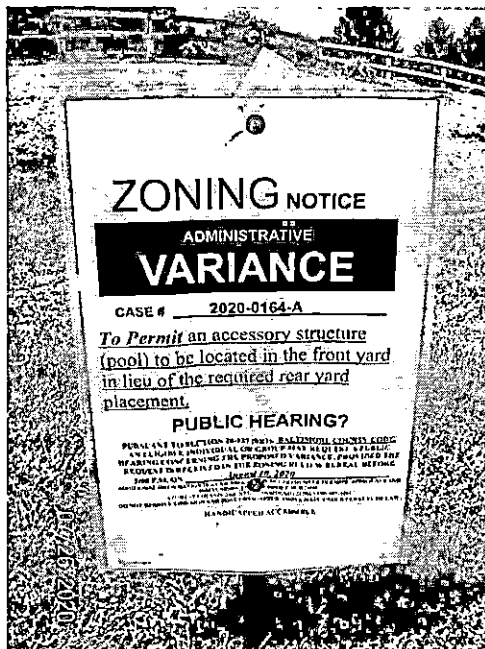
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

2312 Garrett Road

SIGN 1

July 26, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

July 26, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2020-0164-A

RE: Case No.: _____

Petitioner/Developer: _____

SMYTH

August 10, 2020
Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

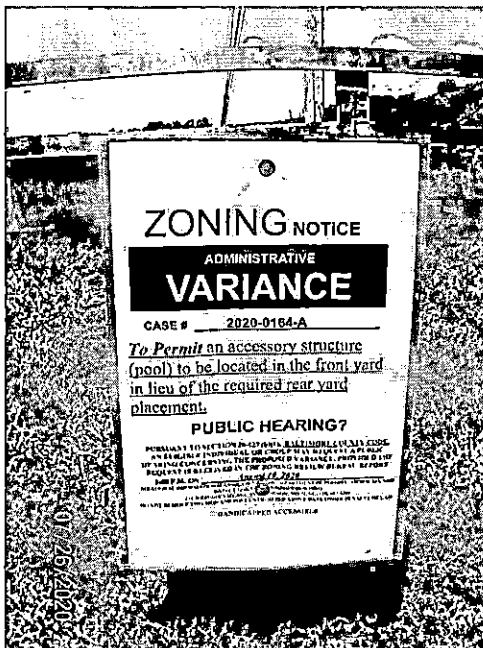
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

2312 Garrett Road

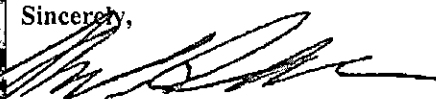
SIGN 2

July 26, 2020

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

 July 26, 2020

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0164 -A Address 2312 GARRETT ROAD
Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/14/20 Posting Date: 7/26/20 Closing Date: 8/10/20

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to 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 Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(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- 0164 -A Address 2312 GARRETT ROAD
Petitioner's Name SMYTH Telephone 202-215-3705
Posting Date: 7/26/20 Closing Date: 8/10/20
Wording for Sign: TO PERMIT AN ACCESSORY STRUCTURE (POOL) TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED REAR YARD PLACEMENT.

Revised 2/20/2020

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 199704

Date: 7/14/20

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					\$ 75.00

Total: \$ 75.00

Rec

From: SMYTH

For:

2020-0164-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

ELIZABETH SMYTH 07-13		7-11 6479	123
HENRY SMYTH		520	
2312 GARRETT RD.		DATE 7-2-20	Shield™
WHITE HALL, MD 21161			
PAY TO THE ORDER OF	Baltimore County, MD	\$ 75.00	
seventy-five & 0/100		DOLLARS	Security Features Including: Details on Back.
M&T Bank			
MEMO		MP	
98617226690123			

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUL 31 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

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: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0164-A
Address 2312 Garrett Road
(Smyth Property)

Zoning Advisory Committee Meeting of **July 27, 2020**.

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

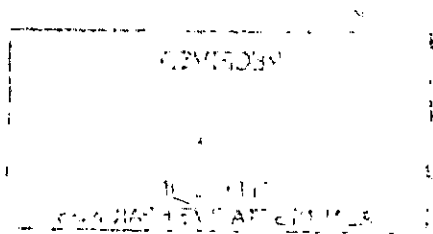
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

A Forest Buffer Easement must be recorded on the property to protect the stream system as a condition of permit approval.

Forest Conservation Law can be addressed by filing a Single Lot Declaration of Intent. This Declaration would be required prior to permit approval.

Reviewer: Glenn Shaffer





JOHN A. OLSZEWSKI, JR.
County Executive

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

August 10, 2020

Richard Engineering, LLC Rick Richardson,
30 E. Padonia Road
Timonium MD 21093

RE: Case Number: 2020-0164-A, 2312 Garrett 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 July 14, 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 the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Henry P. Smith P.O Box 72 White Hall MD 21161

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: July 31, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0164-A
Address 2312 Garrett Road
(Smyth Property)

Zoning Advisory Committee Meeting of **July 27, 2020.**

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

X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

A Forest Buffer Easement must be recorded on the property to protect the stream system as a condition of permit approval.

Forest Conservation Law can be addressed by filing a Single Lot Declaration of Intent. This Declaration would be required prior to permit approval.

Reviewer: Glenn Shaffer

Real Property Data Search (w3)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Special Tax Recapture: AGRICULTURAL TRANSFER TAX									
Account Identifier:		District - 07 Account Number - 1900010725							
Owner Information									
Owner Name:		SMYTH HENRY P SMYTH ELIZABETH N		Use: Principal Residence:		AGRICULTURAL YES			
Mailing Address:		PO BOX 72 WHITE HALL MD 21161-0072		Deed Reference:		/34037/ 00403			
Location & Structure Information									
Premises Address:		2312 GARRETT RD WHITE HALL 21161-		Legal Description:		20.108 AC NWS 2312 GARRETT RD 1250 E VERNON RD			
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0018	0002	0103	7030017.04	0000				2020	Plat Ref:
Town: None									
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1985		1,176 SF				20.1000 AC		05	
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
1 1/2	NO	STANDARD UNIT	FRAME/	4	3 full	1 Attached			
Value Information									
			Base Value		Value		Phase-in Assessments		
					As of 01/01/2020		As of 07/01/2019		As of 07/01/2020
Land:			97,100		97,100				
Improvements			188,800		208,900				
Total:			285,900		306,000		285,900		292,600
Preferential Land:			7,100						7,100
Transfer Information									
Seller: BARKE MICHAEL R				Date: 08/06/2013		Price: \$615,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /34037/ 00403		Deed2:			
Seller: GERATH JOSEPH G				Date: 09/25/2001		Price: \$400,000			
Type: ARMS LENGTH IMPROVED				Deed1: /15990/ 00260		Deed2:			
Seller: STAFFORD EDWARD E				Date: 07/26/1983		Price: \$53,000			
Type: ARMS LENGTH IMPROVED				Deed1: /06562/ 00365		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: AGRICULTURAL TRANSFER TAX									
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application					Date:				

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

CASE NO. 2020- 0164-A

CHECKLIST

<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>7-31</u>	DEPS (if not received, date e-mail sent _____)	<u>C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
_____	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: 7-26-20 by Block

SIGN POSTING (2nd) Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: AGRICULTURAL TRANSFER TAX		
Account Identifier: District - 07 Account Number - 1900010725		
Owner Information		
Owner Name:	SMYTH HENRY P SMYTH ELIZABETH N	Use: AGRICULTURAL Principal Residence: YES
Mailing Address:	PO BOX 72 WHITE HALL MD 21161-0072	Deed Reference: /34037/ 00403
Location & Structure Information		
Premises Address:	2312 GARRETT RD WHITE HALL 21161-	Legal Description: 20.108 AC NWS 2312 GARRETT RD 1250 E VERNON RD
Map: 0018	Grid: 0002	Parcel: 0103
Neighborhood: 7030017.04	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2020
Town: None		Plat No:
		Plat Ref:
Primary Structure Built 1985	Above Grade Living Area 1,176 SF	Finished Basement Area
		Property Land Area 20.1000 AC
		County Use 05
Stories 1 1/2	Basement NO	Type STANDARD UNIT
Exterior FRAME/	Quality 4	Full/Half Bath 3 full
Garage 1 Attached	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of 01/01/2020
Land:	97,100	97,100
Improvements	188,800	208,900
Total:	285,900	306,000
Preferential Land:	7,100	
		285,900
		292,600
		7,100
Transfer Information		
Seller: BARKE MICHAEL R	Date: 08/06/2013	Price: \$615,000
Type: NON-ARMS LENGTH OTHER	Deed1: /34037/ 00403	Deed2:
Seller: GERATH JOSEPH G	Date: 09/25/2001	Price: \$400,000
Type: ARMS LENGTH IMPROVED	Deed1: /15990/ 00260	Deed2:
Seller: STAFFORD EDWARD E	Date: 07/26/1983	Price: \$53,000
Type: ARMS LENGTH IMPROVED	Deed1: /06562/ 00365	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: AGRICULTURAL TRANSFER TAX		
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: 2020-0164-A **Reviewer:** Jason Seidelman
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Henry P. & Elizabeth N. Smyth
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 2312 GARRETT RD

Location: North West side of Garrett Road 1275' North East of Vernon Road.

Existing Zoning: RC 2

Area: 20.11 AC

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

From section 400.1 To allow an accessory structure (pool) in the front yard in lieu of the requirement that it be in the rear yard.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: Aug-10th

Miscellaneous Notes:

Case Number: 2020-0165-A **Reviewer:** Aaron Tsui
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: John & Kelly Caine
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 9812 GUNFORGE RD

Location: North West side of Gunforge Road 329 feet West of the center line of Gunlyn Road.

Existing Zoning: DR 3.5

Area: 16,884 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

From section 1B02.3.C.1 of BCZR To enclose the existing carport on the side of the dwelling with a side yard setback of 6.5 feet and a sum side yard setback of 21.5 feet in lieu of the required 10 and 25 feet respectively.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

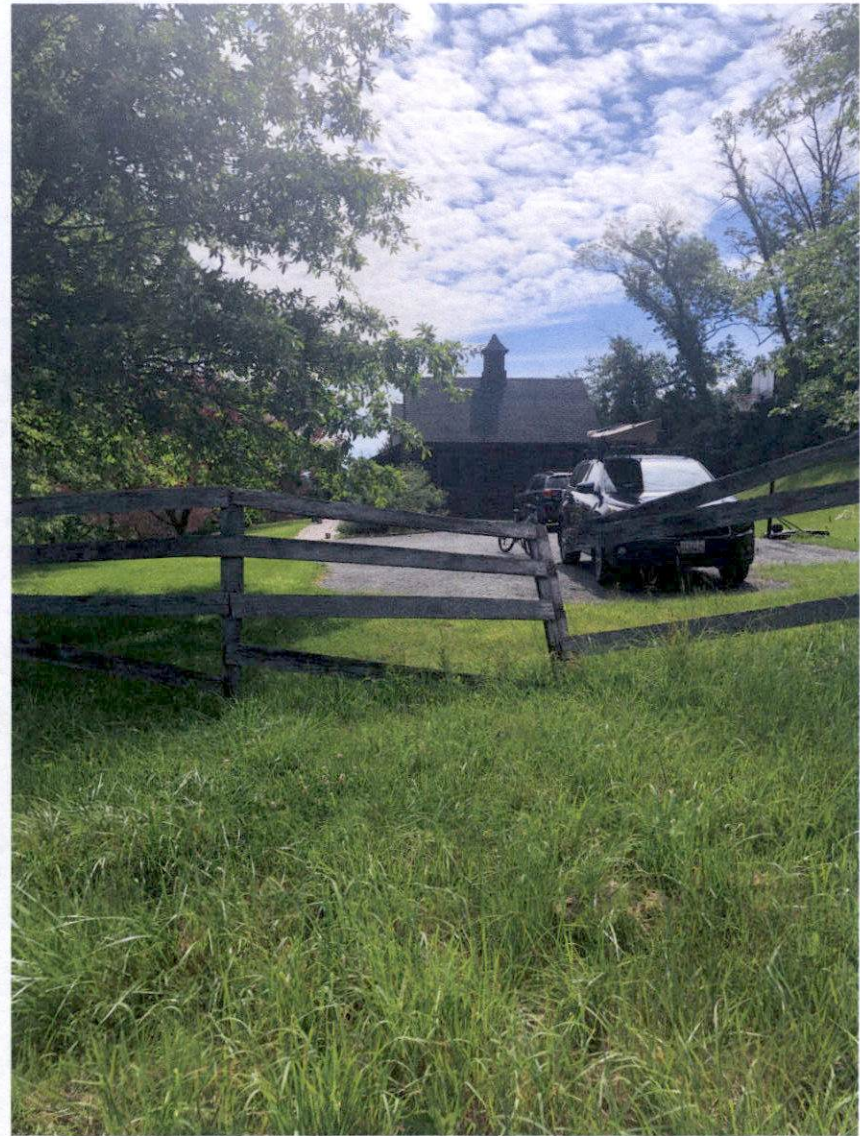
Violation Cases: None

Closing Date: 08/10/2020

Miscellaneous Notes:



View to north from pool area

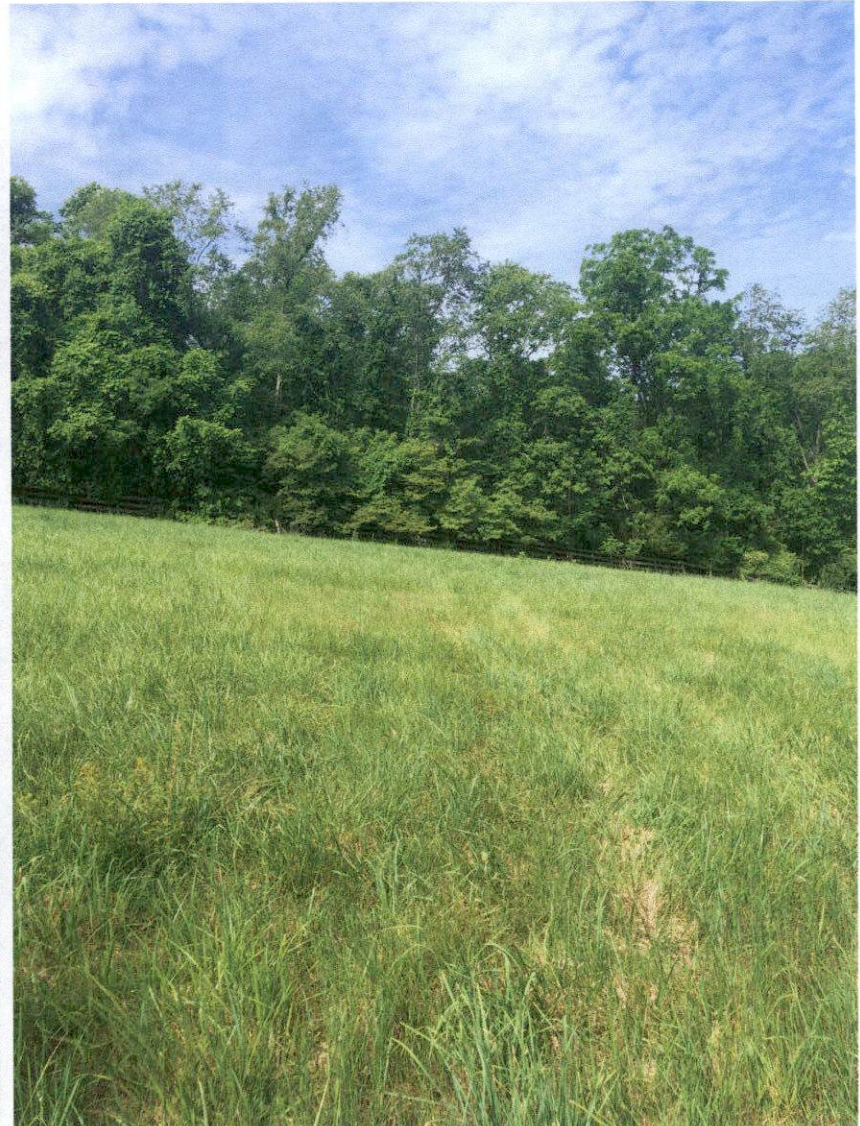


View east toward house from pool area

2020-0164-A

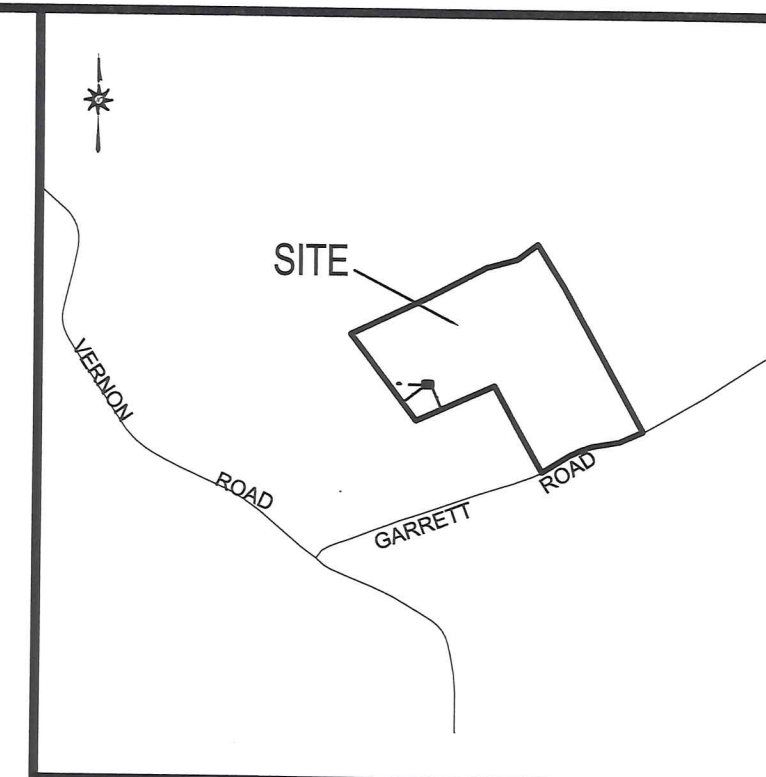


View to south from pool area



View to west from pool area

2020-0164-A



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: HENRY P SMYTH
ELIZABETH N SMYTH
PO BOX 72
WHITE HALL MD 21161-0072
- SITE AREA: 875,914 SF OR 20.11 Ac.±
- EXISTING: 1 RESIDENTIAL DWELLING
PROPOSED: 1 RESIDENTIAL DWELLING
- UTILITIES: PRIVATE WATER AND SEWER
- DEED REF: 34037/403
- TAX ACCOUNT: 1900010725
- ZONING: RC 2
(PER 1"=200' ZONING MAP 018A1)
- TAX MAP: 18
GRID: 2
PARCEL: 103
- LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 42045C0108F DATED NOVEMBER 18, 2009.
- PREVIOUS ZONING CASES: NONE ON FILE.
- PREVIOUS PERMITS: NONE ON FILE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- SETBACKS FOR RC 2

	REQUIRED	PROVIDED
FRONT	75'	452'±
SIDE	35'	191'±
REAR	35'	55'±



2020-0164-A

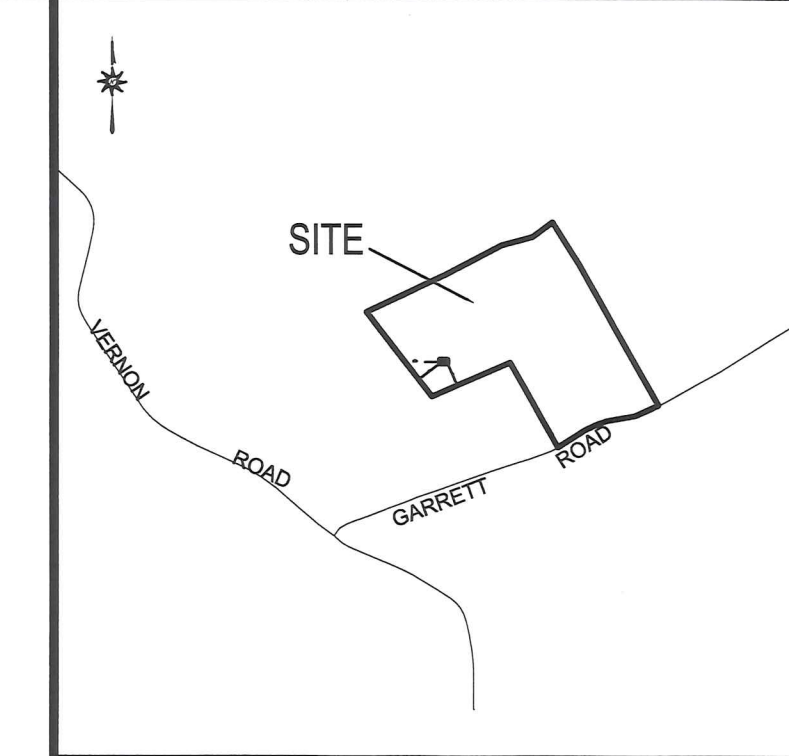
Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION FOR SMYTH PROPERTY PROPOSED POOL 2312 GARRETT ROAD

BALTIMORE COUNTY MARYLAND
7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

REVISIONS	DRAWN BY: LNR	CHECKED BY: PCR	SCALE: 1" = 100'
	DATE: 07-07-20	JOB NO.: 20072	SHEET NO.: 1 OF 1



LOCATION MAP

SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: HENRY P. SMYTH
ELIZABETH N. SMYTH
PO BOX 72
WHITE HALL, MD 21161-0072
- SITE AREA: 875,814 SF OR 20.11 Ac.±
- EXISTING: 1 RESIDENTIAL DWELLING
PROPOSED: 1 RESIDENTIAL DWELLING
- UTILITIES: PRIVATE WATER AND SEWER
- DEED REF: 34037/403
- TAX ACCOUNT: 1900010725
- ZONING: RC 2
(PER 1"=200' ZONING MAP 018A1)
- TAX MAP: 18
GRID: 2
PARCEL: 103
- LOCATED IN ZONE X PER FLOOD INSURANCE RATE MAP (FIRM) PANEL 42045C0108F DATED NOVEMBER 18, 2009.
- PREVIOUS ZONING CASES: NONE ON FILE.
- PREVIOUS PERMITS: NONE ON FILE.
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ON SITE NOR IS THE SITE ITSELF HISTORIC.
- SETBACKS FOR RC 2

	REQUIRED	PROVIDED
FRONT	75'	452'±
SIDE	35'	191'±
REAR	35'	55'±

2020-0164-A
Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR
SMYTH PROPERTY
PROPOSED POOL
2312 GARRETT ROAD

BALTIMORE COUNTY MARYLAND
7TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT

REVISIONS		DRAWN BY:	CHECKED BY:	SCALE:
		LNR	PCR	1" = 100'
DATE:		JOB NO.:	SHEET NO.:	
07-07-20		20072	1 OF 1	

Pet. Exh. 1