#### MEMORANDUM

DATE:

September 29, 2020

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2020-0188-A - Appeal Period Expired

The appeal period for the above-referenced cases expired on September 28, 2020. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c: Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE

(3235 Pelger Road)
3rd Election District
2nd Council District

Jason & Michelle Fedash

Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2020-0188-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, Jason and Michelle Fedash ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR") §§ 301.1 and 1B01.2.C.1.b to permit a proposed deck with a rear yard setback of 12 ft. in lieu of the required 22.5 ft. 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. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 9, 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 RECEI	VED FOR FILING
Date	-27.2020
Bv	190

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 <u>27<sup>th</sup></u> day of **August**, **2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from BCZR §§ 301.1 and 1B01.2.C.1.b to permit a proposed deck with a rear yard setback of 12 ft. in lieu of the required 22.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at 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.

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	8-27-5020
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## ISTRATIVE ZONING POTTION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at: Address 3235 Pelger Road Currently zoned 41502/00255 10 Digit Tax Account # 25000TT120 Deed Reference Jason & Michelle Fedash Owner(s) Printed Name(s) (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized. The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an: 1. ADMINISTRATIVE VARIANCE from Section(s) 1801.2. C.I.b (BCZR) proposed deck with a rear yardsetback of in lieu of the required 22.5 feet. of the zoning regulations of Baltimore County, to the zoning law of Baltimore County ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to S ection 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building) of the Baltimore County Code, to the development law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. If we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Owner(s)/Petitioner(s): Jason Fedash Michelle Fedash Name #1, - Type or Print Signature 3235 Pelger Road MDMailing Address State (202)805-1809 21208 Zip Code Telephone # Email Address Attorney for Owner(s)/Petitioner(s): Representative to be contacted: Gerard Andersen (Allied Remodeling) Mailing APPLASER RECEIVED FOR FILING Name - Type or Print Signature 110 West Rd ste435 Towson MDMailing Address State State 4103369666 Gerard andersen awesome@email.com Zip Code Oate Telephone # Email Address Zip Code A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore \_\_day of County, this that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County

Administrative Law Judge for Baltimore County

CASE NUMBER 2020-0188-A Filing Date 7 28 20

Estimated Posting Date

Reviewe

Rev 5/5/2016

# Affidavit in Support Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 3235 Pelger Road Pikesville MD 21208
Print or Type Address of property City State Zip Code

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

We would like to construct an open deck 15'x22' w/ 4x4' landing & steps to grade on the rear of our single family dwelling; located at 3235 Pelger Rd within the sub-division of old court crossing. Being a DR2 zone withat required rear yard setback of 30ft and our home currently standing at 35' to the rear property line we will not be able to meet required setbacks. We believe this is due to the placement of our house on lot being set back at 31' from the front property line in lieu of the required 25'. Along with with our lot being well under the average lot size of properties within out subdivision. Therefore we are requesting an administrative variance of 12' in lieu of the required 30' rear yard setback.

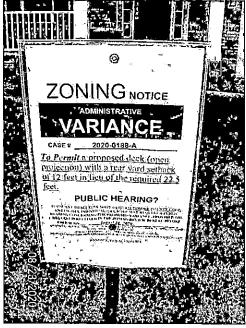
(If additional space for the petition reques	t or the above statement is needed, label and attach it to this Form)
Signature of Owner (Affiant)	Signature of Owner (Affiant)
Jason Fedash Name- Print or Type	Michelle Fedash Name- Print or Type
The following information is to	be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF I	BALTIMORE, to wit:
1	of May, 2020, before me a Notary of Maryland, in
and for the County aforesaid, personally app	of May, 2020, before me a Notary of Maryland, in
I HEREBY CERTIFY, this 14th day and for the County aforesaid, personally approprint name(s) here: JASON FEDASH	y of May . ZDZD, before me a Notary of Maryland, in beared:
I HEREBY CERTIFY, this	of May, 2020, before me a Notary of Maryland, in beared:  AND MICHELLE FEDASH

# **CERTIFICATE OF POSTING**

	2020-0188-A RE: Case No.:
	Petitioner/Developer:
	Jason & Michael Fedash
	August 24, 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 posted conspicuously on the property located	perjury that the necessary sign(s) required by law were lat:
3235 Pelger Road SIGN 1	
	August 9, 2020
The sign(s) were posted on	(Month, Day, Year)
S	August 9, 2020
	(Signature of Sign Poster) (Date)
ZONING NOTICE  ADMINISTRATIVE	SSG Robert Black
VARIANCE	(Print Name)
To Permit a proposed deck (open projection) with a rear yard setback	1508 Leslie Road
of 12 feet in lieu of the required 22.5 feet.  PUBLIC HEARING?	(Address)
PERSON ACT TO SECTION 36-197 (SEE ALTHORISE COLUMN	Dundalk, Maryland 21222
SOURCE APPER ACCESSIBLE	(City, State, Zip Code)
09/2	(410) 282-7940

(Telephone Number)

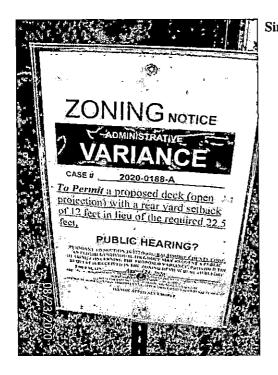
se No.:
itioner/Developer:
Jason & Michael Fedasl
August 24, 2020 te of Hearing/Closing:
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erely	r, Molde	August 23, 2020
	(Signature of Sign Poster)	(Date)
	SSG Robert Bl	ack
_	(Print Name	)
	1508 Leslie Ro	ad
_	(Address)	
	Dundalk, Maryland	1 21222
	(City, State, Zip	Code)
	(410) 282-794	0
. –	(Telephone Num	ber)

# CE IFICATE OF POST...3

	2020-0188-A
	RE: Case No.:
	Petitioner/Developer:
	Jason & Michael Fedash
	August 24, 2020  Date of Hearing/Closing:
Baltimore County Departmo Permits, Approvals and Insp County Office Building, Roo 111 West Chesapeake Avent Towson, Maryland 21204	pections om 111
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
	r the penalties of perjury that the necessary sign(s) required by law were property located at:
3235 Pelger Road	SIGN 2 Recertification
The sign(s) were posted on	August 9, 2020
The sign(s) were posted on _	(Month, Day, Year)



ere	ely,	
	Mode	August 23, 2020
	(Signature of Sign Poster)	(Date)
	SSG Robert Bla	ack
-	(Print Name)	)
	1508 Leslie Ro	ad
-	(Address)	
	Dundalk, Maryland	d 21222
-	(City, State, Zip	Code)
	(410) 282-794	<b>10</b>
	(Telephone Num	iber)

	2020-0188-A
	RE: Case No.:
	Petitioner/Developer:
	Jason & Michael Fedash
	August 24, 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:	
	rjury that the necessary sign(s) required by law were
3235 Pelger Road SIGN 2	
Control of the Contro	gust 9, 2020
The sign(s) were posted on(N	Month, Day, Year)



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

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINIOTRATIVE VARIANCE IN CHIMATION CHEET AND BATES					
Case Number 2020- 0188 -A Address 3235 Pelger Road					
Contact Person: Planner, Please Print Your Name Phone Number: 410-887-3391					
Filing Date: 129200 Posting Date: 8920 Closing Date: 8212					
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. <a href="POSTING/COST">POSTING/COST</a> : 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. <u>DEADLINE:</u> 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.					
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- 0188 -A Address 3235 Pelacr Koad					
Petitioner's Name <u>Jason &amp; Michelle Fedash</u> Telephone <u>202</u> ) 805-1809					
Posting Date: 8920 Closing Date: 8/24/20					
Wording for Sign: To Permit a proposed deck (o, en projection) with					
a rear yord setback of 12 feet in lieu of the					
required 22.5 test.					
Pavised 2/20/2020					

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JOHN A. OLSZEWSKI, JR. County Executive

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

August 24, 2020

Gerard Anderson, 110 West Road Ste 435 Towson MD 21204

RE: Case Number: 2020-0188-A, 3235 Pelger 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 28, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

#### BALTIMORE COUNTY, MARYLAND

### **Inter-Office Correspondence**



TO:

Hon. Paul M. Mayhew; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

August 20, 2020

SUBJECT:

DEPS Comment for Zoning Item

# 2020-0188-A

Address

3235 Pelger Road

(Fedash Property)

Zoning Advisory Committee Meeting of August 17, 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 Correspondence**

RECEIVED

AUG 2 0 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:

August 20, 2020

SUBJECT:

**DEPS** Comment for Zoning Item

# 2020-0188-A

Address

3235 Pelger Road

(Fedash Property)

Zoning Advisory Committee Meeting of August 17, 2020.

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

Reviewer:

Steve Ford

## CHECKLIST

Comment Received	<u>Department</u>	Conditions/ Comments/ No Comment
	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	<u> </u>
8-20	DEPS (if not received, date e-mail sent)	NO
-	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
	STATE HIGHWAY ADMINISTRATION	
	TRAFFIC ENGINEERING	
1 V	COMMUNITY ASSOCIATION	
· ·	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ΓΙΟΝ (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	OVERTISEMENT Date:	
SIGN POSTING (	1st) Date: 8-9-30	by Black
SIGN POSTING (	2 <sup>nd</sup> ) Date:	by
· War	SEL APPEARANCE Yes No SEL COMMENT LETTER Yes No	
Comments, if any:		
		w.

# 2020-0188-A

#### Real Property Data Search (w3)

#### Search Result for BALTIMORE COUNTY

View Map View GroundRent Red				demption View GroundRent Registration								
Special Ta	x Recaptu	ıre: None										
Account Ide	entifier:		District - 03	Accou	nt Numb	er - 2500	01112	20				
				Own	er Inform	ation						
Owner Nam	ne:		FEDASH JAS FEDASH MIC							ESIDENTIAL ES		
Mailing Address:			3235 PELGE PIKESVILLE				Deed Reference:			/41502/ 00255		
			Loca	ation &	Structure	Informat	ion					
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Town: Nor	ne											
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Stories B	asement	Туре	Exterior	Quali	ity Full/l Bath		Gar	age	Last Notice		or	
2 Y	ES	STANDARD UNIT	SIDING/	6	4 full	/ 1 half	2 Atta	ched				
				Valu	ue Informa	ation						
Base Value			Base Value	Value			Phase-in Assessments					
					As of 01/01/2	2020		As of 07/01.	/2019	As of 07/01/	/2020	
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Improvem	ents	7	761,600		632,500							
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Seller: BEAZER HOMES LLC				Date: 06/11/2019 Deed1: /41502/ 00255				Price: \$906,751				
		H IMPROVED							Deed2:			
Seller: OLD COURT LLC Type: ARMS LENGTH MULTIPLE				Date: 01/22/2018 Deed1: /39868/ 00171				Price: \$3,686,400 Deed2:				
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Municipal:			0.00 0.00				0.00	0.00 0.00				
Special Ta	x Recapti	ure: None										
			Home	stead /	Applicatio	n Informa	ation					
Homestead	Applicati	ion Status: App				D-Transfer						
	************		Homeowners		Credit Ap	plication	Inform	ation				
Jamaauma	re' Tay C	redit Application				Date:						



## ZAC AGENDA



Case Number: 2020-0188-A Reviewer: Gary Hucik
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE
Legal Owner: Jason & Michelle Fedash

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 3 Council Dist: 2

Property Address: 3235 PELGER RD

Location: South side of Pelger Road East 286 feet to the center line of Shopo Road.

Existing Zoning: DR 2

Area: .208 AC

Proposed Zoning:

**ADMINISTRATIVE VARIANCE:** 

301.1 and 1B01.2.C.1.b (BCZR) To permit a proposed deck with a rear yard set back of 12 feet in lieu of the required

22.5 feet.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: None Closing Date: 08/24/2020

Miscellaneous Notes:

Case Number: 2020-0189-A Reviewer: Jason Seidelman
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

**Legal Owner:** Rebecca Ann Leaf and David Adam Katz **Contract Purchaser:** No Contract Purchaser was set.

Critical Area: No Flood Plain: No Historic: No Election Dist: 3 Council Dist: 2

Property Address: 3303 TRAY LN

Location: East side of Tray Lane (50') 135' South of center line of intersection with Pelger Road (50').

Existing Zoning: DR 2

Area: 0.206 A

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

1B01.2.C.1.b. To permit a rear yard deck with a rear setback of 19 feet in lieu of the required 22.5 feet.

Attorney: Not Available Prior Zoning Cases: None Concurrent Cases: None Violation Cases: Mone Closing Date: 08/24/2020

Miscellaneous Notes:

ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  ADDRESS 3235 Pelger Road OWNER(S) NAME(S) Jason & Michelle Fedash	SITE VICINITY MAP
SUBDIVISION NAME         Old Court Crossing         LOT # 16 BLOCK # SECTION #           PLAT BOOK # 79         FOLIO # 738         10 DIGIT TAX # 2500011120         DEED REF. # /	See 3235 Pelge
N 02°34′ 30″ W 115.41′  (6) #3235 15′ 9,104 S.F.  B.R.L.  SO2°34′ 30″ E 111.20′  N  PLAN DRAWN BY Gerard Andersen  DATE  SCALE: 1 INCH = 20′ FEET	MAP IS NOT TO SCALE  ZONING MAP#  SITE ZONED DR 2  ELECTION DISTRICT 3rd  COUNCIL DISTRICT 2nd  LOT AREA ACREAGE 208  OR SQUARE FEET HISTORIC ? no IN CBCA ? no IN FLOOD PLAIN ? no UTILITIES ? MARK WITH X  WATER IS: PUBLIC _X PRIVATE SEWER IS: PUBLIC _X PRIVATE PRIOR HEARING ? IF SO GIVE CASE NUMBER  AND ORDER RESULT BELOW
PLAN DRAWN BY Gerard Andersen DATE SCALE: 1 INCH = 20' FEET	VIOLATION CASE INFO:

Pet. Esh. 1

# **Zoning Property Description:**

3235 Pelger Road

Beginning at a point on the south side of Pelger Road which is 50' wide at a distance of 286' east of the centerline of the nearst improved intersecting Street being Shopo Road which is 50' wide.

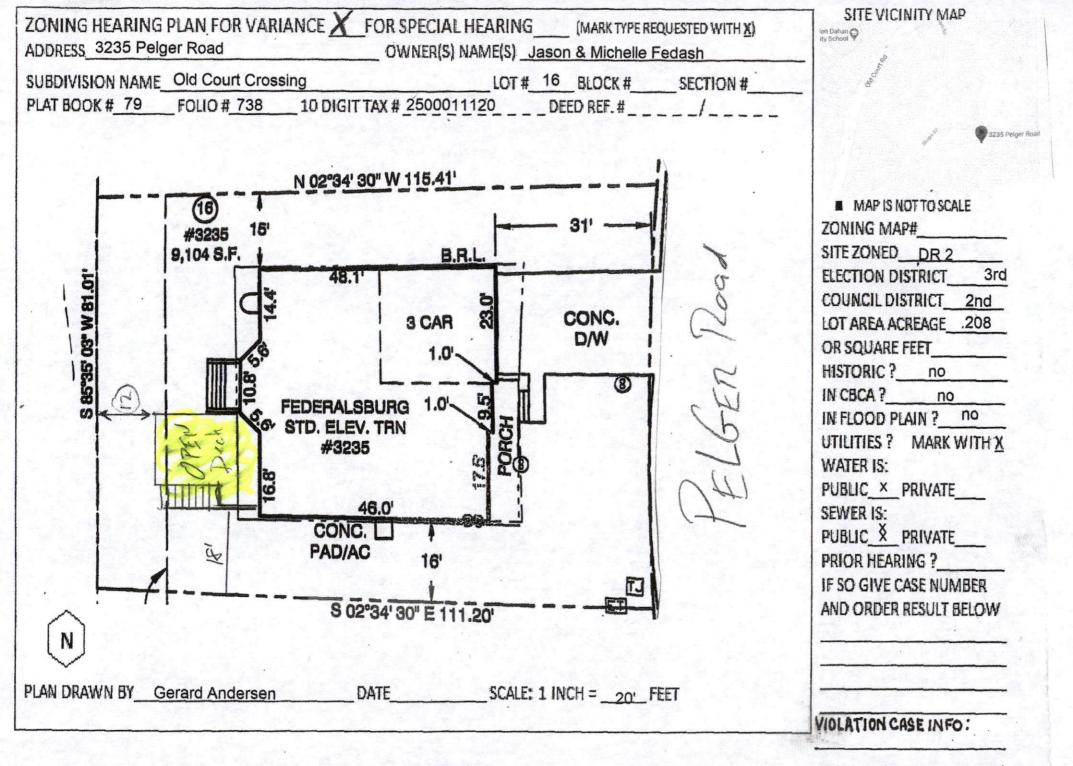
Being Lot 160, in the subdivsion of Old Court Crossing as recorded in the baltimore county plot book #79 Folio #738 containing .208acres. and located in the 3rd election district and the 2nd councilmanic district also know as 3235 Pelger Road

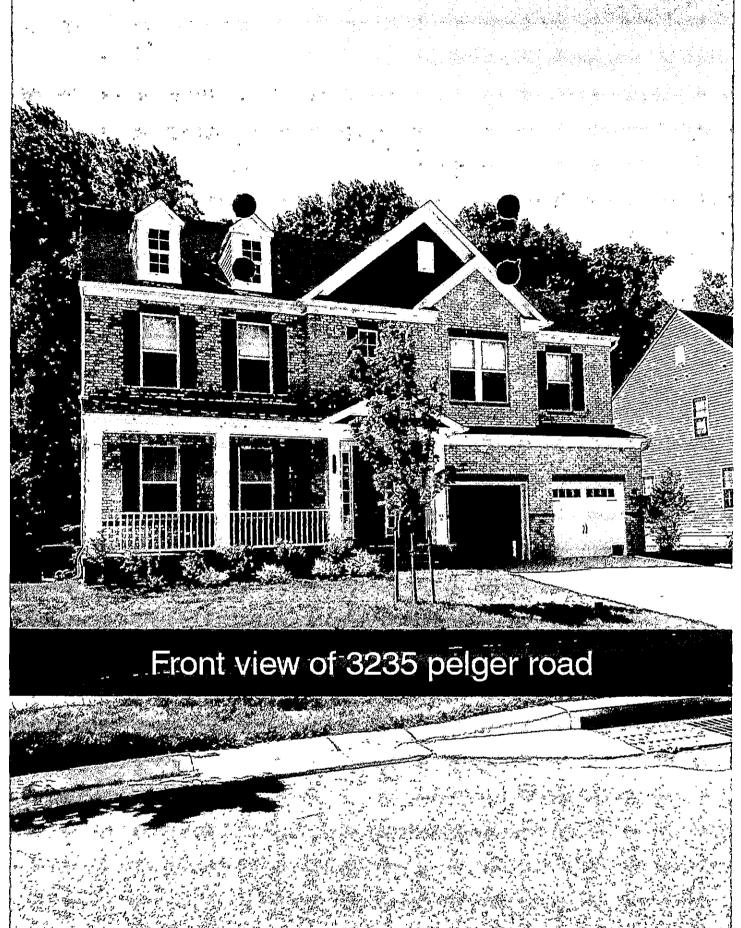
2020-0188-A

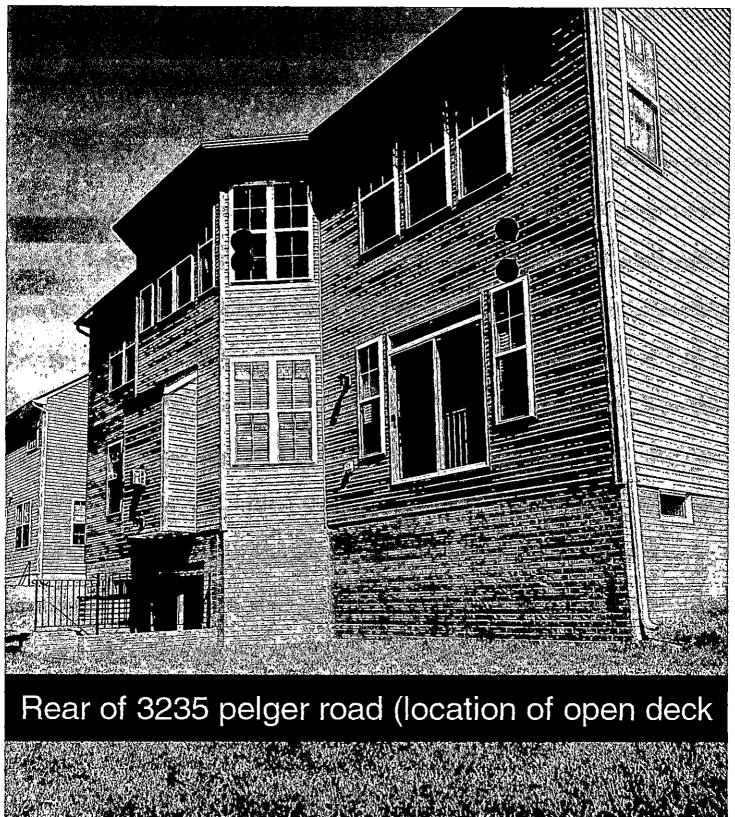
# **Zoning Property Description:**

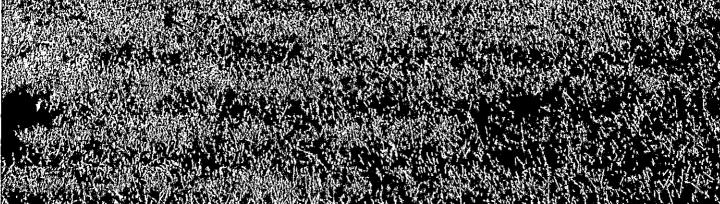
3235 Pelger Road

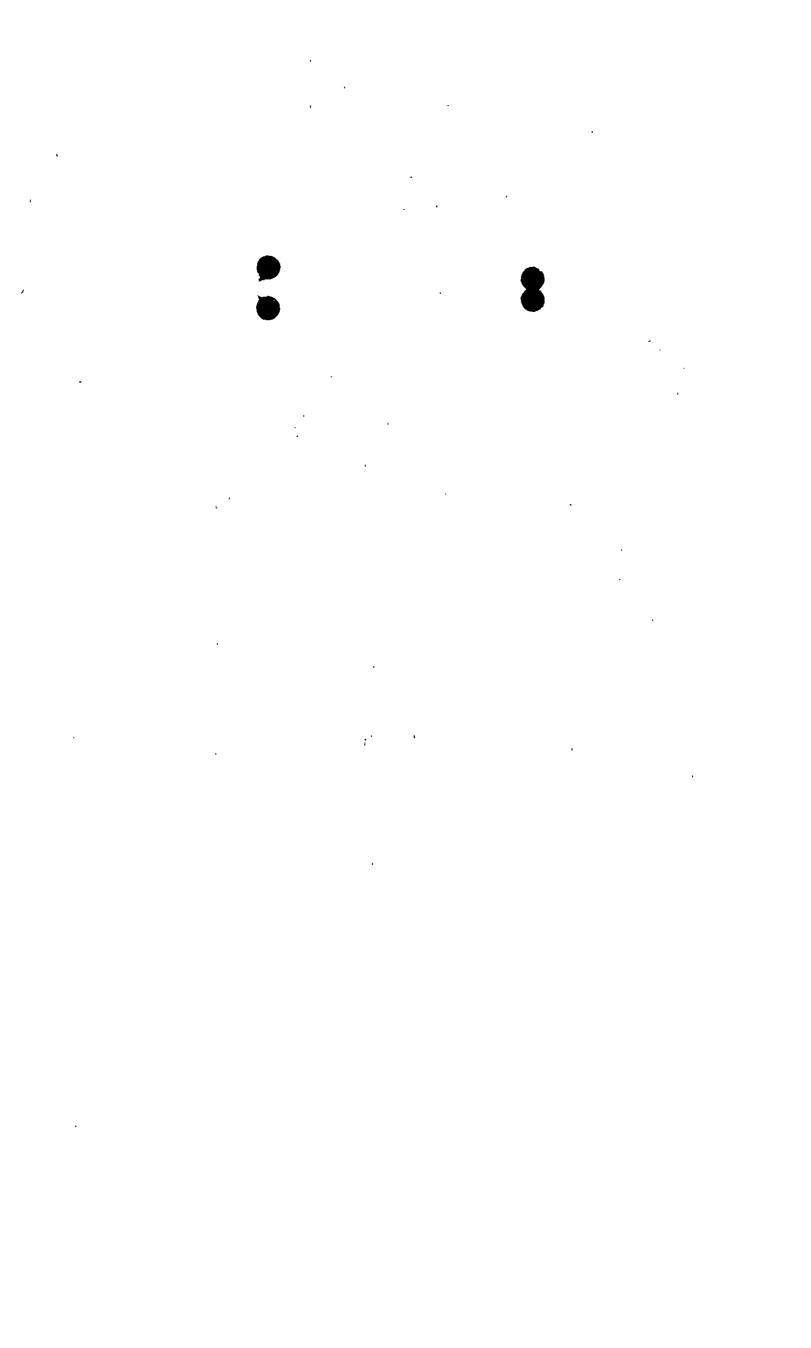
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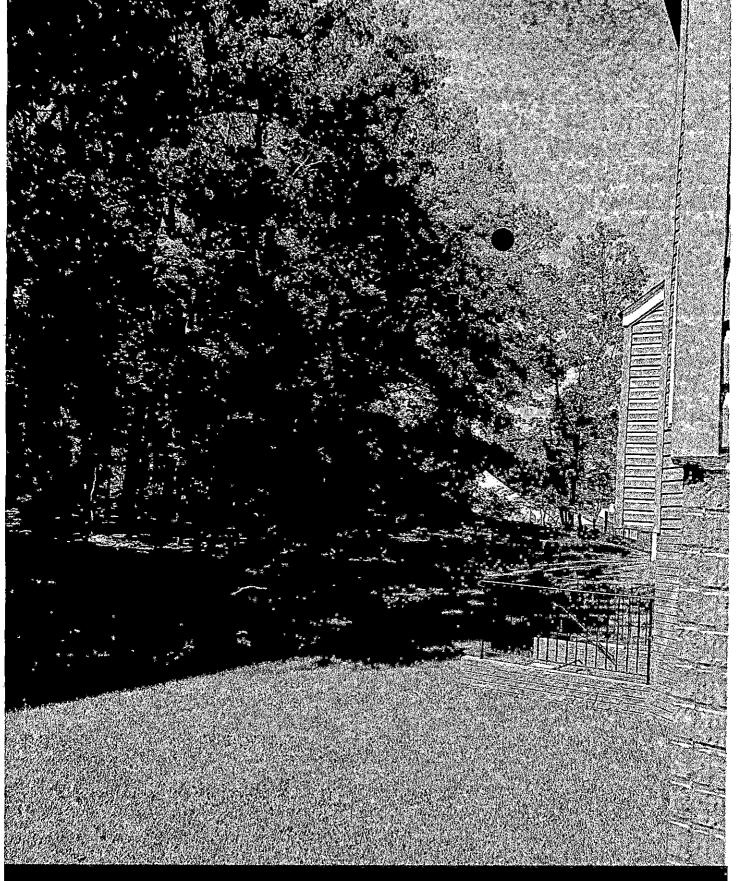
Being Lot 160, in the subdivsion of Old Court Crossing as recorded in the baltimore county plot book #79 Folio #738 containing .208acres. and located in the 3rd election district and the 2nd councilmanic district also know as 3235 Pelger Road 











Rear yard of 3235 pelger road

