

## **M E M O R A N D U M**

DATE: January 21, 2021  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2020-0279-A – Appeal Period Expired

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The appeal period for the above-referenced cases expired on January 20, 2021. 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

|                                            |   |                             |
|--------------------------------------------|---|-----------------------------|
| <b>IN RE: PETITION FOR ADMIN. VARIANCE</b> | * | BEFORE THE                  |
| <b>(3236 Pelger Road)</b>                  |   |                             |
| 3 <sup>rd</sup> Election District          | * | OFFICE OF ADMINISTRATIVE    |
| 2nd Council District                       |   |                             |
| Mark Louis Levy & Susan Hyatt Levy         | * | HEARINGS FOR                |
| Petitioners                                |   |                             |
|                                            | * | BALTIMORE COUNTY            |
|                                            | * | <b>CASE NO. 2020-0279-A</b> |

\* \* \* \* \*

### **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, Mark Louis Levy and Susan Hyatt Levy (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) § § 1B01.2.C.1.b to approve a deck on the rear of the house with a 18 ft. setback in lieu of the required minimum 22.5 ft. setback. 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 November 29, 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 12-21-20

By RS

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.

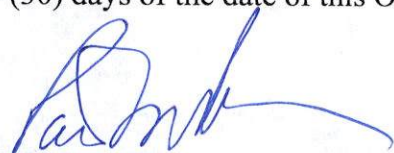
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 21<sup>st</sup> day of **December, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from BCZR § § 1B01.2.C.1.b to approve a deck on the rear of the house with a 18 ft. setback in lieu of the required minimum 22.5 ft. setback., 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:dlm

ORDER RECEIVED FOR FILING

Date 12-21-20

By [Signature]



# ADMINISTRATIVE ZONING PETITION

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

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

Address 3236 Pelger Rd Currently zoned DR 1  
Deed Reference 41993 / 292 10 Digit Tax Account # 2500011123  
Owner(s) Printed Name(s) MARK Louis Levy Susan Hyatt Levy

(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)

BCZR 1B01.2.C.1.b To approve a deck on the rear of house with a 18 ft setback in lieu of the required minimum 22.5 ft setback

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

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

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

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

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

## Owner(s)/Petitioner(s):

|                         |                     |                            |
|-------------------------|---------------------|----------------------------|
| <u>MARK Levy</u>        |                     | <u>Susan Levy</u>          |
| Name #1 – Type or Print |                     | Name #2 – Type or Print    |
| <u>[Signature]</u>      |                     | <u>[Signature]</u>         |
| Signature #1            |                     | Signature #2               |
| <u>3236 Pelger Rd</u>   |                     | <u>Baltimore MD</u>        |
| Mailing Address         |                     | City State                 |
| <u>21208</u>            | <u>410-987-2348</u> | <u>MLevy@handhrock.com</u> |
| Zip Code                | Telephone #         | Email Address              |

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

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

## Representative to be contacted:

Name – Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Mailing Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

**A PUBLIC HEARING** having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2020-0279-A Filing Date 11/17/2020 Estimated Posting Date 11/29/2020 Reviewer CP

# Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

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

Address: 3236 Palmer Road Baltimore MD 21208  
Print or Type Address of property City State Zip Code

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

WE HAVE A 30 FT rear yard, we are requesting Varice Relief from Baltimore County Zoning Regulation (BCZC) 301.1 (open projection) and 1802.3.C.1 to permit an open projection (deck) to be situated as close as 12 Feet to the rear property line in lieu of the required 22.5 ft

Our Hardship is we can not use A single foot of our back yard for an open projection for our own quiet enjoyment. The rear yard setback is in the complicated zoning code + not on our record plan.

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

Signature of Owner (Affiant)

Signature of Owner (Affiant)

Name- Print or Type

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:

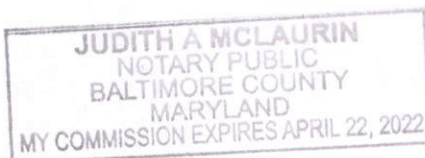
I HEREBY CERTIFY, this 3rd day of September, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

Mark Levy & Susan Levy

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

AS WITNESS my hand and Notaries Seal



Notary Public

My Commission Expires

2020-0279-A

## **THE ZONING PETITION PROPERTY DESCRIPTION**

### **PART A**

#### **ZONING PROPERTY DESCRIPTION FOR 3236 Pelger Road, Pikesville, Maryland 21208**

Beginning at a point on the east side of **3236 Pelger Road, Pikesville, Maryland  
21208** which is 50 feet wide at a distance of 25 feet north of the centerline of the  
nearest improved intersecting street Tray Lane which is 50 feet wide.

### **PART B**

#### **OPTION 2** (Subdivision Lot – lot is part of record plat

Being Lot **#20** in the subdivision of Old Court Crossing as recorded in Baltimore County  
Plat Book **JLE 79, Folio 739** containing **13,587 S.F.** Located in the **3<sup>rd</sup>** Election District  
and **2<sup>nd</sup>** Council District.

2020-0279-A

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/29/2020

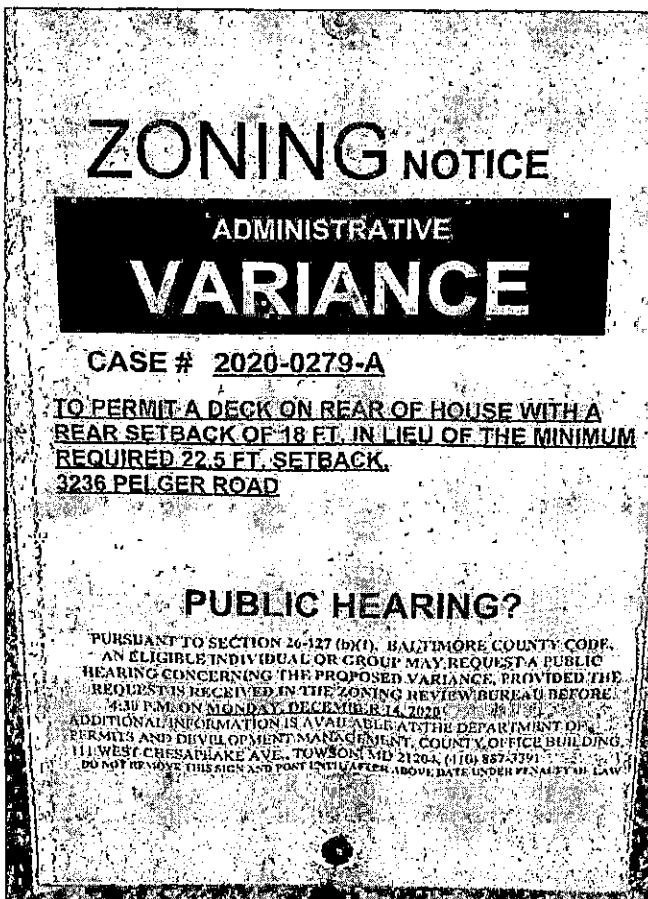
Case Number: 2020-0279-A

Petitioner / Developer: MARK LEVY + SUSAN LEVY

Date of Closing: DECEMBER 14, 2020

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:  
3236 PELGER ROAD

The sign(s) were posted on: NOVEMBER 29, 2020



Linda O'Keefe  
(Signature of Sign Poster)

Linda O'Keefe  
(Printed Name of Sign Poster)

523 Penny Lane  
(Street Address of Sign Poster)

Hunt Valley, MD 21030  
(City, State, Zip of Sign Poster)

410-666-5366  
(Telephone Number of Sign Poster)



Background Photo 1<sup>st</sup> Sign

Background Photo 2<sup>nd</sup> Sign ~ 11/29/20

@ 3236 Pelger Road  
CASE # 2020-0279-A

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

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2020- 0279 -A Address 3236 Felger Rd  
Contact Person: Christina Frank Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 11-17-2020 Posting Date: 11-29-2020 Closing Date: 12-14-2020

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- 0279 -A Address 3236 Felger Rd  
Petitioner's Name Mark Levy Susan Levy Telephone 410-984-2348  
Posting Date: 11-29-2020 Closing Date: 12-14-2020  
Wording for Sign: To Permit a deck on Rear of House with a Rear  
Setback 18 FT in Lieu of The minimum Required 22.5 FT  
Setback

Revised 2/20/2020



JOHN A. OLSZEWSKI, JR.  
*County Executive*

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

December 14, 2020

Mark Levy & Susan Levy,  
3236 Pelger Road  
Baltimore MD 21208

RE: Case Number: 2020-279-A, 3236 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 November 17, 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

2



BALTIMORE COUNTY, MARYLAND

JOHN A. OLSZEWSKI, JR.  
County Executive

Inter-Office Correspondence

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



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: December 1, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0279-A  
Address 3236 Pelger Road  
(Levy Property)

Zoning Advisory Committee Meeting of **November 30, 2020.**

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

Reviewer: Steve Ford

**CHECKLIST**

| <u>Comment Received</u> | <u>Department</u>                                                     | <u>Support/Oppose/ Conditions/ Comments/ No Comment</u> |
|-------------------------|-----------------------------------------------------------------------|---------------------------------------------------------|
| _____                   | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | _____                                                   |
| <u>12-1</u>             | DEPS<br>(if not received, date e-mail sent _____)                     | <u>NC</u>                                               |
| _____                   | FIRE DEPARTMENT                                                       | _____                                                   |
| _____                   | PLANNING<br>(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 (1<sup>st</sup>) Date: 11-29-20 by O'Keefe

SIGN POSTING (2<sup>nd</sup>) 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

| <a href="#">View Map</a>                                             | <a href="#">View GroundRent Redemption</a> | <a href="#">View GroundRent Registration</a>                                  |
|----------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------|
| <b>Special Tax Recapture: None</b>                                   |                                            |                                                                               |
| <b>Account Identifier:</b> District - 03 Account Number - 2500011123 |                                            |                                                                               |
| Owner Information                                                    |                                            |                                                                               |
| <b>Owner Name:</b>                                                   | LEVY MARK LOUIS<br>LEVY SUSAN HYATT        | <b>Use:</b> RESIDENTIAL<br><b>Principal Residence:</b> YES                    |
| <b>Mailing Address:</b>                                              | 3236 PELGER RD<br>PIKESVILLE MD 21208-     | <b>Deed Reference:</b> /41993/ 00292                                          |
| Location & Structure Information                                     |                                            |                                                                               |
| <b>Premises Address:</b>                                             | 3236 PELGER RD<br>PIKESVILLE 21208-        | <b>Legal Description:</b> 0.311 AC<br>3236 PELGER RD NS<br>OLD COURT CROSSING |
| <b>Map:</b> 0068                                                     | <b>Grid:</b> 0023                          | <b>Parcel:</b> 0594                                                           |
| <b>Neighborhood:</b> 3050071.04                                      | <b>Subdivision:</b> 9736                   | <b>Block:</b> 20                                                              |
| <b>Assessment Year:</b> 2020                                         | <b>Plat No:</b> 3                          | <b>Plat Ref:</b> 0079/ 0738                                                   |
| <b>Town:</b> None                                                    |                                            |                                                                               |
| <b>Primary Structure Built</b>                                       | <b>Above Grade Living Area</b>             | <b>Finished Basement Area</b>                                                 |
| 2019                                                                 | 2,780 SF                                   | 686 SF                                                                        |
| <b>Property Land Area</b>                                            | <b>County Use</b>                          |                                                                               |
| 0.3110 AC                                                            | 4                                          |                                                                               |
| <b>Stories</b>                                                       | <b>Basement</b>                            | <b>Type</b>                                                                   |
| 2                                                                    | YES                                        | STANDARD UNIT                                                                 |
| <b>Exterior</b>                                                      | <b>Quality</b>                             | <b>Full/Half Bath</b>                                                         |
| SIDING/                                                              | 6                                          | 3 full/ 1 half                                                                |
| <b>Garage</b>                                                        | <b>Last Notice of Major Improvements</b>   |                                                                               |
| 1 Attached                                                           |                                            |                                                                               |
| Value Information                                                    |                                            |                                                                               |
|                                                                      | <b>Base Value</b>                          | <b>Value</b>                                                                  |
|                                                                      |                                            | As of 01/01/2020                                                              |
| <b>Land:</b>                                                         | 122,800                                    | 242,800                                                                       |
| <b>Improvements</b>                                                  | 553,000                                    | 437,200                                                                       |
| <b>Total:</b>                                                        | 675,800                                    | 680,000                                                                       |
| <b>Preferential Land:</b>                                            | 0                                          | 0                                                                             |
|                                                                      |                                            | <b>Phase-in Assessments</b>                                                   |
|                                                                      |                                            | As of 07/01/2020                                                              |
|                                                                      |                                            | As of 07/01/2021                                                              |
|                                                                      |                                            | 677,200                                                                       |
|                                                                      |                                            | 678,600                                                                       |
| Transfer Information                                                 |                                            |                                                                               |
| <b>Seller:</b> BEAZER HOMES LLC                                      | <b>Date:</b> 10/15/2019                    | <b>Price:</b> \$699,990                                                       |
| <b>Type:</b> ARMS LENGTH IMPROVED                                    | <b>Deed1:</b> /41993/ 00292                | <b>Deed2:</b>                                                                 |
| <b>Seller:</b> OLD COURT LLC                                         | <b>Date:</b> 01/22/2018                    | <b>Price:</b> \$3,686,400                                                     |
| <b>Type:</b> ARMS LENGTH MULTIPLE                                    | <b>Deed1:</b> /39868/ 00171                | <b>Deed2:</b>                                                                 |
| <b>Seller:</b>                                                       | <b>Date:</b> 06/26/2014                    | <b>Price:</b> \$0                                                             |
| <b>Type:</b> NON-ARMS LENGTH OTHER                                   | <b>Deed1:</b> /35110/ 00171                | <b>Deed2:</b>                                                                 |
| Exemption Information                                                |                                            |                                                                               |
| <b>Partial Exempt Assessments:</b>                                   | <b>Class</b>                               | <b>07/01/2020</b>                                                             |
| <b>County:</b>                                                       | 000                                        | 0.00                                                                          |
| <b>State:</b>                                                        | 000                                        | 0.00                                                                          |
| <b>Municipal:</b>                                                    | 000                                        | 0.00 0.00                                                                     |
| <b>Special Tax Recapture: None</b>                                   |                                            |                                                                               |
| Homestead Application Information                                    |                                            |                                                                               |
| <b>Homestead Application Status:</b> No Application                  |                                            |                                                                               |
| Homeowners' Tax Credit Application Information                       |                                            |                                                                               |
| <b>Homeowners' Tax Credit Application Status:</b> No Application     |                                            |                                                                               |
| <b>Date:</b>                                                         |                                            |                                                                               |

2020-0279-A

## Debra Wiley

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**From:** Debra Wiley  
**Sent:** Thursday, December 17, 2020 2:17 PM  
**To:** 'Howard Alderman'  
**Cc:** Donna Mignon  
**Subject:** Administrative Variance - Case No. 2020-0279-A - 3236 Pelger Rd. (LEVY)  
**Attachments:** 20201217135021492.pdf

Good Afternoon Mr. Alderman,

Please find attached ALJ Mayhew's decision in reference to the above.

Have a great and safe day !

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

**From:** adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>  
**Sent:** Thursday, December 17, 2020 1:50 PM  
**To:** Debra Wiley <dwiley@baltimorecountymd.gov>  
**Subject:** Message from "RNP002673F6C9D3"

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

Scan Date: 12.17.2020 13:50:21 (-0500)

Queries to: adminhearingscpr@baltimorecountymd.gov

## Debra Wiley

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**From:** Howard Alderman <halderman@levingann.com>  
**Sent:** Thursday, December 17, 2020 9:46 AM  
**To:** Paul Mayhew  
**Cc:** Debra Wiley  
**Subject:** RE: 2020-0279-A permit a rear yd deck w a rear yd setback of 18 ft in lieu of the required 22.5 ft

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

Thank you BOTH!!

**Download V-Card**

*Please Note our NEW ADDRESS*

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900  
1 West Pennsylvania Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-339-5762 or 833-801-1118 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)

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**From:** Paul Mayhew <pmayhew@baltimorecountymd.gov>  
**Sent:** Wednesday, December 16, 2020 1:23 PM  
**To:** Howard Alderman <halderman@levingann.com>  
**Cc:** Debra Wiley <dwiley@baltimorecountymd.gov>  
**Subject:** 2020-0279-A permit a rear yd deck w a rear yd setback of 18 ft in lieu of the required 22.5 ft

Howard,

As usual, Deb was way ahead of me and already had the Order done. I am working remotely due to the weather and may be tomorrow as well so I'm unable to sign the Order. However, when I return to the office I will sign it and send you the executed version. In the meantime this will serve to inform the permits office that I have granted the Variance.

ALJ Mayhew

## Debra Wiley

---

**From:** Howard Alderman <halderman@levingann.com>  
**Sent:** Wednesday, December 16, 2020 1:07 PM  
**To:** Paul Mayhew  
**Cc:** Debra Wiley  
**Subject:** RE: Administrative Variance Petition

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

Thanks, Paul. Happy holidays to you, your family and the entire Office. Howard

[Download V-Card](#)

**Please Note our NEW ADDRESS**

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900  
1 West Pennsylvania Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-339-5762 or 833-801-1118 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)

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**From:** Paul Mayhew <pmayhew@baltimorecountymd.gov>  
**Sent:** Wednesday, December 16, 2020 1:04 PM  
**To:** Howard Alderman <halderman@levingann.com>  
**Cc:** Debra Wiley <dwiley@baltimorecountymd.gov>  
**Subject:** RE: Administrative Variance Petition

Howard,  
This looks very straightforward. By copy of this I am asking Deb Wiley to prepare and Order and I will get it signed and emailed to you ASAP. Hope all is well. Happy Holidays!

*Paul M. Mayhew*  
*Managing Administrative Law Judge*  
*105 West Chesapeake Ave., Suite 103*  
*Towson, Maryland 21204*  
*410-887-3868*

[pmayhew@baltimorecountymd.gov](mailto:pmayhew@baltimorecountymd.gov)

**From:** Howard Alderman <halderman@levingann.com>  
**Sent:** Wednesday, December 16, 2020 11:51 AM  
**To:** Paul Mayhew <pmayhew@baltimorecountymd.gov>  
**Subject:** Administrative Variance Petition

**CAUTION:** This message from [halderman@levingann.com](mailto:halderman@levingann.com) originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

**PROPERTY:** 3236 Pelger Road  
**Case No.:** 2020-0279-A  
**Closing Date:** 14 December 2020  
**Petitioners:** Mark & Susan Levy

Dear Judge Mayhew:

I am writing on behalf of my dear friends Mark and Susan Levy. They purchased a new home from Beazer homes and were advised that putting a deck on their home would be "no problem". They spoke with their neighbors, the Shearers, who were having a deck added and learned that a variance would be needed. We spoke, and I advised them to file for an administrative variance as the Shearer's had done (see attached). They have a contractor literally "waiting in the wings" and hope to have the deck installed by New Year's eve, if the variance is approved. I am available to discuss their Petition, if necessary, and to supply any justification in support that may not be evident from their filing. As soon as the decision is issued, I will send a letter to Zoning (assuming approval) asking that the building permit be issued, subject to any appeal/reversal of any approval in which case the deck would have to be removed. Since no request for hearing was filed, I do not anticipate any appeal.

I know you must be swamped, especially with Christmas and New Year's approaching, but if you could see your way clear to issue a prompt decision on their Petition it would be greatly appreciated.

Thank you and please do not hesitate to contact me should you need additional information,

Howard

*Please Note our NEW ADDRESS [see the instructions for parking below]*

[Download V-Card](#)

Howard L. Alderman, Jr., Esquire



Towson Commons, Suite 900  
1 West Pennsylvania Avenue  
Towson, Maryland 21204  
410-321-0600 (voice)  
410-339-5762 or 833-801-1118 (fax)  
410-456-8501 (cell)  
Email: [halderman@LevinGann.com](mailto:halderman@LevinGann.com)  
Website: [www.LevinGann.com](http://www.LevinGann.com)

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LEVIN & GANN, P.A.  
Problems. Solutions. Provenance. Advocates.



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*Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.*

## Parking in the Attached Garage:

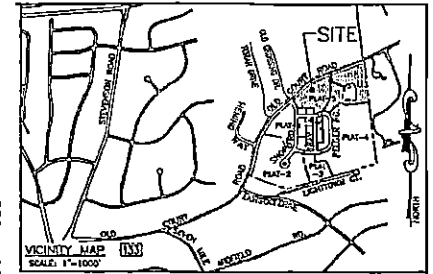
- # You can enter the parking garage from either:
  - Pennsylvania Avenue;
  - Chesapeake Avenue, opposite the 7 West restaurant; or
  - Bankers Way near the Chesapeake Avenue/York Road intersection
- # When entering, take a ticket and then **park in any space that is not reserved.**
- # Be sure to **write the letter and number of the floor** where you have parked
- # If you have parked on Garage Level 3A or 3B, go through the breezeway on Garage Level 3A
- # Otherwise, take the **garage elevator** to the **3<sup>rd</sup> Floor**, which is **Garage Level 3A**
- # A breezeway into the office building is on the right
- # Walk toward the TV at the other end of the breezeway
- # Go through the glass doors on the left to the office elevators
- # Take an **office elevator** down to the **security guard desk on the 1<sup>st</sup> Floor** and **sign in**
- # The security guard will activate the elevator for you to the **9<sup>th</sup> Floor**
- # Look for the directional arrow to our **Offices in Suite 900**

## Returning to the Garage:

- # Using any of the **office elevators**, return to the **2<sup>nd</sup> Floor**
- # Walk back through the breezeway to **Garage Level 3A**
- # Use any of the **garage elevators** to return to the garage level where you parked

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING \_\_\_\_\_ (MARK TYPE REQUESTED WITH X)  
 ADDRESS 3236 Pelger Road OWNER(S) NAME(S) Mark L. and Susan H. Levy  
 SUBDIVISION NAME Old Court Crossing LOT # 20 BLOCK # \_\_\_\_\_ SECTION # \_\_\_\_\_  
 PLAT BOOK # 79 FOLIO # 738 10 DIGIT TAX # 2500011123 DEED REF. # 41993/00292

SITE VICINITY MAP

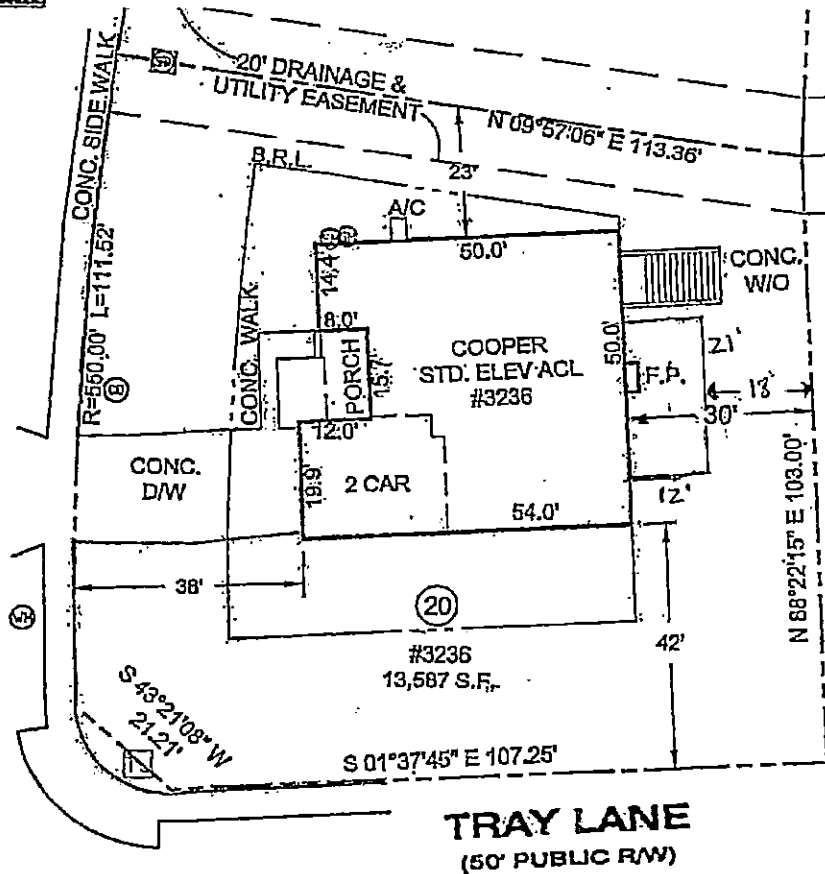


MAP IS NOT TO SCALE  
 ZONING MAP# 06833  
 SITE ZONED DR 1  
 ELECTION DISTRICT 3rd  
 COUNCIL DISTRICT 2nd  
 LOT AREA ACREAGE 0.311  
 OR SQUARE FEET \_\_\_\_\_  
 HISTORIC? No  
 IN CBCA? No  
 IN FLOOD PLAIN? No  
 UTILITIES? MARK WITH X  
 WATER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 SEWER IS:  
 PUBLIC X PRIVATE \_\_\_\_\_  
 PRIOR HEARING? No  
 IF SO GIVE CASE NUMBER  
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

0' 30' 60'  
 SCALE: 1" = 30'

PELGER ROAD  
 (50' PUBLIC RW)



PLAN DRAWN BY J. Fraser DATE 11/13/2020 SCALE: 1 INCH = 30 FEET

2020-0279-A

Per. Exh. 1

# 3236 Pelger Rd Pikesville Md 21208

2020-0279-A

**Frontage of 3236 Pelger Rd**



**Rear yard area to be used for proposed deck**



3236 Pelger Rd Pikesville, MD 21208

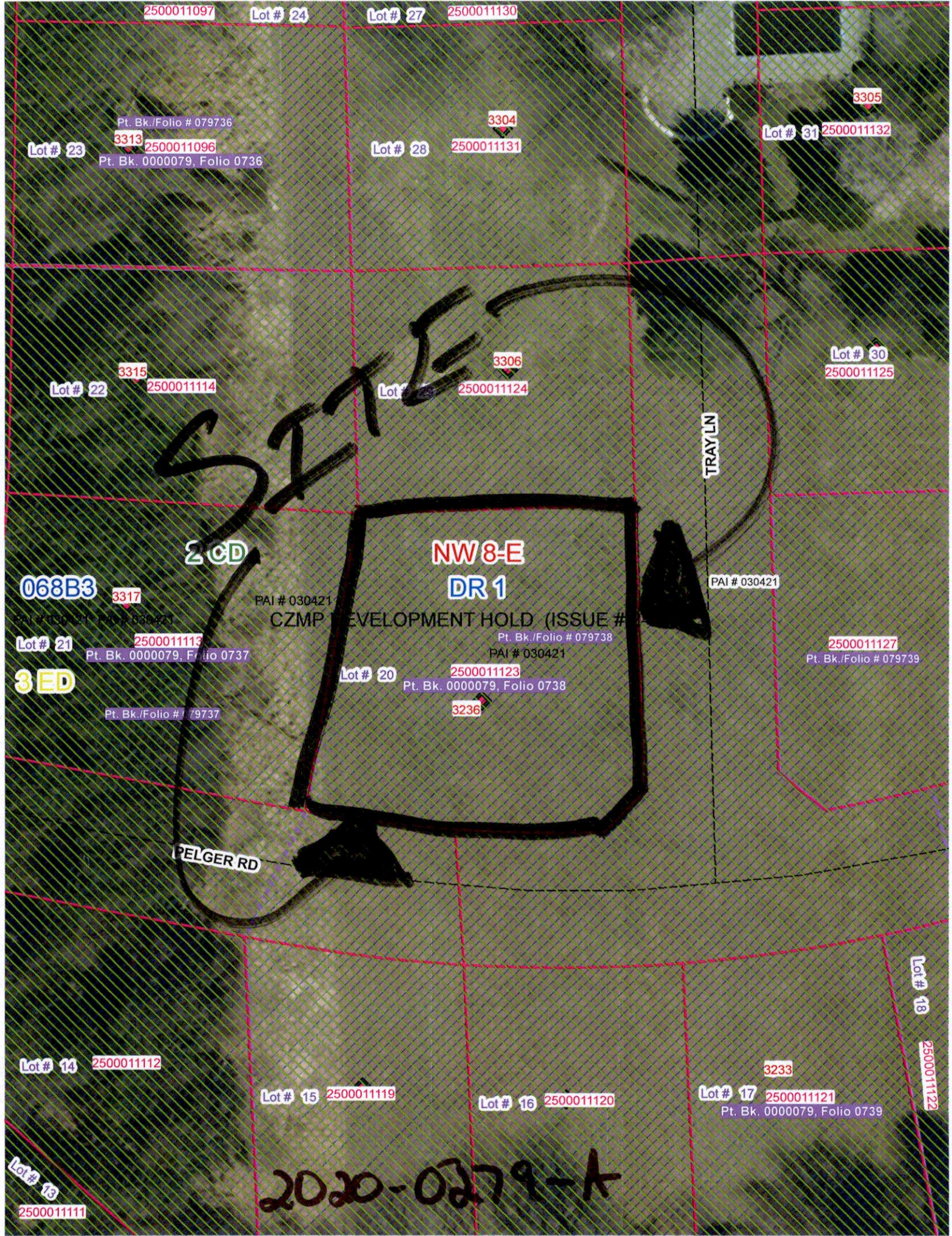
Adjacent dwelling behind home



Adjacent dwellings to West



2020-02-19-X



2500011097

Lot # 24

Lot # 27

2500011130

Pt. Bk./Folio # 079736

3313

2500011096

Pt. Bk. 0000079, Folio 0736

Lot # 23

3304

Lot # 28

2500011131

3305

Lot # 31 2500011132

3315

Lot # 22

2500011114

3306

Lot # 25

2500011124

Lot # 30

2500011125

068B3

3317

PAI # 030421

CZMP DEVELOPMENT HOLD (ISSUE #

Pt. Bk./Folio # 079738

PAI # 030421

Lot # 21

2500011113

Pt. Bk. 0000079, Folio 0737

3 ED

Lot # 20

2500011123

Pt. Bk. 0000079, Folio 0738

3236

Pt. Bk./Folio # 079737

PAI # 030421

2500011127

Pt. Bk./Folio # 079739

PELGER RD

Lot # 14

2500011112

Lot # 15 2500011119

Lot # 16 2500011120

3233

Lot # 17

2500011121

Pt. Bk. 0000079, Folio 0739

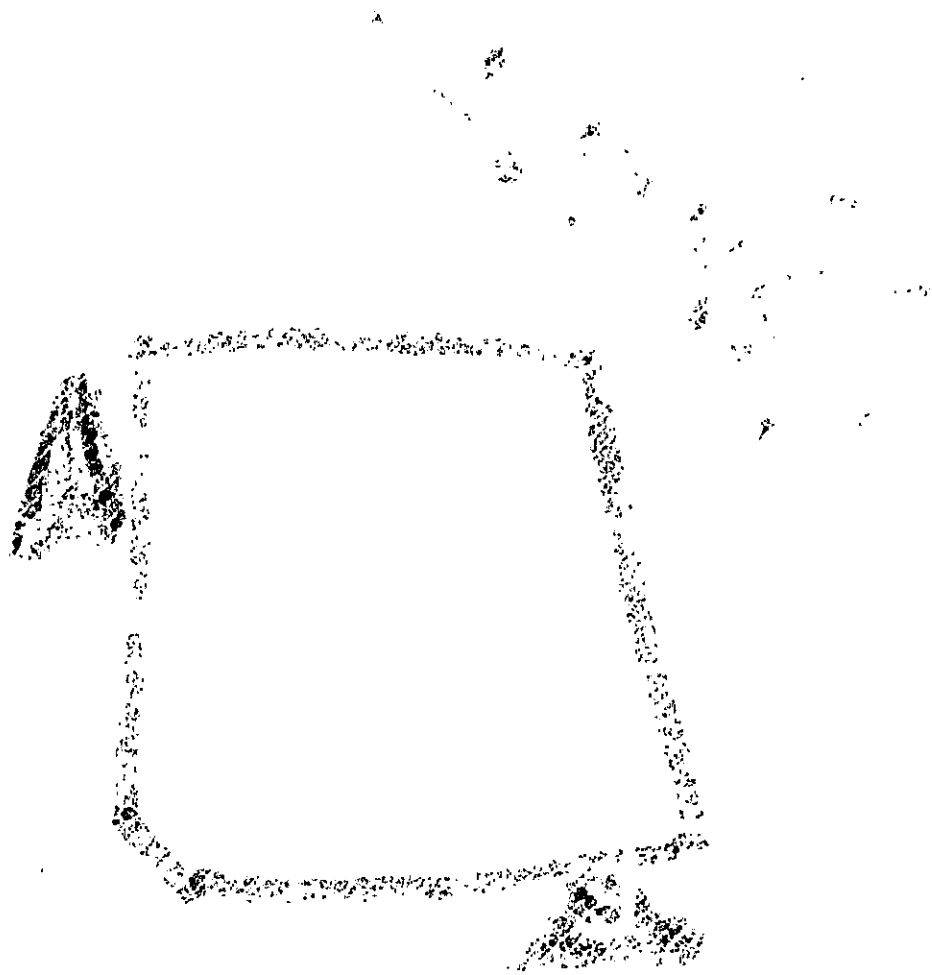
Lot # 18

2500011122

Lot # 13

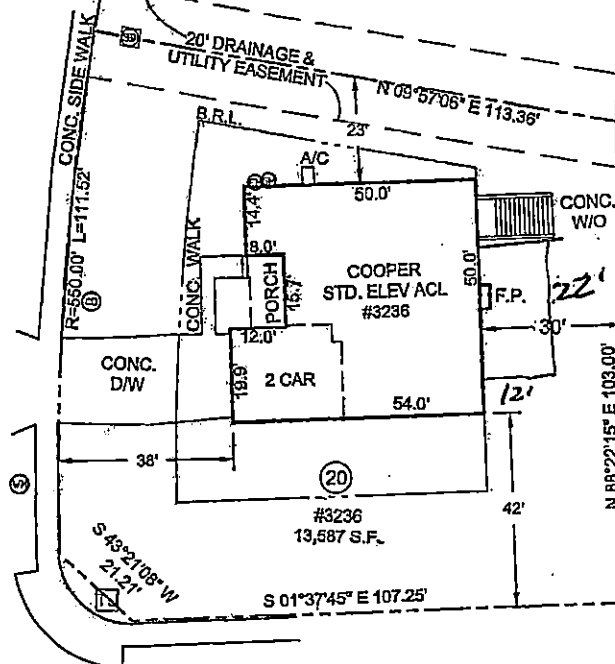
2500011111

2020-0279-A



4-50-00

# LOCATION DRAWING



**TRAY LANE**  
(50' PUBLIC R/W)



FOURTH AMENDED PLAT 3 OF 5  
LOT - 20  
OLD COURT CROSSING

3RD ELECTION DISTRICT  
BALTIMORE COUNTY, MARYLAND

FIRST FLOOR ELEV.: 508.00'  
ACCURACY TOLERANCE +/- 0.3'

## CONSUMER ADVICE

1) THIS PLAT IS OF BENEFIT TO A CONSUMER ONLY IN SO FAR AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER, FINANCING, OR REFINANCING.

2) THIS PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.

3) THIS PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCING OR REFINANCING.

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, BELIEF AND INFORMATION THAT THIS "LOCATION DRAWING" HAS BEEN PREPARED IN ACCORDANCE WITH MARYLAND STATE LAW REGARDING "MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS" (09.13.06.06)

W. Joseph Hikes, Prof. Land Surveyor, MD No. 10887 (Exp. 5-8-20)

## REFERENCE

FLAT BOOK

JLE 79

PLAT NO.

738

LIBER

**FOLIO**

ADDRESS

#3236



# Dewberry®

**Dewberry  
Engineers, Inc.**

10461 MILL RUN CIRCLE  
SUITE 300  
OWINGS MILLS, MD 21117  
410.265.9500  
410.265.8875 (FAX)  
[www.dewberry.com](http://www.dewberry.com)

|                 |         |              |         |
|-----------------|---------|--------------|---------|
|                 | DATE    | DRAWN BY     | CKD. BY |
| WALL CHECK      |         |              |         |
| FINAL           | 08/7/19 | L.R.T.       | W.J.H.  |
| RECERT          |         |              |         |
| SCALE: 1" = 30' |         | F.B. # _____ | PAGE #: |

House

Slider

House

FP

Deck Decking

2x10x12

0 ft

11' x 11' x 11'

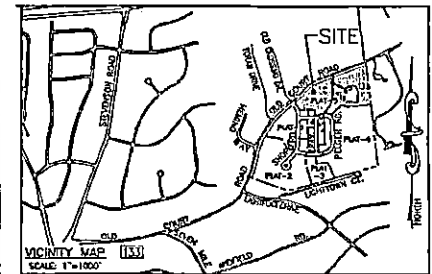
STEPS

12'

12'

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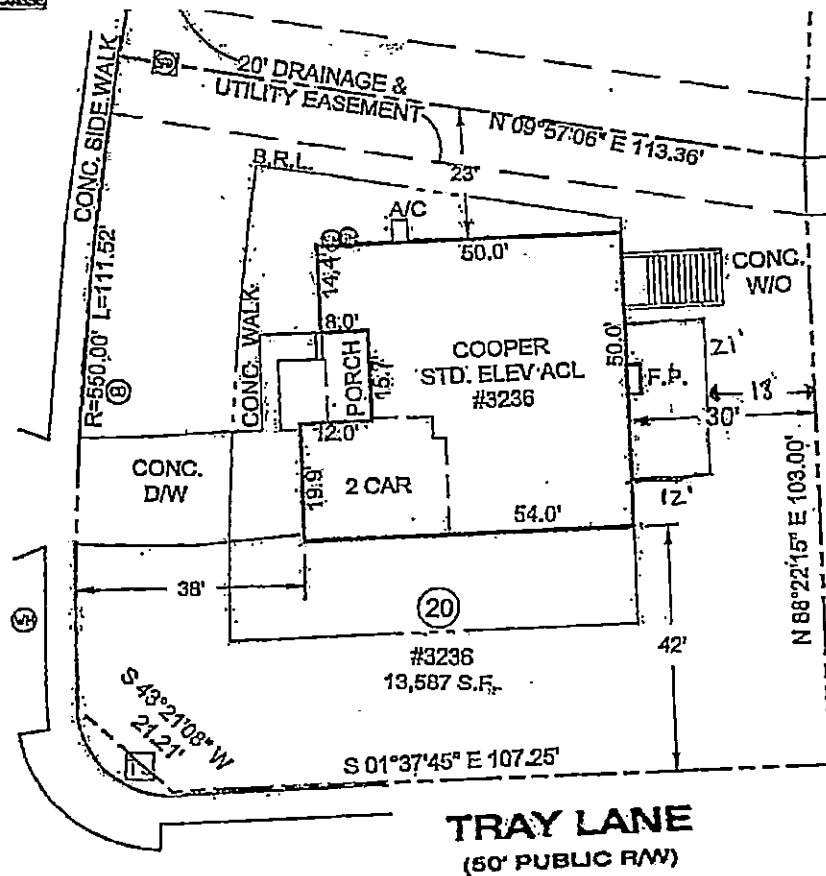
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PLAN DRAWN BY J. Fraser DATE 11/13/2020 SCALE: 1 INCH = 30 FEET

VIOLATION CASE INFO:

2020-0279-A

Hose

Slider

Hose

FP

Tree Decking

12'

21'0" X 21'

0.5'

0.5' X 0.5' X 1.5'

STAIRS

21'

2020-02-79A