JOHN A. OLSZEWSKI, JR.
*County Executive*

PAUL M. MAYHEW
*Managing Administrative Law Judge*
MAUREEN E. MURPHY
*Administrative Law Judge*

December 27, 2022

Adam M. Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RECEIVED
DEC 27 2022
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Special Hearing &Variance
Case No. 2022-0193-SPHA
Property: 9402 Ryans Way

Dear Mr. Rosenblatt:

Please be advised that an appeal of the above-referenced case was filed in this Office on December 22, 2022. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Attachment

c: Board of Appeals
People's Counsel

C: Lee Giroux – Giroux.lee@gmail.com
Carlos Levine – themasters_company@yahoo.com

# APPEAL

**Petition for Special Hearing & Variance**
**Case No.: 2022-0193-SPHA**
**9402 Ryans Way**
**10th Election District, 5th Council District**

Petition for Special Hearing & Variance – 8/11/22

Zoning Description of Property (1 page)

Notice of Webex Zoning Hearing – October 13, 2022

Certification of Publication – *The Daily Record* Newspaper – 10/18/22

Certification of Posting by Linda O'Keefe – 10/18/22 and November 2, 2022

Entry of Appearance by People's Counsel – August 15, 2022

Attendance Sheets -3 pages

Zoning Advisory Committee Comments-
DOP – 8/19/22
DPR – 8/19/22

**Petitioner's Exhibits:**
The Petitioner or Lee Giroux did not submit any exhibits before the hearing.

Miscellaneous- emails, SDAT – paperwork from Lee Giroux

Cover Letter and Administrative Law Judge's Opinion and Order – 11/28/22 (DENIED BY JUDGE MURPHY)

Notice of Appeal & Check No. 536394 for $600 - Received on 12/27/22 from Adam Rosenblatt, Esq.

Cashier's Receipt No. 203986 – $600

Materials Sent to BOA Folder on 12/27/22

## Donna Mignon

**From:** Rosenblatt, Adam M. <AMRosenblatt@Venable.com>
**Sent:** Thursday, December 22, 2022 11:00 AM
**To:** Appeals Board; Peter Gutwald; Administrative Hearings
**Subject:** Notice of Appeal: 2022-0193-SPHA
**Attachments:** Notice of Appeal to Board of Appeals (Levine Ryans Way)(57647801.1).pdf; 2022-0193-SPHA - XL.garage.height.denied.pdf

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

Good morning,

I have been retained to file an appeal of this decision to the Board of Appeals. I am attaching a courtesy copy of the Notice to each of your agencies and will have hard copies and a check for the filing fee delivered today as well.

Have a great holiday weekend everyone.

Adam M. Rosenblatt, Esq. | Venable LLP
t 410.494.6271 | f 410.821.0147 | m 410.294.9430
210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204

AMRosenblatt@Venable.com | www.Venable.com

**********
This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.
**********

| | | |
|---|---|---|
| **IN RE: PETITION FOR SPECIAL HEARING AND VARIANCE** | * | **BEFORE THE** |
| | * | **OFFICE OF** |
| **(9402 Ryans Way)** | * | **ADMINISTRATIVE HEARINGS** |
| **10th Election District** **5th Council District** | * | **FOR BALTIMORE COUNTY** |
| | * | |
| **Carlos Levine** ***Owner/Petitioner*** | * | **Case No. 2022-0193-SPHA** |
| | * | |
| | * | |

* * * * * * * * * * * * * * * * * * * * * *

NOTICE OF APPEAL

Petitioner, Carlos Levine, by undersigned counsel, feeling aggrieved by the November 25, 2022 Opinion and Order in the above-captioned matter, which is attached hereto and incorporated herein as Exhibit A, hereby notes an appeal to the Baltimore County Board of Appeals. Appellants submit that the review by the County Board of Appeals from the final decision of the Office of Administrative Hearings shall be a *de novo* hearing pursuant to the Baltimore County Zoning Regulations and Charter.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal.

Respectfully submitted

Adam M. Rosenblatt
Venable LLP
210 W. Pennsylvania Ave., Suite 500
Towson, Maryland 21204
(410) 494-6200
*Attorney for Petitioner/Appellant*

| | | |
|---|---|---|
| IN RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE** | * | BEFORE THE |
| **(9402 Ryans Way)** | * | OFFICE OF |
| 10th Election District | | |
| 5th Council District | * | ADMINISTRATIVE HEARINGS |
| Carlos Levine | | |
| *Legal Owner* | * | FOR BALTIMORE COUNTY |
| **Petitioner** | * | **Case No. 2022-0193-SPHA** |

* * * * * * * *

## OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as Petitions for Special Hearing and Variance filed by legal owner, Carlos Levine (the "Petitioner") for the property located at 9402 Ryans Way, Perry Hall (the "Property"). A Special Hearing pursuant to the Baltimore County Zoning Regulations ("BCZR"), §500.7, was filed to allow an accessory structure (garage) to have a building footprint larger than the footprint of the principal home. In addition, Variance relief pursuant to BCZR, §400.3 to allow an accessory structure to have a height of 21 ft in lieu of the maximum allowed 15 ft.

Due to COVID-19, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner appeared at the hearing along with Lee Giroux, who is listed as the representative of the Petitioner on the Petition. Calvin Levine also appeared in support of the Petition.

Zoning Advisory Committee ("ZAC") comment was received from the Department of Planning ("DOP") and Development Plans Review ("DPR") which agencies did not oppose the relief.

The Property is 3.00 acres according to the State Department of Assessments and Taxation ("SDAT") and is improved with a 1,215 sf dwelling, with 600 sf finished basement, constructed

in 1962 ("SDAT"). Notwithstanding the SDAT information as to the size of the home, Petitioner testified that the home measures 2,880 sf due to additions on the home. Upon review of My Neighborhood Map and SDAT information, Petitioner purchased the Property on April 22, 2022. However, there are no building permits for this Property. My Neighborhood Map and SDAT information also indicate that the Property is not the primary residence of the Petitioner. The Petitioner's primary residence, and the mailing address for the Property at issue, is 9803 Kraft Hill Rd., Perry Hall, MD 21128.

The Property is zoned Density Residential – Honeygo Overlay District. (DR 1-H). The Honeygo Overlay District is imposed upon the DR zone in order to implement the Honeygo Area Plan which plan "ensures that the development of infrastructure coincides with the approval of building permits." My Neighborhood Map also reveals that the rear corner of the Property is traversed by a Big Gunpowder Falls and/or wetland area. Notwithstanding this stream, neither DPR nor Department of Public Works and Transportation ("DPW&T") provided any ZAC comment in regard to a possible floodplain and/or wetlands area, or how that stream may impact the proposed improvements on the Property. Notably, as shown on My Neighborhood Map, the Property is located at a dead-end. It is at the end of Ryan's Way and backs up to Honeygo Blvd. It is surrounded by residential properties.

The Petitioner made clear that he wants to build a 2-story, 3,694.31 sf, 21-foot tall detached garage to store 21 vehicles. Currently, Petitioner explained that he rents garages/storage space to store these vehicles and wants to save money by storing them at the Property. He stated that the size and height of the garage will allow him to stack the vehicles in order that all 21 vehicles would fit within the garage. On this point, the DOP ZAC comment provided information that the Petitioner operates an antique car business and needs the oversized garage to store all the vehicles.

(See File). When asked about this business, the Petitioner stated that he does not operate an antique car business.

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

> The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016).

I find that the requested garage with a footprint larger than existing home in the DR-1 H zone is not within the spirit and intent of the BCZR and the Special Hearing relief should be denied. The proposed oversized garage at the dead-end of Ryan's Way, surrounded by residential properties, combined with the DOP ZAC comment of an alleged car business, is concerning. It is illogical to believe that DOP fabricated the fact of Petitioner's antique car business because ultimately, DOP was supportive of the Petition. I am equally concerned that the storage of 21 vehicles will also bring with it activities related to a service garage, which is not permitted in a residential zone and will negatively impact the use and enjoyment of the surrounding residential

neighborhood.

Assuming the Petitioner does *not* operate any type of car business, it is still not consistent with a residential zone to permit a 2-story, 3,695 sf garage to park 21 cars. In a residential zone, there is a noticeable difference between having an accessory garage to store an antique car as a hobby where the dwelling is the principal residence of a Petitioner, then one proposed here which is more commercial in both extent and use, than residential.

I find that the proposed oversized garage is not within the spirit or intent of the BCZR because it does not meet the definition of either 'accessory building' or 'accessory structure' in BCZR, §101.1 because it is neither subordinate nor incidental to the home:

> ACCESSORY BUILDING — One which is subordinate and customarily incidental to and on the same lot with a main building.
>
> * * * *
>
> ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served;
>
> * * * *

For all these reasons, the Petition for Special Hearing will be denied.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Cromwell v. Ward,* 102 Md. App. 691 (1995).

First, Petitioner failed to provide any evidence that the Property is either unique, or that a practical difficulty has been suffered under the standards in *Cromwell, supra.* Consequently, the Variance relief fails for that reason. Second, assuming that the Petitioner could provide evidence of uniqueness, Petitioner's request for the additional height on the proposed garage is not related to any unique physical characteristics. The unique feature of a property must cause the practical difficulty that warrants the additional height on the garage. *Cromwell*, at 694-695. There must be a nexus between the Variance requested and the unique attributes of the Property. *Dan's Mountain Wind Force, LLC v. Allegheny Cnty. Bd. of Zoning Appeals*, 236 Md. App. 483, 492-493, 182 A.3d 252 (2018). *Trinity Assembly of God of Balt. City v. People's Counsel of Balt. Cnty*, 407 Md. 53, 82, 962 A.2d 404 (2008). *Montgomery County v. Rotwein*, 169 Md. App. 716, 906 A.2d 959 (2006).

In this case, I find that the additional height is for the convenience of the Petitioner in his desire to store 21 vehicles. In *Chesley v. Annapolis*, 933 A.2d 475, 176 Md. App. 413 (Md. App. 2007), the Court of Special Appeals relied on the Court of Appeals holding in *Belvoir Farms Homeowners Ass'n. Inc. v. North*, 355 Md. 259, 276, 734 A.2d 227 (1999), wherein the Court recognized that the purpose of zoning restrictions is "to prevent exceptions as far as possible," so that the specific need for the variance "must be substantial and urgent and not merely for the convenience of the applicant[.]" (citing *Carney v. City of Baltimore*, 201 Md. 130, 137, 93 A.2d 74 (1952)). The *Chelsey* Court emphasized the Court of Appeals' holding in *Belvoir Farms* in stating that: "it generally is not a hardship to be without a desired convenience or amenity on one's property, because zoning restrictions are to be enforced in the absence of a "substantial and urgent" need for a variance." *Id.* At 933 A.2d 488. (See *Belvoir Farms Homeowners Ass'n*, 355 Md. at 261, 734 A.2d 227). The *Chelsey* Court stated: "the fact that a particular improvement would

enhance the owner's enjoyment of the property did not establish that it would be a hardship to continue using the property without the variance." *Id.* At 933 A.2d 488-489. See, e.g., *Citrano v. North*, 123 Md. App. 234, 717 A.2d 960 (1998) (fact that proposed deck created a "pleasant amenity" did not create hardship); *North v. St. Mary's County*, 99 Md. App. 502, 519, 638. A.2d 1175 (owner's desire to build gazebo to read and view creek is not evidence of hardship), *cert. denied sub nom. Enoch v. North*, 336 Md. 224, 647 A.2d 444 (1994).

In this case, the denial of the Variance will not deprive the Petitioner of reasonable use of his land in that a garage can be constructed in the rear yard provided it meets BCZR, §400. I also find that the requested Variance relief is not within the spirit and intent of the BCZR for the reasons given and that it will harm the peace and enjoyment of the abutting residential neighborhood and set an undesirable precedent. Accordingly, the Variance relief will be denied.

THEREFORE, IT IS ORDERED, this **25th** day of **November 2022**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to §500.7 to allow an accessory structure to have a building footprint larger than the footprint of the principal home, be and it is hereby, **DENIED**.

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §400.3 to allow an accessory structure to have a height of 21 ft in lieu of the maximum allowed 15 ft be, and it is hereby **DENIED**.

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

Maureen E. Murphy

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm

## Donna Mignon

**From:** Administrative Hearings
**Sent:** Monday, November 28, 2022 8:21 AM
**To:** 'themasters_company@yahoo.com'
**Cc:** Debra Wiley
**Subject:** Decision - Case No. 2022-0193-SPHA - 9402 Ryans Way - Levine
**Attachments:** ltr. 2022-0193-SPHA.pdf; 2022-0193-SPHA - XL.garage.height.denied.pdf

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**From:** Debra Wiley <dwiley@baltimorecountymd.gov>
**Sent:** Friday, November 25, 2022 10:05 AM
**To:** Lee Giroux <giroux.lee@gmail.com>
**Cc:** Donna Mignon <dmignon@baltimorecountymd.gov>; County Council <countycouncil@baltimorecountymd.gov>; Henry Ayakwah <hayakwah@baltimorecountymd.gov>; Jeffery Livingston <jlivingston@baltimorecountymd.gov>; Jenifer G. Nugent <jnugent@baltimorecountymd.gov>; PAI Zoning <paizoning@baltimorecountymd.gov>; Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Vishnubhai K Desai <vdesai@baltimorecountymd.gov>
**Subject:** Decision - Case No. 2022-0193-SPHA - 9402 Ryans Way - Levine

Good Morning,

Please find attached a copy of ALJ Murphy's Opinion and Order in reference to the above matter.

Unfortunately, our office does not have an email address for Mr. Levin; therefore, his copy will be placed in US mail.

Have a great and safe day.

## Debra Wiley

**From:** Debra Wiley
**Sent:** Friday, November 25, 2022 10:05 AM
**To:** Lee Giroux
**Cc:** Donna Mignon; County Council; Henry Ayakwah; Jeffery Livingston; Jenifer G. Nugent; PAI Zoning; Peoples Counsel; Vishnubhai K Desai
**Subject:** Decision - Case No. 2022-0193-SPHA - 9402 Ryans Way - Levine
**Attachments:** ltr. 2022-0193-SPHA.pdf; 2022-0193-SPHA - XL.garage.height.denied.pdf

Good Morning,

Please find attached a copy of ALJ Murphy's Opinion and Order in reference to the above matter.

Unfortunately, our office does not have an email address for Mr. Levin; therefore, his copy will be placed in US mail.

Have a great and safe day.

11-7 10Am

2022-0193-SPHA

**Debra Wiley**

**From:** Lee Giroux <giroux.lee@gmail.com>
**Sent:** Monday, November 7, 2022 11:05 AM
**To:** Administrative Hearings
**Subject:** Technical difficulties

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

Hello Ms. Mignon,
I was just letting you know I could not connect verbally along with login information this morning on computer but was able to see the hearing on my phone . Calvin Levine also had difficulty trying to login . I wanted to answer and add to judge . Murphys questions if you could be kind enough to let her know . Thank you in advance for your help. I can be reached at giroux.lee@gmail.com, or 443-564-8875.

Lee Giroux

## Donna Mignon

**From:** Administrative Hearings <administrativehearings@baltimorecountymd.gov>
**Sent:** Friday, November 4, 2022 7:53 AM
**To:** themasters_company@yahoo.com
**Subject:** FW: Case No: 2022-0193-SPHA 9402 Ryans Way

**Importance:** High

Good Morning
Please be advised that we have not received your exhibits for the hearing that is scheduled on Monday, November 7, 2022.
Please see below and email to our office. Thank you.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

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**From:** Administrative Hearings
**Sent:** Monday, October 31, 2022 9:12 AM
**To:** themasters_company@yahoo.com
**Subject:** Case No: 2022-0193-SPHA 9402 Ryans Way
**Importance:** High

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for November 7, 2022 at 10:00 a.m. You should have received an invitation in an email which invited you to this hearing when the event was created on or about October 13, 2022.

Please email any and all hearing exhibits, documents, site plans, photographs or evidence of any kind that you wish to present at the hearing to our office . The documents must be submitted in PDF format at **least two full business days** in advance of the hearing to : Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov

Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

*****These exhibits will be displayed on a computer screen as you explain at the hearing what you are seeking in your case. Please note that these documents are in addition to any paperwork submitted when you originally filed your petition with the Office of Zoning Review. Our Office is separate from the Office of Zoning. ***** If our office does not receive this information, your case may not be able to be heard on this day. Thank you.

You can find more information on our website at: https://www.baltimorecountymd.gov/departments/adminhearings/devzoninghearings.html

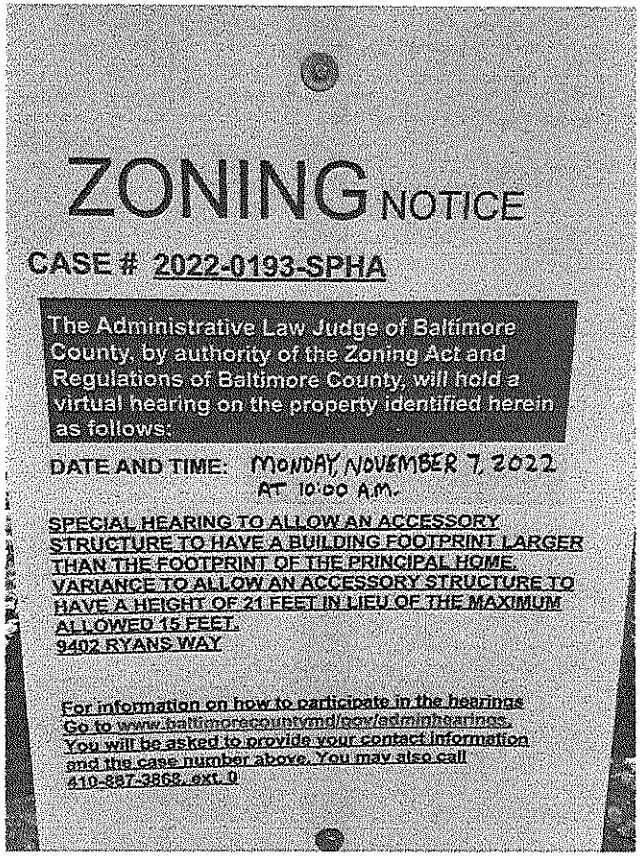
**Please bring a hard copy of all exhibits and drop off in our lobby (address below) at least two full business days before the hearing date.**

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204
410-887-3868

**ATTENTION:** DONNA MIGNON
**DATE:** 11/2/2022
**Case Number:** 2022-0193-SPHA
**Petitioner / Developer:** LEE GIROUX ~ CARLOS LEVINE
**Date of Hearing:** NOVEMBER 7, 2022

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:
9402 RYANS WAY

**The sign(s) were posted on: OCTOBER 18, 2022**
**The sign(s) were re-photographed on: NOVEMBER 2, 2022**




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, Maryland 21030
(City, State, Zip of Sign Poster)

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

Re-Photographed 1st Sign & Re-Photographed 2nd Sign ~ 11/2/2022

9402 Ryans Way

**CASE # 2022-0193-SPHA**

**The Daily Record**
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

**Order #:** 12160507
**Case #:** 2022-0193-SPHA
**Description:**

NOTICE OF ZONING HEARING - CASE NUMBER: 2022-0193-SPHA

# PUBLISHER'S AFFIDAVIT

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

10/18/2022

Darlene Miller

**Darlene Miller, Public Notice Coordinator**
(Representative Signature)

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**Baltimore County**

**NOTICE OF ZONING HEARING**

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

**CASE NUMBER: 2022-0193-SPHA**

9402 Ryans Way

Located at the end of Ryans Way, 514 feet to the centerline of East Joppa Road

10th Election District - 5th Councilmanic District

Legal Owner: Carlos Levine

Special Hearing to allow an accessory structure to have a building footprint larger than the footprint of the principal home. Variance to allow an accessory structure to have a height of 21 feet in lieu of the maximum allowed 15 feet.

Hearing: Monday, November 7, 2022 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

o18

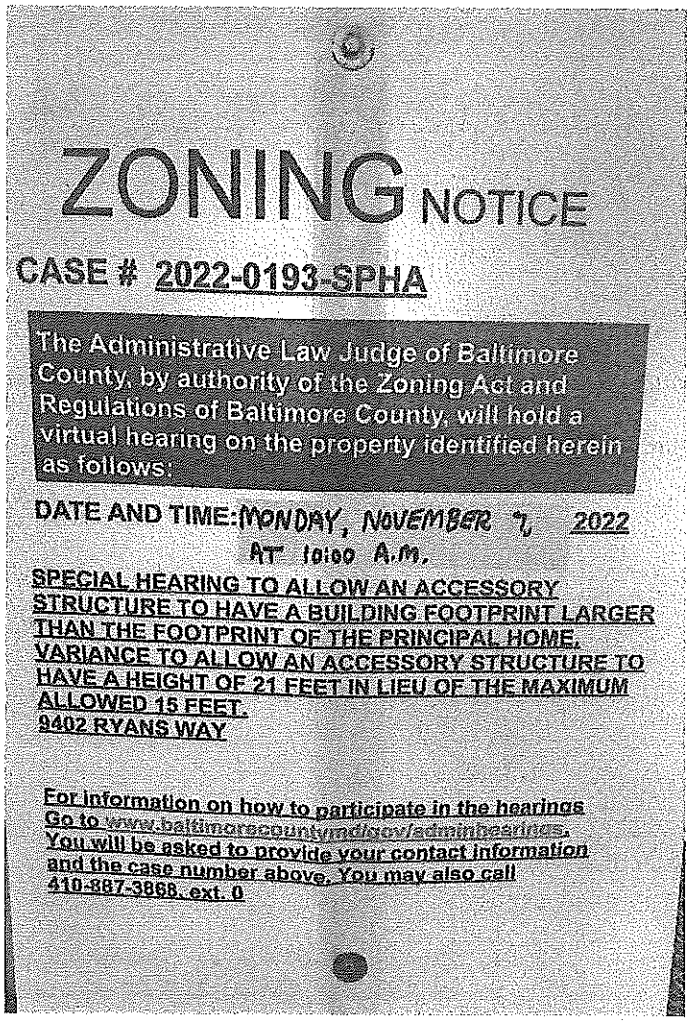
RECEIVED OCT 19 2022

# CERTIFICATE OF POSTING

**ATTENTION:** KRISTEN LEWIS
**DATE:** 10/18/2022
**Case Number:** 2022-0193-SPHA
**Petitioner / Developer:** LEE GIROUX ~ CARLOS LEVINE
**Date of Hearing:** NOVEMBER 7, 2022

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:
9402 RYANS WAY

**The sign(s) were posted on: OCTOBER 18, 2022**




Linda O'Keefe
(Signature of Sign Poster)

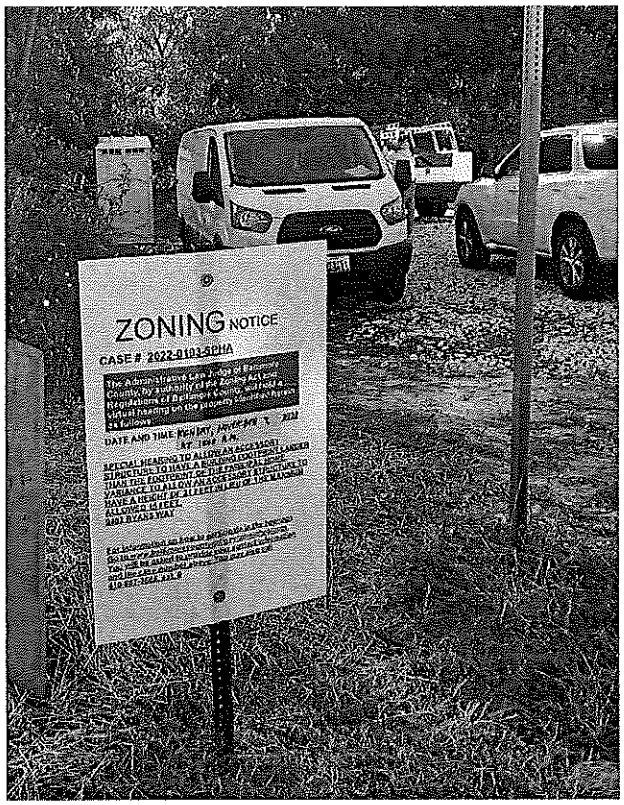
Linda O'Keefe
(Printed Name of Sign Poster)

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)

RECEIVED OCT 19 2022




Background Photo 1st Sign @ 9402 Ryans Way ~ 10/18/2022

Background Photo 2nd Sign @ 9402 Ryans Way ~ 10/18/2022

**CASE # 2022-0193-SPHA**

JOHN A. OLSZEWSKI, JR.
*County Executive*

C. PETE GUTWALD, AICP
*Director, Department of Permits, Approvals and Inspections*

October 13, 2022

# NEW NOTICE OF ZONING HEARING

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

**CASE NUMBER: 2022-0193-SPHA**
9402 Ryans Way
Located at the end of Ryans Way, 514 feet to the centerline of East Joppa Road
10th Election District – 5th Councilmanic District
Legal Owner: Carlos Levine

Special Hearing to allow an accessory structure to have a building footprint larger than the footprint of the principal home. Variance to allow an accessory structure to have a height of 21 feet in lieu of the maximum allowed 15 feet.

Hearing: Monday, November 7, 2022 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd/gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director

PW/kl

C: Carlos Levine, 9803 Krafthill Road, Perry Hall 21128
Lee Giroux, 563 Westwood Avenue, #4, Long Branch NJ 07740

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUES., OCT. 18, 2022**

TO: THE DAILY RECORD
Tuesday, October 18, 2022 - Issue

Please forward billing to:
Carlos Levine 443-250-5048
9803 Kraft Hill Road
Perry Hall, MD 21128

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# NOTICE OF ZONING HEARING

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

**CASE NUMBER: 2022-0193-SPHA**
9402 Ryans Way
Located at the end of Ryans Way, 514 feet to the centerline of East Joppa Road
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Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

## Donna Mignon

**From:** Kristen L Lewis
**Sent:** Thursday, October 13, 2022 9:39 AM
**To:** Donna Mignon; Debra Wiley
**Subject:** Webex 2022-0193-SPHA

Good morning,

I have given this case a new date (again) and Lee Giroux is no longer being used by the Petitioner. This just needs an updated link for the new date and time. Thank you.

2022-0193-SPHA
9402 Ryans Way
Owner: Carlos Levine – themasters_company@yahoo.com
11/7/22 at 10:00 a.m.

Kristen Lewis-Coles
Legal Secretary
PAI – Zoning Review

RECEIVED AUG 23 2022

# BALTIMORE COUNTY, MARYLAND
## INTER-OFFICE MEMORANDUM

**TO:** C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

**DATE:** 8/19/2022

**FROM:** Steve Lafferty
Director, Department of Planning

**SUBJECT:** **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-193 SPHA

**INFORMATION:**
**Property Address:** 9402 Ryans Way
**Petitioner:** Carlos Levine
**Zoning:** DR 1H
**Requested Action:** Special Hearing, Variance

The Department of Planning has reviewed the petition for the following:

*Special Hearing*

1. To allow an accessory structure to have a footprint larger than the footprint of the home.

*Variance*

2. From Section 400.3 of the BCZR to allow an accessory structure to have a height of 21 feet in lieu of the maximum allowed 15 feet.

The subject site is located at the end of Ryans Way that connects to E. Joppa Road. This site consists of 3 acres and currently houses a residential dwelling with a shed. The shed will be removed. The site is located within the boundary of the Honeygo Plan (adopted July 5, 1994) and Eastern Baltimore County Pedestrian and Bicycle Access Plan (adopted November 6, 2006). A permit (R22-06135) has been issued to renovate, and expand, the existing dwelling as well as to construct a new accessory structure.

The applicant was called on August 18, 2022. The applicant explained that her clients purchased the site to be their primary residence. Since a part of their business is dealing with antique cars, with the concern of uprising crime they would like to build a relatively large accessory structure of two stories on the property to store these antique vehicles safely and securely.

Since the proposed accessory structure is far away from the nearby right-of-way, the Department of Planning does not object to the requests with the following condition:

1. Enhanced vegetative screening should be provided to mitigate the visual impact of the structure on the residential dwellings to the northwest.

For further information concerning the matters stated herein, please contact Te-Sheng Huang at 410-887-3480.

**Prepared by:**

Krystle Patchak

**Division Chief:**

Jenifer G. Nugent

SL/JGN/KP/

c: Te-Sheng Huang
Lee Giroux
Office of Administrative Hearings
People's Counsel for Baltimore County

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**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director
Department of Permits, Approvals

**DATE:** August 19, 2022

EFC for VKD

**FROM:** Vishnu Desai, Supervisor
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting
For August 22, 2022
Item Nos. 2022-0187-SPHA, 0188-A, 0189-SPH, 0191-A, 0192-A, & 0193-SPHA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

* * * * *

VKD: cen
cc: file

| | | |
|---|---|---|
| RE: PETITION FOR SPECIAL HEARING AND VARIANCE | * | BEFORE THE OFFICE |
| 9402 Ryans Way; End of Ryans Way, 514' from c/line of East Joppa Road | * | OF ADMINSTRATIVE |
| 10th Election & 5th Councilmanic Districts | * | HEARINGS FOR |
| Legal Owner(s): Carlos Levine | | |
| Petitioner(s) | * | BALTIMORE COUNTY |
| | * | 2022-193-SPHA |

* * * * * * * * * * * * *

**ENTRY OF APPEARANCE**

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

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15th day of August, 2022, a copy of the foregoing Entry of Appearance was emailed to Lee Giroux, 563 Westwood Avenue, Long Branch, NJ 07740, Giroux.Lee@gmail.com, Representative for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

# 2022-0193-SPHA

## 9402 Ryans Way

(Formerly addressed as 4835 E. Joppa Road)

## 11-08-032500

I have confirmed with Janice Kemp in Development Management that this property has recently had it's address legally changed to 9402 Ryans Way. Please note however, that the Baltimore County GIS and SDAT still reflect the old address of 4835 E. Joppa Road.

Jason Seidelman

Zoning Review

410-887-3391

Real Property Data Search ( )
Search Result for BALTIMORE COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Special Tax Recapture: None

**Account Identifier:** District - 11 Account Number - 1108032500

## Owner Information

| | | | |
|---|---|---|---|
| **Owner Name:** | LEVINE CARLOS | **Use:** | RESIDENTIAL |
| | | **Principal Residence:** | NO |
| **Mailing Address:** | 9803 KRAFT HILL ROAD<br>PERRY HALL MD 21128- | **Deed Reference:** | /46768/ 00145 |

## Location & Structure Information

| | | | |
|---|---|---|---|
| **Premises Address:** | 4835 E JOPPA RD<br>WHITE MARSH 21162-0317 | **Legal Description:** | 4835 E JOPPA RD<br>450FT SE OF JOPPA RD |

| Map: | Grid: | Parcel: | Neighborhood: | Subdivision: | Section: | Block: | Lot: | Assessment Year: | Plat No: |
|---|---|---|---|---|---|---|---|---|---|
| 0072 | 0010 | 0602 | 11010004.04 | 0000 | | | | 2021 | Plat Ref: |

Town: None

| Primary Structure Built | Above Grade Living Area | Finished Basement Area | Property Land Area | County Use |
|---|---|---|---|---|
| 1962 | 1,215 SF | 600 SF | 3.0000 AC | 04 |

| Stories | Basement | Type | Exterior | Quality | Full/Half Bath | Garage | Last Notice of Major Improvements |
|---|---|---|---|---|---|---|---|
| 1 | YES | STANDARD UNIT | FRAME/ | 4 | 1 full/1 half | | |

## Value Information

| | Base Value | Value As of 01/01/2021 | Phase-in Assessments As of 07/01/2022 | As of 07/01/2023 |
|---|---|---|---|---|
| **Land:** | 114,000 | 114,000 | | |
| **Improvements** | 145,700 | 179,000 | | |
| **Total:** | 259,700 | 293,000 | 281,900 | 293,000 |
| **Preferential Land:** | 0 | 0 | | |

## Transfer Information

| | | |
|---|---|---|
| **Seller:** GILL-BOYD DEBILYN | **Date:** 04/22/2022 | **Price:** $301,000 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /46768/ 00145 | **Deed2:** |
| **Seller:** WATSON PHYLLIS J | **Date:** 08/21/1998 | **Price:** $165,000 |
| **Type:** ARMS LENGTH IMPROVED | **Deed1:** /13094/ 00699 | **Deed2:** |
| **Seller:** WATSON ROY L,JR | **Date:** 08/18/1993 | **Price:** $0 |
| **Type:** NON-ARMS LENGTH OTHER | **Deed1:** /09958/ 00120 | **Deed2:** |

## Exemption Information

| Partial Exempt Assessments: | Class | 07/01/2022 | 07/01/2023 |
|---|---|---|---|
| **County:** | 000 | 0.00 | |
| **State:** | 000 | 0.00 | |
| **Municipal:** | 000 | 0.00\|0.00 | 0.00\|0.00 |

Special Tax Recapture: None

## Homestead Application Information

**Homestead Application Status:** No Application

## Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**