



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 3, 2023

Timothy and Pamela Van Pelt – shiprunner@msn.com & vpsix6@gmail.com
7210 River Drive Road
Edgemere, MD 21219

RE: Petition for Special Hearing
Case No. 2022-0300-SPH
Property: 4812 Deer Park Road

Dear Mr. and Mrs. Van Pelt:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: Scott Lindgren – scott@dietzsurveying.net

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
(4812 Deer Park Road)		
2nd Election District	*	OFFICE OF
4th Council District		
Timothy and Pamela Van Pelt	*	ADMINISTRATIVE HEARINGS
<i>Legal Owners</i>		
Petitioners	*	FOR BALTIMORE COUNTY
	*	Case No: 2022-0300-SPH
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Special Hearing filed by Timothy and Pamela Van Pelt, legal owners and petitioners (the “Petitioners”) for the property located at 4812 Deer Park Road, Owings Mills (the “Property”). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”) §500.7 to determine if a property merger has occurred and to confirm if an existing undersized lot have building rights.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Pamela Van Pelt appeared at the hearing along with Scott Lindgren, licensed surveyor from Dietz Surveying, Inc., who prepared a site plan (the “Site Plan”). (Pet. Ex. 1). There were no Protestants or interested citizens in attendance at the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”), and the Development Plans Review which agencies did not oppose the relief. The Office of Zoning Review (“OZR”) submitted a comment to OAH that a merger of the lots was occurred.

The Site Plan confirms that the Property consists of two (2) separately deeded parcels: (1) the northern parcel is 1.160 acres +/- which has Tax Id number 0219270080; and (2) the southern parcel which is 1.220 acres +/- and has Tax Id number 0219270140. (Pet. Ex. 1). Mr. Lindgren submitted the deeds for the parcels showing the chain of title. (Pet. Exs. 2, 3). According to Mr. Lindgren, the northern parcel was created in 1951 and the southern parcel in 1948. (*Id.*). The Property is zoned Resource Conservation – Watershed Protection (RC4).

The Site Plan shows that a single family home was constructed straddling the common boundary lines, with the home nearly equidistant into each parcel. The septic reserve area for the home also sits across the Property lines. Overhead lines for the home are located on the southern lot. SDAT records confirm that the home was constructed in 1953. Petitioners do not reside in the home; they live at 7210 River Drive Rd., Edgemere. Mr. Van Pelt had purchased the Property on November 13, 1984. The home on the Property has been rented since his purchase.

Petitioners had filed for development exemption to move the lots lines in order to create 2 buildable lots. Unfortunately, as the parcels currently exist, and as proposed, 2 undersized lots would be created. Mr. Lindgren contends that BCZR, §1A03.4.B.4 grandfathers the parcels of land and permits, he asserts, 2 buildable lots. The Site Plan shows the proposed lot lines which would carve out the existing house. Rather than have 2 rectangular shaped parcels, each one is proposed to be in an ‘L’ shape. (Pet. Ex. 1).

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).

In the instant case, I find that a merger of the 2 parcels of land has occurred which prevents the creation of 2 buildable lots. While it is true that the parcels have separate Tax Id numbers and have been separately deeded, the construction of the home and septic reserve area straddling across the boundary lines, as well as the septic tank location and overhead power lines on the southern parcel being used by the home, are factors which confirm the merger of parcels for zoning purposes. Indeed, parcels and lots may remain separate but still merged for zoning purposes in determining density. *Friends of Ridge, et al. v. BGE*, 352 Md. 645, 724 A.2d 34 (1999). In accordance with the holding in *Friends of Ridge*:

We shall hold that a landowner who clearly desires to combine or merge several parcels or lots of land into one larger parcel may do so. One way he or she may do so is to integrate or utilize the contiguous lots in the service of a single structure or project, as respondent proposes in the instant case. Although this is not the general application of the doctrine of merger as it relates to zoning, we perceive no rational objection to applying the same principles to the circumstances of this case, resulting in a larger parcel. For title purposes, the platted lot lines may remain, but by operation of law a single parcel emerges for zoning purposes.

Id. at 40. *Remes v. Montgomery County*, 387 Md. 52, 874 A.2d 470 (2005), is also pertinent. There, the Court applied the concept of zoning merger to treat two residential lots as one, even though the

owner wanted to treat them separately. The Court of Appeals held that although the properties were separately deeded, it "does not lead us to the necessary conclusion that these lots for zoning limitations are not subject to the doctrine of zoning merger." *Id.* at 80, 874 A.2d 470. The Court reiterated what it had said in *Ridge*, "that merger may be derived from the common owner's intent, as evidenced by 'integrat[ing] or utiliz[ing] the contiguous lots in the service of a single structure or project....'" *Id.* at 66, 874 A.2d 470 (citing *Ridge*, 352 Md. at 658, 724 A.2d 34).

As applied here, both parcels have been used in service to the single home and effectively have operated as one (1) parcel since 1953. Petitioners, who do not reside in the home, would rather have 2 buildable lots rather than one. The Property is still usable and can be sold as one parcel. In reviewing BCZR, §1A03.4.B.4, while it permits a property owner to apply bulk regulations applicable in 1951 when the northern parcel was created, and in 1948 when the southern parcel was created, it does not protect the parcels from common law doctrine of merger. Accordingly, the Petition for Special Hearing will be denied.

THEREFORE, it is ORDERED this 3rd day of April, 2023 by this Administrative Law Judge that the Petition for Special Hearing pursuant to BCZR §500.7 to confirm that the existing undersized parcels have building rights is hereby **DENIED**, as the parcels have merged for zoning purposes.

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


MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

CERTIFICATE OF POSTING

2022-0300-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Timothy & Pamela Van Pelt

March 30, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

Ladies and Gentlemen:

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

4612 Deer Park Road ***SIGN 1***

March 7, 2023

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



Sincerely,

 March 7, 2023
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2022-0300-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Timothy & Pamela Van Pelt

March 30, 2023

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

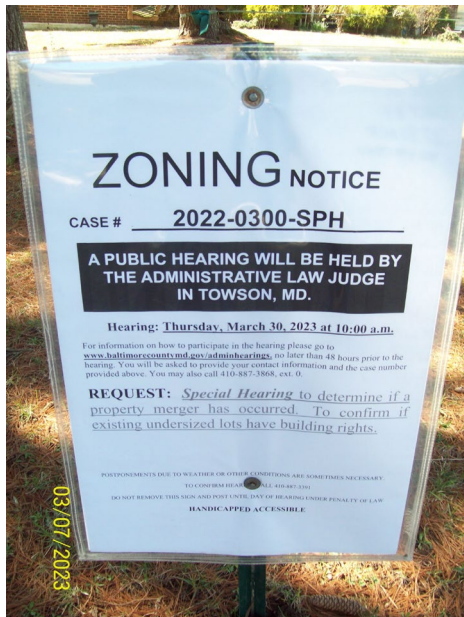
Ladies and Gentlemen:

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

4612 Deer Park Road ***SIGN 2***

March 7, 2023

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



Sincerely,


(Signature of Sign Poster) **March 7, 2023**
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 1/9/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2022-0300-SPH

INFORMATION:

Property Address: 4812 Deer Park Road, Owings Mills, MD 21117
Petitioner: Timothy Ray Van Pelt
Zoning: RC 4
Requested Action: Special Hearing

The Department of Planning has reviewed the petition for a Special Hearing under Section 500.7 of the Zoning Regulations to determine if a property merger has occurred and to confirm if existing undersized lots have building rights.

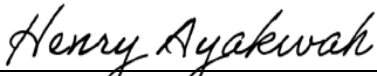
The property is located on Deer Park Road, which is a scenic route. The location and surrounding areas are zoned RC 4 and mostly used as rural residential and agricultural purposes.

For any proposed development of the property, all applicable scenic development guidelines outlined in the Baltimore County Comprehensive Manual of Development Policies, Division VI, Section A, Scenic Views, pages 175-185 are to be met as Deer Park Road is a Baltimore County designated Scenic Route. All efforts should be made to preserve the existing scenic view and disturbance should be limited to the fullest extent possible.

Similar to the comments made by the Zoning Review Office to the Administrative Law Judge, the Department of Planning believes that the two existing lots exhibit an existing home built over the lot boundary, which would merge the two lots into one. The proposed merger elimination and creation of two separate lots would necessitate a minor subdivision, but the RC-4 zone regulations stipulate a minimum lot size of 3 acres per Section 1A03.3.B, and the subdivision would result in two undersized lots. The Department of planning does not oppose to the Special Hearing request, but concurs with Zoning Review in their analysis.

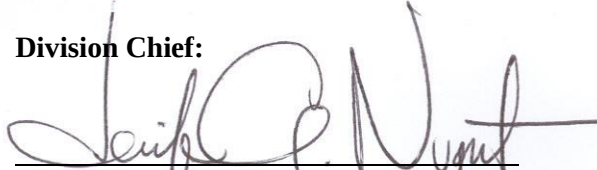
For further information, concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Henry Ayakwah

Division Chief:



Jenifer G. Nugent

SL/JGN

c: Joseph Wiley

Ngone Seye Diop

Timothy Ray Van Pelt

Stephen P. & Sydney L. James

Jeff Perlow, Zoning Review

Lajuanda Whitaker, Zoning Review

Office of Administrative Hearings

People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 12, 2023

FROM: Vishnu Desai, Supervisor
EFC for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0299-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

If Zoning Relief is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

*

*

*

*

*

VKD: cen

cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: January 12, 2023

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0300-SPH

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Per Baltimore County DPW&T's review, Baltimore County Code 32-8 defines lot line adjustments as development. Highway widening must be dedicated to Baltimore County as part of the development process. All drawings, recordation, etc. associated with the dedication are at the developers expense.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: January 12, 2023

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0302-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Per Baltimore County DPW&T's review, the plan submitted shall be revised to show the existing utilities and associated easements on the property. Based on Baltimore County records, the proposed garage will be located over an existing sewer main. The garage shall not be located in the easements and/or must be located so the zone of influence of the garage foundation does not impact any existing Baltimore County maintained utilities.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: ^{EFC for VKD}
Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: January 12, 2023

SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item No. 2022-0304-X

The Bureau of Development Plans Review has reviewed the subject zoning items *and* we have the following comments.

If Special Exemption is granted a Landscape Plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** January 10, 2023
Department of Permits, Approvals
EFL for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For January 9, 2023
Item Nos: 2022-0298-A, 0301-A & 0303-SPH

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

*

*

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*

VKD: cen
cc: file

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING January 2, 2023
FORMAL OR INFORMAL RESPONSE DUE AT January 9, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2022-0298-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Robert and Denise Schubert
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 3413 FIELDING RD

Location: Property located on the South side of Fielding Rd.; 172 feet East of Dorian Rd.

Existing Zoning: DR 2 (VESTED R-20)

Area: 20,037

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1B02.3.B and 205.3 (R20) of the 1958 BCZR: To permit an existing carport to be converted to an enclosed 2 car garage with a right side setback of 8 feet in lieu of the minimum 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/09/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0299-A **Reviewer:** Jason Seidelman

Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL

Type: VARIANCE

Legal Owner: McDonald's Corporation

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 2222 DUNDALK AVE

Location: Property located Northwest corner of intersection of Dundalk Ave. (125 feet) and Sunshine Rd. (40 feet)

Existing Zoning: BL

Area: .08572 ACRE

Proposed Zoning:

VARIANCE:

- 1.) BCZR 409.9: To permit 35 parking spaces in lieu of the required 69 parking spaces;
- 2.) BCZR 450.4: To permit three (3) menu board signs in lieu of the allowed two (2) signs;
- 3.) BCZR 409.8.A(1): To permit a 4.1 foot landscape strip in lieu of the 5.5 foot landscape strip previously approved in Zoning Case No. 2010-0099-A; and
- 4.) For such other and further relief as may be deemed necessary by the Administrative Law Judge.

Attorney: Adam Baker

Prior Zoning Cases: 1985-0275-A; 1988-0531-A; 2010-0099-A

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0300-SPH **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Timothy and Pamela Van Pelt
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 2 **Council Dist:** 4

Property Address: 7210 RIVER DRIVE RD

Location: Property located on the West side of Deer Park Rd. 1,220 feet from the centerline of Dolfield Rd.

Existing Zoning: RC 4 **Area:** 1.2 ACRES

Proposed Zoning:

SPECIAL HEARING:

- 1.) BCZR 500.7: To determine if a property merger has occurred.
- 2.) BCZR 500.7: To confirm if existing undersized lots have building rights.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Note to file.

ZAC AGENDA

Case Number: 2022-0301-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Mark Epstein
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 10535 PARK HEIGHTS AVE

Location: Property located on the East side of Park Heights Ave., North 1,000 feet to centerline of Greenspring Valley Rd.

Existing Zoning: RC 2 **Area:** 3.9 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and BCZR 400.3: To permit a proposed Accessory building (garage) to be located in the front yard in lieu of the required rear yard only, and to permit a height of 19 feet in lieu of the maximum permitted height of 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/16/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0302-A **Reviewer:** Shaun Crawford

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Brandon Williams and Sara Pippen

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 401 VOGTS LN

Location: Property located beginning at the Northwest side of Vogts Lane at a distance of 1,244 feet Northwest of Cape May.

Existing Zoning: DR 3.5

Area: 21,322 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 & 400.3: To approve an accessory building (garage) with a front yard placement and total height of 24 feet in lieu of the rear yard only placement and maximum height of 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/16/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2022-0303-SPH **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: SPECIAL HEARING
Legal Owner: Ana Guerrero and Blanca Guerrero Decontreras
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 12 **Council Dist:** 7

Property Address: 7601 CYPRESS AVE

Location: Property located at the corner of Cypress Ave. and Southern Ave. on the Southeast corner of Lot # 335 and 336.

Existing Zoning: DR 5.5 **Area:** 12,720 SQ FT.

Proposed Zoning:

SPECIAL HEARING:

BCZR 500.7: To determine whether or not the Zoning Commissioner should approve an accessory in-law apartment in a separate accessory building (garage) on the property.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2022-0304-X **Reviewer:** Mitchell Kellman
Existng Use: COMMERCIAL **Proposed Use:** COMMERCIAL
Type: SPECIAL EXCEPTION
Legal Owner: Baltimore Harford, LLC.
Contract Purchaser: WashX, LLC.

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

Property Address: 9305 9309 HARFORD RD

Location: Property located on the corner of Southeast side of Hartford Rd., Southwest side of 2nd Ave.

Existing Zoning: BL-AS, BM-AS **Area:** .89 ACRES

Proposed Zoning:

SPECIAL EXCEPTION:

To use the herein described property for a car wash in the BM AS and BL AS zones.

Attorney: Adam M. Rosenblatt

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

receipt Sent to Attorney

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2022-0300-SPL
Property Address: 4812 DEER PARK ROAD, OWINGS MILLS, MD 21117
Legal Owners (Petitioners): TIMOTHY RAY VANPELT & PAMELA ANN VANPELT
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): TIMOTHY RAY VANPELT & PAMELA ANN VANPELT
Address: 7210 RIVER DRIVE ROAD, EDGEMERE, MD 21219

Telephone Number: 410-440-3514

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: December 22, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Hearing
Case No. 2022-0300-SPH
02192700804 & 0219270140
4812 Deer Park Road

It is the opinion of this office that the existing 2 lot shows an existing house built across the lot line and would merge both lots as one. The proposed elimination of the merger and the proposed creating of two separate lots would require a minor subdivision, but the RC 4 zone regulations per section 1A03.3.B requires a lot size of 3 acres and the subdivision would create 2 undersize lots.



PETITION FOR ZONING HEARING(S)

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 4812 Deer Park Road, Owings Mills, MD 21117 Currently Zoned RC 4
Deed Reference EHK, Jr 6825/97 / SM 13352/166 10 Digit Tax Account # 0219270080 & 0219270140
Owner(s) Printed Name(s) Timothy Ray Van Pelt & Pamela Ann Van Pelt

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

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. X a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
1. To determine if a property merger has occurred
 2. To confirm if existing undersized lots have building rights
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. a **Variance** from Section(s)

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

To be presented at Hearing

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.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Timothy Ray Van Pelt / Pamela Ann Van Pelt

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

7210 River Drive Road, Edgemere, MD

Mailing Address City State

21219 / 410-440-3514 / shiprunner@msn.com

Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

Scott Lindgren - Dietz Surveying, Inc.

Name - Type or Print

Signature

8119 Oakleigh Road, Baltimore, MD

Mailing Address City State

21234 / 410-661-3160 / scott@dietzsurveying.net

Zip Code Telephone # Email Address

CASE NUMBER 2022-0300501 Filing Date 12/21/22 Do Not Schedule Dates Reviewer gh
3/2022

Dietz Surveying, Inc.
Land Surveying and Land Planning
8119 Oakleigh Road, Baltimore, MD 21237
Phone 410-661-3160 Fax 410-661-3163

Zoning Description
For
4812 Deer Park Road
SM 13352/166 – Tax #0219270140
December 13, 2022

Beginning in the center of Deer Park Road Road, distant 1,220 feet +/- northerly from the center of Dolfield Road thence running,

1. South 63 degrees 43 minutes 58 seconds West 446.07 feet,
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4. South 23 degrees 52 minutes 02 seconds East 125.11 feet, to the place of beginning.

Containing 1.220 Acres of land, more or less. Being located in the 2nd Election District, 4th Councilmanic District.

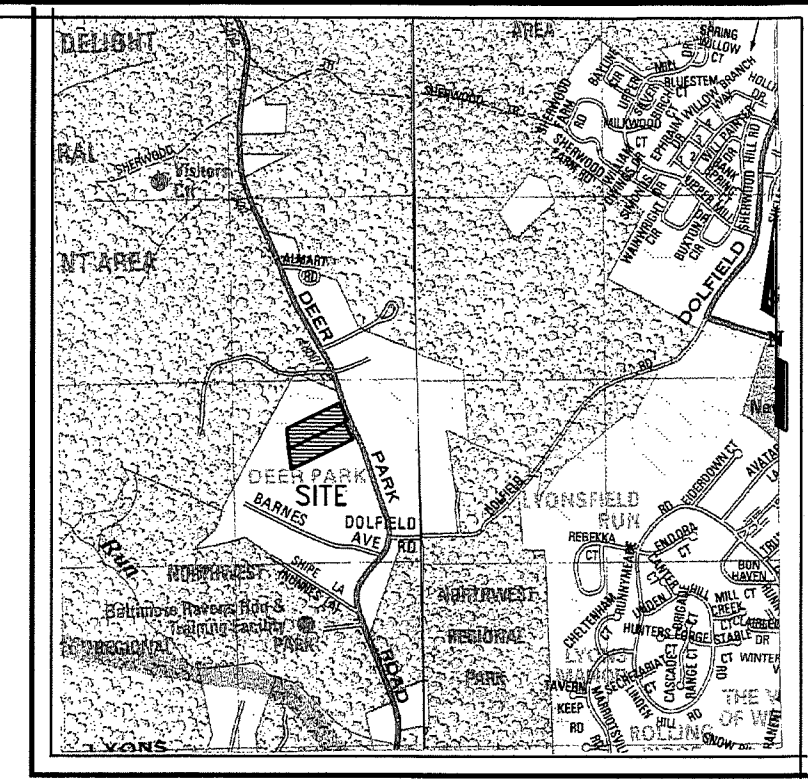
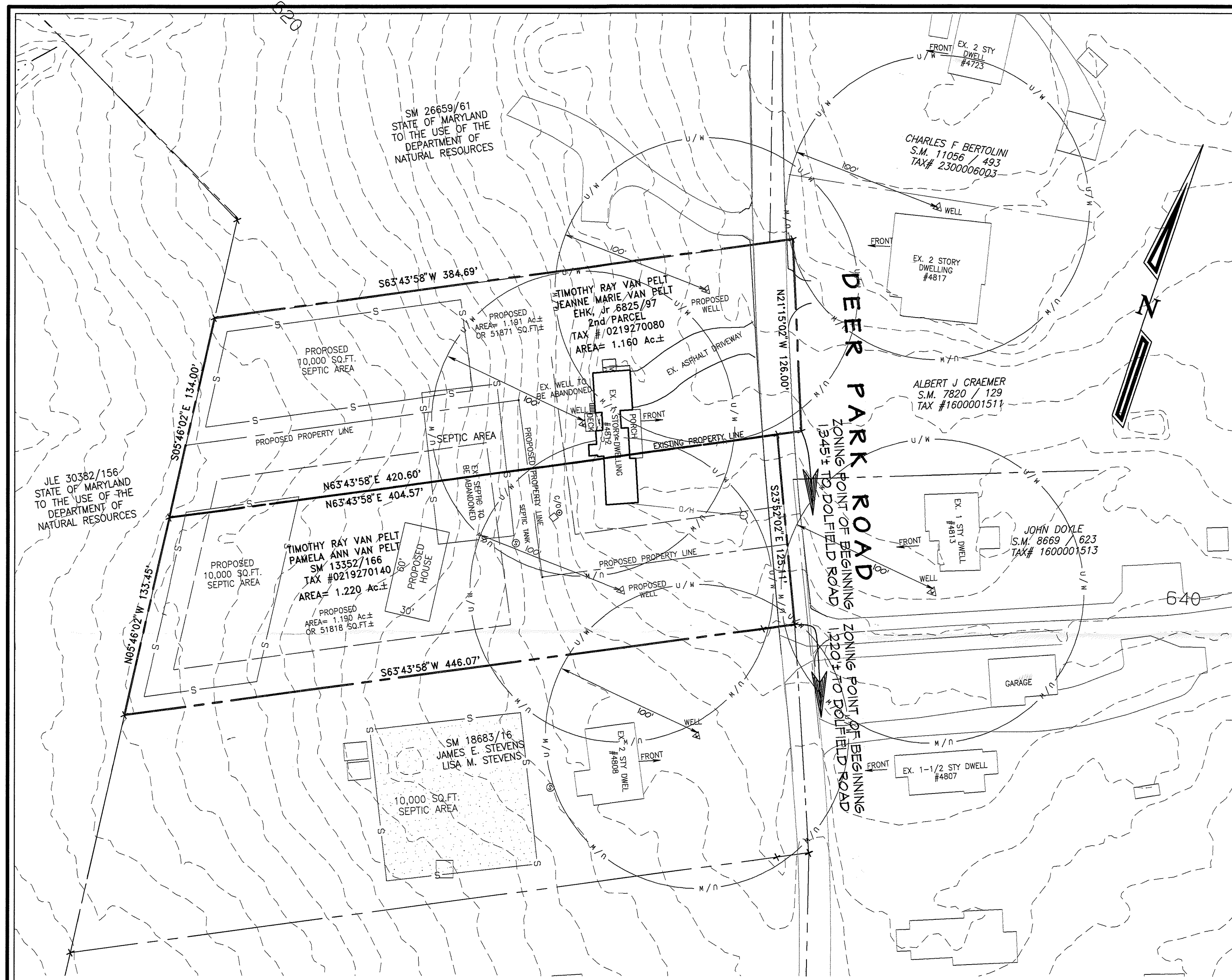
Zoning Description
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4812 Deer Park Road
EHK, Jr.6825/97 – Tax #0219270080
December 13, 2022

Beginning on the east side of Deer Park Road Road, distant 1,345 feet +/- northerly from the center of Dolfield Road thence running on the east side of Deer Park Road,

1. North 21 degrees 15 minutes 02 seconds West 126.00 feet, thence leaving Deer Park Road and running,
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Containing 1.160 Acres of land, more or less. Being located in the 2nd Election District, 4th Councilmanic District.

2022-0300-SPH



Vicinity Map Scale: 1" = 2000'

Notes

1. Owner: Timothy Van Pelt
Pamela Van Pelt
7210 River Drive Road
Edgemere, MD 21219
2. Zoned: RC-4
3. This site is not in the Chesapeake Bay Critical Area.
4. This site is not in the 100 year flood plain.
5. There are no underground fuel tanks.
6. This is not a historic property/building.
7. This site is serviced by private septic and well.
8. No prior Zoning Hearings.
9. Tax Account Nos. 02-19-270080 & 02-19-270140

Plat to Accompany Request
for a Special Hearing
of the

VAN PELT PROPERTIES

4812 Deer Park Road

Baltimore County, Maryland

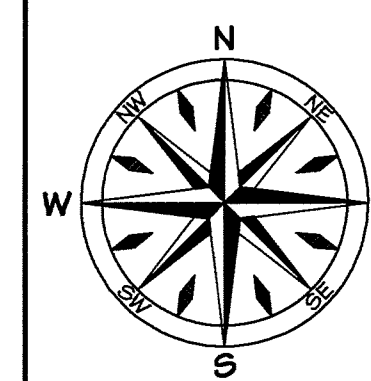
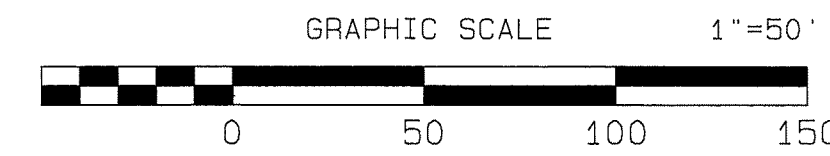
Deed Refs.: E.H.K., Jr. No. 6825 folio 97

& S.M. No. 13352 folio 166

Tax Map 66; Grid 10; Parcels 469 & 473

2nd Election District, 4th Councilmanic District

Scale: 1"=50' Date: October 19, 2022



Dietz Surveying Inc.

Land Surveying and Land Planning

8119 Oakleigh Road Baltimore MD 21234

Ph 410-661-3160, Fax 410-661-3163

www.dietzsurveying.net

Revisions	Date	Plot Date: 12/13/2022	FIELD: KCK, KW	DRAWN: SAL	Job No. 22137
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**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2022-0300-SPL
Property Address: 4812 DEER PARK ROAD, OWINGS MILLS, MD 21117
Legal Owners (Petitioners): TIMOTHY RAY VANPELT & PAMELA ANN VANPELT
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): TIMOTHY RAY VANPELT & PAMELA ANN VANPELT
Address: 7210 RIVER DRIVE ROAD, EDGEMERE, MD 21219

Telephone Number: 410-440-3514

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

BALTIMORE COUNTY, MARYLAND
NOTE TO ADMINISTRATIVE LAW JUDGE

DATE: December 22, 2022

TO: Administrative Law Judge and File

FROM: Zoning Review Office

SUBJECT: Petition for Special Hearing
Case No. 2022-0300-SPH
02192700804 & 0219270140
4812 Deer Park Road

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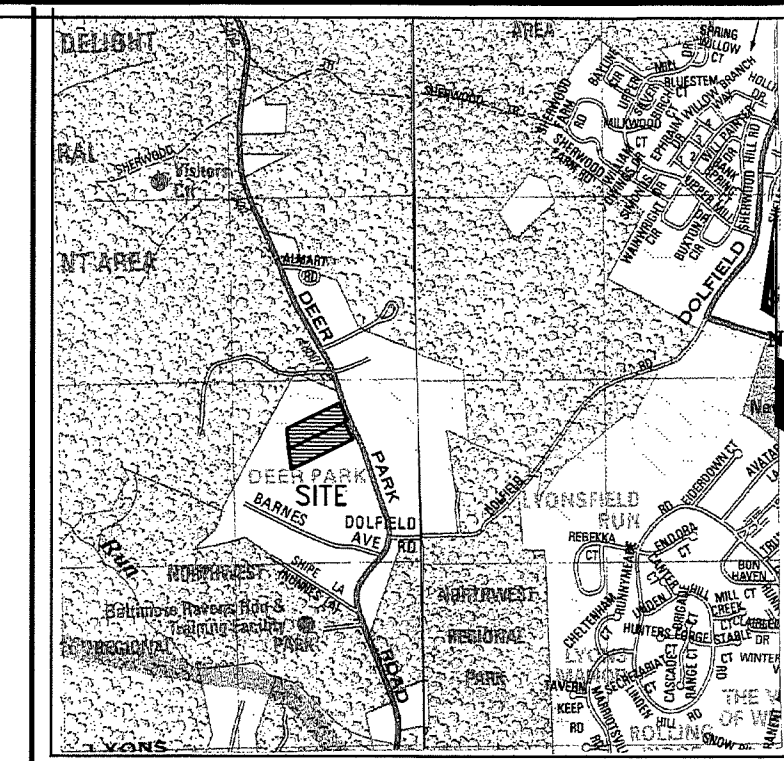
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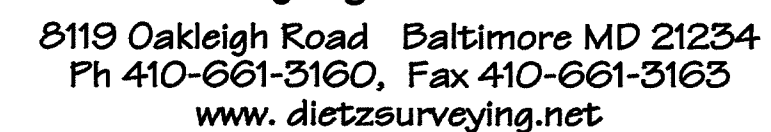
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2022-0300-SHA