



JOHN A. OLSZEWSKI, JR.  
*County Executive*

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

March 3, 2023

Edward Gilliss, Esquire – [egilliss@rmmr.com](mailto:egilliss@rmmr.com)  
102 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Petitions for Special Hearing & Variance  
Case No. 2023-0009-SPHA  
Property: 19925 Grave Run Road

Dear Mr. Gilliss:

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, flowing style.

MAUREEN E. MURPHY  
Administrative Law Judge  
for Baltimore County

MEM:dln  
Enclosure

c: Heidi L. Darsch – [atinychaos@gmail.com](mailto:atinychaos@gmail.com)  
Blair Darsch - [bdarsch1@yahoo.com](mailto:bdarsch1@yahoo.com)  
Kim Turnbaugh - [moohhs76@aol.com](mailto:moohhs76@aol.com)  
Patrick Fisher- [fishers02@verizon.net](mailto:fishers02@verizon.net)

|                                      |       |                             |
|--------------------------------------|-------|-----------------------------|
| IN RE: PETITIONS FOR SPECIAL HEARING | *     | BEFORE THE                  |
| AND VARIANCE                         |       |                             |
| (19925 Grave Run Road)               | *     | OFFICE OF                   |
| 6 <sup>th</sup> Election District    |       |                             |
| 3rd Council District                 | *     | ADMINISTRATIVE HEARINGS     |
| Blair and Heidi Darsch               |       |                             |
| <i>Legal Owners</i>                  | *     | FOR BALTIMORE COUNTY        |
| <br>Petitioners                      | <br>* | <br>Case No. 2023-0009-SPHA |
|                                      |       |                             |
|                                      | *     | *                           |
|                                      | *     | *                           |
|                                      | *     | *                           |
|                                      | *     | *                           |
|                                      | *     | *                           |

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Hearing and Variance filed by legal owners, Blair and Heidi Darsch (the “Petitioners”) for the property located at 19925 Grave Run Road, Hampstead (the “Property”). A Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7, to permit a proposed accessory building (garage) with a building footprint (2,448 sf) which is larger than the principal dwelling (1,120 sf), and for Variance relief from BCZR, §400.3 to permit a proposed accessory building (garage) with a height of 28 ft in lieu of the maximum height of 15 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioner, Blair Darsch appeared at the hearing in support of the Petition. Edward Gillis, Esquire of Royston, Mueller, McLean & Reid, LLP represented the Petitioners. Patrick Fisher, and Suzanne Fisher, his wife, 20001 Grave Run Rd. testified in opposition. Kim Turnbaugh, 19929 Grave Run Rd. asked questions of the Petitioner.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the relief. Development Plans Review (“DPR”) filed a comment as follows:

An existing 10-foot Drainage and Utility Easement is located along the rear property line as shown on the plan submitted. The plan shows an existing shed located within the easement. The shed must be removed from the existing Drainage & Utility Easement.

The case proceeded by way of modified proffer by Mr. Gillis. Mr. Darsch prepared a site plan (the "Site Plan"). (Pet. Ex. 1). The Property is 0.9725 acres +/- and is improved with a 1,120 sf single family dwelling with a 29.5 ft height, which was constructed in 1979. Petitioners purchased the Property in August of 2022. The Property is split-zoned Agricultural (RC 2) and Environmental Enhancement (RC8). The Property is accessed via a shared driveway.

Mr. Darsch is in the automotive repair business and he leases space in Manchester. Petitioners have a collection of seven (7) vehicles for personal use, some of which are currently stored off-site. Mr. Darsch testified that he repairs and performs maintenance on engines of his personal vehicles. He also performs auto body repair using sheet metal and tools such as welders and body hammers. Petitioners desire to construct a 2,448 sf detached garage with a height of 28 ft. Mr. Darsch mentioned that the additional height is needed to match the roof pitch of the house.

A rendering of the proposed garage was provided. (Pet. Ex. 5). It will have 3 garage doors which measure 8 ft wide and 9 ft tall. Mr. Darsch explained that the first 20-25 ft of the garage will have space to park 3 vehicles including a Volkswagon Jetta which is currently parked in the driveway, is untagged and is covered. He also owns a car trailer which can transport vehicles to car shows. That trailer is visible in photographs provided by Mr. Darsch. The other end of the garage will be a workshop for performing vehicle maintenance such as brake work and oil changes. Toward this end, he plans to have an electric lift installed.

The proffered evidence was that the new garage would provide a 'buffer' for the neighbors. Mr. Gillis argued that the proposed garage would meet the definition of 'accessory structure'

because it is subordinate in that it will be located in the rear yard and it provides a garage and workshop use which is 'incidental' to the principal dwelling use. He added that the additional height is requested is to make the house and garage consistent. Petitioners also provided photographs of the detached garage at the Turnbaugh property which he calculated to be 1,690 sf next to the house which is 2,100 sf. (Pet. Ex. 4). The other photograph was of the Hammett property has a detached garage measuring 832 sf and a dwelling of 1,500 sf. (Pet. Ex. 3).

Patrick and Suzanne Fisher, 20001 Grave Run Rd. testified in opposition to the garage size and height. Mrs. Fisher stated that the proposed garage is commercial and she is concerned about the noise from auto repair/maintenance/body work, and environmental issues from oil and gas, which may seep into the ground and contaminate the wells. The Fishers indicated that they enjoy the peace and quiet of the rural surroundings and do not want an auto care business or auto related activities even if for personal vehicles being conducted next to their property. She indicated that there are no other garages in the neighborhood which are as big as the proposed garage. She stated that the lot size is too small to accommodate the size of the garage. An additional concern is the driving and/or transporting of more vehicles to and from the proposed garage on the shared driveway which is gravel and not asphalt, and is maintained by 3 properties located at its end.

Mrs. Turnbaugh, 19929 Grave Run Rd., asked questions related to the shared driveway which is separated into 3 – 15 ft widths, one for each of the 3 homes which maintain it for a total potential width if paved of 45 ft. Currently, only the middle 15 ft driveway is being used.

#### 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 is not compatible with the rural neighborhood. The 2,448 sf proposed garage is more than double the size of the home (1,120 sf). The dimensions calculated by Mr. Darsch and the photographs he provided of the Hammetts' garage and the Turnbaughs' garage, confirm that both detached garages are smaller than those homes. This Property is a small lot (0.97 acres +/-) at the corner of Graves Run Rd. and the shared driveway. While the rendering showed a tasteful, agricultural-style building, the extra-large size on this small, yet highly visible lot, is out of character with the neighborhood. I am equally concerned that even if the Petitioners only work on their own personal vehicles, the likely nuisance generated from the admitted use of automotive tools including a body hammer and welder, and likely use of air compressors, riveting machines, and other common automotive type tools, will negatively impact this rural neighborhood. Moreover, while the Fishers have a row of mature pine trees along their side of the shared driveway, the proposed garage will be conspicuously situated in their line of sight, which will detract from the use and enjoyment of their property.

I further find that the proposed garage and its use for storage of vehicles and auto-related activities is not within the spirit and intent of the RC2/RC8 zones. The purpose of the RC2 zone is to foster conditions favorable to a continued agricultural use by preventing incompatible forms and degrees of urban uses. Accessory uses and structures, are permitted in the RC8 zone subject to Section 400, including.... '(d). Parking and residential garage space, subject to Section 409.' However, an 'accessory structure' such as a detached garage must meet the definition in BZCR, §101.1 as follows:

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;

\* \* \* \*

I find that the size of the proposed garage is neither subordinate nor incidental to the home; the proposed garage size converts it into the principal structure, and overshadows the home. Likewise, the automotive storage and repair of vehicles becomes the dominant use, not the incidental use. The extra-large size generates the need for Special Hearing relief. For all these reasons, the Special Hearing relief 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).

There was no evidence presented - and none could be inferred from the Petitioners' exhibits - that the Property is in any way 'unique' as required by *Cromwell, supra*. In fact, the Property, which was created as Lot 6 on the Plat of Breezy Hill Estates as recorded in the Land Records of Baltimore County (Book 38, page 84), is similar in size and shape to the other lots created therein. Even if the Property were found to be unique, the unique feature must cause the practical difficulty. There must be a nexus between the variance requested and the unique attributes of the Property to warrant the relief. *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). Here, the additional 13 ft in height was alleged to be needed to match the roof pitch on the house. While roof pitch is a typical argument for practical difficulty, a roof pitch can match even if the house and garage do not *equal* the same height. A detached garage which nearly equal in height to the principal dwelling is not subordinate; rather it resembles 2 dwellings. It is more likely that the additional 13 ft in height is to accommodate the electric vehicle lift and/or other automotive related activities. On this highly visible lot, a garage with nearly equal the height of the house is out of character with the neighborhood.

Even more so, the Petitioner is not prevented from constructing a detached garage in the rear yard, and would not need to seek any Variance relief, provided the garage complies with BCZR, §400. Accordingly, Petitioners can still make reasonable use of the Property.

THEREFORE, IT IS ORDERED, this 3<sup>rd</sup> day of **March 2023**, by the Administrative Law Judge for Baltimore County that the Petition for Special Hearing pursuant to BCZR §500.7 to permit a proposed accessory building (garage) with a building footprint (2,448 sf) which is larger

than the principal dwelling (1,120 sf) be and it is hereby, **DENIED**.

IT IS FURTHER ORDERED that the Petition for Variance from BCZR, §400.3 to permit a proposed accessory building (garage) with a height of 28 ft in lieu of the maximum height of 15 feet be, and it is hereby, **DENIED**.

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

A handwritten signature in black ink, reading "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY  
Administrative Law Judge  
for Baltimore County

MEM:dlm





# 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 19925 Grave Run Rd Hampstead, MD 21074 Currently Zoned RC2, RCB  
Deed Reference 47282 100070 10 Digit Tax Account # 1700003638  
Owner(s) Printed Name(s) Blair MDarsch Heidi L Darsch

(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

2. SEF a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. Attch 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)

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:

Blair M Darsch

Name - Type or Print

Blair M Darsch

Signature

19925 Grave Run Rd Hampstead MD

Mailing Address

City

State

21074 410 274 6415 bdarsch1@yahoo.com

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

Name #1 - Type or Print

Signature #1

19925 Grave Run Rd Hampstead

Mailing Address

21074 410 274 6415

Zip Code

Telephone #'s (Cell and Home)

Name #2 - Type or Print

Signature #2

MD

City

State

bdarsch1@yahoo.com

Email Address

## Attorney for Petitioner:

Ed Gillis

Name - Type or Print

Signature

102 W Pennsylvania Ave Towson

Mailing Address

City

State

21204 410 823 1800

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Case Number 2023-0009-SPHA

Filing Date

1/18/22

Do Not Schedule Dates

Reviewer gh

2023-0009-A

Variance from section 400.3; To permit a proposed accessory building (garage) with a height of 28 feet in lieu of the maximum height of 15 feet.

Special Hearing; To permit a proposed accessory building (garage) 2,448 square and the existing dwelling 1,120 square feet.

## Zoning Petition Property Description

Being known and Designated as Lot 6, as shown on the Plat of "Breezy Hill Estates", which Plat is recorded among the Land Records of Baltimore County in Plat Book E.H.K, Jr. 38, folio 84 containing 0.9725 acres (42,362 square feet). Located in the 6<sup>th</sup> Election District and the 3<sup>rd</sup> Council District.

2023-0069-56412



# PETITION FOR ZONING HEARING(S)

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## Contract Purchaser/Lessee:

Blair M Darsch

Name - Type or Print

Blair M Darsch

Signature

19925 Grave Run Rd Hampstead MD

Mailing Address

City

State

21074 410 274 6415 bdarsch1@yahoo.com

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

Name #1 - Type or Print

Signature #1

19925 Grave Run Rd Hampstead

Mailing Address

Signature #2

21074 410 274 6415

Zip Code

Telephone #'s (Cell and Home)

Email Address

## Attorney for Petitioner:

Ed Gillis

Name - Type or Print

Signature

102 W Pennsylvania Ave Towson

Mailing Address

City

State

21204 410 823 1800

Zip Code

Telephone #

Email Address

## Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Case Number 2023-0009-SPHA

Filing Date

1/18/22

Do Not Schedule Dates

Reviewer gh

2023-0009-A

Variance from section 400.3; To permit a proposed accessory building (garage) with a height of 28 feet in lieu of the maximum height of 15 feet.

Special Hearing; To permit a proposed accessory building (garage) 2,448 square and the existing dwelling 1,120 square feet.

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2023-0069-56412

|                                                                   |   |                   |
|-------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR SPECIAL HEARING                                  | * | BEFORE THE OFFICE |
| AND VARIANCE                                                      |   |                   |
| 19925 Grave Run Road; W/S of Grave Run                            | * | OF ADMINSTRATIVE  |
| Road, S 886' to c/line of Church Road                             |   |                   |
| 6 <sup>th</sup> Election & 3 <sup>rd</sup> Councilmanic Districts | * | HEARINGS FOR      |
| Legal Owner(s): Blair & Heidi Darsch                              |   |                   |
| Petitioner(s)                                                     | * | BALTIMORE COUNTY  |
|                                                                   | * | 2023-009-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 23rd day of January, 2023, a copy of the foregoing Entry of Appearance was emailed to Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, [gilliss@rmmr.com](mailto:gilliss@rmmr.com), Attorney for Petitioner(s).

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

# **BALTIMORE COUNTY, MARYLAND**

## **Inter-Office Correspondence**



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: January 26, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0009-SPHA  
Address: 19925 Grave Run Rd  
Legal Owner: Blair and Heidi Darsch

Zoning Advisory Committee Meeting of January 30, 2023.

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

Reviewer: Earl D. Wrenn



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE MEMORANDUM

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

**DATE:** 1/27/2023

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

**SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS**  
Case Number: 2023-0009

**INFORMATION:**

**Property Address:** 19925 Grave Run Road  
**Petitioner:** Heidi L. Darsch  
**Zoning:** RC 2, RC 8  
**Requested Action:** Special Hearing and Variance

The Department of Planning has reviewed the petition for:

1. Variance from Section 400.3 to permit a proposed accessory building (garage) with a height of 28 feet in lieu of the maximum height of 15 feet; and
2. Special Hearing to permit a proposed 2,448 square feet accessory building (garage) with the 1,120 square feet existing dwelling.

The property is situated on Grave Run Road, precisely at the intersection of Grave Run Road and Breezy Hill Estate. A portion of the one-acre lot's northern upper portion is zoned RC 2, while a larger portion of the southern upper portion is zoned RC 8. The property is predominantly used for residential purposes, but it also has some agricultural uses.

The Department of Planning has no objections to the requested relief.

It should be noted that a request for zoning relief should include in its application the reason for the practical hardship and difficulty that necessitated the request, as this is one of the standards by which reviewing agencies evaluate an application.

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

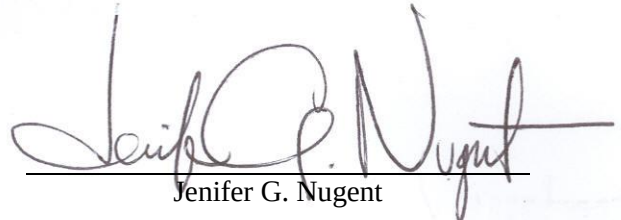
**Prepared by:**



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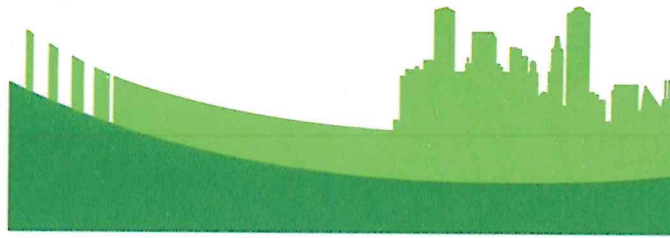
Henry Ayakwah

**Division Chief:**

  
Jenifer G. Nugent

SL/JGN

c: Heidi L. Darsh  
Joseph Wiley  
Megan Benjamin  
Jeff Perlow, Zoning Review  
Lajuanda Whitaker, Zoning Review  
Office of Administrative Hearings  
People's Counsel for Baltimore County



## CERTIFICATE OF POSTING

February 08, 2023

\_\_\_\_\_ amended for second inspection

Re:

Zoning Case No. 2023-0009-SPHA

Legal Owner: Heidi Darsch & Blair Darsch

Hearing date: Wednesday March 1, 2023

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

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **19925 Grave Run Road**.

The signs were initially posted on **February 08, 2023**.

The subject property was also inspected on \_\_\_\_\_.

Sincerely,

A handwritten signature in blue ink that appears to read "B. E. Doak". The signature is stylized with loops and a long horizontal stroke at the end.

Bruce E. Doak  
MD Property Line Surveyor #531

**See the attached sheets for the photos of the posted signs**

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
[bdoak@bruceedoakconsulting.com](mailto:bdoak@bruceedoakconsulting.com)



# **ZONING NOTICE**

**CASE NO. 2023-0009-SPHA**

**19925 Grave Run Road**

**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.**

**DATE & TIME: Wednesday March 01, 2023 10:00AM**

**FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS  
PLEASE GO TO [WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS](http://WWW.BALTIMORECOUNTYMD/GOV/ADMINHEARINGS).  
YOU WILL BE ASKED TO PROVIDE YOUR CONTACT INFORMATION  
AND THE CASE NUMBER PROVIDED ABOVE. YOU MAY ALSO CALL  
410-887-3868, EXT. 0.**

**REQUEST:**

**SPECIAL HEARING TO PERMIT A PROPOSED ACCESSORY BUILDING  
(GARAGE) 2,448 SQUARE FEET AND THE EXISTING DWELLING 1,120  
SQUARE FEET.**

**VARIANCE TO PERMIT A PROPOSED ACCESSORY BUILDING (GARAGE)  
WITH A HEIGHT OF 28 FEET IN LIEU OF THE MAXIMUM HEIGHT OF 15  
FEET.**



# ZONING NOTICE

CASE NO. 2023-0009-SPHA

19925 Grave Run Road

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REQUEST:

SPECIAL HEARING TO PERMIT A PROPOSED ACCESSORY BUILDING  
(GARAGE) 2,448 SQUARE FEET AND THE EXISTING DWELLING 1,120  
SQUARE FEET.

VARIANCE TO PERMIT A PROPOSED ACCESSORY BUILDING (GARAGE)  
WITH A HEIGHT OF 28 FEET IN LIEU OF THE MAXIMUM HEIGHT OF 15  
FEET.



ZONING ADVISORY COMMITTEE AGENDA  
ROOM 123, COUNTY OFFICE BUILDING  
DISTRIBUTION MEETING January 23, 2023  
FORMAL OR INFORMAL RESPONSE DUE AT January 30, 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](mailto:dwiley@baltimorecountymd.gov); [dmignon@baltimorecountymd.gov](mailto:dmignon@baltimorecountymd.gov)  
\* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), [klewis@baltimorecountymd.gov](mailto:klewis@baltimorecountymd.gov)  
\* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), [JPerlow@baltimorecountymd.gov](mailto:JPerlow@baltimorecountymd.gov)  
\* PAI, Development Management (Lloyd Moxley), MS # 1105, [lmoxley@baltimorecountymd.gov](mailto:lmoxley@baltimorecountymd.gov)  
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\* Highways (Tom Hargis), MS #1003 [thargis@baltimorecountymd.gov](mailto:thargis@baltimorecountymd.gov)  
\* Neighborhood Improvements (Marcia Williams), MS #4201, [myneighborhoodimprovement@baltimorecountymd.gov](mailto:myneighborhoodimprovement@baltimorecountymd.gov)  
\* County Council, District 3, (Tom Bostwick), MS #2201, [council1@baltimorecountymd.gov](mailto:council1@baltimorecountymd.gov)  
\* [tbostwick@baltimorecountymd.gov](mailto:tbostwick@baltimorecountymd.gov)  
\* Mike Ruby (Newspaper), [mildmanneredcomm@aol.com](mailto:mildmanneredcomm@aol.com)  
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& Fire Department (Inspector Muddiman), MS # 1102F, [dmuddiman@baltimorecountymd.gov](mailto:dmuddiman@baltimorecountymd.gov)  
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# People's Counsel (Peter Zimmerman), MS #4204 [pzimmerman@baltimorecountymd.gov](mailto:pzimmerman@baltimorecountymd.gov)  
# Planning Office (Jenifer Nugent), MS # 4101, [jnugent@baltimorecountymd.gov](mailto:jnugent@baltimorecountymd.gov); Henry Ayakwah [hayakwah@baltimorecountymd.gov](mailto:hayakwah@baltimorecountymd.gov); Taylor Bensley [tbensley@baltimorecountymd.gov](mailto:tbensley@baltimorecountymd.gov)  
# DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, [jlivingston@baltimorecountymd.gov](mailto:jlivingston@baltimorecountymd.gov); Steve Ford, [sford@baltimorecountymd.gov](mailto:sford@baltimorecountymd.gov)  
# IF FLOODPLAIN, Maryland Department of the Environment, [kevin.wagner@maryland.gov](mailto:kevin.wagner@maryland.gov)  
# Public Works (Terry Curtis), MS #1315, [tcurtis@baltimorecountymd.gov](mailto: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

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**Case Number:** 2023-0006-SPHX      **Reviewer:** Gary Hucik  
**Existing Use:** COMMERCIAL    **Proposed Use:** COMMERCIAL  
**Type:** SPECIAL HEARING, SPECIAL EXCEPTION  
**Legal Owner:** Joseph Dwyer  
**Contract Purchaser:** Robert & Ann Gahuso

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

**Property Address:** 106 MT CARMEL RD

**Location:** Property located on the North side of Mt. Carmel Rd. West 800 feet to centerline of York Rd.

**Existing Zoning:** RC 5 CR      **Area:** .615 ACRES

**Proposed Zoning:**

SPECIAL HEARING:

BCZR 500.7: To allow the variances granted in Case 2014-0194-A to remain in place for the new proposed use being requested.

SPECIAL EXCEPTION:

BCZR 259.3.B.2: To permit a doctors office and medical clinic in an existing building on a lot within a RC 5 CR zone which is not permitted in the underlying zone and which meets the bulk regulations of Section 259.3.C.1.

**Attorney:** Not Available

**Prior Zoning Cases:** 2014-0194-A

**Concurrent Cases:** None

**Violation Cases:** None

**Closing Date:**

**Miscellaneous Notes:**

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**Case Number:** 2023-0007-SPHXA      **Reviewer:** Mitchell Kellman  
**Existing Use:** COMMERCIAL    **Proposed Use:** COMMERCIAL  
**Type:** VARIANCE, SPECIAL EXCEPTION, SPECIAL HEARING  
**Legal Owner:** 534 Reisterstown Road LLC. Craig Mary Whitecraft  
**Contract Purchaser:** No Contract Purchaser was set.

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

**Property Address:** 515 OWINGS AVE

**Location:** Property located Southwest side of Reisterstown Rd., 115 feet Northwest centerline of Chartley Dr.

**Existing Zoning:** DR 3.5; BR; BR-AS

**Area:**

**Proposed Zoning:**

VARIANCE:

534 Reisterstown Rd

- 1.) BCZR 238.2: To permit a side yard setback for adjacent commercial building of 0 feet in lieu of the 30 feet.
- 2.) BCZR 238.2: To a rear yard setback for accessory structures of 0 feet in lieu of 30 feet.
- 3.) BCZR 307; 409.8.A.1 & 504.1; BCC 32-4-404; and page 19 of the Landscape Manual: To permit 0% of the parking lot area for interior landscaping in lieu of the otherwise required 7% accordance.

# ZAC AGENDA

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536 Reisterstown Rd.

- 1.) BCZR 238.2: To permit a side yard setback of 0 feet in lieu of 30 feet.

515 Owings Ave.

- 1.) BCZR 238.2: To a rear yard setback for accessory structures of 0 feet in lieu of 30 feet.

SPECIAL EXCEPTION:

534 Reisterstown Rd.

BCZR 236.2: To permit a used motor vehicle outdoor sales area separated from a sales agency building.

SPECIAL HEARING:

534 Reisterstown Rd.

- 1.) To extinguish previously approved Special Exception in Case No. 66-98-X.
- 2.) To allow existing buildings to straddle existing property lines where the subject properties have not merged.

**Attorney:** Jennifer Busse

**Prior Zoning Cases:** None

**Concurrent Cases:** None

**Violation Cases:** None

**Closing Date:**

**Miscellaneous Notes:**

3 addresses. 515 Owings Ave. %34-536 Reisterstown Rd. (Main Street)

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# ZAC AGENDA

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**Case Number:** 2023-0009-SPHA      **Reviewer:** Gary Hucik

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

**Type:** SPECIAL HEARING, VARIANCE

**Legal Owner:** Blair and Heidi Darsch

**Contract Purchaser:** No Contract Purchaser was set.

**Critical Area:** No    **Flood Plain:** No    **Historic:** No    **Election Dist:** 6    **Council Dist:** 3

**Property Address:** 19925 GRAVE RUN RD

**Location:** Property located West side of Grave Run Rd. South 886 feet to centerline of Church Rd.

**Existing Zoning:** RC 5/ RC 2

**Area:** 1 ACRE

**Proposed Zoning:**

SPECIAL HEARING:

BCZR 500.7: To permit a proposed accessory building (garage) with a building footprint (2,448 square feet) which is larger than the principal dwelling (1,120 square feet).

VARIANCE:

BCZR 400.3: To permit a proposed accessory building (garage) with a height of 28 feet in lieu of the maximum height of 15 feet.

**Attorney:** Not Available

**Prior Zoning Cases:** None

**Concurrent Cases:** None

**Violation Cases:** None

**Closing Date:**

**Miscellaneous Notes:**

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# ZAC AGENDA

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**Case Number:** 2023-0010-A      **Reviewer:** Jason Seidelman

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

**Type:** ADMINISTRATIVE VARIANCE

**Legal Owner:** Glenn Mason

**Contract Purchaser:** No Contract Purchaser was set.

**Critical Area:** No    **Flood Plain:** No    **Historic:** No    **Election Dist:** 8    **Council Dist:** 3

**Property Address:** 10803 LAKESPRING DR

**Location:** Property located on Southeast side of Lakespring Dr. (60 feet) 137 feet Northeast of intersection with Staffordshire Rd. (50 feet).

**Existing Zoning:** DR 3.5

**Area:** 9052 SQ FT.

**Proposed Zoning:**

ADMINISTRATIVE VARIANCE:

BCZR 1B01.2.c.1.b: To permit a side yard dwelling addition (garage) with a side setback of 3 feet and combined sum of side yard setbacks of 21 feet in lieu of the required 10 feet and 25 feet, respectively.

**Attorney:** Not Available

**Prior Zoning Cases:** None

**Concurrent Cases:** None

**Violation Cases:** None

**Closing Date:** 02/13/2023

**Miscellaneous Notes:**

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# ZAC AGENDA

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**Case Number:** 2023-0011-A      **Reviewer:** Christina Frink  
**Existing Use:** COMMERCIAL    **Proposed Use:** COMMERCIAL  
**Type:** VARIANCE  
**Legal Owner:** GFU, LLC.  
**Contract Purchaser:** Lisa Olivieri

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

**Property Address:** 9808 REISTERSTOWN RD

**Location:** Property located on the South side of Reisterstown Rd.; 3159 feet Southeast of Paintersmill Rd.

**Existing Zoning:** BR; BR-Im      **Area:** 2.9 ACRES

**Proposed Zoning:**

VARIANCE:

1.) BCZR 450.4.Table of Sign Regulations5(a): To allow a total of 4 wall-mounted enterprise signs in a single tenant building in lieu of the permitted 3 wall-mounted enterprise signs with no more than 2 signs on any one facade (Sign Nos. 3,4,5,7)

2.) BCZR 450.4.Table of Sign Regulations3: To allow a wall-mounted directional sign with a sign area/face of 16 square feet in lieu of the permitted 8 square feet (Sign No. 6)

**Attorney:** David Karceski

**Prior Zoning Cases:** None

**Concurrent Cases:** None

**Violation Cases:** None

**Closing Date:**

**Miscellaneous Notes:**

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# ZAC AGENDA

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**Case Number:** 2023-0012-SPH      **Reviewer:** Mitchell Kellman  
**Existng Use:** COMMERCIAL    **Proposed Use:** COMMERCIAL  
**Type:** SPECIAL HEARING  
**Legal Owner:** Joppa Road Commercial, LLC.  
**Contract Purchaser:** PB & J's Grill & Games, LLC.

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

**Property Address:** 3613 3615 JOPPA RD E

**Location:** Property located corner of South side of Joppa Rd., East side of Hervesy Court.

**Existing Zoning:** BLR/ DR 5.5      **Area:** 8,672 SQ FT.

**Proposed Zoning:**

SPECIAL HEARING:

To amend the order approved in Zoning Case No. 2008-0553-X to allow operation of the arcade by a new entity, pursuant to Condition No. 2 to the Order, and to remove Condition No. 4 and the requirement for an interior patron connection between the arcade tenant space and the restaurant tenant space.

**Attorney:** David Karceski

**Prior Zoning Cases:** 2008-0553-X

**Concurrent Cases:** None

**Violation Cases:** None

**Closing Date:**

**Miscellaneous Notes:**

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**Case Number:** 2023-0013-A      **Reviewer:** Shaun Crawford  
**Existng Use:** RESIDENTIAL    **Proposed Use:** RESIDENTIAL  
**Type:** ADMINISTRATIVE VARIANCE  
**Legal Owner:** Frederick John Dillon  
**Contract Purchaser:** No Contract Purchaser was set.

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

**Property Address:** 8622 TALL OAKS RD

**Location:** Property located beginning at East side of Tall Oaks Rd., which is about 20 feet in width, at a distance of 219 feet North of Shore Rd.

**Existing Zoning:** DR 5.5      **Area:** 1.08 ACRES

**Proposed Zoning:**

ADMINISTRATIVE VARIANCE:

BCZR 400.1: To approve an accessory structure (shed) in side yard in lieu of the required rear yard only.

**Attorney:** Not Available

**Prior Zoning Cases:** None

**Concurrent Cases:** None

**Violation Cases:** None

**Closing Date:** 02/13/2023

**Miscellaneous Notes:**

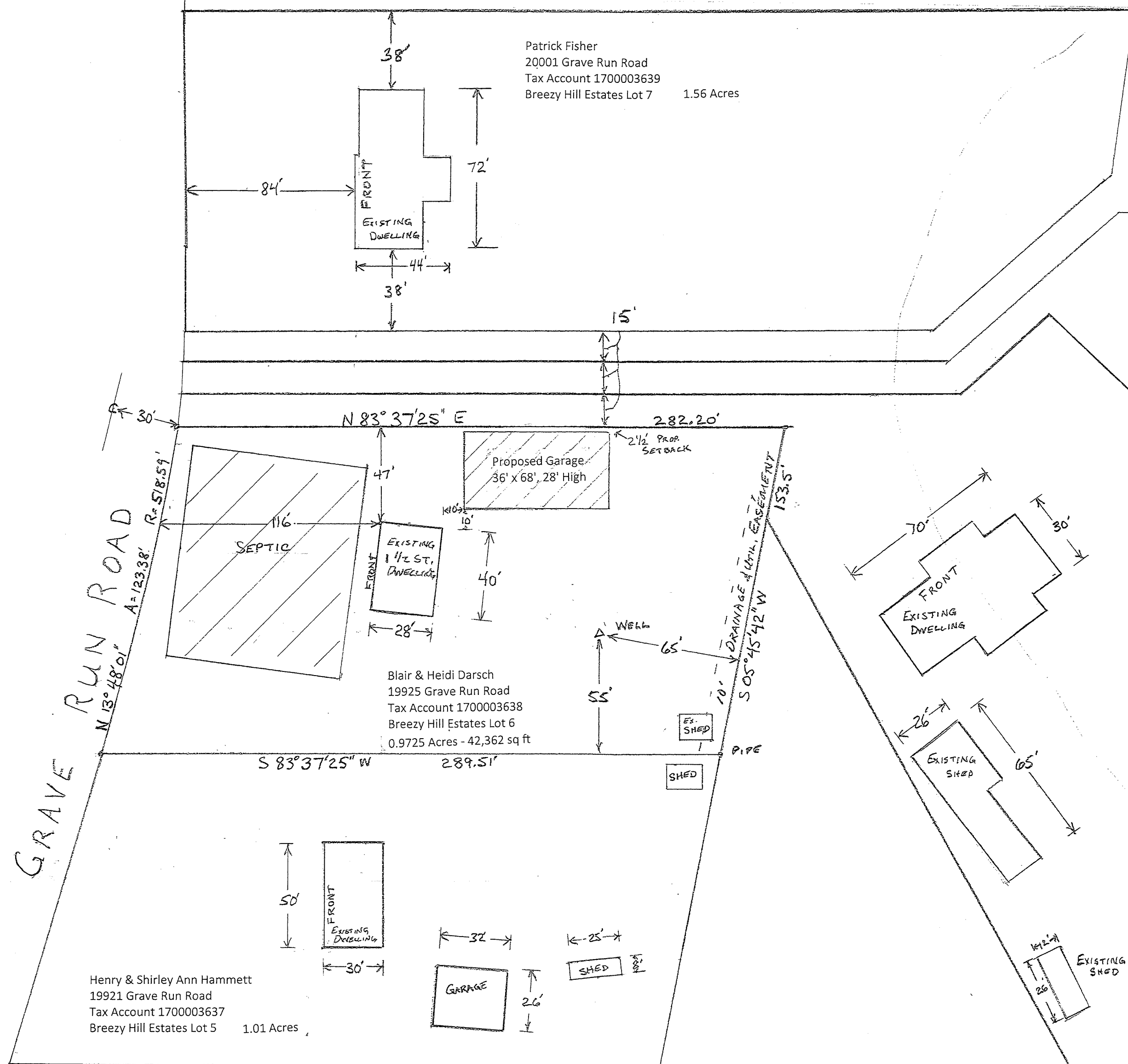
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A hand-drawn map showing the vicinity of the site. The map includes several roads: 'HARVARD TRAIL' running horizontally across the top, 'HARVARD ROAD' running horizontally below it, 'SUGAR ST' running horizontally in the center, 'LOWE ROAD' running horizontally at the bottom, and 'BULLYBULL ROAD' running vertically on the right side. Other roads shown include 'HILL ROAD' on the left, 'CAMP ROAD' on the left, and 'CAMP ROAD' on the right. A north arrow is located on the right side of the map. The map is labeled 'VICINITY MAP: 1" = 1 MI.' at the bottom.

Violation Case Number(s)

Terry & Kimberly Turnbaugh  
19929 Grave Run Road  
Tax Account 1700003640  
Breezy Hill Estates Lot 8 1.96 Acres



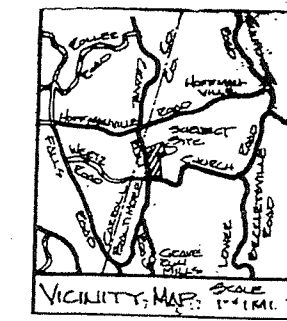
SCALE: 1" = 40'

1/5/2023  
Bruce Darsch





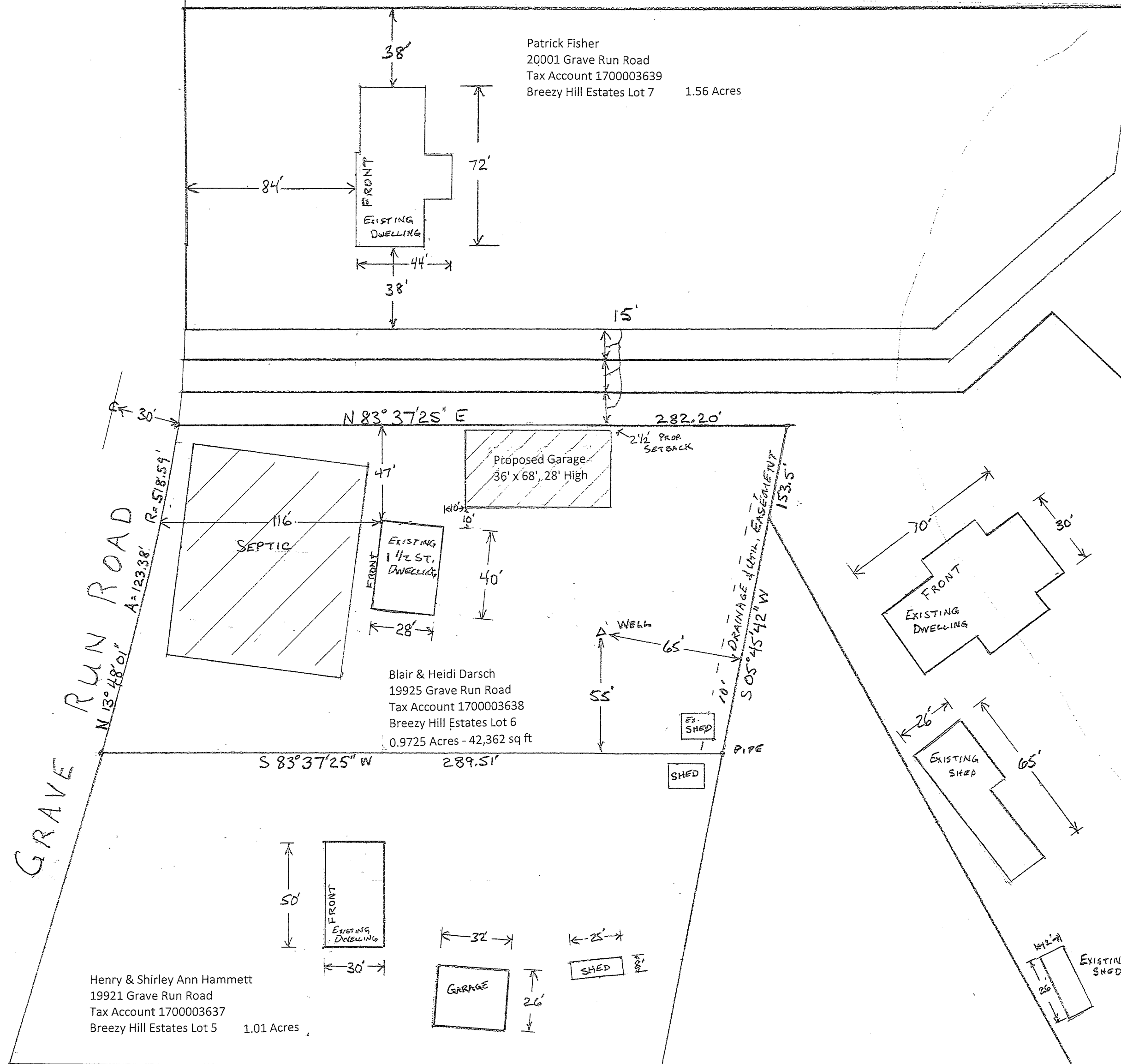
Zoning Hearing Plan for Variance X for Special Hearing \_\_\_\_\_ Mark Type Requested with (X)  
Address 19925 GRAVE RUN ROAD Owners(s) Name(s) BLAIR & HEIDI DARSCH  
Subdivision Name BREEZY HILL ESTATES Lot # 6 Block # N/A Section # N/A  
Plat Book # 5-38 Folio # 84 10 Digit Tax # 1700003638 Deed Reference # 47282100070



Zoning Map # 0010  
Zoning RC2, RC8  
Election District 6  
Council District 3  
Lot Area Acreage 0.9725  
Lot Square Footage 42,362  
Historic (Yes or No) No  
CBCA (Yes or No) No  
Flood Plain (Yes or No) No  
Utilities - Mark with (X)  
Water is:  
Public \_\_\_\_\_ Private X  
Sewer is:  
Public \_\_\_\_\_ Private X  
Prior Hearing (Yes or No) No  
If (Yes) list Case Number(s)  
and order result(s) below:

Violation Case Number(s)

Terry & Kimberly Turnbaugh  
19929 Grave Run Road  
Tax Account 1700003640  
Breezy Hill Estates Lot 8 1.96 Acres



SCALE: 1"=40'

1/5/2023  
Bruce Darsch