



JOHN A. OLSZEWSKI, JR.
County Executive

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

April 14, 2023

Melvin and Julie Kestner – simbajk0810@gmail.com
800 Middle Road
Middle River, MD 21220

RE: Petition for Administrative Variance
Case No. 2023-0055-A
Property: 800 Middle Road

Dear Petitioners:

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 blue ink, appearing to read "Paul M. Mayhew", is written over a faint, larger blue outline of the signature.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(800 Middle Road)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Melvin & Julie Kestner	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0055-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Melvin and Julie Kestner (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3 and the Zoning Commissioner’s Policy Manual (“ZCPM”) § 400.1.d (2)(A): To permit a proposed accessory building (garage) with a height of 22 ft. in lieu of the maximum permitted height of 15 ft., and to be located in the front yard in lieu of the required rear yard with a front setback of 19 ft. in lieu of the required 30 ft. The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability (“DEPS”) dated March 27, 2023, indicating that the property must meet State-mandated Critical Area Law listed in the BCZR, § 500.14.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 26, 2023, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed accessory building (detached garage) height and usage, I will impose conditions that the proposed accessory building (detached garage) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

THEREFORE, IT IS ORDERED, this 14th day of **April, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.3 and the Zoning Commissioner’s Policy Manual (“ZCPM”) § 400.1.d(2)(A): To permit a proposed accessory building (garage) with a height of 22 ft. in lieu of the maximum permitted height of 15 ft., and to be located in the front yard in lieu of the required rear yard with a front setback of 19 ft. in lieu of the required 30 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

- Petitioners or subsequent owners shall not convert the proposed accessory building (detached garage) into a dwelling unit or apartment. The proposed accessory building (detached garage) shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities.
- The proposed accessory building (detached garage) shall not be used for commercial purposes.
- Petitioners shall comply with the DEPS ZAC comment, dated March 27, 2023; a copy of which attached hereto and made a part thereof.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 800 Middle Road Middle River Md Currently Zoned DR 3.5
Deed Reference 20587 / 00421 10 Digit Tax Account # 21220 400013353
Owner(s) Printed Name(s) Melvin D Restner Julie L Restner

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

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

See Attached

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

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

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

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

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

Owner(s)/Petitioner(s):

Melvin D Restner / Julie L Restner
Name #1 – Type or Print Name #2 – Type or Print

Melvin D Restner / Julie L Restner
Signature #1 Signature #2

800 Middle Road Middle River MD
Mailing Address City State

21220 / 443-386-6498 / simbaJK0810@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

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

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

Julie L Restner
Name - Type or Print

Julie L Restner
Signature

800 Middle Rd Middle River MD
Mailing Address City State

21220 / 4433866498 / simbaJK0810@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2023-0055-A Filing Date 3/15/23 Estimated Posting Date 3/26/23 Reviewer gg

Revised 8/2022

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

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

Address: 800 Middle Road Middle River MD 21220
Print or Type Address of Property City State Zip Code

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

In need to replace current temporary storage facility with a permanent structure for additional storage to keep personal property out of the weather and improve overall appearance at the location. (21' fishing boat, antique cars, personal cars, tools, go cart, skooters, bikes, gator, water sports equipment, lawn tractor, trimmers, blowers, chipper vac, snow blower, etc.) The additional height will allow for overhead storage.

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

Melvin D. Kestner
Signature of Owner (Affiant)

Melvin D. Kestner
Name - Print or Type

Julie L. Kestner
Signature of Owner (Affiant)

Julie L. Kestner
Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 13th day of March, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

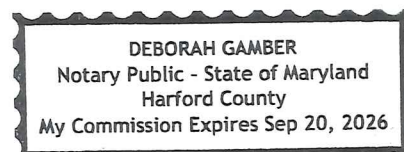
Print name(s) here: Melvin D Kestner & Julie L Kestner

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

AS WITNESS my hand and Notaries Seal

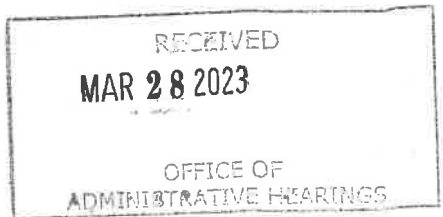
Deborah Gamber
Notary Public

9/20/2026
My Commission Expires



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: March 27, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0055-A
Address: 800 Middle Rd
Legal Owner: Melvin and Julie Kestner

Zoning Advisory Committee Meeting of March 27, 2023.

DEPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

This property is located within a Limited Development Area (LDA) and is subject to Critical Area requirements. Construction of a detached garage and carport on this property must comply with a maximum lot coverage limit of 15% of the land area. Critical Area lot coverage is defined in State of Maryland Natural Resources Article §8-1802(a)(17). Based on the proposed lot coverage and information in the file on existing lot coverage, the proposed development would not meet this requirement, and lot coverage would need to be removed from the property. If the applicant can bring the property into compliance with lot coverage requirements, and meets any mitigation requirements, the relief requested will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat. Mapped information and file information indicates the possibility of a stream and nontidal wetlands on or near this property. Primary hydric soils are indicated in the area where the garage is proposed. A stream/wetland/forest delineation and Critical Area buffer determination are required before DEPS can approve a location for the proposed structure.

If the proposed development can locate the structure to avoid Critical Area buffer impacts, meet forest requirements, and meet lot coverage requirements, conservation of fish, plant, and wildlife habitat in the watershed could be achieved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

If the proposed development can be designed to meet the Critical Area defined lot coverage requirements, meet all Critical Area buffer and forest requirements, and any mitigation requirements, the relief requested can be consistent with established land-use policies.

Reviewer: Paul Dennis

Date: March 27, 2023



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

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

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Owner(s)/Petitioner(s):

Melvin D Restner / Julie L Restner
Name #1 – Type or Print Name #2 – Type or Print

Melvin D Restner / Julie L Restner
Signature #1 Signature #2

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Mailing Address City State

21220 / 443-386-6498 / simbaJK0810@gmail.com
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Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

Julie L Restner
Name - Type or Print

Julie L Restner
Signature

800 Middle Rd Middle River MD
Mailing Address City State

21220 / 4433866498 / simbaJK0810@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2023-0055-A Filing Date 3/15/23 Estimated Posting Date 3/26/23 Reviewer gg

Revised 8/2022

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

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

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Print or Type Address of Property City State Zip Code

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

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

Melvin D. Kestner
Signature of Owner (Affiant)

Melvin D. Kestner
Name - Print or Type

Julie L. Kestner
Signature of Owner (Affiant)

Julie L. Kestner
Name - Print or Type

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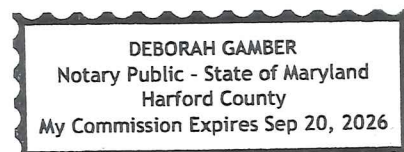
Print name(s) here: Melvin D Kestner & Julie L Kestner

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

AS WITNESS my hand and Notaries Seal

Deborah Gamber
Notary Public

9/20/2026
My Commission Expires



2023-0055-A

Administrative Variance; from section 400.3 of the BCZR & 400.1.d(2) (A) of the CMDP

To permit a proposed accessory building (garage) with a height of 22 feet in lieu of the maximum permitted height of 15 feet, and to be located in the front yard in lieu of the required rear yard with a front setback of 19 feet in lieu the required 30 feet.

ZAC AGENDA

Case Number: 2023-0053-A **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Kristopher and Meagan Hallengren
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 12014 BOXER HILL RD

Location: Property located beginning at the East side of Boxer Hill Rd. at a distance 95 feet South of Labrador Lane.

Existing Zoning: RC 4 **Area:** 1.63 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.3: To permit an accessory building with a height of 24 feet in lieu of the permitted 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

Case Number: 2023-0054-A **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Tyler and Karli Geschwilm
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 3

Property Address: 5212 PATTERSON FARM RD

Location: Property located at the intersection of Patterson Rd. and Patterson Farm Rd.

Existing Zoning: RC 2 **Area:** 1,500 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and 400.3: To approve an accessory building (garage) with a height of 27 feet in lieu of the maximum height of 15 feet and to approve an accessory building (garage) located in the 1/3 area of the yard closest to the side street in lieu of the 1/3 furthest removed from the side street.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0055-A **Reviewer:** Gary Hucik
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Melvin and Julie Kestner
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 5

Property Address: 800 MIDDLE RD
Location: Property located North side of Middle Rd. North 140 feet of Thaler Rd.

Existing Zoning: DR 3.5 **Area:** 1.607 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and 400.3 and ZCPM Policy 400.1.d(2): To permit a proposed accessory building (garage) with a height of 22 feet in lieu of the maximum permitted height of 15 feet, and to be located in the front yard in lieu of the required rear yard with a front setback of 19 feet in lieu of the required 30 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0056-A **Reviewer:** Mitchell Kellman
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Robert and Barbara Cawley
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 25 TREADWELL CT

Location: Property located beginning on the East side of Treadwell Court, 400 feet North of the centerline of Wyndam Court.

Existing Zoning: RC 5 **Area:** 1.95 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1A04.3.B.2.b: To allow a principal building dwelling addition in an RC 5 zone to be 43 feet from a lot line in lieu of the required 50 feet setback and to amend the last approved Partial Development Plan of The Hill Farm, Plat VI.

Attorney: Matthew Kotroco

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

Case Number: 2023-0057-A **Reviewer:** Christina Frink
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Sarah Windham and Ben Cramer
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 212 BLOOMSBURY AVE

Location: Property located on the left side of Bloomsbury Ave., 2,356 feet South of Frederick Rd.

Existing Zoning: DR 2 **Area:** 23,276 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.3: To approve an accessory building (garage) in the rear yard at a height of 20 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: 04/10/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0058-A **Reviewer:** Jason Seidelman

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

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Patrick and Margaret Bosse

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** Yes **Election Dist:** 15 **Council Dist:** 5

Property Address: 1021 BOWLEYS QUARTER RD

Location: Property located on the Northeast side of Bowley's Quarters Rd. (25 feet) 360 feet Southeast of Galloway Rd. (20 feet).

Existing Zoning: RC 5

Area: 20,800 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.3: To permit a rear yard (street side) accessory building with a height of 18 feet in lieu of the maximum allowed 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING March 20, 2023
FORMAL OR INFORMAL RESPONSE DUE AT March 27, 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, myneighborhoodimprovement@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; Jesse Krout, jkrout@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; Earl Wrenn, EWrenn@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: 2023-0053-A **Reviewer:** Shaun Crawford
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
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Legal Owner: Kristopher and Meagan Hallengren
Contract Purchaser: No Contract Purchaser was set.

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

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BCZR 400.3: To permit an accessory building with a height of 24 feet in lieu of the permitted 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

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Property Address: 5212 PATTERSON FARM RD

Location: Property located at the intersection of Patterson Rd. and Patterson Farm Rd.

Existing Zoning: RC 2 **Area:** 1,500 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and 400.3: To approve an accessory building (garage) with a height of 27 feet in lieu of the maximum height of 15 feet and to approve an accessory building (garage) located in the 1/3 area of the yard closest to the side street in lieu of the 1/3 furthest removed from the side street.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0055-A **Reviewer:** Gary Hudik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Melvin and Julie Kestner
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 5

Property Address: 800 MIDDLE RD

Location: Property located North side of Middle Rd. North 140 feet of Thaler Rd.

Existing Zoning: DR 3.5 **Area:** 1.607 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.1 and 400.3 and ZCPM Policy 400.1.d(2): To permit a proposed accessory building (garage) with a height of 22 feet in lieu of the maximum permitted height of 15 feet, and to be located in the front yard in lieu of the required rear yard with a front setback of 19 feet in lieu of the required 30 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0056-A **Reviewer:** Mitchell Kellman
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Robert and Barbara Cawley
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 25 TREADWELL CT

Location: Property located beginning on the East side of Treadwell Court, 400 feet North of the centerline of Wyndam Court.

Existing Zoning: RC 5 **Area:** 1.95 ACRES

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 1A04.3.B.2.b: To allow a principal building dwelling addition in an RC 5 zone to be 43 feet from a lot line in lieu of the required 50 feet setback and to amend the last approved Partial Development Plan of The Hill Farm, Plat VI.

Attorney: Matthew Kotroco

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

Case Number: 2023-0057-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Sarah Windham and Ben Cramer
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 212 BLOOMSBURY AVE

Location: Property located on the left side of Bloomsbury Ave., 2,356 feet South of Frederick Rd.

Existing Zoning: DR 2 **Area:** 23,276 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.3: To approve an accessory building (garage) in the rear yard at a height of 20 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: 04/10/2023

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0058-A **Reviewer:** Jason Seidelman

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Patrick and Margaret Bosse

Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** Yes **Election Dist:** 15 **Council Dist:** 5

Property Address: 1021 BOWLEYS QUARTER RD

Location: Property located on the Northeast side of Bowley's Quarters Rd. (25 feet) 360 feet Southeast of Galloway Rd. (20 feet).

Existing Zoning: RC 5

Area: 20,800 SQ FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR 400.3: To permit a rear yard (street side) accessory building with a height of 18 feet in lieu of the maximum allowed 15 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 04/10/2023

Miscellaneous Notes:

2023-0055-A

Administrative Variance; from section 400.3 of the BCZR & 400.1.d(2) (A) of the CMDP

To permit a proposed accessory building (garage) with a height of 22 feet in lieu of the maximum permitted height of 15 feet, and to be located in the front yard in lieu of the required rear yard with a front setback of 19 feet in lieu the required 30 feet.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023-0055A Address 800 Middle Road Middle River Md 21220
Contact Person: Julie Kestner Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/15/23 Posting Date: 3/26/23 Closing Date: 4/10/23

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023-0055A Address 800 Middle Road 21220

Petitioner's Name: Julie Kestner Telephone (Cell) 443-386-6498

Posting Date: 3/26/23 Closing Date: 4/10/23 Simbajko810@gmail.com

Wording for Sign: To Permit a propose accessory building
(garage) with a height of 22 feet in lieu
of the maximum height of 15 feet, and
to be located in the front yard in lieu
of the rear yard, and a 19 foot setback in
lieu of the required 30 foot setback

Revised 1/2022

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

ZONING PROPERTY DESCRIPTION: 800 Middle Road Baltimore, Maryland 21220

PART A

*Beginning at a point on the north side of (MIDDLE ROAD) which is (width of 37.5 feet wide at a distance of 140 of feet north of the centerline of the nearest improved intersecting street (THALER ROAD which is 37.5 feet wide.

PART B

Being Lot(s) #141 - 147 in the subdivision of Revolea Beach as recorded in the Baltimore County Plat Book #5 Folio #67 containing 1.607 acres (legal description Lots 141-147). Located in the 15th Election District and the 5th Council District.

2023-0055-A
~~2024-0005-A~~

ZONING PROPERTY DESCRIPTION: 800 Middle Road Baltimore, Maryland 21220

PART A

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PART B

Being Lot(s) #141 - 147 in the subdivision of Revolea Beach as recorded in the Baltimore County Plat Book #5 Folio #67 containing 1.607 acres (legal description Lots 141-147). Located in the 15th Election District and the 5th Council District.

2023-0055-A
~~2024-0005-A~~

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

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Revised 1/2022

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





Facing South





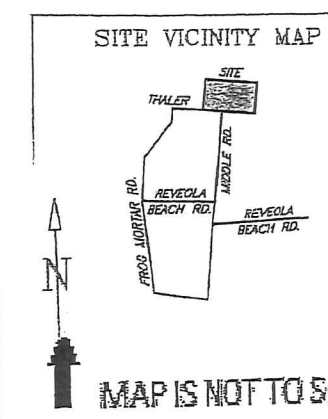
Facing East,



location of accessory structure
facing house.

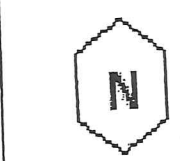
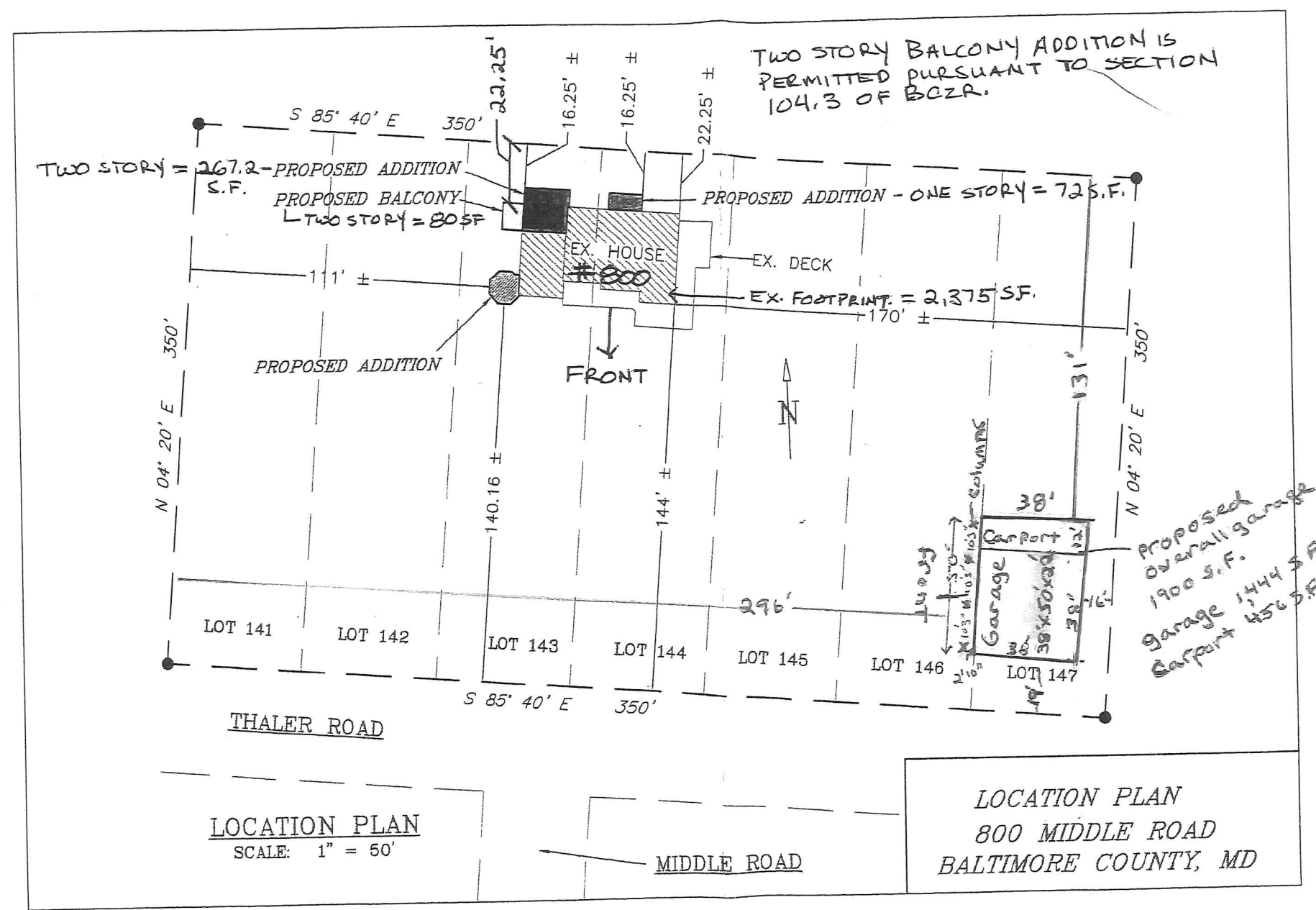
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 800 MIDDLE ROAD OWNER(S) NAME(S) MELVIN & JULIE KESTNER
 SUBDIVISION NAME REVOLEA BEACH LOT # 141-147 BLOCK # _____ SECTION # _____
 PLAT BOOK # 5 FOLIO # 67 10 DIGIT TAX # 2400013353 DEED REF. # 20587/00421

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 091-B3
 SITE ZONED DR3.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE 1.61
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC _____ PRIVATE X
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW



PLAN DRAWN BY Julie Kestner DATE 03-14-23 SCALE: 1 INCH = 50 FEET

2023-0055-A





Facing South





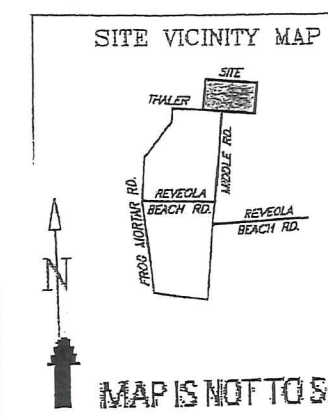
Facing East,



location of accessory structure
facing house.

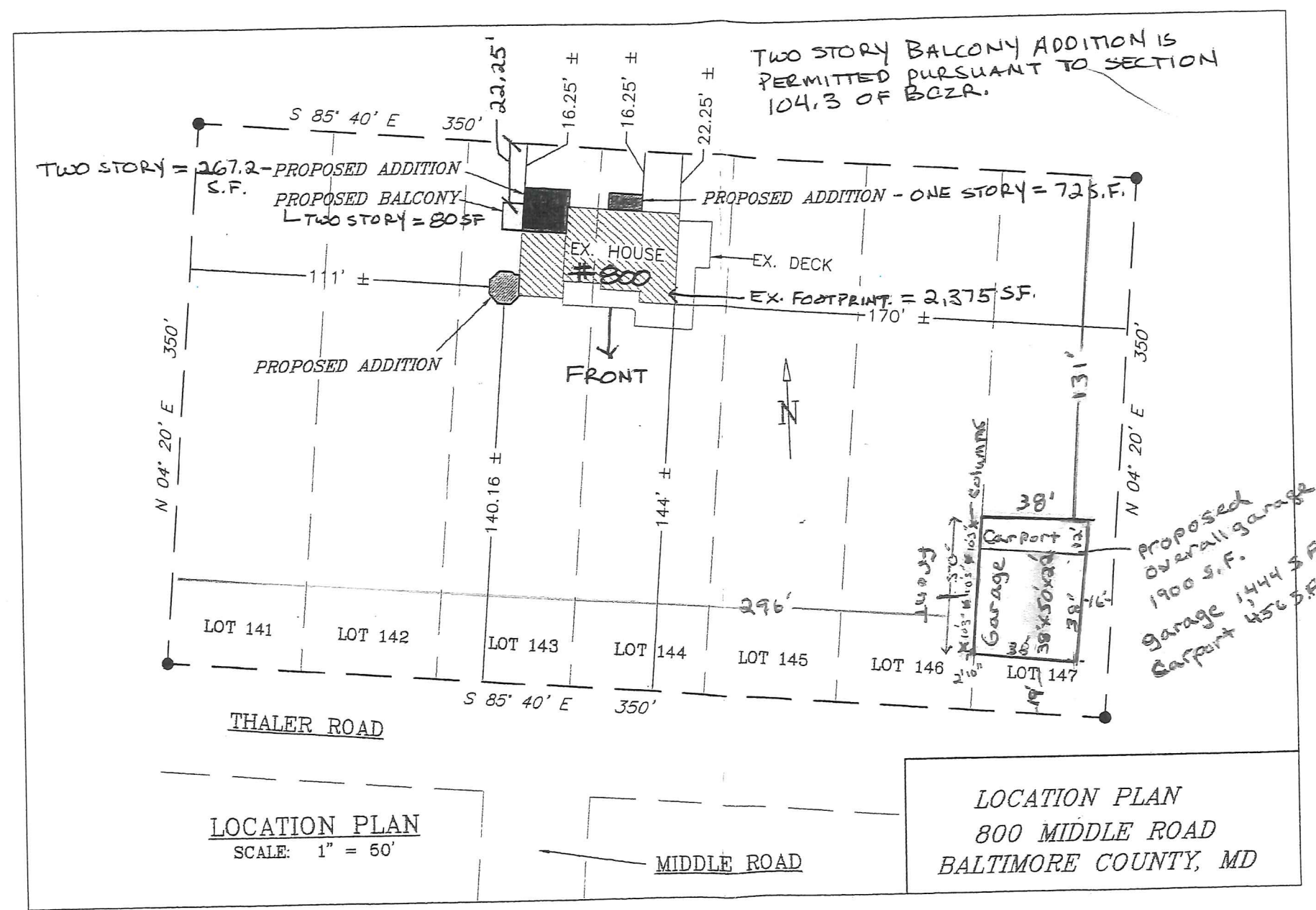
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SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 091-B3
 SITE ZONED DR3.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE 1.61
 OR SQUARE FEET _____
 HISTORIC? NO
 IN CBCA? YES
 IN FLOOD PLAIN? YES
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC _____ PRIVATE X
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW



PLAN DRAWN BY Julie Kestner DATE 03-14-23 SCALE: 1 INCH = 50 FEET

2023-0055-A

VIOLATION CASE INFO: