

JOHN A. OLSZEWSKI, JR. County Executive

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

April 26, 2023

Jay and Monica Bream -mbream4@verizon.net 12721 Dulaney Valley Road Phoenix, MD 21013

RE:

Petition for Administrative Variance

Case No. 2023-0065-A

Property: 12721 Dulaney Valley Road

Dear Mr. and Mrs. Bream:

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,

PAUL M. MAYHEW

Managing Administrative Law Judge

for Baltimore County

PMM:dlw Enclosure

c: Rick Richardson, Richardson Engineering, LLC-rick@richardsonengineering.net IN RE: PETITION FOR ADMIN. VARIANCE

(12721 Dulaney Valley Road)

10<sup>th</sup> Election District

3<sup>rd</sup> Council District

Jay & Monica Bream

\* HEARINGS FOR

\* BALTIMORE COUNTY

Petitioners

\* CASE NO. 2023-0065-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, Jay and Monica Bream ("Petitioners"). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") §§ 400.1 and 400.3: To permit a proposed accessory building (detached garage) in the one third area closest to the side street, in lieu of the area furthest removed from the side street and to permit a height of 27 feet in lieu of the maximum allow height of 15 feet. 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. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 9, 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 <u>26th</u> 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 & 400.3: To permit a proposed accessory building (detached garage) in the one third area closest to the side street, in lieu of the area furthest removed from the side street and to permit a height of 27 feet in lieu of the maximum allow height of 15 feet, 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.

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

Managing Administrative Law Judge

for Baltimore County

PMM/dlw



JOHN A. OLSZEWSKI, JR. County Executive

PAUL M. MAYHEW

Managing Administrative Law Judge

MAUREEN E. MURPHY

Administrative Law Judge

April 26, 2023

Joshua and Sherry Mauer — <a href="mailto:sherrybmauer@gmail.com">sherrybmauer@gmail.com</a> 8204 Spring Bottom Way Baltimore, MD 21208

RE:

Petition for Administrative Variance

Case No. 2023-0066-A

Property: 8204 Spring Bottom Way

Dear Mr. and Mrs. Mauer:

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,

Managing Administrative Law Judge

for Baltimore County

PMM:dlw Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc.- siteriteinc.@aol.com

IN RE: PETITION FOR ADMIN. VARIANCE (8204 Spring Bottom Way)

3<sup>rd</sup> Election District 2<sup>nd</sup> Council District Joshua & Sherry Mauer Petitioners BEFORE THE

OFFICE OF ADMINISTRATIVE

\* HEARINGS FOR

BALTIMORE COUNTY

**CASE NO. 2023-0066-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, Joshua and Sherry Mauer ("Petitioners"). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR") § 1B02.3.B.1 (§§ 205.2 and 205.3 of the 1957 zoning regulations vested R20): To approve a dwelling addition (enclosed carport) with a front setback of 33 ft. and side setback of 4 ft. in lieu of the required front setback or 40 ft. and side setbacks of 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Environmental Protection and Sustainability ("DEPS"), dated April 10, 2023, indicating that development of the property should be evaluated for compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3101 through 33-3-120 of the Baltimore County Code), prior to any building permit approval. The property shall also be evaluated for compliance with any stream restoration agreements associated with the recently stabilized Slaughterhouse Branch, a Use III (cold-water) tributary of the Jones Falls, prior to any building

permit approval.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 7, 2023 and April 21, 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.

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

THEREFORE, IT IS ORDERED, this <u>26th</u> day of April, 2023, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations ("BCZR") § 1B02.3.B.1 (§§ 205.2 and 205.3 of the 1957 zoning regulations vested R20): To approve a dwelling addition (enclosed carport) with a front setback of 33 ft. and side setback of 4 ft. in lieu of the required front setback or 40 ft. and side setbacks of 15 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.

- Building materials for the carport addition shall be compatible with those of the existing principal dwelling.
- Petitioner must comply with the DEPS ZAC comments, dated April 10, 2023; a copy of which is attached hereto and made a part hereof.

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:

00040		anve nearings 10:	r Baitimore County	tor the property located	
22057	ng Bottom Way			Currently Zoned	DR2
Deed Reference 23957	, 144		igit Tax Account#	0302047026	
Owner(s) Printed Name(s)	Joshua and Sherry	/ Mauer			
(SELECT THE HE	EARING(8) BY MARKING <u>X</u>	AT THE APPROF	RIATE SELECTION	I(S) AND ADDING THE F	PETITION REQUEST)
For Administrative Variance	es, the <u>Affidavit</u> on the rev	erse of this Petition	n form must be comp	leted and notarized.	
The undersigned, who own a hereof, hereby petition for an	and occupy the property situ a:	ate in Baltimore Co	ounty and which is de	escribed in the plan/plat a	tached hereto and made a par
1. X ADMINISTRATIVE V	ARIANCE from Section(s)				
BCZR 1B02.3.B.1 (Section	s 205.2 & 205.3 of the 1	957 zoning regui	ations vested R20	to approve a develop	
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of the zoning regulations of B	altimore County, to the zoni	ing law of Baltimore	County.		
Property is to be posted and a l/ we agree to pay expenses a Baltimore County adopted pu	of above petition(s), advertis	sing posting atc a	ons. nd further agree to b	e bound by the zoning re	gulations and restrictions of
Owner(s)/Petitioner(s)	:	•			
Joshua Mauer	, SI	nerry Mauer	•		
Name #1 - Type or Print	710	Name #2-1	ype or Print		
Jyma'	Mares 1	Mungh	men		
Signature #1 8204 Spring Bottom V	Voy Dollimana MD	Signature #	2	<del>" "</del>	
Wailing Address	vay bailimore, NID	City	State	<del></del>	
21208 / Sherry Ma	uer 612-803-2926	-	ybmauer@gmai	il com	· ·
Zip Code Teler	phone #'s (Cell and Home)		Email Address	<u></u>	
Attorney for Owner(s)/Pe	titioner(s):		Representa	tive to be Contacted:	
				te Moskunas Site F	Rite Surveving, Inc.
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·		Name - Type	or Print	
Signature			terrad	Utc Molling	
			Signature 200 F Jo	ppa Road, Room 1	OF Towner MD
Mailing Address	City	State	Mailing Addre		City State
			21286	, 410-339-5413	siteriteinc@aol.com
Zip Code Telephone	# Email Addre	ess	Zip Code	Telephone #	Email Address
A PUBLIC HEARING having	been formally demanded	and/or found to be	required it is and	ered by the Office of Ad-	
Baltimore County, this	_				
hearing, advertised, and re-pos	day of sted as required by the zoni	ng regulations of B	that the saltimore County.	subject matter of this petil	ion be set for a public
	-		<del> </del>		
•			Administrative L	aw Judge for Baltimore C	County
Case Number 2623-0	$\frac{26-9}{2}$ Filing Date $\frac{3}{2}$	128123	Estimated Pos	ting Date $4/5$	1 23 Reviewer 50

## 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:	8204 Spring Bottom Way Baltimore M						
	Print or Type Address of Property	City	State	Zip Code			
Based up Variance	oon personal knowledge, the following are the at the above address. (Clearly state pract See altama	ical difficulty or hardship	se the request for an <i>i</i> here)	Administrative			
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(If additi	onal space for the petition request of the	above statement is need	ed, label and attach	it to this Form)			
	Jua Mauer	Shery	mor (Affiant)				
Signature	e of Owner (Affiant)' (	Signature of/O	wner (Affiant)				
Joshua		Sherry Mauer					
Name - F	Print or Type	Name - Print or Type					
	The following information is to be con	mpleted by a Notary Pu	blic of the State of	Maryland			
STATE C	OF MARYLAND, COUNTY OF BALTIMORE	i, to wit:					
I HEREB and for th	by CERTIFY, this $800$ day of $800$ ne County aforesaid, personally appeared:	Venber 30	<i>5</i> 2, before me a N	otary of Maryland, in			
Print nan	ne(s) here:Joshua and Sherry Mauer						
the Affiar	ne(s) here: <u>Joshua and Sherry Mader</u> ht(s) herein, personally known or satisfactoril <b>IESS</b> thy hand and Notaries Seal	y identified to me as such	Affiant(s)				
AS WITN	IESS my hand and Notaries Seal	, rright	GOODE CANALL				
	Sandry Goods Con alle		COMMISSION CONTRACTOR				
Notary P	ublic / Was E () May 1/30/30	5	7 7 m				
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My Com	mission Expires	THAT THE THE THE THE THE THE THE THE THE TH	NORT COUNTY HILLIAM				
		•	White Cooming				

Variance Request

Sherry and Joshua Mauer

8204 Spring Bottom Way Baltimore, Md 21208

In order to facilitate aging in place, our current garage will be converted into usable living space, a laundry/mud room, a pantry, and a powder room. Unfortunately, the home's existing layout does not accommodate these spaces on the main level currently. In consultation with an architectural and interior design team, it was determined that our current garage is the best location for these functions, given our home's internal layout and the site's various restrictions, including the existing pool location and topography.

Additionally, so we can maintain a semi-sheltered linkage to our vehicles in the driveway, we want to add a carport over the end of our existing driveway along with an open breezeway connection to the existing home.

#### R. 20 Zone-Residence, One-Family

#### Section 203—USE REGULATIONS

The following uses only are permitted:

203.1—Uses permitted and as limited in R. 40 Zone.

203.2—Special Exceptions—Same as in R. 40 Zone, Section 200.15, except airports and laboratories which are not permitted (see Sections 270 and 502).

#### Section 204—HEIGHT REGULATIONS

Same as R. 40 Zone.

#### Section 205—AREA REGULATIONS

Minimum requirements, except as provided in ARTICLE 3, shall be as follows:

205.1—Lot Area and Width—Each principal building hereafter erected shall be located on a lot having an area of not less than 20,000 square feet, and a width at the front building line of not less than 100 feet, except that for four or more lots in the same ownership, and in the same tract, a minimum lot area of 15,000 square feet is permitted if an average of all the lot sizes in the same ownership and in the same tract equals 20,000 square feet or more, but not more than thirty per cent of the lots may have an area less than 20,000 square feet (see Section 304).

205.1.1—In a cluster subdivision a minimum lot area of 13,000 square feet is permitted, provided that the average area of all lots in the subdivision equals at least 16,000 square feet and that the total area in residential lots plus the area of the local open space tract(s) equals or exceeds the number of lots multiplied by 20,000 square feet. In such subdivision, not more than 75 per cent of the lots may be less than 16,000 square feet in area and the minimum permitted width at the front building line is 80 feet.

205.2—Front Yard—For dwellings, the front building line shall be not less than 40 feet from the

#### R. 20 ZONE

front lot line and not less than 65 feet from the center line of the street, except as specified in Section 303.1; for other principal buildings—60 feet from the front lot line and not less than 85 feet from the center line of the street, except as in Section 303.1.

205.3—Side Yards—For dwellings, 15 feet wide, except that for a corner lot the building line along the side street shall be not less than 40 feet from the side lot line and not less than 65 feet from the center line of the street; for other principal buildings—30 feet wide, except that for a corner lot the building line along the side street shall be not less than 50 feet from the side lot line and not less than 75 feet from the center line of the street.

205.4-Rear Yard-40 feet deep.

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

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number: 2623 - 0066 - A Address 8204 Spring 13074 om						
Contact Person: Shaw Crawford Phone Number: 410-887-33						
Planner, Please Print Your Name  Filing Date: $3/26/23$ Posting Date: $4/9/23$ Closing Date: $4/24/23$						
Any contact made with this office regarding the status of the administrative variance should be through contact person (planner) using the case number.						
<u>POSTING/COST</u> : The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.						
2. <u>DEADLINE:</u> The closing date is the deadline for a neighbor (occupant or owner) within 1,000 fee file a formal request for a public hearing. Please understand that even if there is no formal request 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 jumay: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set for a public hearing. If all County/State agencies' comments are received, you will receive write notification as to whether the petition has been granted, denied, or will proceed to a public hear This decision is usually made within 10 days of the closing date. The written order will be mailed you by First Class mail.						
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether to a neighbor's formal request or by order of the Administrative Law Judge), notification will forwarded to you. The sign on the property must be changed giving notice of the hearing date, to and location. As when the sign was originally posted, certification of this change and a photograp 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 -0066 -A Address 8204 Spring Button Way						
Petitioner's Name: Joshula & Showey Mgu 61 Telephone (Cell) 6/2.803.252						
Posting Date: $4/9/23$ Closing Date: $4/94/23$						
Wording for Sign: To Permit						
— BCZR 1B02.3.B.1 (Sections 205.2 & 205.3 of the 1957 zoning — regulations vested R20) to approve a dwelling addition — (enclosed carport) with a front setback of 33' and side setback						
of 4' in lieu of the required front setback of 40' & side setbacks <sub>/ised 3/</sub> of 15'						

#### BALTIMORE COUNTY, MARYLAND

#### **Inter-Office Correspondence**

-APR 1 0 2023

OFFICE OF ADMINISTRATIVE HEARINGS



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:

April 10, 2023

SUBJECT:

**DEPS** Comment for Zoning Item

# 2023-0066-A

Address:

8204 Spring Bottom Way

Legal Owner: Joshua and Sherry Mauer

Zoning Advisory Committee Meeting of April 10, 2023.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

X Development of the property shall be evaluated for compliance with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code), prior to any building permit approval.

#### **Additional Comments:**

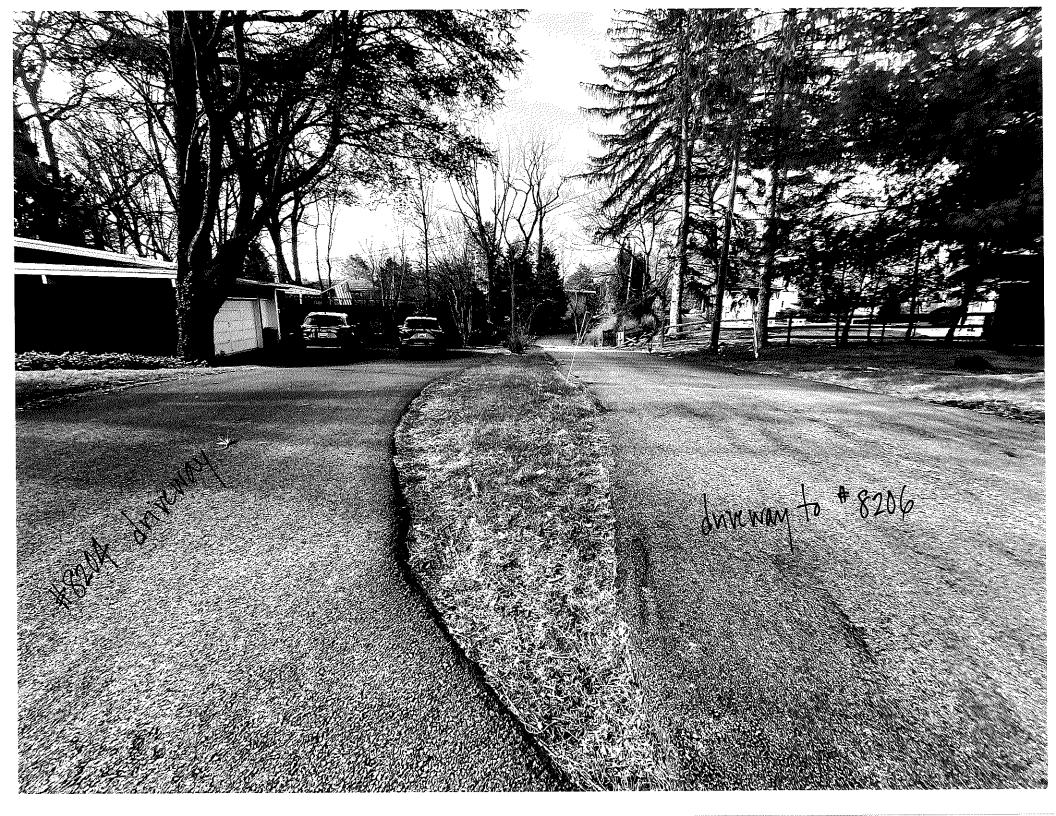
• The property shall also be evaluated for compliance with any stream restoration agreements associated with the recently stabilized Slaughterhouse Branch, a Use III (cold-water) tributary of the Jones Falls, prior to any building permit approval.

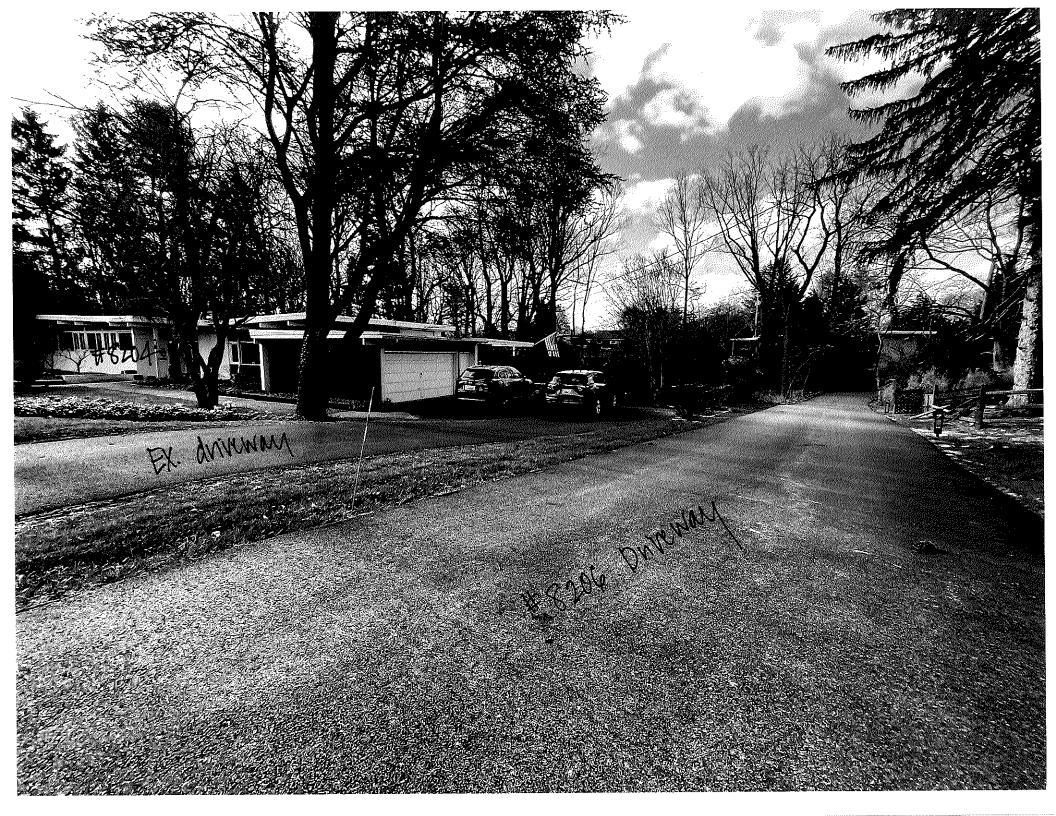
Reviewer:

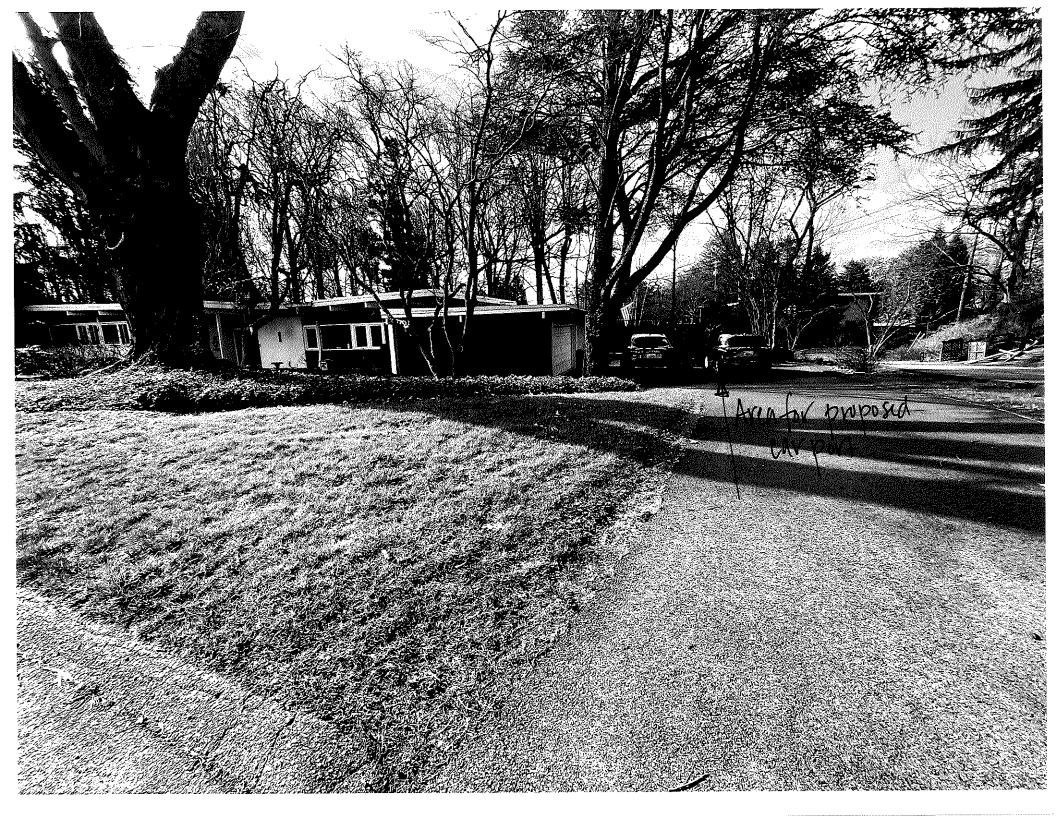
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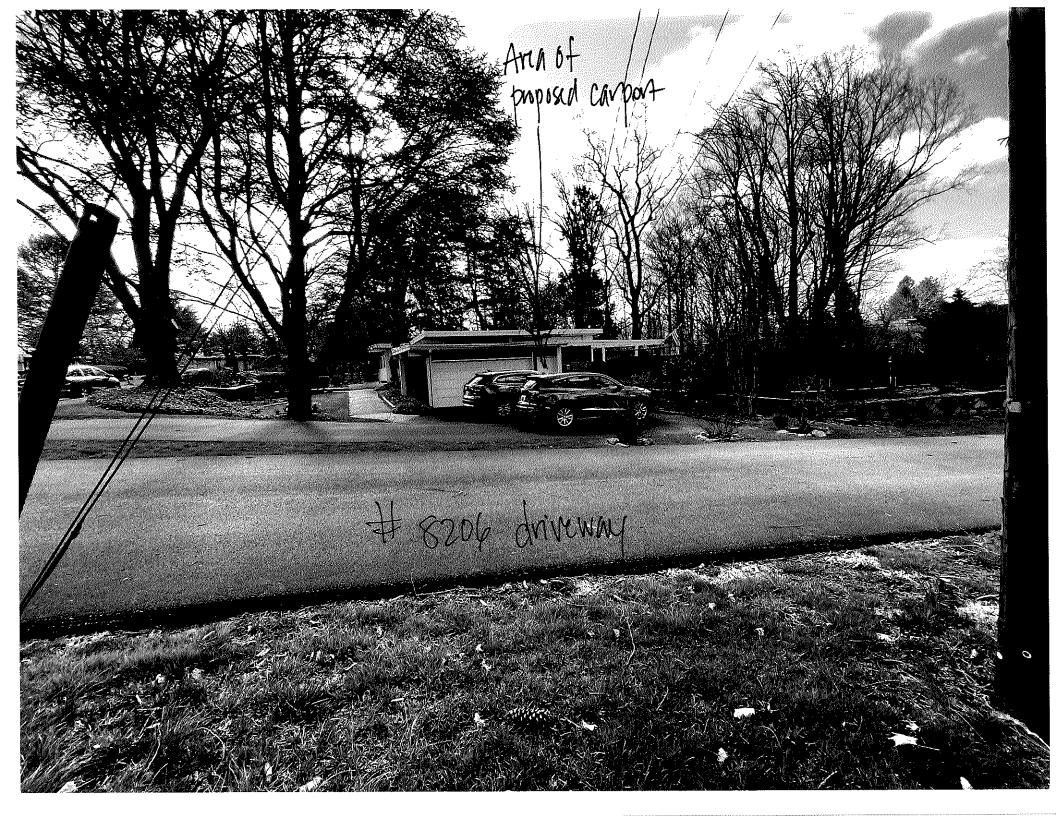


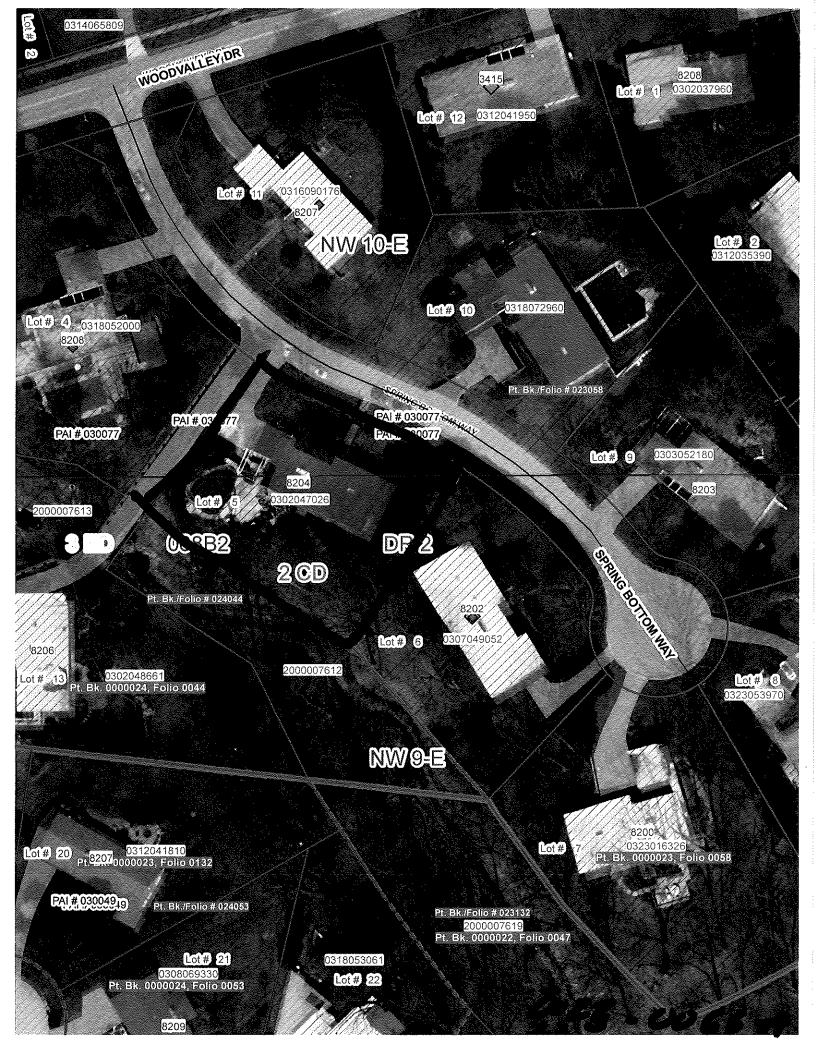


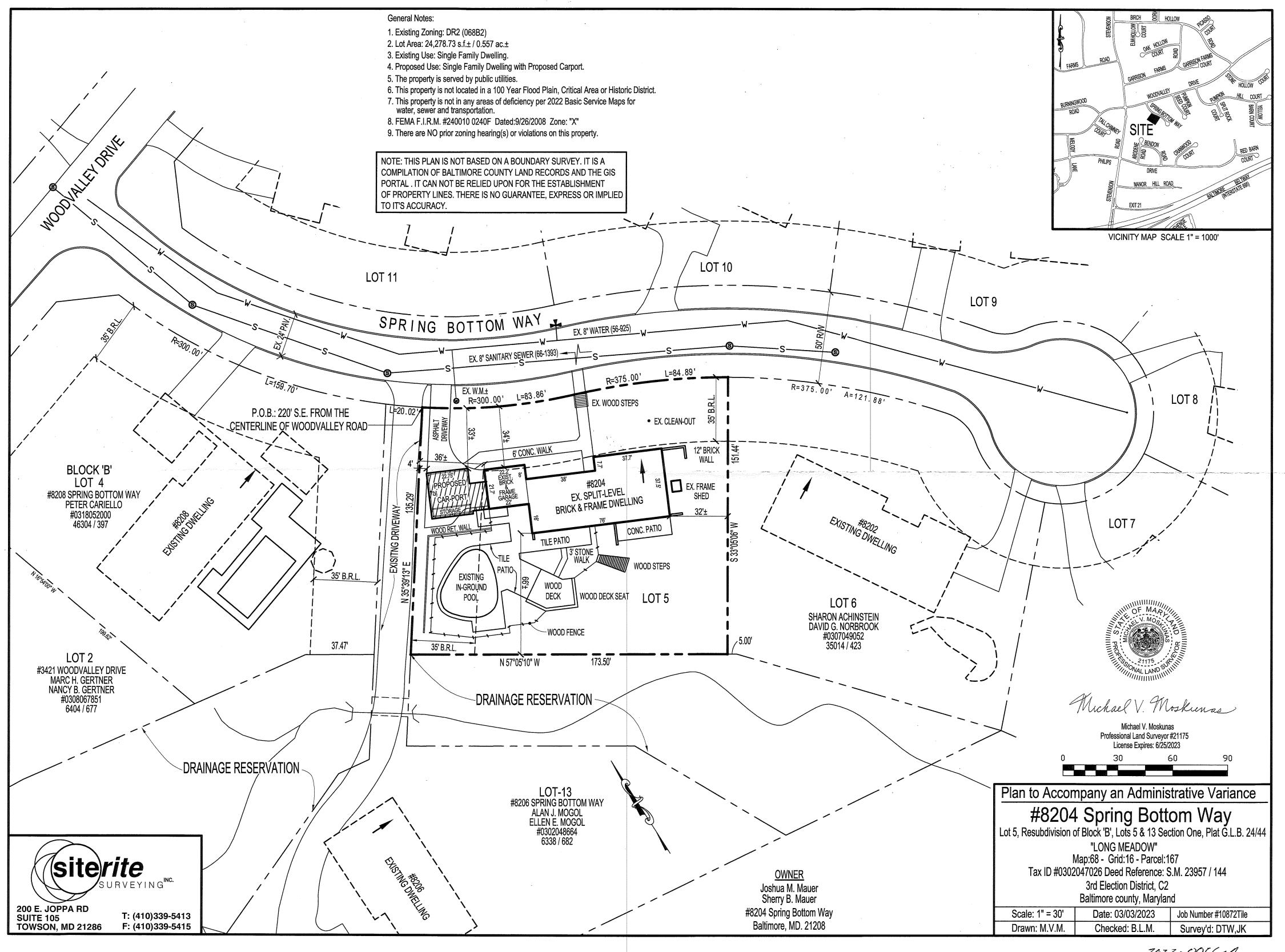












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