



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 7, 2023

Michael and Joan McCann – mike.mccann@fcc-eng.com
935 Padonia Road
Cockeysville, MD 21030

RE: Petition for Administrative Variance
Case No. 2023-0099-A
Property: 935 Padonia 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,


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Timothy M. Kotroco, Esq. – tkotroco@gmail.com
Matthew T. Kotroco, Esq. – mattkotroco@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(935 Padonia Road)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
	*	HEARINGS FOR
Michael & Joan McCann		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0099-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, Michael & Joan McCann (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 1A04.3.B.2.b: To allow a proposed addition containing a 2-car garage with a bathroom, loft, mudroom and a covered deck to be 42 feet from the side yard of the property line in lieu of the required 50 feet, and amend the last approved Final Development Plan (“FDP”) for Burns/Fox Properties. 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 by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 21, 2023 and June 2, 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

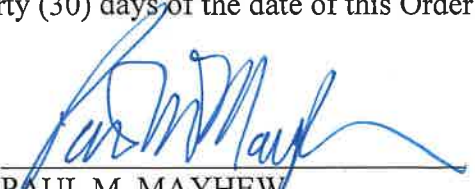
the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

THEREFORE, IT IS ORDERED, this 7th day of **June, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the § 1A04.3.B.2.b: To allow a proposed addition containing a 2-car garage with a bathroom, loft, mudroom and a covered deck to be 42 feet from the side yard of the property line in lieu of the required 50 feet amend the last approved Final Development Plan ("FDP") for Burns/Fox Properties, 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.

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

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0099 -A Address 935 Patonia Road

Contact Person: Mike Callman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/8/2023 Posting Date: 5/21/2023 Closing Date: 6/5/2023

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

1. **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.
2. **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.
3. **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.
4. **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: - -A Address 935 Patonia Road

Petitioner's Name: Michael E. Joan McCann Telephone (Cell) 410-299-2943 (Attorney)

Posting Date: 5/21/2023 Closing Date: 6/5/2023

Wording for Sign: To Permit a 42-foot side lot line setback for
a proposed addition (2-car garage with a bathroom, loft,
midroom, and covered deck) in lieu of 50 feet and an
amendment to the last approved Final Development Plan (FDP)
of the Burns/Fox Properties.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2023-0099-A
Property Address: 935 West Patowia Road
Property Description: Southeast Side of Patowia Road
185 feet Southwest the center line of Monaghan Court
Legal Owners (Petitioners): Michael & Joan McCann
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Timothy Kotroco
Company/Firm (if applicable): Kotroco & Associates, LLC
Address: 305 Washington Ave Suite 502
Towson, MD 21204
Telephone Number: 410 299 2943

Revised 7/9/2015

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 222515

Date: 5/4/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Obj				
001	806	0000		6150					\$ 75.

Total: \$ 75.

Rec
From:

Timothy M. Kotroco

For:

Residential Zoning Variance
935 Patuxent Road

Zoning Case 2023-0094 - A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

MSK

CASHIER'S
VALIDATION

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: May 19, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0099-A
Address: 935 Padonia Rd
Legal Owner: Michael & Joan McCann

Zoning Advisory Committee Meeting of May 22, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 14, 2023

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2023
Item No. 2023-0099-A, 0102-SPHA, 0103-SPH, 0104-SPH & 2023-0105-A

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

* * * * *

VKD: JK
cc: file

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 08 Account Number - 2500002311

Owner Information

Owner Name: MCCANN MICHAEL J Use: RESIDENTIAL
MCCANN JOAN M Principal Residence: YES
Mailing Address: 935 W PADONIA RD Deed Reference: /34554/ 00203
COCKEYSVILLE MD 21030-1726

Location & Structure Information

Premises Address: 935 PADONIA RD Legal Description: 1.6397AC
COCKEYSVILLE MD 21030-1726 935 PADONIA RD SES
BURNS/FOX PROPERTIES

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0051 0019 0335 8080150.04 0000 1 2023 Plat Ref: 0078/ 0418
Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2014	4,934 SF	1700 SF	1.6400 AC	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNITS	SIDING/7	4 full/ 1 half	1 Attached

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2022	As of 07/01/2023
Land:	186,200	186,200		
Improvements	1,002,600	1,251,600		
Total:	1,188,800	1,437,800	1,188,800	1,271,800
Preferential Land:	0	0		

Transfer Information

Seller: WEST PADONIA RD 1 LLC	Date: 12/27/2013	Price: \$375,000
Type: ARMS LENGTH VACANT	Deed1: /34554/ 00203	Deed2:
Seller: HAPPY HOPEFUL FARM LLC	Date: 03/19/2007	Price: \$176,790
Type: NON-ARMS LENGTH OTHER	Deed1: /25372/ 00103	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0099-A



2023-0099-A



2023-0099-A



#2023-0099-A



2023- 0099-4



2023-0099-A

MCCANN
RESIDENCE

935 West Padonia Road,
Cockeysville, Maryland
21030

ARCHITECT
Jonathan Rivera AIA, NCARB
Howard County, Maryland
443.226.5745
jrivera@jonathanrivera.com

BUILDER
Name
address location

phone number
email

ISSUE DATE

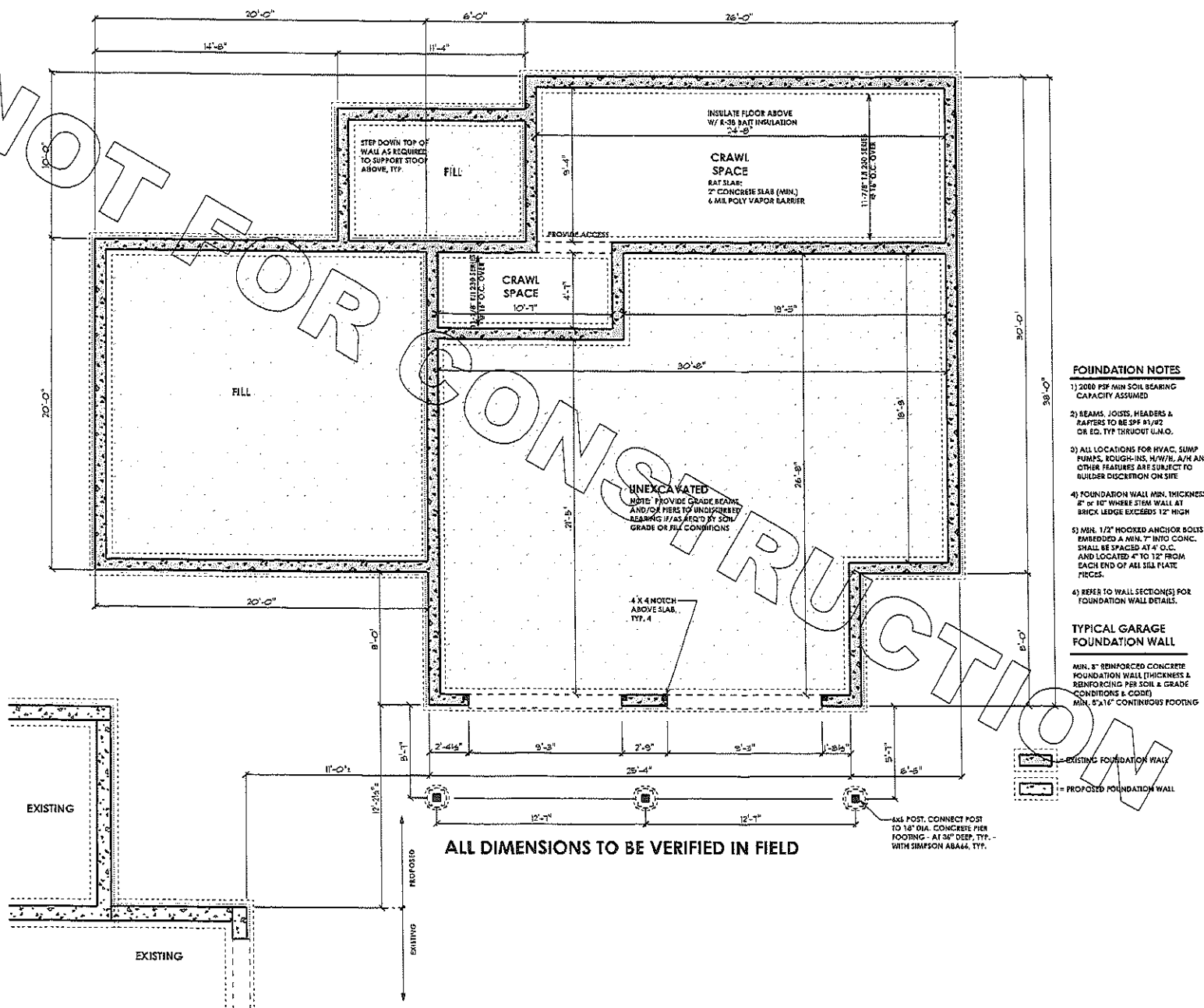
0-51-22 PERMIT SEA

SCALE: 1/4" = 1'-0"

FOUNDATION

2.01

PRINT DATE :
Sunday, April 3, 2022



#2023-0099-A

PROPOSED ADDITION

MCCANN RESIDENCE

935 West Padonia Road,
Cockeysville, Maryland
21030

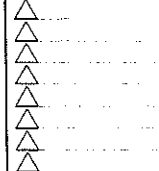
ARCHITECT
Jonathan Rivera AIA, NCARB
Howard County, Maryland

443.226.5745
jrivera@jonathanrivera.com

BUILDER
Name
address location
phone number
email

ISSUE DATE

3-21-23 PERMIT SET

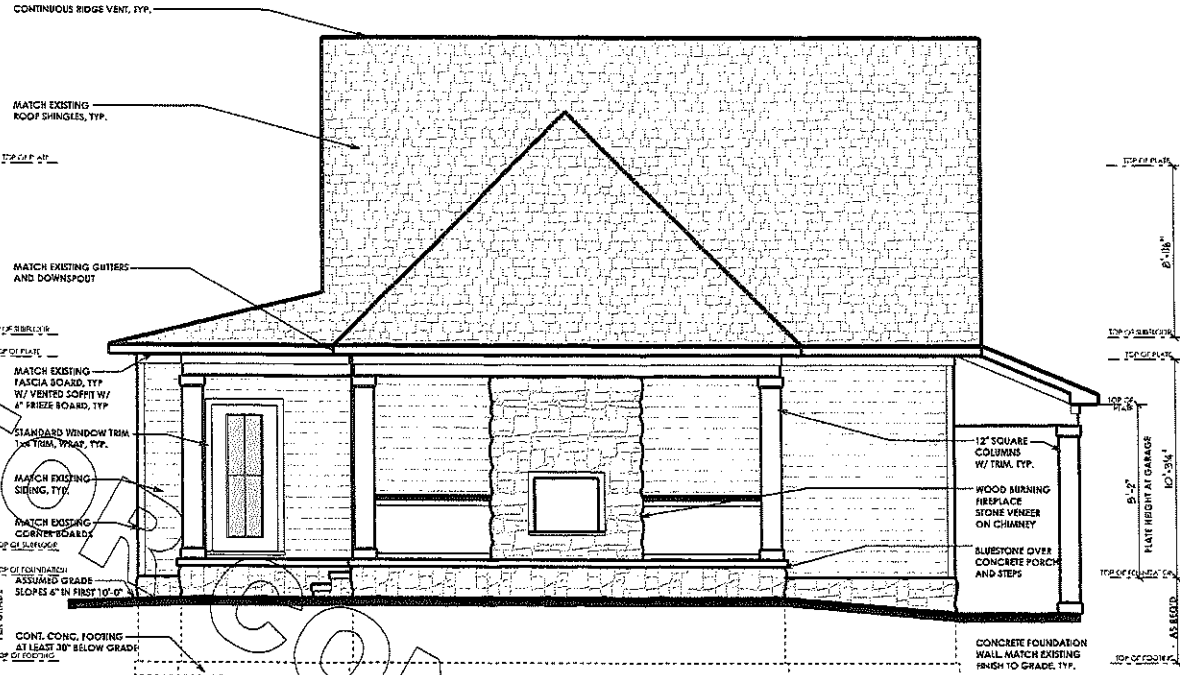


SCALE: 1/4" = 1'-0"

ELEVATIONS

1.02

PRINT DATE:
March 22, 2023



LEFT ELEVATION

NOTE:
STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL
BE A MINIMUM OF 34\"/>

PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30\"/>

RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT
PERMIT THE PASSAGE OF A 4\"/>



REAR ELEVATION

#2023-0099-A

NOT

FOR

CONSTRUCTION

CONTINUOUS RIDGE VENT, TYP.

8'-1 1/2"
MATCH EXISTING
ROOF SHINGLES, TYP.
MATCH EXISTING
GUTTERS
AND DOWNSPOUT
TOP OF GARAGE
10'-3 1/4"
12" SQUARE
COLUMNS
W/ TRIM, TYP.
TOP OF PLATE
8'-2 1/2"
TOP OF FINISH
FLOOR
10'-0"
AS BLD.
FIN. GRADE
TOP OF FOOTING

RIGHT ELEVATION

NOTE:
STAIRS WITH 2 OR MORE RISERS SHALL BE PROVIDED WITH HANDRAILS. HANDRAILS SHALL
BE A MINIMUM OF 36" IN HEIGHT AND NOT MORE THAN 38" IN HEIGHT. RAILS ARE TO BE
MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.
PORCHES, DECKS, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE
THE FLOOR OF GRADE BELOW SHALL HAVE GUARDS A MINIMUM OF 36" HIGH.
RISERS ARE TO BE CLOSED SUCH THAT THE OPENING BETWEEN THE TREADS DOES NOT
PERMIT THE PASSAGE OF A 4" DIA. SPHERE.

10'-0" CHINA P.
8'-1 1/2"
TOP OF FINISH
FLOOR
10'-0"
MATCH EXISTING
FASCIA BOARD, TYP.
W/ VENTED SOFFIT W/
4" FRIEZE BOARD, TYP.
STANDARD WINDOW TRIM -
1x4 TRIM, WRAP, TYP.
MATCH EXISTING
SIDING, TYP.
MATCH EXISTING
CORNER BOARDS
TOP OF GARAGE
10'-3 1/4"
12" SQUARE
COLUMNS
W/ TRIM, TYP.
TOP OF PLATE
8'-2 1/2"
TOP OF FINISH
FLOOR
10'-0"
AS BLD.
FIN. GRADE
TOP OF FOOTING

CONTINUOUS RIDGE VENT, TYP.

8'-1 1/2"
MATCH EXISTING
ROOF SHINGLES, TYP.
STANDARD WINDOW TRIM -
1x4 TRIM, WRAP, TYP.
MATCH EXISTING
GUTTERS
AND DOWNSPOUT
TOP OF GARAGE
10'-3 1/4"
12" SQUARE
COLUMNS
W/ TRIM, TYP.
TOP OF PLATE
8'-2 1/2"
TOP OF FINISH
FLOOR
10'-0"
AS BLD.
FIN. GRADE
TOP OF FOOTING
12" SQUARE COLUMNS
W/ TRIM, TYP.
BLUESTONE OVER
CONCRETE PORCH
AND STEPS
1x4 POLY TRIM
CONCRETE FOUNDATION
WALL MATCH EXISTING
FINISH TO GRADE, TYP.
CONT. CONC. FOOTING
AT LEAST 30" BELOW GRADE

FRONT ELEVATION

ARCHITECT
JONATHAN RIVERA
AIA, NCARB
(443) 226-5745
JONATHANRIVERA.COM

PROFESSIONAL CERTIFICATION
I certify that these documents
were prepared or approved
by me, and that I am a duly
licensed professional
architect under the laws of the
State of Maryland.
License Number #14678
Expiration Date: 6/30/2022

WARNING:
This document is not to be used
for any other project or purpose
without the written consent of
Jonathan Rivera, AIA, NCARB.
Any reproduction or use of this
document without the written
consent of Jonathan Rivera, AIA, NCARB,
is prohibited and may result in
legal action.

**PROPOSED
ADDITION**

**MCCANN
RESIDENCE**
735 West Padonia Road,
Cockeysville, Maryland
21020

ARCHITECT
Jonathan Rivera AIA, NCARB
Howard County, Maryland
443.226.5745
jriviera@jonathanrivera.com

BUILDER
Name
Address location
phone number
email

ISSUE DATE
3.31.22 PERMIT SET
1
2
3
4
5
6
7
8
9
10
11
12

SCALE: 1/4" = 1'-0"
ELEVATIONS
1.01
PRINT DATE:
Sunday, April 3, 2022

#/2023-0099-A

PROPOSED ADDITION

**MCCANN
RESIDENCE**
935 West Padonia Road,
Cockeysville, Maryland
21039

ARCHITECT
Jonathan Rivera AIA, NCARB
Howard County, Maryland
443.226.5745
rivera@jonathanrivera.com

BUILDER
Name
address location
phone number
email

ISSUE DATE

1

3 31 22

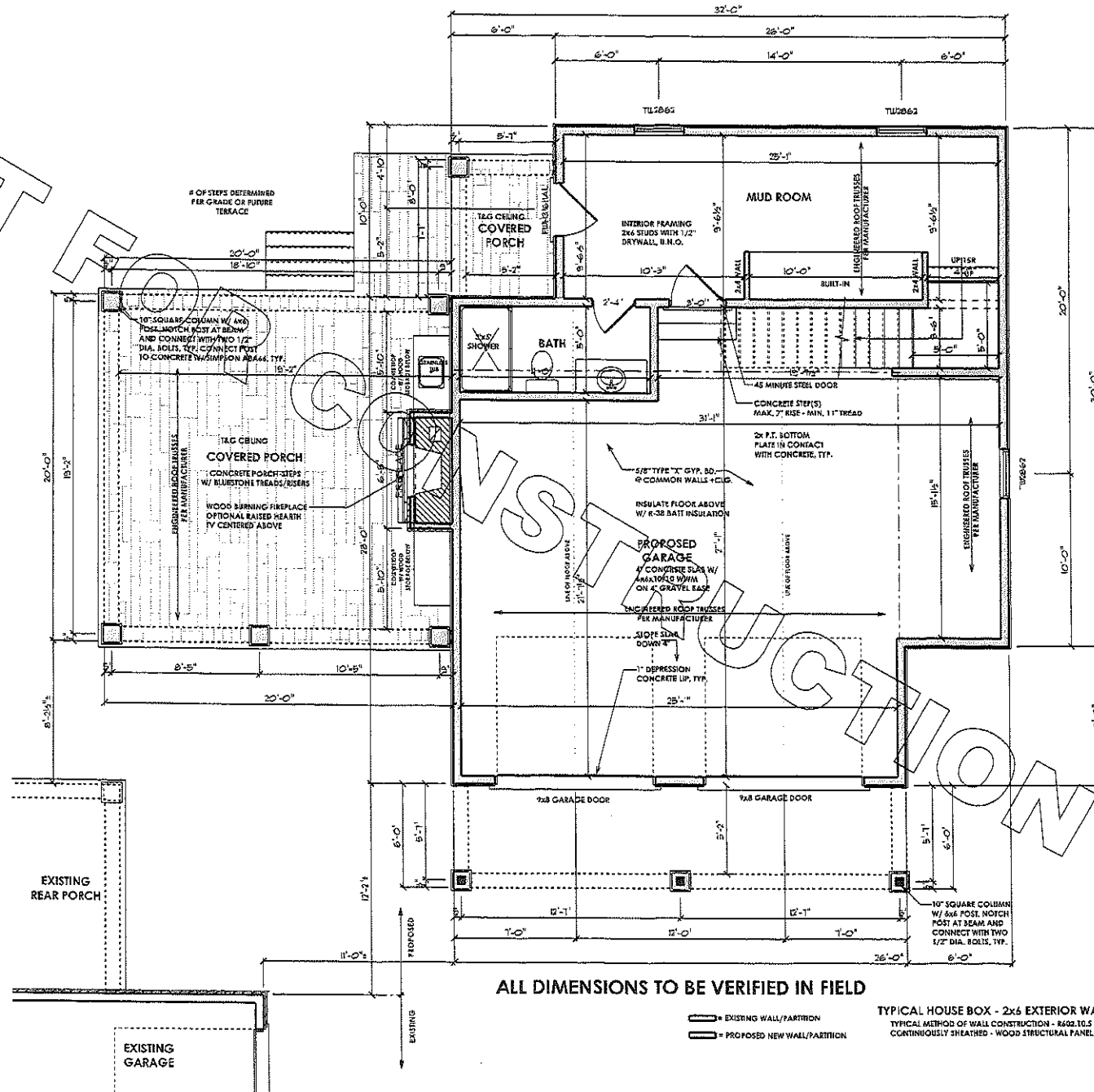
PERMUT SET

SCALE: $1/4" = 1'-0"$

1ST FLOOR

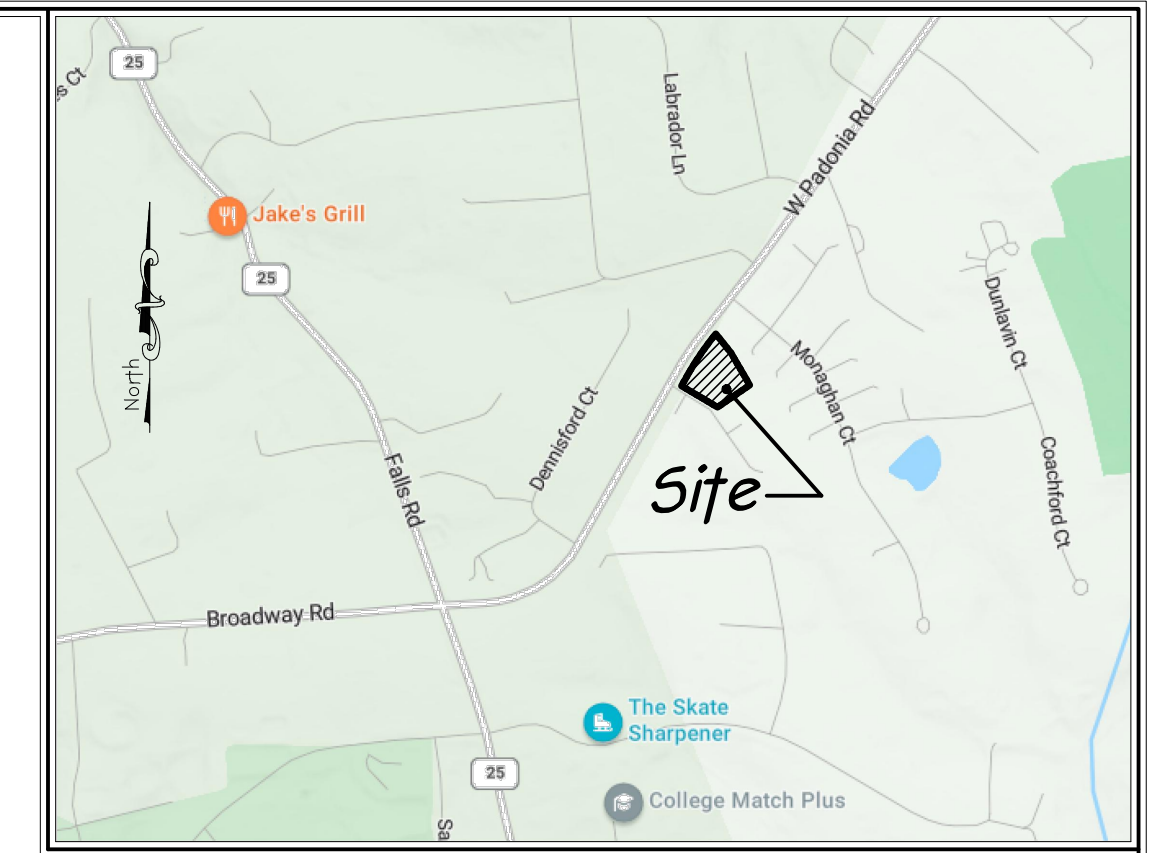
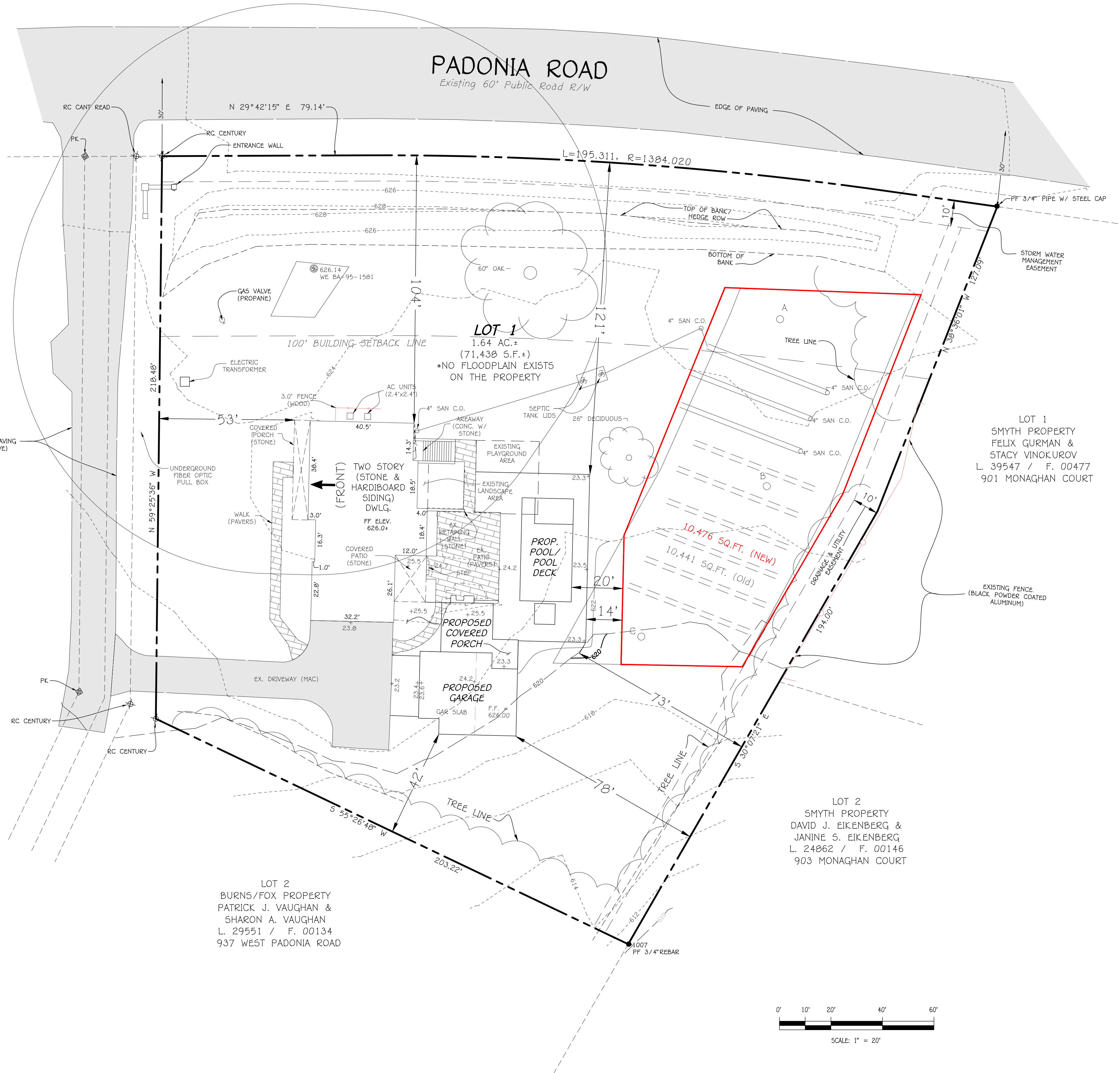
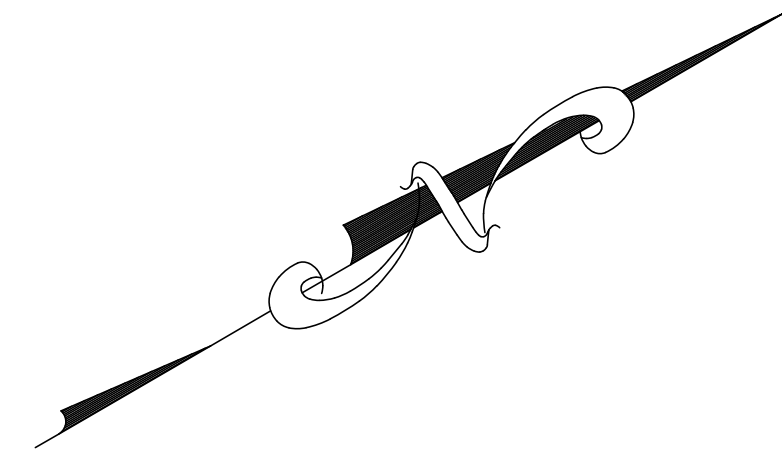
3.01

PRINT DATE :
Sunday, April 3, 2022



TYPICAL HOUSE BOX - 2x6 EXTERIOR WALL
TYPICAL METHOD OF WALL CONSTRUCTION - R602.T0.5
CONTINUOUSLY SHEATHED - WOOD STRUCTURAL PANEL

2023-0099-A



VICINITY MAP
SCALE : 1" = 1000'

GENERAL NOTES

1. PROPERTY TAX ACCOUNT NUMBER: 08-2500002311
2. DEED REFERENCE: L. 34554 F. 00203
3. COUNCILMANIC DISTRICT: 3rd.
4. ELECTION DISTRICT: 8th.
5. WATERSHED: LOCH RAVEN RESERVOIR/JONES FALLS;
SUBSHED: DEEP RUN-JONES FALLS/BEAVER DAM RUN
6. 200-SCALE ZONING MAP NO.: 051A3
7. EXISTING TOPOGRAPHY SHOWN HEREON IS FIELD RUN BY FISHER, COLLINS & CARTER, INC.
8. THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL UNDERGROUND UTILITIES, PUBLIC, OR PRIVATE, PRIOR TO BEGINNING WORK.
9. THERE ARE NO STREAMS, SPRINGS, WETLANDS, CRITICAL AREAS, FLOOD PLAINS, ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITAT OR HISTORICAL AREAS ON OR WITHIN 50 FEET OF THIS SITE.
10. CERTIFICATIONS AS TO DELINQUENT ACCOUNTS: THERE ARE NO DELINQUENT ACCOUNTS OF ANY PROPERTY WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED PROJECT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED PROJECT.
11. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
12. ALL PARKING AND PAVING SURFACES ARE TO BE DURABLE AND DUSTLESS.
13. THERE IS NO LISTED ZONING HISTORY FOR THIS PROPERTY.
14. THIS PROPERTY OPERATES ON PRIVATE WATER AND SEWER SYSTEM.
15. THE DEVELOPMENT AS PROPOSED WILL INCLUDE PROTECTIVE MEASURES ADEQUATE TO PREVENT EROSION OR SLOUGHING OF ANY STEEP SLOPES AS DEFINED BY SECTION 32-4-101 OF THE BALTIMORE COUNTY CODE AND PROMOTE THE PRESERVATION OF THE NATURAL TOPOGRAPHIC FEATURES OF THE STEEP SLOPE. THIS WILL BE ACHIEVED BY PROVIDING EROSION AND SEDIMENT CONTROL MEASURES IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND THE CURRENT STATE OF MARYLAND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL.
16. EXISTING AND PROPOSED USE: RESIDENTIAL
17. PLAT REFERENCE PLAT BOOK 78 PAGE 418.

PLAN TO ACCOMPANY ADMINISTRATIVE VARIANCE & BUILDING PERMIT/POOL PERMIT BURNS/FOX PROPERTY

Property Of Michael J. McCann &
Joan M. McCann
935 West Padonia Road

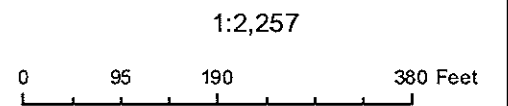
LOT 1

RECORDED PLAT S.M. 78 FOLIO 418
8th. ELECTION DISTRICT
3rd. COUNCILMANIC DISTRICT
ZONED: RC-5
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'
DATE: MARCH 27, 2023
REVISED DATE: MAY 5, 2023
SHEET 1 OF 1

Baltimore County - My Neighborhood



- Legend *2023-0094-A*
- 200 Scale Grid
 - House Numbers
 - Zoning History Cases
 - Zoning
 - Property
 - SWM Easements since 2008
 - County Boundary



Sources: Esri, HERE, Garmin, Intermap, increment P, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

May 8, 2023