



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 6, 2023

Holden Berlin – holden_berlin@yahoo.com
Pryce Berlin
1520 Applecroft Lane
Cockeysville, MD 21030

RE: Petition for Administrative Variance
Case No. 2023-0121-A
Property: 1520 Applecroft Lane

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

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: David Billingsley – dwb0209@yahoo.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1520 Applecroft Lane)		
8 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Holden & Pryce Berlin	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0121-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Holden and Pryce Berlin (“Petitioners”) for the property located at 1520 Applecroft Lane, Cockeysville (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1A04.3.B.2.b: To permit a lower-level addition (garage, breezeway and pool house) to an existing single-family dwelling with an 8-foot side yard setback in lieu of the required 50 feet, and amend the last approved Final Development Plan (“FDP”) of Heather Hill. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2.1-2.6). A building elevation showed the extent of the proposed improvements. (Pet. Ex. 3). My Neighborhood zoning map showed the location of the home situated within the Property at an odd angle and not completely facing Applecroft Lane. (Pet. Ex. 4). There were no adverse ZAC comments contained in the case file from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on June 7, 2023 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

I find that the Property is unique due to the position of the home located on the Property at an odd angle with its only access via a driveway on the western side. The Property is already improved with an in-ground pool, rear yard deck, and hardscaping. Given the location of the existing driveway and pool, as well as the unique positioning of the home, the proposed improvements, which will all be connected to the house, is the only place on the Property to place such structures without additional grading. 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. There was no opposition filed by any adjoining land owners. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of §307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I find that 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 regard to amending the Final Development Plan of Heather Hill, Administrative Variance BCC, §32-3-303(a)(1) permits Variances to be granted from area and height regulations without a hearing:

(a) *In general.*

(1) Notwithstanding the hearing requirements under §32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot zoned residential, as defined by the Baltimore County Zoning Regulations.

There is no authority in BCC, §32-3-303(a)(1) *Administrative Variances* to amend a Final Development Plan. Indeed, such relief would need to be requested through a Petition for Special Hearing, with notice posted for a hearing and evidence submitted to satisfy the applicable requirements in BCC. As such, that relief will be denied.

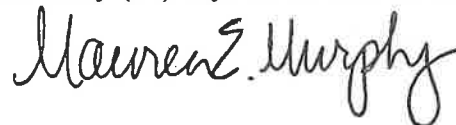
THEREFORE, IT IS ORDERED, this 6th day of **July, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §1A04.3.B.2.B to permit a lower level addition (garage, breezeway and pool house) to an existing single family dwelling with an 8 foot side yard setback in lieu of the required 50 feet, and it is hereby, **GRANTED**.

IT IS FURTHER ORDERED, that the Petition to amend the last approved Final Development Plan ("FDP") of Heather Hill be, and it is hereby, **DENIED**.

The relief granted herein shall be subject to the following:

1. 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.



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw

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: June 8, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0121-A
Address: 1520 APPECROFT LANE
Legal Owner: Holden and Pryce Berlin

Zoning Advisory Committee Meeting of June 12, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

CERTIFICATE OF POSTING

Date: JUNE 8, 2023

RE: Project Name: 1520 APPECROFT LANE #1
Case Number /PAI Number: 2023-0121-A
Petitioner/Developer: BERLIN
Date of Hearing/Closing: 6/26, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1520 APPECROFT LANE

The sign(s) were posted on 6/7, 2023
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

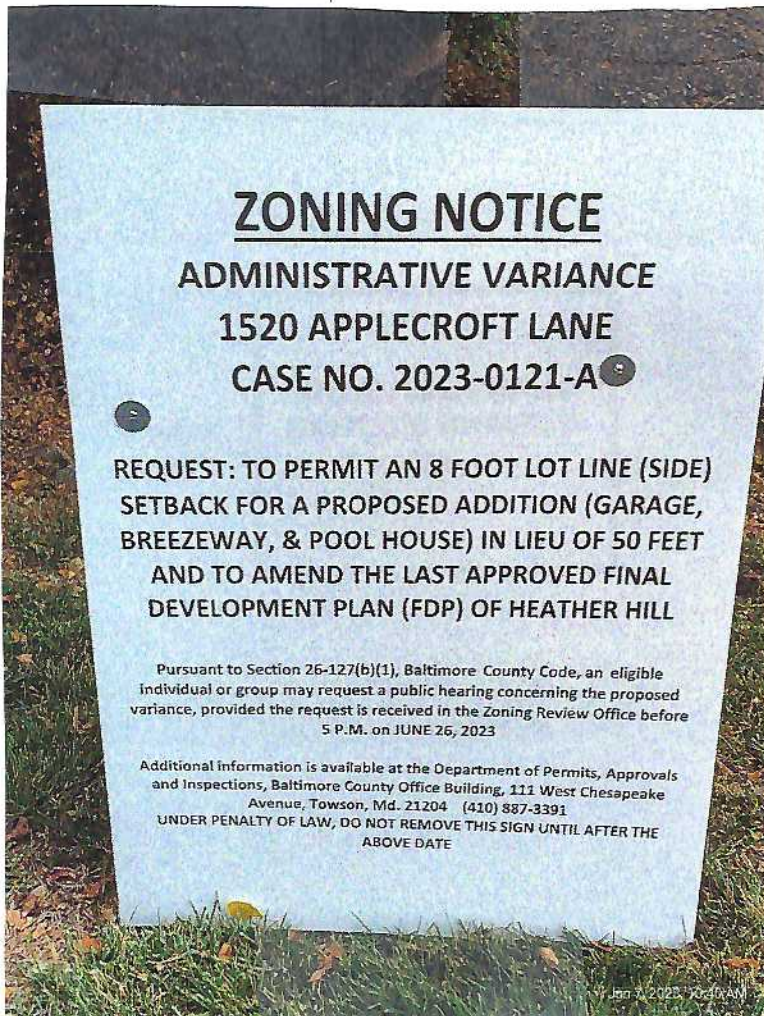
CERTIFICATE OF POSTING

Date: JUNE 8, 2023

RE: Project Name: 1520 APPLECROFT LANE #2
Case Number /PAI Number: 2023-0121-A
Petitioner/Developer: BERLIN
Date of Hearing/Closing: 6/26, 2023

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1520 APPLECROFT LANE

The sign(s) were posted on 6/7, 2023
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



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

JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, Director
Department of Permits,
Approvals & Inspections

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023-0121 -A Address 1520 Applecroft Lane

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

Filing Date: 5/31/2023 Posting Date: 6/11/2023 Closing Date: 6/26/2023

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

- 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: 2023-0121 -A Address 1520 Applecroft Lane

Petitioner's Name: Holden & Pryce Berlin Telephone (Cell) 917-968-2473

Posting Date: 6/11/2023 Closing Date: 6/26/2023

Wording for Sign: To Permit an 8-foot lot line (side) setback
for a proposed addition (garage, breezeway, pool house)
in lieu of 50 feet and amend the last approved
Final Development Plan (FDP) of Heather Hill.

Revised 1/2022

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

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Case Number: 2023-0121-A
Property Address: 1520 APPLECROFT LANE
Legal Owners (Petitioners): HOLDEN & PRYCE BERLIN
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): DAVID BILLINGSLEY,
CENTRAL DRAFTING
Address: AND DESIGN
601 CHARWOOD COURT
EDGEWOOD, MD 21040
Telephone Number: (410) 679-8719

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

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

No. 222566

Date: 5/31/2023

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0060		6150					\$ 75

Total: \$ 75.00

Rec From: Central Drafting & Design

For: Admin Zoning Variance
1520 Applecroft Lane
Zoning Case 2023-0121-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Real Property Data Search ()
Search Result for BALTIMORE COUNTY



[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier:

JOHN A. OLSZEWSKI, JR.
County Executive

District - 08 Account Number - 2000010387

C. PETE GUTWALD, AICP, Director
Department of Permits,
Approvals & Inspections

Owner Information

Owner Name: BERLIN HOLDEN ALAN Use: RESIDENTIAL
BERLIN PRYCE ANGELA Principal Residence: YES
Mailing Address: 1520 APPLECROFT LN Deed Reference: /42163/ 00257
COCKEYSVILLE MD 21030-1626

Location & Structure Information

Premises Address: 1520 APPLECROFT LN Legal Description: 1.0166 AC
COCKEYSVILLE 21030-1626 HEATHER HILL

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0017 0417 8090195.04 0000 23 2023 Plat Ref: 0055/ 0032

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1988	3,336 SF	1000 SF	1.0100 AC	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	FRAME/5	3 full	1 Attached

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2023	07/01/2022	07/01/2023
Land:	250,200	250,200		
Improvements	376,000	448,200		
Total:	626,200	698,400	626,200	650,267
Preferential Land:	0	0		

Transfer Information

Seller: WILSON ALEXANDRA C	Date: 11/26/2019	Price: \$657,000
Type: ARMS LENGTH IMPROVED	Deed1: /42163/ 00257	Deed2:
Seller: PENROSE DEVELOPM ENT COMPANY	Date: 06/14/1988	Price: \$410,000
Type: ARMS LENGTH IMPROVED	Deed1: /07887/ 00451	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:



2023-0121-A



2023-0121-A



#2023-0121-A



2023-0121-A



2023-0121-A



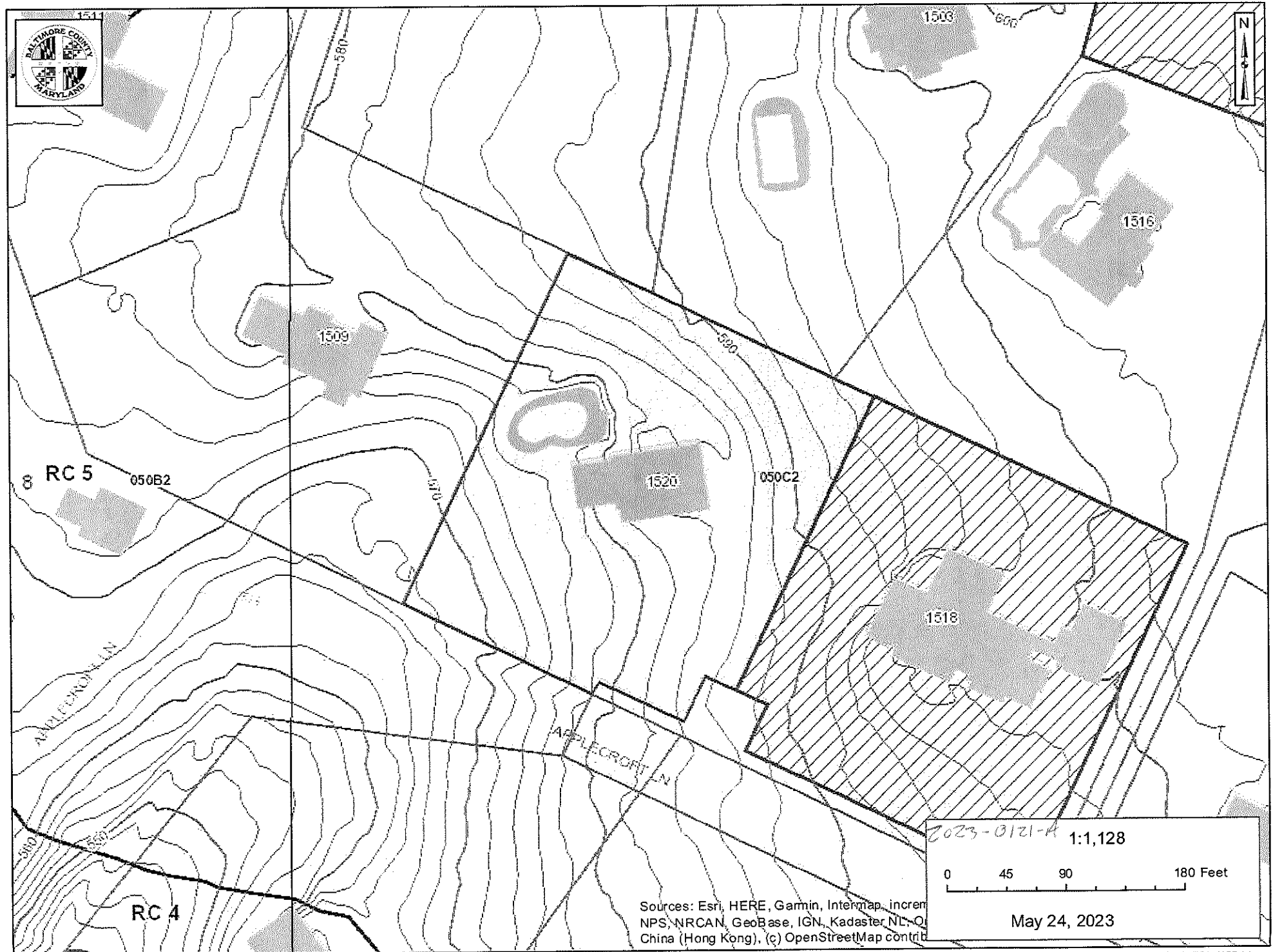
2023-0121-A



BUILDING ELEVATION
NTS

2023-0121-A

1520 APPLECROFT LANE

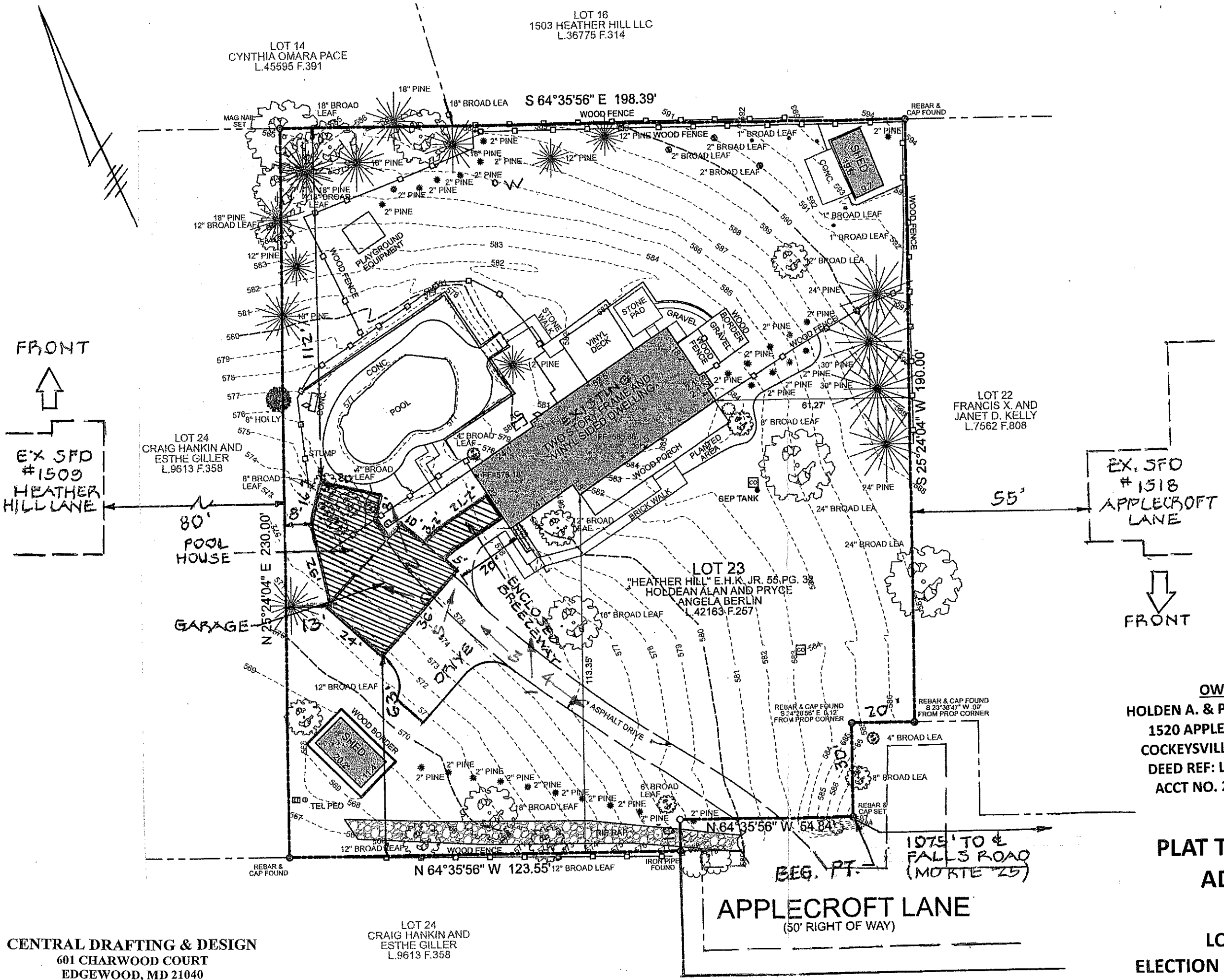


VICINITY MAP
SCALE: 1" = 1000'

ZONING MAP# 050CZ
SITE ZONED RCS
ELECTION DISTRICT 8
COUNCIL DISTRICT 2
LOT AREA ACREAGE 1.01 AC ±
OR SQUARE FEET _____
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC _____ PRIVATE X
SEWER IS:
PUBLIC _____ PRIVATE X
PRIOR HEARING? N/A

PHOTOS

**PLAT TO ACCOMPANY PETITION FOR
ADMINISTRATIVE VARIANCE
1520 APPECROFT LANE
LOT 23 HEATHER HILL PB 55 F 32
ELECTION DISTRICT 8C2 BALTIMORE COUNTY, MD.
SCALE: 1 INCH = 30 FEET MAY 22, 2023**



CENTRAL DRAFTING & DESIGN
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

LOT 24
CRAIG HANKIN AND
ESTHE GILLER
L.9613 F.358

2023-0121-A