



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 11, 2023

Christopher & Randy Apelsberegger – snoopy-girl@comcast.net
14550 Jarrettsville Pike
Monkton, MD 21111

RE: Petition for Administrative Variance
Case No. 2023-0131-A
Property: 14550 Jarrettsville Pike

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, reading "Paul M. Mayhew", is written over the word "Sincerely,".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(14550 Jarrettsville Pike)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Christopher & Randy Apelsberger	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0131-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 Christopher and Randy Apelsberger (“Petitioners”) for property located at 14550 Jarrettsville Pike, Monkton. The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 400.3: To permit a proposed replacement accessory building (pole barn shed) with a height of 17.8 feet in lieu of the maximum 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 contained in the case file.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 18, 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 (pole barn shed) height and usage, I will impose conditions that the proposed accessory building (pole barn shed) 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 11th day of **July, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“BCZR”) § 400.3: To permit a proposed replacement accessory building (pole barn shed) with a height of 17.8 feet in lieu of the maximum 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 (pole barn shed) into a dwelling unit or apartment. The proposed accessory building (pole barn shed) shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities.
- The proposed accessory building (pole barn shed) 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.


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 14550 Jarrettsville Pike Currently Zoned RC2
Deed Reference 31925 / 00213 10 Digit Tax Account # 2000011205
Owner(s) Printed Name(s) Christopher & Randy Adelsberger

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 400.3 The height of an accessory building shall not exceed 15'.

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):

Christopher Adelsberger / Randy Adelsberger
Name #1 – Type or Print Name #2 – Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

14550 Jarrettsville Pike Monkton, MD
Mailing Address City State

21111 / C-410-952-2484 / snoopy-girl@comcast.net
Zip Code Telephone #'s (Cell and Home) Email Address

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

X

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

X

Name - Type or Print

Signature

Mailing Address City State

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 2023-0131-VA Filing Date 6/9/23 Estimated Posting Date 6/18/23 Reviewer gh

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: 14550 Jarrettsville Pike Monkton, MD 21111
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)

Height variance due to putting a boat and taller (12') pallet racking for storage in this shed. We have no close neighbors that it would bother. New shed is 17.8' tall. Father-in-law is downsizing after Mother-in-law's recent passing - we are storing his things along with ours in the new shed - we need the head room for storage. Shed will be dark green with Brown trim and we are surrounded by woods, so color will help blend in. - see pics submitted with this petition. Thank you.

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

Randy Adelsberger
Signature of Owner (Affiant)

Randy Adelsberger
Name - Print or Type

Christopher Adelsberger
Signature of Owner (Affiant)

Christopher Adelsberger
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 8th day of June, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: REBECCA L. ROBINSON

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

AS WITNESS my hand and Notaries Seal

Rebecca L. Robinson
Notary Public

REBECCA L. ROBINSON
NOTARY PUBLIC
STATE OF MARYLAND

My Commission Expires April 17, 2025

April 17, 2025
My Commission Expires

2023-0131-A

2023-0131-A

Administrative Variance; from section: 400.3 of the BCZR:

To permit a proposed replacement accessory building (pole barn shed) with a height of 17.8 feet in lieu of the maximum height of 15 feet.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0131 -A Address 14550 Jarrettsville Pike 21111

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/19/23 Posting Date: 6/18/23 Closing Date: 7/3/23

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 - 0131 -A Address 14550 Jarrettsville Pike 21111

Petitioner's Name: Randy Adelsberger Telephone (Cell) 410-952-2484

Posting Date: 6/18/23 Closing Date: 7/3/23

Wording for Sign: To Permit a proposed replacement accessory
building (Pool barn shed) with a height 17'8" in
lieu of the maximum height 15 feet

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0108-SPHA

DATE: June 21, 2023

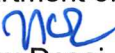
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

As part of the proposed improvement the County request a 10-foot highway widening along the property frontage (Gorsuch Mill Rd.)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0124-A

DATE: June 21, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW&T Comments:

The proposed deck, sunroom, landing and steps are to be constructed within an existing Baltimore City easement for an emergency underground water tunnel. Permission must be obtained from Baltimore City for development within the easement. If Baltimore City approves of the development, DPWT has no exception to the approval of the administrative variance. No Building permits may be granted until Baltimore City approval.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0125-A

DATE: June 21, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Landscape: If zoning relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 21, 2023

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0123-A, 2023-0126-A, 2023-0127-SPHA, 2023-0128-A, 2023-0129-A, 2023-0130-SPHA, and 2023-0131-A

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

VKD: JK
cc: file

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 16, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0131-A
Address: 14550 JARRETTSVILLE PIKE
Legal Owner: Christopher & Randy Apelsberger

Zoning Advisory Committee Meeting of June 20, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Zoning property description for: 14550 Jarrettsville Pike Monkton, Md 21111

Beginning for the same point in the center of Jarrettsville Rd, running thence and binding in the center of Jarrettsville Rd the seven following points and distances viz: North 44 degrees, 34 minutes 00 seconds East 122.01 feet, North 43 degrees 17 minutes 40 seconds East 100.26 feet, North 41 degrees 45 minutes 20 seconds East 99.44 feet, North 40 degrees 58 minutes 40 seconds East 100.18 feet, North 40 degrees 11 minutes 10 seconds 199.38 feet, North 42 degrees 14 minutes 50 seconds East 77.28 feet and North 44 degrees 55 minutes 50 seconds East 41.89 fee thence leaving said road and running for lines of division parallel with and Southeasterly Southerly and Southwesterly distant 20 feet measured at right angles from the second third and fourth lines of the aforesaid firstly described parcel of land in the deed from smith to parker, the three following courses and distance Viz: South 60 degrees 30 minutes west 239.98 feet, South 86 degrees 45 minutes West 291.93 feet and North 32 degrees 30 minutes West 226.13 feet, thence continuing to run for a line of division South 47 degrees 19 minutes 22 seconds West 852.07 feet to interest the eighth or South 75 degrees 30 minutes East 1145.1 foot line of said firstly described parcel of land and thence running with and binding on a part of the last line, the two finishing courses and distances Viz: South 75 degrees 30 minutes East 499.11 feet and north 70 degrees 01 minute East 285.78 feet to the place of beginning. Containing 8.76 acres of land more or less

2023-0131-A

Christopher and Randy Adelsberger
14550 Jarrettsville Pike
Monkton, MD 21111

Details for pictures submitted for request for variance for storage building over 15'

We wish to put up a 30'w x 48'l storage pole shed to replace our current 12'w x 26'l shed. (we are giving this shed away) We need a larger building as my Father-in-law is downsizing after my Mother-in-law's recent passing. He wishes to move his boat and other items to our house, so we need the extra head room. There are no close neighbors where this structure would block a view- Our house is surrounded by woods and the shed will be dark green with brown trim to help blend in. In no way, would this impede or affect any neighbors around us. I respectfully ask you grant us this variance.

Thank you,



Randy Adelsberger
Wife of Christopher Adelsberger

Pic #1- Current view from our deck in the back yard

Pic #2- Current view from end of pool deck.

"A" and "B" mark the beginning and end of the new building in both photos

Pic #3- Current view of yard showing area in back yard where new shed will be.

Pic #4- Current view of front of shed and approximation of width of new shed.

"A" and "B" mark the beginning and end of new building in photo #4

Pic#5- Current view of area from Jarrettsville Pike near the mailbox.

2023-0131-A

14550 Jarrettsville Pike

PIC
#1

From
Deck



PIC
#2

From
end
of
Pool



2023-0131-A

Pic
#3

From
Back
yard
Against
WOODS



Pic
#4

Front
corner
OF HOUSE
+
New
Building
width.



2023-0131-A

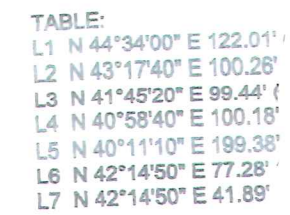
PIC
#5



Front
corner
of
House

current view from Jarrettsville pike
near mailbox - showing opposite view of
pic #4.

Paper Size: 24"x36"



Zoning Map # _____
Zoning RC2
Election District 10
Council District 3
Lot Area Acreage 876
Lot Square Footage 381,576
Historic (Yes or No) NO
CBCA (Yes or No) _____
Flood Plain (Yes or No) NO
Utilities – Mark with (X)
Water is:
Public _____ Private X
Sewer is:
Public _____ Private X
Prior Hearing (Yes or No) NO
If (Yes) list Case Number(s) _____
and order result(s) below:
None

Violation Case Number(s)
None

