

IN RE: PETITION FOR ADMIN. VARIANCE (5721 Station Road) 11 th Election District 5 th Council District Michael & Gina Davis Petitioners	* * * * * *	BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS FOR BALTIMORE COUNTY CASE NO. 2023-0139-A
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* * * * *

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, Michael and Gina Davis (“Petitioners”) for the property located at 5721 Station Road, White Marsh (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), § 400.1, to approve an accessory structure (pool) in side yard in lieu of the required rear yard only. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1 (the “Site Plan”). Street view photographs of the Property were provided. (Pet. Exs. 2A-2B). My Neighborhood Map shows an aerial view of the Property and the neighboring properties. (Pet. 3). There were no adverse Zoning Advisory Committee (“ZAC”) comments contained in the case file from any of the County reviewing agencies.

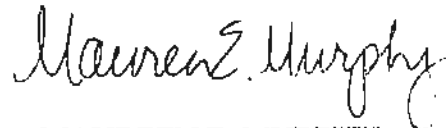
The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public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

compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on June 23, 2023 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

THEREFORE, IT IS ORDERED, this 13th 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”), §400.1, to approve an accessory structure (pool) in side yard in lieu of the required rear yard only, be and it is hereby, **GRANTED**.

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



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 13, 2023

Michael and Gina Davis – ginabu666@hotmail.com
5721 Station Road
White Marsh, MD 21162

RE: Petition for Administrative Variance
Case No. 2023-0139-A
Property: 5721 Station 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 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



**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 5721 Station Rd. White Marsh MD 21162 Currently Zoned DR2
 Deed Reference 47206 / 00493 10 Digit Tax Account # 1123053190
 Owner(s) Printed Name(s) Michael Ray Davis Gina Renee Davis

(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)

BCZR 400.1 to approve an accessory structure (Pool) in side yard in lieu of the required rear yard only

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):

Michael Davis / Gina Davis
 Name #1 – Type or Print / Name # 2 – Type or Print

Michael Davis / Gina Davis
 Signature #1 / Signature # 2

5721 Station Rd. White Marsh MD
 Mailing Address / City / State

21162 / 410-207-1031 / ginabulebb@hotmail.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:

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 2023-0135-A Filing Date 6/22/23 Estimated Posting Date 6/25/23 Reviewer SC

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: 5721 Station Rd. White Marsh MD 21102
 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)**

___ I am respectfully requesting an Administrative Variance for 5721 Station Rd _____
 ___ for placement of an above ground pool on the side of the house. The _____
 ___ rear of the house presents a terrible location for a pool for a number of _____
 ___ reasons creating a hardship. First, the rear of the property is shaded for _____
 ___ most of the day. Second, the rear of the property contains multiple trees _____
 ___ which constantly drop debris on the ground which would be terrible for _____
 ___ maintaining a clear pool. Lastly, if the pool was required to be located in _____
 ___ the rear of the property, it would also be unaesthetically pleasing because it _____
 ___ would visually appear that it was located right in the front yard of my _____
 ___ neighbor's property (despite being our property). You can see this in the _____
 ___ attached photos. Therefore, we are respectfully requesting placement on _____
 ___ the side of the property as it would create the most ideal location for the _____
 ___ pool. Thank you. _____

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

Michael D
 Signature of Owner (Affiant)

Erna Davis
 Signature of Owner (Affiant)

Michael Davis
 Name - Print or Type

Erna Davis
 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 10th day of June, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

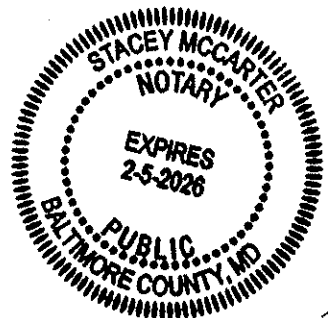
Print name(s) here: Erna Davis Michael Davis

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

AS WITNESS my hand and Notaries Seal

Stacey McCarter
 Notary Public

2/5/26
 My Commission Expires



2023-0139-A

Property Description

5721 Station Road

Beginning at West side of Station Road, which is about 20 +/- feet in width, at a distance of 509 +/- feet Northwesterly of Jerome Road.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0139 -A Address 5721 Station Road

Contact Person: Shawn Crawford Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/22/23 Posting Date: 6/25/23 Closing Date: 7/10/23

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

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: 2023 - 0139 -A Address 5721 Station Road

Petitioner's Name: Gina Davis Telephone (Cell) _____

Posting Date: 6/25/23 Closing Date: 7/10/23

Wording for Sign: To Permit _____

_____ an accessory structure (Pool) in side yard in _____
_____ lieu of the required rear yard only _____



**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE

TOWSON, MD 21204

4108873353

<https://www.baltimorecountymd.gov>

Cashier: Shaun C.

22-Jun-2023 11:38:51A

Transaction 101818

1 Sale

\$75.00

Total

\$75.00

CREDIT CARD SALE

\$75.00

VISA 4649

Station: Permit Processing - Mini

22-Jun-2023 11:39:01A

\$75.00 | Method: CONTACTLESS

VISA XXXXXXXXXXXX4649

Reference ID: 317300544146

Auth ID: 003154

MID: *****2995

AID: A0000000031010

AthNtwkNm: VISA

***** REPRINT *****

Clover ID: B7Y5C8BEGHHJG

Payment FRW00MCC82B9G

Clover Privacy Policy

<https://clover.com/privacy>

2023-0139-A

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: July 17, 2023

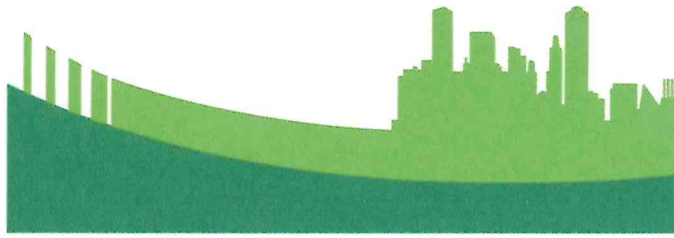
SUBJECT: DEPS Comment for Zoning Item # 2023-0139-A
Address: 5721 STATION RD
Legal Owner: Michael & Gina Davis

Zoning Advisory Committee Meeting of July 3, 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

June 26, 2023

_____ amended for second inspection

Re:
Zoning Case No. 2023-0139-A
Legal Owner: Gina Davis
Closing date: July 10, 2023

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **5721 Station Road**.

The signs were initially posted on **June 23, 2023**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. E. Doak".

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0139-A

5721 Station Road White Marsh, MD 21162

**REQUEST: TO PERMIT AN ACCESSORY
STRUCTURE (POOL) IN THE SIDE YARD IN
LIEU OF THE REQUIRED REAR YARD ONLY.**

PUBLIC HEARING?

**PURSUANT TO SECTION 26-127(b)(1) BALTIMORE
COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP
MAY REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN
THE ZONING OFFICE BEFORE JULY 10, 2023.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2023-0139-A

5721 Station Road White Marsh, MD 21162

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ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391**



side



2023-0139-A

Real Property Data Search ()
 Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 11 Account Number - 1123053190

Owner Information

Owner Name: DAVIS MICHAEL RAY Use: RESIDENTIAL
 DAVIS GINA RENEE Principal Residence: YES
 Mailing Address: 5721 STATION RD Deed Reference: /47206/ 00493
 WHITE MARSH MD 21162-1107

Location & Structure Information

Premises Address: 5721 STATION RD Legal Description: .492 AC PRT LOT 12 MINOR SUBDIVISION
 WHITE MARSH 21162-1107 5721 STATION RD WS
 DARRYL GARDENS

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: MS
 0073 0002 0319 11010003.04 0000 B 12 2021 Plat Ref: 0013/ 0137

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1954	1,696 SF		21,450 SF	04

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

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments	
			As of 07/01/2022	As of 07/01/2023
Land:	114,300	114,300		
Improvements	137,700	160,600		
Total:	252,000	274,900	267,267	274,900
Preferential Land:	0	0		

Transfer Information

Seller: ROSE MARSHALL W	Date: 07/29/2022	Price: \$485,000
Type: ARMS LENGTH IMPROVED	Deed1: /47206/ 00493	Deed2:
Seller: ROSE MARSHALL W	Date: 01/24/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /34638/ 00471	Deed2:
Seller: RUZEK FRANK JAMES	Date: 08/16/2002	Price: \$132,000
Type: ARMS LENGTH IMPROVED	Deed1: /16716/ 00124	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

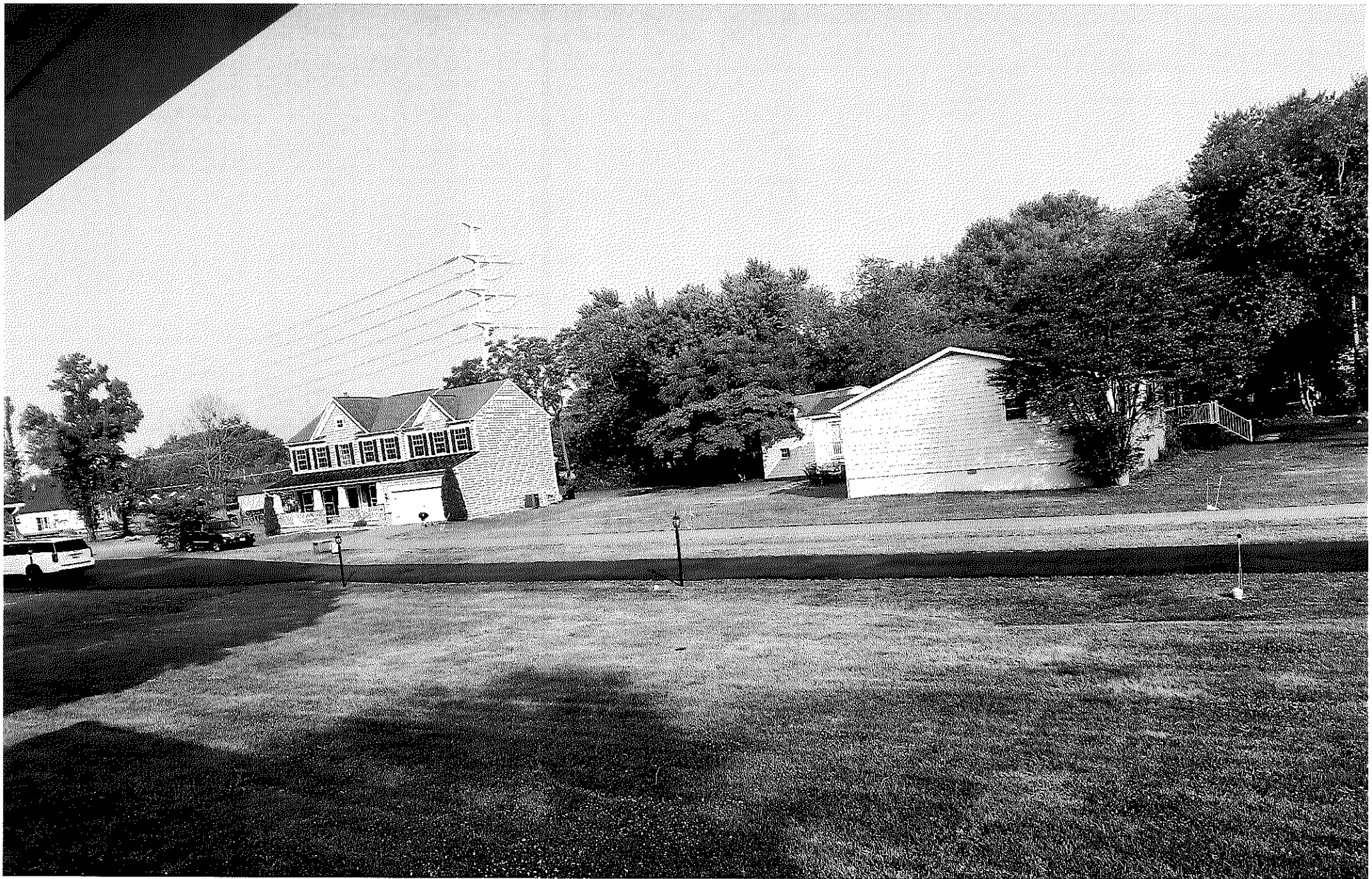
Homestead Application Information

Homestead Application Status: Application received

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023 - 0139-A



2023-0139-A



2023-0125-A

1102002790
Lot # 3

Lot # 14 1123016000

Lot # 1
2400000706

STATION RD

PAI # 110851
Pt. Bk./Folio # MP99079
2400000705

PAI # 110851
PAI # 110851

11600
Lot # 2

700001645

5713

Pt. Bk. 0000013, Folio 0132

5715

Lot # 1
2500002841
PAI # 111048

PAI # 111048
Pt. Bk./Folio # MP06105

PAI # 111048

PAI # 111048

2500002842

Lot # 2

Lot # 14 1123016175
5717

BONAPARTE AVE

119053560
Lot # 4

PAI # 111066 Bk./Folio # MP07114

PAI # 111066

PAI # 111066 PAI # 111066

5719

Lot # 12 1123053190

5721

11 D
NE 10-J
073A1

Lot # 4
1103048300

Lot # 14A 2500011687

PAI # 111104

DR 2
COD

5723

Pt. Bk./Folio # MP10050

PAI # 111104

PAI # 111104

PAI # 111104

5721-A

Lot # 11 1126000350

Lot # 12A 2500011092

1119010550
Lot # 11

DR 3.5

1107048600

Lot # 12
1107048601

Lot # 12

PAI # 1100166

Pt. Bk./Folio # 013137

Pt. Bk. 0000013, Folio 0137

Lot # 5
1107048602

Lot # 9 1119053900

5730

Lot # 8 1120030900

PAI # 111124
PAI # 111124

Pt. Bk./Folio # MP13031

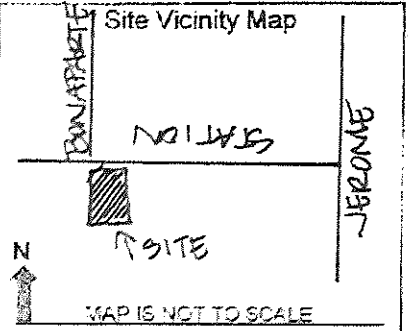
2500012012

Lot # 6 1116060532

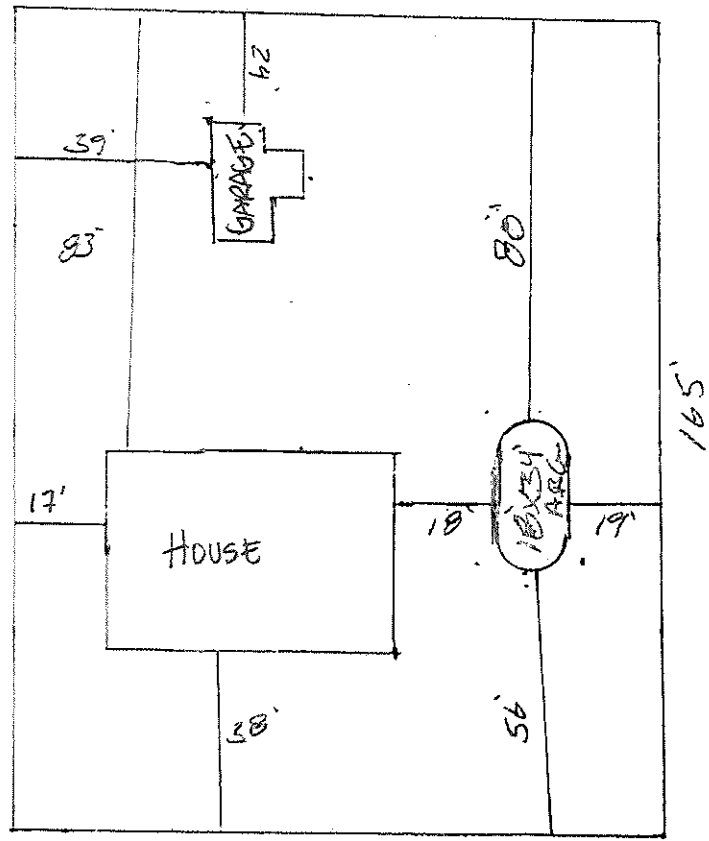
2023.01.30.21

1119053901

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
 Address 9721 Station Rd. White Marsh, MD 21162 Owners(s) Name(s) Michael Davis Gina Davis
 Subdivision Name Darryl Gardens Lot # 12 Block # B Section # N/A
 Plat Book # 0013 Folio # 0137 10 Digit Tax # 1123053190 Deed Reference# 472061



Zoning Map # 073A1
 Zoning DR2
 Election District 11
 Council District 005
 Lot Area Acreage .492
 Lot Square Footage 21,450
 Historic (Yes or No) NO
 CBOA (Yes or No) NO
 Flood Plain (Yes or No) NO
 Utilities - Mark with (X)
 Water is:
 Public Private _____
 Sewer is:
 Public Private _____
 Prior Hearing (Yes or No) NO
 If (Yes) list Case Number(s)
 and order result(s) below:



Plan Drawn By Van Dorn Pools Date 10/19/23 Scale: 1 inch = 40' Feet

Violation Case Number(s)

