



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 21, 2023

William and Jo Ann Wolfe – b.jwolfejr@hotmail.com
6 Ellens Choice Way
Parkton, MD 21120

RE: Petition for Administrative Variance
Case No. 2023-0151-A
Property: 6 Ellens Choice Way

Dear Mr. and Mrs. Wolfe

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: Michelle Clancy – michelle@appliedandapproved.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(6 Ellens Choice Way)		
6 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
	*	HEARINGS FOR
William & Jo Ann Wolfe		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0151-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, William and Jo Ann Wolfe (“Petitioners”) for the property located at 6 Ellens Choice Way, Parkton. The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 400.1, to permit an accessory building (garage) to be located in the side yard in lieu of the required rear yard placement. 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 July 29, 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

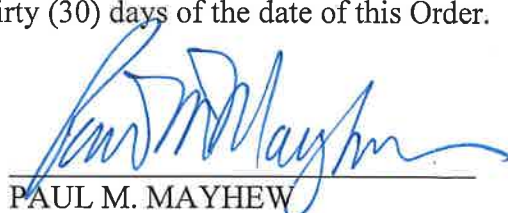
the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts to satisfy the requirements 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 21st day of **August, 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, to permit an accessory building (garage) to be located in the side yard in lieu of the required rear yard placement, 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.


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM: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: July 31, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0151-A
Address: 6 ELLENS CHOICE WAY
Legal Owner: William & Jo Ann Wolfe

Zoning Advisory Committee Meeting of July 31, 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

CASE NO. 2023-0151-A

PETITIONER/DEVELOPER

William & Jo Ann Wolfe

DATE OF HEARING/CLOSING

August 14, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

6 Ellens Choice Way

Sign 1



THE SIGN(S) POSTED ON July 29, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2023-0151-A

PETITIONER/DEVELOPER

William & Jo Ann Wolfe

DATE OF HEARING/CLOSING

August 14, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

6 Ellens Choice Way

Sign 2



THE SIGN(S) POSTED ON July 29, 2023

(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023-0151-A Address 6 ELLENS CHOICE WAY

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/17/23 Posting Date: 7/30/23 Closing Date: 8/14/23

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: 2023-0151-A Address 6 ELLENS CHOICE WAY

Petitioner's Name: WILLIAM & JO ANN WOLFE Telephone (Cell): 410-967-9003

Posting Date: 7/17/23 Closing Date: 8/14/23

Wording for Sign: ~~REPOSTING~~

— To permit and accessory building (garage) to be located in the side yard in lieu of the required rear yard placement.

Revised 1/2022

**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: 2023-0151-A
Property Address: 6 ELLENS CHOICE WAY
Legal Owners (Petitioners): WILLIAM + JO ANN WOLFE
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): MICHELLE CLANCY / APPLIED + APPROVED PERMITS, LLC
Address: P.O. BOX 310
LISBON, MD 21765

Telephone Number: 443-610-7514

*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.

Revised 3/2022

No. 221236

No.

Date:

Rev	Sub
Source/	Rev/

[illegible]

Rec

From: APPLIED + APPROVED PERMITS LLC

For: 2023-0151-A

6 ELLENS CHOICE WAY / WOLFE

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
PLEASE PRESS HARD!!!!

GOLD - ACCOUNTING

**CASHIER'S
VALIDATION**

Applied & Approved Permits LLC

Approved by
PO BOX 310
Lisbon MD 21765
443-610-7514

8814

65-330/550

DATE _____

**PAY
TO THE
ORDER OF**

backtime only

57

DOLLARS

TRUIST 

Great is now Truist

FOR 6 Elvers Characterway Vans

111889810551500018033005501 111188000011

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)
[View GroundRent Redemption](#)
[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 06 Account Number - 2100013882

Owner Information

Owner Name: WOLFE WILLIAM J JR Use: RESIDENTIAL
WOLFE JO ANN M Principal Residence: YES
Mailing Address: 6 ELLENS CHOICE WAY Deed Reference: /45755/ 00091
PARKTON MD 21120-9097

Location & Structure Information

Premises Address: 6 ELLENS CHOICE WAY Legal Description: 1.467 AC
PARKTON 21120-9097

ELLENS CHOICE II

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0011 0023 0046 6030014.04 0000 2 9 2023 Plat Ref: 0060/ 0125

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1991 2,256 SF 1.4600 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITSIDING/4 2 full/ 1 half 1 Attached

Value Information

	Base Value	Value As of 01/01/2023	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	115,000	103,500		
Improvements	267,800	338,900		
Total:	382,800	442,400	382,800	402,667
Preferential Land:	0	0		

Transfer Information

Seller: WOLFE WILLIAM J JR Date: 11/04/2021 Price: \$0
Type: NON-ARMS LENGTH OTHER Deed1: /45755/ 00091 Deed2:
Seller: MANOR LAND ASSOC IATES Date: 05/15/1990 Price: \$49,500
Type: ARMS LENGTH IMPROVED Deed1: /08479/ 00456 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

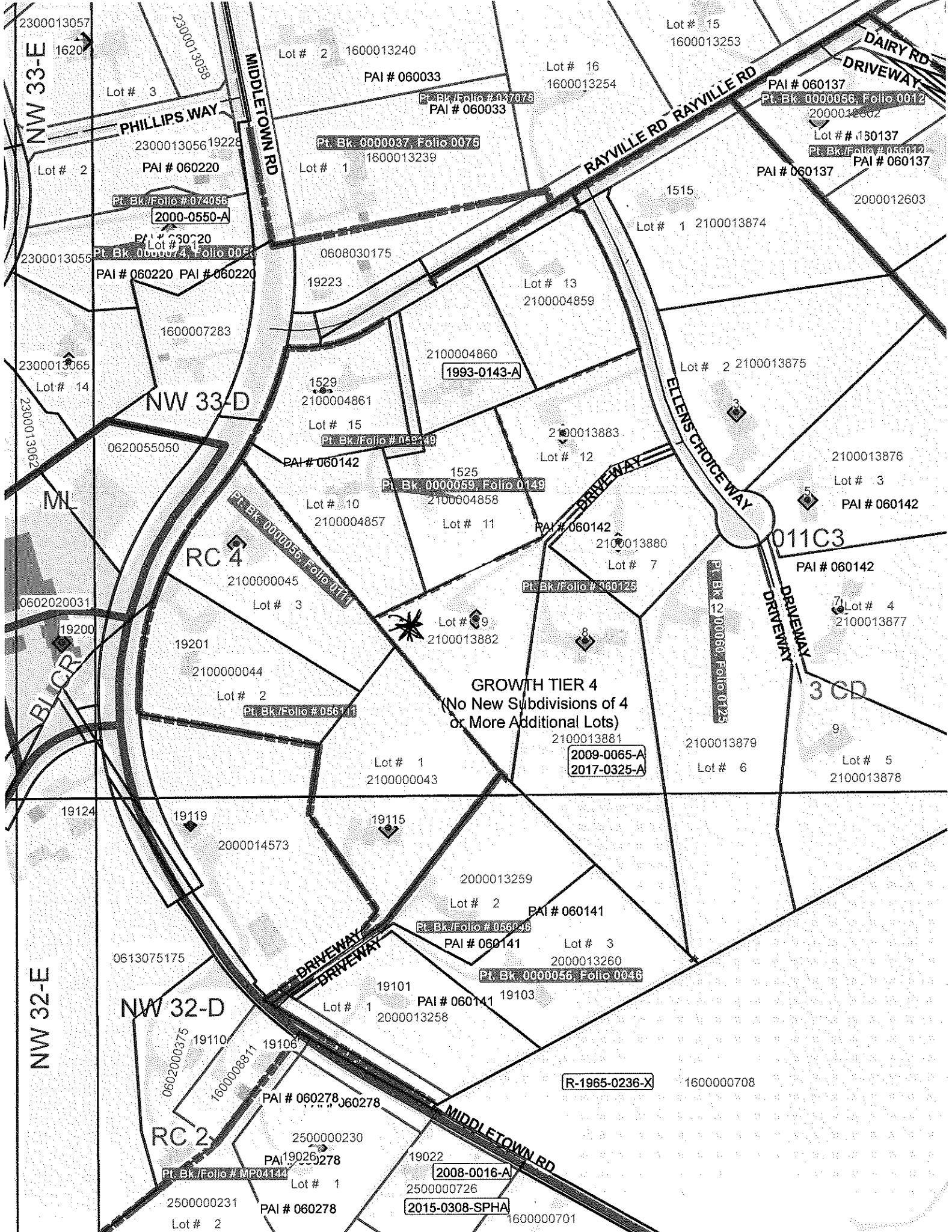
Homestead Application Information

Homestead Application Status: Approved 05/07/2008

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:





NW 33-E

PHILLIPS WAY

MIDDLETOWN RD

RAYVILLE RD

DAIRY RD DRIVEWAY

NW 33-D

NW 32-D

ML

BL CR

NW 32-E

RC 4

RC 2

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

011C3

3 CD

PAI # 060033

Lot # 16
1600013254

PAI # 060137
Pt. Bk. 0000056, Folio 0012

PAI # 060220

Lot # 1
1600013239

Pt. Bk. 0000037, Folio 0075

PAI # 060137

PAI # 060137

PAI # 060220 PAI # 060220

0608030175

Lot # 13
2100004859

Lot # 1 2100013874

1600007283

2100004860
1993-0143-A

Lot # 2 2100013875

PAI # 060142

Lot # 15
2100004861

Lot # 12
2100013883

Pt. Bk. 0000059, Folio 0149

Lot # 10
2100004857

Lot # 11
2100004858

PAI # 060142
Lot # 7
2100013880

Lot # 3
PAI # 060142

Pt. Bk. 0000056, Folio 0011

Lot # 3
2100000045

Pt. Bk. 000125

Lot # 9
2100013882

Lot # 4
2100013877

19201

2100000044

Lot # 2
Pt. Bk. 0000056, Folio 0011

2100013881
2009-0065-A
2017-0325-A

2100013879

Lot # 6

Lot # 5
2100013878

19124

19119

2000014573

19115

2000013259

Lot # 2

PAI # 060141

Pt. Bk. 0000056, Folio 0046

PAI # 060141

Lot # 3
2000013260

Pt. Bk. 0000056, Folio 0046

19101

Lot # 1
2000013258

PAI # 060141

19103

0613075175

19110

1600008811

19106

PAI # 060278

2500000230
PAI # 060278

Pt. Bk. 0000056, Folio 0046

Lot # 1

2500000231

PAI # 060278

Lot # 2

2008-0016-A

2500000726

2015-0308-SPHA

1600000701

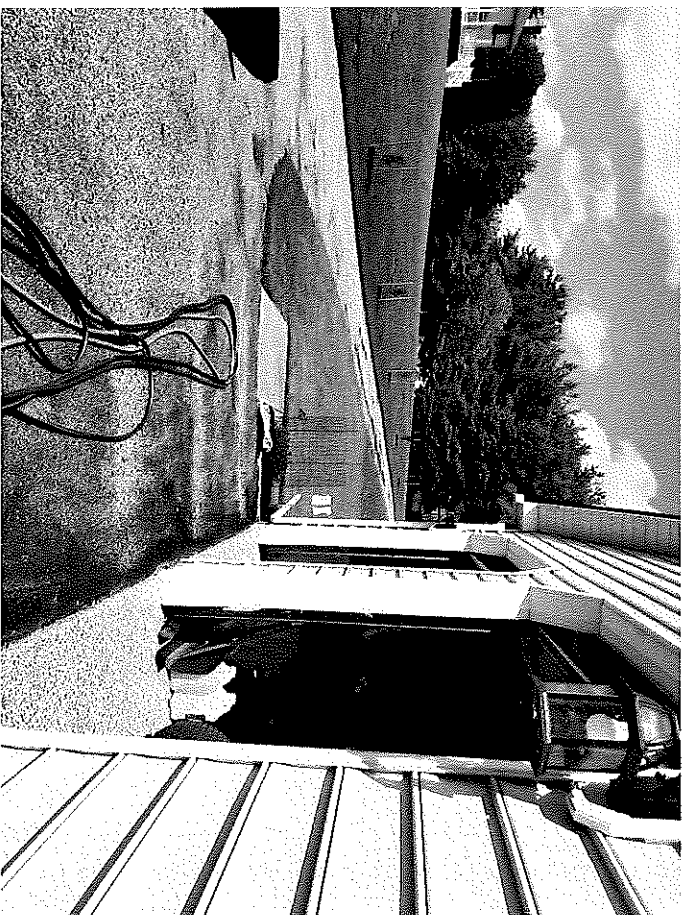
R-1965-0236-X

1600000708

MIDDLETOWN RD



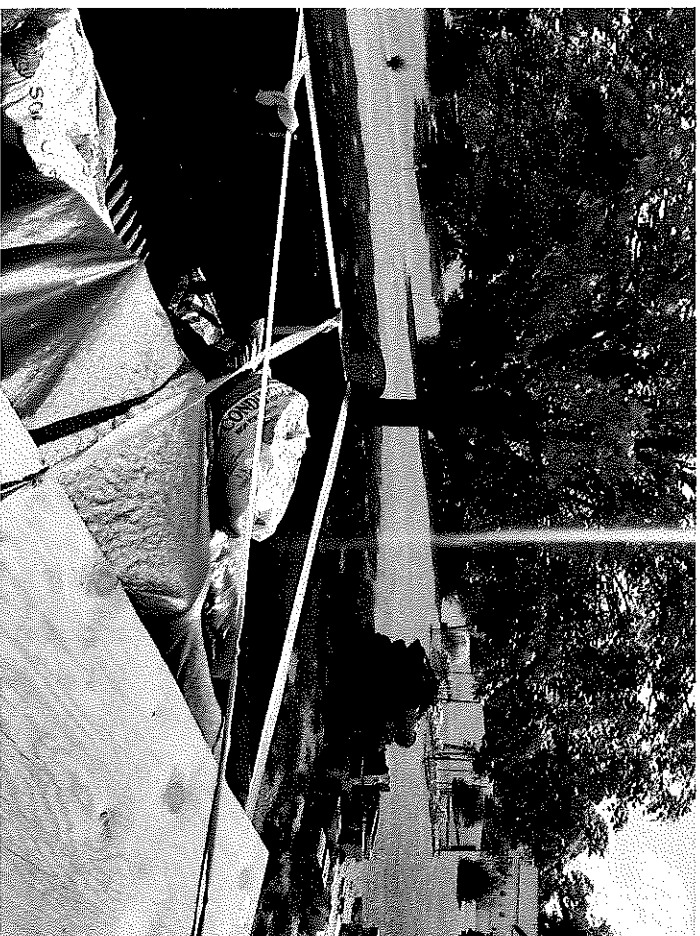
Aerial view



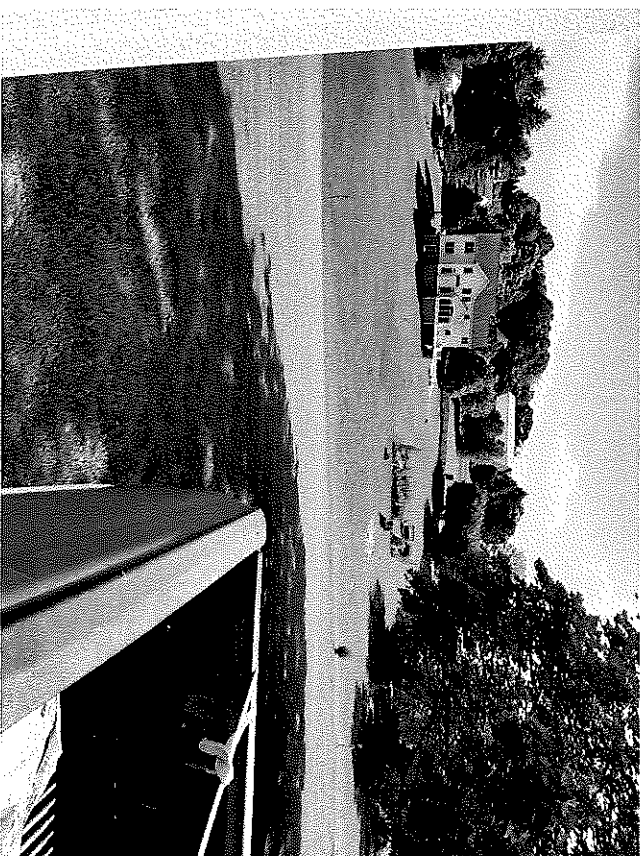
Looking Rt out garage



Looking Garage out where propose
Speed will be located.



Looking Lt out Garage



2023-0151-4



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 6 Ellens Choice Way, Parkton MD 21120 Currently Zoned RC4
Deed Reference 45755 / 00091 10 Digit Tax Account # 2 1 0 0 0 1 3 8 8 2
Owner(s) Printed Name(s) Jo Ann Wolfe, and William Wolfe

(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 permit and accessory building (garage) to be located in the side yard in lieu of the required rear yard placement.

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):

William Wolfe		Jo Ann Wolfe	
Name #1 – Type or Print	Name #2 – Type or Print		
<u>William Wolfe</u>	<u>Jo Ann Wolfe</u>		
Signature #1	Signature #2		
<u>6 Ellens Choice Way</u>	<u>Parkton</u>	<u>MD</u>	
Mailing Address	City	State	
<u>21120</u>	<u>410-967-9002</u>	<u>B. Wolfe</u>	<u>457mail-6</u>
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:

Michelle Clancy
Name - Type or Print _____
Signature _____
PO BOX 310 LISBON MD
Mailing Address _____ City _____ State _____
21765 / 443-610-7514 / MICHELLE@APPLIEDANDAPPROVED.COM
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 7/17/23 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 2023-0151-A Filing Date 7/17/23 Estimated Posting Date 7/30/23 Reviewer JS

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: 6 Ellens Choice Way Parkton MD 21120
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)

We are requesting a variance to the zoning requirement that prohibits placing a detached shed in the side yard of a family dwelling in the RC4 zoning. As you can see from an examination of the provided site plan, this residential lot is of a very peculiar shape due to the pipestem style access easement off of a cul-de-sac. That peculiar shape created a triangular building restriction line and dictated the placement of the dwelling and subsequent driveway at time of initial construction. We have proposed to position the modest shed off the side of the driveway in order to utilize the existing access to the shed from the driveway for wheeled lawn equipment. However, due to placement of the house/driveway, the most logical place for that positioning falls just in front of the rear plane of the house. If the shape of the lot would have allowed the shed to go further to the rear by only 20', it would have been considered in the rear. Strict application of the zoning requirements here would prevent this lot from enjoying a structure that other nearby neighbors can enjoy due to not having the odd shape. Forcing the location to move would require driveway extension, another requirement not required by other residents. We hope you agree this is the minimum needed for relief.

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

X Jo Ann Wolfe
Signature of Owner (Affiant)

Jo Ann Wolfe
Name - Print or Type

X William J Wolfe Jr
Signature of Owner (Affiant)

William Wolfe
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 5th day of July, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

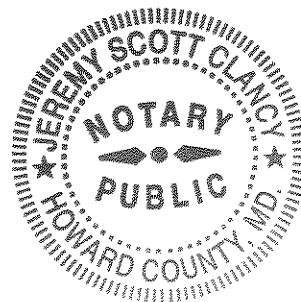
Print name(s) here: Jo Ann - William Wolfe Jr

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
12/27/2024

My Commission Expires



ZONING PROPERTY DESCRIPTION FOR
6 ELLENS CHOICE WAY, PARKTON MD 21120

Beginning at a point on the west side of Ellen's Choice Way which is 50 feet wide at the distance of 450 feet south of the centerline of the nearest improved intersecting street, Rayville Road which is 60 feet wide.

Being Lot #9, Section #2 in the subdivision of Ellen's Choice II as recorded in Baltimore County Plat Book #0060, Folio #0125, containing 1.46 acres. Located in the 6th Election District and 3rd Councilmanic District.

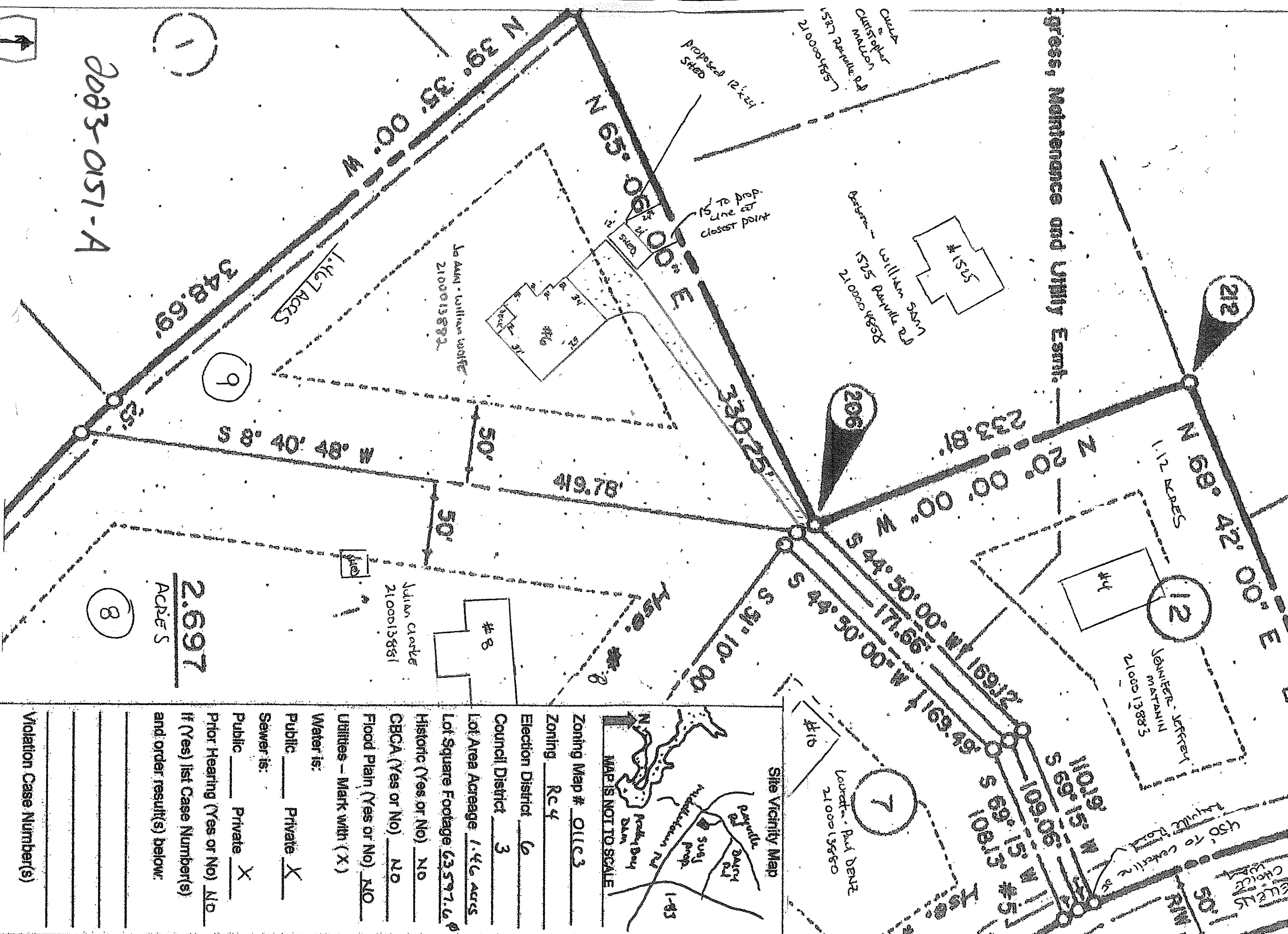
2023-0151-A

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)

Address 6 Ellens Choice way Parkton MD 21120 Owner(s) Name(s) Jo Ann & William Wolfe

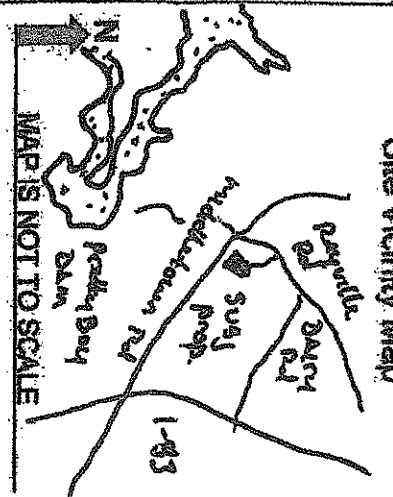
Subdivision Name Ellens Choice II Lot # 9 Block # — Section # 2

Plat Book # 0060 Folio # 0125 10 Digit Tax # 2100013883 Deed Reference # 45755100091



2003-051-A

2.697
ACRES



Site Vicinity Map

Zoning Map #	011C3
Zoning	Rc4
Election District	6
Council District	3
Lot Area Acreage	1.46 acres
Lot Square Footage	63,597.6
Historic (Yes or No)	NO
CBCA (Yes or No)	NO
Flood Plain (Yes or No)	NO
Utilities - Mark with (X)	
Water is:	
Public	Private <u>X</u>
Sewer is:	
Public	Private <u>X</u>
Prior Hearing (Yes or No)	NO
If (Yes) list Case Number(s) and order result(s) below:	

Violation Case Number(s)