



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 29, 2023

Lucas & Debra Gayk – lucasanddeb2014@gmail.com
301 Locust Drive
Catonsville, MD 21228

RE: Petition for Administrative Variance
Case No. 2023-0159-A
Property: 301 Locust Drive

Dear Mr. and Mrs. Gayk:

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, appearing to read "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
(301 Locust Drive)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
Lucas & Debra Gayk	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2023-0159-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, Lucas and Debra Gayk (“Petitioners”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) §§ 1B02.3.C.1 and 301.2 to permit an open projection (screen porch) in rear yard with side setbacks of 4 feet and 8 feet in lieu of the required 11.25 ft. and a sum of both sides at 12 ft. in lieu of 30 ft. and permit a rear setback of 14 ft. in lieu of the required 40 ft. The subject property and requested relief is 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. No adverse ZAC comments were received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 12, 2023 and August 26, 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 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.

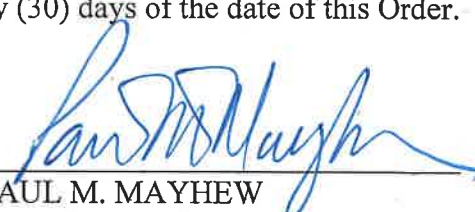
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 29th day of **August, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the BCZR §§ 1A01.3.B.2.3. and 301.1.A: To permit a side yard dwelling addition with a side setback of 26.25 ft. and a side yard open projection (porch) with a side setback of 20 ft. in lieu of the required 35 ft. and 26.5 ft., respectively, 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



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 301 Locust Drive Currently Zoned DR2
Deed Reference 41564 / 00293 10 Digit Tax Account # 0106001200
Owner(s) Printed Name(s) Lucas William Grayk and Debra Kay Grayk

(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)

1B02.3.C.1 and 301.2 To permit an open projection (screen porch) in rear yard with side setbacks of 4 ft and 8 ft in lieu of the required 11.25 ft and a sum of both sides at 12 ft in lieu 30 ft and permit a rear setback of 14 ft in lieu of the required 40 ft

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):

Lucas William Grayk / Debra Kay Grayk
Name #1 – Type or Print Name #2 – Type or Print

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

301 Locust Drive / Certonsville / MD
Mailing Address City State

21228 / 410-440-7639 / 410-227-3324 / lucasanddeb2014@gmail.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 2023-0159-A Filing Date 8/11/2023 Estimated Posting Date 8/13/2023 Reviewer CF

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: 301 Locust Drive Catonsville MD 21228
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)

Please see attached typed letter

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

Lucas Gayk
Signature of Owner (Affiant)

Debra Gayk
Signature of Owner (Affiant)

Lucas Gayk
Name - Print or Type

Debra Gayk
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 26 day of June, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

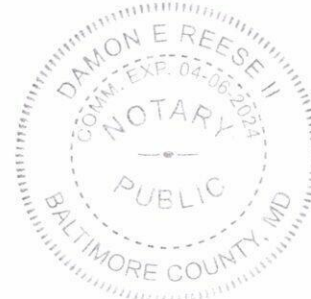
Print name(s) here: Lucas and Debra Gayk

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

04/06/2024
My Commission Expires



2023-0159-A

Debra and Lucas Gayk
301 Locust Drive,
Catonsville, MD 21228

June 26, 2023

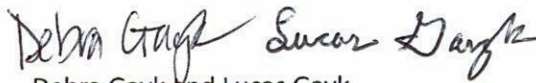
To Whom it May Concern,

We are requesting an administrative variance for 301 Locust Drive to seek relief from the D.R.2 side yard interior setback requirement specified in S1B01.2. The proposed setback reduction would allow us to replace our aging deck with a screened-in porch that would be in character with the surrounding homes along Locust Drive. We are requesting a reduction in the required side-yard to 4 ft for the screen porch on the southern-facing property side and 12 ft. for the deck and steps on the northern-facing side. The proposed screened-in footprint will cover an existing concrete slab immediately behind the house.

The homes on our street predate Baltimore county zoning rules and as such nearly all homes don't meet county setback requirements. Additionally, due to the triangular shape and narrowness of our lot, we are unable to replace the existing structure with a modern structure under current requirements, depriving us of rights and privileges currently enjoyed by our surrounding neighbors.

Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The granting of the variance would have no effect on any adjoining properties. This zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to us, not just a casual/discretionary inconvenience.

Sincerely,


Debra Gayk and Lucas Gayk

2023-0159-A

Property description

ZONING PROPERTY DESCRIPTION for 301 Locust Drive, Catonsville MD, 21228. Beginning at a point on the east side of Locust Drive which is 40 feet wide at the distance of +/-45 feet south of the centerline of the nearest improved intersecting street Gary Avenue which is 50 feet wide. Being Lot 148, as shown on the Plat of Forest Springs Park, as recorded in Baltimore County Plat Book WPC No. 7, folio 115 containing 6,635 square feet. Located in the 1st Election District and 1st Council District.

2023-0159-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: August 22, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0159-A
Address: 301 LOCUST DR
Legal Owner: Lucas & Debra Gayk

Zoning Advisory Committee Meeting of August 14, 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. 2023-0159-A
PETITIONER/DEVELOPER
Lucas & Debra Gayk

DATE OF HEARING/CLOSING
August 28, 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

301 Locust Drive Sign 1



THE SIGN(S) POSTED ON August 12, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE, MD 21234
443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2023-0159-A
PETITIONER/DEVELOPER
Lucas & Debra Gayk

DATE OF HEARING/CLOSING
August 28, 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

301 Locust Drive Sign 2



THE SIGN(S) POSTED ON August 12, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE
9912 MAIDBROOK RD.
PARKVILLE, MD 21234
443-629-3411

A handwritten signature in black ink, appearing to read 'Martin Ogle', written over a horizontal line.

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0159 -A Address 301 Locust Drive

Contact Person: Christine Frink Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-1-2023 Posting Date: 8-13-2023 Closing Date: 8-28-2023

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: 2023 - 0159 -A Address 301 Locust Drive

Petitioner's Name: Lucas Gayk & Debra Gayk Telephone (Cell) 410-440-7639

Posting Date: 8-13-2023 Closing Date: 8-28-2023

Wording for Sign: To Permit an open projection (screen porch) in rear yard with side setbacks of
4 ft and 8 ft in lieu of the required 11.25 ft and a sum of both sides at 12 ft in lieu 30 ft and permit a
rear setback of 14 ft in lieu of the required 40 ft

301 Locust Drive - Photos for Administrative Variance



Above photo: Northern side yard between 301 Locust Drive (right) and 119 Locust Drive looking at the property from Locust Drive



Above Photo: Northern Side yard between 301 Locust Drive and 119 Locust Drive looking at the property from the back yards.

2023-0159-A



Above Photo: Backyard where the proposed screened in porch would replace existing deck and extend the length of the downstairs patio. The stairway to the right would also be include a small areaway.



Above Photo: The southern side-lot between 301 Locust Drive and 303 Locust Drive looking towards Locust from the back yard.. The proposed deck would extend the length of the concrete patio seen in the picture.

2023-0159-A



Above Photo: Another view of the southern side-lot between 301 Locust Dr (left) and 303 Locust Drive (right).

2023-0159-A



Above Photo: A final look at the back of 301 Locust Drive. The proposed screened-in porch would be extended the length of the concrete patio.

2023-0159-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 - 01 Account Number - 0106001200

Owner Information

Owner Name:

GAYK LUCAS W

Use:

RESIDENTIAL

Mailing Address:

GAYK DEBRA K
301 LOCUST DR
BALTIMORE MD 21228

Principal Residence: YES

Deed Reference: /41564/ 00293

Location & Structure Information

Premises Address:

301 LOCUST DR
BALTIMORE 21228-

Legal Description:

PT LT 148
SE COR GARY AV
FOREST SPRING PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0101 0013 1204 1070131.04 0000 148 2022 Plat Ref: 0007/ 0115

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1947 1,980 SF 780 SF 12,960 SF 04

StoriesBasementType

ExteriorQualityFull/Half BathGarageLast Notice of Major Improvements

2 YES STANDARD UNITSIDING/4 2 full/ 2 half

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	123,200	123,200		
Improvements	269,500	351,000		
Total:	392,700	474,200	419,867	447,033
Preferential Land:	0	0		

Transfer Information

Seller: TULLY JAMES F 3RD	Date: 06/24/2019	Price: \$492,500
Type: ARMS LENGTH IMPROVED	Deed1: /41564/ 00293	Deed2:
Seller: TULLY JAMES F,3RD	Date: 09/17/1991	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /08914/ 00823	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 01/03/2020

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0159-A

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

No. 221168

Date: 8-1-2023

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					75.00
Total:									75.00

Rec

From: 301 LOCUST DR

For:

2023-0159-A

DR 2

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

23 - ~~0609~~
0609

DEBRA K GAYK
OR LUCAS W GAYK
301 LOCUST DR
CATONSVILLE, MD 21228-5131

3698

30-7426/3140

June 26, 2023

Date

Pay to the Order of Baltimore County \$ 75⁰⁰/100
Seventy five and 00/100 Dollars



USAA FEDERAL SAVINGS BANK
10750 McDERMOTT FWY
SAN ANTONIO, TEXAS 78288-0544
(210) 456-8000 1-800-832-3724

For Variance Application Fee

Lucas Gayk

MP

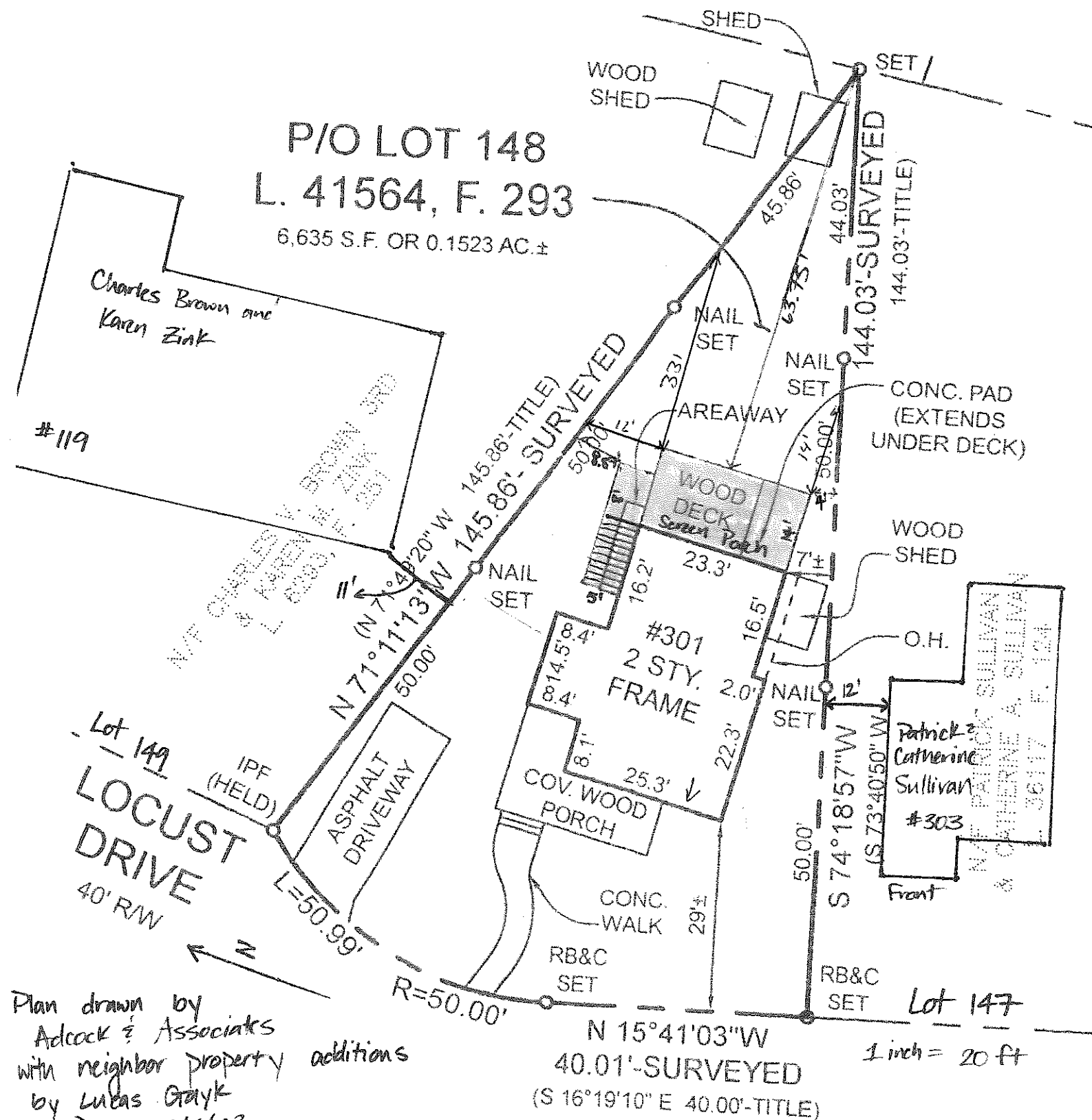
⑆314074269⑆

TRANSIT ROUTING NUMBER

⑆195758382⑆ 3698

ACCOUNT NUMBER

Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
 Address 301 Locust Drive Owners(s) Name(s) Debra and Lucas Gayk
 Subdivision Name N/A Lot # 148 Block # N/A Section # N/A
 Plat Book # 7 Folio # 115 10 Digit Tax # 0106001200 Deed Reference# 41564100293



N

Plan Draw

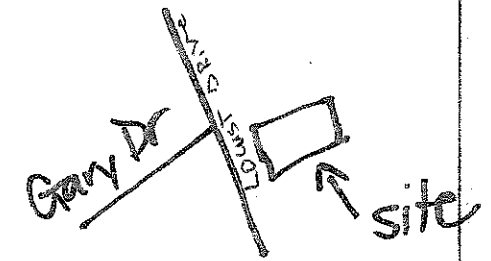
Plan drawn by
 Adcock & Associates
 with neighbor property additions
 by Lucas Gayk
 Date: 7/5/23

LOCUST DRIVE

1 inch = 20 ft

Feet

Site Vicinity Map

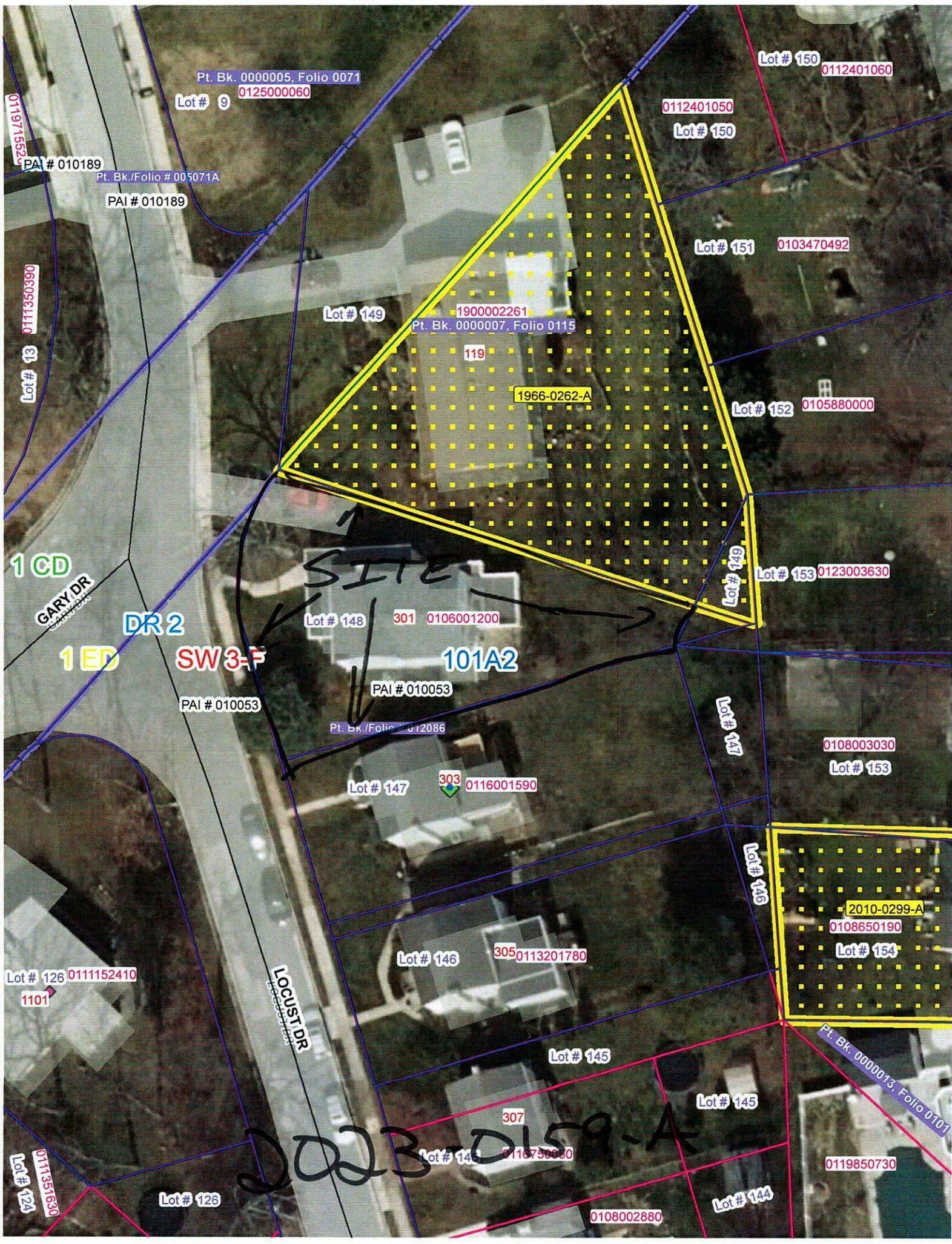


MAP IS NOT TO SCALE

Zoning Map # 101A2
 Zoning DR 2
 Election District 1st
 Council District 1st
 Lot Area Acreage _____
 Lot Square Footage 12,960
 Historic (Yes or No) No
 CBCA (Yes or No) No
 Flood Plain (Yes or No) No
 Utilities — Mark with (X)
 Water is:
 Public X Private _____
 Sewer is:
 Public X Private _____
 Prior Hearing (Yes or No) No
 If (Yes) list Case Number(s)
 and order result(s) below:

Violation Case Number(s)

2023-0159-A



Pt. Bk. 0000005, Folio 0071

Lot # 9

0125000060

PAI # 010189

Pt. Bk./Folio # 005071A

PAI # 010189

Lot # 150

0112401060

0112401050

Lot # 150

Lot # 151

0103470492

Lot # 149

1900002261

Pt. Bk. 0000007, Folio 0115

119

1966-0262-A

Lot # 152

0105880000

Lot # 153

0123003630

Lot # 148

301

0106001200

101A2

PAI # 010053

PAI # 010053

Pt. Bk./Folio # 012086

Lot # 147

303

0116001590

Lot # 147

0108003030

Lot # 153

Lot # 146

2010-0299-A

0108650190

Lot # 154

Lot # 146

305

0113201780

Lot # 145

Lot # 145

307

Lot # 145

0116750080

0119850730

0108002880

Lot # 144

Lot # 126

202B-0159-A

1 CD

GARY DR

DR 2

1 ED

SW 3-F

LOCUST DR

Lot # 126

0111152410

1101

Lot # 124

011351630