



JOHN A. OLSZEWSKI, JR.
County Executive

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

October 16, 2023

David and Yvona St. Jean – dbstjean@gmail.com
524 Cockeys Mill Road
Reisterstown, MD 21136

RE: Petition for Administrative Variance
Case No. 2023-0189-A
Property: 524 Cockeys Mill 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 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

c: Erin McMahan – emcmahan@solarsaves.net

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(524 Cockeys Mill Road)		
4 th Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
	*	HEARINGS FOR
David & Yvona St. Jean		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2022-0189-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, David and Yvona St. Jean (“Petitioners”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) § 400.1, to approve an accessory structure (solar panels) in front and side yard in lieu of the required rear yard only. 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. A ZAC comment was received from the Bureau of Development Plans Review (“DPR”) dated October 2, 2023, indicating the following:

“Landscape: If Zoning Relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. Cockeys Mill Rd is a Scenic route.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 24, 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 16th day of **October, 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 approve an accessory structure (solar panels) in front and side yard in lieu of the required rear yard only, 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 must comply with the DPR ZAC comment, dated October 2, 2023; a copy of which is attached hereto and made a part hereof.

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 524 Cockeys Mill Rd., Reisterstown, MD 21136

Deed Reference 40223 / 00101

Currently Zoned DR4

10 Digit Tax Account # 0 4 0 2 0 2 1 3 2 7

Owner(s) Printed Name(s) David St. Jean & Yvona St. Jean

(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) 400.1

SEE ATTACHED

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):

David St. Jean

Yvona St. Jean

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

524 Cockeys Mill Rd.

Reisterstown

MD

Mailing Address

City

State

21136

443-591-1966

dbstjean@gmail.com

Zip Code

Telephone #'s (Cell and Home)

Email Address

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

n/a

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be Contacted:

Erin McMahan

Name - Type or Print

Signature

1514 Jabez Run, Suite 103 Millersville MD

Mailing Address

City

State

21108

410-923-6090

emcmahan@solarsaves.net

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded/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 regulations of Baltimore County.

Case Number

2023-0189-A

Filing

9/12/23

Administrative Law Judge for Baltimore County

Estimated Posting Date

9/24/23

Reviewer SC

Revised 8/2022

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0189 -A Address 542 Cockeys Mill Road
Contact Person: SHAWN CRAWFORD Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/15/23 Posting Date: 9/24/23 Closing Date: 10/10/23

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 - 0189 -A Address 524 COCKEYS MILL RD
Petitioner's Name: _____ Telephone (Cell) _____
Posting Date: 9/24/23 Closing Date: 10/10/23
Wording for Sign: To Permit _____

_____ an accessory structure (solar panels) in front and side yard
in lieu of the required rear yard only

Attachment Variance

BCZR 400.1 to approve an accessory structure (solar panels) in front and side yard in lieu of the required rear yard only

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: <u>524 Cockeys Mill Rd.</u>	<u>Reisterstown</u>	<u>MD</u>	<u>21136</u>
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)**

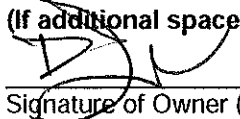
Baltimore County Code Section 400.1 states that an accessory structure, in this case a ground-mount solar array, shall be located only in the rear yard. We are requesting a variance for placement in the side/front yard of the property.

- A ground-mount solar array is necessary, since the house does not have good south facing roof to use for a roof-mount system.

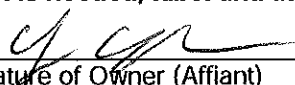
- There are only two locations on the property that are sufficiently close to the house to affordably accomodate the wire run for a ground-mount system: the rear yard and the eastern side/front yard.

- The rear yard location contains the septic reserve area, which is not feasible for the solar array, leaving us with only the side/front yard as an option.

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


Signature of Owner (Affiant)

DAVID ST JEAN
Name - Print or Type


Signature of Owner (Affiant)

YVONA ST. JEAN
Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

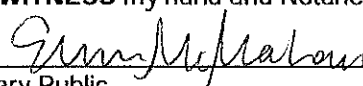
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of August, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

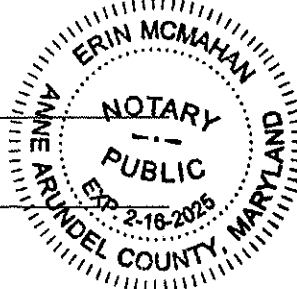
Print name(s) here: David St. Jean & Yvona St. Jean

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

AS WITNESS my hand and Notaries Seal


Notary Public

2-10-25
My Commission Expires



Property Description

5721 Station Road

Beginning at North side of Cockeys Mill Road, which is about 20 +/- feet in width,
at a distance of 5,693+/- feet East of Ivy Hill Road.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/24/2023

Case Number: 2023-0189-A

Petitioner / Developer: DAVID ST. JEAN

Date of Closing: OCTOBER 10, 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:
524 COCKEYSMILL ROAD

The sign(s) were posted on: SEPTEMBER 24, 2023

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2023-0189-A

TO PERMIT AN ACCESSORY STRUCTURE (SOLAR PANELS) IN FRONT AND SIDE YARD IN LIEU OF THE REQUIRED REAR YARD ONLY.
524 COCKEYSMILL ROAD

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 THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 4:30 P.M. ON MONDAY, OCTOBER 10, 2023

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

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

No. 222608

Date: 9/15/23

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75

Total: \$75

Rec From: Solar Energy Services

For: Variance

524 Cockeys Mill

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

SC

SOLAR ENERGY SERVICES, INC
 1514 JABEZ RUN #103
 MILLERSVILLE, MARYLAND 21108

4614

PAY TO THE ORDER OF Baltimore County
 Seventy-five & ⁰⁰/₁₀₀

DATE 8.24.23

7-11/520

\$ 75.00

DOLLARS

M&T Bank

FOR St. Jean Variance, 524 Cockeys Mill Rd.

[Signature]



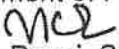
⑈004614⑈ ⑈052000113⑈

9848846474⑈

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 October 2, 2023
Item No. 2023-0189-A

DATE: October 2, 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. Cockeys Mill Rd is a Scenic route.

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: September 28, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0189-A
Address: 524 COCKEYS MILL RD.
Legal Owner: David & Yvona St. Jean

Zoning Advisory Committee Meeting of October 2, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 0402021327

Owner Information

Owner Name: ST JEAN DAVID B Use: RESIDENTIAL
ST JEAN YVONA P Principal Residence: YES
Mailing Address: 524 COCKEYSMILL RD Deed Reference: /40223/ 00101
REISTERSTOWN MD 21136

Location & Structure Information

Premises Address: 524 COCKEYS MILL RD Legal Description: 4.9627 AC
REISTERSTOWN 21136- COCKEYSMILL RD
500 E FRANKLIN VALY CIR

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0048 0008 0300 4020020.04 0000 2022 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1963	2,132 SF		4.9600 AC	04

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

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2022	07/01/2023	07/01/2024
Land:	136,100	136,100		
Improvements	132,900	246,300		
Total:	269,000	382,400	344,600	382,400
Preferential Land:	0	0		

Transfer Information

Seller: SMITH GARRY L	Date: 05/07/2018	Price: \$280,000
Type: ARMS LENGTH IMPROVED	Deed1: /40223/ 00101	Deed2:
Seller: SMITH DORA LYNN	Date: 10/12/1994	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /10788/ 00329	Deed2:
Seller: BERTSCH CHARLES P	Date: 08/12/1988	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07941/ 00543	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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 07/23/2018

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

9/24/10-9

2023-089-4

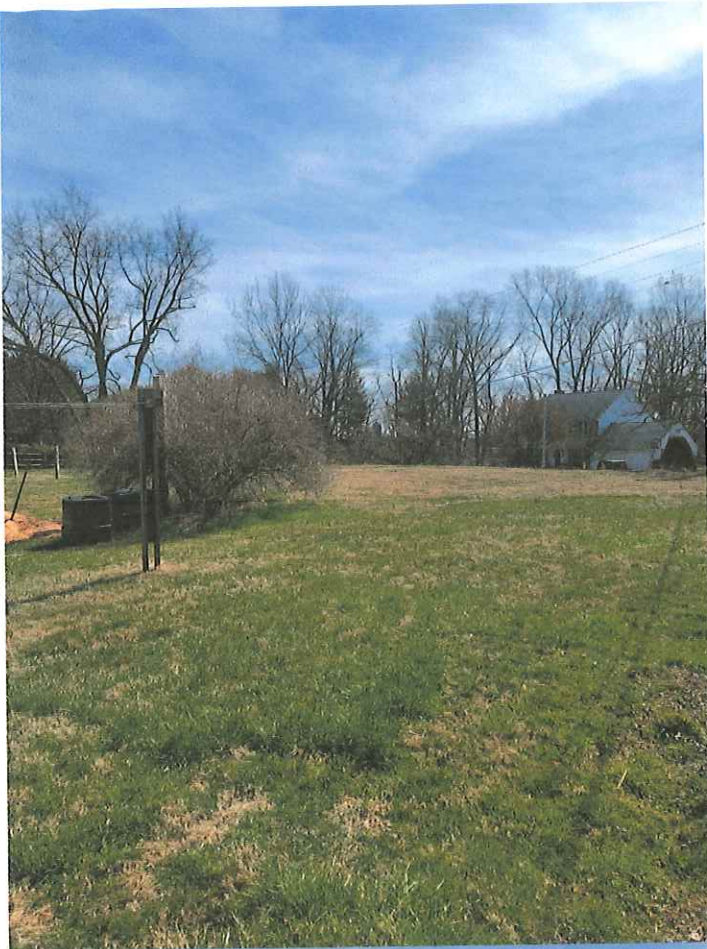


Background Photo 1st Sign @ 524 Cockeysmill Rd. ~ 9/24/2023



Background Photo 2nd Sign @ 524 Cockeysmill Rd. ~ 9/24/2023

CASE # 2023-0189-A



St. Jean, David
524 Cockeys Mill Rd • Reisterstown, Maryland 21136

Tue, Mar 21 01:17 pm
by SES Operations



St. Jean, David
524 Cockeys Mill Rd • Reisterstown, Maryland 21136

Tue, Mar 21 01:17 pm
by SES Operations

2023-0189-Δ



St. Jean, David
524 Cockeys Mill Rd • Reisterstown,
Maryland 21136

Tue, Mar 21 01:17 pm
by SES Operations



St. Jean, David
524 Cockeys Mill Rd • Reisterstown,
Maryland 21136

Tue, Mar 21 01:17 pm
by SES Operations

2023-0185-A



St. Jean, David
**524 Cockeys Mill Rd • Reisterstown,
Maryland 21136**

*Tue, Mar 21 01:17 pm
by SES Operations*



St. Jean, David
**524 Cockeys Mill Rd • Reisterstown,
Maryland 21136**

*Tue, Mar 21 01:17 pm
by SES Operations*

2023-0189-A



St. Jean, David
**524 Cockeys Mill Rd • Reisterstown,
Maryland 21136**

*Tue, Mar 21 01:18 pm
by SES Operations*



St. Jean, David
**524 Cockeys Mill Rd • Reisterstown,
Maryland 21136**

*Tue, Mar 21 01:18 pm
by SES Operations*

2023-0189-A



St. Jean, David
524 Cockeys Mill Rd • Reisterstown,
Maryland 21136

Tue, Mar 21 01:19 pm
by SES Operations



St. Jean, David
524 Cockeys Mill Rd • Reisterstown,
Maryland 21136

Tue, Mar 21 01:20 pm
by SES Operations

2023-0189-A



St. Jean, David
524 Cockeys Mill Rd • Reisterstown,
Maryland 21136

Tue, Mar 21 01:20 pm
by SES Operations



St. Jean, David
524 Cockeys Mill Rd • Reisterstown,
Maryland 21136

Tue, Mar 21 01:20 pm
by SES Operations

2023-0189-A



St. Jean, David
**524 Cockeys Mill Rd • Reisterstown,
Maryland 21136**

*Tue, Mar 21 01:31 pm
by SES Operations*



St. Jean, David
**524 Cockeys Mill Rd • Reisterstown,
Maryland 21136**

*Tue, Mar 21 01:34 pm
by SES Operations*



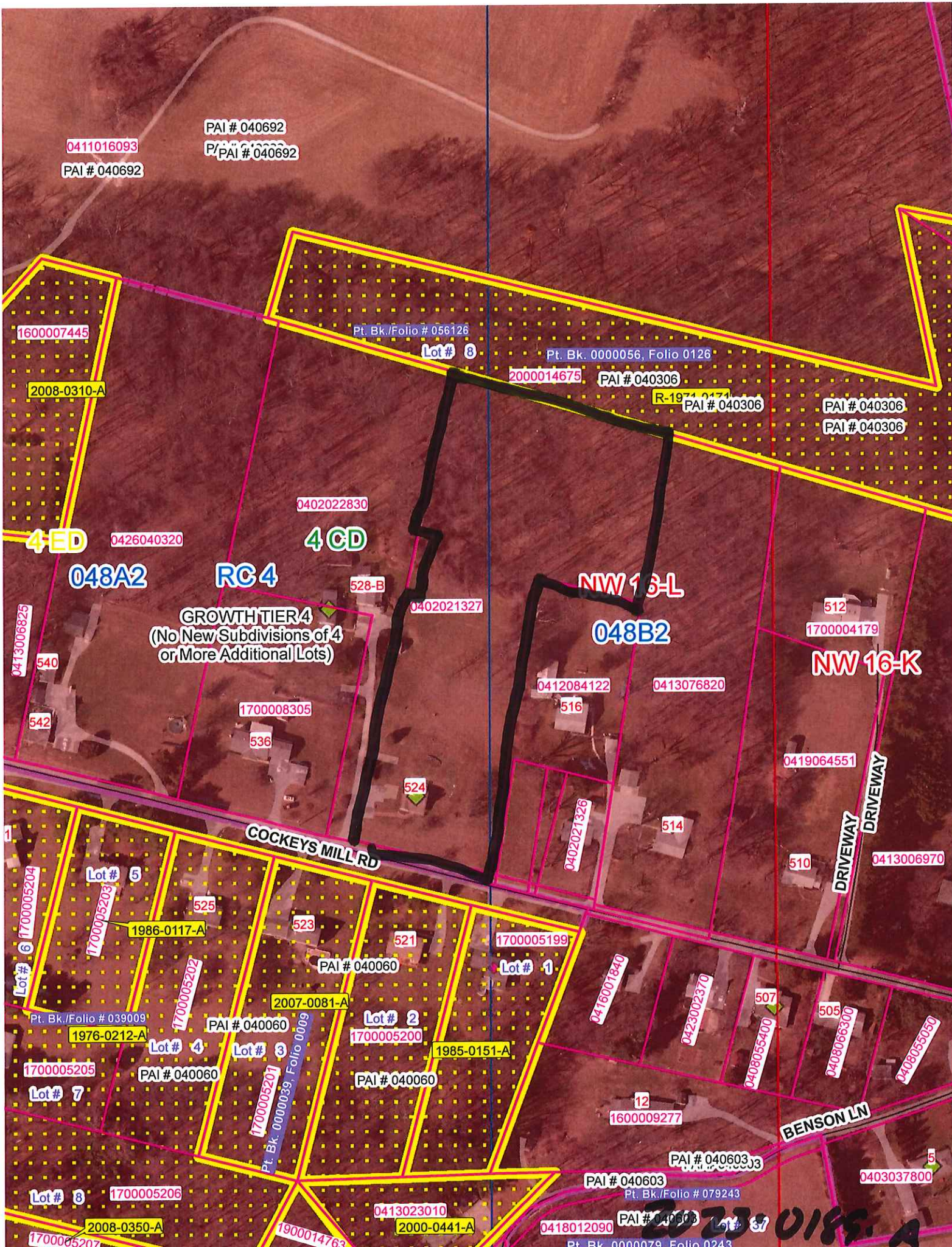
St. Jean, David
524 Cockeys Mill Rd • Reisterstown, Maryland 21136

*Tue, Mar 21 01:34 pm
by SES Operations*



St. Jean, David
524 Cockeys Mill Rd • Reisterstown, Maryland 21136

*Tue, Mar 21 01:39 pm
by SES Operations*



0411016093
PAI # 040692

PAI # 040692
P/PAI # 040692

1600007445

2008-0310-A

Pt. Bk./Folio # 056126
Lot # 8

Pt. Bk. 0000056, Folio 0126

2000014675 PAI # 040306

R-1971-0171 PAI # 040306

PAI # 040306
PAI # 040306

0402022830

4 ED

0426040320

048A2

RC 4

4 CD

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

528-B

0402021327

NW 16-L

048B2

512
1700004179

NW 16-K

0412084122

0413076820

516

0419064551

DRIVEWAY
DRIVEWAY

0413006970

COCKEYS MILL RD

Lot # 5

1700005203

1986-0117-A

525

523

PAI # 040060

2007-0081-A

PAI # 040060

1976-0212-A

PAI # 040060

Lot # 4

Lot # 3

Lot # 2

1700005200

PAI # 040060

1985-0151-A

1700005199

Lot # 1

0416001840

0423002370

507

0408055400

0408063300

0408055050

12
1600009277

PAI # 040603

PAI # 040603

Pt. Bk./Folio # 079243

PAI # 040603

0418012090

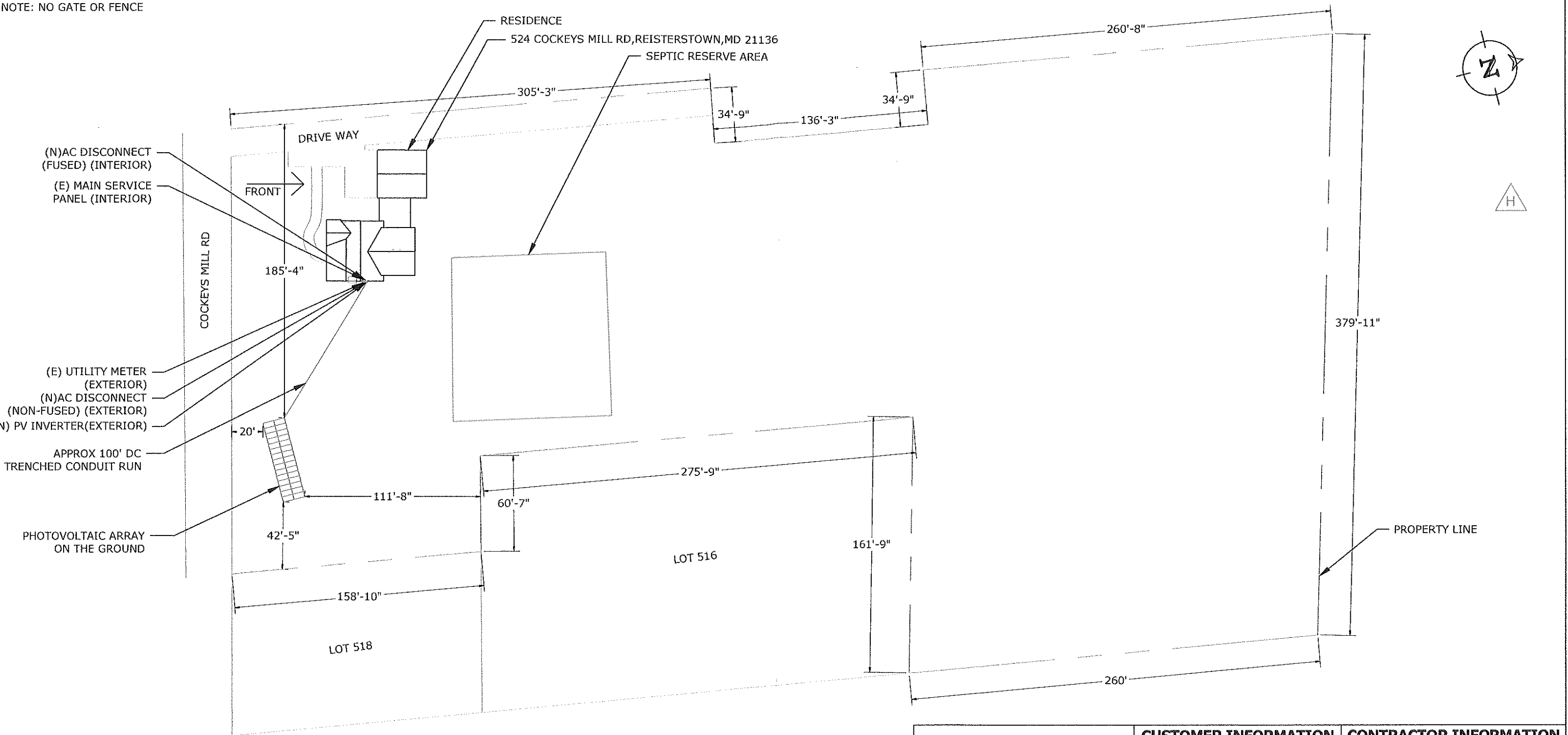
Pt. Bk. 0000079, Folio 0243

0403037800

2023-0185-A

DAVID ST. JEAN - 13.500kW DC, 10.000kW AC

NOTE: NO GATE OR FENCE



GENERAL SITE DATA:
MAP :0048
GRID :0008
PARCEL :0300
TAX :0402021327
DEED REFERENCE :40223/00101
ZONING MAP :048A2
SCALE:1"=60'-0"

CUSTOMER INFORMATION		CONTRACTOR INFORMATION	
NAME: DAVID ST. JEAN ADDRESS: 524 COCKEYS MILL RD, REISTERSTOWN, MD 21136 39.466191, -76.850929 APN: 040-402-021-327 UTILITY: BGE AHJ: MD - COUNTY BALTIMORE		 LICENSE NO: MHIC 126915	
DRAWING INFORMATION			
PRN NUMBER: SES-74432 REV: H DRAFTED BY: WILSON R QC'ED BY: HARISH.S SCALE: AS NOTED PAPER SIZE: 17"X11"			
		SITE PLAN DATE: 08/17/2023 SHEET: E-01	