



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 2, 2023

Jeffrey S. Ryan and Karen S. Ryan – jryan@massmutualbrokerage.com
9 Harnel Court
Baldwin, MD 21013

RE: Petition for Variance
Case No. 2023-0212-A
Property: 9 Harnel Court

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 dark ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Sara Schweizer – sbschweiz@icloud.com

**IN RE: PETITION FOR VARIANCE
(9 Harnel Court)**

10th Election District
3rd Council District
Jeffrey and Karen Ryan
Legal Owners

Petitioners

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS OF

*

BALTIMORE COUNTY

*

CASE NO. 2023-0212-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Jeffrey and Karen Ryan (“Petitioners”) for property located at 9 Harnel Court, Baldwin (“Property”). Petitioners filed for Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §400.3 to permit an accessory building (detached garage, office) with a height of 24 ft., in lieu of the required maximum of 15 ft.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners appeared at the hearing, in support of the Petition along with Bruce E. Doak, licensed property line surveyor with Bruce E. Doak Consulting, LLC who prepared and sealed a site plan (the “Site Plan”). (Pet. Ex. 1). Sarah Schweizer, registered architect, also appeared in support of the Petition. There were no Protestants or interested citizens who attended.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), the Department of Environmental Protection and Sustainability (“DEPS”) and Development Plans Review (“DPR”), which agencies did not oppose the requested relief.

The Property is 1.0 acres +/- and is irregularly shaped as shown on the Site Plan. The Property is improved with a 2-story, 2,464 sf single family dwelling constructed in 1981. The

home was constructed towards the northern end of the Property due to the location of the well and septic system on the southern end. As a result, unlike the other adjoining homes, there is limited space between the home and the northern boundary line. An aerial photograph reflects the position of the home and the driveway location, in comparison to the adjoining homes. The Property is zoned Rural Residential (RC 5). (Pet. Ex. 2).

Street view photographs reflect the extent of the improvements on the Property. (Pet. Exs. 4A-4I). On photograph 4G, Petitioners have staked the proposed garage. (Pet. Ex. 4G). A 10 ft. drainage and utility easement is shown on the Site Plan. (Pet. Ex. 1). During the hearing, Petitioners made clear that the garage will be attached to the home by a breezeway and will not be detached. As a result, it became apparent that a height Variance was no longer needed. Toward that end, Mr. Doak verbally amended the Petition to request a side yard setback of 34 ft., and a rear yard setback of 27 ft., in lieu of 50 ft. as required in the RC5 zone. Both of these measurements are already shown on the Site Plan. (Pet. Ex. 1). The attached garage cannot be located on the southern end of the Property due to the well and septic, and cannot be located on the northern end due to the driveway. Ms. Schweizer opined that the proposed breezeway will be less than 20 ft. The garage will have one (1) overhead door. Architectural renderings and a floor plan were provided. (Pet. Exs. 5A, 5B).

While part of the attached garage may be used by the Petitioner(s) as a home-office space, Petitioners testified that they are not using the attached garage to meet clients, customers or employees for any commercial purpose involving in-person interactions. To the extent that part of the attached garage may be used as office space, such use would be no different than a home office space in another room within the home. Petitioners provided emails of support from property owners who would be most closely affected by the Variance relief. (Pet. Ex. 6).

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The Property is unique due to its irregular shape and location of the home disproportionately closer to the northern boundary line. This odd position of the home was driven by the location of well and septic. Each of these unique features individually, and in combination with one another, leaves a limited area in the rear and side yard with reduced setbacks, where the addition/garage can attach to the home. The garage is not located in any part of the drainage and utility easement. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed side yard and rear yard setbacks were not granted because they would not be able to construct the attached garage which is needed to add living space and to park vehicles. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED, this 2nd day of **January, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from BCZR, §1A04.3.B.2.b to permit an attached addition/garage, with a side yard setback of 34 ft., and a rear yard setback of 27 ft., in lieu of the required maximum of 50 ft., be, and they are each hereby, **GRANTED**.

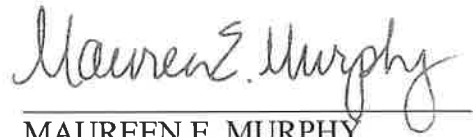
The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order

is reversed, Petitioners would be required to return the subject property to its original condition.

2. The attached garage/office shall not be used for commercial or industrial purposes.
3. Petitioners, and all subsequent owners, shall comply with the DOP ZAC comments, a copy of which are attached hereto and incorporated herein.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

A handwritten signature in cursive script that reads "Maureen E. Murphy". The signature is written in dark ink and is positioned above a horizontal line.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm

mic 3-0918



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 9 HARNEL COURT which is presently zoned RCS
Deed References: 38287/100 10 Digit Tax Account # 1600013095
Property Owner(s) Printed Name(s) JEFFREY S. RYAN & KAREN S. RYAN

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

JEFFREY S. RYAN & KAREN S. RYAN
Name #1 - Type or Print Name #2 - Type or Print
☒ [Signature] ☒ Karen S. Ryan
Signature #1 Signature #2
9 HARNEL COURT BALOWIN MD
Mailing Address City State
21013 ☒ 413-636-1495 KASRYAN@MAC.COM
Zip Code Telephone # Email Address

Representative to be contacted:

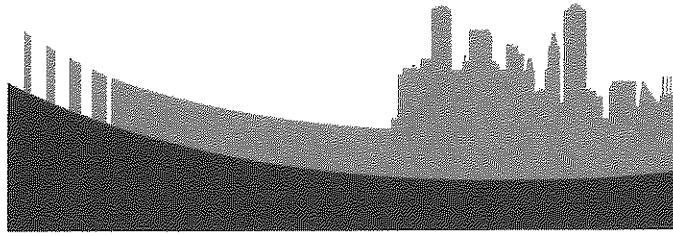
BRUCE E. DOAK
BRUCE E. DOAK CONSULTING, LLC
Name - Type or Print
[Signature]
Signature
3801 BAKER SCHOOLHOUSE ROAD FREELAND MD
Mailing Address City State
21053 410-919-4906
Zip Code Telephone # Email Address

CASE NUMBER 2008-0212-A Filing Date 10/16/2008 Do Not Schedule Dates: _____ Reviewer [Signature]

Zoning Hearing Petitions Being Requested

Variance to permit an accessory structure (garage office) with a height of 24 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR

2023-0212-A



Zoning Description

9 Harnel Court

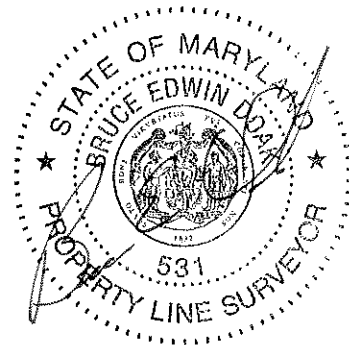
**Tenth Election District Third Councilmanic District
Baltimore County, Maryland**

Beginning at a point on the ^{South}side of the Harnel Court cal-de-sac, 595 feet, more or less, westerly of the centerline of Quinn Lane,

Being Lot #24 as shown on the plat entitled "Quinn Subdivision Section 4" dated May 17, 1972 and recorded in the land records of Baltimore County in Plat Book 35, page 84.

Containing 1.000 acre of land, more or less.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.



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

2023-0212-A

**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 fifteen (15) 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: 2023-0212-A
Property Address: 9 HARNEL COURT
Property Description: LOT #29 "QUINN SUBDIVISION SECTION 4" PB 35/84
Legal Owners (Petitioners): JEFFREY S. RYAN & KAREN S. RYAN
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: BRUCE E. DOAK
Company/Firm (if applicable): BRUCE E. DOAK CONSULTING LLC
Address: 3801 BAKER SCHOOLHOUSE ROAD
FREELAND MD 21053
Telephone Number: 410-419-4906

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

No. 226681

Date: 10/16/2020

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

Total: \$ 75.00

Rec
From:

Bruce Doak Consulting

For:

Residential Zoning Variance
 9 Harbor Court

Zoning Case # 2023-0212-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

MMK

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/3/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0212-A

INFORMATION:

Property Address: 9 Harnel Court
Petitioner: Jeffery S. and Karen S. Ryan
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance - To permit an accessory structure (garage office) with a height of 24 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR

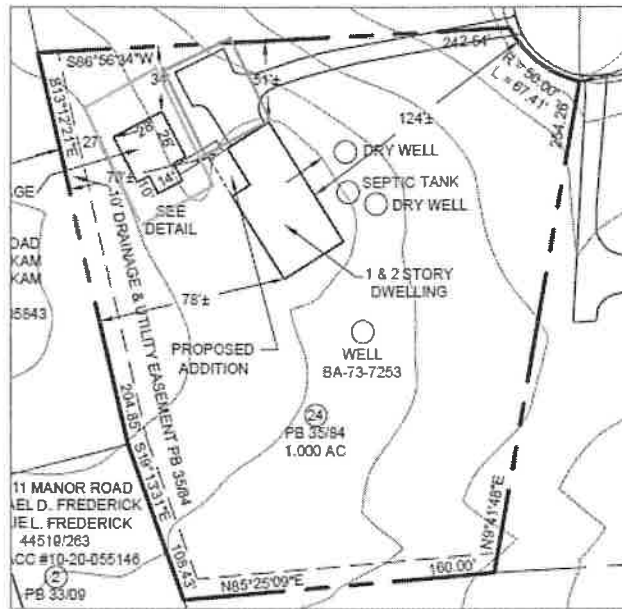
The property is a two-story cul-de-sac house located on Harnel Court in the Baldwin area of Baltimore County. The property encompasses approximately 2.2 acres of land and is zoned as RC 5. Currently, it is improved with a residential dwelling. Residential dwellings, farms and forest conservation characterize the surrounding area.

The establishment of the RC 5 zoning classification was a direct response to concerns surrounding inefficient and disorderly rural-residential development, as well as the inadequate sizing of lots for on-lot sewer and water systems. These issues have the potential to impose significant financial burdens and compromise the safety and well-being of local residents. The primary objective of designating specific areas suitable for rural-residential development is to channel future growth towards these designated regions and prevent chaotic and unplanned development patterns. The RC 5 zoning classification effectively serves this purpose by providing appropriate areas for rural-residential development, minimizing encroachments on natural resources, and enforcing minimum lot sizes to ensure the effective functioning of on-lot sewer and water systems.

The applicant believes the variance request is unique for the following reasons:

- The applicant has noted, per the submitted plan, that the presence of wells and septic tanks on the east side of the principal building renders the site unsuitable for the proposed project.
- To avoid infringing upon the 10-foot drainage and utility easement west of the principal structure, as well as adhering to the property line to the north and setback restrictions, the applicant believes that the location currently proposed remains the sole viable alternative.
- The property owners plan to utilize the prospective structure for storage, essentially as an attic, and as a garage, which explains the request for increased height.

The applicant aims to file for a permit to raze the existing garage at the end of driveway (indicated in green), replacing it with a family room and mudroom. This necessitates the construction of a new garage at the suggested site (marked in brown). Additionally, an office is required to accommodate the work-from-home needs of both property owners.



The requested relief does not appear to pose any risks to the character of the RC 5 zoning classification. Therefore, the Department of Planning does not object to the requested relief and defers the final decision to the Administrative Law Judge.

It should be noted that the applicant must ensure the proposed development complies with the established residential performance standards specified for the RC 5 zone listed in Section 1A04.4 of the BCZR and that the proposed development may not be used for commercial purposes or converted to a dwelling unit.

For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:

Krystle Patchak

SL/JGN/KP

Division Chief:

Jenifer G. Nugent

c: Bruce E. Doak, Bruce E. Doak Consulting LLC
 Joe Wiley & Abigail Rogers, Community Planners
 Jeff Perlow, Zoning Review
 Kristen Lewis, Zoning Review
 Office of Administrative Hearings
 People's Counsel for Baltimore County

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: November 2, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0212-A
Address: 9 Harnel Ct.
Legal Owner: Jeffrey & Karen Ryan

Zoning Advisory Committee Meeting of November 6, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 11/3/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
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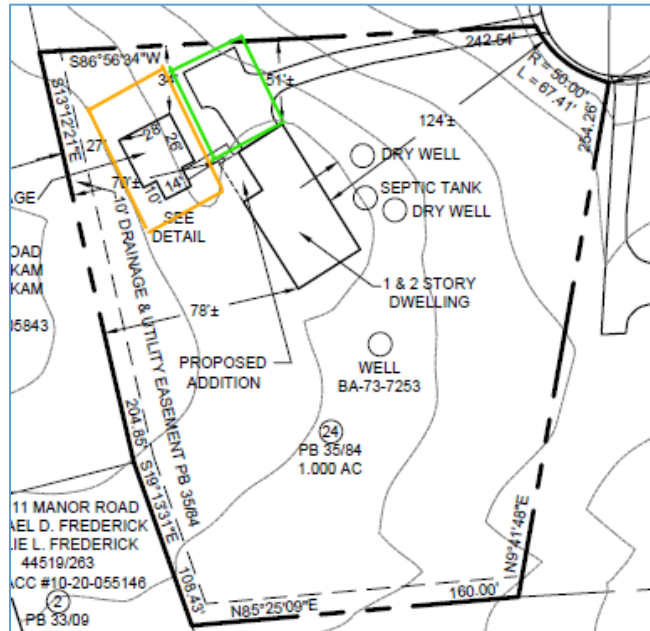
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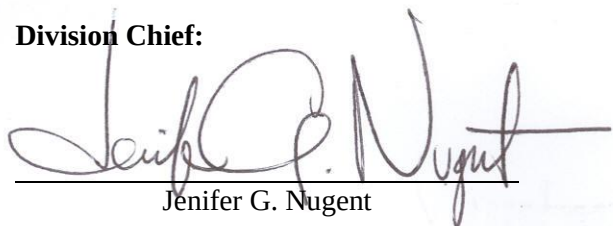
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:


 Krystle Patchak

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Division Chief:


 Jenifer G. Nugent

c: Bruce E. Doak, Bruce E. Doak Consulting LLC
 Joe Wiley & Abigail Rogers, Community Planners
 Jeff Perlow, Zoning Review
 Kristen Lewis, Zoning Review
 Office of Administrative Hearings
 People's Counsel for Baltimore County

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 1600013095

Owner Information

Owner Name: RYAN JEFFREY S Use: RESIDENTIAL
RYAN KAREN S Principal Residence: YES
Mailing Address: 9 HARNEL CT Deed Reference: /38287/ 00400
BALDWIN MD 21013-9616

Location & Structure Information

Premises Address: 9 HARNEL CT Legal Description: 9 HARNEL CT
BALDWIN 21013-9616 QUINN

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0044 0002 0022 10030036.04 0000 4 B 24 2023 Plat Ref: 0035/ 0084

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1981 2,464 SF 896 SF 1.0000 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	Phase-In Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	171,000	225,000		
Improvements	320,700	334,800		
Total:	491,700	559,800	514,400	537,100
Preferential Land:	0	0		

Transfer Information

Seller: SAUER MICHAEL B	Date: 11/18/2016	Price: \$405,000
Type: ARMS LENGTH IMPROVED	Deed1: /38287/ 00400	Deed2:
Seller: SAUER MICHAEL B	Date: 11/25/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19216/ 00532	Deed2:
Seller: KIM DOO HI	Date: 09/28/1995	Price: \$207,000
Type: ARMS LENGTH IMPROVED	Deed1: /11234/ 00612	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 08/23/2017

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0212-A

GENERAL INFORMATION

1.

Ownership: Jeffreys S. Ryan & Karen S. Ryan
9 Harnel Court Baldwin, MD 21013
2.

Address: 9 Harnel Court Baldwin, MD 21013
3.

Deed references: 38287/400 Lot 24 "Quinn Subdivision Section 4" Plat Book 35/84
4.

Area: 1.000 acres (per SDAT)
5.

Tax Map / Parcel / Tax account #: 44 / 22 / 16-00-013095
ADC Map: GIS tile: 044A1 Position sheet: 77NE16
Census tract: 410200 Census block: 24005410200
Schools: Carroll Manor ES Cockeysville MS Dulaney HS
7.

The boundary shown hereon is from the deed recorded in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 044A1 and the information provided by Baltimore County on the internet.
8.

Improvements: All of the improvements will remain.

OFFICE OF ZONING

Zoning: R.C. 5

There are no previous zoning cases on the subject parcels.

R.C. 5 Setbacks for Residential Dwelling

Front: 75 feet from the centerline of a public road
Side / Rear: 50 feet from any property line

Maximum building height: 35 feet

ENVIRONMENTAL

Watershed: Little Gunpowder Falls URDL land type: 1

1.

The existing dwelling is served by a private well and septic system.

2.

There are no underground storage tanks on the subject property.

3.

The subject property is not in the Chesapeake Bay Critical Area.

4.

The subject property is not located within a 100 year flood plain.

OFFICE OF PLANNING

Regional Planning District: Jacksonville District Code: 305

1.

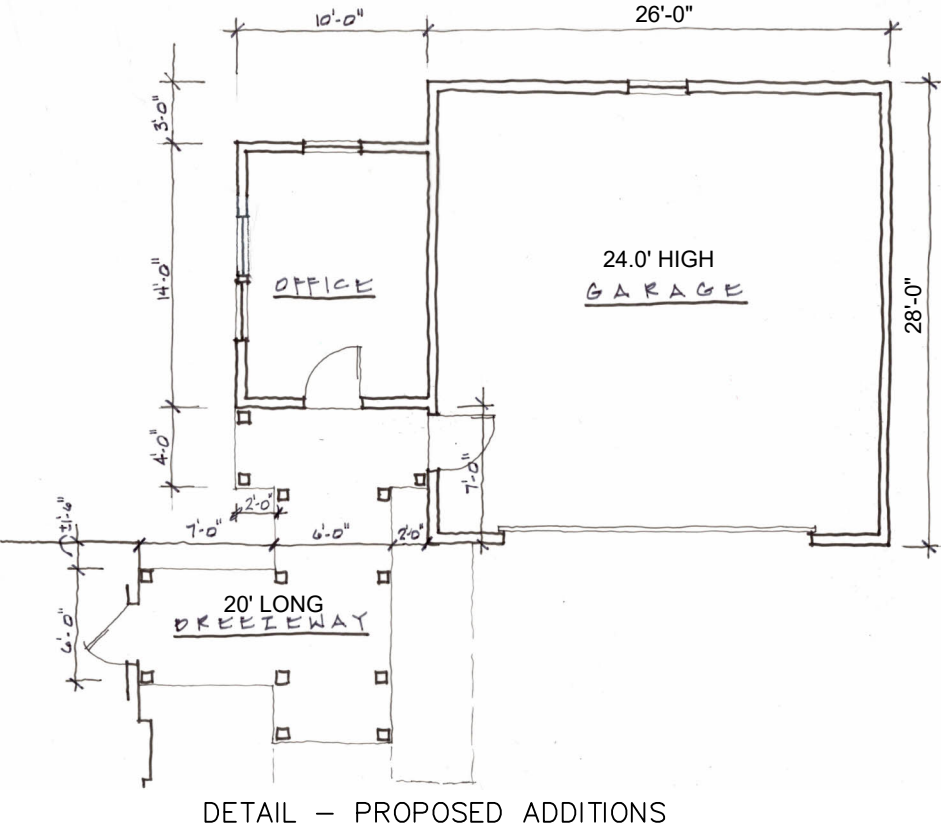
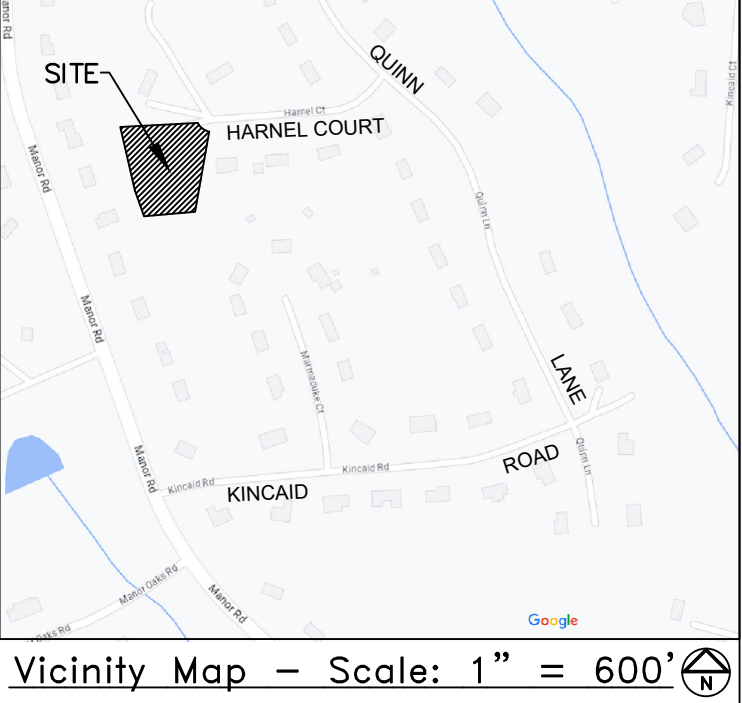
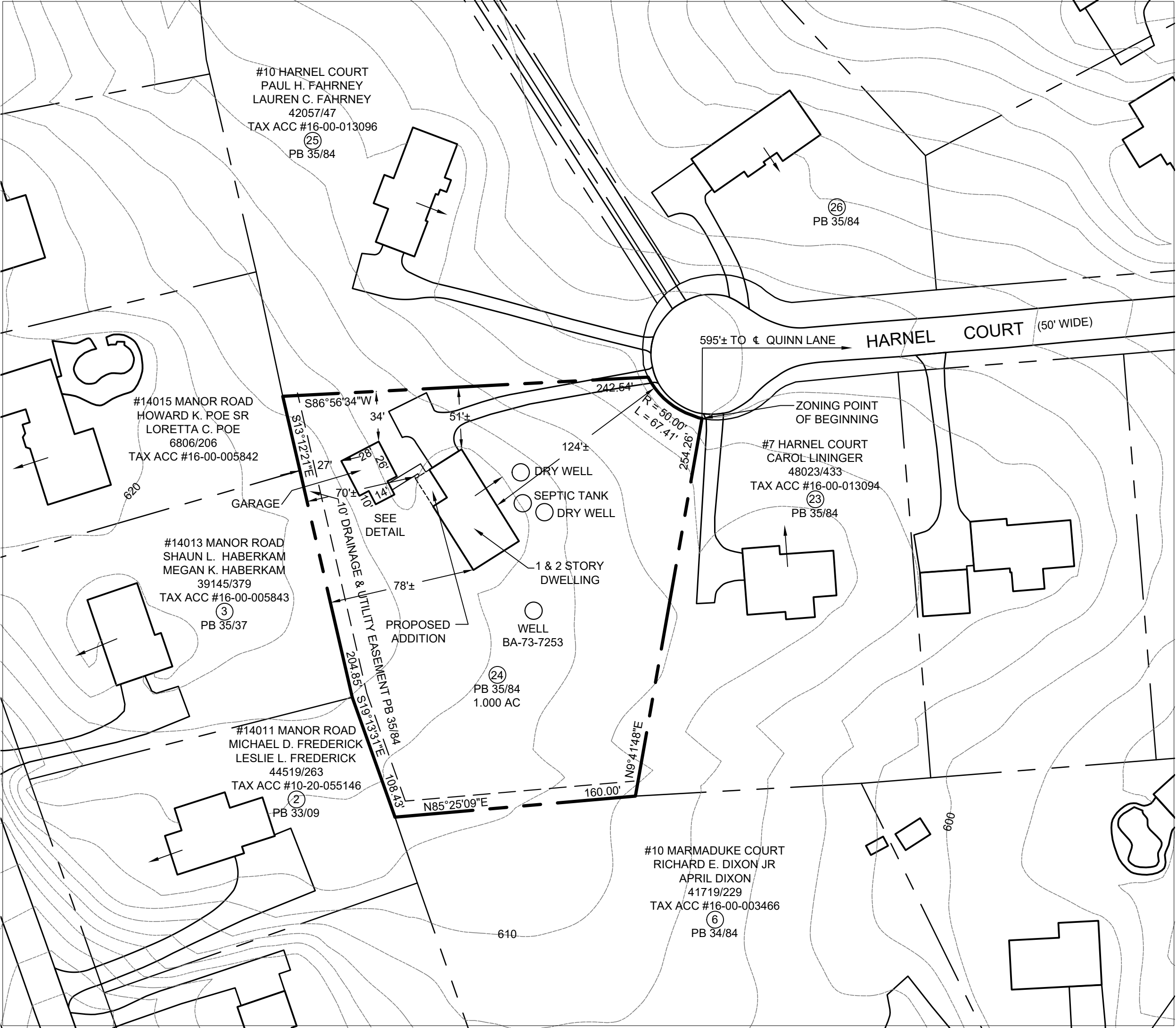
The subject property is not in a National Register Historic District.

2.

Growth Tier: 3

PROPOSED DEVELOPMENT

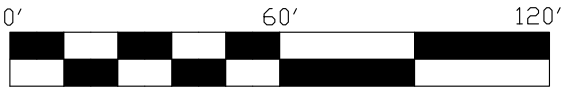
To build an attached garage for residential use



DETAIL — PROPOSED ADDITIONS



FRONT ELEVATION



REVISION

Bruce E. Doak Consulting, LLC

Land Use Expert and Surveyor

3801 Baker Schoolhouse Road

Freeland, MD 21053

o 443-900-5535 m 410-419-4906

bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#9 HARNEL COURT

BALTIMORE COUNTY, MARYLAND

10th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 10/5/23

Scale: 1"=60'

Title



Sources: Esri, HERE, Garmin, Intermap, increment
NPS, NRCAN, GeoBase, IGN, Kadaster NL, O
China (Hong Kong), (c) OpenStreetMap contrib