

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

December 19, 2023

Matthew and Erika Clark — mclark1014@gmail.com 2825 Benson Mill Road Sparks Glencoe, MD 21152

RE: Petition for Administrative Variance

Case No. 2023-0231-A

Property: 2825 Benson Mill Road

Dear Mr. and Mrs. Clark:

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,

ANDREW M. BELT
Administrative Law Judge

for Baltimore County

AMB:dlw Enclosure

c: Patrick Richardson - rick@richardsonengineering.net

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

(2825 Benson Mill Road)

5th Election District * OFFICE OF ADMINISTRATIVE

3rd Council District

Matthew & Erika Clark * HEARINGS FOR

* BALTIMORE COUNTY

Petitioners * CASE NO. 2023-0231-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, Matthew and Erika Clark ("Petitioners") for the property located at 2825 Benson Mill Road, Sparks Glencoe, Maryland (the "Property"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), §§ 400.1 and 400.3 to permit an accessory building (garage) to be located in the front yard with a height of 22 ft. in lieu of the required rear yard placement and maximum height of 15 ft.

The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2C). There were no adverse ZAC comments contained in the case file from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on November 19, 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.

Petitioners are proposing the construction of a garage in the front yard of their dwelling, off of the existing driveway. Petitioners' affidavit states that the rear yard has steep slopes with a pond at the slope's bottom. Petitioners explain that the construction process and paving in the rear of the dwelling may have a negative environmental impact on the pond itself. Petitioners also note that the septic system is also located in the rear of the property. Petitioners plan to store larger vehicles such as motorhomes in the proposed garage and have proposed a pitched roof design for architectural harmony with the existing swelling.

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. I find that 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.

Although the Department of Planning did not make any recommendations related to the detached garage, I will impose conditions that the detached garage shall not be converted into a dwelling unit or apartment, shall not contain any sleeping quarters, living area, kitchen or bathroom facilities, and will not have separate electric or utility connections, or used for commercial purposes.

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 19th day of December, 2023, by the

Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the

Baltimore County Zoning Regulations ("BCZR"), §§ 400.1 and 400.3 to permit an accessory

building (garage) to be located in the front yard with a height of 22 ft. in lieu of the required rear

yard placement and maximum height of 15 ft., be and is hereby, GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

2. Petitioners and subsequent owners shall not convert the detached garage

into a dwelling unit or apartment. The detached garage shall not contain any sleeping quarters, living area, bathroom facilities or kitchen facilities.

3. The detached garage shall not have a separate utility or electric

connection and shall connect all electrical to the home.

4. The detached garage shall not be used for commercial or industrial

purposes.

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

ANDREW M. BELT

Administrative Law Judge

for Baltimore County

AMB:dlw

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ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To the			of Permits, Approvals a of Baltimore County		. In a start at.
	2825 Benson Mill R				y located at:
	ence <u>47887/125</u>	oau	which is present		
	Printed Name(s) M	latthew C.Clark &	10 Digit Tax Account LEINE Erika L. Clark	11#2100008219	
(SELECT THE Administrative	HEARING(S) BY MARKI Variances require	ING X AT THE APPI that the Affidav	ROPRIATE SELECTION(S) AND it on the reverse of this Pe	ADDING THE PETITION etition Form be comp	N REQUEST) eleted / notarized.
The undersigned le	gal owner(s) of the p plat attached	property situate in I hereto and mad	Baltimore County and while a part hereof, hereby pe	nich is described in the	ne description and
1. X ADMINISTRA	ATIVE VARIANCE				
BCZR: 400.1 &	400.3 → To permit	an accessory b	uilding (garage) to be loca	ated in the front ya	d with a
height of 22 fe	et in lieu of the req	uired rear yard	placement and maximum	n height of 15 feet.	
of the zoning regulation	ons of Baltimore Cou	ınty, to the zonin	g law of Baltimore County.		
2ADMINISTRA	TIVE SPECIAL HEA	ARING .			
	582				
of the zoning regulation	ons of Baltimore Cou	inty to the zoning	g law of Baltimore County.		
Property is to be posted and	d advertised as prescribed	d by the zoning regul	ations.		
I, or we, agree to pay exper restrictions of Baltimore Co	nses of above petition(s),	advertising, posting,	etc. and further agree to and are	to be bounded by the zo	ning regulations and
Legal Owner(s) Affirmation	on: I / we do so solemnly o	declare and affirm, u	nder the penalties of perjury, that	I / We are the legal owner	er(s) of the property which
is the subject of this / these	Petition(s).			-	.,
Contract Purchaser/	Lessee:		Legal Owners:		
			_Matthew C.Clark	/ /_Erika L. Cl	ork
Name- Type or Print			Name#1/- Type or Print /	Name #2 – Ty	/pe or Print
			11.44(11	1	7
Signature			Signature #1	Signature # 2	Con
			2825 Benson Mill Ro	ad Sparks	MD
Mailing Address	City	State	Mailing Address	City	State
			21152 / 443-812	-6002 / mclark1014@	gmail.com
Zip Code Teleph Attorney for Petition		Address	Zip Code Telep Representative to be		Address
			Richardson Enginee	ring, LLC Rick Rich	ardson
Name- Type or Print	VWait-Tür-billing		Name - Type/or Print	upp D	
Signature			Signature	Time	MD
Mailing Address	City	State	7 Deneison Street Mailing Address	Timonium/ City	MD State
			21093 / 410-560-1		hardsonengineering.net
Zip Code Teleph	one# Email	Address	Zip Code Telep		l Address
A PUBLIC HEARING have	ng formally demanded a	and/or found to be	required, it is ordered by the O	ffice of Administrative Lav	v, of Baltimore County,
regulations of Baltimore Co	unty and that the property	it the subject matter (be reposted.	of this petition be set for a public	; nearing, advertised, as i	equirea by the zoning
		•			

Administrative Law Judge of Baltimore County

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

04450

REV. 10/12/11

Address:	2825 Benson Mill Road	Sparks Glencoe	MD	21152
	Print or Type Address of property	City	State	Zip Code
Rased ur	oon personal knowledge, the f	ollowing are the facts wh	ich I/we base the re	quest for an
Administ	rative Variance at the above a	ddress. (Clearly state p	ractical difficulty o	r hardship here)
The propos	sed garage is going to be constructe	d in the front yard off the exis	ting driveway. The rear	yard is a very steep
	as a pond at the bottom of the slope			
	nere and the slope would make cons			
	ccess is difficult, and it is also a pote			
	system for the house is located in th			
and the second s				
	to have a height in the garage that p		ntornomes and then have	e a pitched roof that is in
harmony w	rith the existing structure of the hous	e		
			and the second second	
				4 - 1 16 4 - Alela Parrel
(If add	itional space for the petition requ	est or the above statement	is needed, label and at	tach it to this Form)
1/4		9	-	
Meth			Mou	
Signature	of Affiant '	Signa	ature of Affiant	
Matthew	C. Clark		ka L. Clark	
Name- Pri	nt or Type	Nam	e- Print or Type	
	The following Information is t	o be completed by a Notary	Public of the State of	Maryland
			· · · · · · · · · · · · · · · · · · ·	
STATE (OF MARYLAND, COUNTY O	F BALTIMORE, to wit:		
LUEDEE	BY CERTIFY, thisd	ay of COBER JO	V ? hefore me a No	otary of Maryland, in
	e County aforesaid, personally a	,	, pololo illo a i v	on many terms, m
1	1 = = = = 0	7	Tain 1	Chark
	JATTHEW C.	LARK	ERIKH L.	CLAIRK
the Affian	t(s) herein, personally known or	satisfactorily identified to m	e as such Affiant(s) (F	rint name(s) here)
AS WITN	ESS my hand and Notaries Seal	Depora	h a Smi	Ite
		Notary Public	11001	
D.C.	BORAH A SMELTER	My Commission Expires		
	DIC - State of Maryland	/		

Anne Arundel County
My Commission Expires May 21, 2027



ZONING PROPERTY DESCRIPTION FOR 2825 BENSON MILL ROAD 4th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Located at a point on the South side of Benson Mill Road approximately 300+/- feet East of the intersection of Benson Mill Road and Falls Road. Then running Southeast away from Benson Mill Road the following bearings and distances 1) South 30 degrees 30 minutes 45 seconds East 1,293.78 feet 2) North 37 degrees 30 minutes 23 seconds East 387.86 feet 3) North 24 degrees 11 minutes 59 seconds West 1,012.73 feet 4) South 66 degrees 32 minutes 30 seconds West 139.65 feet. 5) South 75 degrees 9 minutes 48 seconds West 108.72 feet. 6) South 81 degrees 11 minutes 24 seconds West 239.44 feet to the place of beginning.

Containing a net area of 469,627 square feet or 10.78 acres +/-.



PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NUMBER 16597, EXPIRATION DATE: 08-15-2025

OFFIC	E OF BUI	DGET AN	MARYLAN D FINANC I RECEIPT	E		No. Date:	228		
Fund	Dept	Unit	Sub Unit	Rev Source/ Obj		Dept Obj			_
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BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE:

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2073 - 0731 -A Address _ 2875 BENSON MILL ROAD
Contact Person:
Filing Date: 11 33 Posting Date: 11 37 3
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
 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. <u>DEADLINE:</u> 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.
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 - 023 (-A: Address 2825 BENSON MILL ROAD
Petitioner's Name: CLARK Telephone (Cell) 443-813-6002 Posting Date: 11 12 23 Closing Date: 11 27 23
Wording for Sign: 16 Fermit
 To permit an accessory building (garage) to be located in the front yard with a height of 22 feet in lieu of the required rear yard placement and maximum height of 15 feet.

Revised 1/2022

DEPARTMENT OF PERMIT'S, 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.

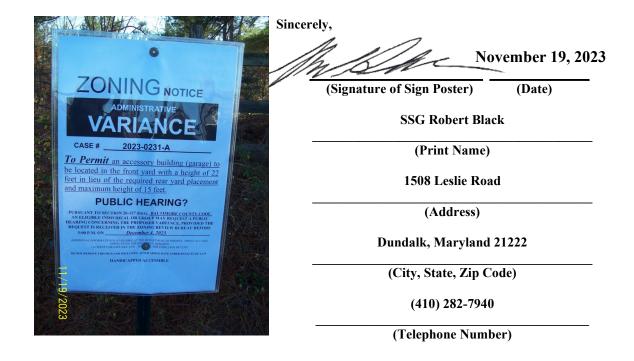
For Newspaper Advertising:	
Property Address: 2835 BENSON MILL RS.	
Property Address: 2825 BENSON MILL RS.	
Legal Owners (Petitioners): MATTHEW + ERIKA CLARK	
Contract Purchaser/Lessee:	
	¥
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Company/Firm (if applicable): RICK RICHARDSON RICHARDSON ENGINEERINE	<u>, </u>
Address: 7 DENEISON STREET	
Timonium, MD 21093	
	(4)
Telephone Number: 410-560-1502	

^{*}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.

CERTIFICATE OF POSTING

2023-0231-A

	RE: Case No.:
	Petitioner/Developer:
	Clark
	December 4, 2023 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
Attn: Jeff Perlow: Ladies and Gentlemen:	
This letter is to certify under the penalties o	f perjury that the necessary sign(s) required by law were d at:
2825 Benson Mill Road	SIGN 1
The sign(e) were nested on	November 19, 2023
The sign(s) were posted on	(Month, Day, Year)



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 13, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0231-A

Address: 2825 BENSON MILL RD Legal Owner: Matthew & Erika Clark

Zoning Advisory Committee Meeting of November 13, 2023.

<u>X</u> 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 - 05 Account Number - 2100008219

Owner Information

Owner Name:

CLARK MATTHEW C CLARK ERIKA L

Use: EXEMPT Principal Residence:YES

Mailing Address:

2825 BENSON MILL RD

Deed Reference:

SPARKS GLENCOE MD 21152-

/47887/ 00125

Location & Structure Information

Premises Address:

2825 BENSON MILL RD SPARKS GLENCOE 21152-

Legal Description: 10.827 AC SS VETERANS EXEMPTION BENSON MILL RD

300 E FALLS RD

Map: Grid: Parcel: Neighborhood: 0026 0012 0216

5040004:04

Subdivision: 0000

Section: Block: Lot: Assessment Year: 2023

Plat No: Plat Ref:

County Use

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area 2,490 SF

Property Land Area

Last Notice of Major Improvements

Exterior Quality Full/Half Bath Garage Stories Basement Type STANDARD UNIT SIDING/ 4 2 full/ 1 half 1 Attached YES

Value Information

	Base Value	Value	Phase-in Asses:	sments
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	155,000	162,400		
Improvements	246,300	322,000		
Total:	401,300	484,400	429,000	456,700
Preferential Land:	0	0		

Transfer Information

Seller: BRISTOR AUSTIN LEE Type: ARMS LENGTH IMPROVED	Date: 03/22/2023 Deed1: /47887/ 00125	Price: \$761,000 Deed2:
Seller: BRISTOR WILLIAM B III Type: NON-ARMS LENGTH OTHER	Date: 06/29/2020 Deed1: /43075/ 00381	Price: \$0 Deed2:
Seller: BRISTOR CHARLES EDWIN TRUSTEE Type: NON-ARMS LENGTH OTHER	Date: 08/19/2019 Deed1: /41772/ 00062	Price: \$0 Deed2:

Exemption Information

Partial Exempt Assessments	:Class	07/01/2023	07/01/2024
County:	020	429,000.00	456,700.00
State:	020	429,000.00	456,700.00
Municipal:	020	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 04/19/2023

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

