



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, 2024

Jeffrey and Tracey Shaw – jeff@collisioncraft.net
14008 Fox Run Court
Phoenix, MD 21131

RE: Petition for Administrative Variance
Case No. 2023-0238-A
Property: 14008 Fox Run Court

Dear Mr. and Mrs. Shaw:

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 cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Jeffrey Duerbeck – jduerbeck1@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(14008 Fox Run Ct.)		
10 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Jeffrey & Tracey Shaw	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2023-0238-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, Jeffrey and Tracey Shaw (“Petitioners”) for the property located at 14008 Fox Run Ct., Phoenix (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1A04.3.B.2.B and §400.1, to approve a dwelling addition (attached sunroom with partially enclosed attached deck) with a rear yard setback of 31 ft. in lieu of the minimum required 50 ft., and approve an accessory structure (pool) to be placed in a portion of the side yard that is not behind the rear foundation wall of the dwelling. The Property is more fully depicted on the site plan (the “Site Plan”) which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs were submitted showing the existing house. (Pet. Ex. 2A-2F).

A Zoning Advisory Comment (“ZAC”) was received from the Department of Environmental Protection and Sustainability (“DEPS”). The comment indicates that if the zoning variance is granted, Ground Water Management (“GWM”) requests that it be conditioned to include the location of the proposed work meets GWM regulations, policy and setback requirements. A ZAC comment was also received from Development Plans Review (“DPR”) which agency did not oppose the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the Property having

been posted on December 10, 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 Section 32-3-303 of the Baltimore County Code (“BCC”).

In reviewing the Site Plan, the proposed in-ground pool appears to be located in the rear yard only, and not the side yard. Consequently, Variance relief is not needed for the location of the pool in the rear yard. With regard to the reduced rear yard setbacks, the Property is uniquely shaped. Given the unique shape of the Property, Petitioners are not able to meet the required rear yard setback of 50 ft. for the proposed addition (sunroom) or the partially enclosed deck. It also appears that there is a 10 ft. Drainage and Utility Easement along the rear Property line which would also prohibit any improvements within that area. 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 BCZR, §307.1. 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 will be granted.

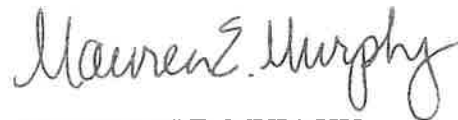
THEREFORE, IT IS ORDERED, this 2nd day of **January, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the Baltimore County Zoning Regulations (“BCZR”), §1A04.3.B.2.B to approve a dwelling addition (attached sunroom with partially enclosed attached deck) with a rear yard setback of 31 ft. in lieu of the minimum required 50 ft. be, and they are each hereby, **GRANTED**; and

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR, §400.1 to approve an accessory structure (pool) to be placed in a portion of the side yard that is not behind the rear foundation wall of the dwelling, be, and it is hereby, **DISMISSED AS MOOT**.

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 her 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 must comply with the ZAC comment from DEPS, dated November 21, 2023, a copy of which is attached hereto and made a part hereof.
3. To the extent that a Drainage and Utility Easement exists along the northern boundary line, no improvements, including fences, shall be constructed or installed in that area.
4. The Site Plan is attached to and made a part of this Order.

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



MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw

23-0990 TC



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 14008 FOX RUN CT. PHOENIX, MD 21131 Currently Zoned RC-5
Deed Reference LIBER 16723, FOLIO 628 10 Digit Tax Account # 2100007854
Owner(s) Printed Name(s) JEFFREY R. SHAW & TRACEY C. SHAW

(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)

BCZ BCZR section 1A4.3.B.2.B & 400.1, BCZR to approve a dwelling addition (attached sunroom with partially enclosed attached deck) with a rear yard setback of 31' in lieu of the minimum required 50', and to approve an accessory structure (pool) to be placed in a portion of the side yard that is not behind the rear foundation wall of the dwelling.

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):

<u>JEFFREY R. SHAW</u>		<u>TRACEY C. SHAW</u>	
Name #1 - Type or Print		Name #2 - Type or Print	
<u>[Signature]</u>		<u>[Signature]</u>	
Signature #1		Signature #2	
<u>14008 FOX RUN CT</u>		<u>PHOENIX</u>	<u>MD</u>
Mailing Address		City	State
<u>21131</u>	<u>410-935-9238</u>	<u>JEFF@COLLISIONCRAFT.NET</u>	
Zip Code	Telephone #'s (Cell and Home)	Email Address	

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

Name - Type or Print N/A

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Representative to be Contacted:

JEFFREY DUERBECK

Name - Type or Print

[Signature]

Signature

30046 JUDSON LANE DAGSBORO DE

Mailing Address City State

19939 410-925-6239 JDUERBECK1@gmail.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 _____ 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 2023-0238-A Filing Date 11/9/23 Estimated Posting Date 11/19/23 Reviewer IR

Closing 12/4/23

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: 14008 FOX RUN CT. PHOENIX MD 21131
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 bought the home as it presently exists. The existing deck and sunroom are currently in violation of the 50' rear setback (unbeknownst to us until now). It is our desire to obtain the necessary variance to clear that issue and replace the existing deteriorating sunroom and deck, enlarging the sunroom by 2' toward the rear and replacing and enlarging the original deck with a covered patio. A variance to do that would also allow space for a pool. The shape of the lot makes it a hardship for us to be able to enhance our home and life style. Because of the interior layout of the house, there is no option to relocate the sunroom, covered patio and pool.

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

[Signature]
Signature of Owner (Affiant)

JEFFREY R. SHAW
Name - Print or Type

[Signature]
Signature of Owner (Affiant)

TRACEY C. SHAW
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 25 day of October, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

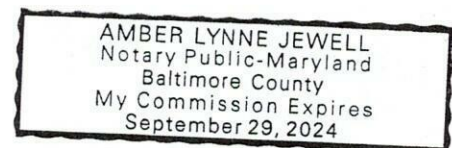
Print name(s) here: Jeffrey R. Shaw / Tracey C. Shaw

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

AS WITNESS my hand and Notaries Seal

Amber Lynne Jewell
Notary Public

09-29-2024
My Commission Expires



2023-0238-A

14008 FOX RUN CT
PHOENIX, MD 21131

RESIDENCE OF MR. & MRS. JEFFREY SHAW

BEING LOT #1 BLOCK SECTION 1 IN THE SUBDIVISION
OF FOX RUN AS RECORDED IN BALTIMORE COUNTY
PLAT BOOK #5460, FOLIO #128 CONTAINING 1.096 AC.
LOCATED IN THE 10TH ELECTION DISTRICT. and the 3RD CD.

2023-0238-A

AV 12-4

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 21, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0238-A
Address: 14008 FOX RUN CT
Legal Owner: Jeffrey & Tracey Shaw

Zoning Advisory Committee Meeting of November 27, 2023.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

1. If the zoning variance is granted, Ground Water Management requests that it be conditioned to include the following:
 - a. Location of the proposed work meets GWM regulations, policy and setback requirements.

Additional Comments:

Reviewer: Mia Lowery, L.E.H.S.

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 November 27, 2023
Item No. 2023-0238-A

DATE: November 27, 2023

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPW-T: N/C

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

VKD: JK
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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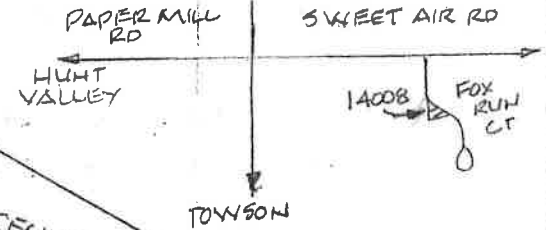
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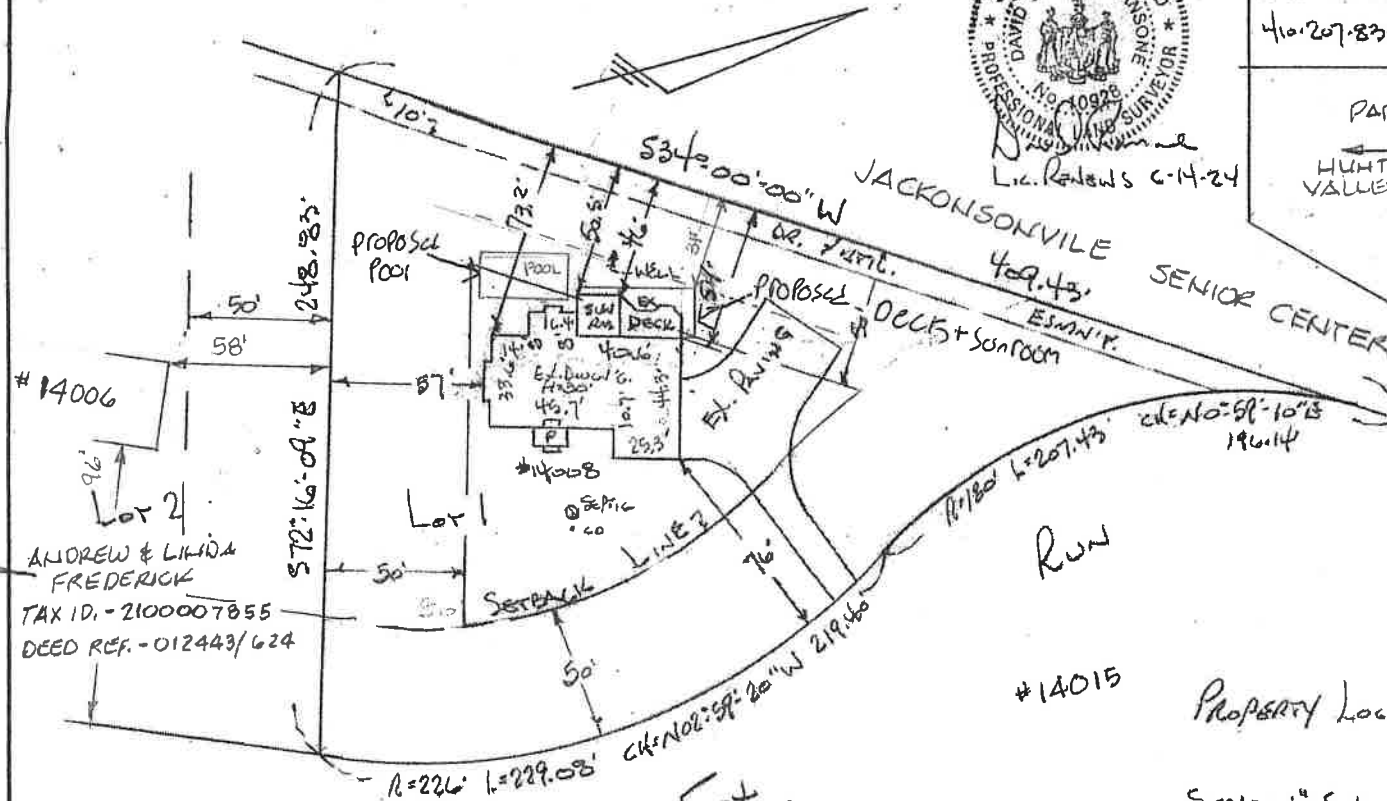
Reviewer: Mia Lowery, L.E.H.S.



DAVID RANSOME - LAND SURVEYOR
410.207.8358 dransome@yahoo.com



VICINITY MAP
(NO SCALE)



#14006
Lot 2
ANDREW & LINDA
FREDERICK
TAX ID. - 2100007855
DEED REF. - 012443/624

JEFFREY R. SHAW & TRACEY C. SHAW
OWNERS

Fox
#14013

#14015

PROPERTY LOCATED IN 10TH DIST. BALTO. CO., MD

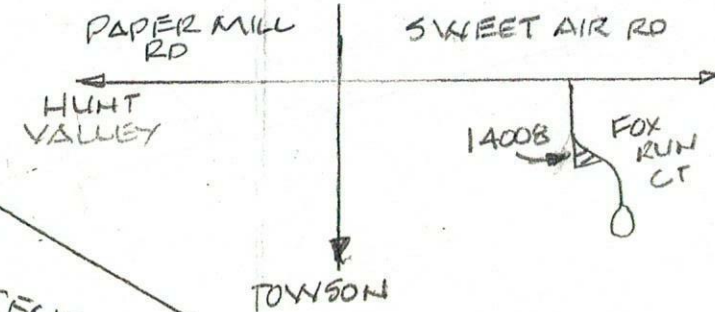
Scale: 1" = 50' OCT. 17, 2023
Lot 1 Fox Run - Plat Book SM N° 600128
N° 14008 Fox Run Court

Plat. Ex 1

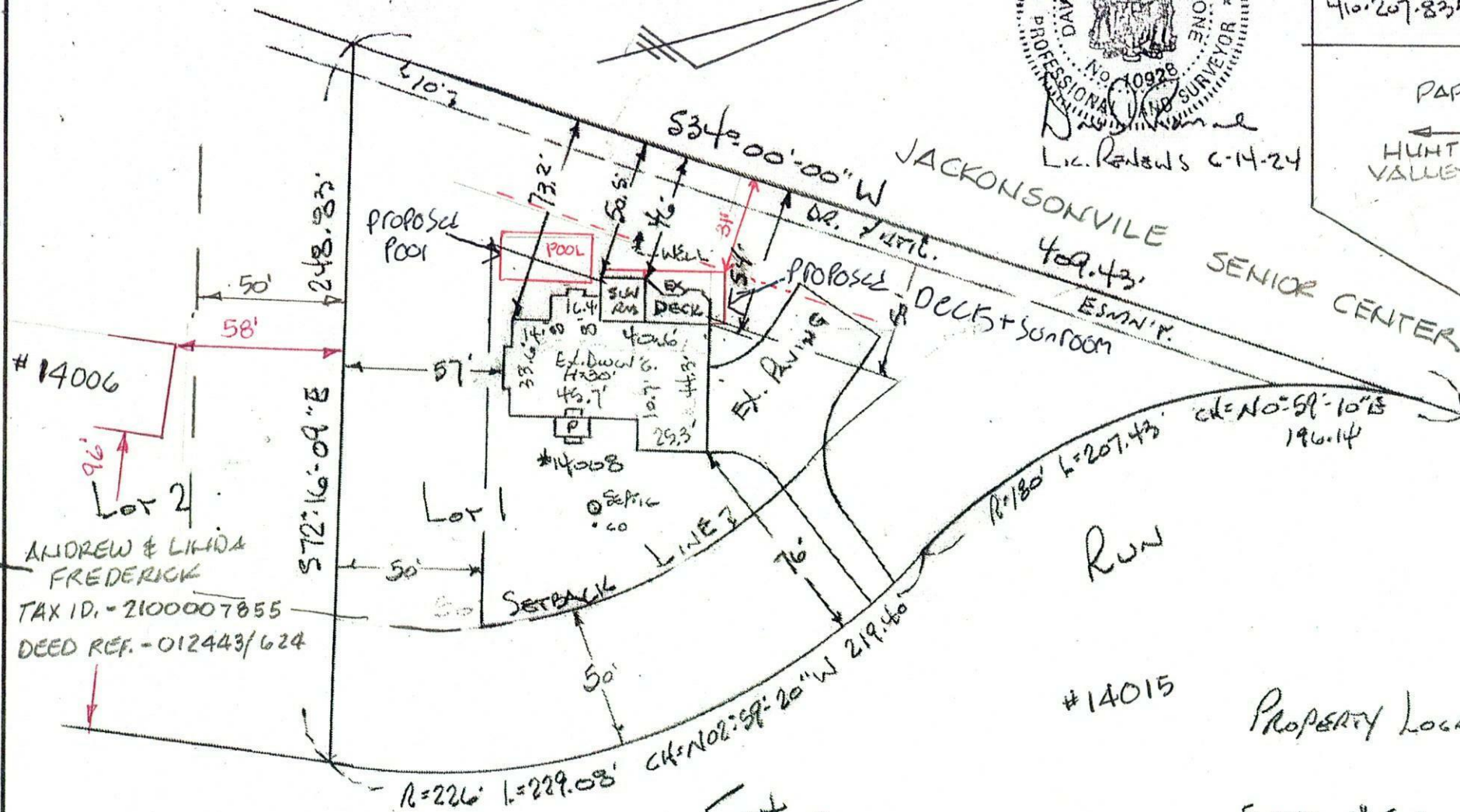
2023-0238-A



DAVID RANSONE - LAND SURVEYOR
410.207.8358 dransone@yahoo.com



VICINITY MAP
(NO SCALE)



#14006

Lot 2

ANDREW & LINDA
FREDERICK

TAX ID. - 2100007855
DEED REF. - 012443/624

Lot 1

SETPACK

Fox
#14013

#14015

PROPERTY LOCATED IN 10TH DIST. BALTO. CO. MD

SCALE: 1" = 50' OCT. 17, 2023

Lot 1 Fox Run - Plat Book SM N° 600128
N° 14008 Fox Run Court

JEFFREY R. SHAW & TRACEY C. SHAW
OWNERS

2023-0238-A