

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

Michael and Debra Doyle – <u>mddoyle@verizon.net</u> 7318 Yorktowne Drive Towson, MD 21204

RE:

Petition for Administrative Variance

Case No. 2023-0248-A

Property: 7318 Yorktowne Drive

Dear Mr. and Mrs. Doyle:

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.

Mauren E. Murphy

MAUREEN E. MURPHY Chief Administrative Law Judge for Baltimore County

MEM:dlw Enclosure

c: David Lombardo, American Deck – info@amdeck.com

IN RE: PETITION FOR ADMIN. VARIANCE (7318 Yorktowne Drive)	*	BEFORE THE
9 <sup>th</sup> Election District 6 <sup>th</sup> Council District	*	OFFICE OF ADMINISTRATIVE
Michael & Debra Doyle	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2023-0248-A

\* \* \* \* \* \* \* \* \*

#### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Michael and Debra Doyle ("Petitioners") for the property located at 7318 Yorktowne Drive, Towson (the "Property"). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations ("BCZR"), Sections 1B02.3.C.1 and 301.2, to permit an open projection (screen porch) with a rear yard setback of 13 ft. in lieu of the 22.5 feet required. The Property and requested relief are more fully depicted on the site plan (the "Site Plan") (Pet. Ex.1). Street view photographs were submitted showing the location of the proposed carport. (Pet. Ex. 2A-2F).

Zoning Advisory Committee ("ZAC") comments were received from Department of Environmental Protection and Sustainability ("DEPS") and Development Plans Review ("DPR") which agencies 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"). 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 Section 307.1 of the BCZR. The Site Plan shows the Property is in the shape of a baseball diamond which is substantially different than other properties in the neighborhood. This unique physical feature creates a practical difficulty in meeting the rear yard setbacks. Furthermore, I find that strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners in that they would not be able to construct a screened porch. 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.

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 2<sup>nd</sup> day of January, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Baltimore County Zoning Regulations ("BCZR"), Sections 1B02.3.C.1 and 301.2, to permit an open projection (screen porch) with a rear yard setback of 13 ft. in lieu of the 22.5 ft. required, be and is 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. Building materials for the open projection (screen porch) addition shall be compatible with those of the existing principal dwelling.
- 3. The open projection (screen porch) addition shall remain open and shall not be enclosed at any time.

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

Mauren E. Hurphy

for Baltimore County

MEM: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:

16 the Office of Administrative Hearings for Baltimore County for the property located at.
Address 7318 Yorktowns Drive Townson MD 21254 Currently Zoned DK 5.5
Deed Reference 28977 / 00001 10 Digit Tax Account # 0 9 1 6 1 5 0 6 7 0
Owner(s) Printed Name(s) Michael + Debra Dayle
(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)
02.3.C.1 and 301.2 To permit an open projection (screen porch) with a rear yard setback of 13 ft in lieu 22.5 ft
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.
2ADMINISTRATIVE 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.  If 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):
michael Daile , Doba Daile
Name #1 – Type or Print Name #2 – Type or Print
NV / Lyling Doyle
Signature #1 Signature #2
Mailing Address City State
21204/(448)613-7787 , moder le over zon not
Zip Code Telephone #'s (Cell and Home) Email Address
Attorney for Owner(s)/Petitioner(s):  Representative to be Contacted:  David Umbado/American 3
Name - Type or Print  Name Type or Print  Name Type or Print
Signature Signature 16944 Year Pd Popos 618 Monketon m
Mailing Address City State Mailing Address City State  2111 410-254-7360 info@andock.com
Zip Code Telephone # Email Address 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.
A desirate and the second seco
Administrative Law Judge for Baltimore County
Case Number 1023 · 6248 · 9 Filing Date 11   30   23 Estimated Posting Date 12   10   23 Reviewer Cf

Revised 8/2022

2023.0248-X

USUS, MISA CEGZ 28832. Date available 12/16/2009. Printed 19/04/2023

\*Beginning at a point on the west side of Yorktowne Drive which is 50ft wide at the distance of 389ft north of the centerline of the nearest improved intersecting street Stevenson Lane which is 50ft + wide.

Option 2- Yorktowne Lot 35

Being Lot #35, Block #, Section #, in the subdivision of Yorktowne as recorded in Baltimore County Plat Book # 0012, Folio # 0050, containing 9,164 square feet. Located in the Towson Election District and 09.

828977 005

Case No.: TS09-0220-TC-/

# EXHIBIT A LEGAL DESCRIPTION

BEGINNING FOR THE SAME thereof at point on the east side of West Yorktowne Drive distant three hundred ninety-nine (previously incorrectly referred to as one) and 21/100ths (399.21) (previously incorrectly referred to as 389.21) feet northerly measured along the said east side West Yorktowne Drive from the intersection of the productions of said east side of West Yorktowne Drive and the north side of Rodgers Forge Road and running thence binding on said east side of West Yorktowne Drive the following courses and distances namely northeasterly by a curve to the right with one hundred (100) foot radius the distance of 12 and 93/100ths (12.93) feet North thirty-six (36) degrees, heretofore erroneously referred to as thirtytwo (32) degrees, twenty-two (22) minutes East forty-three and 22/100ths (43.22) feet and northeasterly by a line curving to the right with a one hundred (100) foot radius the distance of one hundred three and 29/100ths (103.29) feet thence leaving said east side of West Yorktowne Drive South nine (9) degrees twenty-five (25) minutes forty (40) seconds West one hundred sixteen and 54/100ths (116.54) feet thence North seventy-four (74) degrees twenty (20) minutes and thirty (30) seconds West one hundred seven and 68/100ths (107.68) feet to the place of beginning. Being a portion of Lot No. 35 as shown on a Plat entitled "Yorktowne" prepared by W. Lloyd Wallace, Surveyor and Civil Engineer, dated April 17, 1939 and recorded among the Land Records of Baltimore County in Plat Book CWB, Jr. No. 12, folio 50.

Z023.0248.A

## 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: 7318 Vortowne Drice	Towson	MD	Masis
Print or Type Address of Property	City	State	Zip Code
Based upon personal knowledge, the following are the fact Variance at the above address. (Clearly state practical of	s upon which I/we base lifficulty or hardship h	the request for an Aere)	Administrative
Signature of Owner (Affiant)  Name - Print or Type	Signature of Owr	er (Affiant)	t to this Form)
The following information is to be complete	ted by a Notary Publ	ic of the State of	Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to w	rit:		
I HEREBY CERTIFY, this day of day of and for the County aforesaid, personally appeared:	mber . 2026	, before me a No	otary of Maryland, in
Print name(s) here: Michael Doyle + I	alpo Doyle		
the Affiant(s) herein, personally known or satisfactorily iden	ntified to me as such Aff	iant(s).	
AS WITNESS my hand and Notaries Seal  Jessica Gomor  Notary Public  2/24/2015	Balti	JESSICA GOMEZ Notary Public more County, Maryland	25

My Commission Expires

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**BALTIMORE COUNTY, MARYLAND** 

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

### **ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Nu	ımber: 2623	-0248 -A	Address	7318	YOPK +	pune	DK	
Contact	: Person:	The Stive	Friale Distance	Nama		Pho	ne Numbe	er: 410-887-3391
		Planner	, Please Print Your	Name				
Filing D	ate: _///30	1/23	Posting Date:	12/1	0/23	Closing	Date:/	2/25/23
Any cor contact	ntact made w person (plan	ith this office in the control of th	regarding the st case number.	tatus of t	he adminis	trative vari	ance shou	ld be through the
	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. <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 TH	IE ADMINISTRA	TIVE VA	RIANCE SIG	N FORMAT	•	
								KIVE
Petitio	ner's Name: _	Doyle	2		Telepł	none (Cell)	443.	613-7787
Posting Date: 12/10/23 Closing Date: 12/25/2023								
Wording for Sign: To Permit an open projection (sercen porch) with  9 rear yard setback of 13 ft. in lieu of the  required ZZ. 5 ft.								
9	rear &	yard s	EY SECK	0/-	13 14.	in lie	0/	the
required 22.5 ft.								

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: December 12, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For December 12, 2023 Item No. 2023-0248-A

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

### **CERTIFICATE OF POSTING**

	2023-0248-A
	RE: Case No.:
	Petitioner/Developer:
	Michael and Debra Doyle
	December 25, 2023 Date of Hearing/Closing:
	f perjury that the necessary sign(s) required by law were
7318 Yorktown Drive	
The sign(s) were posted on	December 10, 2023  (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: December 7, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0248-A

Address: 7318 YORKTOWNE DR. Legal Owner: Michael & Debra Doyle

Zoning Advisory Committee Meeting of December 12, 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

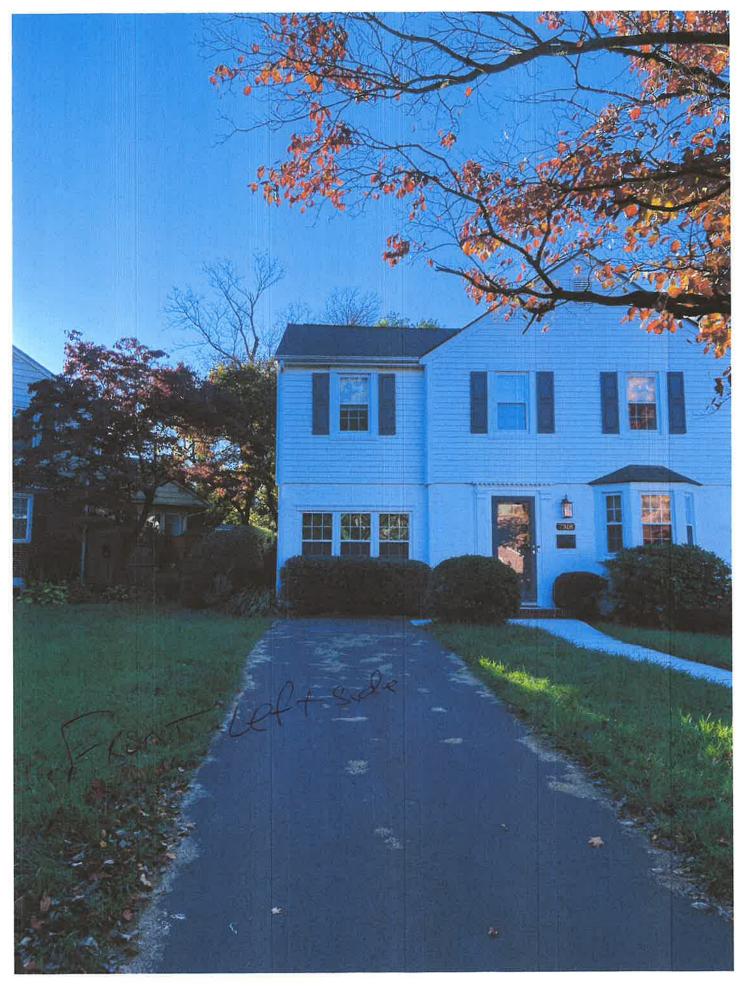
View GroundRent Registration View GroundRent Redemption View Map Special Tax Recapture: None District - 09 Account Number - 0916150670 Account Identifier: Owner Information RESIDENTIAL DOYLE MICHAEL Owner Name: Principal Residence: YES DOYLE DEBRA /28977/ 00001 7318 YORKTOWNE DR Deed Reference: Mailing Address: TOWSON MD 21204-7624 Location & Structure Information PRT LT 35 7318 YORKTOWNE DR YORKTOWNE Legal Description: 7318 YORKTOWNE DR Premises Address: TOWSON 21204-7624 Plat No: Block: Lot: Assessment Year: Neighborhood: Subdivision: Map: Grid: Parcel: 0012/0050 35 2023 Plat Ref: 9090096.04 0000 0070 0019 0825 Town: None Property Land Area County Use Finished Basement Area Above Grade Living Area **Primary Structure Built** 9,164 SF 396 SF 1940 1,770 SF Quality Full/Half Both Last Notice of Major Improvements Exterior Stories Basement Туре 1 full/ 1 half 1/2 BRICK FRAME/ STANDARD UNIT YES FRAME Value Information Phase-in Assessments Value Base Value As of 07/01/2023 As of As of 07/01/2024 01/01/2023 138,600 129,700 Land: 300,000 247,400 Improvements 438,600 397,600 418,100 377,100 Total: Preferential Land: Transfer Information Price: \$365,000 Date: 12/15/2009 Seller: JOSEPH MATTHEW H Deed2: Deed1: /28977/ 00001 Type: ARMS LENGTH IMPROVED Price: \$316,500 Date: 08/06/2003 Seller: LASSITER LANCE K Dead1: /18522/ 00471 Desd2: Type: ARMS LENGTH IMPROVED Price: \$212,500 Date: 09/18/2000 Seller: WELLER WAYNE N Deed2: Deed1: /14699/ 00668 Type: ARMS LENGTH IMPROVED **Exemption information** 07/01/2024 07/01/2023 Partial Exempt Assessments: Class 0.00 000 County: 0.00 000 State: 0.00|0.00 0.00|0.00 000 Municipal: Special Tax Recapture: None **Homestead Application Information** 

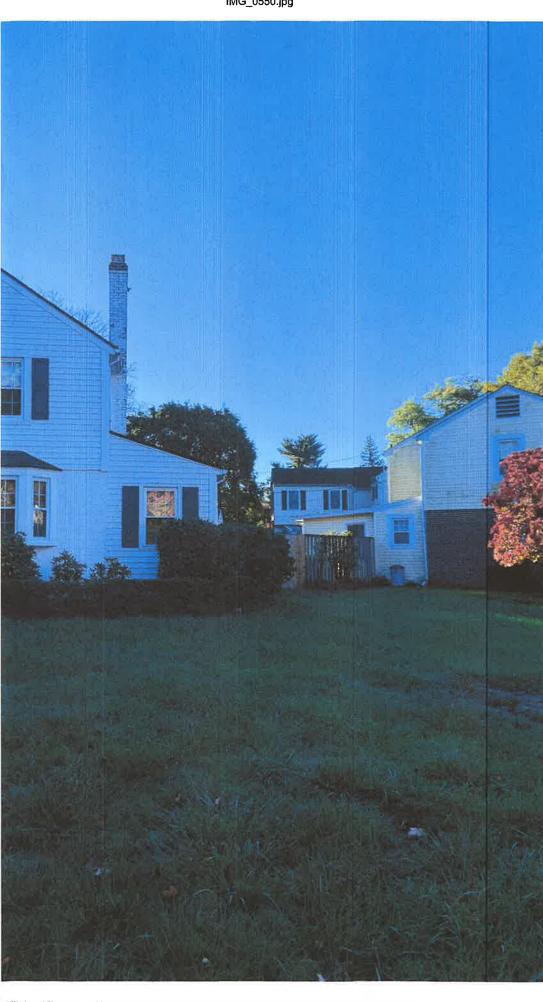
Homestead Application Status: Approved 08/19/2010

Homeowners' Tax Credit Application Information

Homeowners' Tex Cradit Application Status: No Application

Date:



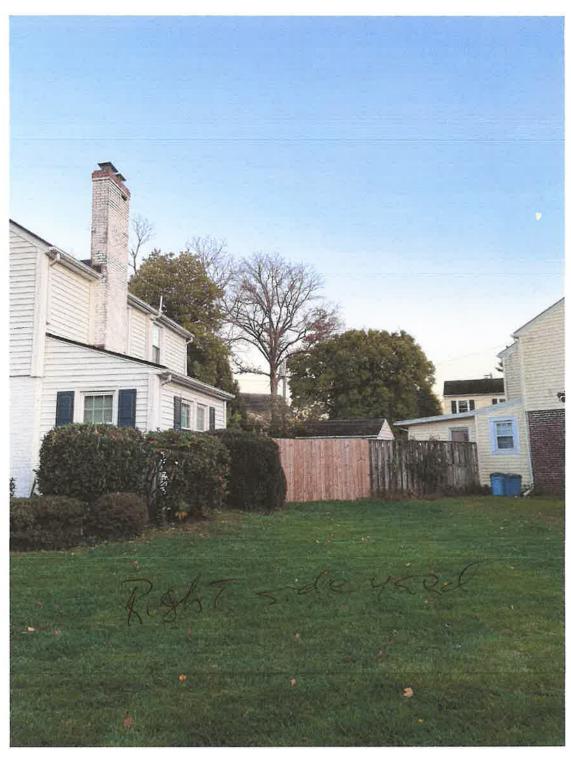




10/30/23, 11:07 AM



10/30/23, 11:07 AM

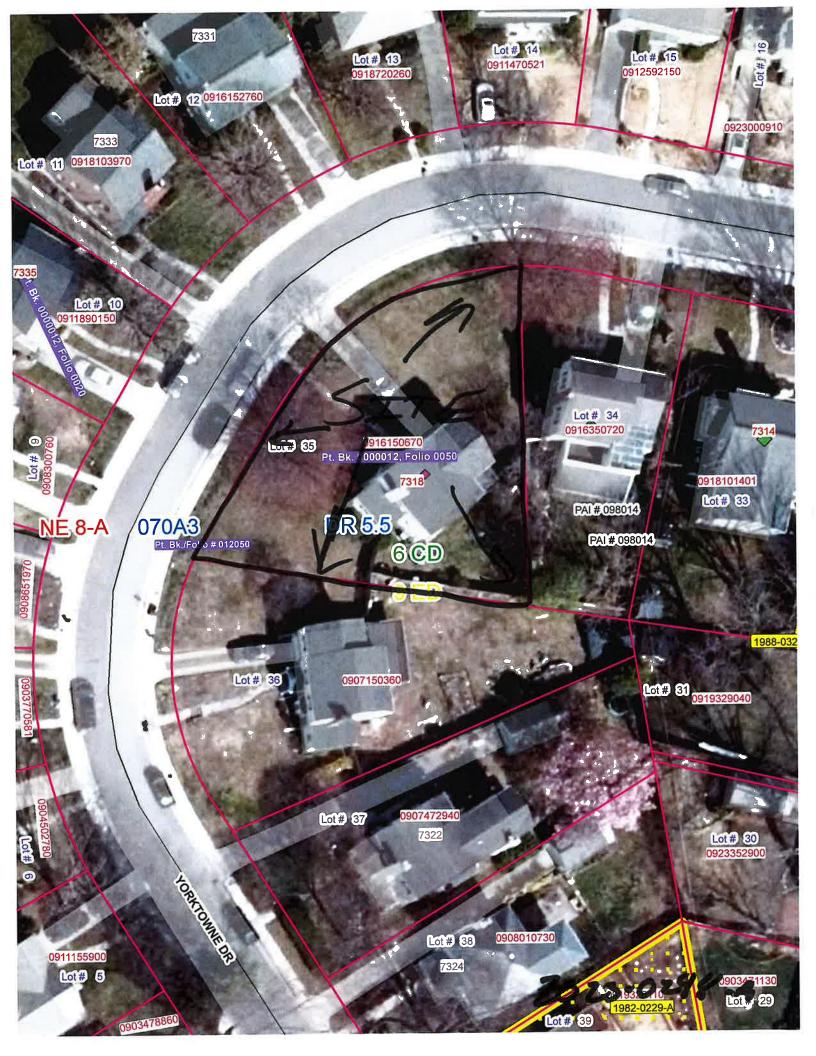




Recz Yhred



REGR YGRD



Zoning Hearing Plan for Variance	for Special Hearing	Mark Type Requested with ()	0	Site Vicinity Map
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bject property is shown in ZoneX		1		
the FIRM Map of Baltimore County, ryland on Community Panel		~		
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N )			4	Violation Case Number(s)
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2023.0248.A