



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 17, 2024

Sergio Montoya – morsersal69@gmail.com
8204 Peach Orchard Road
Dundalk, MD 21222

RE: Petition for Administrative Variance
Case No. 2023-0255-A
Property: 8204 Peach Orchard Road

Dear Mr. Montoya:

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, appearing to be "DJB", is written over a circular blue stamp.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure

c: Oscar Orlando Parada Jaime – oscarparadaj@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(8204 Peach Orchard Rd.)		
12 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Sergio Montoya	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2023-0255-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owner of the property, Sergio Montoya (“Petitioner”) for the property located at 8204 Peach Orchard Road, Dundalk (the “Property”). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 1B02.3.C.1, to approve an addition with a front setback 18 ft. and a side setback as close as 7 ft., in lieu of the required 25 ft. front and 10 ft. side setbacks requirement. The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the “Site Plan”). (Pet. Ex. 1). Street view photographs were marked and accepted into evidence. (Pet. Ex. 2A-2C). A Zoning Advisory Committee (“ZAC”) comment was submitted by the Bureau of Development Plans Review (“DPR”)/Department of Public Works & Transportation (“DPW&T”), dated December 19, 2023, indicating the following:

“ ... The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100535F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.”

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on December 24, 2023 and January 7, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioner has

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 BCZR, Section 307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner. I also find that the requested relief is within the spirit and intent of the BCZR, particularly in light of the lack of opposition.

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 17th day of **January, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR, Section 1B02.3.C.1, to approve an addition with a front setback 18 ft. and a side setback as close as 7 ft., in lieu of the required 25 ft. front and 10 ft. side setbacks requirement, be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Petitioner must comply with the DEPS/DPW&T ZAC comment, dated December 19, 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.



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: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 8204 PEACH ORCHARD RD DUNDALK, MD 21222 Currently Zoned D.R.5.5
Deed Reference 42084 / 0046 10 Digit Tax Account # 1 2 1 0 0 0 1 7 2 0
Owner(s) Printed Name(s) SERGIO GEOVANY MONTOYA

(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)

BCZR 1B02.3.C.1 to approve an addition with a front setback 18' and a side setback as close 7', in lieu of the required 25' front and 10' side setbacks requirements.

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):

SERGIO GEOVANY MONTOYA /
Name #1 – Type or Print Name #2 – Type or Print
[Signature] /
Signature #1 Signature #2
8204 PEACH ORCHARD RD DUNDALK MARYLAND
Mailing Address City State
21222 / 908-370-6371 / morsersal69@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

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

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be Contacted:

OSCAR ORLANDO PARADA JAIME
Name - Type or Print
[Signature]
Signature
1422 ELMTREE ST BALTIMORE MARYLAND
Mailing Address City State
21226 / 571-245-8679 / oscarparadaj@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 2023-0255-A Filing Date 12/11/23 Estimated Posting Date 12/24/23 Reviewer SC

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>8204 PEACH ORCHARD RD</u>	<u>DUNDALK</u>	<u>MARYLAND</u>	<u>21222</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)**

WHEN WE BUY THE HOUSE, WE WERE A SMOLLER FAMILY, TODAY WE HAVE GROWN
AS A FAMILY, WE DESIRE TO HAVE A KITCHEN WITH A DINING ROOM AND ENOUGH SPACE
TO SHARE THE HOLY FOODS, IT IS VERY IMPORTANT FOR US TO SHARE AS A FAMILY AND
WE VALUE IT AS IMPORTANT IN THE EDUCATION OF OUR CHILDREN ALSO NEED A SPACE
FOR THE CONSTRUCTION OF A PORCH AS A WAITING AREA FOR VISITORS AND FAMILY
SHARING AREA

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


Signature of Owner (Affiant)

Signature of Owner (Affiant)

SERGIO GEOVANY MONTOYA

Name - Print or Type

Name - Print or Type

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

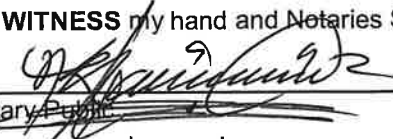
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5th day of December, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Sergio Geovany Montoya

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

AS WITNESS my hand and Notaries Seal


Notary Public

KARLA VANESSA SANCHEZ RIVERA
NOTARY PUBLIC
BALTIMORE COUNTY, MARYLAND
MY COMMISSION EXPIRES OCT. 28, 2027

10/28/2027
My Commission Expires

THE ZONING PETITION PROPERTY DESCRIPTION

PART A

ZONING PROPERTY DESCRIPTION FOR: 8204 Peach Orchard Rd

Beginning at a point on the west side of Peach Orchard Rd which is 30 feet of right-of-way width wide at the distance of 352.56 feet south of the centerline of the nearest improved intersecting street Watersedge Rd which is 30 feet of right-of-way width wide.

PART B

Being Lot # (22), Block (4), Section # (C), in the subdivision of 0000 as record In Baltimore County Plat Book# (17), Folio # (22) Containing 5,500 S, F., Located in the Election District (12) and (7)

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023-0255 -A Address 8204 PEACH ORCHARD RD
Contact Person: Shaun Crawford Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 12/11/23 Posting Date: 12/24/23 Closing Date: 1/8/24

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.
- 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.
- 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.
- 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: 2023-0255 -A Address 8204 PEACH ORCHARD ROAD
Petitioner's Name: SERGIO MONTANA Telephone (Cell) 571-245-8679
Posting Date: 12/24/23 Closing Date: 1/8/24
Wording for Sign: To Permit _____

an addition with a front setback 18' and a side
setback as close 7', in lieu of the required 25' front
and 10' side setbacks requirements.

ZONING REVIEW OFFICE



**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353

WWW.BALTIMORECOUNTYMD.GO
V

Cashier: Mitchell K.

Transaction **102076**

Total **\$75.00**

DEBIT CARD SALE **\$75.00**
VISA 6544

Retain this copy for statement
validation

Station: Permit Processing - Mini

06-Dec-2023 3:36:59P

\$75.00 | Method: EMV

US DEBIT XXXXXXXXXXXX6544

OSCAR O PARADA

Reference ID: 334000554159

Auth ID: 173865

MID: *****2995

AID: A0000000980840

AthNtwkNm: VISA

RtInd: CREDIT

SIGNATURE

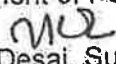
Payment F8RGA3T74D2WY

Clover Privacy Policy
<https://clover.com/privacy>

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 December 19, 2023
Item No. 2023-0255-SPHA

DATE: December 19, 2023

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

DPW-T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100535F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 40-15 (the latest edition of the Baltimore County Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. The LiMWA is not on the property.

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

VKD: JK
cc: file

CERTIFICATE OF POSTING

2023-0255-A

RE: Case No.: _____

Petitioner/Developer: _____

Sergic Montuya

January 8, 2024

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Jeff Perlow:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

8204 Peach Orchard Road ***SIGN 2***

December 24, 2023

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 24, 2023

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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 20, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0255-SPHA
Address: 8204 PEACH ORCHARD RD
Legal Owner: Sergio Montoya

Zoning Advisory Committee Meeting of December 19, 2023.

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

Additional Comments:

Reviewer: Libby Errickson 12/20/23

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

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Landscape: N/C

Rec & Parks: N/C & No Greenways affected

VKD: JK
cc: file

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration		
Special Tax Recapture: None				
Account Identifier: District - 12 Account Number - 1210001720				
Owner Information				
Owner Name:	MONTOYA SERGIO GEOVANY	Use: RESIDENTIAL		
		Principal Residence: YES		
Mailing Address:	8204 PEACH ORCHARD DUNDALK MD 21222-6025	Deed Reference: /42084/ 00446		
Location & Structure Information				
Premises Address:	8204 PEACH ORCHARD RD DUNDALK 21222-6025	Legal Description: 8204 PEACH ORCHARD RD MURRAY POINT		
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:				
0110 0005 0037 12050097.04 0000 C 4 22 2024 Plat Ref: 0017/ 0026				
Town: None				
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use				
1952 1,175 SF 5,500 SF 04				
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements				
1 1/2 NO STANDARD UNIT SIDING/3 1 full				
Value Information				
	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2023	07/01/2024
Land:	49,500	49,500		
Improvements	110,300	110,300		
Total:	159,800	159,800	159,800	
Preferential Land:	0			
Transfer Information				
Seller: THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT	Date: 11/05/2019	Price: \$125,000		
Type: ARMS LENGTH IMPROVED	Deed1: /42084/ 00446	Deed2:		
Seller: CALIBER HOME LOANS INC	Date: 02/04/2019	Price: \$0		
Type: NON-ARMS LENGTH OTHER	Deed1: /41114/ 00072	Deed2:		
Seller: SMITH ANDREW	Date: 08/13/2018	Price: \$112,480		
Type: NON-ARMS LENGTH OTHER	Deed1: /40566/ 00054	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	
Special Tax Recapture: None				
Homestead Application Information				
Homestead Application Status: No Application				
Homeowners' Tax Credit Application Information				
Homeowners' Tax Credit Application Status: No Application Date:				

2023-0255-A



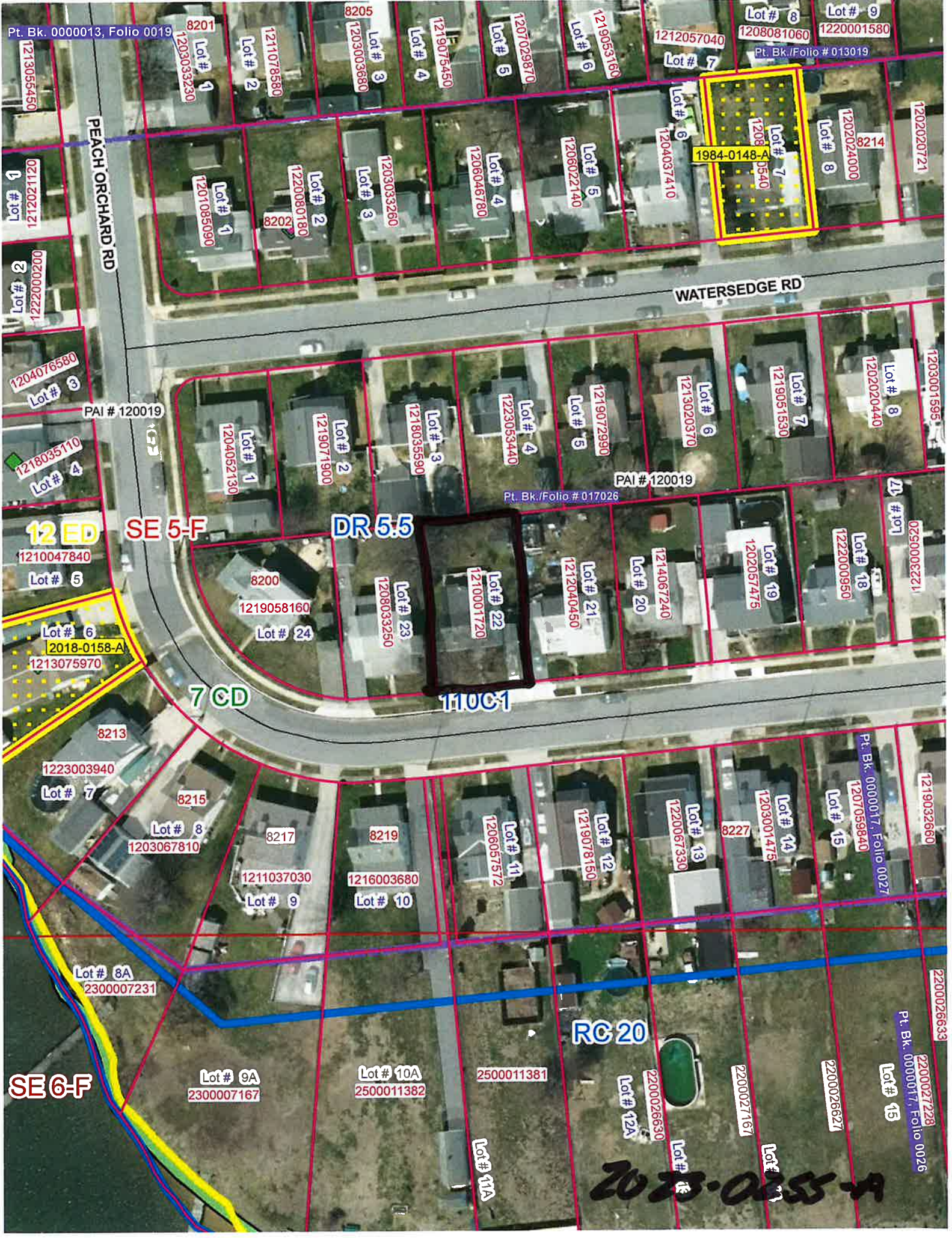
PHOTOGRAFY IN FRONT OF THE HOUSE



PHOTOGRAFY LEFT SIDE OF THE HOUSE



PHOTOGRAFY RIGHT SIDE



Pt. Bk. 0000013, Folio 0019

Lot # 8
1208081060
Lot # 9
1220001580
Pt. Bk./Folio # 013019

PEACH ORCHARD RD

WATERSEDGE RD

PAI # 120019

PAI # 120019

Pt. Bk./Folio # 017026

SE 5-F

DR 5.5

7 CD

110C1

SE 6-F

RC 20

Pt. Bk. 0000017, Folio 0027

Pt. Bk. 0000017, Folio 0026

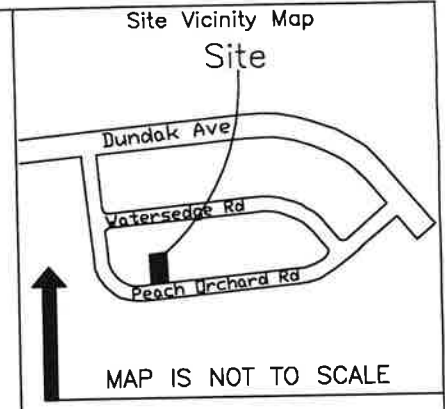
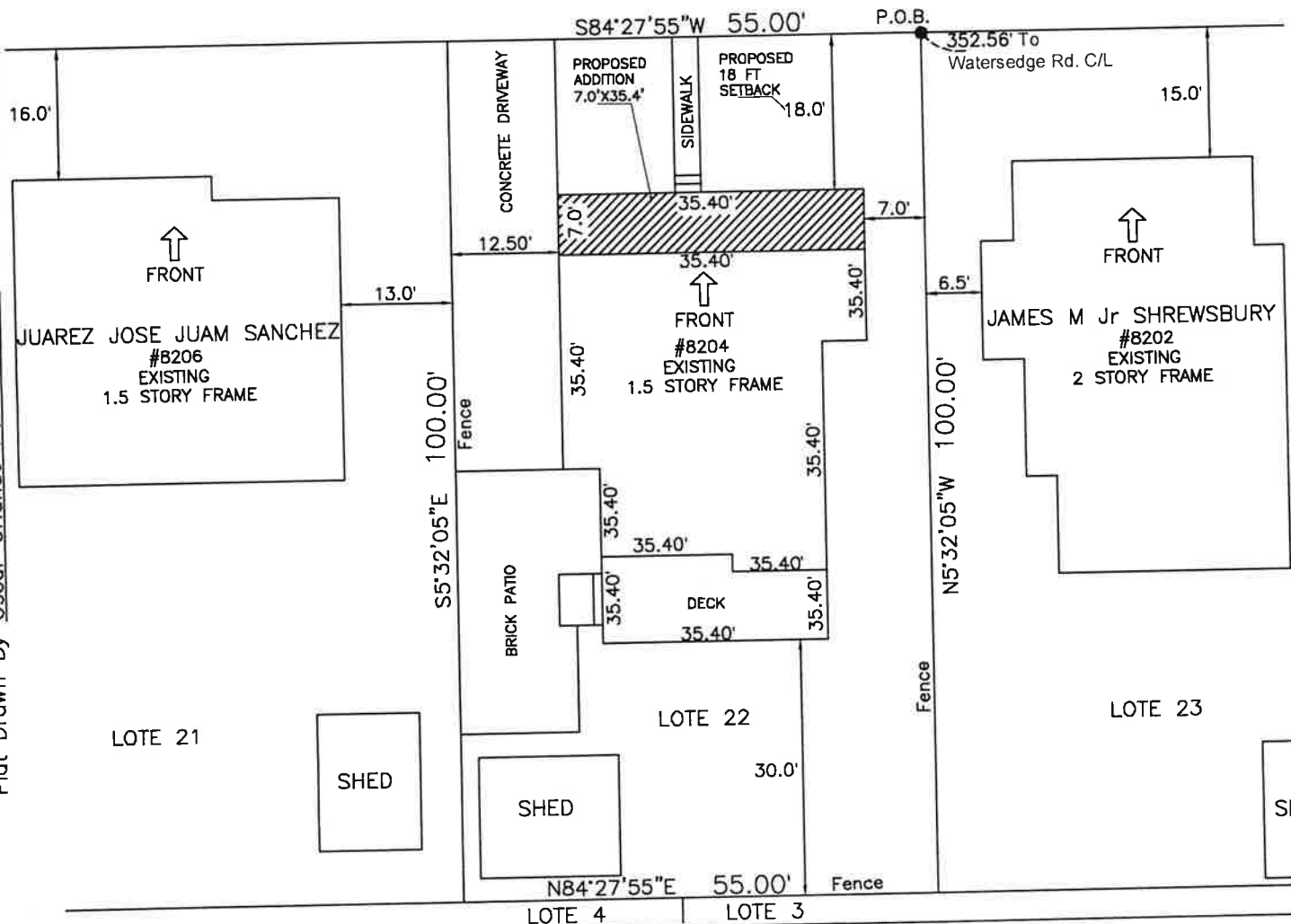
2020-0255-A

Plat Drawn By Oscar Orlando Parada Jaime Date 11-27-2023 Scale 1 Inch= 20 Feet

Zoning Hearing Plan for Variance ☒ For Special Hearing___ Mark Type With Request with (x)
Address: 8204 Peach Orchard Rd Owners(s) Name(s): Sergio Geovany Montoya
Subdivision Name_____ Lot # 22 Block # 4 Section # C
Plat Block # 17 Folio# 22 10 Digit Tax 1210001720 Deed Reference # 42084/00446



----- Old Gas Line -----
----- Existing Curb -----
----- New Gas Line -----
----- Water Line -----
PEACH ORCHARD RD 30.0 FT R/W
----- Sewer Line -----



Zoning Map # 0110
Zoning DR 5.5
Election District 12
Council District Z
Lot Area Acreage 0.126
Lot Square Footage 5,500
Historic (Yes or No) No
CBCA (Yes or No) Yes
Flood Plan (Yes or No) Yes
Utilities- Mark with (x)
Water is
Public ☒ Private___
Sewer is
Public ☒ Private___
Prior Hearing (Yes or No) No

Violation Case Number(s)

2023-0255-A