



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

March 21, 2024

Georgi and Yelana Slavov – gslavov@lenis-llc.com
17501 Prettyboy Dam Road
Parkton, MD 21120

RE: Petition for Special Hearing
Case No. 2024-0015-SPH
Property: 17501 Prettyboy Dam Road

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 blue ink, appearing to be "Derek J. Baumgardner", is written over the word "Sincerely,".

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: dlm
Enclosure

c: Bruce E. Doak – bdoak@bruceedoakconsulting.com
Laura Harting – laura.harting@comcast.net
Yela – yblue1016@gmail.com

IN RE: PETITION FOR VARIANCE
(17501 Prettyboy Dam Road)
7th Election District
3rd Council District
Georgi & Yelana Slavov
Legal Owners

Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS OF
* BALTIMORE COUNTY
* **CASE NO. 2024-0015-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) on a Petition for Variance filed by Georgi and Yelana Slavov (“Petitioners”) for the property located at 17501 Prettyboy Dam Road, Parkton, Baltimore County, Maryland (the “Property”). Petitioners are requesting variance relief from: (1) Baltimore County Zoning Regulation (“BCZR”), § 1A09.7.B.3 to permit the maximum area of the building envelope on a residential lot to be 27,191 sq. ft. in lieu of the required maximum 20,000 sq. ft.; (2) BCZR §1A09.7.B.5.b.(1) to permit an accessory building (garage) to be located as close as 33 ft. from an adjacent property which is cultivated or used as a pasture in lieu of the required minimum distance of 300 ft.; (3) BCZR § 1A09.7.C.2.e to permit an accessory building (garage) to be located in the front yard of a principal use; and (4) BCZR § § 400.3, 1A09.7.C.2.e to permit an accessory building (garage) to have a height of 19 ft. in lieu of the required maximum height of 15 ft.

A public hearing was conducted on March 5, 2024, using the online platform WebEx in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners appeared and gave testimony at the hearing with Bruce E. Doak of Bruce E. Doak Consulting, LLC, assisting the Petitioners. An adjacent property owner, Ms. Laura Harting, attended the hearing and testified to her concerns but did not object to the relief requested in the Petition. No

Other community members attended or participated in the hearing.

The following exhibits were received and admitted into the record: (1) Petitioner's Site Plan; (2) SDAT Report; (3) GIS (My Neighborhood); (4) GIS aerial photograph; (5) Site Photographs (5a-5j); (6) Building Elevations. County or file exhibits were also received and admitted into the record, to wit: (1) Zoning Advisory Committee ("ZAC") comments; (2) Department of Environmental Protections and Sustainability ("DEPS") comments; (3) Development Plans Review (DPR) comments. While DEPS and DPR comments did not indicate objection to the relief requested under this Petition, Planning's ZAC comment withheld a recommendation on approval pending a more thorough articulation of the facts and the need for the requested variances.

Findings of Fact

The Property is approximately 4.25 acres in land area and is zoned RC 8. It is improved with a single-family dwelling of 5,185 sq. ft. above-grade living area. The majority of the lot is unimproved and forested. The property was platted in 1973 and was then zoned RDP, a predecessor zoning district to RC-2. Because of the lot's history, it was deemed a nonconforming lot for purposes of the permitted construction and siting of the single-family home. Because of site constraints, the primary structure was configured such that the front yard is located parallel to, instead of perpendicular, from Prettyboy Dam Road, creating a unique condition in which a typical side yard functions as a front yard. Further, due to those same site conditions, the single-family home, proposed garage, and any other improvements are buildable only within a confined building envelope within the central portion of the lot. The existing and proposed improvements are fully screened in all directions by dense, mature forest and vegetation, or newly planted evergreen trees fronting Prettyboy Dam Road.

Ms. Harting, an adjacent property owner, testified to her concerns regarding exterior lighting on the proposed garage. Mr. Slavov replied that any exterior lighting would be residential in nature and kept to a minimum to maintain the rural character of the property and surrounding area.

Conclusions of Law

The Petition requests variance relief from: (1) BCZR § 1A09.7.B.3 to permit the maximum area of the building envelope on a residential lot to be 27,191 sq. ft. in lieu of the required maximum 20,000 sq. ft.; (2) BCZR § 1A09.7.B.5.b.(1) to permit an accessory building (garage) to be located as close as 33 ft. from an adjacent property which is cultivated or used as a pasture in lieu of the required minimum distance of 300 ft.; (3) BCZR § 1A09.7.C.2.e to permit an accessory building (garage) to be located in the front yard of a principal use; and (4) BCZR § § 400.3, 1A09.7.C.2.e to permit an accessory building (garage) to have a height of 19 ft. in lieu of the required maximum height of 15 ft. Pursuant to BCZR § 307.1, "...the [Administrative Law Judge] shall have ...the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship...Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare..." 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).

As described above, the Property is unique due to its sloped topography, small size relative to the requirements of the RC-8 zone, mature forest, and the orientation of the existing single-family home. The restrictions on single-family home construction on the previously zoned RDP lot, now zoned RC-8, lot would render this lot unbuildable if not for its nonconforming status. Likewise, these same restrictions would preclude construction of the proposed accessory structure, but do necessitate variance relief from the current restrictions under the lot's RC-8 zoning.

I find that the lot's unique characteristics create a practical difficulty in complying with the building area and setback requirements, as well as location requirements for accessory structures. The location for the proposed accessory structure at the southeast corner of the lot is the least intrusive location on the property to site the structure in accordance with BCZR requirements. However, this location exceeds the minimum lot distance from adjacent cultivated land necessitating a variance from BCZR §1A09.7.B.5.b.(1). Further, this BCZR-preferred location is sited in the front yard necessitating a variance from BCZR § 1A09.7.C.2.e. Lastly, with respect to the proposed maximum height of an accessory structure, the roof pitch is designed to the minimum degree necessary for adequate snow and water drainage, but exceeds the 15 ft. height maximum.

For these reasons, I find that special circumstances or conditions exist that are peculiar to this property and strict compliance with the Zoning Regulations for Baltimore County for maximum area, site location, distance from adjacent lots, and accessory structure height would

result in practical difficulty for Petitioner. Further, I find that the variances proposed are in harmony with the spirit and intent of said area, setback, and height regulations and will not result in any injury to the public health, safety and general welfare.

THEREFORE, IT IS ORDERED, this 21st day of **March 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Baltimore County Zoning Regulations (“BCZR”), § 1A09.7.B.3 to permit the maximum area of the building envelope on a residential lot to be 27,191 sq. ft. in lieu of the required maximum 20,000 sq. ft. be and is here **GRANTED**, and

IT IS FURTHER ORDERED, from BCZR §1A09.7.B.5.b.(1), to permit an accessory building (garage) to be located as close as 33 ft. from an adjacent property which is cultivated or used as a pasture in lieu of the required minimum distance of 300 ft be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, from BCZR § 1A09.7.C.2.e, to permit an accessory building (garage) to be located in the front yard of a principal use be and is hereby **GRANTED**, and

IT IS FURTHER ORDERED, from BCZR §§400.3 & 1A09.7.C.2.e, to permit an accessory building (garage) to have a height of 19 ft. in lieu of the required 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 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. No commercial activities or storage of commercial materials are permitted within the accessory structure except under proper permit;

3. The accessory building (garage) shall not be used as living or sleeping quarters except under proper permit;
4. The accessory building (garage) shall not have separate electric, water, or other utility or service meters from the existing single-family dwelling, unless separate meters or services are determined to be necessary by those utility or service providers by reason of capacity or other safety or technical requirements; and
5. All exterior lighting shall be residential in nature, use, and design, and shall remain limited in use, duration, and illumination so as not to disturb adjacent or neighboring properties.

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/dlm

24-0030 MK



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 17501 PRETTYBOY DAM ROAD which is presently zoned RCB
Deed References: 42029/297 10 Digit Tax Account # 1600012179
Property Owner(s) Printed Name(s) GEORGI SLAVOV & YELANA SLAVOV

(SELECT THE HEARING(S) BY MARKING **X** 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. X 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):

GEORGI SLAVOV | YELANA SLAVOV
Name #1 - Type or Print Name #2 - Type or Print

X *[Signature]* X *[Signature]*
Signature #1 Signature #2

17501 PRETTYBOY DAM ROAD PARKTON MD
Mailing Address City State

21120 | 443-819-5606 |
Zip Code Telephone # Email Address

GSLAVOV@LENIS-LLC.COM

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 | 410-919-9906 |
Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2024-0015-A Filing Date 1/10/2024 Do Not Schedule Dates: _____ Reviewer mk

Zoning Hearing Petitions Being Requested

Case # 2024-0015-A

Variance to permit the maximum area of the building envelope on a residential lot to be 27,191 square feet in lieu of the required maximum of 20,000 square feet per Section 1A09.7.B.3 BCZR

Variance to permit an accessory building (garage) to be located as close as 33 feet from an adjacent property which is cultivated or used as a pasture in lieu of the required minimum distance of 300 feet per Section 1A09.7.B.5.b.(1) BCZR

Variance to permit an accessory building (garage) to be located in the front yard of a principal use per Section 1A09.7.C.2.e BCZR

Variance to permit an accessory building (garage) to have height of 19 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR and Section 1A09.7.C.2.e BCZR



Zoning Description

17501 Prettyboy Dam Road
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the south side of Prettyboy Dam Road, approximately 150 feet, more or less, northeasterly from the centerline of Tracey's Store Road, thence leaving said road and running with and binding on the outlines of the subject property, the three following courses and distances, viz. 1) South 20 degrees 52 minutes 55 seconds East 509.41 feet, 2) South 69 degrees 07 minutes 05 seconds West 350.00 feet, 3) North 24 degrees 18 minutes 39 seconds West 496.26 feet to the south side of Prettyboy Dam Road, thence binding on said south side and continuing to bind on the outlines, the three following courses and distances, viz. 4) North 63 degrees 29 minutes 05 seconds East 58.49 feet, 5) Northeasterly by a line curving to the right with a radius of 1719.10 feet for a distance of 169.02 feet and 6) North 69 degrees 07 minutes 05 seconds East 152.75 feet to the point of beginning.

Containing 4.25 acres of land, more or less.

This description is part of a zoning 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

2024-0015-A

No. 229491

Date: 1/10/2024

[illegible]

Brue Doot Consulting

Presidential / Zoning Variance
17501 Prettybay Dam Road
Zoning Case 2024-0015-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**CASHIER'S
VALIDATION**

1275

**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: 2024-0015-A
Property Address: 17501 PRETTYBOY DAM ROAD PARKTON MO 21120
Property Description: 4.25 ACRE PARCEL OF LAND ON SOUTH SIDE OF
Prettyboy Dam Road
Legal Owners (Petitioners): GEORGI & YELANA SLAVOV
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 MO 21053

Telephone Number: 410-419-4906

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 07 Account Number - 1600012179

Owner Information

Owner Name: SLAVOV GEORGI Use: RESIDENTIAL
SLAVOV YELANA Principal Residence: YES
Mailing Address: 17501 PRETTYBOY DAM RD Deed Reference: /42029/ 00297
PARKTON MD 21120-

Location & Structure Information

Premises Address: 17501 PRETTY BOY DAM RD Legal Description: 4.25 AC
PARKTON 21120- 152 SE MT CARMEL ROAD
HALES HACKLE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 3
0021 0008 0154 7040022.04 0000 20 2023 Plat Ref: 0036/ 0088

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
2021 5,185 SF 4,2500 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements
2 YES STANDARD UNITFRAME/5 4 full/ 1 half 2 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:	159,000	131,100		
Improvements	550,700	645,800		
Total:	709,700	776,900	732,100	754,500
Preferential Land:	0	0		

Transfer Information

Seller: WIGGETT ROBERT T TRUSTEE	Date: 10/23/2019	Price: \$180,000
Type: ARMS LENGTH VACANT	Deed1: /42029/ 00297	Deed2:
Seller: WIGGETT ROBERT E	Date: 05/22/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /38989/ 00485	Deed2:
Seller: GRAY & SON INCORPORATED	Date: 09/23/1977	Price: \$16,000
Type: ARMS LENGTH IMPROVED	Deed1: /05806/ 00108	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	0.00	
State:	0.00	
Municipal:	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

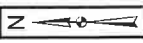
Homestead Application Status: Approved 01/26/2022

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0015-A

Baltimore County - My Neighborhood



TRACEYS STORE RD

RC 2

RC 8

SITE

021A1

17501

17517

17505

17507

17421

2024-0015-A

Legend

☐ 200 Scale Grid

☐ House Numbers

☒ Zoning History Cases

☐ Zoning

☐ Property

☐ County Boundary

1 Inch = 188 Feet

0

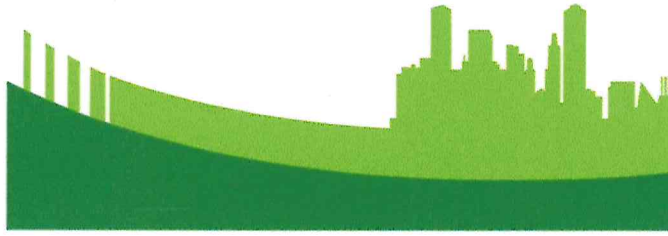
95

190

380 Feet

January 10, 2024

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri, Swisstopo, The Swedish Land Survey, Esri, Swisstopo, China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



CERTIFICATE OF POSTING

February 12, 2024

_____ amended for second inspection

Re:

Zoning Case No. 2024-0015-A

Legal Owner: Georgi & Yelana Slavov

Hearing date: March 05, 2024

Baltimore County Department of Permits, Approvals & Inspections

County Office Building

111 West Chesapeake Avenue, Room 111

111 West Chesapeake Avenue Towson, MD 21204

Attention: Jeff Perlow

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **17501 Prettyboy Dam Road**.

The signs were initially posted on **February 11, 2024**.

The subject property was also inspected on _____.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. E. Doak".

Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheets for the photos of the posted signs

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road

Freeland, MD 21053

410-419-4906 cell / 443-900-5535 office

bdoak@bruceedoakconsulting.com

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

CASE # 2024-0015-A

17501 Prettyboy Dam Road, Parkton Maryland 21120
(S/S of Prettyboy Dam Rd., 150' NE of Traceys Store Rd.)
Council District 3, Election District 7

Legal Owners: Georgi & Yelana Slavov

PETITION REQUEST: *VARIANCE*: FROM BALTIMORE COUNTY ZONING REGULATIONS (BCZR) 1A09.7.B.3 TO PERMIT THE MAXIMUM AREA OF THE BUILDING ENVELOPE ON A RESIDENTIAL LOT TO BE 27,191 SQ.FT. IN LIEU OF THE REQUIRED MAXIMUM 20,000 SQ.FT. FROM BCZR 1A09.7.B.5.b(1) TO PERMIT AN ACCESSORY BUILDING (GARAGE) TO BE LOCATED AS CLOSE AS 33 FT. FROM AN ADJACENT PROPERTY WHICH IS CULTIVATED OR USED AS A PASTURE IN LIEU OF THE REQUIRED MINIMUM DISTANCE OF 300 FT. FROM BCZR 1A09.7.C.2.e TO PERMIT AN ACCESSORY BUILDING (GARAGE) TO BE LOCATED IN THE FRONT YARD OF A PRINCIPAL USE. FROM BCZR 400.3, 1A09.7.C.2.e TO PERMIT AN ACCESSORY BUILDING (GARAGE) TO HAVE A HEIGHT OF 19 FT. IN LIEU OF THE REQUIRED MAXIMUM HEIGHT OF 15 FT.

Hearing Date: Tuesday, March 5, 2024 at 11:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please hearing format at the phone number or email address shown below.

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone 410-887-3808, ext.0
Email: administrativehearings@baltimorecountymd.gov

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Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204
Email: administrativehearings@baltimorecountymd.gov Phone: 410-887-2808, ext. 400

HANDICAPPED ACCESSIBLE

ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a hearing virtually via WebEx, and/or in-person upon request (see below) for the Property identified herein as follows:

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Council District 3, Election District 7
Legal Owners: Georgi & Yelana Slavov

PETITION REQUEST: LARLANCE: FROM BALTIMORE COUNTY ZONING REGULATIONS (BCZR) 1A09.7.B.3 TO PERMIT THE MAXIMUM AREA OF THE BUILDING ENVELOPE ON A RESIDENTIAL LOT TO BE 27,191 SQ.FT. IN LIEU OF THE REQUIRED MAXIMUM 20,000 SQ.FT. FROM BCZR 1A09.7.B.5.b.(1) TO AS 33 FT. FROM AN ACCESSORY BUILDING (GARAGE) TO BE LOCATED AS CLOSE USED AS A PASTURE IN LIEU OF THE REQUIRED MINIMUM DISTANCE OF 300 FT. FROM BCZR 1A09.7.C.2.e TO PERMIT AN ACCESSORY BUILDING (GARAGE) TO BE LOCATED IN THE FRONT YARD OF A PRINCIPAL USE. FROM BCZR 400.3.1A09.7.C.2.e TO PERMIT AN ACCESSORY BUILDING (GARAGE) TO HAVE A HEIGHT OF 19 FT. IN LIEU OF THE REQUIRED MAXIMUM HEIGHT OF 15 FT.

Hearing Date: Tuesday, March 5, 2024 at 11:00 a.m.

If an in-person hearing has been requested in writing and granted, the hearing location is: The Jefferson Building, 105 W. Chesapeake Ave., Hearing Room 205, Towson, MD 21204. Please contact the Office of Administrative Hearings a few days prior to the hearing to confirm the hearing format at the phone number or email address shown below.

105 West Chesapeake Avenue, Suite 103 / Towson, Maryland 21204 / Phone: 410-887-3868, ext 0
Office of Administrative Hearings
Email: administrativehearings@baltimorecountymd.gov

HANDICAPPED ACCESSIBLE

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 6, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0015-A
Address: 17501 PRETTY BOY DAM RD
Legal Owner: Georgi & Yelana Slavov

Zoning Advisory Committee Meeting of February 6, 2024.

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

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 7, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0015-A

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

DPR: No comment.

DPW-T: No exception taken

Landscaping: No comment.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 2/5/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0015-A

INFORMATION:

Property Address: 17501 Pretty Boy Dam Road

Petitioner: Georgi & Yelana Slavov

Zoning: RC 8

Requested Action: Variance

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

Variance(s) -

- a. To permit the maximum area of the building envelope on a residential lot to be 27,191 square feet in lieu of the required maximum of 20,000 square feet per Section 1A09.7.B.3 BCZR
- b. To permit an accessory building (garage) to be located as close as 33 feet from an adjacent property which is cultivated or used as a pasture in lieu of the required minimum distance of 300 feet per Section 1A09.7.B.5.b.(1) BCZR
- c. To permit an accessory building (garage) to be located in the front yard of a principal use per Section 1A09.7.C.2.e BCZR
- d. To permit an accessory building (garage) to have height of 19 feet in lieu of the required maximum height of 15 feet per Section 400.3 BCZR and Section 1 A09. 7.C.2.e BCZR

The property in question is located on Pretty Boy Dam Road in the Parkton region of Baltimore County. It's important to clarify that, the property is located opposite to the intersection of Pretty Boy Dam Road and Traceys Store Road. Spanning approximately 4.25 acres, the RC 8-zoned parcel features a residential dwelling that is fenced with hedges. Surrounding the property are residential homes, farms, and areas designated for forest conservation.

BCZR Section 1A09.1.A.1 Findings and Legislative Goals states that ...resource preservation areas containing valuable cultural, historic, recreational, and environmental resources that must be protected for the well-being of the local and larger communities. Although these areas are mainly situated in rural Baltimore County, certain environmentally significant areas are scattered throughout the county and need to be safeguarded. To allow controlled development that is compatible with both rural and urban communities while preserving environmental resources, the R.C.8 Zone permits limited development.

The legislative goals for the R.C.8 Zone seek to protect and preserve the area's natural resources and character. The Section aim is to safeguard the ecosystem's functioning and maintain water quality, forests, and historic sites. Additionally, the goals strive to provide quality recreational experience and preserve

remaining prime soils. The regulation also promotes sustainable development practices, limit traffic growth, and enhance local character and environmental protection. These objectives must be considered when evaluating proposed developments to ensure they align with the goals and protect the area's resources for future generations.

The request seeks approval to increase the maximum allowable building envelope area on a residential lot to 27,191 square feet, exceeding the standard maximum of 20,000 square feet as outlined in Section 1A09.7.B.3 BCZR, and to allow an accessory building (garage) to be situated in the front yard of the principal use, according to Section 1A09.7.C.2.e BCZR.

However, Section 1A09.7.C.2 BCZR mandates that dwellings and principal buildings be oriented towards public rights-of-way. The current principal building deviates from this, being side-oriented to Prettyboy Dam Road instead of front-oriented. This Section further requires new buildings to be situated in areas of the site that are least visible from the public road, promoting effective resource protection, necessitating that the proposed structure be placed behind the principal building. Additionally, Section 1A09.7.C.2.E of the BCZR clearly states that structures accessory to residential uses, like garages, are not permitted in the front yard of any principal use.

The petitioner has indicated that they intend to present a demonstration of unreasonable hardship or practical difficulty as required to grant this variance at the hearing for this request. No such unreasonable hardship or practical difficulty is readily identifiable through provided documents or accessible information. Based on the development and area standards of Section 1A09.7.B.3 BCZR, the Department of Planning cannot support the requested variances at this time due lack of information justifying support of the request and not meeting the zones standards.

Should the Administrative Law Judge decide to grant the requested relief, the Department of Planning requests that the following conditions are demanded:

- a. A sufficient demonstration of unreasonable hardship or practical difficulty is presented as determined by the Administrative Law Judge.
- b. The Petitioners or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area or kitchen facilities.
- c. The accessory structure shall not be used for commercial or industrial purposes.

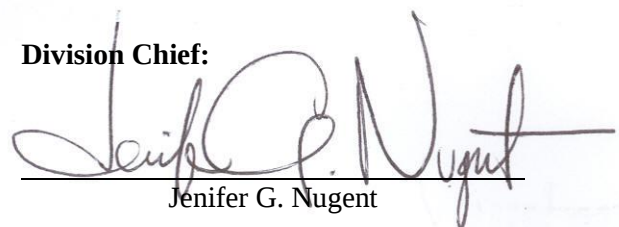
For further information concerning the matters stated herein, please contact Henry Ayakwah at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: Bruce E. Doak, Bruce E. Doak Consulting LLC
Joseph Wiley and Abigail Rogers
Jeff Perlow, Zoning Review

Kristen, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

GENERAL SITE INFORMATION

- Ownership: Georgi & Yelana Slavov
- Address: 17501 Prettyboy Dam Road
- Deed reference: JLE 42029/297
Lot 20 "Hales Hackle" PB 36/ 88
- Property area: 4.25 acres (per PB 36/88)
- Election District: 7th Councilmanic District: 3rd
- Tax Map 21 Grid 08 Parcel 154 Tax Acc. # 16-00-012179
- ADC Map Grid: 423304 Position Sheet: 112NW21
- GIS Tile Number: 021A1
- Regional Planning District: Hereford/ MD Line Regional Planning Dist. Code: 301
- Growth Tier: 4 Growth Tier Description: Preservation & Conservation Areas
- Watershed Name: Prettyboy Reservoir
- URDL Land Type: 1
- School Districts: Fifth District ES Hereford MS Hereford HS
- Census Block: 240054070011 Census Tract: 407001
- The boundary shown hereon is from Plat Book 36/88.
- The topography shown hereon is from GIS tile number 021A1.

GROUND WATER MANAGEMENT

- The subject property is improved with a single family dwelling.
- Perc tests were performed and approved for a single family dwelling on September 09, 2019.
- The dwelling utilizes the existing private well and septic system.
- There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

- No forest exists on the subject property. A Single Lot Declaration of Intent has been submitted to Baltimore County.

Forest Buffer

- No wetlands exist on the subject property.
- No flood plain for the tributary is shown on the current FEMA FIRM Map.
- The subject parcels are not located within a 100 year flood plain.
- The subject parcels are not in the Chesapeake Bay Critical Area.

AGRICULTURE

No portion of the subject property is currently being used for agricultural purposes.

SEDIMENT CONTROL

- Sediment control provisions will be required and provided as a part of the building permit.

STORM WATER MANAGEMENT

- Sediment control provisions will be required and provided as a part of the building permit.

OFFICE OF ZONING

Current Zoning RC 8

Devolution of Title

The subject property as shown on this plan has been held intact since March 7, 1973 (PB 36/88)). The developer's surveyor has confirmed that no part of the gross area of this property as shown on this plan has ever been utilized, recorded, or represented as density or area to support any off-site dwellings.

Zoning History

There have been no zoning hearings concerning the subject property.

R.C. 8 Setbacks for Residential Single Family Dwellings

Front: 35 feet from the r/w of a public or private interior streets

Side: 80 feet from any principal building

Rear: 50 feet from the rear lot line

Building Heights

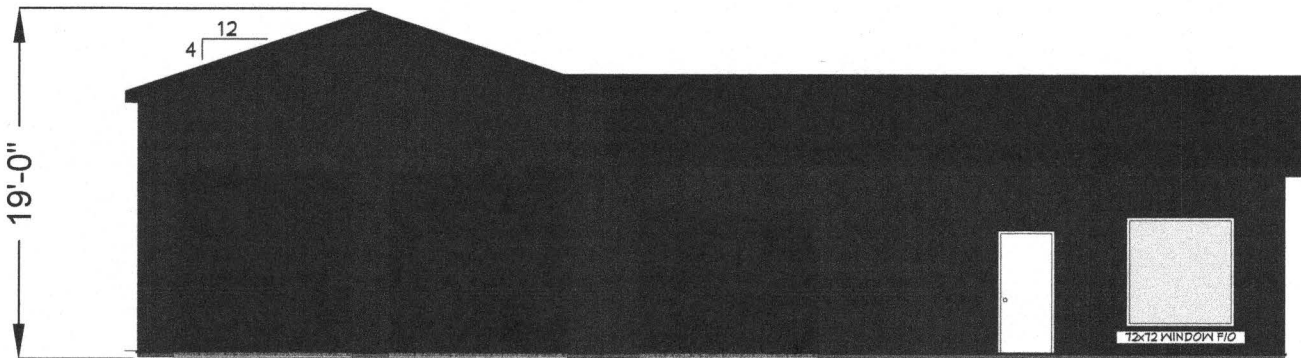
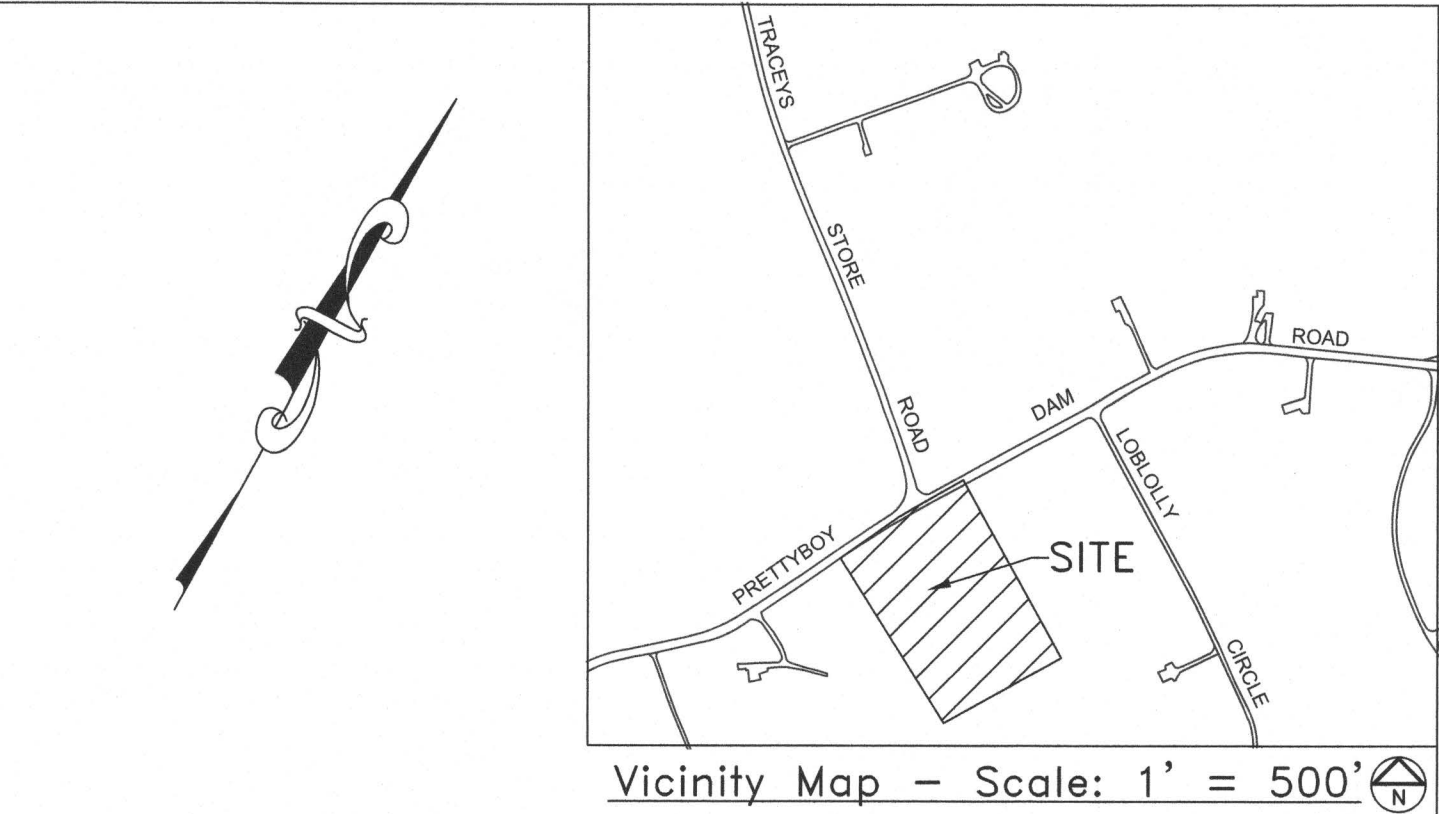
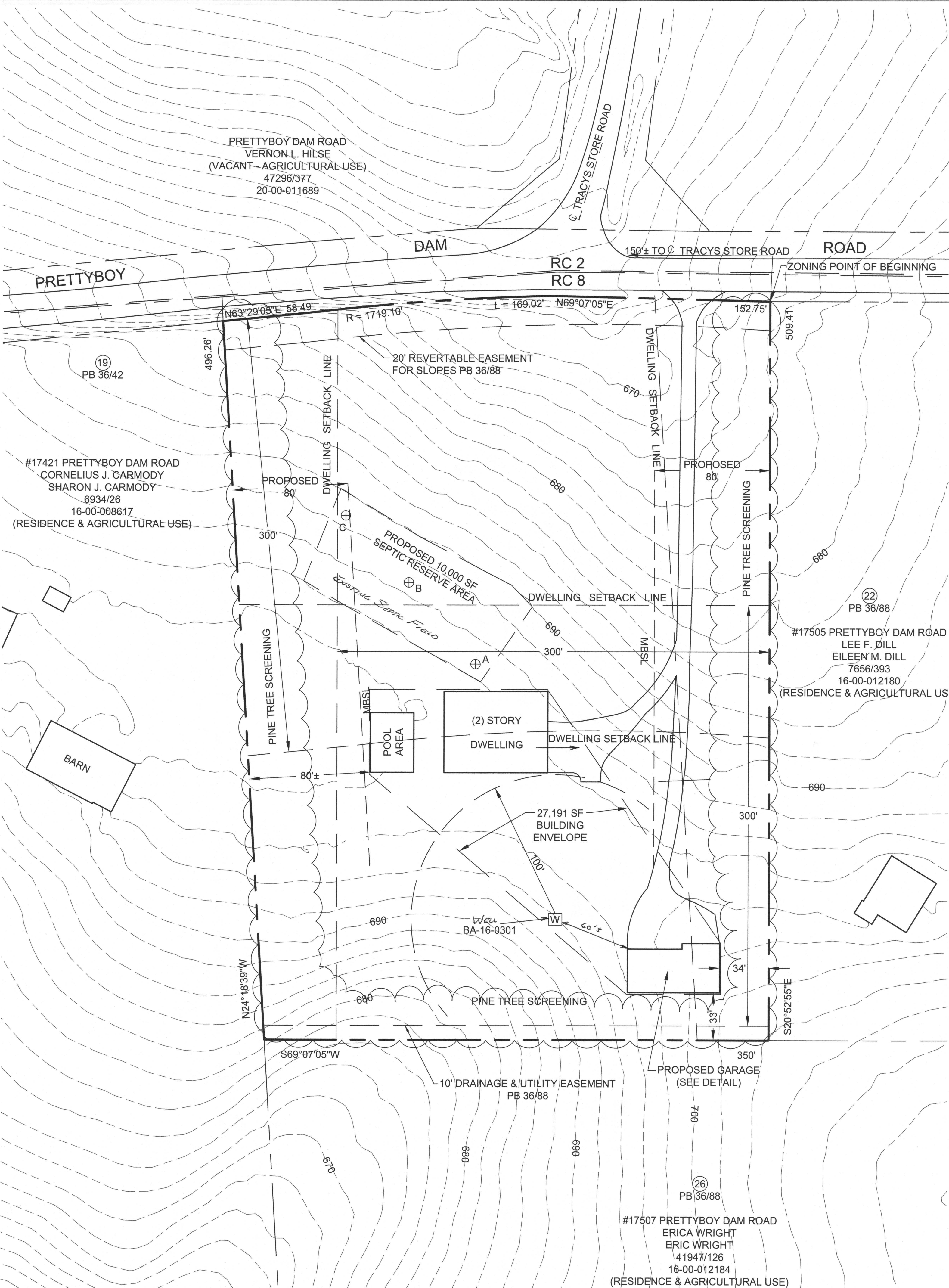
The existing dwelling does not exceed 35 feet high.

OFFICE OF PLANNING

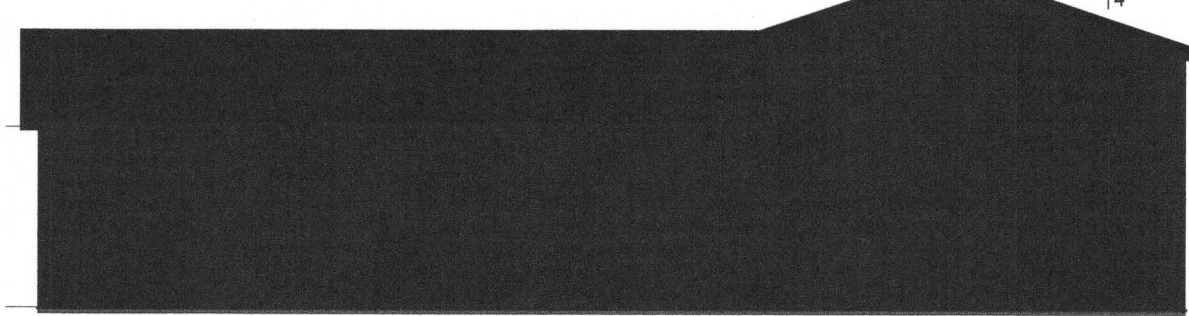
- The subject property is not located in a National Register Historic District.
- Prettyboy Dam Road is not designated as a Baltimore County scenic route.

WELL & SEPTIC INFORMATION FOR SURROUNDING PROPERTIES WITHIN 200'

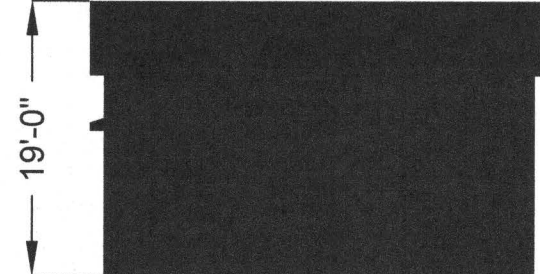
PROPERTY ADDRESS	TYPE OF INFO	EXISTS (Y/N)	AS PER DEPRM FILES	SOURCE AS PER PROPERTY OWNER	LOCATED BY SURVEY	UNKNOWN	COMMENTS
#17421 PRETTYBOY DAM ROAD	WELL	Y	X	X			>200' FROM SUBJECT PROPERTY
	SEPTIC	Y	X	X			>200' FROM SUBJECT PROPERTY
#17507 PRETTYBOY DAM ROAD	WELL	Y	X				>200' FROM SUBJECT PROPERTY
	SEPTIC	Y	X				>200' FROM SUBJECT PROPERTY
#17505 PRETTYBOY DAM ROAD	WELL	Y	X	X			>200' FROM SUBJECT PROPERTY
	SEPTIC	Y	X	X			>200' FROM SUBJECT PROPERTY
	WELL	Y	X				
	SEPTIC	Y	X				
	WELL	Y	X				
	SEPTIC	Y	X				
	WELL	Y	X				
	SEPTIC	Y	X				



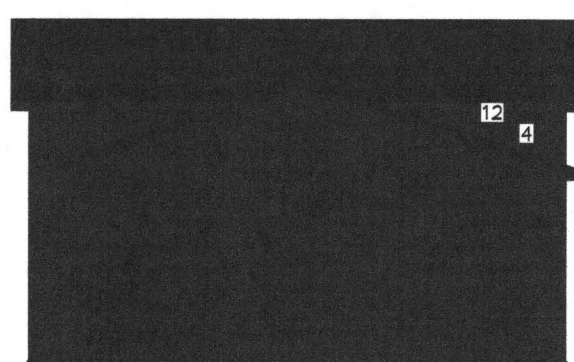
FRONT ELEVATION - N.T.S.



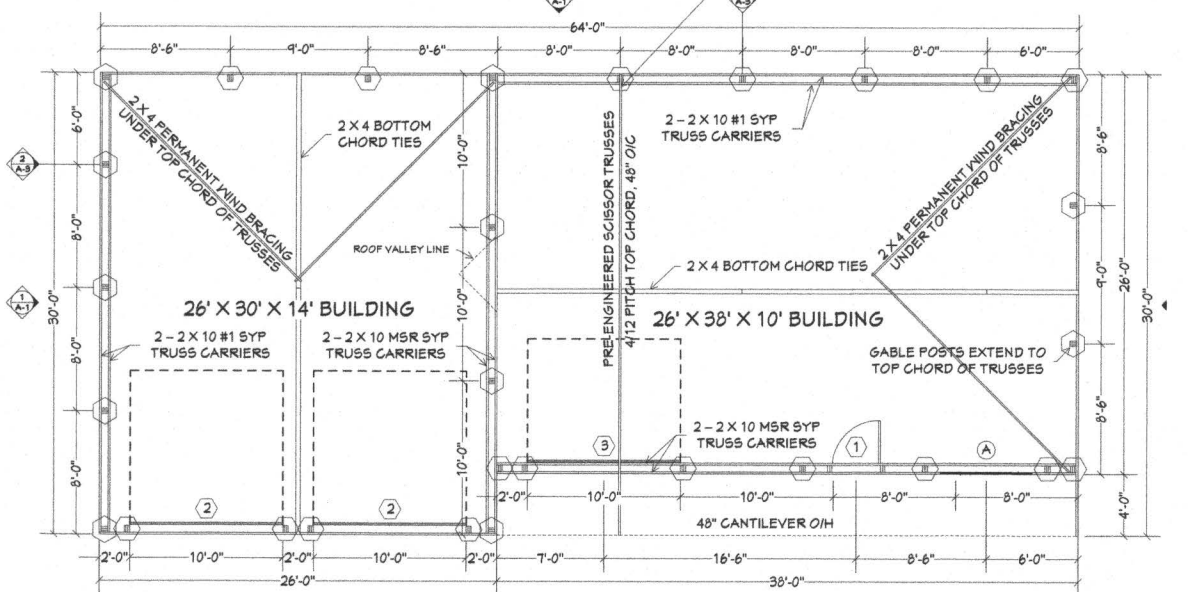
REAR ELEVATION - N.T.S.



LEFT ELEVATION - N.T.S.

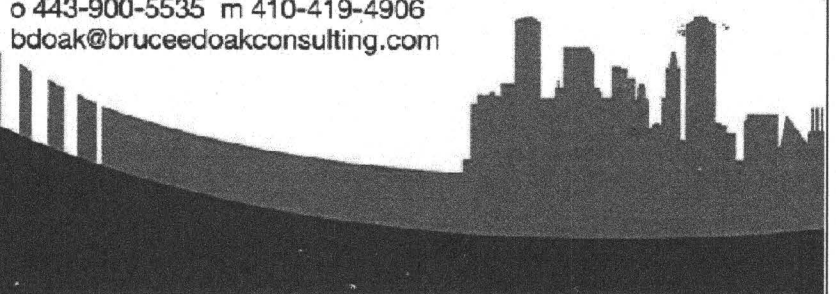


RIGHT ELEVATION - N.T.S.



FLOOR PLAN - N.T.S.

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3901 Baker Schoolhouse Road
Freeland, MD 21063
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com



PLAN TO ACCOMPANY
A ZONING PETITION

FOR

#17501 PRETTYBOY DAM ROAD
BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

Date: 1/7/2024

Scale: 1"= 40'



REVISION