



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 6, 2024

Leonard A. Delozier, Jr. – ldelozier1@comcast.net
Regina M. Delozier
5022 Shirleybrook Avenue
Rosedale, MD 21237

RE: OPINION AND ORDER ON MOTIION FOR RECONSIDERATION
Case No. 2024-0026-A
Property: 5022 Shirleybrook Avenue

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 black ink that reads "Maureen E. Murphy". The signature is written in a cursive style with a large, stylized "M" and "E".

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Annie Wilmoth – annie@belairconstruction.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(5022 Shirleybrook Avenue)		
14 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Leonard Delozier, Jr. & Regina Delozier	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2024-0026-A

* * * * *

OPINION AND ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings (“OAH”) as a Motion for Reconsideration of the Opinion and Order dated March 4, 2024 on the Petition for Administrative Variance filed by the legal owners of the property, Leonard and Regina Delozier, Jr. (“Petitioners”) for the property located at 5022 Shirleybrook Avenue, Rosedale (the “Property”). The Motion requests reconsideration of the Opinion and Order on the basis of the same information provided for consideration of the Administrative Variance. While Petitioners allege in their Motion that the requested rear yard setback should be 17 ft., the Petition requests relief for a 14 ft. setback. Regardless of whether the setback is 17 ft. or 14 ft., based on the DPR/DPWT ZAC comment which was attached to the Order, no improvements and/or structures may be built or located within the 20-foot drainage and utility easement as shown on the Site Plan prepared by the Petitioners. Accordingly, the rear yard setback of 20 ft. in lieu of 22.5 ft. for the deck and stairs was granted in the Order. The fact that a neighboring property has an open projection extending into the 20-foot drainage and utility easement in violation of the Record Plat, does not warrant the granting of an additional rear yard setback in this Case. The Petitioners, like all property owners in this neighborhood, have notice of the Record Plat as it applies to their Property.

THEREFORE, IT IS ORDERED, this 6th day of **March, 2024**, by the Administrative Law Judge for Baltimore County that the Motion for Reconsideration be, and it is, hereby **DENIED**.

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

A handwritten signature in black ink, reading "Maureen E. Murphy". The signature is written in a cursive style with a horizontal line underneath it.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw



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 4, 2024

Leonard A. Delozier, Jr. – ldelozier1@comcast.net
Regina M. Delozier
5022 Shirleybrook Avenue
Rosedale, MD 21237

RE: Petition for Administrative Variance
Case No. 2024-0026-A
Property: 5022 Shirleybrook Avenue

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,

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MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw

Enclosure

c: Annie Wilmoth – annie@belairconstruction.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(5022 Shirleybrook Avenue)		
14 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Leonard Delozier, Jr. & Regina Delozier	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2024-0026-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, Leonard and Regina Delozier, Jr. (“Petitioners”) for the property located at 5022 Shirleybrook Avenue, Rosedale (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Sections 1B02.3.C.1 and 301.1.A, to permit an open projection (rear yard deck) with a rear setback of 14 ft in lieu of the required 22.5 ft. 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). A street view photograph of the rear yard where the proposed deck is to be constructed was provided. (Pet. Ex. 2). An aerial photograph of the street was submitted. (Pet. Ex. 3).

A Zoning Advisory Committee (“ZAC”) comment was submitted by the Bureau of Development Plans Review (“DPR”) and the Department of Public Works & Transportation (“DPWT”), dated February 9, 2024, which indicates the following:

“DPR: According to Shirley Ridge Final Development Plan, proposed deck is encroaching into 20’ drainage and utility easement.

DPWT: State Document Record Plat 79/522 shows an existing 20-foot Drainage and Utility easement along the rear property line. The plan provided with the application shows the proposed deck within the easement. The deck must be moved outside of the easement or the case must be denied.”

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).

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on February 9, 2024, 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 affidavit as required by Baltimore County Code (“BCC”), Section 32-3-303.

As indicated in the DPR/DPWT ZAC comment, the proposed deck cannot extend into or encroach upon the 20 ft. Drain and Utility Easement which is depicted on the Site Plan. Because both the deck and the proposed stairs must remain outside of the 20 ft. Drainage and Utility Easement, the Variance can only be granted with that condition. With that condition, 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 Site Plan (with the exception of the deck being located outside the 20 ft. Drainage and Utility easement), photographs, and affidavit 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 should be granted.

THEREFORE, IT IS ORDERED, this 4th day of **March, 2024**, by the Administrative Law Judge for Baltimore County Zoning Regulations (“BCZR”), Sections 1B02.3.C.1 and 301.1.A, to permit an open projection (rear yard deck) with a rear setback of **20 ft.** (and not less than 20 ft.) in lieu of the required 22.5 ft. be, and it is, hereby **GRANTED**.

The above relief is conditioned upon the following:

1. Petitioners and all subsequent owners shall comply with the DPR/DPWT ZAC comment which is attached hereto and incorporated herein in its entirety.

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

A handwritten signature in black ink, reading "Maureen E. Murphy". The signature is written in a cursive style with a horizontal line underneath the name.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: *VCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0026-A

DATE: February 9, 2024

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

DPR: According to Shirley Ridge Final Development Plan, proposed deck is encroaching into 20' drainage and utility easement.

DPW-T: State Document Record Plat 79/522 shows an existing 20-foot Drainage and Utility easement along the rear property line. The plan provided with the application shows the proposed deck within the easement. The deck must be moved outside of the easement or the case must be denied.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.



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 5022 Shirleybrook Ave, Rosedale MD 21237 Currently Zoned DR5.5
Deed Reference 41537 / 00345 10 Digit Tax Account # 2 5 0 0 0 1 2 7 0 1
Owner(s) Printed Name(s) Leonard A Delozier Jr. & Regina M Delozier

(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)

1B02.3.C.1; 301.1.A → To permit a rear yard deck with a rear setback of 14 feet in lieu of the required 22.5 feet.

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):

Leonard A Delozier Jr. / Regina M Delozier
Name #1 – Type or Print Name #2 – Type or Print
Leonard A Delozier Jr. / Regina M Delozier
Signature #1 Signature #2
5022 Shirleybrook Ave. Rosedale MD
Mailing Address City State
21237 / 410-322-7870 / Ldelozier1@comcast.net
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:

Annie Wilmoth
Name - Type or Print
AW
Signature
1655 Robin Circle Forest Hill MD
Mailing Address City State
21050 / 1888-557-1222 / annie@belairconstruction.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 2024-0026-A Filing Date 1 / 29 / 24 Estimated Posting Date 2 / 11 / 24 Reviewer JS

Revised 8/2022

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: 5022 Shirleybrook Ave Rosedale MD 21237
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)

Please see attached document

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

Leonard A. Delozier Jr.
Signature of Owner (Affiant)

Leonard A. Delozier Jr.
Name - Print or Type

Regina M. Delozier
Signature of Owner (Affiant)

Regina M. Delozier
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 17 day of January, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

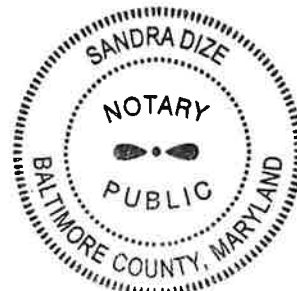
Print name(s) here: Leonard A. Delozier Jr and Regina M. Delozier

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

AS WITNESS my hand and Notaries Seal

Sandra Dize
Notary Public

03/18/2027
My Commission Expires



Homeowners Mr. and Mrs. Delozier wish to erect a 14' x 18' deck in their back yard with steps leading from the new deck to the lower patio area. The grade has a significant slope and is dangerous to traverse. Mr. and Mrs. Delozier are in their seventies and fear falling on this steep grade when in their back yard. There is a rear porch and deck on their home. Construction of this proposed deck with stairs would safely tie the upper deck to the lower patio, enabling them to walk safely to both levels without risking walking on the sloped slippery ground. If the new proposed deck stays behind the setback line, the steps to the lower level cannot be constructed. By extending out beyond the setback line as proposed the stairs can be constructed and lead safely to the lower patio. With this proposed plan the homeowners would always have a safe surface on which they can walk and have safe railings as they descend to access the lower patio.

The homeowner nextdoor, 5020 Shirleybrook Ave was granted a permit in 2019, which encroaches farther than Mr. and Mrs. Delozier are requesting – see photo below.

Permit# B962552 – Construct 30' x 16' = 480sf open deck attached to rear SFD. No Steps.



2024-0026-A

A variance was provided for the homeowners a few doors down at 5026 Shirleybrook Ave for the same encroachment variance, zoning history case: 2018-0263-A. To permit an open projection (deck and screened porch) with a rear set back of 14 feet in lieu of the required 22.5 feet.



2024-0026-A

ZONING PROPERTY DESCRIPTION FOR 5022 SHIRLEYBROOK AVE, ROSEDALE MD 21237

Beginning at the point on the northwest side of Shirleybrook road which is 43.8 feet wide at the distance of 50 feet southwest of the centerline of the nearest improved intersecting street Shirley Ridge Ct which is 45.3 feet wide.

Being Lot # 2 in the subdivision of Shirley Ridge as recorded in Baltimore County Plat Book #79, Folio #52, containing 0.2014 acres. Located in the 14th election district and 5th council district.

2024-0026-A

Zoning Hearing Plan for Variance

Address: 5022 Shirleybrook Ave Rosedale MD 21237

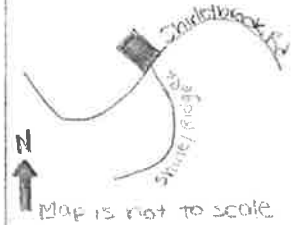
Owner's Name: Leonard A. Delozier Jr. / Regina M. Delozier

Subdivision Name: Shirley Ridge Lot #: 2 Block #: Section #:

Plot Book #: 0079 Folio #: 0522 10 Day Tax #: 1500012701

Deed Reference #: 41537/00345

Site Vicinity Map



Zoning Map # 082A2

Zoning - DR 5.5

Election District - 14

Council District - 5

Lot Area Acreage - 0.2014

Lot Square Footage - 8773

Historic (Yes or No) NO

OBCA (Yes or No) NO

Flood Plains (Yes or No) NO

Utilities:

Water is:

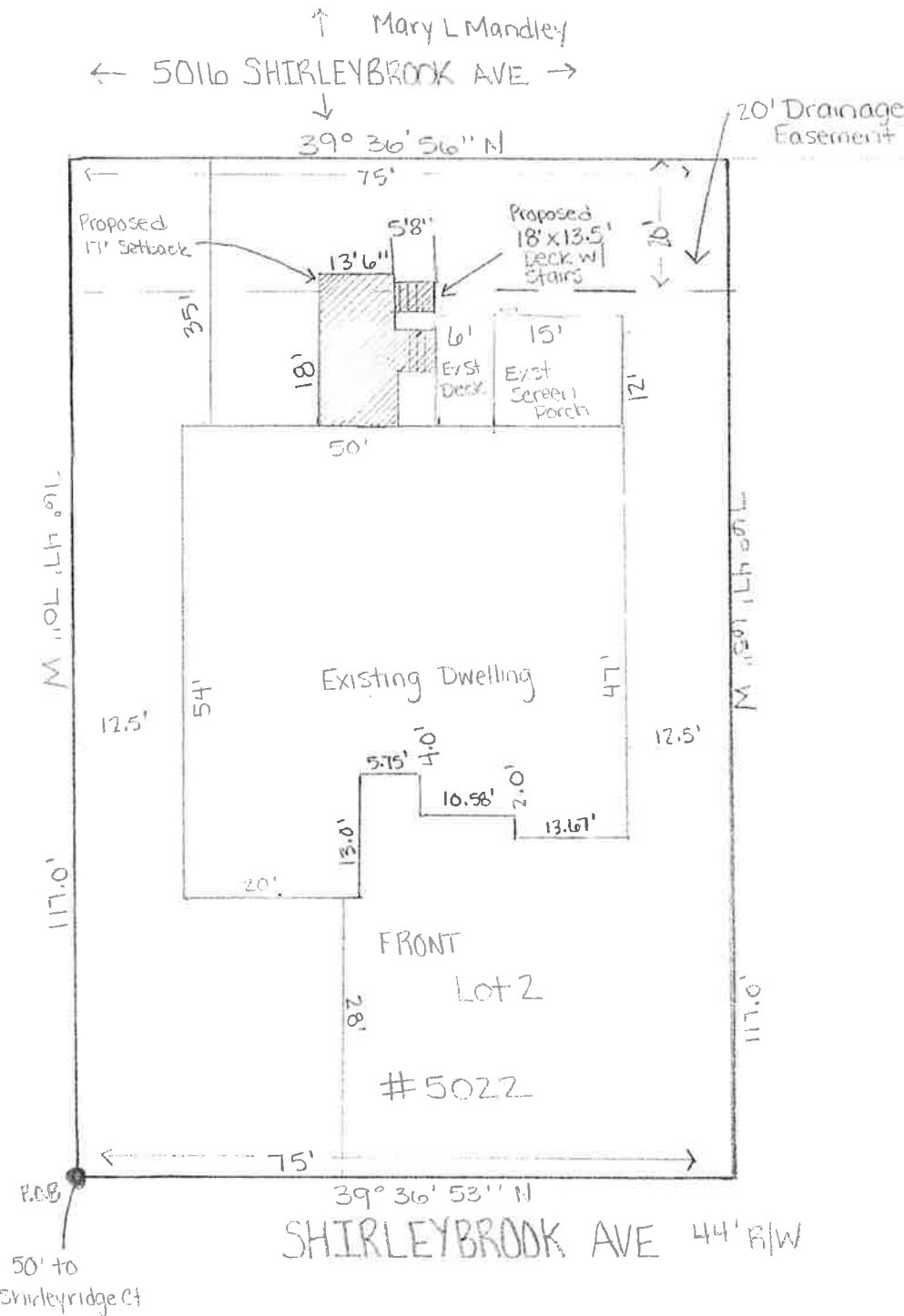
Public - X Private -

Sanitary is:

Public - X Private -

Prior Hearing (Yes or No) NO

No Case # or
Violation Case #



2074-0026-A



Plan Drawn By: Annie Wilmoth

Date: 1/16/24

Scale: 1 inch = 20 ft

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 228986

Date: 1/29/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 75.00

Total: \$ 75.00

Rec From: DELOZIER / BELAIR CONSTRUCTION

For: 2024 - 0026 - A

5022 SHIRLEYBROOK AVE.

CASHIER'S
VALIDATION

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

BEL AIR CONSTRUCTION, INC.
1655 Robin Circle
Forest Hill, MD 21050
(410) 557-9838

Harford Bank
65-107/550

40555

1/22/2024

PAY TO THE
ORDER OF Baltimore County

\$ **75.00

Seventy-Five and 00/100***** DOLLARS

PROTECTED AGAINST FRAUD

Baltimore County

BEL AIR CONSTRUCTION, INC.

MEMO Variance Petition 5022 Shirleybrook Ave
Rosedale MD 21237

Teresa Watts MP

040555 055001070 900024894

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0026 -A Address 5022 SHIRLEYBROOK AVE.

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/29/24 Posting Date: 2/11/24 Closing Date: 2/26/24

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: 2024 - 0026 -A Address 5022 SHIRLEYBROOK AVE.

Petitioner's Name: LEONARD DELOZIER Telephone (Cell) 410-322-7870

Posting Date: 2/11/24 Closing Date: 2/26/24

Wording for Sign: To Permit _____

To permit a rear yard deck with a rear setback of 14 feet in lieu of the required 22.5 feet. _____

Revised 1/2022

**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 twenty (20) days before the hearing.*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2024-0026-A
Property Address: 5022 SHIRLEYBROOK AVE
Legal Owners (Petitioners): LEONARD + REGINA DELOZIER
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): ANNIE WILMOTH / BEL AIR CONSTRUCTION
Address: 1655 ROBIN CIRCLE
FOREST HILL, MD 21050

Telephone Number: 888-557-1222

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 2500012701

Owner Information

Owner Name:

DELOZIER LEONARD A JR

Use:

RESIDENTIAL

DELOZIER REGINA M

Principal Residence:

YES

Mailing Address:

5022 SHIRLEYBROOK AVE

Deed Reference:

/41537/ 00345

ROSEDALE MD 21237-3329

Location & Structure Information

Premises Address:

5022 SHIRLEYBROOK AVE

Legal Description:

0.2014 AC

ROSEDALE 21237-3329

5022 SHIRLEYBROOK AVE NS

SHIRLEY RIDGE

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 1

0082 0014 0446 14040043.04 9522 2 2024 Plat Ref: 0079/ 0522

Town: None

Primary Structure Built

Above Grade Living Area

Finished Basement Area

Property Land Area

County Use

2019

2,125 SF

1500 SF

0.2014 AC

04

Stories

Basement Type

Exterior Quality

Full/Half Bath

Garage

Last Notice of Major Improvements

1

YES

STANDARD UNIT FRAME/4

2 full/ 1 half

1 Attached

Value Information

Base Value

Value

Phase-in Assessments

As of

As of

As of

01/01/2024

07/01/2023

07/01/2024

Land:

94,900

136,700

Improvements

556,300

470,300

Total:

651,200

607,000

651,200

607,000

Preferential Land:

0

0

Transfer Information

Seller: GEMCRAFT HOMES INC

Date: 06/17/2019

Price: \$525,470

Type: ARMS LENGTH IMPROVED

Deed1: /41537/ 00345

Deed2:

Seller: SHIRLEYBROOK I LLC

Date: 03/05/2019

Price: \$190,000

Type: ARMS LENGTH VACANT

Deed1: /41187/ 00084

Deed2:

Seller:

Date:

Price:

Type:

Deed1:

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

0.00|0.00

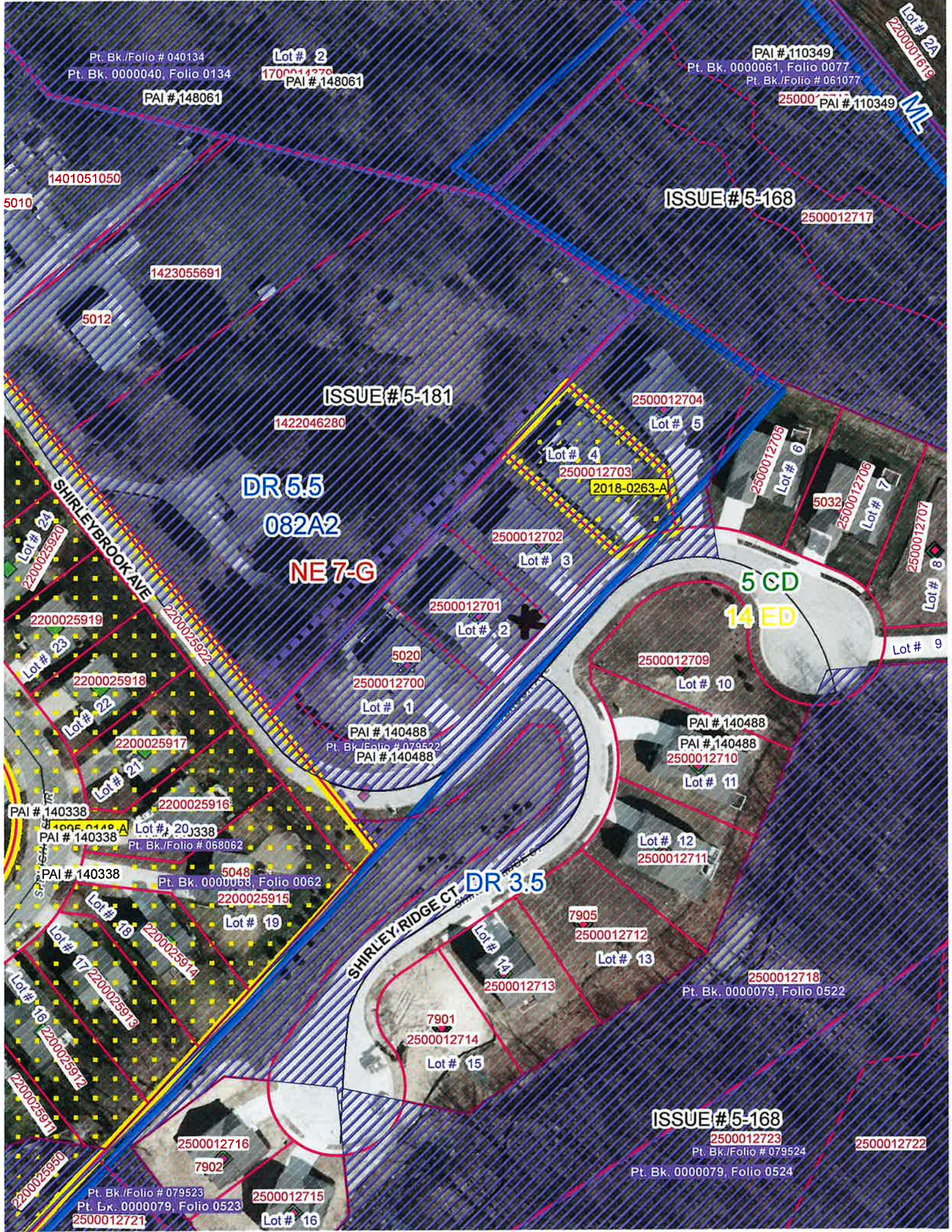
Special Tax Recapture: None

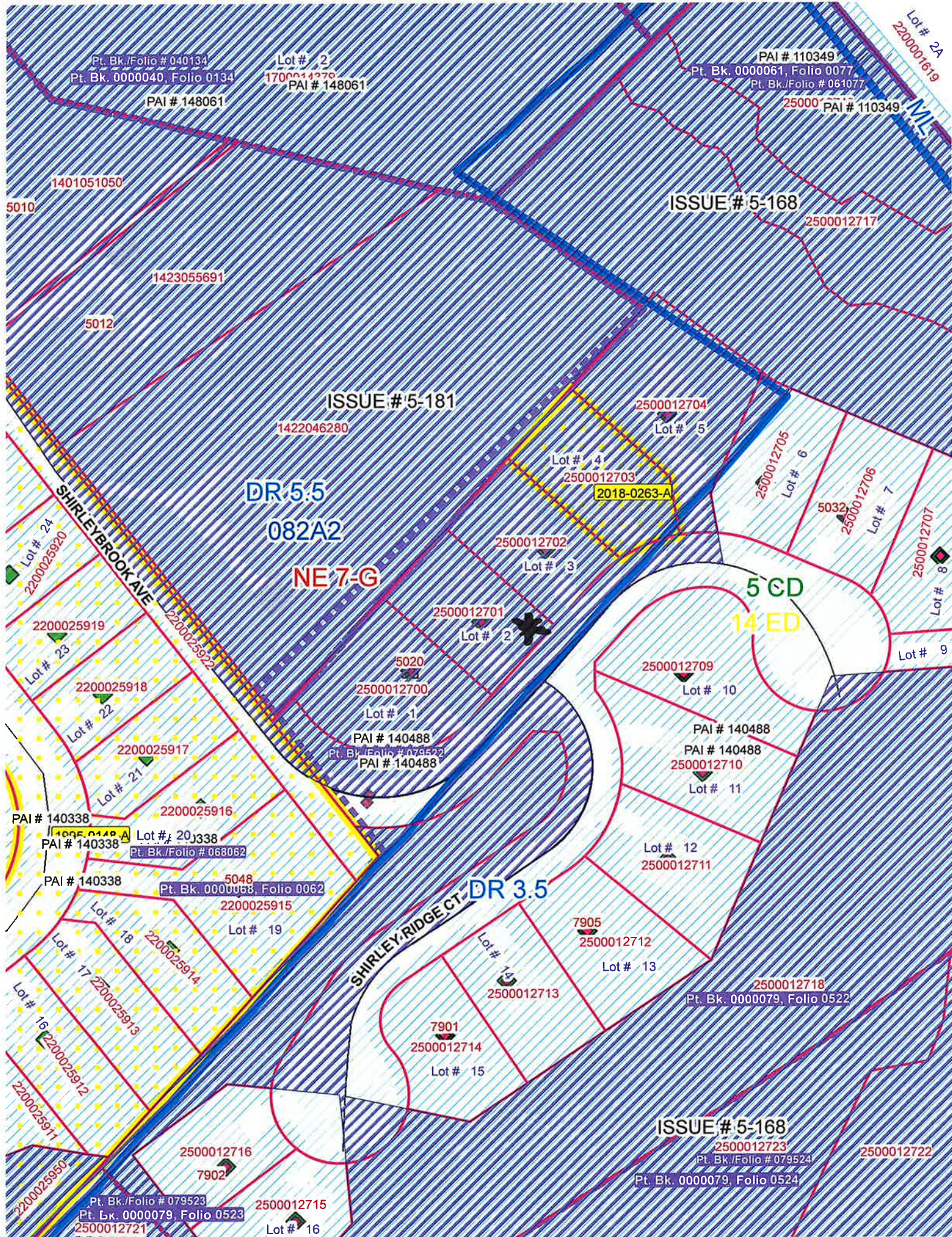
Homestead Application Information

Homestead Application Status: Approved 09/16/2019

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No ApplicationDate:







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 5022 Shirleybrook Ave, Roseade MD 21237 Currently Zoned DR5.5
Deed Reference 41537 / 00345 10 Digit Tax Account # 2 5 0 0 0 1 2 7 0 1
Owner(s) Printed Name(s) Leonard A Delozier Jr. & Regina M Delozier

(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)

1B02.3.C.1; 301.1.A → To permit a rear yard deck with a rear setback of 14 feet in lieu of the required 22.5 feet.

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):

Leonard A Delozier Jr. / Regina M Delozier
Name #1 – Type or Print Name #2 – Type or Print
Leonard A Delozier Jr. / Regina M Delozier
Signature #1 Signature #2
5022 Shirleybrook Ave. Roseade MD
Mailing Address City State
21237 / 410-322-7870 / Ldelozier1@comcast.net
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:

Annie Wilmoth
Name - Type or Print
AW
Signature
1655 Robin Circle Forest Hill MD
Mailing Address City State
21050 / 1888-557-1222 / annie@belairconstruction.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 2024-0026-1 Filing Date 1 / 29 / 24 Estimated Posting Date 2 / 11 / 24 Reviewer JS

Revised 8/2022

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: 5022 Shirleybrook Ave Rosedale MD 21237
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)

Please see attached document

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

Leonard A. Delozier Jr.
Signature of Owner (Affiant)

Leonard A. Delozier Jr.
Name - Print or Type

Regina M. Delozier
Signature of Owner (Affiant)

Regina M. Delozier
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 17 day of January, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

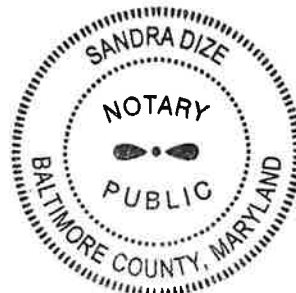
Print name(s) here: Leonard A. Delozier Jr and Regina M. Delozier

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

AS WITNESS my hand and Notaries Seal

Sandra Dize
Notary Public

03/18/2027
My Commission Expires



Homeowners Mr. and Mrs. Delozier wish to erect a 14' x 18' deck in their back yard with steps leading from the new deck to the lower patio area. The grade has a significant slope and is dangerous to traverse. Mr. and Mrs. Delozier are in their seventies and fear falling on this steep grade when in their back yard. There is a rear porch and deck on their home. Construction of this proposed deck with stairs would safely tie the upper deck to the lower patio, enabling them to walk safely to both levels without risking walking on the sloped slippery ground. If the new proposed deck stays behind the setback line, the steps to the lower level cannot be constructed. By extending out beyond the setback line as proposed the stairs can be constructed and lead safely to the lower patio. With this proposed plan the homeowners would always have a safe surface on which they can walk and have safe railings as they descend to access the lower patio.

The homeowner nextdoor, 5020 Shirleybrook Ave was granted a permit in 2019, which encroaches farther than Mr. and Mrs. Delozier are requesting – see photo below.

Permit# B962552 – Construct 30' x 16' = 480sf open deck attached to rear SFD. No Steps.



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A variance was provided for the homeowners a few doors down at 5026 Shirleybrook Ave for the same encroachment variance, zoning history case: 2018-0263-A. To permit an open projection (deck and screened porch) with a rear set back of 14 feet in lieu of the required 22.5 feet.



2024-0026-A

ZONING PROPERTY DESCRIPTION FOR 5022 SHIRLEYBROOK AVE, ROSEDALE MD 21237

Beginning at the point on the northwest side of Shirleybrook road which is 43.8 feet wide at the distance of 50 feet southwest of the centerline of the nearest improved intersecting street Shirley Ridge Ct which is 45.3 feet wide.

Being Lot # 2 in the subdivision of Shirley Ridge as recorded in Baltimore County Plat Book #79, Folio #52, containing 0.2014 acres. Located in the 14th election district and 5th council district.

2024-0026-A

Zoning Hearing Plan for Variance

Address: 5022 Shirleybrook Ave Rosedale MD 21237

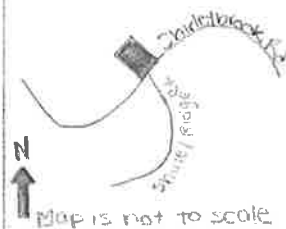
Owner's Name: Leonard A. Delozier Jr. / Regina M Delozier

Subdivision Name: Shirley Ridge Lot #: 2 Block #: Section #:

Plat Book #: 0079 Folio #: 0522 10 Light Tax #: 2500012701

Deed Reference # 41537/00345

Site Vicinity Map



Zoning Map # CB2A2

Zoning - DR 5.5

Election District - 14

Council District - 5

Lot Area Acreage - 0.2014

Lot Square Footage - 8773

Historic (Yes or No) No

CECA (Yes or No) No

Flood Plain (Yes or No) No

Utilities:

Water is:

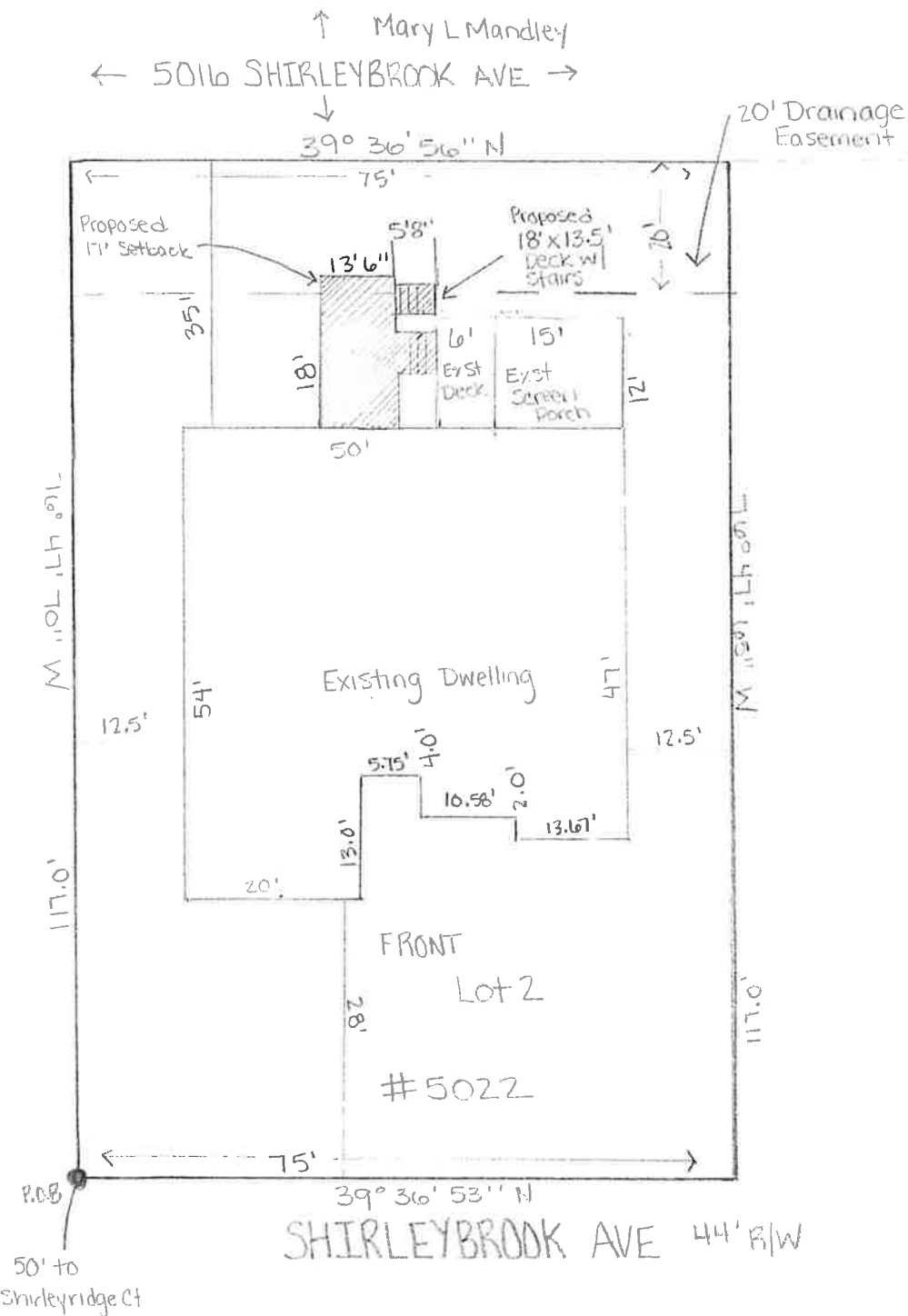
Public - X Private -

Sewer is:

Public - X Private -

Prior Hearing (Yes or No) No

No Case # or
Violation Case #



2024-0026-A



Plan Drawn By: Annie Wilmoth

Date: 1/16/24

Scale: 1 inch = 20 ft

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 12, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0026-A
Address: 5022 SHIRLEYBROOK AVE
Legal Owner: Leonard & Regina Delozier, Jr.

Zoning Advisory Committee Meeting of February 12, 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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0026-A

DATE: February 9, 2024

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

DPR: According to Shirley Ridge Final Development Plan, proposed deck is encroaching into 20' drainage and utility easement.

DPW-T: State Document Record Plat 79/522 shows an existing 20-foot Drainage and Utility easement along the rear property line. The plan provided with the application shows the proposed deck within the easement. The deck must be moved outside of the easement or the case must be denied.

Landscaping: No comment.

Recreations & Parks: No Greenways affected.